HUDSON
CITY SCHOOL DISTRICT
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Todd Hilgendorff, Superintendent of Schools

Student Code of Conduct & Restorative Supports

Reviewed and approved by the Board of Education on 06/16/26

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GUIDING PRINCIPLES

Why do we have a Student Code of Conduct and Restorative Supports?

The Hudson City School District (HCSD) seeks to create a safe, rigorous, and supportive educational environment for all students in an atmosphere that is conducive to teaching, learning, and living.

Hudson City School District recognizes the need to:

- Clearly define the expectations for acceptable conduct on school property;
- Ensure that schools provide equal access to a wide range of supports and interventions that promote positive behavior;
- Help students recognize and manage their own emotions;
- Help students develop self-discipline and social and emotional worth;
- Enable students to improve and correct inappropriate, unacceptable, and unsafe behaviors;
- Identify the possible consequences of unacceptable conduct; and
- Ensure that when discipline is necessary, it is administered promptly and fairly.

In addition to providing students with the support they need to develop into future citizens, this *Student Code of Conduct and Restorative Supports* also describes specific behaviors that are unacceptable at school and explains the consequences that will be assigned when conduct does not meet expected standards of behavior. The district's Code of Conduct and student's rights and responsibilities extend to the digital classroom. The district is committed to safeguarding the rights of all students under state and federal law.

All students of the district are expected to report violations of these codes of conduct to a teacher, counselor, associate principal, principal or other school personnel as appropriate. All employees of the district are expected to take appropriate action in response to violations they observe or those that are reported to them.

ESSENTIAL PARTNERS RIGHTS & RESPONSIBILITIES

Our students are responsible individuals, each with rights that deserve consideration and deference. Our students also have responsibilities to themselves, each other, and to all members of the community.

Students are more likely to make positive decisions when:

- They have the opportunity to develop positive behaviors that are expected of them
- They feel that all essential partners respect them, care about them, and will help them learn and grow
- The adults around them deploy age-appropriate structures and incentives to motivate skillful decision making

All essential partners have rights and responsibilities in order to support our students. Essential partners are grouped into the following categories:

- Students
- Parents*
- Staff and Administrators
- Superintendent
- Board of Education

**Parents as partners:* In this document, "parent" refers to the child's parent or guardian or any person in a parental or custodial relationship to the child. This includes: birth or adoptive parent, step parent, legally-appointed guardian, foster parent, and "person in parental relation" to a child attending school. "Person in parental relation" refers to a person who has assumed the care of a child because the child's parents or guardians are not available.

Student Rights and Responsibilities *(continued on page 3)*

Rights	Responsibilities
• A quality education in a school environment that is safe, orderly and promotes learning. • Be respected as an individual, treated fairly and with dignity by other students and school staff. • Organize, promote, and participate in student activities and clubs as part of the formal education process or as authorized by the school principal. • Dress in such a way to express one's personality if it does not distract or disrupt the learning environment. (See Dress Code) • Provide representation of appropriate school-wide committees that influence the educational process as designated by school personnel.	• Conduct themselves with respect for themselves, fellow students, staff, and others. • Strive to achieve their potential in all areas. • Follow the directions of the staff, faculty, and administration. • Attend school daily and on time • Attend classes daily and on time • Fulfill all classroom and other educational obligations. • Respect School District property and the property of others. • Strive to demonstrate good conduct and positive attitude at all times.

ESSENTIAL PARTNERS RIGHTS & RESPONSIBILITIES

Student Rights and Responsibilities

Rights	Responsibilities
• Participate and express opinions through the publication of school newspapers, social media, and newsletters with oversight from faculty advisors. • Exercise freedom of inquiry and expression, written and oral, within appropriate limits under the law without diminishing the rights of others. • Be protected from intimidation, harassment, or discrimination based on (actual or perceived) race, color, weight, national origin, ethnic group, religion or religious practice, sex, gender, gender identity, sexual orientation, or disability, by employees and students on school property or at any school-sponsored activity.	• Abide by the Dress Code. • Be respectful and considerate of physical spaces in which learning occurs. • Strive to take an active role in the school community.

Parent Rights and Responsibilities

Rights	Responsibilities
• Be actively involved in their children's education. • Be treated courteously, fairly, and respectfully by all school staff. • Receive timely information about policies and procedures that relate to their children. • Receive regular reports from school staff regarding academic progress and behavior. • Receive notification and information of inappropriate or disruptive behaviors by their children and of any disciplinary actions. • Receive information about due process procedures for disciplinary matters concerning their children. • Receive information about ways to improve their child's progress including counseling, tutoring, after-school programs, academic programs, and mental health services. • Receive information about services for Students with Disabilities. • Receive information about services for Multilingual Learners (MLL). • Receive communication in their dominant language or mode of communication.	• Be respectful and courteous to staff, other parents, guardians, caregivers, and students. • Provide updated contact information to their child's school. • Make sure that their children attend school regularly and on time. • Let the school know when and why children are absent. • Tell school officials about concerns or complaints. • Work with school staff to address any academic or behavioral struggles their children may be facing. • Talk with their children about expectations and behavior. • Advocate for their children and take an active role in the school community. • Attend meetings and monitor their child's grades and progress. • Teach children that all children have the right to attend school and be treated with respect and dignity regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex.

ESSENTIAL PARTNERS RIGHTS & RESPONSIBILITIES

Staff Rights and Responsibilities

Rights	Responsibilities
• Work in a safe and orderly environment. • Be treated courteously, fairly, and respectfully by students, parents, guardians, caregivers, and other school staff. • To be heard when communicating concerns, suggestions, and complaints. • Receive supportive professional development and training. • Receive necessary resources to implement curriculum. • Receive necessary support from other school personnel to enable them to perform their duties.	• Support student growth and well-being by fostering academic and social development, meeting students where they are, and encouraging participation. • Create a safe, inclusive, and respectful environment by modeling positive behavior, applying expectations and discipline fairly and age-appropriately, and addressing/reporting discrimination, harassment, or safety concerns. • Partner with families and staff by maintaining timely, clear communication about student progress, collaborating to resolve concerns, and working with administrators to ensure equitable family engagement. • Strive to meet students where they are and provide equitable support based on their needs.

Principals and Administrators Rights and Responsibilities

Rights	Responsibilities
• Work in a safe and orderly environment. • Be treated courteously, fairly, and respectfully by students, parents, guardians, caregivers, and other school staff. • Communicate concerns, suggestions, and complaints • Receive supportive professional development and training. • Receive necessary resources.	• Promote a safe, respectful, supportive, and orderly school environment for all school community members, regardless of (actual or perceived) race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. • Review the Student Code of Conduct and Restorative Supports and procedures for reporting incidents with all staff at the start of each year. • Ensure all staff participate in all required trainings • Maintain confidentiality and respect student and parents rights to privacy. • Develop the capacity of staff to intervene regarding behavioral concerns. • Ensure equity and that all students and staff are treated fairly. • Partner with parents, guardians, and caregivers through the facilitation of the MTSS (Multi Tiered Systems of Support) process. • Treat students, staff, and families courteously, fairly, and respectfully. • Address issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, employee, or person on school property or at a school function.

ESSENTIAL PARTNERS RIGHTS & RESPONSIBILITIES

Superintendent Rights and Responsibilities

Rights	Responsibilities
• Work in a safe and orderly environment. • Be treated courteously, fairly, and respectfully by students, parents, guardians, caregivers, and other school staff. • Communicate concerns, suggestions, and complaints. • Receive supportive professional development and training. • Receive necessary resources.	• Promote a safe, respectful, supportive, and orderly environment for all school community members, regardless of (actual or perceived) race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. • Review and implement the HSCD policies and state and federal laws relating to school operations and management with all district administrators. • Work with administrators to enforce the Student Code of Conduct and Restorative Supports, ensure that all incidents are resolved promptly, and that students and staff are treated equitably. • Address issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, employee, or person on school property or at a school function.

Board Rights and Responsibilities

Rights	Responsibilities
• Be treated courteously, fairly, and respectfully by students, parents, guardians, caregivers, and other school staff. • Communicate concerns, suggestions, and complaints. • Receive supportive Board training. • Receive necessary resources.	• Promote a safe, respectful, supportive, and orderly environment for all school community members, regardless of (actual or perceived) race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. • Review, update as necessary, and approve the Student Code of Conduct and Restorative Supports annually. • Ensure that policies promote and ensure equity. • Ensure that race, ethnicity, socio economics, and disability do not predict student achievement. • Treat each other, students, staff, and families courteously, fairly, and respectfully.

OUR RESTORATIVE APPROACH

What are Restorative practices?

Restorative practices are a system-wide approach that help students build positive behaviors and restore relationships among all community members when harm is done. Restorative practices support academic achievement by increasing social-emotional skills for students and effective behavior management skills for staff. Restorative Practices have four key components:

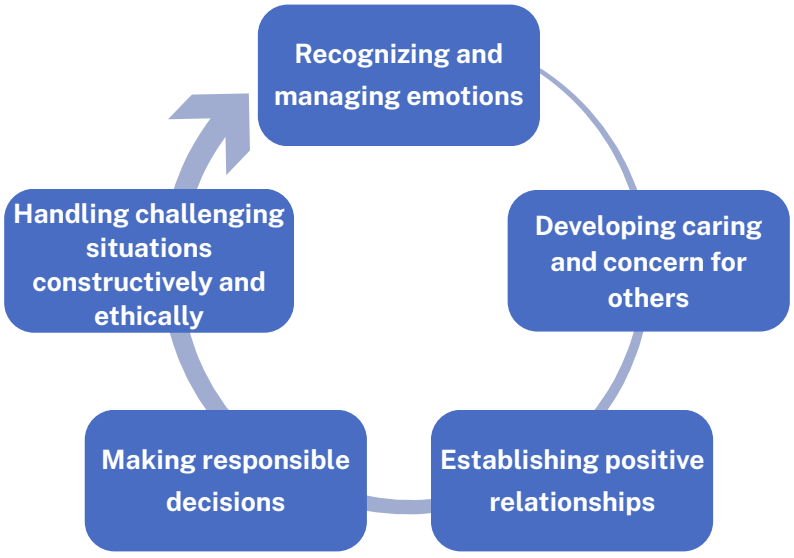
1. *Practices to build community and strengthen relationships within the school*

School culture and climate have a profound impact on students' academic progress and their relationships with peers and adults. At the heart of a positive school climate are relationships. ***In a restorative approach, we leverage the relationships we have with students and families.***

Students and adults need to feel a sense of belonging in the school community. Each school in the HCSD is expected to 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 a 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.



OUR RESTORATIVE APPROACH

2. *Practices to teach, model, and celebrate student students' skillful decision making*

Students need opportunities to build the prosocial and academic skills that support them in making responsible decisions in school and focusing on achieving their academic potential.

3. *Practices to address harm, de-escalate negative behaviors, and resolve conflicts*

Using restorative practices to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline. 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?

Understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline with the ultimate goal of teaching prosocial behavior. The use of conflict resolution, restitution to those harmed, and group, classroom, community circles to address misbehaviors supports the ultimate goal of teaching prosocial behavior. This approach seeks concurrent accountability and behavioral change.

Essential to the implementation of restorative justice practices is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it caused;
- Understand what could have been done differently in the same situation;
- Take responsibility for their actions;
- Make reparations and or restitution to repair the harm done;
- Be given the opportunity to learn prosocial strategies/skills to use in the future; and
- Understand the progression of consequences that may be imposed if the behavior reoccurs.

OUR RESTORATIVE APPROACH

Appropriate disciplinary consequences are also part of a restorative approach. When administered they must be equitable and consistent to be most effective in changing student behavior. In determining the appropriate disciplinary consequence, school personnel authorized to impose disciplinary consequences will consider the following:

1. The student's age and maturity;
2. The student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the effectiveness of interventions applied in prior behavior violations);
3. The nature, severity, and scope of the infraction;
4. The circumstances/context in which the conduct occurred;
5. The frequency and duration of the behavior;
6. The number of persons involved in the behavior;
7. Information from parents/guardians, teachers and student's Individualized Education Plan
8. (IEP), Behavioral Intervention Plan (BIP) and 504 Accommodation Plan, if applicable; and/or
9. Extenuating circumstances.

4. *Practices to reintegrate returning students (from suspensions or other long-term interruptions) back into a welcoming school community with a plan to help the student succeed*

After a student has received a consequence for their actions, students must be re-welcomed into the community and there must be a plan for them to continue to develop the positive behaviors that are expected of them. Re-entry can include:

- Re-entry circles with key stakeholders including the teacher whenever possible
- Re-entry meetings with key stakeholders
- The creation of behavior plans
- The addition of supporting services for the student

Examples of Restorative Practices used in the HCSD

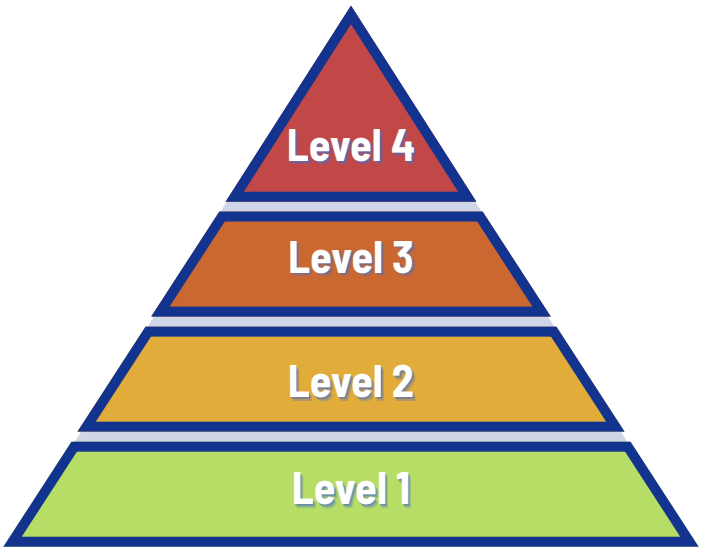
Grades K-5	Grades 6-8
• Instruction on self-regulation and social-emotional wellness • Classroom and Community meetings • Community circles • Instruction on academic, organizational, and social skills • Positive referrals • Attendance initiatives	• Instruction on self-regulation and social-emotional wellness • Instruction on academic, organizational, and social skills • Positive referrals • Attendance initiatives

PROGRESSIVE LADDER OF SUPPORT & DISCIPLINARY RESPONSES

Disciplinary responses, when necessary, will be firm, equitable, and consistent so as to be the most effective in changing student behavior. School officials must consult this document when determining which disciplinary interventions and consequences best address inappropriate, unacceptable, and unsafe behaviors. Administrators, teachers and student support teams will strive to match students with interventions that are the least intensive while being the most effective.

The code creates a four-level support system that emphasizes student accountability and behavior change. When a student's rule violation is significant, they are assigned a consequence signaling that the action at issue is inappropriate, unacceptable, and/or unsafe. The higher the level of response, the more serious the violation. The level system emphasizes both student accountability and behavioral change. The goal, just like with restorative supports, is the prevention of a recurrence of unacceptable behavior by helping students to:

- Understand why the behavior is unacceptable and the harm it caused;
- Understand what could have been done differently in the same situation;
- Take responsibility for their actions;
- Make reparations and or restitution to repair the harm done;
- Be given the opportunity to learn prosocial strategies/skills to use in the future; and
- Understand the progression consequences that may be imposed if the behavior reoccurs.



Level 1
Classroom-Based Supports to Address Disruptive Behaviors

Level 2
Focused Supports to Address Escalated Behavior Concerns

Levels 3 & 4
Formal Responses to Higher-Risk or Harmful Conduct

RESPONSE LEVELS	
Level 1	**Classroom-Based Supports to Address Disruptive Behaviors** A Level 1 response incorporates school-wide and classroom practices that promote the development of prosocial behaviors, self-discipline, and habits of learning. Through observation and immediate responses, staff works to prevent minor discipline problems from becoming major disciplinary incidents. Staff are encouraged to try a variety of strategies and to collaborate with other school staff. Student support team interventions aim to engage the student's support system both at school and at home by working to change the conditions that contribute to students' unsuccessful behaviors.
Level 2	**Focused Supports to Address Escalated Behavior Concerns** A Level 2 response involves targeted interventions and assigned consequences when a student's behavior violation warrants a more focused behavioral response beyond the immediate situation or incident in the classroom or other location. These interventions may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has become persistent and has continued to negatively influence the learning of the student and others.
Levels 3 and 4	**Formal Responses to Higher-Risk or Harmful Conduct** A Level 3 or 4 response involves behavior violations that seriously jeopardize school and classroom safety and order. More intensive, individualized interventions are administered to students who demonstrate high-risk or pervasive behavioral, academic, physical and/or mental health concerns. **For level 3 and 4 an administrative response must be implemented.**

These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. The duration of the removal from the learning environment is to be limited as much as possible while still adequately addressing the seriousness of the behavior.

Level 1 Responses

Classroom interventions and responses will include one or more of the following. Many of these are standard classroom practices for promoting positive student behavior:

- Positive directives that state expectations
- Positive and specific feedback
- Re-teaching and rehearsal of skill or procedure
- Increased check-in during instruction
- Increase teacher proximity
- Verbal prompts and/ or correction
- Reminders and redirection
- Lunch detention
- After school detention
- Student/teacher conference
- Develop relationships with families
- Family contact and/or conference
- Daily progress tracker on behavior
- Classroom check-in plan
- Relationship building with the student
- Reflection activity

Level 1 Responses (continued)

Student-support team interventions and responses may include one or more of the following:

- Check-in with school building staff;
- Mentoring/coaching;
- Peer mediation;
- Referral to school-based health or mental health providers;
- Referral to community organization
- More frequent touch point with support staff
- Develop relationships with families
- Restorative circle
- Service to school and community

Level 2 Responses

Classroom interventions and responses will include one or more of the following:

- Collaborate with family
- Lunch detention
- After school detention
- Formal meeting with one or more teachers/support staff
- Peer mediation
- Restorative circle
- Create, implement, and monitor academic or behavior plan

Student-support team interventions and responses may include one or more of the following:

- Check-in with school building staff
- Mentoring/coaching
- Peer mediation
- Referral to school-based health or mental health providers
- Formal meeting with one or more teachers/support staff
- Referral to community organization
- Utilize support staff
- Restorative circle
- Service to school and community
- Classroom removal
- Hallway escort
- Lunch detention
- After school detention

Level 3 Responses

Classroom and support team interventions and responses will include:

- Initiate a student-centered discussion about the incident (and repair, restore and re-teach expectations);
- Create, implement, and monitor a transition plan for student(s) returning to the classroom (e.g. restorative circle).
- Initiate restorative conference about the incident;

Intensive administrative-level and/or student support team interventions and responses may include:

- Referral and coordination with community-based supports;
- Prior to and/or upon reentry, restorative circle with teacher/students facilitated by administrator;
- Informal conference with principal and student;
- Faculty/staff contacts parents/guardian;
- Family/guardian/student/school team conference;
- Conduct a functional behavioral assessment and develop a behavior plan;
- In-school suspension up to 5 days;
- Out-of-school suspension up to 5 days;

Level 4 Responses

Classroom and/or student support team interventions and responses will include:

- Intensify and/or reevaluate application of previous interventions and supports
- Plan for classmates as students returns
- Parent outreach

Intensive administrative-level and support team interventions and responses may include:

- Plan for a student reentry meeting;
- Wraparound services;
- Individualized case management for students with 504 plans or IEPs;
- Request for district hearing to request consideration of a long-term suspension, alternative placement, or permanent suspension;
- Suspension from school for more than 5 days;

BEHAVIOR VIOLATIONS AND LEVELS OF RESPONSE

Students in prekindergarten cannot be suspended per the NYS Commissioner. Students in K-5 cannot be suspended out of school unless the behavior at issue poses a serious and immediate threat to student, staff, or public safety.

Behavior Violation	1	2	3	4
1. ***Attendance (Absence and Tardiness)*** *Note: Significant unexcused absences may result in the involvement of the attendance teachers and contact of community agencies.* **Out of school suspension should be avoided as a consequence whenever possible.*				
A. Failing to attend class without a valid excuse	X	X		
B. Persistent or excessive absences from school	X	X		
C. Chronic absenteeism (more than 10% of the current days)	X	X	X*	
D. Entering a class not enrolled without permission	X	X		
E. Tardiness to class without a pass or without necessary materials	X			
F. Persistent tardiness to school or class (3+)	X	X	X*	
2. ***Academic Dishonesty***				
A. Plagiarism, copying another's work, cheating or altering records *Note: Students may also receive a failing grade for the assignment.*	X	X	X	
3. ***Alcohol and Illegal drugs/marijuana/inhalants/medicine***				
A. Use or possession - *Staff will refer student to appropriate substance abuse counseling and the school nurse will be notified immediately of use or suspected use*		X	X	X* Repeat instances only
B. Distributing or selling			X	X
4. ***Physical Contact with other students***				
A. Offensive poking, pushing, or shoving	X	X		
B. Physical contact with or without injury		X	X	
C. Physical contact on student with serious bodily injury with or without provocation				X
5. ***Bomb Threat***				
A. Making threats or providing false information about the presence of explosive materials or devices on school property			X	X

BEHAVIOR VIOLATIONS AND LEVELS OF RESPONSE				
Behavior Violation	1	2	3	4
6. ***Bullying, harassment, and/or discrimination***				
A. Teasing and verbal put downs of another student	X	X		
B. Intentional conduct (including verbal, physical or written conduct) that constitutes bullying, discrimination, or harassment Note: Depending on the allegations, a Dignity for All Students Act (DASA) investigation or a Title IX or other investigation as outlined in applicable board policies may be required	X	X	X	
C. Intentional conduct via electronic communication that constitutes bullying, discrimination, or harassment	X	X	X	
D. Persistent and repeated incidents targeted at same person or group		X	X	X
E. Serious incident that is life-threatening, seriously harmful, or personally damaging to the person who is targeted			X	X
7. ***Computer, Network, and Internet Acceptable Use Policy***				
A. Violation of the City School District of Hudson's Acceptable Use Policy	X	X	X	X
8. ***Damage to school or personal property***				
A. Minor damage (less than $50)	X	X		
B. Damage to another person's or school property ($50 to $500)		X	X	
C. Damage to another person's or school property ($500+)			X	X
D. Starting a fire		X	X	
E. Starting a fire: Destruction of property as a result of starting a fire		X	X	X
9. ***Electronic Devices***				
A. Use of cell phones, handheld mobile devices, electronic game devices, and other similar items when use is prohibited	X	X		
B. Recording or publishing audio and/or video of a fight		X	X	
C. Use of electronic devices to make a threat of harm		X	X	X
10. ***Environmental distraction and/or disruption***				
A. Does not work silently or independently without bothering others	X	X		
B. Uses profanity or obscene language	X	X		
C. Throws objects without physical injury to others	X	X		
D. Throws objects that pose a potential threat of harm		X	X	
E. Makes excessive, distracting, or disruptive movements or noises		X	X	
11. ***Exchanging Money***				
A. Sale of items on school grounds without permission	X	X		

BEHAVIOR VIOLATIONS AND LEVELS OF RESPONSE				
Behavior Violation	1	2	3	4
B. Obtaining money, property, or information from another by coercion or intimidation		X	X	X
12. ***False Alarm***				
A. Improper activation of fire alarm			X	X
B. False reporting of an emergency			X	X
13. ***Fighting***				
A. Fighting with another		X	X	
B. Fighting with serious bodily injury				X
C. Fighting that causes the principal to initiate emergency response procedures, prevents large numbers of students from moving through the hallways, and disrupts the educational process for large numbers of students or poses a serious and grave threat to the safety of large numbers of students			X	X
14. ***Forgery***				
A. False and fraudulent making or altering of a document or the use of such a document including the creation of a false pass		X	X	
15. ***Gambling***				
A. Participating in games of chance or skill for money, items of value, or exchangeable goods	X	X	X	
16. ***Inciting or participating in disruption to the school atmosphere***				
A. Participating in a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption		X	X	
B. Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption		X	X	X
C. Using an electronic device to incite others to initiate or engage in a disturbance including swatting		X	X	X
17. ***Inappropriate behavior towards school personnel or school agent***				
A. Misleading or giving false information to school staff	X	X	X	
B. Confrontational and/or aggressive behavior or intimidation		X	X	
C. Name-calling, insults, making inappropriate gestures, symbols or comments, or using profane or offensive language		X	X	
18. ***Leaving Class Without Permission***				
A. Exiting classroom without permission of teacher or staff	X	X		
19. ***Non-compliance***				
A. Failure to follow directions	X	X		

BEHAVIOR VIOLATIONS AND LEVELS OF RESPONSE				
Behavior Violation	1	2	3	4
B. Failure to respond to school staff directives, questions. or requests	X	X		
C. Failure to comply with school rules, regulations, policies, or procedures	X	X		
D. Failure to comply with school emergency response procedures		X	X	
E. Persistent failure to comply with school rules, policies, and procedures	X	X	X	
20. ***Physical contact with school personnel, school agent(s), or visitor(s)***				
A. Unintentional physical contact as a result of unsafe behavior (ex: horseplay)	X	X		
B. Unintentional physical contact or other aggressive behavior towards a staff member/school agent who is intervening in a fight		X	X	
C. Unsafe or aggressive behavior that results in injury to the staff member/school agent.		X	X	X
D. Intentional physical attack on school personnel/school agent			X	X
21. ***Robbery***				
A. Taking money or property from another by force			X	X
22. ***Sexually based infractions or offenses***				
A. Sexual harassment		X	X	X
B. Sexual activity or sexual misconduct		X	X	X
C. Forced sexual act				X
23. ***Theft***				
A. Under $500		X	X	
B. Over $500			X	X
24. ***Threat***				
A. Verbal or written threat against student		X	X	
B. Verbal or written threat against student involving a threat of loss of life or serious bodily injury			X	X
C. Verbal or written threat against school personnel/agent			X	X
D. Verbal or written threat against school community		X	X	X
25. ***Tobacco or vaping device***				
A. Possessing	X	X		
B. Using		X	X	
C. Distributing or Selling		X	X	

BEHAVIOR VIOLATIONS AND LEVELS OF RESPONSE				
Behavior Violation	1	2	3	4
26. ***Trespassing***				
A. Entering HSCD property when prohibited from doing so or remaining on school grounds after receiving a directive to depart	X	X	X	X
27. ***Weapons, firearms, explosives***				
A. Possession of instruments or objects that could be used as weapons		X	X	
B. Possession of an instrument or object used as a weapon with intent to cause injury			X	X
C. Possession of a weapon				X
D. Possession of firearms (possession of a firearm as defined in 18 USC 921 of the federal code; e.g., handguns, rifles, shotguns, bombs)				X
E. Other guns (possession of any gun of any kind, loaded or unloaded, operable or inoperable including BB guns and pellet guns, etc.)			X	X
F. Explosives (possession, sale, distribution, detonation or threat of detonation of an incendiary or explosive material or device including firecrackers, smoke bombs, flares or any combustible or explosive substances)				X

CONDUCT ON THE BUS

It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated and students will be subject to relevant disciplinary next steps named above as well as a possible suspension from transportation. A student suspended from transportation who is unable to attend instruction as a result is entitled to receive the same alternative instruction as a student suspended from school. Prior to suspension from transportation, the student and parent have the right to discuss the conduct and reason for the suspension with the individual authorized to administer the consequence.

REPORTING VIOLATIONS

All students are expected to promptly report violations of the Student Code of Conduct and Restorative Supports to a teacher, guidance counselor, the principal or their designee through the appropriate school based system.

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 Student Code of Conduct and Restorative Supports 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.

All staff members must immediately report and refer violent incidents to the school principal or the Superintendent. Any weapon, alcohol, or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent/guardian of the student involved and the appropriate disciplinary sanction. Any student observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately to a teacher, the principal, the principal's designee, or the superintendent.

The principal or their designee must notify the appropriate local law enforcement agency of those code violations that 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 principal or their designee learns of the violation.

Building administration must also notify the Superintendent of any infractions that result in contacting law enforcement.

Communication is key. After student behaviors have been addressed by administrators or other school staff an update must be sent back to the person who reported the initial code violation.

BULLYING PREVENTION

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

Schools should prevent bullying behavior through:

- Implementation of school-wide and classroom-based social and emotional learning strategies and positive approaches to discipline;
- Age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum;
- Creation of a school-wide and classroom climate that supports racial, cultural, and other forms of diversity (i.e., clear communication of behavioral expectations, incorporation of lesson plans on prejudice reduction, modeling unbiased behavior, empathy development, and cooperative learning); and
- Encouragement of parent participation in bullying behavior prevention initiatives.

Each school should intervene to put an end to bullying behavior, utilizing discipline methods that reflect a commitment to restorative practices, which may include, but not be limited to:

- Immediate referral of the student harmed to appropriate support services in the school and community;
- Referral of those who caused harm to counseling to address underlying behavior and/or to administrators for appropriate discipline;
- Notification of parents of all those involved;
- Processes for resolution, such as restorative justice circles, led by an experienced circle leader; and

- Ongoing actions intended to prevent recurrence, such as increasing adult supervision of an activity in which incidents have occurred and close monitoring of the security of those harmed.
- Development of an Individualized Support Plan ("ISP")
- Reconvening an Individualized Education Program (IEP) meeting
- Participation in community service (with parental consent)
- Any school response to bullying/harassment will be reasonably calculated to end the conduct, prevent recurrence, and eliminate the hostile environment. Retaliation is prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

Bullying and harassment can take many forms and includes behavior that targets students because of their actual or perceived race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles such as but not limited to braids, locks, and twists), color, national origin, ethnicity, citizenship/immigration status, religion, creed, disability, sexual orientation, gender, gender identity, gender expression, or weight. These behaviors pose a serious threat to all students, and it is a school's responsibility to eliminate the hostile environment created by such harassment, address its effects, and take steps to ensure that harassment does not recur. All reports of harassment, intimidation, discrimination, and/or bullying behavior will be investigated, and appropriate follow-up action will be taken.

Everyone in the school community — teachers, support staff, safety agents, cafeteria, custodial staff, bus drivers, school counselors, student support staff, students, and parents — needs to understand what bullying is and the rules that prohibit such behavior.

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

Students who are able to recognize and manage their own emotions are better able to be assertive rather than aggressive or passive when they interact with their peers. Students who develop caring and concern for others and establish positive relationships are less likely to engage in bullying or discriminatory behavior.

Additionally, students who have learned how to make responsible decisions and handle challenging situations ethically and constructively are less likely to be bystanders and more likely to act as allies if a peer is the target of harassment or bullying of any kind.

What is Bullying?

Bullying is repeated behavior that is intended to cause some kind of harm including but not limited to threats, intimidation, and/or abuse. The person doing the bullying purposely says or does something to hurt the target of their behavior; the conduct may be verbal or non-verbal. Bullying behavior involves an imbalance of power (physical or social) or strength between the person doing the bullying and the target of the behavior. The person doing the bullying may be physically bigger or stronger or may be older or have greater social status or social power than the person being targeted. Bullying is aggressive behavior by one individual (or group) that is directed at a particular

person (or group). The aggressive behavior is unwanted and negative. It is deliberate and unprovoked. The targeted person is harmed by what is purposely being said or done. Bullying may occur in person or through electronic media such as telephone, text, social media.

Bullying Is Not Conflict

Conflict is a struggle between two or more people who perceive they have incompatible goals or desires. Conflict occurs naturally as we interact with one another. It is a normal part of life that we will not always agree with other people about the things we want, what we think, or what we want to do. Most conflicts between students arise when students see the same situation from two different points of view. Think of some of the ways we describe people in conflict: "They were butting heads"; "They were going back and forth at each other"; "It was 'he said/she said/they said.'" In these cases, both people are equally "telling their side of the story."

In a conflict, people may get frustrated and angry. Chances are the amount of emotion each person feels will be relatively equal because both are vying for what they want. In the heat of the moment, one or both people's emotions can escalate a conflict. All of us have known of conflicts in which people have said things to hurt one another which they later regret. People engaged in a conflict want the issue to be resolved. The "back and forth" that occurs is each person trying to make the case for what they want. When one or both people have the skills to resolve the dispute so that both sets of needs are met, the same conflict between the same two people most likely will not be repeated.

STUDENT DRESS CODE

Hudson City School District's student dress code is developed to support equitable educational access. To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently and discreetly. The purpose of this dress code is to:

- Maintain a safe learning environment
- Allow students to wear clothing of their choice that is comfortable
- Allow students to wear clothing that expresses themselves including their self-identified gender
- Prevent students from wearing clothing that is offensive, denotes, displays, or promotes alcohol, drug, paraphernalia, violent, and/ or other illegal conduct
- Prevent students from wearing clothing or accessories that will interfere with the operation of school, disrupt the educational process, invade the rights of others, or create a reasonably foreseeable risk of such interference or invasion of rights.
- Ensure that all students are treated equitably regardless of race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size.

Hudson City School District expects all students to dress in a way that is appropriate for the school day or for any school-sponsored event. The primary responsibility for a student's attire resides with the student and their parent(s) or guardian(s).

1. Basic Principle: Certain body parts must be covered for all students at all times.
    a. Clothes must be worn in such a way such as that genitals, buttocks, breasts, and nipples are fully covered with opaque fabric

b. Students may wear hats and other head coverings as long as their face and ears are visible (face may be covered for religious observance or medical need)
c. All items must meet this basic principle

2. Students Must Wear (while following the basic principle of Section 1 above):
   a. A shirt (with fabric in the front, back, and on the sides under the arms) AND
   b. Pants or the equivalent (ex. skirt, sweatpants, leggings, shorts, a dress) AND
   c. Shoes
3. Students Cannot Wear:
   a. Violent language or images
   b. Images or language depicting drugs, alcohol, paraphernalia, or illegal items/activity
   c. Hate speech, profanity, pornography
   d. Images or language that creates a hostile or intimidating environment based on any protected class or consistently marginalized group
   e. Clothing which is designed to create a disruption, actually disrupts, or interferes with the operation of school or educational process
   f. Any clothing that reveals undergarments
   g. Accessories that could be considered dangerous or could be used as a weapon
   h. Items that obscure the face including sunglasses and hoods (face may be covered for religious observance or medical need)

Dress Code Enforcement

To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently using the requirements stated. Issues of student dress code violations will be addressed and managed discreetly. Students in violation will be provided three options to meet the dress code during the school day:

1. Students will be asked to put on their own alternative clothing, if already available at school, to be dressed to code for the remainder of the day.
2. Students will be provided with temporary school clothing to be dressed to code for the remainder of the day.
3. If necessary, students' parents may be called during the school day to bring alternative clothing for the student to wear to be dressed to code for the remainder of the day.

These dress code guidelines shall apply to regular school days and summer school days, as well as any school-related events and activities, such as athletic events, concerts, graduation ceremonies, dances, and prom. Students who feel they have been subject to discriminatory enforcement of the dress code should contact the District D.A.S.A. Coordinator.

UNDERSTANDING TYPES OF DISCIPLINE	
Detention	Teachers, principals, other school administrators, designees, and the superintendent may use lunch, before-school, and after-school detention as a response for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention is imposed only after the student's parents (guardians/caregivers) have been notified and arrangements for appropriate post-detention transportation home have been made.
Classroom Removal (continued)	A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

Classroom Removal	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. 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 disciplinary 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, to explain the circumstances of the removal and to present the removal form. If the Principal or 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. Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal must notify the student's parent, 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 parent. 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 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. The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one of the following: 1. The charges against the student are not supported by substantial evidence. 2. The student's removal is otherwise in violation of law, including the district's code of conduct. 3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed. The Principal or his/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. 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. 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. Each teacher must keep a record for all cases of removal of students from his/her class. The Principal must keep a log of all removals of students from class. 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 chairperson of the Committee on Special Education or 504 Committee chairperson that the removal will not violate the student's rights under state or federal law or regulation.

Suspension from Transporation	If a student engages in inappropriate behavior on a school bus the bus driver is expected to bring the misconduct to the school principal's attention. Students who exhibit dangerous or chronically problematic behavior on the bus may have their riding privileges suspended by the school principal, superintendent, or their designees. This will only happen after other interventions have been exhausted and should be for as short a time period as possible. In such cases, the student's parents will become responsible for the transportation of their child to and from school safely. A student suspended from transportation is not entitled to a full hearing pursuant to Education Law 3214. The student and parents (guardians/caregivers), however, will be provided with a reasonable opportunity for an informal conference with the school principal or the principal's designee to discuss the conduct and the penalty.
In School Suspension	When the violation indicates removal from classes for a longer period than a detention and/or classroom removal, an in school suspension may be assigned.
Out of School Suspension	Suspension from school shall be imposed in accordance with the requirement of applicable law and this Code as a Level 3 or 4 response. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate action. The Superintendent or Principal, upon receiving a recommendation or referral for suspension, shall gather the facts relevant to the matter before making a determination about suspension. **SHORT TERM (5 DAYS OR LESS) SUSPENSION FROM SCHOOL** When the Superintendent or Principal proposes to suspend a student for misconduct, for 5 days or less, the suspending authority must immediately notify the student verbally. The suspending authority must also notify the student's parents by phone, text, or email, followed by a written notice 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. The notice must be in the dominant language or mode of communication used by the parents. The notice shall provide a description of the charges against the student and the incident for which the suspension is proposed and shall inform the parents, guardians, or caregivers of the right to request an immediate informal conference with the principal to provide the student's version of events and the opportunity to ask questions of complaining witnesses, who will usually be school staff members. 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. When a conference is held, the Principal shall promptly advise the parents in writing of his or her decision after the conference. **LONG-TERM (MORE THAN 5 DAYS) SUSPENSION FROM SCHOOL** When the Superintendent or Principal determines that a suspension for more than five (5) days may be warranted, they shall give notice to the student and their parents, guardians, or caregivers, of the right to a fair hearing. The Superintendent shall personally hear and determine the proceeding, or may, in their decision, designate a hearing officer to conduct the hearing. A record of the hearing shall be maintained. When a designee other than the Superintendent hears and determines the proceeding, the hearing officer shall make findings of fact and recommendations as to the appropriate measure of consequence to the Superintendent. The report of the hearing officer shall be advisory only and the Superintendent may accept all or any part thereof. The Superintendent shall render a written decision.

Appealing a Suspension

After the conference or hearing, parents who are not satisfied with the decision and wish to pursue the matter must file a written appeal to the Superintendent within five (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 thirty (30) business days of receiving the appeal. If the parents, guardians, or caregivers are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the Clerk of the Board within ten (10) business 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 within thirty (30) days of the decision. The district may, in its discretion, continue to impose the suspension during the pendency of any appeal.

STUDENT SEARCHES AND INVESTIGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence on a student may question a student about an alleged violation of law or code of conduct. Students are not entitled to a "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

The Superintendent, Building Principals, school nurse and security officials can conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. and B., if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code of conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. **Student Lockers, Desks, and other School Storage Places**

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks, and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, and other school storage places may be subject

to search at any time by school officials, without prior notice to students and without their consent.

B. **Treatment of Cell Phones**
Our cell phone policy and state law prohibit the use of student cell phones in school. Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

C. **Documentation of Searches**
The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

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

The Principal or the Principal's designee shall be responsible for the custody, control, and disposition of any illegal or dangerous item taken from a student. The Principal or the Principal's designee shall clearly label each item taken from the student and retain control of the item(s) until the item is turned over to the police.

The Principal or the Principal's designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. **Police Involvement in Searches and Interrogations of Students**
Police authorities generally have no right to initiate interviews with students in the school building related to a potential crime unless parental/guardian permission is given to school administration or the police have a warrant. If the police wish to speak to a student without a warrant, they should take the matter up directly with the student's parents or legal guardians.

If a student is to be questioned by police as a result of a warrant or at the request of the District, it is the responsibility of the school administration to ensure that the interrogation takes place privately. The building principal or his designee must be present with the student at all times during an interrogation.

E. **Child Protective Services Investigations**
Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local Child Protective Services workers, or members of a multi-disciplinary team accompanying such

workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by Child Protective Services to interview a student on school property shall be made directly to the Principal or his or her designee. Child Protective Service workers and any associated multidisciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to immediate harm if they were not removed from school before a court order can reasonably be obtained.

CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, physical restraint may be used only in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

The district will submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint, and seclusion to the Commissioner in accordance with Commissioner's regulations.

CONSIDERATIONS FOR STUDENTS WITH DISABILITIES

The HCSD recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities who violate the district's Student Code of Conduct and Restorative Supports, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board of Education expects that this will be a sparingly used option and staff will employ conflict resolution meetings, restitution to those harmed, and group, classroom, or community circles as appropriate for a particular student. Restorative justice practices will be considered first in dealing with disciplinary issues, as long as the student with disabilities is able to meaningfully participate in the process and such practices are allowable under their Individualized Education Plan (IEP).

The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them.

Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The Student Code of Conduct and Restorative Supports for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an Interim Alternative Educational Setting (IAES), another setting, or suspension for a period not to exceed five (5) consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed ten (10) consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten (10) consecutive school days in the same school year for separate incidents of misbehavior, as long as the suspensions do not constitute a disciplinary change of placement.

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.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the Committee on Special Education for a period of up to 45 school days if the student:

1. Carries or possesses or uses a weapon to or at school, on school premises, or to a school function;
2. Knowingly possesses or uses illegal drugs or distributes, sells, or solicits the sale or distribution of a controlled substance while at school, on school premises, or at a school function under the district's jurisdiction;
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the Committee on Special Education will determine the IAES.

Procedures for the Suspension or Removal of Students with Disabilities by School Personnel

1. In cases involving the suspension or removal of a student with a disability for a period of five (5) consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five (5) school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a fact finding phase on the charges and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determine that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing record will reflect that the student was found guilty, but that due to the manifestation determination, no additional removal from the student's then current placement will occur and the student's disciplinary record will reflect that a manifestation was found. If the behavior involved weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, then the student may still be placed in an IAES for up to 45 school days.

Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the Definitions section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability;
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's Student Code of Conduct and Restorative Supports.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the Student Code of Conduct and Restorative Supports. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Determination 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 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. 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:

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

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.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurring. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district otherwise agree to a change in placement.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misbehaviors has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parents expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or

2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district 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;
2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in 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.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

Procedures for Disciplining Students with Disabilities Pursuant to Section 504

Before discipline may be meted out for a student with a disability or suspected disability founded solely under §504 of the Rehabilitation Act of 1973 (hereinafter §504)/Title II of the Americans with Disabilities Act (hereinafter the ADA), §504 multi-disciplinary committee (hereinafter the §504 Committee) must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability.

1. If the conduct underlying the charges, the hearing record will reflect that the student was found guilty, but that due to the manifestation determination is found to be a manifestation of the disability, no additional removal from the student's then placement will occur and the student's disciplinary record will reflect that a manifestation was found. The §504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under §504, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no manifestation is found, yet a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 Hearing Officer. Students whose sole disabilities are founded under §504 and for whom no nexus is found shall be disciplined in the same manner as their non-disabled peers.

Any penalty imposed may not be based on past behavior for which a manifestation determination was not made.

The District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing §504 (34 CFR §104 et. seq.) until the end of the school year in which the student reaches the age of 21.

APPENDIX

KEY DEFINITIONS

Behavioral intervention plan (BIP): a plan that is based on the results of a Functional Behavioral Assessment (FBA) and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior. BIP's and FBA's are used in conjunction with a student's IEP as needed.

Bullying: A hostile activity which harms or induces fear through the threat of further aggression and/or creates terror.

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. 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.

Community Building Circles: Community building circles focus on:

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

When used as an intervention measure to address inappropriate student behavior, restorative circles empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the prosocial 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.

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

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.

Disruptive student means a 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.

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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.

Gender means actual or perceived sex and shall include a person's gender identity or expression.

Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

Gender identity is an individual's internal sense of their own gender, whether they identify with the gender they were assigned at birth or another gender[SF1] .

Harassment: the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and 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. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived: race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles (such as but not limited to braids, locks, and twists) , color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

Individualized Education Plan (IEP) is a legally binding document created for students with qualifying disabilities that outlines their specific educational goals, accommodations, and the specialized instruction or services they require to succeed in the classroom.

Interim alternative educational setting (IAES) means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

Manifestation review means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

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Manifestation team means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.

Re-entry Circle: A re-entry circle covers everything a reentry meeting does and 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 removal or suspension).

Re-entry meeting: A re-entry meeting 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, their parent, and key school staff make commitments about how to foster a smooth return and address individual or community circumstances that contributed to the suspension event.

Removal means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.

School function means any school-sponsored extracurricular event or activity.

School property means 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. "School Property" shall also include any building, structure, or land utilized by staff and/or students for purposes of remote and/or virtual learning.

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

Student presumed to have a disability for discipline purposes means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge as a student with a disability before the behavior that precipitated the disciplinary action.

Sexual orientation means actual or perceived heterosexuality, homosexuality or bisexuality.

Violent student means a student under the age of 21 who:

1. Commits an act of violence upon a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possess, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

Weapon means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

DISSEMINATION AND REVIEW

The Board will work to ensure that the community is aware of this Student Code of Conduct and Restorative Supports by:

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students in person at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete Student Code of Conduct and Restorative Supports on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code after adoption.
5. Providing all new employees with a copy of the current Student Code of Conduct and Restorative Supports when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Student Code of Conduct and Restorative Supports and other training to contribute to its success as needed. 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.

Review of the Student Code of Conduct and Restorative Supports

The Board will review this Student Code of Conduct and Restorative Supports 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.

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 Student Code of Conduct and Restorative Supports and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

Legal	
Education Law §3214	Matter of Caulfield, 18 EDR 574 (1979) (suspension from classes)
8 NYCRR §100.2(l)	Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of O'Connor v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)	Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)	Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)
Appeal of Alexander, 36 EDR 160 (1996) (counseling)	Matter of Port, 9 EDR 107 (1970) (informal due process)
Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)	8 NYCRR §100.2(l)(3) Rules of the Board of Regents §19.5
Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)	Safford Unified School District #1 et al. v. Redding, 129 S. Ct. 2633 (2009)
Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)	Vassallo v. Lando, 591 F.Supp.2d 172 (E.D.N.Y. (2008)
Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)	Phaneuf v. Fraikin 448 F.3rd 591 (2006)
Matter of Caskey, 21 EDR 138 (1981) (reduction in grade)	New Jersey v. TLO, 469 U.S. 325 (1985)
Matter of MacWhinnie, 20 EDR 145 (1980) (reduction in grade)	In re Gregory, 82 N.Y.2d 588 (1993)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)	People v. Scott D., 34 N.Y.2d 483 (1974)
Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspensions)	People v. Singletary, 37 N.Y.2d 310 (1975))
	People v. Overton, 20 N.Y.2d 360 (1969)
	M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)
	Opinion of Counsel, 1 EDR 800 (1959)
	Education Law §§1708; 2801

Cross Referenced Policies

- AUP 4526
- Student Harassment and Bullying Prevention and Intervention 0115
- Diversity, Equity and Inclusivity in Education 0105
- Attendance Policy 5100
- Students and Personal Electronic Devices 5695