



**Department of
Education**

Chancellor Richard A. Carranza



Citywide Behavioral Expectations

To Support Student Learning

Grades K-5

Student Intervention and Discipline Code
and Bill of Student Rights and Responsibilities
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It is the policy of the New York City Department of Education to provide equal educational opportunities without regard to actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship status, disability, age, sexual orientation, gender (sex), gender identity, gender expression or weight. It is also the policy of the DOE to maintain an environment free of harassment on the basis of any of these grounds, including sexual harassment.

Inquiries regarding compliance with the anti-discrimination policy may be directed to:
Office of Equal Opportunity, 65 Court Street, Brooklyn, New York 11201, (718) 935-3320.

MISSION STATEMENT

Adopted July 2015

The New York City Mayor's Office, Department of Education and New York City Police Department believe the City's schools must foster environments most conducive to learning. We believe all children deserve such environments and that all children have the potential to learn and succeed. That means, first and foremost, that our schools must be safe. It also means that in keeping them safe, we must preserve their essential character as places of learning.

New York City believes that overly punitive methods of discipline are not in the best interests of students, fail to advance school safety and can harm students' long-term potential. Research has shown that students facing disciplinary measures, and the schools they attend, are better served by providing positive supports that teach students the social, emotional and behavioral skills necessary to participate and learn. Therefore, New York City will train school personnel and safety personnel in research-driven best practices on how to provide these supports, including providing enhanced support to students with special needs or those suffering from trauma due to exposure to poverty or violence. Recognizing that some schools will need additional resources as well as training, New York City will provide the staffing support needed to implement progressive forms of discipline in particularly high-need schools. We will build on local and national models to simultaneously improve school climate and safety. In this way, New York City will reduce the use of suspensions as a disciplinary tool and will eliminate the use of summonses and arrests for minor school misbehavior while continuing to advance school safety.

New York City does not tolerate discrimination and will use every tool to eliminate inconsistencies and disparities in the discipline of students based on actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, age, gender, gender identity, gender expression, sexual orientation, disability or weight.

CITYWIDE STANDARDS OF INTERVENTION AND DISCIPLINE MEASURES

The New York City Department of Education is committed to ensuring that our schools are safe, secure and orderly environments in which teaching and learning take place each day. A safe and supportive school depends upon the efforts of all members of the school community—teachers, students, administrators, parents, counselors, social workers, safety personnel, related service providers, cafeteria, custodial and bus staff—to treat one another with mutual respect.

Included in this document is the ***Student Bill of Rights and Responsibilities*** which promotes responsible student behavior and an atmosphere of dignity and respect by establishing guidelines to help students as they strive to become productive citizens in a diverse society.

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STANDARDS OF BEHAVIOR

All members of the school community—students, staff and parents—must know and understand the standards of behavior that all students are expected to live up to and the consequences if these standards are not met.

The Citywide Behavioral Expectations to Support Student Learning (the Discipline Code) provides a description of conduct that does not meet the standards of behavior expected of students in the New York City public schools. It includes a range of supports and interventions and a range of permissible disciplinary measures that schools may use to address misbehavior.

The Discipline Code applies to all students in New York City Department of Education schools.

BEHAVIORAL EXPECTATIONS

The manner in which students conduct themselves in school is a major factor in establishing and maintaining a safe and respectful school community. To promote positive student behavior, all members of the school community — students, staff and parents — must know and understand, the standards of behavior which all students are expected to live up to, the supports and interventions that will be used to address misconduct, and the disciplinary consequences if behavioral standards are not met.

It is essential that schools set aside time to review with students this code, the Bill of Student Rights and Responsibilities and the NYCDOE [Internet Acceptable Use and Safety Policy \(IAUSP\)](#). This review should be age appropriate so that all students know and understand the behavior expected of them when they are in school, including when they are accessing and using the Department's internet systems regardless of their physical location. This is especially important when working with children in the early childhood grades given their developmental capacity to understand behavior and consequences. All students, regardless of age, should be engaged in discussion of the school community's expectations and should be active participants in creating classroom "ground rules" for their behavior.

Equally imperative, all school faculty and staff must affirm clear and consistent behavioral expectations that set the tone for a safe, orderly, and respectful school community. School faculty and staff must be firm, fair and consistent in addressing student behavior in a manner which enables students to learn from their mistakes and be accountable for their misconduct.

PARENTS* AS PARTNERS

Students, parents, and school personnel all have a role in making schools safe and must cooperate with one another to achieve this goal. School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or a written communication. As role models, parents and school staff should exhibit the behaviors that they would like to see students emulate.

To ensure that parents become active and involved partners in promoting a safe and supportive school environment, they must be familiar with the Discipline Code.

- School officials are responsible for sharing the information in this document with students, parents, and staff. Schools are encouraged to provide workshops for parents on understanding the Code and how best to work with the school to support their child's social-emotional growth.
- Educators are responsible for informing parents about their child's behavior and for nurturing the skills students need to succeed in school and in society. Parents are encouraged to discuss with their child's teacher and other school staff issues that may affect student behavior and strategies that might be effective in working with the student.

It is important that there is meaningful consultation and communication between the school and the home. Schools must arrange for interpretation and translation services if necessary to communicate with a parent. Guidance conferences attended by the principal or his/her designee, a school counselor, the student's parent(s), and one or more of the student's teachers are an effective means of encouraging parental input and should be held with students when appropriate.

Parents who want to discuss supports and interventions in response to student behavior should contact their child's school, including the Parent Coordinator, or, if necessary, the Office of Family Advocacy and Community Engagement.

In the event a student engages in inappropriate behavior that violates the Discipline Code, the principal or principal's designee must report the behavior to the student's parent. When a student is believed to have committed a crime, the police must be notified and the parent must be contacted. See Chancellor's Regulation A-412.

Attendance

Attendance at school is vital to a student's academic progress and success. School personnel must ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that may manifest themselves as truancy or patterns of unexcused absence or educational neglect.

In cases of truancy, school personnel must meet with the student and parent in order to determine needed supports and an appropriate course of action which may include, but is not limited to: guidance intervention, referral for counseling, and/or referral to after-school programs.

The school's Attendance or Pupil Personnel Committee should review cases of chronic absenteeism, absenteeism and/or truancy and should involve attendance teachers, deans, guidance counselors, teachers, social workers and other school staff in facilitating a resolution. Cases of suspected educational neglect must be called into the New York State Central Register in compliance with Chancellor's Regulation A-750.

*Whenever used in this document, the term "parent" means the student's parent(s) or guardian(s) or any person(s) in a parental or custodial relationship to the student, or the student, if she/he is an emancipated minor or has reached 18 years of age.

CREATING SAFE, SUPPORTIVE AND INCLUSIVE SCHOOLS

PROMOTING POSITIVE STUDENT BEHAVIOR

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

Schools are expected to take a proactive role in nurturing students' pro-social behavior. Social-emotional learning must be a basic component of a school's program of universal prevention for all students. Effective social-emotional learning helps students develop fundamental life skills, including:



When students develop these skills, they experience more positive relationships with peers, engage in more positive social behaviors and are less likely to engage in misconduct.

Establishing a schoolwide tiered framework of behavioral supports and interventions is essential to implementing progressive discipline. The goal of behavioral supports is to foster resiliency, help students understand and follow school rules, and support them in developing the skills they need to meet behavioral expectations.

School staff members are also responsible for addressing inappropriate student behaviors that disrupt learning. Administrators, teachers, counselors, and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and his/her parent(s).

Intervention and prevention strategies include, but are not limited to:

- support and services to address personal and family circumstances;
- social-emotional learning;
- conflict resolution;
- peer mediation;
- collaborative negotiation;
- restorative practices (e.g., circles, formal restorative conferences);
- anger management;

- stress management;
- collaborative problem solving;
- communication skills acquisition;
- the use of alternate instructional materials and/or methods; enrichment services and/or
- development or review of functional behavioral assessments and behavioral intervention plans, which should be developed and/or reviewed as an early intervention strategy.

If, at any time, school officials suspect that a student's difficulties may be the result of a disability which may require special education services, the student should be referred immediately to the Committee on Special Education (CSE).

Through the use of supports and intervention strategies that engage students and give them a clear sense of purpose, school staff members facilitate students' academic and social-emotional growth and assist them in following school rules and policies.

Equally important, student engagement is integral to creating a positive school culture that fosters students' social-emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults can help prevent negative behaviors. Examples can include:

- meaningful opportunities to share ideas and concerns and participate in schoolwide initiatives (e.g., student government, regularly held student forums; schoolwide community service projects, etc.);
- student leadership development;
- co-curricular afterschool activities (e.g., student clubs, including sports related clubs; service organizations; team sports; etc.)
- periodic recognition of students' achievements in a wide range of academic and co-curricular areas;

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

PROGRESSIVE DISCIPLINE

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

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

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

Every reasonable effort must be made to correct student behavior through counseling and other school-based interventions such as restorative practices. Supports and interventions are essential because inappropriate behavior or violations of the Discipline Code may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, foster resiliency, prevent disruption to students' education, and promote positive school culture. When a student's misconduct results in a placement out of the classroom, the school should consider, where appropriate, using peer mediation or the restorative circle process as an effective strategy to support a successful return to the student's regular program.

For students with disabilities whose behavior impedes the student's participation in school, a functional behavioral assessment (FBA) is an essential tool to understand the causes of the student's behavior. A behavioral intervention plan (BIP) after an FBA provides specific approaches to address the student's behavior.

Determining the Disciplinary Response

School officials must consult this document (the Discipline Code) when determining which disciplinary measure to impose. In determining how to best address inappropriate conduct, it is necessary to evaluate the totality of the circumstances surrounding the conduct. The following facts **must** be considered prior to determining the appropriate disciplinary measures:

- the student's age and maturity;
- the student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and guidance intervention measures applied for each);
- the nature, severity and scope of the behavior;
- the circumstances/context in which the conduct occurred;
- the frequency and duration of the behavior;
- the number of persons involved in the behavior;
- the social emotional status/needs of all persons involved in the behavior;
- the student's IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan), and/or 504 Accommodation Plan, if applicable.

Supports and interventions are an integral part of a comprehensive response to behavior.

Infraction Levels

The Citywide Behavioral Expectations to Support Student Learning holds students accountable for their behavior. Infractions are grouped into five levels based on the severity of the infraction. Whenever possible and appropriate, the response to misconduct should begin with the lowest level of disciplinary response and should include appropriate supports and intervention(s).

Progressive Infraction Levels: Infractions are grouped into five levels based on the severity of the infraction.

- **Level 1** Uncooperative/Noncompliant Behavior
- **Level 2** Disorderly Behavior
- **Level 3** Disruptive Behavior
- **Level 4** Aggressive or Injurious/ Harmful Behavior
- **Level 5** Seriously Dangerous or Violent Behavior

Each level of infractions provides a set of possible supports and interventions as well as a minimum to a maximum range of possible disciplinary responses that may be imposed by a teacher, principal, the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or Community Superintendent.

Principals, teachers, school staff, students, and parents need to know the disciplinary measures that can be taken when a student misbehaves or substantially disrupts a classroom. The Discipline Code is divided into two sections -Section A: Grades K-5 and Section B: Grades 6-12 - to ensure that the age and general maturity of the student are considered. Some infractions may not apply to students in grades K-3. In determining whether a student has engaged in misbehavior covered by the Discipline Code, schools should account for the developmental age of the student.

The enumerated infractions are not all-inclusive. Students who engage in misconduct which is not listed are subject to appropriate disciplinary measures by the teacher, principal or the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or Community Superintendent based on violation of school rules and in keeping with the standards for addressing inappropriate behavior by students in grades K-12 as illustrated herein. To ensure that staff, students, and parents are aware of all expected standards of behavior, school rules must be in writing and available to all students and communicated in a grade appropriate manner.

The Discipline Code provides graduated accountability measures for students who engage in repeated misbehaviors despite prior interventions and/or prior imposition of appropriate disciplinary measures.

More severe accountability measures will be imposed on those students who engage in a pattern of persistent misconduct. Whenever possible and appropriate, prior to imposing such penalties, school officials should exhaust less severe disciplinary responses in conjunction with supports and interventions.

Where and When the Discipline Code Applies

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

- in school during school hours;
- before and after school, while on school property;
- while traveling on vehicles funded by the NYC DOE;
- at all school-sponsored events; and
- on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.

When misbehavior involves communication, gestures, or expressive behavior, the infraction applies to oral, written, or electronic communications, including but not limited to texting, e-mailing, and social networking.

ADDRESSING THE BEHAVIORAL NEEDS OF PRE-K CHILDREN

The Discipline Code establishes behavioral expectations for students in grades K-12. The Discipline Code does not apply to students in Pre-K. The Department of Education and the NYC Administration for Children's Services are committed to ensuring that all children leave early childhood programs prepared to enter kindergarten ready to succeed academically and behaviorally. For more information about Behavior Management, see the Administration for Children's Services and Department of Education's Statement on Behavior Management on the Department of Education website under [Early Childhood: http://schools.nyc.gov/Academics/EarlyChildhood/educators/UPK.htm](http://schools.nyc.gov/Academics/EarlyChildhood/educators/UPK.htm).

SUPPORTS AND INTERVENTIONS

To promote positive behavior, schools provide a range of prevention and intervention support services for students during and/or after school hours throughout the school year. When a student engages in misconduct, the non-exhaustive list of interventions must be considered based on the type of behavior in which a student has engaged. Supports and interventions are an integral part of a comprehensive response to misconduct. **Schools are required to provide and document in SOHO, support services at all stages of the disciplinary process, including during suspension.** When used consistently and appropriately, interventions help improve student behavior, lower the incidence of repeated misbehavior, and contribute to a more positive school environment. Support services may include any of the interventions or a combination of services that best meet the needs of the individual student.

Required Documentation

All interventions and supports provided to a student in response to behavioral incidents **must be entered into the Suspensions and Office of Hearings Online (SOHO) system**, regardless of whether or not a disciplinary action is imposed.

Examples of Supports and Interventions

- **Parent Outreach**
School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication
- **Short-Term Behavioral Progress Reports**
Teachers and/or principals may send behavioral progress reports to parents on a regular basis until they feel that the student is in control of his/her behavior and working in the classroom successfully
- **Guidance Conference**
Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal, and social issues that might have caused or contributed to the behavior
- **Development of Individual Behavior Contract**
The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent
- **Intervention by Counseling Staff**
Where available, school-based counseling personnel and/or School-Based Mental Health programs offer a wide range of comprehensive and confidential mental health services and interventions including, but not limited to: assessments, individual, group and family counseling and/or therapy, teacher consultations, and educational strategies for parents and staff.
- **Referral to PPT (Pupil Personnel Team)**
Pupil Personnel Teams are school-based teams that use a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral and an individualized plan is created to help the student overcome his/her academic and/or other challenges
- **Restorative Practices**
Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline. Restorative practices include collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing.
- **Collaborative Problem Solving**
When a student engages in challenging behavior, a trained school staff member can use the collaborative problem-solving process to identify the specific issues that are precipitating the behavior, articulate the adult concerns about the behavior and engage the student in a collaborative process to address the underlying reasons for the behavior and decide upon a plan of action that is both realistic and mutually acceptable to both.
- **Individual/Group Counseling**
Individual counseling provides students with an outlet to share issues in privacy that may be negatively impacting their attendance, behavior, and/or academic success. Small-group counseling can address needs such as stress management, anger management, developing effective conflict resolution and/or communication skills, etc. Students discuss and formulate goals, and learn problem-solving strategies that will enable them to overcome a variety of personal challenges. Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.
- **Referral to Counseling Services for Bullying, Intimidation, or Harassment**
When a student or group of students engages in bullying, including cyberbullying, intimidation, or bias-based harassment, of another student or group of students, both the target of the behavior and the student who engages in this behavior should be referred to separate appropriate counseling, support, and education services provided by school staff or a community-based

agency. Neither mediation nor conflict resolution is, under any circumstances, appropriate interventions for bullying, intimidation, or harassment.

- **Referral to Counseling Services for Bias-Based Bullying, Intimidation or Harassment**
When a student or group of students engages in bias-based bullying, intimidation, or harassment of another student or group of students, both the victim and the student who engages in this behavior should be referred to separate appropriate counseling, support, and education services provided by school staff or a community-based agency. Neither mediation nor conflict resolution is, under any circumstances, appropriate interventions for bias-based bullying, intimidation, or harassment
- **Referral to Counseling Services for Youth Relationship Abuse or Sexual Violence**
When a person uses a pattern of threatened or actual physical, sexual, and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education. Neither mediation nor conflict resolution is, under any circumstances, appropriate interventions for suspected relationship abuse
- **Mentoring Program**
A mentoring program matches a mentor who may be a counselor, teacher, student, and/or administrator with a student in need of additional support. The object of this relationship is to help the student in his/her personal, academic, and social development.
- **Mentor/Coach**
Assignment of a trained school staff member to provide transition support for a student returning from a Superintendent's Suspension or from a prolonged absence.
- **Referral to a Community-Based Organization (CBO)**
Students may be referred to a community-based organization for a wide range of services including, but not limited to, after-school programming, individual or group counseling, leadership development, conflict resolution, and academic tutoring
- **Referral to Appropriate Substance Abuse Counseling Services**
In the case where a student is presenting problems with substance abuse, including the use, possession, or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to either school based counseling services or to an external agency or community-based organization

RESTORATIVE PRACTICES

All members of a school community bring with them diverse abilities, interests, viewpoints, and family and cultural backgrounds. These differences can be a source of great energy and strength when members of the community value and respect one another. Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline.

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

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

TYPES OF RESTORATIVE Practices

Circle Process: Regular use of restorative circles within the instructional program of a school is a significant prevention and intervention strategy. 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, and address other issues as they arise.

Students are the largest group of stakeholders in a school community and its greatest natural resource in creating and sustaining a safe and supportive school environment. Building community among students and between students and staff members is integral to creating a supportive and inclusive school culture. When students feel accepted, valued, respected, and included, they build a positive connection to school and foster resiliency. Community building circles focus on:

- **Safety and Trust.** Community members need a sense of safety and trust to connect with one another.
- **Honor.** Members interact with fairness and integrity and acknowledge their personal responsibility for their actions.
- **Openness.** Community members feel free to share their thoughts and feelings.
- **Respect.** To bond as a community, members must feel they are valued and respected as individuals, and they must respond respectfully to one another
- **Empowerment.** A sense of empowerment is a crucial element and a desired outcome of being a member of a community. Community support enables members to gain a new view of themselves and a new sense of confidence in their abilities.

When used as an intervention measure to address inappropriate student behavior, restorative circles 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 pro-social skills of participants, particularly those who have harmed others; and provide wrongdoers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible. A circle can also be used in response to a particular issue that affects the school community.

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

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

Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm-doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired. A formal restorative conference may be used as an intervention in conjunction with a disciplinary response (e.g., a student participates in a formal restorative conference in conjunction with a teacher removal or a principal or superintendent suspension) or may be used as a disciplinary intervention to address misconduct that does not require teacher removal or suspension.

ADDRESSING BULLYING AND BIAS-BASED BEHAVIOR

Each school is expected to promote a nurturing school culture that promotes positive interpersonal and intergroup relations and respect for diversity among students and between students and staff, providing all students with a supportive and safe environment in which to grow and thrive academically and socially. The ability of students to learn and meet high academic standards and a school's ability to educate its students are compromised when students engage in discrimination or harassment, bullying, or intimidating behavior toward other students.

Bullying and harassment can take many forms and includes behavior that targets students because of their actual or perceived race, color, national origin, ethnicity, citizenship/immigration status, religion, creed, disability, sexual orientation, gender, gender identity, gender expression, or weight. These behaviors pose a serious threat to all students, and it is a school's responsibility to eliminate the hostile environment created by such harassment, address its effects, and take steps to ensure that harassment does not recur.

Everyone in the school community—teachers, support staff, safety agents, cafeteria, custodial staff, bus drivers, guidance counselors, students, and parents—needs to understand what bullying is and the DOE rules that prohibit such behavior. Clarifying school-wide rules that prohibit bullying and discrimination and discouraging bystander behavior (on-looking) are vitally important to helping students play a pivotal role in bullying prevention.

Integral to preventing student-to-student bullying and/or bias-based behavior is effective social-emotional learning that helps students develop social-emotional core competencies. These fundamental life skills are: recognizing and managing their own emotions, developing caring and concern for others, establishing positive relationships, making responsible decisions, and handling challenging situations constructively and ethically.

Students who are able to recognize and manage their own emotions are better able to be assertive rather than aggressive or passive when they interact with their peers. Students who develop caring and concern for others and establish positive relationships are less likely to engage in bullying or discriminatory behavior. Additionally, students who have learned how to make responsible decisions and handle challenging situations ethically and constructively are less likely to be bystanders and more likely to act as allies if a peer is the target of harassment of any kind. To help students learn how to be allies, the DOE offers teachers and counselors training in using the curriculum module *Fostering Respect for All: Empowering Students to Move from Bystanders to Allies* as well as other Respect For All professional development opportunities.

What is Bullying?

Bullying is behavior that is intended to cause some kind of harm. The person doing the bullying purposely says or does something to hurt the target of his/her behavior.

Bullying behavior always involves an imbalance of power (physical or social) or strength between the person doing the bullying and the target of the behavior. The person doing the bullying may be physically bigger or stronger or may be older or have greater social status or social power than the person being targeted. It is a pattern of behavior usually repeated over time and can take many forms.

Bullying is aggressive behavior by one individual (or group) that is directed at a particular person (or group). The aggressive behavior is unwanted and negative. It is deliberate and unprovoked. The targeted person is harmed by what is purposely being said or done.

To assist the school community in addressing bullying and bias-based behavior, the *Respect For All* Library on the Department's website offers many kinds of resources for parents, students, school staff, and school leaders. These resources include guidance documents and tip sheets for parents and students, including an important *RFA* brochure on understanding the difference between bullying and conflict, along with lessons, book lists, and other instructional materials for school staff. Schools are encouraged to use these resources to infuse bullying prevention, including cyberbullying, and respect for diversity lessons and other activities into their instructional program.

The *Respect For All* Library also provides schools information about opportunities and strategies to engage students in promoting respect such as *Bully Prevention Month*, *No Name Calling Week* or through projects like *Not in Our School* or *No Place for Hate*. Whether schools use the book lists to identify a class or schoolwide *Book of the Month* or whether trained peer educators conduct peer-to-peer workshops to prevent bullying behavior or promote respect for diversity, it is imperative that each school community is meaningfully and proactively engaged in creating a school culture and climate in which all students feel safe and respected.

If as a parent, you have concerns that your child is the target of bullying behavior, please report your concerns to your child's school. If, after reporting to your child's school, you require additional assistance, please contact the Family Support Coordinator in the Superintendent's Office. If a parent has further questions, contact RespectforAll@schools.nyc.gov.

Any student who believes that he or she has been the victim of discrimination, harassment, intimidation, and/or bullying by another student should report the incident to the *RFA* liaison(s) or to any other school employee. If a student feels uncomfortable making a report to a school staff member, a student may contact the Office of Safety and Youth Development (OSYD) by emailing the report to RespectforAll@schools.nyc.gov

All reports of harassment, discrimination, and/or bullying behavior will be investigated. For further information, please see [Chancellor's Regulation A-832](#).

Bullying Is NOT Conflict

Conflict is a struggle between two or more people who perceive they have incompatible goals or desires. Conflict occurs naturally as we interact with one another. It is a normal part of life that we will not always agree with other people about the things we want, what we think, or what we want to do.

Most conflicts between students arise when students see the same situation from two different points of view. Think of some of the ways we describe people in conflict: "They were butting heads"; "They were going back and forth at each other"; "It was 'he said/she said.'" In these cases, both people are equally "telling their side of the story."

In a conflict people may get frustrated and angry. Chances are the amount of emotion each person feels will be relatively equal because both are vying for what they want. In the heat of the moment, one or both people's emotions can escalate a conflict. All of us have known of conflicts in which people have said things to hurt one another which they later regret.

People engaged in a conflict want the issue to be resolved. The "back and forth" that occurs is each person trying to make the case for what s/he wants. When one or both people have the skills to resolve the dispute so that both sets of needs are met, the same conflict between the same two people most likely will not be repeated.

PROGRESSIVE LADDER OF SUPPORT AND DISCIPLINARY CONSEQUENCES

The ladder of supports and disciplinary consequences below illustrates a progressive response to inappropriate behavior. Student misbehavior must be handled on a case-by-case basis. In all cases, implementation of appropriate interventions and disciplinary responses must take into account a number of factors including the nature and severity of the misconduct. In many cases, the use of in-school disciplinary response and/or the use of supports and interventions may be most suitable. In other cases, a student's misconduct may require or be most appropriately addressed by a targeted or significant disciplinary response along with supports and interventions. In all cases, it may be most suitable for supports and interventions to take place outside of the classroom.

1. Concurrent Support and Disciplinary Response to Misconduct

When a student engages in misconduct, support services are provided to address the student's inappropriate behavior and/or underlying needs in conjunction with disciplinary action. The goal is to foster social-emotional growth and pro-social behavior and prevent future misbehavior.

2. Initial Response(s)

When a student experiences difficulty or engages in inappropriate behavior, the teacher contacts the parent and, depending on the nature and severity of the behavior and the age and maturity level of the student, takes one or more of the following steps: has a conference with the student; refers the student to a school counselor and/or to the PPT, and/or the deans' office (middle and high school grades). One or more interventions and/or options for primary disciplinary consequences are used to address the student's behavior

3. Universal Prevention for All Students

The school takes a whole school approach to promoting positive student behavior. Social-emotional learning is infused into the curriculum. Staff meets regularly to ensure that there is a comprehensive student support program in place that includes counseling services, guidance, opportunities for social-emotional learning, student engagement opportunities, and prevention and intervention behavioral supports to encourage and foster pro-social student behavior, foster resiliency, and built students' positive connection to the school community. The school has a system in place for early identification of students in need of prevention, intervention and/or support services

4. Supports and Intervention Options

a. Range of Supports and Intervention Options

- Teacher conference/classroom observation
- Peer mediation; conflict resolution
- Restorative practices (e.g., circle or formal restorative conference)
- Assignment of a mentor/coach
- Guidance lessons in classrooms
- Social-emotional learning
- Individual behavioral contract or progress reports
- Collaborative problem solving
- Referral to Pupil Personnel Team
- Parent Contact
- Guidance conference
- Individual and/or small group counseling
- Referral to school nurse or school-based health clinic or external health care provider
- Referral for academic support services
- Referral to external mental health counseling provider or community based organization
- Referral to counseling for bullying, intimidation or harassment

- Referral to counseling for youth relationship abuse, or sexual violence
 - Referral to appropriate substance abuse counseling
 - Referral to attendance teacher/coordinator
 - Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
 - School counselor and/or other support staff and/or administrator/student conference
- b. For students serving a Superintendent's suspension, student support services are provided in an alternate instructional site. Contact between the site and the student's home school is established to ensure academic progress and a successful transition upon return.

5. Disciplinary Response Options

a. Range of In-School Disciplinary Response(s)

- Formal restorative conference
- Individual behavior contract
- Short-term progress reports
- Referral to Pupil Personnel Team
- Supervisor's conference with student
- In-school disciplinary action (e.g., detention)
- Parent conference
- Student/teacher conference
- Administrator/parent and/or dean/student conference
- Administrator meeting with student to address wrongdoing and its consequences

b. Teacher Removal or Principal's Suspension

- Removal from classroom by teacher
- Principal's suspension (up to 5 school days)

c. Superintendent's Suspension

- Immediate reinstatement
- 6-10 school days
- 11-29 school days
- 30-59 school days with review at 30 school days for suspensions of 39 or more school days
- 60-90 school days with review every 30 school days
- One school year with review at 90 and 135 days
- One school year without review for early reinstatement

DISCIPLINE PROCEDURES

In-School Disciplinary Responses

Schools have a range of disciplinary responses that can be used to hold students accountable for inappropriate behavior and that do not involve removal from the classroom or school or assignment to an alternate instructional site. These primary disciplinary responses are delineated on the Progressive Ladder of Support and Disciplinary Responses. A school's decision to use a disciplinary response must take into consideration a number of factors, including the nature and severity of the misconduct. Schools are encouraged to use primary disciplinary responses when they are the most appropriate response to the misbehavior.

Suspensions and Teacher Removals

All suspensions and removals from the classroom must be done substantively and procedurally in accordance with relevant Regulations of the Chancellor, State Education Law, and Federal Law. (**Note:** Student discipline procedures for summer school vary from those used during the regular school year and are issued separately.) All entries in student records must be made in accordance with [Chancellor's Regulation A-443](#).

Suspensions of more than five school days may be imposed for students in all schools by the Chief Executive Officer of the Office of Safety and Youth Development ("OSYD") or other designee of the Chancellor, or for students in elementary and middle schools by the Community Superintendent. For ease of reference, the term "superintendent's suspension" is used throughout this document to denote both suspensions imposed by the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor and suspensions imposed by the Community Superintendent.

Schools are expected to provide support services to students returning from suspension to maximize their ability to meet the school community's social and academic standards.

All disciplinary responses and supports must be promptly entered into SOHO.

ADDITIONAL PROTECTIONS FOR STUDENTS WITH DISABILITIES

Students with disabilities, 504 plans, or who are "presumed to have a disability" are entitled to assert specific procedural safeguards under IDEA (see [Chancellor's Regulation A-443](#)). A student is presumed to be a student with a disability if the parent has expressed concern in writing that the student needs special education and/or related services, the parent has made a written request for an evaluation of his/her child, the parent or school staff express concern about a pattern of behavior or the student has been referred for an initial evaluation.

MANIFESTATION DETERMINATION REVIEW

A manifestation determination review must be conducted when a student with a disability or a student who is presumed to have a disability is subject to a disciplinary change in placement, in order to determine if the behavior is caused by or has a direct and substantial relationship to the student's disability and/or was the direct result of the failure to implement the IEP or Section 504 plan. If the student's behavior is a manifestation of the student's disability, the student may not be disciplined for the behavior, except in certain cases if the student's behavior is determined not to be a manifestation of the student's disability, the student may be subject to discipline for the behavior.

A disciplinary change of placement occurs if the student will be removed from his/her regular program for: (1) more than 10 consecutive school days as a result of a superintendent suspension; (2) more than 10 cumulative school days in a 40-school-day period as a result of three or more disciplinary actions (superintendent suspension, principal suspension, and/or teacher removal); or (3) more than 10 cumulative school days in a school year as a result of disciplinary actions that the principal determines constitute a pattern of removals. See [Challenging Behaviors](#) (<http://schools.nyc.gov/Academics/SpecialEducation/Classroom/behavior/challenging-behaviors.htm>)

FUNCTIONAL BEHAVIOR ASSESSMENTS AND BEHAVIOR INTERVENTION PLANS

If a student with an IEP is subject to disciplinary action and a determination has been made that the behavior is a manifestation of the student's disability, an FBA must be conducted or updated and a BIP developed or modified. Additionally, even when a student's behavior is determined not to be a manifestation of a student's disability, an FBA can help provide a more in-depth understanding of the student's behavior.

A **functional behavior assessment (FBA)** is an evaluation used to determine why a student with a disability engages in behaviors that impede learning and how the student's behavior relates to the environment.

The FBA must be based on multiple sources of data, obtained across multiple settings and times of day including, but not limited to: information obtained from direct observation of the student; information from the student, the student's teacher(s), related service provider(s) and others with whom the student interacts; and a review of available data and information from the student's record and other sources, including any relevant information provided by the student's parents/caregivers. An FBA must be conducted by a team; the principal will designate the team and its facilitator.

A **behavioral intervention plan (BIP)** is based on the results of an FBA and includes, at a minimum: a description of the problem behavior; global and specific hypotheses as to why the problem behavior occurs; and intervention strategies that include positive behavioral supports and services to address the behavior. The BIP must identify intervention strategies to be used to alter events to prevent the occurrence of the behavior, teach individual alternative and adaptive behaviors to the student, and provide consequences for the targeted inappropriate behavior(s) and alternative acceptable behavior(s). Baseline data must be used as a standard to establish performance criteria and against which to evaluate intervention effectiveness. The BIP must be monitored (and reported to the parent) using the same data collection measures (frequency, intensity, duration and/or latency) that were used to collect baseline data for the FBA. The goal is for the problem behavior to decrease as the replacement behavior increases.

After an FBA has been conducted, the IEP team must be convened to review the results of the FBA, develop a corresponding BIP (if appropriate), and update the student's individualized education program (IEP) to indicate if a particular device or service, including an intervention, accommodation or other program modification, is needed to address the student's behavior.

DISCIPLINARY RESPONSES

Disciplinary responses should be progressive. Please see the **Progressive Ladder of Support and Disciplinary Responses** for the range of disciplinary options including the use of a formal restorative conference. Note that In-school Disciplinary Actions may include detention, exclusion from extracurricular activities or communal lunchtime. If these in-school consequences are used, they must not take place during class time, cannot result in a student missing instruction, and must be done in accordance with the [Wellness Policy](#).

All disciplinary responses must be imposed in accordance with the procedural requirements of Chancellor's Regulation A-443 and consistent with the range of disciplinary responses authorized for a particular infraction.

Schools are expected to use supports and interventions and non-removal disciplinary responses, to the extent feasible and appropriate, before imposing a teacher removal, principal suspension or superintendent suspension.

All interventions, disciplinary responses and supports must be promptly entered into SOHO.

IN-SCHOOL DISCIPLINARY ACTIONS:

Removal from a Classroom by a Teacher:

A student who engages in behavior that is substantially disruptive of the education process or substantially interferes with a teacher's authority over the classroom, may be removed from the classroom consistent with the disciplinary options set forth in this Code. Students in grades K-2 may be removed from the classroom of the teacher requesting the removal for no longer than 1 school day. Students in grades 3-5 may be removed from the classroom of the teacher requesting the removal for up to 4 school days. All removed students must be permitted to attend classes that are taught by teachers other than the teacher requesting the removal (e.g., music, art, science).

Removed students must be sent to a location within the school where they will be provided with continued instructional services, including classwork and homework. While student misbehavior must be handled on a case-by-case basis, every effort should be made to address substantially disruptive classroom behavior using Disciplinary Actions A-E along with appropriate supports and interventions prior to implementing a teacher removal.

- If a student in Grades 3-5 is removed from any classroom by any teacher four (4) times during a semester or three (3) times during a trimester, a principal's suspension for a minimum period of 1 day must be imposed if the student subsequently engages in behavior that would otherwise result in a removal by the teacher during that semester or trimester. For example, the student who would otherwise be removed for the 5th time in a semester must instead receive a principal's suspension. The requirements for imposing a principal's suspension must be followed. **Note:** Principals must obtain the approval of the CEO of OSYD in order to impose a suspension of a student in grades 3.

Principal's Suspension:

In addition to the above, a principal has the authority to suspend a student for 1-5 school days. All suspended students must be provided with instruction, including homework and classwork at an alternative instructional site within the school.

Principals may suspend a student in Grades 3-5 for behavior which presents a clear and present danger of physical injury to the student, other students or school personnel, or prevents the orderly operation of classes or other school activities consistent with the disciplinary options set forth in this Code. Principal's suspensions are not permitted for students in Grades K-2, except in limited circumstances set forth in the Discipline Code. Principals must obtain the approval of the CEO of OSYD in order to impose a suspension of a student in grades K-3.

Superintendent's Suspension

A superintendent's suspension may result in a period of suspension that exceeds five school days and may be sought for behavior for which a superintendent's suspension is authorized in the Discipline Code. A Superintendent's suspension is not permitted for students in Grades K-2, except where required by the Gun Free Schools Act, as set forth in the Discipline Code.

A student who receives a superintendent's suspension must be provided with the opportunity for a hearing at which the student has the opportunity to present evidence and witnesses on his/her behalf and to question the school's witnesses.

If the school proves the charges and the suspension is upheld, the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may impose one of the following as set forth below:

Superintendent's Suspension

- **IMMEDIATE REINSTATEMENT**

The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may reinstate the student to the suspending school immediately following the decision to uphold the suspension.

- **CONTINUED SUSPENSION FOR A FIXED PERIOD OF 6-10 DAYS**

The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may continue the student's suspension from school for a fixed period of 6-10 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to his/her original school.

- **CONTINUED SUSPENSION FOR A FIXED PERIOD OF 11-29 DAYS**

The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may continue the student's suspension from school for a fixed period of 11-29 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to his/her original school.

- **CONTINUED SUSPENSION FOR A FIXED PERIOD OF 30-59 DAYS WITH A REVIEW AT 30 DAYS FOR SUSPENSIONS OF 39 DAYS OR MORE**

The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order that a student be suspended for 30-59 school days and reassigned to an alternate instructional site with automatic review for early reinstatement at 30 school days for students serving a suspension of 39 school days or more. In determining the date upon which the student is reinstated, the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent shall, to the extent possible, consider the school calendar in order to ensure instructional continuity. If early reinstatement is not granted, the student will remain in the alternate instruction site for the remainder of the suspension, and must be reinstated to the suspending school at the termination of the suspension.

- **EXTENDED SUSPENSION FOR 60-90 DAYS WITH AN AUTOMATIC REVIEW EVERY 30 DAYS**

The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order that a student be suspended for 60-90 school days and reassigned to an alternate instructional site with an automatic review for early reinstatement every 30 school days. In determining the date upon which the student is reinstated, the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent shall, to the extent possible, consider the school calendar in order to ensure instructional continuity. If early reinstatement is not granted, the student will remain in the alternate instruction site for the remainder of the suspension, and must be reinstated to the suspending school at the termination of the suspension.

- **ONE-YEAR SUSPENSION AND ASSIGNMENT TO AN ALTERNATE LEARNING SITE WITH AN AUTOMATIC REVIEW FOR EARLY REINSTATEMENT AFTER 90 AND 135 DAYS**

The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or Community Superintendent may order that a student be suspended for one year and reassigned to an alternate instructional site, with an automatic review for early reinstatement to the suspending school after 90 and 135 school days. If early reinstatement is not granted, the student will remain in the alternate instructional site for the remainder of the suspension, and must be reinstated to the suspending school at the termination of the suspension.

Consistent with the Federal Gun-Free Schools Act of 1994, any student who is determined to have brought to or possessed at school a firearm (as delineated in Category 1), bomb or other explosive, must be suspended for a period of not less than one year. The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor (as delineated by the Gun-Free Schools Act) or the Community Superintendent may modify this suspension, in writing, for a student on a case-by-case basis.

- **ONE-YEAR SUSPENSION AND ASSIGNMENT TO AN ALTERNATE LEARNING SITE WITHOUT THE POSSIBILITY FOR EARLY REINSTATEMENT**

The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may suspend a student for one year without the opportunity to petition for early reinstatement. Students must be placed in an alternate instructional site for the year. At the termination of the one-year period, the student will be reinstated to the school from which he/she was suspended.

Consistent with the Federal Gun-Free Schools Act of 1994, any student who is determined to have brought to or possessed at school a firearm, bomb or other explosive (as delineated in Category 1), must be suspended for a period of not less than one year. The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor (as delineated by the Gun-Free Schools Act) or the Community Superintendent may modify this suspension, in writing, for a student on a case-by-case basis.

SUPPORTS FOR STUDENTS DURING AND RETURNING FROM SUSPENSION

Schools must provide appropriate support services to students during their suspension and when they return to their home school from suspension to maximize their ability to meet social/behavioral and academic standards within the school community. At the elementary level, students are assigned to an alternate instructional site to receive academic instruction and appropriate supports and interventions. Students with IEPs must be provided with appropriate special education services that allow the student to make progress toward the student's IEP goals.

The goal at all grade levels is to prepare students to return to their home schools or their regular classroom with increased pro-social attitudes, strategies and skills that foster resiliency and reduce the likelihood of recidivism. It is incumbent upon a student's home school to continue supportive services. Support services may include any of the range of supports and interventions or a combination of services as best meets the needs of the individual student.

APPEALS

Parents may appeal suspensions. Principals' Suspensions may be appealed to the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor. Superintendents' suspensions (i.e., suspensions imposed by the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or by the Community Superintendent) may be appealed to the Chancellor. See [Chancellor's Regulation A-443](#) for more information about the time frame and process for making an appeal.

TRANSFER OPTIONS

Voluntary Transfers:

In collaboration with the Office of Student Enrollment, the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may transfer a student to another school if the parent consents. For information regarding Safety Transfers, see [Chancellor's Regulation A-449](#).

Involuntary Transfers:

When the behavior and/or academic record of a student in general education demonstrate that adjustment in school is unsatisfactory and if the principal believes that the student would benefit from a transfer or receive an appropriate education elsewhere, the principal may pursue an involuntary transfer in accordance with [Chancellor's Regulation A-450](#). A student with a disability cannot be involuntarily transferred to a different school to receive the same program that he/she is receiving in his/her home school. If it is believed that a student with a disability is in need of a different special education program/supports because the behavior and academic record demonstrate that adjustment to school is unsatisfactory, then the school should convene an IEP meeting.

CHANCELLOR'S REGULATIONS

All [Chancellors' Regulations](#) may be found at [D.O.E website](#).

WEAPONS

- **Category 1**
 - Firearm, including pistol, starter gun, and handgun, silencers, electronic dart, shotgun, rifle, machine gun, or any weapon which will or is designed to or may readily be converted to expel a projectile by action of an explosive
 - Stun gun/weapon
 - Air gun, spring gun, or other instrument or weapon in which the propelling force is a spring or air, and any weapon in which any loaded or blank cartridge may be used (such as a BB gun or paintball gun)
 - Switchblade knife, gravity knife, pilum ballistic knife and cane sword (a cane that conceals a knife or sword)
 - Dagger, stiletto, dirk, razorblade, box cutter, case cutter, utility knife and all other knives
 - Billy club, blackjack, bludgeon, chukka stick, and metal knuckles
 - Sling shot (small, heavy weights attached to or propelled by a thong) and slung shot
 - Martial arts objects including kung fu stars, nunchucks and shirkens
 - Explosives, including bombs, fire crackers and bombshells
- **Category 2**
 - Acid or dangerous chemicals (such as pepper spray, mace)
 - Loaded or blank cartridges and other ammunition
 - *Imitation gun or other imitation weapon
 - *Any deadly, dangerous, or sharp pointed instruments which can be used or is intended for use as a weapon (such as scissors, nail file, broken glass, chains, wire).

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

TAKING DISCIPLINARY ACTION

When a student engages in inappropriate behavior, the school is expected to couple supports and interventions with disciplinary action with the express purpose of holding students accountable and simultaneously helping students learn from their mistakes. The disciplinary responses which follow provide a range of options to be used to best meet each student's individual needs. While student misbehavior must be handled on a case-by-case basis, schools are expected first to implement primary (non-removal) disciplinary consequences to address student misconduct whenever possible and appropriate before imposing a more stringent disciplinary response.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 1

Infractions – Uncooperative/Noncompliant Behavior

Note: see list below for Range A thru F of Possible Disciplinary Actions

- A01 Unexcused absence from school (A-D)
- A02 Failing to wear the required school uniform (applies only to students in schools that have adopted a school uniform policy and whose parents have not secured an exemption) (A and/or D)
- A03 Being late for school (A-E)
- A04 Bringing items to or using items in school in violation of Department of Education or school policy (A-E)
- A05 Failing to be in one's assigned place on school premises (A-E)
- A06 Behaving in a manner that disrupts the educational process (e.g. making excessive noise in a classroom, library or hallway) (A-F)
- A07 Engaging in verbally rude or disrespectful behavior (A-F)
- A08 Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process* (A-E)
- A09 Posting or distributing material on school premises in violation of written Department of Education policy and/or school rules (A-E)
- A10 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission (A-E)

*If there is a question regarding whether clothing or headgear is representative of religious expression, the school should contact the Borough Director of Suspension.

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)

Range of Possible Disciplinary Actions*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences
- D. Parent conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals)

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 2

Infractions – Disorderly Behavior

Note: see list below for Range A thru F of Possible Disciplinary Actions

- A11 Smoking and/or use of electronic cigarettes and/or possession of matches or lighters (A-D)
- A12 Gambling (For Grades 3-5 only: A-F)
- A13 Using profane, obscene, vulgar, or lewd language, gestures, or behavior (A-F)
- A14 Lying to, giving false information to, and/or misleading school personnel (Grades K-2: A-E) (Grades 3-5: A-F)
- A15 Misusing property belonging to others (A-F)
- A16 Engaging in or causing disruptive behavior on the school bus (A-E)
- A17 Leaving class or school premises without permission of supervising school personnel (A-F)
- A18 Engaging in inappropriate or unwanted physical contact or touching someone in a private part of body. (For grades K-3 only: A-F) (For Grades 4-5, see Infraction A28) (For shoving, pushing, etc., see A24.)
- A19 Violating the Department's Internet Use Policy (e.g., use of the Department's system for non-educational purposes, security/privacy violations) (Grades K-2: A-D) (Grades 3-5: A-F)

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)

Range of Possible Disciplinary Actions*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences
- D. Parent conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals)

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 2 Infractions – Disorderly Behavior

A20 Engaging in scholastic dishonesty which includes but is not limited to:

- a. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an un-administered test; substituting for another student or permitting another student to substitute for one's self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test) (Grades K-2: A-E) (Grades 3-5: A-F)
- b. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source) (For Grades 4-5 only: A-F)
- c. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit) (For Grades 4-5 only: A-F)

A21 Inappropriate use of electronic technology (e.g. unauthorized audio/video recording) (Grades K-2: A-E) (Grades 3-5: A-F)

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)

Range of Possible Disciplinary Actions*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences
- D. Parent conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals)

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 3 Infractions – Disruptive Behavior

- A22 Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process or the teacher's authority and/or poses a danger to the school community (Grades K-3: A-F) (Grades 4-5: A-F, G only with authorization)
NOTE: This behavior does not include Level 1 or 2, uncooperative/noncompliant or disorderly behavior, such as using profane language, A13; or wearing prohibited clothing, A08; or bringing prohibited items to school, A04)
NOTE: Principals must obtain prior written approval of the Office of Safety and Youth Development prior to authorizing a principal's suspension for A22.
- A23 Using slurs based upon actual or perceived race, ethnicity, color, creed, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability (Grades K-2: A-E) (Grade 3: A-F) (Grades 4-5: A-I)
- A24 Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students or school personnel (e.g., pushing past another person), or throwing an object (e.g., chalk) or spitting at another person (For more serious physically aggressive behavior, see A33) (Grades K-3: A-F) (Grades 4-5: A-G)
- A25 Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules (Grades K-2: A-E) (Grade 3: A-F) (Grades 4-5: A-I)
- A26 Knowingly possessing property belonging to another without authorization (Grade K-3: A-F) (Grades 4-5: A-I)

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
- Referral to counseling services for bullying, intimidation or harassment

Range of Possible Disciplinary Actions*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences
- D. Parent conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals)
- G. Principal's suspension for 1-5 school days
- H. Superintendent's suspension that results in immediate reinstatement
- I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days.

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 3

Infractions – Disruptive Behavior

- A27 Tampering with, changing, or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means (Grades K-3: A-E) (Grades 4-5: A-I)
- A28 Engaging in inappropriate or unwanted physical contact or touching someone in a private part of body. (For Grades 4-5 only: A-I) (For shoving, pushing, etc., use A24.)
NOTE: This infraction does not apply to Grades K-3.
- A29 Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs) (For Grades 4-5 only: A-F) **NOTE:** In determining whether the behavior is gang related, school officials may consult with the Office of Safety and Youth Development's Gang Unit.
NOTE: This infraction does not apply to Grades K-3, see Infraction A18
- A30 Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others (Grades K-3: A-F) (Grades 4-5: C-F, G-I for intentional damage only, J-L only if there is substantial damage to property requiring extensive repair)
- A31 Posting or distributing libelous material or literature (including posting such material on the Internet) (For Grades 4-5 only: C-I) NOTE: This infraction does not apply to Grades K-3.

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Formal restorative conference
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
- Referral to counseling services for bullying, intimidation or harassment

Range of Possible Disciplinary Actions*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences
- D. Parent conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals)
- G. Principal's suspension for 1-5 school days
- H. Superintendent's suspension that results in immediate reinstatement
- I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days.
- J. Superintendent's suspension that results in an extended suspension for 11-29 school days.
- K. Superintendent's suspension that results in an extended suspension for 30-59 school days (with automatic review at 30 school days for suspensions of 39 school days or longer)
- L. Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days.

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Addressing Level 4 and Level 5 Behaviors

This progressive code of conduct is predicated upon concurrent supports/interventions with a discipline response to address student misconduct so that students learn from their misbehavior. The Progressive Ladder of Support and Disciplinary Consequences calls for universal prevention for all students and the early identification of students who are in need of additional and/or specific support services.

Schools must address Level 4 and 5 behavior in accordance with the Progressive Ladder of Support and Disciplinary Consequences and the progressive approach to discipline set forth in this Code. The code provides a range of disciplinary responses for these types of behaviors in order to ensure that all relevant factors are considered in determining the appropriate response. Federal and state law, however, require that for some incidents of student misconduct a suspension must be imposed. These suspensions are subject to review and modification on a case-by-case basis in accordance with law and DOE policy.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 4

Infractions – Aggressive or Injurious/Harmful Behavior

- A32 Posting or distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff (including but not limited to posting such material on the Internet) (Grades K-2: A-F) (Grades 3-5: D-I)
- A33 Engaging in physically aggressive behavior other than minor altercations as described under A24, which creates a substantial risk of or results in minor injury (Grades K-2: A-F) (Grades 3-5: D-L)
- A34 Engaging in an act of coercion or threatening or instigating violence, injury or harm to another or others (Grades K-2: A-F) (Grades 3-5: D-K)
- A35 Engaging in behavior on the school bus which creates a substantial risk of or results in injury (Grades K-2: A-F, G only where behavior is repeated and involves physical violence) (Grade 3: D-G) (Grades 4-5: D-L) **NOTE:** Students may be excluded from the bus as per Chancellor's Regulation A-801.
- A36 Engaging in harassing, intimidating, and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass (Grades K-2: A-F, G only where behavior is repeated and involves physical violence) (Grade 3: D-G) (Grades 4-5: D-L)

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Formal restorative conference
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Referral for mental health support services
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
- Referral to counseling services for bullying, intimidation or harassment

Range of Possible Disciplinary Actions*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences
- D. Parent conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals)
- G. Principal's suspension for 1-5 school days (For students in Grades K-3, written approval of OSYD is required prior to authorizing a principal's suspension)
- H. Superintendent's suspension that results in immediate reinstatement
- I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days.
- J. Superintendent's suspension that results in an extended suspension for 11-29 school days.
- K. Superintendent's suspension that results in an extended suspension for 30-59 school days (with automatic review at 30 school days for suspensions of 39 school days or longer)
- L. Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days.

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 4

Infractions – Aggressive or Injurious/Harmful Behavior

- A37 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying) based on an individual's actual or perceived race, color, creed, religion, religious practices, ethnicity, national origin, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, disability or weight; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass (Grades K-2: A-F, G only where behavior is repeated and involves physical violence) (Grade 3: D-G)) (Grades 4-5: D-L)
- A38 Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images) (For Grades 4-5 only: D-L)
- A39 Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol (Grades K-2: A-E) (Grades 3-5: D-L)

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Formal restorative conference
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Referral for mental health support services
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
- Referral to counseling services for bullying, intimidation or harassment
- Referral to appropriate substance abuse counseling

Range of Possible Disciplinary Actions*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences
- D. Parent Conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals).
- G. Principal's suspension for 1-5 school days (For students in Grades K-3, written approval of OSYD is required prior to authorizing a principal's suspension)
- H. Superintendent's suspension that results in immediate reinstatement
- I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days.
- J. Superintendent's suspension that results in an extended suspension for 11-29 school days.
- K. Superintendent's suspension that results in an extended suspension for 30-59 school days (with automatic review at 30 school days for suspensions of 39 school days or longer)
- L. Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days.

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 4

Infractions – Aggressive or Injurious/Harmful Behavior

- A40 Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior (Grades K-2: A-F), (Grades 3-5: D-L)
- A41 Falsely activating a fire alarm or other disaster alarm (Grades K-2: A-F) (Grades 3-5: D-I)
- A42 Making a bomb threat (Grades K-2: A-F) (Grades 3-5: D-I)
- A43 Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella, or laser pointer) (Grades K-2: A-F) (Grades 3-5: D-L)
- A44 Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer) (Grades K-2: D-F, G only where behavior is repeated and involves physical violence) (Grades 3-5: D-L)
- A45 Inciting/causing a riot (Grades K-2: D-F) (Grades 3-5: D-L)
- A46 Possessing, displaying or selling any weapon as defined in **Category II** (Grade K-2: D-F) (Grades 3 D-K) (Grades 4-5: D-L) **NOTE:** Before requesting a suspension for possession of an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance and weight.
- A47 Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol (Grades K-2: D) (Grades 3-5: D-L)

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Formal restorative conference
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Referral for mental health support services
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
- Referral to counseling services for bullying, intimidation or harassment
- Referral to appropriate substance abuse counseling

Range of Possible Disciplinary Actions*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences
- D. Parent Conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals).
- G. Principal's suspension for 1-5 school days. (For students in Grades K-3, written approval of OSYD is required prior to authorizing a principal's suspension)
- H. Superintendent's suspension that results in immediate reinstatement
- I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days.
- J. Superintendent's suspension that results in an extended suspension for 11-29 school days.
- K. Superintendent's suspension that results in an extended suspension for 30-59 school days (with automatic review at 30 school days for suspensions of 39 school days or longer)
- L. Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days.

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 5

Infractions – Seriously Dangerous or Violent Behavior

- A48 Starting a fire (Grades K-2: D-F, G only where behavior is repeated) (Grade 3: D-J) (Grades 4-5: H-L)
- A49 Threatening to use or using force to take or attempt to take property belonging to another (Grades K-2: D-F, G only where behavior is repeated and involves physical violence) (Grade 3: D-L) (Grades 4-5: H-N)
- A50 Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents (Grades K-2: D-F, G only where behavior is repeated and involves physical violence) (Grade 3: D-L) (Grades 4-5: H-L)
- A51 Using extreme force against or inflicting or attempting to inflict serious injury upon students or others (Grades K-2: D-F, G only where behavior is repeated and involves physical violence) (Grade 3: D-K) (Grades 4-5: H-L)

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Formal restorative conference
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Referral for mental health support services
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
- Referral to counseling services for bullying, intimidation or harassment
- Referral to appropriate substance abuse counseling service

Range of Possible Disciplinary Actions*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences
- D. Parent Conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime) (K-3 only)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals)
- G. Principal's suspension for 1-5 school days. (For students in Grades K-3, written approval of OSYD is required prior to authorizing a principal's suspension)
- H. Superintendent's suspension that results in immediate reinstatement.
- I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days.
- J. Superintendent's suspension that results in an extended suspension for 11-29 school days.
- K. Superintendent's suspension that results in an extended suspension for 30-59 school days (with automatic review at 30 school days for suspensions of 39 school days or longer)
- L. Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days.
- M. Superintendent's suspension that results in a one year suspension and assignment to an alternative program with and automatic review at 90 and 135 school days.
- N. Superintendent's suspension that results in a one year suspension and assignment to an alternative program without the opportunity for early reinstatement.

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 5

Infractions – Seriously Dangerous or Violent Behavior

- A52 Planning, instigating, or participating with another or others, in an incident of group violence (Grades K-2: D-F, G only where behavior is repeated and involves physical violence) (Grade 3: D-L) (Grades 4-5: H-L)
- A53 Engaging in threatening, dangerous or violent behavior that is gang-related (Grade 3: A-F) (Grades 4-5: A-H) **NOTE:** In determining whether the behavior is gang-related, school officials may consult with the Office of Safety and Youth Development's Gang Unit.
NOTE: This infraction does not apply to Grades K-2.
- A54 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity (For Grades 4-5 only: H-L)
- A55 Selling or distributing illegal drugs or controlled substances and/or alcohol (Grades K-2: D-F) (Grade 3: D-K) (Grades 4-5: H-K)

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Formal restorative conference
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Referral for mental health support services
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
- Referral to counseling services for bullying, intimidation or harassment
- Referral to appropriate substance abuse counseling service

Range of Possible Disciplinary Actions*

- D. Parent Conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals).
- G. Principal's suspension for 1-5 school days. (For students in Grades K-3, written approval of the Office of Safety and Youth Development is required prior to authorizing a principal's suspension)
- H. Superintendent's suspension that results in immediate reinstatement.
- I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days.
- J. Superintendent's suspension that results in an extended suspension for 11-29 school days.
- K. Superintendent's suspension that results in an extended suspension for 30-59 school days (with automatic review at 30 school days for suspensions of 39 school days or longer)
- L. Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days.
- M. Superintendent's suspension that results in a one year suspension and assignment to an alternative program with and automatic review at 90 and 135 school days.
- N. Superintendent's suspension that results in a one year suspension and assignment to an alternative program without the opportunity for early reinstatement.

***NOTE:** Further details about **supports and interventions** can be found on **pages 11-20** Further details about **disciplinary actions** can be found on **pages 20-24**.

Student Intervention and Discipline Code

Kindergarten- Grade 5 Level 5

Infractions – Seriously Dangerous or Violent Behavior

- A56 Possessing or selling any weapon, other than a firearm, bomb or other explosive, as defined in Category I (Grades K-2: D-F, G for repeatedly bringing in a weapon) (Grade 3: D-K) (Grades 4-5: H-L)
- A57 Threatening to use or using a weapon as defined in Category II to attempt to inflict injury upon school personnel, students, or others (Grades K-2: D-F) (Grades 3: D-K) (Grades 4-5: H-L)
- A58 Threatening to use or using a weapon, other than a firearm, bomb or other explosive, as defined in Category I, to attempt to inflict injury upon school personnel, students, or others (Grades K-2: D-F) (Grades 3: D-K) (Grades 4-5: H-L)
- A59 Using any weapon, other than a firearm, bomb or other explosive, as defined in Category I or II, to inflict injury upon school personnel, students, or others (Grades K-2: D-G) (Grade 3: D-N) (Grades 4-5: H-N)
- A60 Possessing or using a firearm, bomb or explosive as defined in Category I. Note: The Chief Executive Officer of the Office of Safety and Youth Development or other designee or the Community Superintendent may modify the suspension, in writing, on a case-by-case basis. (M-N)

Student Supports and Accountability Responses to be Used in Tandem

Supports and Interventions*

- Parent outreach
- Intervention by counseling staff
- Guidance conference(s)
- Restorative practices
- Social-Emotional Learning
- Positive Behavioral Interventions and Supports (PBIS)
- Individual/group counseling
- Collaborative problem solving
- Conflict resolution
- Peer mediation
- Mentoring program
- Formal restorative conference
- Development of individual behavior contract
- Short-term behavioral progress reports
- Referral to Pupil Personnel Team (PPT)
- Community service (with parental consent)
- Referral to a community based organization (CBO)
- Referral for mental health support services
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)
- Referral to counseling services for bullying, intimidation or harassment
- Referral to appropriate substance abuse counseling service

Range of Possible Disciplinary Actions*

- D. Parent Conference
- E. In-school disciplinary action (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher for up to 1 day for students in grades K-2 or up to 4 school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more (semester) or 4 or more (trimester) removals).
- G. Principal's suspension for 1-5 school days. (For students in Grades K-3, written approval of the Office of Safety and Youth Development is required prior to authorizing a principal's suspension)
- H. Superintendent's suspension that results in immediate reinstatement.
- I. Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days.
- J. Superintendent's suspension that results in an extended suspension for 11-29 school days.
- K. Superintendent's suspension that results in an extended suspension for 30-59 school days (with automatic review at 30 school days for suspensions of 39 school days or longer)
- L. Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 school days.
- M. Superintendent's suspension that results in a one year suspension and assignment to an alternative program with and automatic review at 90 and 135 school days.
- N. Superintendent's suspension that results in a one year suspension and assignment to an alternative program without the opportunity for early reinstatement.

*NOTE: Further details about supports and interventions can be found on pages 11-20 Further details about disciplinary actions can be found on pages 20-24.

Bill of Student Rights and Responsibilities, K-12

PREAMBLE

New York City public schools seek to cultivate a sense of mutual respect among students, parents and staff. City schools also aim to involve students in activities and programs, within and outside the school community, that stress a commitment to civic responsibility and community service. With the cooperation of all members of our school communities, students can reach educational excellence while enjoying a rich learning experience. This document serves as a guide for students as they strive to become productive citizens in a diverse society.

I. THE RIGHT TO A FREE PUBLIC SCHOOL EDUCATION

The right to a free public school education is a basic “student right” guaranteed to all children.

Students have a right to:

1. attend school and receive a free public school education from kindergarten to age 21 or receipt of a high school diploma, whichever comes first, as provided by law; students who have been determined to be English Language Learners are entitled to bilingual education or English as a second language program as provided by law; students with disabilities who have been determined to be in need of special education are entitled to a free appropriate public education from age 3 until age 21, as provided by law;
2. be in a safe and supportive learning environment, free from discrimination, harassment, bullying, and bigotry, and to file a complaint if they feel that they are subject to this behavior (see Chancellor’s Regulations A-830, A-831, A-832, A-420, and A-421);
3. receive courtesy and respect from others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, citizenship/immigration status, weight, sexual orientation, physical and/or emotional condition, disability, marital status and political beliefs;
4. receive a written copy of the school’s policies and procedures, including the Citywide Behavioral Expectations for Supporting Student Learning (the Discipline Code) and the New York City Department of Education Bill of Student Rights and Responsibilities, early in the school year or upon admission to the school during the school year;
5. be informed about diploma requirements, including courses and examinations and information on assistance to meet those requirements;
6. be informed about required health, cognitive and language screening examinations;
7. be informed about courses and programs that are available in the school and the opportunity to have input in the selection of elective courses;
8. receive professional instruction;
9. know the grading criteria for each subject area and/or course offered by the school and to receive grades for school work completed based on established criteria;
10. be informed of educational progress and receive periodic evaluations both informally and through formal progress reports;
11. be notified in a timely manner of the possibility of being held over in the grade or of failing a course;
12. be notified of the right of appeal regarding holdover or failing grades;
13. confidentiality in the handling of student records maintained by the school system;
14. request or by parental request to have their contact information withheld from institutions of higher learning and/or military recruiters; (To protect the rights of students and parents to determine how student information is released to the military, schools that administer the ASVAB will not release student scores to military recruiters unless both the parent and the student provide written consent.)
15. receive guidance, counseling and advice for personal, social, educational, career and vocational development.

II. THE RIGHT TO FREEDOM OF EXPRESSION AND PERSON

All students are guaranteed the right to express opinions, support causes, organize and assemble to discuss issues and demonstrate peacefully and responsibly in support of them, in accordance with policies and procedures established by the New York City Department of Education. **Students have the right to:**

1. organize, promote and participate in a representative form of student government;
2. organize, promote and participate in student organizations, social and educational clubs or teams and political, religious, and philosophical groups consistent with the requirements of the Equal Access Act;
3. representation on appropriate school-wide committees that influence the educational process, with voting rights where applicable;
4. publish school newspapers and school newsletters reflecting the life of the school and expressing student concerns and points of view consistent with responsible journalistic methods and subject to reasonable regulations based on legitimate pedagogical concerns;
5. circulate, including through electronic circulation, newspapers, literature or political leaflets on school property, subject to reasonable guidelines established by the school regarding time, place and manner of distribution, except where such material is libelous, obscene, commercial or materially disrupts the school, causes substantial disorder or invades the rights of others;
6. wear political or other types of buttons, badges or armbands, except where such material is libelous, obscene or materially disrupts the school, causes substantial disorder or invades the rights of others;
7. post bulletin board notices within the school or on the school website subject to reasonable guidelines established by the school, except where such notices are libelous, obscene, commercial or materially disrupt the school, cause substantial disorder or invade the rights of others;
8. determine their own dress within the parameters of the Department of Education policy on school uniforms and consistent with religious expression, except where such dress is dangerous or interferes with the learning and teaching process;
9. be secure in their persons and belongings and to carry in the school building personal possessions which are appropriate for use on the premises;
10. be free from unreasonable or indiscriminate searches, including body searches;
11. be free from corporal punishment and verbal abuse (as per Chancellor's Regulations A-420 and A-421);
12. decline to participate in the Pledge of Allegiance or stand for the pledge.

III. THE RIGHT TO DUE PROCESS

Every student has the right to be treated fairly in accordance with the rights set forth in this document.

Students have the right to:

1. be provided with the Discipline Code and rules and regulations of the school;
2. know what is appropriate behavior and what behaviors may result in disciplinary actions;
3. be counseled by members of the professional staff in matters related to their behavior as it affects their education and welfare in the school;
4. know possible dispositions and outcomes for specific offenses;
5. due process with respect to disciplinary action for alleged violations of school regulations for which they may be suspended or removed from class by their teachers; students with disabilities, or who are "presumed to have a disability" have the right to certain protections under IDEA;
6. due process of law in instances of disciplinary action for alleged violations of school regulations for which they may be suspended or removed from class by their teachers; students with disabilities, or who are "presumed to have a disability" have the right to certain protections under IDEA.
7. know the procedures for appealing the actions and decisions of school officials with respect to their rights and responsibilities as set forth in this document;
8. be accompanied by a parent and/or representative at conferences and hearings;
9. the presence of school staff in situations where there may be police involvement.

IV. **ADDITIONAL RIGHTS OF STUDENTS AGE 18 AND OVER:**

The federal Family Educational Rights and Privacy Act ("FERPA") gives students who have reached 18 years of age certain rights with respect to the student's education records.

Students age 18 and over have the right to request, inspect and review their own education records within 45 days of the day the New York City Department of Education receives the student's request, in accordance with the procedures set forth in Chancellor's Regulation A-820.

Students age 18 and over have the right to request that their own education records be changed when they believe they are inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA, in accordance with the procedures set forth in Chancellor's Regulation A-820.

Students age 18 and over have the right to provide written consent before personally identifiable information in their own education records is disclosed, except in certain cases when FERPA allows disclosure without consent, including the following:

- Disclosure to a school official who needs to review an education record in order to fulfill his or her professional responsibility. Examples of school officials include people employed by the New York City Department of Education (such as administrators, supervisors, teachers, other instructors, or support staff members), as well as people whom the New York City Department of Education has engaged to perform services or functions it would otherwise use its own employees to perform (such as agents, contractors and consultants), and who are under the direct control of the New York City Department of Education with respect to the use and maintenance of personally identifiable information from education records.
- Disclosure, upon request, to officials of another school district in which a student is trying to enroll or plans to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.
- Other exceptions that permit disclosure of personally identifiable information without consent include certain types of disclosures (1) to authorized representatives of government entities and officials in connection with audits, evaluations or certain other activities, (2) in connection with financial aid for which the student has applied or which the student has received, (3) to organizations conducting studies for, or on behalf of, the New York City Department of Education, (4) to accrediting organizations to carry out their accrediting functions, (5) to parents of students age 18 and over if the student is a dependent for IRS tax purposes, (6) to comply with a judicial order or lawfully issued subpoena, (7) to appropriate officials in connection with a health or safety emergency and (8) of information that the New York City Department of Education has designated as "directory information." Most of these types of disclosures are subject to certain additional requirements and limitations. Please see FERPA and Chancellor's Regulation A-820 for more information about them.

Students age 18 and over have the right to inspect and review the record of disclosures that FERPA requires schools to keep when making disclosures of personally identifiable information without consent. However, schools are not required to record disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to parents or to students age 18 and over.

Students age 18 and over have the right to file a complaint with the U.S. Department of Education if they feel that the New York City Department of Education has failed to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-852

V. STUDENT RESPONSIBILITIES

Responsible behavior by each student is the only way in which the rights set forth in this document can be preserved. Violation of some of these responsibilities may lead, in accordance with the Discipline Code, to disciplinary measures. Full acceptance of responsibility with the exercise of rights will provide students with greater opportunity to serve themselves and society. **Students have a responsibility to:**

1. attend school regularly and punctually and make every effort to achieve in all areas of their education;
2. be prepared for class with appropriate materials and properly maintain textbooks and other school equipment;
3. follow school regulations regarding entering and leaving the classroom and school building;
4. help maintain a school environment free of weapons, illegal drugs, controlled substances and alcohol;
5. behave in a manner that contributes to a safe learning environment and which does not violate other students' right to learn;
6. share information with school officials regarding matters which may endanger the health and welfare of members of the school community;
7. respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others;
8. show respect for school property and respect the property of others, both private and public;
9. be polite, courteous and respectful toward others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, weight, citizenship/immigration status, sexual orientation, physical and/or emotional condition, disability, marital status and political beliefs, and refrain from making slurs based on these criteria;
10. behave in a polite, truthful and cooperative manner toward students and school staff;
11. promote good human relations and build bridges of understanding among the members of the school community;
12. use non-confrontational methods to resolve conflicts;
13. participate and vote in student government elections;
14. provide positive leadership by making student government a meaningful forum to encourage maximum involvement;
15. work with school staff in developing broad extracurricular programs in order to represent the range of physical, social and cultural interests and needs of students;
16. observe ethical codes of responsible journalism;
17. refrain from obscene and defamatory communication in speech, writing and other modes of expression, including electronic expression, in their interactions with the school community;
18. express themselves in speech, writing and other modes of expression, including electronic expression in a manner which promotes cooperation and does not interfere with the educational process;
19. assemble in a peaceful manner and respect the decision of students who do not wish to participate;
20. bring to school only those personal possessions which are safe and do not interfere with the learning environment;
21. adhere to the guidelines established for dress and activities in the school gymnasium, physical education classes, laboratories and shops;
22. be familiar with the school Discipline Code and abide by school rules and regulations;
23. provide leadership to encourage fellow students to follow established school policies and practices;
24. keep parents informed of school-related matters, including progress in school, social and educational events, and ensure that parents receive communications that are provided by school staff to students for transmittal to their parents.