

## NYCMCS DISCIPLINE POLICY 2017-18

The school-wide code of conduct upholds the Montessori values of grace, courtesy, respect and responsibility and is based on the following rights and responsibilities of the student.

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

The NYCMCS Standards of Intervention and Discipline Measures (the Discipline Code) provides a description of conduct that does not meet the standards of behavior expected of students in the New York City public schools. It includes a range of guidance interventions and a range of permissible disciplinary and intervention measures that schools may use to address misbehavior. The Discipline Code applies to all students.

### RIGHTS

### RESPONSIBILITIES

<b>Students have the right to learn.</b>	<b>Students have the responsibility to participate actively and be responsible learners.</b>  For example, students should: <ul style="list-style-type: none"> <li>☐ <i>always try their best</i></li> <li>☐ <i>be on time and ready to work</i></li> <li>☐ <i>stay focused and avoid distracting others</i></li> <li>☐ <i>complete assignments and follow directions</i></li> </ul>
<b>Students have the right to be respected.</b>	<b>Students have the responsibility to respect others (not to bully, tease, pick on, or harass others).</b>  For example, students should : <ul style="list-style-type: none"> <li>☐ <i>be polite and wait their turn</i></li> <li>☐ <i>use kind words</i></li> <li>☐ <i>use good listening skills</i></li> <li>☐ <i>be honest and tell the truth</i></li> </ul>
<b>Students have the right to be safe</b>	<b>Students have the responsibility to behave in a safe manner and to protect the safety of others.</b>  For example, students should : <ul style="list-style-type: none"> <li>☐ <i>walk calmly; no running in the hallways</i></li> <li>☐ <i>stay in the designated areas within the school</i></li> <li>☐ <i>play games safely</i></li> <li>☐ <i>report dangerous situations to staff</i></li> </ul>
<b>Students have the right to privacy and security of their personal space and property.</b>	<b>Students have the responsibility to respect the property and privacy of others (students, staff and community).</b>  For example, students should : <ul style="list-style-type: none"> <li>☐ <i>not touch other people's property without permission</i></li> <li>☐ <i>respect other people's personal boundaries</i></li> <li>☐ <i>ask before photographing/recording someone</i></li> </ul>
<b>Students have the right to use school installations, equipment and property.</b>	<b>Student have the responsibility to use the school's equipment, installations and property according to all applicable rules and with care and respect.</b>  For example, students should : <ul style="list-style-type: none"> <li>☐ <i>clean up after themselves</i></li> <li>☐ <i>ask before borrowing</i></li> <li>☐ <i>return materials promptly and neatly</i></li> </ul>

## EXPECTATIONS

**Behavior in Classroom:** Students are expected to listen and follow all teachers' directions. Students will respect themselves, others and all classroom materials. Students will remain in the classroom at all times, unless escorted or given permission by the teacher.

**Behavior in Halls:** Students are to walk quietly in an orderly fashion through the halls at all times. This quiet will be respected during the instructional school day and with consideration for others who are working. Students will not be in the hallways without an adult or the written/verbal consent of their teacher. Any students found outside the classroom without an escort or consent will be immediately escorted to their classroom by staff. Students will not ride the elevator without an adult escort under any circumstances.

**Behavior in Restrooms:** Students will respect the privacy and rights of others and act responsibly in restrooms. Any misuse of towels, waste, toilet paper, soap, or defacing of restroom facilities constitutes destruction of property.

**Behavior in the Dining Room:** The dining room should be a safe, comfortable, inviting, and clean environment where all interactions between students and adults are respectful. Students are expected to follow directions the first time they are given. They must remain quiet for the first 15 minutes of each lunch period, and keep their voices low for the remainder of their lunch period. Students must stay seated and raise their hand in order to receive permission from an adult to leave their seat, keep their eating space clean, and practice good manners. For health reasons, children are not allowed to share food of any kind with others.

**Behavior on Playgrounds/Recess/Terrace:** The playground should be a safe, pleasant, friendly environment where all interactions between students and adults are respectful. Students are expected to follow directions the first time they are given. They must walk in an orderly fashion to the playground, show respect for others by using appropriate language and leave the playground only when permission is given by an adult in charge. Objects are not to be thrown on the terrace (footballs, frisbee, soccer balls, etc.).

**Behavior During School Sponsored Activities/Field Trips:** Students are expected to conduct themselves in a respectful and responsible manner during school sponsored activities, programs and field trips. Behavioral expectations are consistent with school policies. Students are expected to remain with their teacher/chaperone during the entirety of the trip.

**Excessive Tardiness, Absences, Leaving School Without Permission:** Students must be on time for school and in their classrooms by 8:20 a.m.; after this time they will be marked late or absent. Students are to remain on school grounds in their scheduled classroom locations unless written permission for early dismissal has been provided to the school by a parent/guardian.

**Behavior on Bus:** The same standards of behavior that apply at school also pertain at the bus stop or while boarding, riding and unloading school busses. Students must respect the rights of others and must not pose a threat to anyone's safety. Students must not distract the bus driver, remain seated until notified to unload the bus, and keep their seat belts on at all times. They must not hit, scream, remove their seatbelt, block the aisles or disobey the school bus driver.

## PROMOTING POSITIVE STUDENT BEHAVIOR

Character education is a key component in educating the whole child. NYCMCS is committed to the social, emotional, intellectual and physical development of the child. It is only through such development that the children can fully succeed academically, and in life.

NYCMCS had adapted 3 values that will be the basis of our code of conduct. These values or leadership traits assist in the social and emotional development of our students. The values are

1. **Respect**
2. **Responsibility**
3. **Safety**

Each value, along with others, will be the focus of a community meeting each month. All concepts are also integrated into the educational program.

## **MANAGEMENT OF EVERYDAY BEHAVIORS**

To promote students' compliance with the school's code of conduct, the teacher should involve students in its **re-creation** as their “own” code of conduct. At the beginning of the year, the teacher should meet with the children to establish the rules of the classroom and the school, and steer class discussion to include rules corresponding to those in the school code of conduct. To do this, each class teacher should guide and shape a discussion of the reasons why the students come to school (for example, “to learn”, “to make friends”) and what they need in order to do these things (for example, “to listen”, “to be friendly”). Then the teacher should discuss the rights and responsibilities of students and lead the group to express the appropriate rules in their own words. These rules should be posted on the wall in the classroom.

After posting the rules, the teacher should shape a discussion around consequences. What shall we do if anyone breaks the rules? Typical consequences should emphasize apology and making amends. They might include:

- *Sit still and think for five minutes and then say what you will do to behave differently in the future.*
- *Apologize if you have done something to hurt some-one else.*
- *Repair or replace anything you damage.*
- *5-10 minute exclusion from group activity.*

The code of conduct should be explicitly discussed and gently but firmly enforced in a consistent way in all school venues (for example, halls, gymnasium, outdoor areas), and by all members of staff.

## **ADDRESSING THE BEHAVIORAL NEEDS OF PRE-K CHILDREN**

The Discipline Code establishes behavioral expectations for students in grades K-5. The Discipline Code does not apply to students in Pre-K. The Department of Education and the NYC Administration for Children’s Services are committed to ensuring that all children leave early childhood programs prepared to enter kindergarten ready to succeed academically and behaviorally. For more information about Behavior Management, see the Administration for Children’s Services and Department of Education’s Statement on Behavior Management on the Department of Education website under Early Childhood: <http://schools.nyc.gov/Academics/EarlyChildhood/educators/UPK.htm>.

## **ADDRESSING THE NEEDS OF STUDENTS WITH DISABILITIES**

If a special education student violates the school’s Disciplinary Code and is being considered for a suspension or removal, the school will ensure due process protections in accordance with Sections 300.530-300.537 of the Code of Federal Regulations (CFR). The school will make the provisions described below for students with special needs who engage in extreme behaviors meriting suspension or expulsion. Furthermore, a student who has engaged in behavior that violated the school’s Disciplinary Code who has not been determined to be eligible for special education services but qualifies under 34 CFR 300.534 as a student suspected of having a disability may request to be disciplined in accordance with these provisions.

For a student whose behavior merits suspension or expulsion and who is either identified as a student with special needs under 20 USC §1400 et seq. or qualifies as a student suspected of having a disability under 34 CFR 300.534, the school will:

- Provide a free and appropriate education in accordance with 20 USC §1400 et seq. to students who are suspended or removed for disciplinary reasons for more than ten school days (as defined in 34 CFR 300.536);
- Address behaviors that result in suspensions or removals for more than ten school days (as defined in 34 CFR 300.536) by providing functional behavioral assessments and behavioral intervention plans in accordance with 34 CFR 300.530;
- Conduct a manifestation determination review in accordance with 34 CFR 300.530 to determine the relationship between the behavior and the student’s disability when a suspension or removal would result in a disciplinary change of placement;
- Provide the parent of the student a copy of the procedural safeguards notice in accordance with 34 CFR 300.530 and 34 CFR 300.504;

- Expedite the resolution of disagreements between parents and the school regarding certain disciplinary actions;
- Ensure protections for students who qualify under 34 CFR 300.534; and
- Expedite evaluations of students suspected of having a disability during the suspension period.

The school will work closely with the Committee on Special Education to establish clear guidelines for communication and decision-making on disciplinary matters. The school will maintain written records of all suspensions and expulsions of both general education students and special education students. These records will include the name of the student, a description of the behavior, the disciplinary action taken, the names of staff members involved in the incident, and the number of days a student has been suspended or removed for disciplinary reasons. Student records will be stored in locked cabinets and a record access log will be maintained listing all persons who reviewed the information and when such information was reviewed.

## **ADDRESSING BULLYING AND BIAS- BASED BEHAVIOR**

**Bullying, harassment and intimidation** means any intentional conduct, including verbal, physical or written conduct, or intentional electronic communication, that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities or performance, or with a student's physical or psychological well-being.

**Electronic communication** means communication transmitted by means of an electronic device, including a phone or computer.

The goal of the Dignity For All Students Act (DASA) is to provide all public school students with a safe, supportive and positive school climate in which they can learn, excel and graduate ready for college or a career.

A safe and supportive environment is free from discrimination, intimidation, taunting, harassment, and bullying on school property and /or at a school function. School property is defined as any building, structure, field, parking lot or land that sits within the property boundaries of a school, as well as school buses. School functions refer to any school sponsored extra-curricular event or activity.

If as a parent you have concerns that your child is the target of bullying behavior, please report your concerns to your child's school. If, after reporting to your child's school, you require additional assistance, please contact your school's District Family Advocate (elementary and middle schools) or Borough Family Advocate (high schools) or email [RespectforAll@schools.nyc.gov](mailto:RespectforAll@schools.nyc.gov).

Any student who believes that he/she has been the victim of discrimination, harassment, intimidation, and/or bullying by another student should report the incident to the DASA Coordinator or to any other school employee. If a student feels uncomfortable making a report to a school staff member, a student may contact the Office of School and Youth Development (OSYD) by emailing the report to [RespectforAll@schools.nyc.gov](mailto:RespectforAll@schools.nyc.gov). All reports of harassment, discrimination, and/or bullying behavior will be investigated. For further information, please see Chancellor's Regulation A-832.

**NO STUDENT SHALL BE SUBJECTED TO HARASSMENT BY EMPLOYEES OR STUDENTS, NOR SHALL ANY STUDENT BE SUBJECTED TO DISCRIMINATION BASED ON THEIR ACTUAL OR PERCEIVED RACE, COLOR, WEIGHT, NATIONAL ORIGIN, ETHNIC GROUP, RELIGIOUS PRACTICE, DISABILITY, SEXUAL ORIENTATION, GENDER, SEX, OR OTHER CHARACTERISTIC.**

### **The following actions are taken to implement DASA:**

- Amended the Code of Conduct to prohibit discrimination, harassment, and bullying
- Designated a Dignity Act Coordinator to oversee implementation of DASA and who is trained to handle human relation issues
- Required that students receive instruction on civility, citizenship and character education by expanding their concepts of tolerance, respect for others and dignity
- Required school employee training:
  - To raise awareness and sensitivity to potential discrimination, harassment or bullying.
  - To enable prevention and response to discrimination, harassment or bullying
  - To promote a supportive school environment that emphasizes positive relationships
- Provided for the report of material incidents of harassment, discrimination and/or bullying annually to the New York State Education Department.

## **WHEN A STUDENT INFRINGES THE RULES**

**Initial Response:** The teacher should have a conversation with the child, asking. "What did you do? What was wrong with your action? What is the rule? What will you do from now on?" If the teacher deems it necessary, he/she applies the appropriate consequence from those generated by the students or consults the code of conduct accordingly. If the

misbehavior stems from a conflict between children, the teacher should call all children involved and ask each one to say what happened, to explain their part in the conflict, and how they felt about it. The teacher should ensure that all children listen to one another. All conversations should end with an agreement about how the students will behave differently in the future, preferably in writing.

**Record Keeping:** All classroom teachers are required to maintain accurate and up to date documentation of all infractions that require disciplinary action. Classroom teachers are also responsible for keeping parents up to date on infractions. If classroom removal is sought, infraction forms must be submitted to the designated record keeper prior to the removal of the student from the classroom, along with designated classwork (if applicable) and must be proportionate to the amount of time spent outside of the classroom.

## **IMMEDIATE PROCEDURES FOR DEALING WITH SERIOUS BEHAVIORS**

### **For behaviors that merit removal from class:**

If a child displays behaviors that impede the functioning of the class, teachers may request assistance to either help the child settle in to class or be removed for a short time to help the child calm down and re-focus. In these cases, the Director of School Culture should be called. They will either intercede or if necessary summon the assistance of the behavior team. (They should also be called, in that order, if the Director of School Culture is unavailable). At that point they will take the child and have a conversation and decide what the next action should be. In any situation in which a child is removed from class for an extended amount of time, a work packet must be provided.

When repeatedly disruptive behavior (see tier 3), or that merits suspension occurs, or more serious infractions as such as aggressive or harmful behavior resulting in or risking minor injuries (e.g. hitting, spitting, kicking, fighting, see Tiers 4 and 5), the Director of School Culture will centralize the information, investigate the incident, and make the decisions about immediate dealings with the child and the disciplinary actions to be taken. The procedure is described below.

1. The teacher should phone the Director of School Culture (DSC) to advise her of the problem.
2. The student should be taken to the. If two children were involved and displayed the behavior, they should be sent separately to the DSC who will determine if the children should talk about the incident together.
3. The child(ren) will be asked to fill out a Behavior Reflection Form, explaining what happened, their own role and responsibility, and their understanding of how they should behave in the future. Students may also be asked to show this written form to their parents.
4. The teacher should write an incident report immediately and send it to the DSC.
5. The DSC files the incident report, and notifies the parents of the actions taken.
6. If the behavior merits a principal's suspension, the DSC will notify the parents immediately to schedule a principal's hearing within 24 hours.
7. A decision will be made at the principals hearing regarding the length of suspension and if any additional supports are required.

**INFRACTIONS AND POSSIBLE DISCIPLINARY ACTIONS  
AFTER EVERYDAY CLASS MANAGEMENT STRATEGIES FAIL**

Infractions in school are grouped according to severity in five tiers. The following chart lists those infractions and the range of actions to be taken at each tier. This chart follows the guidelines of the DoE.

<b>TIER 1 Uncooperative, non-compliant , behavior</b>	<b>Range of Disciplinary actions</b>
<p>1.1 Unexcused absence from school (A-D only)            1.2 Bringing prohibited equipment or items to school without authorization (e.g. cell phone, tablet, or other electronic communication/entertainment device) (A-E only.)            1.3 Failing to be in one's assigned place on school premises (A - E only)            1.4 Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)            1.5 Engaging in verbally rude or disrespectful behavior            1.6 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission (A-E only)            1.7 Riding elevators or walking in the hallways without an escort or without the written/verbal consent of a staff member</p>	<p>A. Admonishment by pedagogical school staff            B. Student/teacher conference            C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)            D. Parent conference            E. In-school disciplinary actions (e.g. exclusion from extracurricular activities, or communal lunchtime)            F. Removal from classroom by teacher</p>
<b>TIER 2 Disorderly behavior</b>	<b>Range of Disciplinary actions</b>
<p>2.1 Smoking and/or use of electronic cigarettes and/or possession of matches or lighters (A-D only)            2.2 Gambling            2.3 Using profane, obscene, vulgar, or lewd language, gestures, or behavior            2.4 Lying to, giving false information to, and/or misleading school personnel            2.5 Misusing property belonging to others            2.6 Engaging in or causing disruptive behavior on the school bus            2.7 Leaving class or school premises without permission of supervising school personnel            2.8 Engaging in inappropriate or unwanted physical contact or touching someone in a private part of body. (For grades K-3 only; see Infraction 3.7 for grade 4. For shoving, pushing, etc. see 3.3)            2.9 Violating the Department's Internet Use Policy (e.g., use of the Department's system for non-educational purposes, security/privacy violations)            2.10 Engaging in scholastic dishonesty which includes but is not limited to:                a. Cheating (e.g. copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting or soliciting, in whole or part, the contents of an un-administered test; substituting for another student or permitting another student to substitute for one's self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test)                b. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source) (grade 4 only)                c. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)            2.11 Inappropriate use of electronic technology (e.g. unauthorized audio/video recording)</p>	<p>A. Admonishment by pedagogical school staff            B. Student/teacher conference            C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)            D. Parent conference            E. In-school disciplinary actions (e.g. exclusion from extracurricular activities, or communal lunchtime)            F. Removal from classroom by teacher            G. In-school suspension/Removal from classroom by teacher</p>
<b>TIER 3 Disruptive behavior</b>	<b>Range of Disciplinary actions</b>
<p>3.1 Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational</p>	<p>A. Admonishment by pedagogical school staff</p>

<p>process (A-G only)</p> <p>3.2 Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability (for grades K-3, A-G; for grade 4, A-I)</p> <p>3.3 Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students or school personnel (e.g., pushing past another person), or throwing an object (e.g., chalk) or spitting at another person (for more serious physically aggressive behavior, see 4.2) (for grades K-3, A-G; for grade 4, A-I)</p> <p>3.4 Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules (for grades K-3, A-G; for grade 4, A-I)</p> <p>3.5 Knowingly possessing property belonging to another without authorization (for grades K-3, A-G; for grade 4, A-I)</p> <p>3.6 Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means (for grades K-3, A-G; for grade 4, A-I)</p> <p>3.7 Engaging In inappropriate or unwanted physical contact or touching someone in a private part of body. (For grade 4 only; see Infraction 1.8 for grades K-3. For shoving, Pushing, etc., use 3.3.)</p> <p>3.8 Engaging in gang-related behavior (e.g. wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs) (grade 4 only) (D-I only)</p> <p>3.9 Engaging In vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others (for grades K-3, C-G; for grade 4, C-I)</p> <p>3.10 Posting or distributing libelous material or literature (Including posting such material on the Internet) (for grades K-3, C-G; for grade 4, C-I)</p>	<p><b>B.</b> Student/teacher conference</p> <p><b>C.</b> Reprimand by appropriate supervisor (e.g., assistant principal, principal)</p> <p><b>D.</b> Parent conference</p> <p><b>E.</b> In-school disciplinary actions (e.g. exclusion from extracurricular activities, or communal lunchtime)</p> <p><b>F.</b> Removal from classroom by teacher</p> <p><b>G.</b> In-school suspension/Removal from classroom by teacher</p> <p><b>H.</b> Principal's suspension for 1-5 days</p> <p><b>I.</b> Principal's suspension for 6-10 days</p>
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<b>TIER 4 Aggressive, injurious or harmful behavior</b>	<b>Range of Disciplinary actions</b>
<p><b>4.1</b> Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, depicting violent actions against or obscene, vulgar or lewd pictures of students or staff (including posting such material on the Internet) (D only)</p> <p><b>4.2</b> Engaging In physically aggressive behavior other than minor altercations as described under 3.3, which creates a substantial risk of or results in minor injury</p> <p><b>4.3</b> Engaging in an act of coercion or threatening or instigating violence, Injury or harm to another or others</p> <p><b>4.4</b> Engaging in behavior on the school bus which creates a substantial risk of or results in injury</p> <p><b>4.5</b> Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm, seeking to coerce or compels a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass</p> <p><b>4.6</b> Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying) based on an individual's actual or perceived race, weight, religion, religious practices, gender, gender Identity, gender expression, sexual orientation, or disability; such behavior includes but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory Jokes or name calling to humiliate or harass.</p> <p><b>4.7</b> Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior.</p> <p><b>4.8</b> Falsely activating a fire alarm or other disaster alarm (D-I only)</p>	<p><b>D.</b> Parent conference</p> <p><b>E.</b> In-school disciplinary actions (e.g. exclusion from extracurricular activities, or communal lunchtime)</p> <p><b>F.</b> Removal from classroom by teacher</p> <p><b>G.</b> In-school suspension/Removal from classroom by teacher</p> <p><b>H.</b> Principal's suspension for 1-5 days</p> <p><b>I.</b> Principal's suspension for 6-10 days</p> <p><b>J.</b> Expulsion</p>

<p><b>4.9</b> Making a bomb threat (D-I only)</p> <p><b>4.10</b> Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)</p> <p><b>4.11</b> Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella, or laser pointer)</p> <p><b>4.12</b> Starting a fire (H-J only)</p> <p><b>4.13</b> Inciting/causing a riot (G-J only)</p> <p><b>4.14</b> Possessing or selling any weapon (G-J only)</p> <p><b>4.15</b> Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol</p>	
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<b>TIER 5 Seriously dangerous or violent behavior</b>	<b>Range of Disciplinary actions</b>
<p><b>5.1</b> Starting a fire (For grades K-3, D-J only; for grade 4, I - J only)</p> <p><b>5.2</b> Threatening to use or using force to take or attempt to take property belonging to another (For grades K-3, D-H; for grade 4, I- J only)</p> <p><b>5.3</b> Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents (For grades K-3, O-J only; for grade 4, 1-) only)</p> <p><b>5.4</b> Using extreme force against or inflicting or attempting to Inflict serious injury upon students or others (For grades K-3, D-H only; for grade 4, 1-J only)</p> <p><b>5.5</b> Planning, instigating, or participating with another or others, in an incident of group violence (For grades K-3, 0-H; for grade 4, 1-J only)</p> <p><b>5.6</b> Engaging In threatening, dangerous or violent behavior that Is gang-related (For grades K-3, 0-H; for grade 4, 1-J only)</p> <p><b>5.7</b> Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity (For grade 4, 1-J only)</p> <p><b>5.8</b> Selling or distributing illegal drugs or controlled substances and/or alcohol (For grades K-3, DH; for grade 4, 1-J only)</p> <p><b>5.9</b> Possessing or selling any weapon, other than a firearm, as defined in Category I (For grades K-3, D-H; for grade 4, 1-J only)</p> <p><b>5.10</b> Using any weapon, other than a firearm to threaten or to attempt to inflict injury upon school personnel, students, or others (For grades K-3, D-H; for grade 4, 1-J only)</p> <p><b>5.11</b> Using any weapon, other than a firearm to inflict injury upon school personnel, students, or others (For grades K-3, D-H; for grade 4, 1-J only)</p> <p><b>5.12</b> Possessing or using a firearm J only)</p>	<p><b>D.</b> Parent conference (K-3 only)</p> <p><b>E.</b> In-school disciplinary actions (e.g., exclusion from extracurricular activities or communal lunchtime) (K-3 only)</p> <p><b>F.</b> Removal from classroom by teacher (K-3 only)</p> <p><b>G.</b> In-school suspension/Removal from classroom by teacher to an alternative learning environment (K-3 only)</p> <p><b>H.</b>Principal's suspension for 1-5days (K-3 only)</p> <p><b>I.</b>Principal's suspension for up to 5 days.</p> <p><b>J.</b> Expulsion</p>

**Bus infractions**

Infractions result in the following consequences: Incident reports will be written and reported by the bus driver

- 1<sup>st</sup> infraction= Written warning sent home
- 2<sup>nd</sup> infraction= 1 day off school bus
- 3<sup>rd</sup> infraction= 2 days off school bus
- 4<sup>th</sup> infraction= 1 week off school bus
- 5<sup>th</sup> infraction= 1 month off school bus
- 6<sup>th</sup> infraction= permanent removal from school bus

## LEGAL CONSIDERATIONS

*Due process* will be followed for all disciplinary actions consistent with federal case law pursuant to *Goss v. Lopez* (419 U.S. 565). The student will have the opportunity to present his/her version of events to the Principal in person. Before imposing a short-term suspension, the Principal shall immediately notify the parents or guardian in writing that the student may be suspended from school. This notice will be in their dominant language and provide a description of the incident(s) for which suspension is proposed. It will inform the parents or guardian of their right to request an immediate informal conference with the Principal. The parents or guardian of the student and the student shall have the opportunity to present the student's version of the incident and to ask questions of the complaining witnesses indirectly through the teacher or the principal. The Principal's decision to impose a short-term suspension may be challenged by the parent(s) or guardian in accordance with the school's complaint process. Before any expulsion, the Principal will consult the Board and immediately notify the student's parent(s) or guardian(s) in writing, in their dominant language. Long-term suspensions or expulsions will only be imposed after the student has been found guilty at a formal hearing. The hearing shall include the Principal, staff members involved with the incident, and the student with his/her parent(s) or guardian(s). The student shall have the right to be represented by counsel, question witnesses, and present evidence.

Federal and State law require the expulsion from School for a period of not less than one year of a student who is determined to have brought a firearm to the school, or to have possessed a firearm at School. The Principal may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended). "Weapon," as used in this law means a "firearm," as defined by 18 USC§8921, and includes firearms and explosives. (New York Education Law §3214(3)(d) effectuates this federal law.) The Principal shall refer a student under the age of sixteen who has brought a weapon or firearm to school to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act.

*Alternative educational services.* The NYCMCS will ensure the provision of alternative educational services to any student who has been suspended or expelled, to the extent required by applicable law. Instruction for suspended students shall be sufficient to enable them to make adequate academic progress, and shall provide them with opportunities to complete assignments, learn the curriculum and participate in assessments, and it will take place in a suitable site. For a student who has been expelled, the school will provide alternative instruction to the extent required by applicable law for suspended students, until the student enrolls in another school or until the end of the school year, whichever comes first.

To ensure the effective application of the NYCMCS' behavior management and discipline policy, all teachers will participate in introductory and advanced-level workshops on the teaching of the peace curriculum, and the application of all phases of the discipline policy with general education students and students with disabilities. In addition, Administrators will receive professional development in areas related to discipline, school climate, legal requirements, and effective leadership.