

**New York City Montessori Charter School(NYCMCS)
 DISCIPLINE POLICY 2021-22**

It is the policy of NYCMCS to provide equal educational opportunities without regard to actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship/immigration status, disability, age, sexual orientation, gender (sex), gender identity, gender expression, or weight. It is also the policy of the NYCMCS to maintain an environment free of harassment on the basis of any of these grounds, including sexual harassment.

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

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.

<p align="center">Students have the right to learn.</p>	<p align="center">Students have the responsibility to participate actively and be responsible learners.</p> <p align="center">For example, students should:</p> <ul style="list-style-type: none"> • <i>always try their best</i> • <i>be on time and ready to work</i> • <i>stay focused and avoid distracting others</i> • <i>complete assignments and follow directions</i>
<p align="center">Students have the right to be respected.</p>	<p align="center">Students have the responsibility to respect others (not to bully, tease, pick on, or harass others).</p> <p align="center">For example, students should :</p> <ul style="list-style-type: none"> • <i>be polite and wait their turn</i> • <i>use kind words</i> • <i>use good listening skills</i> • <i>be honest and tell the truth</i>
<p align="center">Students have the right to be safe</p>	<p align="center">Students have the responsibility to behave in a safe manner and to protect the safety of others.</p> <p align="center">For example, students should :</p> <ul style="list-style-type: none"> • <i>walk calmly; no running in the hallways</i> • <i>stay in the designated areas within the school</i> • <i>play games safely</i> • <i>report dangerous situations to staff</i>

<p>Students have the right to privacy and security of their personal space and property.</p>	<p>Students have the responsibility to respect the property and privacy of others (students, staff and community).</p> <p>For example, students should :</p> <ul style="list-style-type: none"> • <i>not touch other people's property without permission</i> • <i>respect other people's personal boundaries</i> • <i>ask before photographing/recording someone</i>
<p>Students have the right to use school installations, equipment and property.</p>	<p>Student have the responsibility to use the school's equipment, installations and property according to all applicable rules and with care and respect.</p> <p>For example, students should :</p> <ul style="list-style-type: none"> • <i>clean up after themselves</i> • <i>ask before borrowing</i> • <i>return materials promptly and neatly</i>

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 8:15 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.

PARENTS AS PARTNERS

*Note: 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, stepparent, 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, whether due to, among other things, death, imprisonment, mental illness, living outside the state, or abandonment of the child.

Students, parents, and school staff all have a role in making schools safe and must work together to achieve this goal. School staff will keep parents informed of their child’s behavior and engage parents as partners in addressing areas of concern. Outreach to parents will include, but is not limited to, a phone call, an in person conference, and written communication. To ensure that parents are able, encouraged, and supported to become active and involved partners in promoting a safe, supportive school environment, they should become familiar with the Discipline Code. NYCMCS is:

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

It is important that there is meaningful consultation and communication between the school and the home. NYCMCS will arrange for interpretation and translation services, if necessary, to communicate with a parent. Guidance conferences attended by the principal or their designee, a school counselor, the student’s parents, and one or more of the student’s teachers are an effective means of encouraging parental input and will be held with students, when appropriate.

Parents who want to discuss supports and interventions in response to student behavior should contact their child’s teacher, who will also inform the school’s Culture Support Team (CST). The AP of Culture, Counselor and our SPED classroom support positions (CST) serve to coordinate and monitor the school-wide behavior intervention plan.

In the event that a student engages in inappropriate behavior that violates the Discipline Code, the Assistant Principal of School Culture or principal’s designee must report the behavior to the student’s parents. When a student is believed to have committed a crime, the police and the parent must be notified. See Chancellor’s Regulation A-412 (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>) for more information.

ATTENDANCE

Attendance at school is vital to a student’s academic progress and success. Students who attend school regularly are able to learn more, have fewer discipline problems, and develop better study habits. School personnel must ensure that appropriate outreach, intervention, and supports are provided for students with patterns of absences. The school’s Culture Support Team (CST) will review cases of absenteeism, chronic absenteeism, and/or truancy and should involve attendance teachers, deans, guidance counselors, teachers, social workers, and other school staff to facilitate a resolution.

School staff will meet with the student and parents in order to determine needed supports and an appropriate course of action which may include, but is not limited to: guidance intervention, family conferences, referral for counseling, changes in academic program, contracts, and/or referral to tutoring or after-school programs. NYCMCS uses a range of Preventive Service Models

(<https://www1.nyc.gov/site/acs/childwelfare/preventive-services.page>) which are offered by community-based organizations contracted by the NYC Administration for Children’s Services

(<https://www1.nyc.gov/site/acs/about/about.page>). Being familiar with these options helps families and schools understand how a preventive service might be useful in addressing the cause of absence.

NYCMCS's Family Handbook outlines our attendance policies which share the benefits of the attendance standards and which also define the absences (or lateness occurrences) that are 5 considered excused, the documentation that is required, and the appropriate responses. For more information, see *NYCMCS's Family Handbook*.

PROMOTING POSITIVE STUDENT BEHAVIOR

The school-wide code of conduct upholds the Montessori values of grace, courtesy, respect and responsibility. 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 takes a proactive role in nurturing students' prosocial behavior. Social emotional learning is a 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.

NYCMCS focuses on 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 will involve students in its **re-creation** as their "own" code of conduct. At the beginning of the year, the teacher will 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 will 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.

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

parents. For further information regarding behavioral crisis de-escalation and intervention, please see Chancellor's Regulation A-411 (<https://www.schools.nyc.gov/school-life/policies-forall/chancellors-regulations/volume-a-regulations>).

RESTORATIVE PRACTICES

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

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

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

Glossary of Restorative Practices

Circle Process: Regular use of restorative circles within the instructional program of a school is a significant prevention and intervention strategy. The circle process enables a group to build relationships, 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 focus on:

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

When used as an intervention measure to address inappropriate student behavior, restorative circles empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the pro-social skills of participants, particularly those who have harmed others; and provide wrongdoers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible. A circle can also be used in response to a particular issue that affects the school community.

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

Welcome-Back Circle: A welcome-back circle is a process designed to formally welcome the returning student back into the school community and to establish a support system for the student (such as, key relationships and resources). The returning student and other circle participants (for instance, school staff and parents) make commitments about how to foster a smooth return and address individual or community circumstances that contributed to the suspension event. The Circle provides a space for students to express themselves, actively listen to one another's perspectives, and build a sense

of community. This practice helps build a strong school culture that students, staff, and those in the community can rely on and return to in times of need. A welcome-back circle may be used as an intervention in conjunction with a disciplinary response (for example, a student participates in a welcome-back circle after a culture team removal or a principal's or superintendent's suspension)

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

- meaningful opportunities to share ideas and concerns and participate in school wide initiatives (e.g., student government, regularly held student forums; schoolwide community service projects, etc.);
- student leadership development;
- co-curricular after-school activities (e.g., student clubs, including sports-related clubs and teams; service organizations; etc.);
- periodic recognition of students' achievements in a wide range of academic and co-curricular areas. Such opportunities, coupled with a comprehensive program of prevention and intervention supports, provide students with the experiences, strategies, skills, and support that they need to thrive.

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:

<https://infohub.nyced.org/docs/default-source/default-document-library/statement-on-positive-behaviorguidance.pdf>).

ADDRESSING THE NEEDS OF STUDENTS WITH DISABILITIES

Functional Behavior Assessments (FBAs) and Behavior Intervention Plans (BIPs)

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

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

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

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

A behavioral intervention plan (BIP) is based on the results of an FBA and includes, at a minimum: a description of the problem behavior; global and specific hypotheses as to why the problem behavior occurs; and intervention strategies that include positive behavioral supports to address the behavior. The BIP must identify intervention strategies to be used to alter antecedent events to prevent the occurrence of the behavior, teach individual alternative and adaptive behaviors to the student, and provide responses for the targeted inappropriate behavior(s) and alternative acceptable behavior(s).

Baseline data must be used as a standard to establish performance criteria and against which to evaluate intervention effectiveness. The BIP must be monitored (and reported to the parent) using the same data collection measures (frequency, intensity, duration and/or latency) that were used to collect baseline data for the FBA. The goal is for the problem behavior to decrease as the replacement behavior increases.

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

Disciplinary Violations 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 (MDR) (see below)** 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.

Manifestation Determination Review (MDR)

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

A disciplinary change of placement occurs if the student will be removed from their regular program for:

- (1) more than 10 consecutive school days as a result of a superintendent's suspension;
- (2) more than 10 cumulative school days in a 40-school-day period as a result of three or more disciplinary responses (superintendent's suspension, principal's suspension, and/or culture removal); or

(3) more than 10 cumulative school days in a school year as a result of disciplinary responses that the principal determines constitute a pattern of removals. See the NYCDOE Behavior Supports web page (<https://www.schools.nyc.gov/special-education/supportsand-services/behavior-supports>) for more information.

ADDRESSING BULLYING AND BIAS- BASED BEHAVIOR

What is Bullying?

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

Bullying behavior always involves an imbalance of power (physical or social) or strength between the person doing the bullying and the target of the behavior. The person doing the bullying may be physically bigger or stronger or may be older or have greater social status or social power than the person being targeted.

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. More specifically, per New York Education Law, Section 11 (<https://www.nysenate.gov/legislation/laws/EDN/11>):

“Harassment” and “bullying” shall mean 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; or (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or (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. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

Harassment and/or bullying may take many forms and can be physical, non-verbal, verbal, or written. It may be a single incident or a series of related incidents. Written discrimination, harassment, intimidation and/or bullying includes electronically transmitted communications and cyberbullying (e.g., via information technology including, but not limited, to: internet, cell phone, email, personal digital assistant wireless handheld device, social media, blogs, chat rooms, and gaming systems).

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.

Prevention and Intervention

NYCMCS promotes a nurturing school culture that promotes positive interpersonal and intergroup relations and respect for diversity among students and between students and staff. NYCMCS provides 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.

NYCMCS prevents 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)

Bullying and harassment can take many forms and includes behavior that targets students because of their actual or perceived race, color, national origin, ethnicity, citizenship/immigration status, religion, creed, disability, sexual orientation, gender, gender identity, gender expression, or weight. These behaviors pose a serious threat to all students, and it is a school's responsibility to eliminate the hostile environment created by such harassment, address its effects, and take steps to ensure that harassment does not recur. All reports of harassment, intimidation, discrimination, and/or bullying behavior will be investigated, and appropriate followup action will be taken. For further information, please see Chancellor's Regulation A-832 (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations> .)

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 NYCDOE rules that prohibit such behavior. Clarifying schoolwide rules that prohibit bullying and discrimination and discouraging bystander behavior (on-looker) are vitally important to helping students play a pivotal role in bullying prevention.

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

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

professional development opportunities. For more information, please visit the NYCDOE Respect for All (RFA) Library (<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all>).

To assist our school community in addressing bullying and bias-based behavior, NYCMCS utilizes the NYCDOE Respect for All (RFA) Library (<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all>) which offers many kinds of resources for parents, students, school staff, and school leaders. These resources include guidance documents and tip sheets for parents and students, including an important RFA brochure on understanding the difference between bullying and conflict, along with lessons, book lists, and other instructional materials for school staff. NYCMCS uses these resources to infuse bullying prevention, including cyberbullying, and respect for diversity lessons and other activities into our instructional program.

Parents and students can report concerns regarding bullying behavior to their child’s teacher or the Assistant Principal of Culture.

PROGRESSIVE DISCIPLINE

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

Progressive discipline prevents a recurrence of negative behavior by helping students learn from their mistakes. Assisting students who have engaged in negative behavior is essential to implementing progressive discipline. The goals are for students to:

- understand why the behavior is not aligned with behavior standards and the harm it has caused;
- understand what they could have done differently in the same situation;
- take responsibility for their actions;
- be given the opportunity to learn prosocial strategies and skills to use in the future; and
- understand the progression of more stringent responses if the behavior reoccurs.

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

Appropriate disciplinary responses should emphasize prevention and effective intervention, foster resiliency, prevent disruption to students’ education, and promote positive school culture. When a student’s misconduct results in a placement out of the classroom, the school should consider, where 28 appropriate, using the restorative welcome-back circle process (see page 17 for more information) as an effective strategy to support a successful return to the student’s regular program.

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.

Supports and interventions are an integral part of a comprehensive response to misconduct. NYCMCS is required to provide and document supports at all stages of the disciplinary process, including during suspension. When used consistently and appropriately, interventions help improve student behavior, lower the incidence of repeated misbehavior, and contribute to a more positive school environment.

PROGRESSIVE INFRACTION LEVELS

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

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

Level 1 — Uncooperative/Noncompliant Behavior

Level 2 — Disorderly Behavior

Level 3 — Disruptive Behavior

Level 4 — Aggressive or Injurious/ Harmful Behavior

Level 5 — Seriously Dangerous or Violent Behavior

Each level of infractions provides a set of possible supports and interventions as well as a range of possible disciplinary responses that may be imposed by a principal or their designee.

The enumerated infractions are not all-inclusive. Students who engage in misconduct that is not listed in the Discipline Code are subject to appropriate disciplinary measures by the principal, or their designees. This is based on the violation of school rules and it keeps with the standards for addressing inappropriate behavior by students in grades K–5. To ensure that staff, students, and parents are aware of all expected standards of behavior, school rules are available in writing and available to all students and communicated in a grade-appropriate manner.

The Discipline Code provides graduated accountability measures for students who engage in repeated misbehaviors despite prior interventions and/or prior imposition of appropriate disciplinary measures. More severe accountability measures will be used for those students who engage in a pattern of persistent misconduct. Whenever possible and appropriate, prior to using such penalties, school officials should exhaust less severe disciplinary responses in conjunction with supports and interventions.

Where and When the Discipline Code Applies

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

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

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

INFRACTIONS AND POSSIBLE DISCIPLINARY ACTIONS :GRADES K–5

The following chart lists those infractions and the range of actions to be taken at each tier. This chart follows the guidelines of the NYCDOE.

Level 1 Infractions – Uncooperative/Noncompliant Behavior

- A01 Unexcused absence from school (A–D)
- A02 Failing to wear the required school uniform (applies only to students in schools that have adopted a school uniform policy and whose parents have not secured an exemption) (A–D) NOTE: Please also see the NYCDOE Guidelines for Gender Inclusion (<https://www.schools.nyc.gov/school-life/policies-forall/guidelines-on-gender/guidelines-on-gender-inclusion>).
- A03 Being late for school (A–E)
- A04 Bringing items to or using items in school in violation of NYCDOE or school policy (A–E)
- A05 Failing to be in one’s assigned place on school premises (A–E)
- A06 Behaving in a manner that disrupts the educational process (e.g. making excessive noise in a classroom, library or hallway) (A–F)
- A07 Engaging in verbally rude or disrespectful behavior (A–F)
- A08 Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process* (A–E) *NOTE: If there is a question regarding whether clothing or headgear is representative of religious expression, the school should contact the Borough Director of Suspension.
- A09 Posting or distributing material on school premises in violation of written NYCDOE policy and/or school rules (A–E)
- A10 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission (A–E)

Student supports and interventions may be used in lieu of or in tandem with disciplinary responses.

Level 2 Infractions – Disorderly Behavior, Continued

- A20 Engaging in scholastic dishonesty which includes but is not limited to: a. Cheating (e.g., copying from another’s test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an un-administered test; substituting for another student or permitting another student to substitute for one’s self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test) (Grades K–2: A–E) (Grades 3–5: A–F) b. Plagiarizing (appropriating another’s work and using it as one’s own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source) (For Grades 4–5 only: A–F) c. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit) (For Grades 4–5 only: A–F)
- A21 Inappropriate use of electronic technology (e.g. unauthorized audio/video recording) (Grades K–2: A–E) (Grades 3–5: A–F)

Level 3 Infractions – Disruptive Behavior

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

- A27 Tampering with, changing, or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means (Grades K–3: A–E) (Grades 4–5: A–I)
- A28 Engaging in inappropriate or unwanted physical contact or touching someone in a private part of body. (For Grades 4–5 only: A–I) (For shoving, pushing, etc., use A24.) NOTE: This A-28 infraction does not apply to Grades K–3.
- A29 Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs) (For Grades 4–5 only: A–F) NOTE: In determining whether the behavior is gang related, school officials may consult with the Office of Safety and Youth Development’s Gang Unit. NOTE: This infraction does not apply to Grades K–3, see Infraction A18
- A30 Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others (Grades K–3: A–F) (Grades 4–5: C–F, G–I only if substantial damage to school property or property belonging to another person)
- A31 Posting or distributing libelous material or literature (including posting such material on the Internet) (For Grades 4–5 only: C–I) NOTE: This infraction does not apply to Grades K–3.

Level 4 Infractions – Aggressive or Injurious/Harmful Behavior

- A32 Posting or distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff (including but not limited to posting such material on the Internet) (Grades K–2: A–F) (Grades 3–5: D–I)
- A33 Engaging in physically aggressive behavior other than minor altercations as described under A24, which creates a substantial risk of or results in minor injury (Grades K–2: A–F) (Grades 3–5: D–I)
- A34 Coercing, threatening, planning, or instigating an act of violence, injury, or harm to other(s) (Grades K–2: A–F) (Grades 3–5: D–I)
- A35 Engaging in behavior on the school bus which creates a substantial risk of or results in injury (Grades K–2: A–F, G only where behavior is repeated and involves physical violence) (Grade 3: D–G) (Grades 4-5: D–I) NOTE: Students may be excluded from the bus as per Chancellor’s Regulation A-801. A36 Engaging in harassing, intimidating, and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass (Grades K–2: A–F, G only where behavior is repeated and involves physical violence) (Grade 3: D–G) (Grades 4-5: D–I)
- A37 E ngaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying) based on an individual’s actual or perceived race, color, creed, religion, religious practices, ethnicity, national origin, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, disability or weight; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass (Grades K–2: A–F, G only where behavior is repeated and involves physical violence) (Grade 3: D–G) (Grades 4–5: D–I)
- A38 Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images) (For Grades 4–5 only: D–I)
- A39 Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol (Grades K–2: D–F) (Grades 3-5: D– I)

Level 5 Infractions – Seriously Dangerous or Violent Behavior A48 Starting a fire (Grades K–2: D–F, G only where behavior is repeated) (Grade 3: D–J) (Grades 4–5: D– I) A49 Using force to take or attempt to take property belonging to another (Grades K–2: D–F, G only where behavior is repeated and involves physical violence) (Grade 3: D–I , G–I only where behavior involves physical violence) (Grades 4–5: D–I) A50 Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents (Grades K–2: D–F, G only where behavior is repeated and involves physical violence) (Grade 3: D–I) (Grades 4–5: E–I) A51 Using extreme force against or inflicting or attempting to inflict serious injury upon students or others (Grades K–2: D–F, G only where behavior is repeated and involves physical violence) (Grades 3–5: D– I)

RANGE OF DISCIPLINARY RESPONSES

- A. Pedagogical school staff meeting with student to address the misbehavior and its impact
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
- D. Parent conference
- E. In-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by school culture team for up to one day for students in grades K-2 or up to four school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more semester or four or more trimester removals)
- G. Principal's suspension for one to five school days.
- H. Superintendent's suspension that results in a suspension for a fixed period of six to ten school days with a welcome-back circle upon return.
- I. Superintendent's suspension that results in a suspension for 11–15 school days with a welcome-back circle upon return

BUS INFRACTIONS

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

- 1st infraction= Written warning sent home
- 2nd infraction= 1 day off school bus
- 3rd infraction= 2 days off school bus
- 4th infraction= 1 week off school bus
- 5th infraction= 1 month off school bus
- 6th 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.