

# Code of Student Conduct

*A Partnership in Responsibility*

Parents

Students

Teachers

Administrators

Superintendent



Grades Pre-K – 12

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Freeport Public Schools

**2023-2024**

Rev June 2023

# Code of Student Conduct

## A Partnership in Responsibility

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### Non-Discrimination Statement

The Freeport Public School district hereby advises students, parents, employees and the general public that it offers employment and educational opportunities, including career and technical education opportunities, without regard to sex, race, color, national origin, or disability as well as protected categories as set forth in law. Grievance procedures are available to interested persons by contacting the person(s) listed below:

Inquiries regarding this nondiscrimination policy may be directed to:

- |    |  |   |
|----|--|---|
| 1. | Title IX Coordinator (sex discrimination)<br>Asst. Supt Educational/Admin Services<br>235 N. Ocean Avenue, Freeport, NY 11520<br>(516) 867- 5201         | Title IX Coordinator (sex discrimination)<br>Director of Athletics<br>235 N. Ocean Avenue, Freeport, NY 11520<br>(516) 867-5330 |
| 2. | Section 504 Coordinator (disability discrimination)<br>Director of Pupil Personnel Services<br>235 N. Ocean Avenue, Freeport, NY 11520<br>(516) 771-3467 |   |

## **Philosophy**

School culture and climate have a profound impact on students' academic progress and their relationships with peers and adults. Freeport Public Schools promote a positive school culture that provides students with a supportive environment in which to grow both socially and academically.. Social emotional learning must be a basic component of each school's program of universal prevention for all students.

Effective social emotional learning helps students develop fundamental life skills, including:

- Recognizing and managing emotions
- Developing caring and concern for others
- Establishing positive relationships
- Making responsible decisions
- Handling challenging situations constructively and ethically

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

Effective schools are places where student rights and responsibilities are clear, where the right to know is respected, and where people account for what they do. They are places where positive human interaction is promoted and the rights of individuals are balanced with the rights of the larger community.

The Freeport Public Schools Board of Education assures district students that they shall have all the rights afforded them by federal and state constitutions and statutes. The district recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

The district's aim is to provide an environment in which a student's rights and freedoms are respected and to make available opportunities which stimulate and challenge the student's interests and abilities to his or her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner and does not infringe upon the rights of others.

In addition, student discipline and support policies and practices will hold all individuals accountable and, wherever, possible be restorative and solutions based. This will help students:

- learn from their mistakes;
- understand why their behavior was unacceptable;
- acknowledge the harm they caused or the negative impact of their actions;
- understand what they could have done differently;
- take responsibility for their actions;
- learn strategies that promote positive interactions; and
- understand that further consequences and/ or interventions will be implemented if their unacceptable behavior persists.

## Purpose

The central focus of this code of conduct is the positive direction of behavior toward established standards of conduct, fully understood and based upon reason, judgment, and the consideration of rights of others. Ideal discipline is self-directed and self-controlled. Schools, the community, and parents have the responsibility for helping students develop self-discipline. When self-control falters, and self-discipline fails, disciplinary forces from outside the individual must be imposed to protect the rights of others and to ensure uninterrupted instruction by teachers.

In our schools as in the community at large, certain rules and procedures are established to guide students through constructive growth and into mature adulthood. The rules and procedures are basically the same from grade pre-k through grade 12. The rules and procedures adhere to all Freeport Board of Education policies, Commissioner's Regulations, state, local and federal statutes. Parents, teachers, and others responsible for the welfare and education of these students must cooperate to support, interpret and enforce these rules.

Unless otherwise indicated, this code applies to all students, school personnel, parents/persons in parental relation, and other visitors when on school property or attending a school function.

### **Information for Parents/Persons in Parental Relation**

All parents/persons in parental relation want the very best education and support for their children. When parents/persons in parental relation have a concern about school work or behavior, or if things may not be going well for their child, parents/persons in parental relation are encouraged to reach out to the staff in their child's school. The Principal, the Assistant principal, Guidance Counselor, Social Worker, Psychologist and, of course, the classroom teacher, are all available to parents/persons in parental relation and will welcome the opportunity to work together with parents/persons in parental relation for the benefit of the child.

Further, all of our schools conduct assemblies and a variety of other programs for the purpose of promoting good citizenship and work habits. Check with your child's school to learn about these programs and to arrange for your child to participate as you believe is appropriate.

## **SCHOOL DISTRICT CODE OF CONDUCT**

It is the Board of Education's belief that students should be treated as persons who can reasonably be expected to be responsible for their own behavior. The school administration, teachers, and other staff will assist each student in developing personal responsibility with some general rules of conduct, focusing on safety and respect for the rights and property of others. The rules will be consistently applied in the classroom, on buses, throughout the school, on school property, or at school-sponsored events away from the school. Students who cannot accept this responsibility and violate school rules will be required to accept the penalties and more regulated supervision.

Discipline is most effective when it deals directly with the problem at the time and place it occurs and in a way that is viewed as fair and impartial by students. Therefore, before seeking outside assistance, teachers will first use all their resources to create a change of

behavior in the classroom. When the teacher has made every effort to bring about positive behavioral change and has been unsuccessful, students may be removed from class in accordance with this policy. Upon referral, the administration assumes the role of deciding what further action will be taken.

Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior.

The code of conduct has incorporated the *Dignity Act for All Students* which was created to give students an educational environment free of discrimination, bullying and harassment.

## **BILL OF STUDENT RIGHTS AND RESPONSIBILITIES**

- A. **Student Rights** – Pursuant to Section 100.2(1)(i) of the Regulations of the Commissioner of Education, a Bill of Student Rights and Responsibilities is established. Consequently, to promote a safe, healthy, orderly and supportive school environment, all students in the Freeport Public Schools district shall:
1. Be suspended from instruction only after their rights, pursuant to Education Law §3214 as set forth in Board of Education policy, have been observed.
  2. In all disciplinary matters, have the opportunity to present their version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction.
  3. Have the opportunity to participate in all district activities on an equal basis and not be subjected to discrimination based on their actual or perceived race, weight, color, national origin, ethnic group, religion, religious practice, gender (which includes gender identity and/or expression and by reference here applies throughout this document), sexual orientation, sex or disability by school employees or students on school property or at a school-sponsored function. This policy also prohibits race discrimination based on hair texture or protective hairstyles.
  4. Have the opportunity to take part in student government activities unless properly suspended from participation pursuant to the district's discipline policy.
  5. Have the opportunity to address the Board of Education on the same terms as any citizen.
  6. Proceed in a safe, supportive and orderly school environment without the fear of threat to their well-being.

**B. Student Responsibilities** – It shall be the responsibility of all students in the Freeport Public Schools:

1. To promote a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.

2. To be familiar with the Code of Conduct and abide by all district policies, rules and regulations pertaining to student conduct.
3. Use non-confrontational methods to resolve conflicts;
4. To work to the best of their abilities in all academic and extra-curricular pursuits and strive toward the highest level of achievement possible.
5. To conduct themselves, when participating in or attending school- sponsored extra-curricular events, as a representative of the Freeport School district and, as such, to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
6. To be in regular class and school attendance.
7. Be prepared for class with appropriate materials and properly maintain textbooks and other school equipment;
8. To dress appropriately for school and school functions.
9. To contribute to the maintenance of an environment that is conducive to learning and will be expected to show due respect to other persons and to property.
10. To make constructive contributions to their school and to report fairly the circumstances of school-related issues.
11. To maintain behavior that is free from all forms of harassment, bullying, and discrimination.
12. Refrain from obscene and defamatory communication in speech, writing, and other modes of expression, including electronic expression, in their interactions with the school community;
13. 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;
14. Assemble in a peaceful manner and respect the decision of students who do not wish to participate;
15. bring to school only those personal possessions which are safe and do not interfere with the learning environment;
16. provide leadership to encourage fellow students to follow established school policies and practices;

## I. SCHOOL/COMMUNITY RESPONSIBILITIES

The Board of Education, acting through the superintendent of schools, holds the superintendent and all school employees responsible for the maintenance of order within the school district.

- A. **The superintendent of schools** shall establish all necessary procedures, rules and regulations to carry out Board policy; shall promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or

sex; shall hold all school personnel, students and parents responsible for conforming to Board policy concerning the behavior of students; shall address issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function or which create a hostile environment; shall address personal biases that may prevent equal treatment of all students and staff. If not the school official designated to receive complaints, shall promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the superintendent's attention to the school official designated to receive complaints =not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.; and shall support all school personnel performing their duties within the framework of district policies.

- B. **The school principal** is responsible to the superintendent of schools and his or her designee in implementing all necessary procedures, rules, regulations and Board policies. The principal has the responsibility and authority to formulate school rules and regulations in accordance with Board policy. The principal shall give full support to school personnel performing their duties within the framework of district policies. The principal shall involve other members of the professional team in the disposition of behavior referrals and shall make use of all agencies available for assisting students and parents. The principal shall promote a safe, supportive, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. The principal shall evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum. The principal shall address issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function or which create a hostile environment and address personal biases that may prevent equal treatment of all students and staff. The principal shall promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to his or her attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to his or her attention and file a written report with the designated school official not later than two days after making the oral report.
- C. **Teachers** shall be responsible to the school principal and other appropriate supervisors for providing well planned teaching/learning situations. They shall implement and enforce all necessary procedures, rules, regulations and Board policies in the schools. Teachers shall provide support in maintaining the learning environment and shall be the first line of contact in enforcing rules and regulations. Teachers shall maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin,

ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn. Teachers shall address issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function or which create a hostile environment and address personal biases that may prevent equal treatment of all students in the school or classroom setting. Teachers shall promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.

- D. **Guidance counselors, school psychologists, social workers** shall be responsible to the school principal and other appropriate supervisors for assisting students in coping with peer pressure and emerging personal, social and emotional problems. Guidance counselors, school psychologists and social workers shall maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. Guidance counselors, school psychologists and social workers shall address issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function or which create a hostile environment and address personal biases that may prevent equal treatment of all students. Guidance counselors, school psychologists and social workers shall promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.
- E. **The Dignity Act Coordinator (DAC)** shall be responsible for overseeing and coordinating the work of the district-wide and building-level bullying prevention committees and coordinating, with the Professional Development Committee, training in support of the bullying prevention committee. The DAC shall be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention and intervention policy. The DAC shall identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources. The DAC shall promote a safe, supportive orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. The DAC shall address issues of bullying, discrimination and harassment or any situation that



threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function or which create a hostile environment and address personal biases that may prevent equal treatment of all students. If not the school official designated to receive complaints, shall promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a Dignity Act Coordinator's attention, to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.

- F. **Support staff** shall be responsible for enforcing rules and regulations in the schools and shall provide support in maintaining district policy. Support staff shall maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. Support staff shall address issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function or which create a hostile environment and address personal biases that may prevent equal treatment of all students. Support staff shall promptly make an oral report of incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention to the school official designated to receive complaints not later than one school day after witnessing the incident or the incident being brought to their attention and file a written report with the designated school official not later than two days after making the oral report.
- G. **Students** are expected to dress and conduct themselves in a manner conducive to a proper learning environment and to respect the civil and property rights of all members of the school community so that a safe and supportive school environment can be created. Students will be held individually responsible for knowing the policy and assisting in its implementation.
- H. **Parents and Guardians** have the overall responsibility for the behavior of their children. Parents and guardians are expected to cooperate with school authorities and to provide to their children the foundation of respect, dignity, and self-control so that the students' behavior will be supportive of the school's educational program. Parents shall know school rules and help their children understand them so that their children can help create a safe and supportive school environment.
- I. **Visitors** to our schools (including parents) are expected to comport themselves as guests of the district and to abide by all rules and regulations set forth for attending activities and using facilities, including signing in at the greeter desk or main office when visiting a school that is in session. Individuals who do not comply with rules and regulations set forth for activities and using facilities may

be removed, barred from District property and/or prohibited from attending future activities.

## **II. STUDENT DISCIPLINE CODE**

### **A. Definitions**

1. **Disability** - (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the task, job or occupation sought or held.
2. **Discrimination** – discrimination against any student by a student or students and/or employee or employees on school property or at a school function including but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
3. **Disruptive Student** – an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
4. **Electronic Communication** – a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communication transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, chat rooms, blogs, instagram, and twitter.
5. **Emotional Harm** – in the context of “harassment or bullying” is harm to a student’s emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.
6. **Employee** - any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.
7. **Gender** - actual or perceived sex and shall include a person’s gender identity or expression.

8. **“Harassment” or “Bullying”** -

(1) A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. (2) In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner’s regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. Commissioner’s regulation 100.2(kk)(1)(viii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (3)

- **Bullying** is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time. (4)

*Please note the following “elements of bullying” do not solely determine whether an incident is material.*

- **Imbalance of power:** An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
- **Repetition:** Bullying typically repeated, occurring more than once or having the potential to occur more than once.
- **Intent to Harm:** The person bullying has the goal to cause harm. Bullying is not accidental.
- **Discrimination** is not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of

admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.

9. **Cyberbullying** – Defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11( 8) ) including, but not limited to, cell phones, computers and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. (see definition of harassment or bullying as defined in 5a and Commissioner of Education’s regulation 100.2(kk)(1)(viii))
10. **Gender** - actual or perceived sex and shall include a person’s gender identity or expression.
11. **Parent** - parent, guardian or person in parental relation to a student.
12. **Restorative Practices**- Restorative Practices foster a strong community through relationship building, repairing harm caused, and problem-solving. While it does not necessarily replace disciplinary measures, restorative practice focuses on inclusiveness and strong relationships among teachers and students. The intention of restorative practices is to shift the focus of student discipline from punishment to reflecting learning. It emphasizes accountability, making amends, and facilitating dialogue between affected parties. The use of Restorative Practices supports a positive and safe school climate, prevent bullying, and reduce disciplinary incidents. Restorative practices restore, rebuild and allow for reconnection to the school community.
14. **School Bus** - every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated-for-compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.
15. **School Function** - any school-sponsored extra-curricular event or activity on or off school property.
16. **School Property** – materials, structures, supplies or equipment in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
17. **Sexual Orientation** - actual or perceived heterosexuality, homosexuality or bisexuality.

18. **Violent Student** – a student under the age of 21 who:
- a. commits an act of violence upon a school employee, or attempts to do so.
  - b. commits an act of violence upon another student or any person lawfully on school property or at a school function, or attempts to do so.
  - c. possesses, while on school property or at a school function, a weapon.
  - d. displays, while on school property or at a school function, what appears to be a weapon.
  - e. threatens, while on school property or at a school function, to use a weapon.
  - f. knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
  - g. knowingly and intentionally damages or destroys school property.
17. **Weapon** – includes but is not limited to a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act; any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, machete, electronic dart gun, electronic stun gun, taser, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death, handgun, silencer, air gun, spring gun, pilum ballistic knife, dirk, scalpel, hobby knife, case cutter, utility knife and other dangerous knives, Billy club, blackjack, bludgeon, pipe, chukka stick, Sandbag, sandclub, and slingshot, martial arts objects including kung fu stars, ninja stars, nunchucks, and shirkens, firecrackers, and bombshells, acid or deadly or dangerous chemicals, imitation gun, loaded or blank cartridges and other ammunition, any deadly, dangerous, or sharp pointed instrument which can be used, or is intended for use as, a weapon (such as scissors, nail file, needles, pins, broken glass, chains, wire, and laser beam pointers).

## **B. Prohibited Student Conduct**

It is expected that all students conduct themselves in an appropriate and civil manner and in a manner that supports the intent of the Dignity for All Students Act; creating a safe and supportive school environment free of discrimination, bullying/cyberbullying and harassment.

All violations apply to student behavior in school, on school property, on school buses and at school-sponsored functions and student behavior off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable the acts might reach school property.

The following is not meant to be an exhaustive list of acts of prohibited conduct.

A student may be subjected to disciplinary action, up to and including suspension from school, when the student violates the rules and regulations of the school he/she attends and/or

1. Engages in conduct which is:

- a. Disorderly, i.e., causing public annoyance or alarm, or recklessly creating a risk thereof, by any act including, but not limited to:
  - (1) Running in the hallways;
  - (2) Making unreasonable noise;
  - (3) Using abusive or obscene language or gestures;
  - (4) Obstructing vehicular or pedestrian traffic;
  - (5) Creating a hazardous or physically offensive condition;
  - (6) Engaging in any willful act which disrupts the normal operation of the school;
  - (7) Trespassing, i.e. presence in a school building, other than the one the student regularly attends without the permission of the administrator in charge of the building and/or his or her designee;
  - (8) Misuse of computer/electronic communications/personal devices, including but not limited to any unauthorized use of cell phones, iPads, iPods, cameras, PDAs, or other portable devices, computers, software, or internet account; accessing inappropriate websites; any computer/electronic/personal device communication from a non-school site that could pose disruption to the school community; or any other violation of district's acceptable use policy.
- b. Insubordinate, i.e., failing to comply with the lawful directions of a teacher, school administrator or other school employee in charge of the student or otherwise demonstrating disrespect

2. Endangers the safety, morals, health or welfare of others by any act including, but not limited to:

- a. Selling, using, distributing, possessing, exchanging or being under the influence of alcohol, drugs, illegal substances, or other controlled substances or drug paraphernalia; Illegal substances include but are not limited to inhalants, marijuana, synthetic cannabinoids (synthetic marijuana), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-a-like drugs and any substances commonly referred to as "designer drugs";
- b. Selling, using or possessing weapons, fireworks, or other dangerous instruments or contraband, including instruments that may have the appearance of a weapon or may reasonably be mistaken for a weapon;
- c. Posting, distributing, selling, using or possessing obscene materials;
- d. Using profane, vulgar or abusive and offensive language and/or gestures;
- e. Defamation, which includes making false or derogatory statements or representations about an individual or identifiable group of individuals

that harm the reputation of the person or the identifiable group by demeaning them;

- f. Smoking, chewing tobacco, using snuff; use of electronic cigarettes, vape pens and the like and/or possession of these items;
- g. Gambling;
- h. Hazing which includes an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur;
- i. Discrimination, as defined in the “Definitions” section of this Code of Conduct;
- j. Harassment, as defined in the “Definitions” section of this Code of Conduct;
- k. Bullying, as defined in the “Definitions” section of this Code of Conduct ;
- l. Cyberbullying, as defined in the “Definitions” section of this Code of Conduct;
- m. Sexual harassment is prohibited by law. Unwelcome sexual advances, request for sexual favors, or other written, nonverbal or physical conduct of a sexual nature may constitute sexual harassment. Complaints regarding sexual harassment may be made directly to the Assistant Superintendent for Educational & Administrative Services, or to the Director of Athletics, who are the Title IX coordinators;
- n. Intimidation, threatening, coercion or extortion, which includes engaging in actions or statements that put an individual in fear of bodily harm;
- o. Sexting, which includes the sending, receiving or forwarding of sexually provocative nude or nearly nude photos through text message or email; as well as posting of and commenting on nude or nearly nude photos onto social media and/or sharing those photos with others
- p. Engaging in racial, ethnic, sexual or other types of bullying, harassment and/or discrimination against any student, employee, or other persons, including slurs that refer to a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation or sex;
- q. Committing theft or robbery;
- r. Lying;
- s.. Dressing in a manner that is disruptive to the educational process;
- t. Making threats against other individuals and/or their property;
- u. Selling items without permission on school property, on buses, or at school-sponsored events away from the school;

- v. Defacing and/or destroying school and/or other persons' property;
  - w. Violation of an individual's civil rights.
  - x. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
3. Engages in conduct which is violent, including, but not limited to:
- a. Committing an act of violence (such as hitting, kicking, punching, pushing and scratching) upon a teacher, administrator or other school employee or attempting or threatening to do so.
  - b. Committing an act of violence (such as hitting, kicking, punching, pushing and scratching) upon another student or any other person lawfully on school property or attempting or threatening to do so.
  - c. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  - d. Displaying what appears to be a weapon.
  - e. Threatening to use any weapon.
  - f. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  - g. Intentionally damaging or destroying school district property.
4. Engages in any of the following forms of academic misconduct but not limited to:
- a. Lateness for, missing or leaving school, class or room assignment without permission or an acceptable excuse;
  - b. Cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test-taker, other forms of unauthorized collusion, and/or plagiarism).
5. Engages in off-campus misconduct that creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the misconduct might reach school property; or endangers the health, safety or morals of students or staff within the school, including, but not limited to:
- a. Cyberbullying as defined in the "Definitions" section of the Code of Conduct
  - b. Threatening, hazing or harassing students or school personnel over the phone or through other electronic media.
  - c. Using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel.
6. Engage in misconduct while using technology. Examples of such misconduct include, but are not limited to:
- a. Violating any law.



- b. Displaying, performing, sending, receiving, or storing any content that is obscene, inappropriate, offensive, or otherwise objectionable, even if the material or its dissemination is lawful.
  - c. Harassing any person or advocating or encouraging violence of any kind against any person, entity or government.
  - d. Infringing, violating or misappropriating another's rights.
  - e. Obtaining unauthorized access to, or interfering by any means with, any user, system, network, service account, including evasion of filters or violation of the security or integrity of any network or system.
  - f. Distributing computer viruses or malware of any kind.
  - g. Sending, receiving or supporting email messages that are deceptive, anonymous, or that contain falsified identifying information, including spamming and phishing.
  - h. Violating the School District's Acceptable Use Policy.
7. Engages in conduct that violates Board's rules and regulations for the maintenance of public order on school property.
8. In addition to the above, specific rules and regulations governing the attendance of students at Archer Street School, Atkinson School, Bayview School, Columbus School, Giblyn School, New Visions School, Dodd Junior High School and Freeport High School may be established by the building principals. Such rules and regulations are consistent with Freeport Board of Education policies and may be located in the Student Handbooks that are distributed to the students on an annual basis. Specific classroom rules and regulations may also be established by teachers and will be communicated to students on an annual basis.
- C. **Penalties** – Behavior which interferes with the normal function of a school or disrupts or interferes with academic progress, constitutes a violation of the rights of others. Attempts will be made to remediate disciplinary problems through parent conferences and counseling as deemed appropriate. Depending upon the frequency and/or severity of behavior, the range of penalties which may be imposed for violations of the student discipline code include the following:
- 1. Verbal warning;
  - 2. Written warning;
  - 3. Probation;
  - 4. Reprimand;
  - 5. Detention;
  - 6. Suspension from transportation, athletic or co-curricular participation, or from other school privileges;
  - 7. Removal from a class or other school-sponsored activities;
  - 8. In-school suspension;

9. Suspension by the building principal of up to 5 consecutive days and for more than five days after a superintendent's Hearing;
10. Permanent suspension;
11. Referral to law enforcement agencies, including PINS petition;
12. Referral to human service agencies.

Depending upon the nature and/or severity of the violation, student discipline should be progressive, i.e., a student's first violation should ordinarily merit a lighter penalty than subsequent violations. School officials will take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination. The use of corporal punishment as a means of discipline is prohibited by Board of Education policy.

Teachers may remove a disruptive student from class for a maximum of two school days in accordance with administrative regulations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior that is a manifestation of his/her disability.

**D. Reporting Violations**

All students are expected to promptly report violations of the code of conduct to the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance or with knowledge of such a violation on school property or at a school function shall report this information immediately to building administration.

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

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral to the local law enforcement agency for prosecution.

The building principal or his/her designee must notify the appropriate local law enforcement agency of those code violations, including but not limited to incidents of harassment, bullying and/or discrimination, which may constitute a crime, and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the building principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **Reporting Incidents of Harassment, Bullying and Discrimination**

Students who have been bullied, harassed and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against, or other students who observe bullying, harassing and/or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel.

Staff members must promptly make an oral report of all complaints of bullying, harassment, and discrimination that they receive from students or others, whether oral or written, as well as any instances of bullying, harassment or discrimination that they are aware of, to the Principal, or the Principal's designee, at the school where the incident occurred not later than one school day after receipt of a report or witnessing an incident and shall file a written report with the Principal, or the Principal's designee, at the school where the incident occurred not later than two school days after making the oral report.

Reports of bullying, harassment and discrimination will be promptly investigated in accordance with District policies and procedures.

Retaliation by any school employee or student against any individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination is prohibited under law.

## **Dignity Act Coordinator Contact Information**

The contact information for each school building's Dignity Act Coordinator is provided below:

Elizabeth Biscotti	Archer Street	867-5250
Judith Friedman	Archer Street	867-5250
Mariella Echegaray Ryan	Atkinson Intermediate School	867-5265
George DiGiovanni	Atkinson Intermediate School	867-5265
Nina Sasso	Atkinson Intermediate School	867-5265
Cindy Misrock	Bayview Avenue	867-5255
Stephanie Berg	Bayview Avenue	867-5255
Linda Wiener	Columbus Early Childhood Center	867-5240
Alma Rocha	Columbus Early Childhood Center	867-5240
Earl Mitchell	Dodd Middle School	867-5280
Cindy Perez	Dodd Middle School	867-5280
Maggie Raeihle	Dodd Middle School	867-5280
Christian Paulino	Freeport High School	867-5300
Michael Campiglia	Freeport Sr. High School	867-5300
Maribel Maia	Freeport Sr. High School	867-5300

Alicia Brenneis	Freeport Sr. High School	867-5300
Gloria Medina- Bower	Giblyn Elementary School	867-5260
Miguel Carias	Giblyn Elementary School	867-5260
Laura Lund	New Visions Elementary School	867-5390
Christopher Lomot	New Visions Elementary School	867-5390
Dr. Helen Kanellopoulos	District-wide	867-5201

This information shall also be posted on the district's web site and included in the plain language summaries of the code of conduct provided to parents and students and further disseminated in accordance with applicable laws and regulations.

#### **E. Disciplinary Procedures**

1. Any teacher, administrator, parent or other person may report a violation of the Code of Conduct to the building principal or his/her designee. Violent incidents must be reported to the building administration. The principal or his/her designee will make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or refer the matter to the building level Child Study Team/Instructional Support Team, as deemed necessary.
2. The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

#### **3. Detention**

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and that the student has appropriate transportation home following detention.

#### **4. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges

suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for ensuring that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from school, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

5. **Suspension from athletic participation, extra-curricular activities and other privileges.**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

6. **In-school suspension**

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension teacher will be a certified teacher or teaching assistant.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parents will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

7. **Teacher Disciplinary Removal of Disruptive Students**

- a. Teachers may remove a disruptive student for up to two subsequent classes. The removal from class applies to the class of the removing teacher only. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instruction or repeatedly violates the teacher's classroom behavior rules.

- b. Short-term measures such as creating a “time out” situation in the hallway or some other location, sending a student to another classroom, to guidance, or an administrative office do not constitute disciplinary removals from class.

- c. Procedures

- 1) Notice and Opportunity to be Heard

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. The student will be told where to report due to the removal.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established “Student Removal Form” and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day or prior to the start of school the following day, to explain the circumstances of the removal and to present the “Student Removal Form.” If the principal or his/her designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

- 2) Informal Conference and Parental Notification

Within 24-hours after the student’s removal, the principal or another district administrator designated by the principal must notify the student’s parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal’s designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student’s removal at the last known address for the parents. Notice should also be provided by telephone if the school has been provided with a telephone number (s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

### 3) Overturning the Removal

The principal or the principal's designee may overturn the removal of the student from class if the principal or designee finds any one of the following:

- a. The charges against the student are not supported by substantial evidence; or
- b. The student's removal is otherwise in violation of law, including the district's code of conduct; or
- c. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

#### d. General Considerations

1. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. The teacher shall provide in writing appropriate assignments to keep the student up to date on class work.
2. Each teacher must keep a complete log for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.
3. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the assistant principal

that the removal will not violate the student's rights under state or federal law or regulation.

**8. Short-term Suspension (5 school days or less)**

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student of the charge of misconduct. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal where they can state their case and question complaining witnesses. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the informal conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the informal conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within 5 business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within 30 days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education and such decisions must be appealed within 30 days of the final decision.

**9. Long-term Suspension (more than 5 school days)**



When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing pursuant to Education Law §3214. Such notice shall include that, at the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the guilt or innocence of the student and the appropriate measure of discipline, if any, to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 30 days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the Board's decision.

#### 10. **Permanent Suspension**

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other persons lawfully on school property or attending a school function.

#### F. **Minimum Periods of Suspension**

##### 1. Possession of a Weapon

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

## 2. Violent Students

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## 3. Disruptive Students

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process, or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

G. **Disciplinary and Remedial Consequences for Bullying, Harassment and Discrimination**

The district supports the development of measured, balanced and age-appropriate responses to the bullying, harassment and/or discrimination of students by students on school property, including school functions, with remedies and procedures focusing on prevention, intervention, education and discipline. Remedies will be measured, balanced, progressive and age-appropriate and will take into consideration the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the offending student's behaviors had on the individual who was physically injured or emotionally harmed. Responses will be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence, and eliminate the hostile environment. Successful intervention **may** involve remediation.

Remedial responses to bullying, harassment and/or discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Appropriate remedial measures **may** include, but are not limited to:

- Peer support groups;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plans that are closely monitored;
- Student counseling; or
- Parent conferences;

Beyond these individual-focused remedial responses, school-wide or environmental remediation can be an important tool to prevent bullying, harassment and/or discrimination. Environmental remediation may include, but is not limited to:

- Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying, harassment and/or discrimination.
- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

If appropriate, disciplinary action will be taken by the administration in accordance with this policy, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

### **III. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law Sec. 3214, the district will take immediate steps to provide alternative means of instruction for the student. Alternative instruction must be provided as soon as possible.

### **IV. DISCIPLINE OF STUDENTS WITH DISABILITIES**

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

#### **A. Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the code of conduct, the following definitions apply.

A “suspension” means a suspension pursuant to Education Law §3214.

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by a superintendent of schools for behavior involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury upon another person OR an impartial hearing officer because the student poses a risk of harm to him/herself or others.

An “IAES” means a temporary educational placement for a period of up to 45 days, determined by the Committee on Special Education (CSE), other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

“Weapon” means the same as “dangerous weapon” under 18 U.S.C. §930(g)(2) which includes “a weapon, device, instrument, material or substance, animate or

inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except . . . [for] a pocket knife with a blade of less than 2 ½ inches in length.” Be advised that students may not bring a knife into school regardless of the size of the blade.

“Controlled substance” means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC §812(c)).

“Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

The superintendent may, directly or upon recommendation of a designated hearing officer, order the placement of a student with a disability into an appropriate IAES, another setting or suspension for a period not to exceed 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten (10) consecutive school days if the manifestation team determines that the student’s behavior was not a manifestation of the student’s disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.
  - b. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - c. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject

to discipline, but not more than 45 days, if the student either: (1) carries or possesses a weapon to or at school, on school premises or to a school function under the district's jurisdiction, or (2) the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or (3) the student has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspension or removals if (1) the manifestation team has determined that the behavior was not a manifestation of the student's disability, or (2) the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury.

## **C. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

1. **Manifestation Review:** A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team

immediately, if possible, but in no case later than ten (10) school days after a decision is made by:

- a. The Superintendent to change the placement of a student to an IAES;
- b. An impartial hearing officer to place a student in an IAES; or
- c. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

- a. Caused by or had a direct or substantial relationship to the student's disability, or
- b. The direct result of the district's failure to implement the student's individualized education program.

The district will conduct a "Manifestation Determination Review" (MDR) of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs, or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must base its determination on a review of all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents/persons in parental relation.

The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE manifestation team has determined that the behavior is not a manifestation of the student's disability.

2. If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury.

If, subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

3. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 of the Education Law at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes, if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
    - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
    - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable



federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

4. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
5. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
6. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code. Prior to imposing discipline, a manifestation review will occur as set forth above.
7. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
8. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's Regulations incorporated into this code.

**D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's Regulations incorporated into this code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
  - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
- 2. The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in the Commissioner's Regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

**E. Referral to Law Enforcement and Judicial Authorities**

In accordance with the provisions of IDEA and its implementing regulations:

- 1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- 2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

For more detailed information on disciplining students with disabilities, see Part 201 of the Regulations of the Commissioner of Education.

**V. REFERRALS**

- A. The guidance office or other staff designated by the superintendent or principals shall handle all referrals of students to counseling.

B. PINS Diversions

The district may initiate the PINS (person in need of supervision) diversion process in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
2. Engaging in an on-going or continual course of conduct which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school; or
3. Knowingly and unlawfully possessing marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

C. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the appropriate law enforcement authorities for prosecution by the County Attorney of a juvenile delinquency proceeding before the Family Court:

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).

D. The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

**VI. DISSEMINATION AND REVIEW OF CODE OF CONDUCT**

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students, in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year.
2. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of each school year and making this summary available later upon request.
3. Posting a complete copy of the code of conduct, including any annual updates or amendments thereto, on the district's website.
4. Providing all teachers and other staff members with a complete copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new teachers with a complete copy of the current code of conduct when they are first hired.

6. Making complete copies of the code available for review by students, parents or other persons in parental relation to students, other school staff and other community members.

The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will include but not be limited to representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

## **VII. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, sleeveless t-shirts, short skirts, short dresses, or short shorts, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats, do-rags, or other head coverings in school except for a medical, religious purpose or covered under the Crown Act..
6. Not include items that are vulgar, obscene, discriminatory, inflammatory, violent, libelous or denigrate others based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation, sex or disability.

7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent or gang activities.
8. During a pandemic or other health emergency, mask wearing and/or face covering may be required in the school setting, on buses and on school properties. Specific protocols will be issued by the District in accord with government guidelines and medical advice.

Each building principal and his / her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

#### **VIII. EARLY IDENTIFICATION AND RESOLUTION OF STUDENT DISCIPLINE PROBLEMS**

Pupil service personnel, administrators, teachers, and others will report students to the building principal or his designee when they believe such students present a discipline problem. At the direction of the principal or his designee, a review will be conducted, which may include informal conferences with the complainant, student, parents, teachers, other pupil service personnel or others, as deemed appropriate for the early identification and resolution of the suspected problem. If it is suspected that the problem may be a manifestation of a disability, the matter will be referred to the Committee on Special Education in the manner prescribed by 200.4 of the Commissioner's Regulations and by district policy.

#### **IX. ALTERNATE EDUCATION PROGRAMS**

Every effort will be made to foster early intervention measures in attempting to resolve potential disciplinary problems. For those students who are unable to benefit from the learning experiences offered within the regular school program or, if in the principal's judgment, the student's conduct, including discipline problems, raises a question as to the student's ability to function, placement may be made in an alternative education program, including home instruction. Such placement will require approval by the superintendent. No student who has been identified as disabled will be placed in an alternative education program, unless recommended by the Committee on Special Education.

## **X. IN-SCHOOL SUSPENSION PROGRAMS**

The Board recognizes the importance of school attendance. Therefore, suspension or expulsion from school must generally be reserved for the most serious of student disciplinary infractions. The Board also recognizes the need to remove unruly or disruptive students from the regular school program so that learning can take place in the classrooms of the district. In-school suspension programs will provide appropriate supervision of students; such programs are set forth in Board of Education policy.

## **XI. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to providing an orderly, safe, supportive and respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose for which they are on school property.

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, are discriminatory or are disruptive to the school program.
5. Intimidate, bully, harass or discriminate against any person on the basis of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, age, sex, marital status, sexual

orientation, disability or gender, military status, predisposing genetic characteristics or domestic violence victim status.

6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person and/or vehicles in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others.
16. Without authority physically restrain, harass, detain or abuse any other person from any place where he/she is authorized to remain.
17. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **B. Penalties**

Persons who violate this code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. The District reserves the right to issue no trespass orders to visitors who violate the Code of Conduct.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with this code of conduct, applicable law, regulations and School District policies, and the due process requirements thereof.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law Sec. 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law Sec.75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant

in accordance with Civil Service Law Sec. 75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XII. STAFF DEVELOPMENT OPPORTUNITIES**

Continuing staff development on the part of the entire staff is essential for the success of educational programs and the effective application of this School Conduct and Discipline policy.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of school policy on school conduct and discipline including, but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination, harassment or bullying against students by students and/or school employees; and including safe and supportive climate concepts in the curriculum and classroom management. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.



## **Codes for Infractions and Disciplinary Responses**

## *Codes for Infractions and Disciplinary Responses \**

*\*The School District reserves the right to impose discipline as the circumstance warrants*

<i>Category Code</i>	<i>Category</i>	<i>Event Description</i>
<b>1</b>	<b>Homicide:</b>	Any intentional violent conduct that results in the death of another person.
<b>2.</b>	<b>Sexual Offenses</b>	Any act committed by a person 10 years of age or older which would constitute a felony under Article 130 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.
<b>3</b>	<b>Assault</b>	Any act committed by a person 10 years of age or older which would constitute a felony under Article 120 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.
<b>4</b>	<b>Weapons Possession:</b>	An act committed by a person 10 years of age or older which would constitute a felony under Article 265.00 of the Penal Law taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.

5a	<p><b>Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying)</b></p>	<p>A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner’s regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. Commissioner’s regulation 100.2(kk)(1)(viii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.</p> <ul style="list-style-type: none"> <li>○ <b>Bullying</b> is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.</li> </ul> <p><i>Please note the following “elements of bullying” do not solely determine whether an incident is material.</i></p> <ul style="list-style-type: none"> <li>▪ <b>Imbalance of power:</b> An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.</li> <li>▪ <b>Repetition:</b> Bullying typically repeated, occurring more than once or having the potential to occur more than once.</li> <li>▪ <b>Intent to Harm:</b> The person bullying has the goal to cause harm. Bullying is not accidental.</li> <li>○ <b>Discrimination</b> not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.</li> </ul>
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<b>5b</b>	<b>Cyberbullying</b>	Defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11( 8) ) including, but not limited to, cell phones, computers and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. ( see definition of harassment or bullying as defined in 5a and Commissioner of Education’s regulation 100.2(kk)(1)(viii))
<b>6</b>	<b>Bomb Threat:</b>	A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on school property.
<b>7</b>	<b>False Alarm:</b>	Causing a fire or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.
<b>8</b>	<b>Threat of School Violence</b>	a verbal, telephoned, written or electronic message of a threat of violence on school property or at a school related function.
<b>9</b>	<b>Use, Possession , or Sale of Drugs</b>	Illegally using, possessing, or being under the influence of marijuana or a controlled or illegal substance on a person, school property or at a school sponsored event. This includes a locker, a vehicle or other personal space; selling or distributing a controlled substance, illegal substance or marijuana on school property or at a school sponsored event; finding a controlled substance, illegal substance, or marijuana on school property that is not in the possession of any other person. This does not apply to the lawful administration of a prescription drug on school property.
<b>10</b>	<b>Use, Possession, or Sale of Alcohol</b>	Illegally using, possessing or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any other person.
<b>11.1</b>	<b>Robbery (with a weapon):</b>	Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with a weapon.
<b>11.2</b>	<b>Robbery (without a weapon):</b>	Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, without the use of a weapon.
<b>12</b>	<b>Arson:</b>	Deliberately starting a fire with intent to damage or destroy property.
<b>13.1</b>	<b>Kidnapping (with a weapon):</b>	To abduct, as defined in section 135.00 of the Penal Law, a person, so as to restrain such person with intent to prevent his or her liberation, by either (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force with a weapon.
<b>13.2</b>	<b>Kidnapping (without a weapon):</b>	To abduct, as defined in section 135.00 of the Penal Law, a person, so as to restrain such person with intent to prevent his or her liberation, by either (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force without a weapon.

<b>14.1</b>	<b>Reckless Endangerment (with a weapon):</b>	Subjecting individuals to danger by recklessly engaging in conduct with a weapon that creates a grave risk of death or serious physical injury, but no actual physical injury.
<b>14.2</b>	<b>Reckless Endangerment (without a weapon):</b>	Subjecting individuals to danger by recklessly engaging in conduct without a weapon that creates a grave risk of death or serious physical injury, but no actual physical injury.
<b>15.1</b>	<b>Minor Altercation (with a weapon):</b>	Involves physical contact using a weapon and no physical injury. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results.
<b>15.2</b>	<b>Minor Altercation (without a weapon):</b>	Involves physical contact without a weapon and no physical injury. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results.
<b>16.1</b>	<b>Criminal Mischief (with a weapon):</b>	Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property with graffiti.
<b>16.2</b>	<b>Criminal Mischief (without a weapon):</b>	Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property with graffiti.
<b>17.1</b>	<b>Larceny or Other Theft Offenses (with a weapon):</b>	Entering or remaining unlawfully on school property with intent to commit a crime with a weapon. Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another with a weapon, <i>or unlawfully possessing stolen property.</i>
<b>17.2</b>	<b>Larceny or Other Theft Offenses (without a weapon):</b>	Entering or remaining unlawfully on school property with intent to commit a crime without a weapon. Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another without a weapon, <i>or unlawfully possessing stolen property.</i>
<b>18.1</b>	<b>Riot (with a weapon):</b>	Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.
<b>18.2</b>	<b>Riot (without a weapon):</b>	Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.

19	<b>Use, Possession, or Sale of Drug Paraphernalia</b>	<p><u>The term "drug paraphernalia" as defined by the U.S., D.E.A. includes, but is not limited to, any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter. It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, amphetamines, or any other illegal substance into the human body, such as -</u></p> <p><u>(1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;</u></p> <p><u>(2) water pipes;</u></p> <p><u>(3) carburetion tubes and devices;</u></p> <p><u>(4) smoking and carburetion masks;</u></p> <p><u>(5) small plastic or glassine bags, rolling papers, or roach clips (meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand)</u></p> <p><u>(6) miniature spoons with level capacities of one-tenth cubic centimeter or less;</u></p> <p><u>(7) chamber pipes;</u></p> <p><u>(8) carburetor pipes;</u></p> <p><u>(9) vaping devices or electric pipes;</u></p> <p><u>(10) air-driven pipes;</u></p> <p><u>(11) chillums;</u></p> <p><u>(12) bongs;</u></p> <p><u>(13) ice pipes or chillers;</u></p> <p><u>(14) wired cigarette papers; or</u></p> <p><u>(15) cocaine freebase kits.</u></p> <p>Tobacco and tobacco products are not to be considered as drugs for the purposes of incident reporting.</p> <p><b>Incidents should only be reported in this category if they were not associated with an offense reportable in Categories 1–10.</b></p>
20	<b>Other Disruptive Incidents:</b>	<p>Other incidents that do not rise to the level of a criminal offense but are disruptive of the educational process and are disciplined with:</p> <p>Referral to outside Counseling or Treatment Programs (j)</p> <p>Teacher Removal (k)</p> <p>Suspension From Class or Activities (l)</p> <p>Out-of-School Suspension (m)</p> <p>Transfer to Alternative Ed Program (n)</p> <p>Referral to law enforcement or Juvenile Justice (o)</p> <p><u>Reportable incidents are limited to those resulting in disciplinary action or referral. Examples include:</u></p>

		<p><b>Disruptive Incidents:.</b> Behavior that interferes with the educational process (e.g., making excessive noise in a classroom, hall or school building).</p> <p><b>Disruptive on Transportation:</b> Engaging in or causing disruptive behavior on district sanctioned transportation</p> <p><b>Off Premises Disruptive Behavior:</b> Engaging in or causing behavior off the school premises which can be demonstrated to negatively affect the educational process or which presents a danger to the health, safety, morals or welfare of the school community. A connection between the act and the school community must be demonstrated.</p> <p><b>Inappropriate Apparel:</b> Wearing inappropriate apparel and/or accessories that are unsafe or disruptive to the educational process, including clothing with inappropriate and discriminatory logo, symbols or words and/or clothing with gang insignias or symbols. Clothing must be worn that appropriately covers the body.</p>
30.0	Cutting/Truancy	Cutting classes
31.0	Noisy/Disorderly Behavior	Behavior that interferes with the educational process (e.g., making excessive noise in a classroom, hall or school building)
32.0	Not in Assigned Place	Not being in assigned place on school premises, including field trips and co-curricular activities, etc.
33.0	Leaving School Premises	Leaving school premises without permission of supervising school personnel
34.0	Lateness	Lateness to school or class
35.0	Unauthorized use of Electronic Equipment	Unauthorized use of prescribed equipment or material in school (e.g., radio, tape recorder, beeper, cell phone, <b>cell phone cameras, video cameras, video equipment</b> , toys, etc...). <b><u>Any use of electronic equipment that is disruptive to the educational process.</u></b>
36.0	Insubordination/ Disrespectful Behavior	Defying the lawful authority of school personnel; insubordination failure to display or produce proper I.D. when requested. Ignoring or disregarding security or other school staff; subjecting staff to ridicule; the use of obscene language or dismissive gestures directed at staff.
37.0	Smoking	Smoking Level 5 is mandatory. Use of electronic cigarettes is prohibited on all school grounds.
38.0	Distributing Unauthorized Material	Posting or distributing material on school premises in violation of written school rules. (The standard for posting or distributing materials on school premises set forth in Regulation of the Freeport Public Schools district Policy).

<i>Category Code</i>	<i>Category</i>	<i>Event Description</i>
<b>39.0</b>	<b>Posting Obscene or Defamatory material</b>	Possessing, posting or distributing pornographic, obscene, libelous or defamatory material, literature, photographs, <b>video</b> or material containing a threat of violence, injury or harm
<b>40.0</b>	<b>Gambling</b>	Gambling
<b>41.0</b>	<b>Cheating</b>	Engaging in scholastic dishonesty which includes but is not limited to: a) Cheating, Copying from another student's test paper. Using material during a test which is not authorized. Collaborating with another student during the test without authority. Knowingly using, buying, selling, stealing, transporting, or soliciting in whole or part the contents of an unadministered 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; Securing copies of the test or answers to the test in advance of the test, unauthorized use of an electronic device as a resource.
<b>42.0</b>	<b>Plagiarizing</b>	Plagiarizing (appropriating another's work and using as one's own for credit without the required citation).
<b>43.0</b>	<b>Fraudulent Work</b>	Colluding in the fraudulent preparation of written work for credit
<b>44.0</b>	<b>Profanity, Obscene Gestures</b>	Using profane, obscene language, gestures or actions
<b>45.0</b>	<b>Giving False Information</b>	Lying or giving of false information to school personnel
<b>46.0</b>	<b>Assisting Unauthorized Person(s)</b>	Bringing or allowing the access of unauthorized person(s) to the school.
<b>47.0</b>	<b>Altering School Records or Documents</b>	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
<b>48.0</b>	<b>Discriminatory Slurs no threat of harm</b>	Using slurs based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex
<b>49.0</b>	<b>Trespassing</b>	Unauthorized entry by any person for illegitimate purposes onto any school grounds or into any school building, or entry by persons who are currently serving a suspension imposed by any of the Freeport schools.



<i>Category Code</i>	<i>Category</i>	<i>Event Description</i>
<b>50</b>	<b>Horseplay</b>	Rough or boisterous play.
<b>51</b>	<b>Failure to Serve Detention</b>	Not appearing to serve detention
<b>52</b>	<b>Refusing to Show ID Card</b>	Failure to comply with request to show ID card
<b>53</b>	<b>Vaping</b>	Vaping on school property
<b>54</b>	<b>No School ID</b>	Not having appropriate school ID in school
<b>55</b>	<b>Weapons Found</b>	Possession of one or more weapons at a school function or on school property discovered during a routine security check or under other circumstances, including, but not limited to, weapons in possession of a student within a locker.

## Procedures for Suspensions, Hearings, and Appeals

### Procedures for a Principal's Suspension

1. Unless a student presents a potential danger to persons or property, or is an ongoing threat of disruption to the educational process, no suspension may be implemented until the parent receives notice of a suspension.
2. Notification will include an effort on the school's part to make telephone contact with the parent to inform them of the suspension and the particulars associated with it. The school will also provide a written notification that will be hand delivered to the parent's home on the same day as the infraction or whenever reasonably practical but no later than the school day following the day of the suspendable incident.
3. Notice to the parent will include language advising parents of their rights. The language should be essentially similar to the following: "You and your child have the right to an immediate informal conference with me to discuss the factual basis for the suspension, and you have the right, upon your specific request to interview complaining witnesses."

#### Example of suspension procedure sequence:

- a) Infraction occurs on Monday
- b) Phone call made to parent on Monday
- c) Notification letter hand delivered to family home on Monday
- d) Suspension takes effect on Tuesday\*

\* (If the student presents a potential danger to persons or property or is an ongoing threat of disruption of the educational process, the suspension may be imposed immediately.)

4. A parent wishing to appeal a principal's suspension shall submit to the principal, in writing, the reasons that they believe the suspension to be unfair or unwarranted.
5. The principal will submit both the parent's document and the principal's response to the superintendent.
6. The superintendent or his/her designee will review both the parent's written appeal document and the principal's response.
7. The superintendent or his/her designee respond to the appeal request.
8. If the superintendent upholds the suspension in whole or in part, the parent may further appeal to the Board of Education by submitting the superintendent's letter along with the parent's original appeal request to the District Clerk for forwarding to the Board of Education.

### Procedures for Superintendent's Suspensions

1. When the principal is preparing to recommend a superintendent's hearing, the principal suspension letter will so indicate.
2. On the same day of the suspension, the principal will forward a copy of that letter to the superintendent or his designee.
3. The principal will notify the superintendent or his/her designee immediately if the dominant home language of the suspended student's family is other than English.
4. The superintendent or his designee will send a hand delivered notification to the parents of the suspended student alerting them to the scheduled date and time of the hearing and informing them of their right to have representation and their right to bring witnesses.
5. Parents have a right to represent their child or to be represented by a relative, friend, neighbor, an advocate or an attorney at all stages of this proceeding. Parents also have a right to cross-examine witnesses, to produce witnesses on their behalf; and to a copy of the record of the proceedings. If the parent plans to bring an attorney, the superintendent's Office must be notified as soon as possible.
6. The hearing will be scheduled as soon as is reasonably practical following a receipt of the principal's suspension letter. Student and Parent/Guardian are to be present at the superintendent's Hearing. It is important to note that if the parent and student are not able to appear at this Hearing, it will be held in absentia.
7. The superintendent's determination with respect to the outcome of the hearing will be communicated in writing to the parents via hand delivery to the student's home and to the principal.
8. During the course of a superintendent's hearing, the parents will be advised of their right to appeal and how to do so.
9. The superintendent's written determination notice will include information on how the parents may pursue an appeal to the BOE if they wish. Parents must send a letter of appeal to the District Clerk within 30 days of receipt of the superintendent's determination. In the letter, the parent outlines the reasons why the decision was unfair or flawed. They should also specify what relief they are seeking.

## Other Definitions

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

***Counseling or Treatment Programs:*** For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors and increasing protective factors linked to the identified problem area(s) (i.e., drug/alcohol rehabilitation programs, anger management programs, etc.). Note: Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to counseling or treatment program.

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

***Suspension from Class or Activities:*** For purposes of reporting, suspension from class or activities includes in-school suspension and/or suspensions from school transportation or school/ extracurricular activities, such as band, choir, or athletics. Report incidents that result in an in-school suspension that lasts for at least the equivalent of one school day. Report suspensions from activities or transportation that exclude the student from the activity for at least five consecutive school days.

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

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

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

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

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

## **Appendix A**

## **Appendix A Restorative Practices**

Freeport Public Schools is committed to promoting a safe, welcoming and positive environment for all students and staff. The District ensures that all students, staff, and community feel a sense of belonging and are supported throughout our buildings and district ensuring all students have an equal opportunity to thrive academically, socially, and emotionally.

One area of focus to help support the district's goals aligned to Social-Emotional Learning (SEL) and Diversity, Equity and Inclusion (DEI) has been the implementation of Restorative Practices. All staff is receiving professional development in the fields of SEL and Restorative Practices to enable us to foster empathetic and respectful learning communities while simultaneously addressing student behaviors and conflicts.

### **1. What is Restorative Practice?**

Restorative Practices foster a strong community through relationship building, repairing harm caused, and problem-solving. While it does not necessarily replace disciplinary measures, restorative practice focuses on inclusiveness and strong relationships among teachers and students. The intention of restorative practices is to shift the focus of student discipline from punishment to reflecting learning. It emphasizes accountability, making amends, and facilitating dialogue between affected parties. The use of Restorative Practices supports a positive and safe school climate, prevent bullying, and reduce disciplinary incidents. Restorative practices restore, rebuild and allow for reconnection to the school community.

### **2. Benefits of Restorative Practices**

- Relationships and trust are the core of all healthy school communities. Students who feel connected to school are more likely to succeed, have better school attendance, show more engagement in learning, and achieve high academic levels.
- All members of the school community are responsible for one another. Multiple perspectives are always welcome and all voices are considered equal.
- All students need a chance to learn from their mistakes and make them right. Conflict resolution is an important social-emotional skill that students will need throughout their lives.
- Wrongdoers should both be held accountable and supported to take an active role in repairing any harm caused. This collaborative process is essential to maintaining a healthy school community.

### **3. Restorative Practices in Our Schools**

- Help students take responsibility for their actions and the school community
- Make students aware of consequences
- Teach students conflict resolution
- Build social emotional skills and help students practice empathy
- Examples of Restorative Practices include: circles, peer mediation, preventative and post-conflict resolution programs, and social-emotional skills instruction.

4. 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?

### Shift of Thinking

When describing the traditional system of school discipline we ask:	When describing Restorative Practices we ask:
What rule was broken?	What harm occurred?
Who is responsible?	Who has been impacted and what are their needs?
What is the punishment?	What does repair look like and what needs to be done to meet the needs of all those who have been harmed?

## 5. Glossary of Restorative Practices

### a. Affective Statements/I-Messages:

Part 1: Describe what is happening.

Part 2: Describe how that makes you feel.

Part 3: Identify the tangible effect of the other person's behavior.

(Part 4: - Optional) Make a request or suggestion

- **b. 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, 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
  - 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.

Students are the largest group of stakeholders in a school community and its greatest resource in creating and sustaining a safe and supportive school environment. Building community among students and between students, families, 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.

### C Community building circles focus on:

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.

**D. Collaborative Negotiation:** Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom they disagree to arrive at a mutually satisfactory resolution.

Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

**E. 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 by another (for example, in cases of harassment or bullying), due to an imbalance of power.

**F. 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's suspension) or may be used as a disciplinary intervention to address misconduct that does not require teacher removal or suspension. This conference should not be used when there is a perceived power imbalance between participating students.

**G. Welcome-Back Circle:** A welcome-back circle is a process designed to formally welcome the returning student back into the school community and to establish a support system for the student (such as, key relationships and resources). The returning student and other circle participants (for instance, school staff and parents) make commitments about how to foster a smooth return and address individual or community circumstances that contributed to the suspension event. The Circle provides a space for students to express themselves, actively listen to one another's perspectives, and build a sense of community. This practice helps build a strong school culture that students, staff, and those in the community can rely on and return to in times of need. A welcome-back circle may be used as an intervention in conjunction with a disciplinary response (for example, a student participates in a welcome-back circle after a teacher removal or a principal's or superintendent's suspension).

**Columbus Avenue School  
Early Childhood Center**  
150 N. Columbus Avenue  
867-5240

**Archer Street School  
Language Arts, Mathematics and Technology**  
255 Archer Street  
867-5250

**Bayview Avenue School of Arts& Sciences**  
325 W. Merrick Road  
867-5255

**Leo F. Giblyn School  
A Passport to Learning**  
450 S. Ocean Avenue  
867-5260

**New Visions School  
of Discovery & Exploration**  
80 Raynor Street  
867-5390

**Caroline G. Atkinson School**  
58 W. Seaman Avenue  
867-5265

**John W. Dodd Middle School**  
25 Pine Street  
867-5280

**Freeport High School**  
50 S. Brookside Avenue  
867-5300