



**YONKERS**  
PUBLIC SCHOOLS

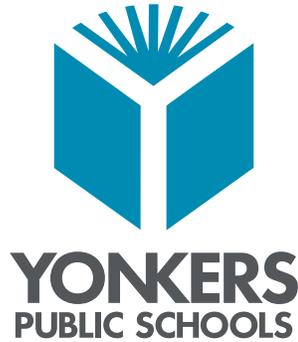


# CODE OF CONDUCT

**REVISED AND ADOPTED OCTOBER 16, 2019**



**PLEASE NOTE:** *The content of this document will evolve aligned to students and staff needs, Board of Education policy and NYSED requirements. This document provides behavioral expectations for students, school personnel, parents, service providers and other visitors, and assists staff preparation for school-based professional development and implementation. It was developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel, other school personnel as well as community organizations.*



## **CODE OF CONDUCT**

*Developing Relationships That Create Safe and Supportive Schools In Yonkers  
Today's Students Will Be Tomorrow's Leaders*

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*Resource Guide available as a supplemental document*

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## INTRODUCTION

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### Why do we have a Code of Conduct?

One of the primary goals of the Yonkers Public Schools is to provide an excellent educational program for each student in a school environment free of disruptions that interfere with the educational process. The Yonkers Board of Education acknowledges that students succeed and flourish in schools that cultivate positive school climates, support their social and emotional development, and effectively address their diverse needs. The Code of Conduct is based upon education laws, regulations, and Board of Education (BOE) policies. Its purpose is to set expectations that allow the Yonkers Public Schools to create and maintain a safe, civil, and caring environment in which teachers can provide high quality instruction and students can be fully engaged in learning. Unless otherwise indicated, this Code applies to all students, school personnel, parents, and other visitors; informs them of the Yonkers Public Schools' expectations regarding behavior and conduct when on school property or attending a school function; and provides for the enforcement of these expectations.

In adopting this Code of Conduct (BOE Policy 5300) and through the active participation of administrators, teachers, staff, parents, students, and the entire Yonkers community, the Board strives to ensure that students are provided supports and interventions that promote positive behavior, afforded opportunities to improve and correct inappropriate and/or unacceptable behavior, and given the opportunity to grow and develop as positive members of society. Further, this Code will help ensure that all stakeholders fully understand their rights and responsibilities and that discipline, when necessary, is administered promptly and fairly.

**NOTE: Throughout this document, the term "parent(s)" refers to persons in parental relationship, including guardians and custodians.**

### Guiding Principles of the Code of Conduct

1. **Students need to be supported and engaged in school in order to promote strong character and appropriate conduct.** Fostering good character is essential to healthy development, responsible behavior, academic success in school today, and success in college, career, and life in the future. It is also essential that students are able to take age-appropriate responsibility for their own behavior. Specifically:
  - a) Student engagement is developed when students are provided with multiple opportunities to participate in a wide range of positive social activities while interacting with caring, supportive adults.

- b) School staff, in partnership with parents and the community, promotes the social and emotional well-being of all students through school wide programs that proactively and explicitly teach, practice, recognize, and assess positive behaviors. This helps to ensure that students are better able to:

- recognize and manage emotions;
- develop caring and concern for others;
- establish positive relationships;
- make responsible decisions; and
- handle challenging situations constructively and ethically.

2. **Effective and engaging instruction and positive behavioral supports are the foundations of a positive school climate.** School teachers, administrators, and other staff are encouraged to set high expectations for student success, build positive relationships with students, as well as teach and model appropriate behaviors for success. Modeling respectful, positive behavior is especially critical during disciplinary interventions.
  - a) Positive behavioral supports begin with constructive teacher interventions. It is important for school staff to provide recognition and feedback to students for engaging in appropriate behavior, putting forth their best effort, and completing high-quality work.
  - b) Positive behavioral supports begin in the classroom. The majority of behavioral issues should be identified and/or addressed at the classroom level by the classroom teacher(s).
  - c) Established school-wide expectations and norms that include consistent language and practices demonstrate that all adults are committed to supporting students while enforcing proper conduct.
  - d) The schools provide interventions and services to address students' diverse social, emotional, and mental health needs.
  - e) A graduated system of responses to student misconduct holds students responsible for their actions while ensuring that students are removed from classrooms/schools only when necessary and appropriate.

**3. All adults—teachers, principals, administrators, school staff, parents, and the larger community—have an obligation to help students become good citizens and lead productive lives by modeling desired behaviors and cultivating those behaviors in students.**

- a) The schools prepare all staff to prevent, minimize, and defuse disciplinary situations and intervene early if a pattern of inappropriate behavior begins to emerge.
- b) Professional development for school personnel is geared toward improving school climate by covering topics such as social-emotional learning, engaging instruction, cultural competence, classroom management, positive approaches to discipline, early intervention, and trauma sensitivity.
- c) Parent workshops address social-emotional learning, childhood development, and positive approaches to discipline at home in order to reinforce school initiatives.
- d) Whenever possible, school personnel as well as parents should use interventions that enable students to increase their capacity to self-regulate and interact positively and responsibly with others in a developmentally appropriate manner.
- e) The District strives to create effective partnerships with community organizations that will help provide our students with additional opportunities and/or services.

**4) Appropriate conduct and strong character are reflected in a civil, respectful, healthy and caring environment.**

- a) Student discipline and support policies and practices are implemented in a manner that is respectful and based on trust among administration, staff, students, and families.
- b) Student discipline and support policies and practices are implemented in a manner that holds individuals accountable, but is restorative and solutions oriented, rather than punitive. This will help students:
  - learn from their mistakes;
  - understand why their behavior was unacceptable;
  - acknowledge the harm they caused or the negative impact of their actions;
  - understand what they could have done differently;

- take responsibility for their actions;
- learn pro-social strategies and skills to use in the future; and
- understand that further consequences and/or interventions will be implemented if their unacceptable behavior persists.

- c) Student discipline and support practices are implemented in a manner that is caring and equitable.
- d) In accordance with New York State’s Dignity for All Students Act (DASA), no student shall be the subject of harassment or discrimination based upon their actual or perceived race, color, physical appearance, national origin, ethnic group, religion, religious practice, developmental or acquired disabilities, sexual orientation, gender (including gender identity and expression), ability, talent, age, or socio-economic status.
- e) Staff members are expected to consider the whole student as well as the totality of the circumstances prior to administering any discipline.

**5) The District will continuously monitor results in an effort to determine strategies for improvement.**

- a) Effective school discipline will maximize the amount of time students spend learning and minimize the amount of time students are removed from their classrooms and/or school due to behavioral issues.
- b) The Board recognizes that the use of out-of-school suspensions can have a negative impact on school climate and outcomes for students. The removal of a student from class/school should be limited to those situations in which it is a necessary response.
- c) To the extent required by law, students will be provided with interim alternative instruction when excluded from school and will be purposefully reintroduced into the school community following a suspension.
- d) In order to avoid the unnecessary criminalization of students, police involvement should be limited to situations in which it is a legal requirement or when necessary to protect the safety of students or others. Police intervention should not be requested in situations that can be handled safely and appropriately through school disciplinary procedures.
- e) The due process rights of students and their families will be respected.



## DISSEMINATION AND REVIEW

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### Dissemination of the Code of Conduct

The Board and Superintendent will take reasonable steps to ensure that the community is aware of the Code of Conduct enabling all community members to support the academic, social and emotional growth of all students. The following will be done:

1. Provide copies of a summary of the Code of Conduct to all students, written in age appropriate language, at a general assembly held at the beginning of each school year and, if after the school year has begun, upon a student's enrollment.
2. Mail a summary of the Code of Conduct to all parents of District students, written in all pertinent languages, before the beginning of each school year and make this summary available later upon request.
3. Have copies of the Code of Conduct available to all parents throughout the school year.
4. Post the Code of Conduct on the District's website in both English and Spanish.
5. Make copies of the Code of Conduct available in each school building for review by students, parents, and other community members throughout the school year.
6. Provide all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code of Conduct as soon as practicable after adoption.

7. Provide all new employees and substitute teachers with a copy of the current Code of Conduct when they are first hired.
8. Provide informational sessions in English and Spanish.

The District will sponsor a professional development program for all District employees to support the effective implementation of the Code of Conduct in the schools. The Superintendent may solicit the recommendations of District staff, particularly teachers and administrators, regarding professional development pertaining to the management and discipline of students. Additional professional development related to the Code of Conduct, its implementation and student discipline will be included in the District's professional development plan, as needed. Teachers will be expected to review the Code of Conduct with their students in class.

### Review of the Code of Conduct

The Board of Education will review the Code of Conduct yearly and update it as necessary. In conducting the review, the Board will consider the effectiveness of the Code of Conduct's provisions and whether the Code has been applied fairly and consistently. In order to assist the Board, the Superintendent and/or his/her designee may evaluate the implementation of the Code of Conduct including, but not limited to, school climate, interventions, and responses in an effort to prevent inappropriate behavior and ensure its implementation with fidelity.

Additionally, the Superintendent may appoint an advisory committee of stakeholders to assist in reviewing the Code of Conduct.

The Board will hold at least one public hearing before adopting any revisions to the Code of Conduct. At this hearing, school personnel, parents, students, and any other interested parties will be provided an opportunity to participate.

The Code of Conduct and any amendments to it will be filed with the New York State Commissioner of Education, in the manner prescribed by the Commissioner, no later than 30 days after adoption.

## RIGHTS AND RESPONSIBILITIES

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### STUDENT RIGHTS

1. To enjoy the basic civil rights recognized and protected by law for persons of their age and maturity.
2. To attend school in the District in which their parents reside and receive a free public education from age 5 to 21, as provided by law.
3. To be afforded a sound, basic, quality education in a school environment that is safe, orderly and conducive to learning.
4. To be respected as an individual and treated fairly and with dignity by other students and school staff.
5. To be in a learning environment free from intimidation, harassment, or discrimination based on actual or perceived race, color, physical appearance, national origin, ethnic group, religion or religious practice, gender identity (including gender expression), sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function, or activity.
6. To be given information about how to report incidents of intimidation, harassment and discrimination.
7. To receive a written copy of school policies and procedures in the Code of Conduct at the beginning of the school year and throughout the year as needed.
8. To be provided information about diploma requirements including courses, exams, and information on assistance in order to meet such requirements.
9. To be informed about courses and programs that are available and the opportunity to have input in the selection of their elective courses.
10. To be provided clear expectations regarding:
  - a. Course objectives, requirements, and state standards;
  - b. Grading criteria and procedures;
  - c. Assignment requirements and deadlines;
  - d. School and classroom rules and expectations regarding behavior.
11. To engage in opportunities that enable students to be active learners in the educational process that takes into account student views, teaches students effective leadership and participation skills, and provides explanations to students when decisions contradict their views.
12. To serve on student councils, advisory bodies, and school teams and committees that influence the education process whether school/District based.
13. To participate in school forums, peer leadership initiatives, and restorative practices.
14. To express one's opinions in a respectful manner either verbally or in writing, with assistance if needed.
15. To have access to relevant and objective information concerning social and emotional issues, including substance abuse, and to individuals or agencies that provide direct assistance to students.
16. To receive available guidance, counseling, and advice for personal, social, educational, career, and vocational development.
17. To bring complaints or concerns to the Yonkers Public Schools staff without fear of retaliation.
18. To request an explanation of or challenge, in writing, anything in their education records.
19. To be provided an opportunity to be heard in disciplinary actions for alleged violations of the Code of Conduct for which they may be removed from class by their teachers or suspended.
20. To have a parent attend disciplinary conferences and hearings.



## STUDENT RESPONSIBILITIES AND EXPECTED BEHAVIORS

### 1. Students are responsible for **COOPERATING WITH OTHERS AND TREATING OTHERS WITH RESPECT BY:**

- Treating others the way they want to be treated and expressing their thoughts and opinions in ways that are fair, polite, and respectful;
- Using a considerate tone of voice and appropriate body language;
- Listening when others are speaking to them;
- Respecting others' personal space and keeping hands to one self;
- Working with others cooperatively in large and small groups;
- Acting with kindness, caring, and sensitivity toward others;
- Being courteous and respectful toward others regardless of their actual or perceived race, color, age, physical appearance, national origin, ethnic group, religion or religious practice, gender, gender identity, sexual orientation or disability;
- Using non-confrontational methods to resolve conflicts;
- Refraining from obscene and defamatory communication in speech, writing and other modes of expression, including electronic expression, in their interactions with the school community.

### 2. Students are responsible for their **PERSONAL CONDUCT and CHARACTER BY:**

- Attending school daily and on time;
- Accepting direction, requests, feedback, and support respectfully from adults;
- Demonstrating self-discipline by making responsible behavioral and academic choices;
- Providing positive leadership by helping to make student government a meaningful forum and by encouraging other students to follow established school policies and practices;
- Being truthful about and accountable for their words and actions;
- Following school rules and being familiar with and meeting standards of behavior in the Code of Conduct;
- Accepting consequences when behavioral expectations are not met or school rules are violated;



- Making an effort to correct and improve behavior through non-confrontational and restorative interventions;
- Dressing appropriately, in accordance with the District Dress Code;
- Keeping parents informed of school-related matters, including progress in school, social and educational events, and ensuring that parents receive communications that are provided by school staff to students.



**3. Students are responsible for their LEARNING BY:**

- Bringing an open mind and positive attitude to learning every day;
- Challenging themselves and fulfilling their potential by performing with their best effort;
- Demonstrating a strong work ethic;
- Completing high quality work in every subject;
- Seeking help and assistance when they need it;
- Requesting and completing missed work when absent from class.

**4. Students are responsible for respecting the PROPERTY OF OTHERS BY:**

- Taking care of and returning property that belongs to other students, adults, or the school;
- Using school or other people's materials carefully for the intended purpose;
- Keeping personal electronic devices off and not visible except with permission of school staff;
- Using technology appropriately as directed by adults in accordance with District policy.

**5. Students are responsible for helping to maintain a SAFE SCHOOL COMMUNITY BY:**

- Helping to make school a community free from violence, intimidation, bullying, harassment, discrimination and free of weapons;
- Neither possessing, using or misusing items containing alcohol and/or mood/mind/performance altering substances that are not prescribed;

- Reporting anything that could compromise the safety and security of the school community;
- Asking for assistance when they need help resolving conflicts;
- Using all equipment in schools and on buses in a safe manner;
- Putting everyone's safety first by adhering to the District Code of Conduct.

**PARENT RIGHTS**

1. To be active partners in their children's education by recognizing that the education of their children is a joint responsibility of parents and the school community;
2. To be treated courteously, fairly, and respectfully by all school staff and principals in a welcoming school environment;
3. To get information about the policies of the Board of Education and procedures that relate to their children's education, including the Code of Conduct, in a language and at a comprehension level that ensures full understanding;
4. To receive or have access to regular written, oral, and/or electronic reports from school staff regarding their children's academic progress and behavior, including but not limited to report cards and behavior progress reports;
5. To participate in decisions affecting their children's education;
6. To participate in decision-making affecting school policies and procedures;

7. To receive information about school-based and community-based services that can help improve their children's academic and behavioral progress;
8. To receive information about services for students with disabilities and/or who are English Language Learners;
9. To receive information and prompt notification of inappropriate or disruptive behaviors by their children or involving their children and any disciplinary actions taken by principals or school staff;
10. To receive information and prompt notification about incidents that may impact their children;
11. To receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals;
12. To be contacted in a timely manner when a student is believed to have committed a crime and police are summoned;
13. To request a mediated conference with the parent of a student or a school staff member who has had a founded negative interaction with their child;
14. To receive communications through provided translators and translations;
15. To bring complaints or concerns using policies that outline clear grievance procedures, first, to the school principal or staff member and then, if dissatisfied with the resolution, to the District level, all without fear of retaliation.
8. To help their children resist negative peer pressure;
9. To be respectful and courteous to staff, other parents, and students at all times;
10. To respond promptly to all correspondence from their child's school and the school district;
11. To tell school officials about any concerns or complaints they have in a respectful and timely manner;
12. To work with principals and school staff to address any academic or behavioral problems that their children may be having and attend school conferences when requested;
13. To talk with their children about school and expected behavior and help them to understand their rights and responsibilities;
14. To read and become familiar with the policies of the Board of Education and the Yonkers Code of Conduct;
15. To work cooperatively with school officials when their children have not behaved in accordance with the Code of Conduct;
16. To teach their children that all children have the right to attend school and be treated with respect and dignity regardless of actual or perceived race, color, physical appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity which will promote learning in accordance with the Dignity for All Students Act;
17. To bring to the attention of school staff, any issues of discrimination, harassment, bullying/ cyberbullying involving their child and report incidents that may affect the school environment;
18. To work with school staff to find school and community resources that meet family needs.

## **PARENT RESPONSIBILITIES**

1. To be active partners in their children's education by recognizing that the education of their children is a joint responsibility of parents and the school community;
2. To give updated address, telephone, and emergency contact information to the Yonkers Public Schools and their child's school, and inform school officials of changes in the home environment that may affect student conduct or performance;
3. To make sure that their children attend school regularly and on time;
4. To let their child's school know when and why the child is absent, and provide written documentation when their children return to school;
5. To request and assure completion of missed work when child is absent from class;
6. To send their children to school dressed and groomed in a manner consistent with the school dress code;
7. To provide a place for study and ensure that homework assignments are completed;

## **SCHOOL ADMINISTRATION AND STAFF RIGHTS**

1. To work in a safe and orderly environment;
2. To be treated fairly and respectfully by students, parents, and school staff;
3. To receive timely and appropriate professional development and training necessary to comply with the Code of Conduct;
4. To receive the necessary resources to deliver and support quality instruction in a timely manner;
5. To modify instruction consistent with Board policies and with state and federal regulations;
6. To communicate concerns, suggestions, and complaints to District Central Office Administrators without repercussions and receive a timely response if the issue has not been resolved at the school level.

## SCHOOL ADMINISTRATION RESPONSIBILITIES

1. To maintain safe and orderly schools by using prevention and intervention strategies identified in, but not limited by, the Code of Conduct;
2. To establish and promote a stimulating positive school environment and support classroom procedures and practices that enhance effective teaching and maximize student learning;
3. To be respectful to students, parents, staff, and colleagues serving as role models for students;
4. To support the development of, and student participation in, extracurricular programs;
5. To assist students with emerging personal, social, and emotional problems and in the promotion of positive peer relationships;
6. To be knowledgeable about the policies of the Board of Education; educate students, parents, and school staff about these policies; to apply them fairly and consistently;
7. To respond to complaints or concerns from students, parents, and school staff about violations of these policies in a timely manner and understandable language;
8. To be aware of federal and state laws and guidelines related to the Individuals with Disabilities Education Act (IDEA), especially the disciplinary process for students with disabilities, Title IX, and The Dignity for All Students Act;
9. To refer students to pupil support staff when needed, if available;
10. To participate in required professional development opportunities;
11. To maintain and encourage a climate of mutual respect and dignity for all regardless of actual or perceived race, color, physical appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity;
12. To address issues of perceived discrimination, harassment, bullying, and cyber bullying in any situation that threatens the emotional safety or physical health of any students or school staff, and report incidents of discrimination and harassment that are either witnessed or otherwise disclosed to central office administration;
13. To work toward resolving any bias that may prevent the equitable education and treatment of all students in the school or classroom setting;
14. To use school computers and/or other electronic devices for school purposes;
15. To inform parents and students of student academic progress and behavior, to create meaningful opportunities for their participation, and provide regular communication in a language they understand;
16. To provide available academic and social-emotional interventions for struggling students;
17. To initiate conferences involving students, parents, teachers, and other school staff as a way to resolve academic and social-emotional concerns;
18. To ensure that students who are absent from class for administrative approved school activities and legal absences or suspension are provided with missed class assignments;
19. To review with staff student educational progress and provide information that assists students and parents with further educational goals and/or career planning;
20. To communicate to staff and parent's clear expectations regarding:
  - a. Course objectives, requirements, and state standards;
  - b. Grading procedures for each semester;
  - c. Assignment requirements and deadlines;
  - d. Norms for school-wide behavior.
21. To ensure that students and staff have the opportunity to communicate with the principal.
22. To evaluate, on a regular basis, all instructional programs.

## TEACHERS AND PUPIL SUPPORT PERSONNEL RESPONSIBILITIES

1. To assist in maintaining safe and orderly schools by using prevention and intervention strategies identified in, but not limited to, the Code of Conduct;
2. To promote a positive school environment by establishing school and classroom procedures and practices that support effective teaching and maximize student learning;
3. To be respectful to students, parents, staff, and colleagues, serving as role models for students;
4. To assist students with emerging personal, social, and emotional problems and in promoting positive peer relationships;
5. To be knowledgeable about the policies of the Board of Education; educate students, parents, and school staff about these policies; apply them fairly and consistently; and respond to complaints or concerns from students, parents and school staff about violations of these policies in a timely manner in understandable language;
6. To be aware of federal and state laws and guidelines related to the Individuals with Disabilities Education Act (IDEA), especially the disciplinary process for students with disabilities, Title IX and The Dignity for All Students Act;



7. To share concerns about students with pupil support staff, if available, and make referrals when needed;
8. To participate in professional development opportunities;
9. To maintain and encourage a climate of mutual respect and dignity for all regardless of actual or perceived race, color, physical appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity;
10. To address issues of perceived discrimination, harassment, bullying, and cyberbullying in any situation that threatens the emotional or physical health or safety on any students or school staff, and report incidents of discrimination and harassment that are either witnessed or otherwise disclosed to school building administrators;
11. To use school computers and/or other electronic devices for school purposes;
12. To use their YonkersPublicSchools.org email for work related business;
13. To communicate with parents and students regarding their academic progress and/or social-emotional concerns in a timely manner;
14. To respond to parent email within 72 hours of the email date or as per prior arrangements between the teacher and parent;
15. To provide academic and social-emotional interventions for struggling students;
16. To meet with students, parents, administrators, and other school staff to inform and resolve academic and social-emotional concerns in a timely manner;
17. To provide to the principal or his or her designee, class assignments and/or missed work for students who are not in their regular assigned class or school, for any reason, including, but not limited to, illness, injury, or suspension;
18. To use approved form to record information about interventions used in the classroom and to respond to Code of Conduct infractions (see attached form).
19. To review with students their educational progress and career plans on a regular basis, and provide information that assists students and parents with further educational goals and/or career planning;
20. To communicate to students, parents and administrators clear expectations regarding:
  - a. Course objectives, requirements, and state standards;
  - b. Grading procedures for each quarter;
  - c. Assignment requirements and deadlines;
  - d. Rules for classroom behavior.



### **CIVIL SERVICE EMPLOYEES ASSOCIATION RESPONSIBILITIES**

1. To assist in maintaining safe and orderly schools, immediately reporting concerns to the principal, and then to the appropriate School Facilities Management supervisors and/or administrators;
2. To promote a stimulating school environment by assisting in establishing positive school and classroom procedures and practices that support effective teaching and maximize student learning;
3. To be respectful to students, parents, administrators, staff, and colleagues, serving as role models for students;
4. To be knowledgeable about the policies of the Board of Education; to help educate students, parents and school staff about these policies; apply them fairly and consistently; and respond to complaints or concerns from students, parents, and school staff;
5. To be aware of federal and state laws and guidelines related to the Individuals with Disabilities Education Act (IDEA), especially the disciplinary process for students with disabilities, Title IX, and The Dignity for All Students Act;
6. To share concerns about students with administrators and pupil support staff, if available;
7. To participate in professional development opportunities;
8. To maintain and encourage a climate of mutual respect and dignity for all regardless of actual or perceived race, color, physical appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity;

9. To assist in providing academic and social-emotional interventions for struggling students;
10. To report issues of perceived discrimination, harassment, bullying, and cyber bullying in any situation that threatens the emotional or physical health or safety on any students or school staff, and report incidents of discrimination and harassment that are either witnessed or otherwise disclosed to school building administrators;
11. To participate in conferences with administrators involving students, parents, teachers, and other school staff as a way to resolve academic and social-emotional concerns;
12. To use school computers, fax equipment, and other electronic devices appropriately.

### **DISTRICT ADMINISTRATION RESPONSIBILITIES SUPERINTENDENT OF SCHOOLS**

1. To promote a safe, orderly, respectful, healthful and stimulating environment, free from intimidation, discrimination, harassment, bullying, and cyberbullying, that supports active teaching and learning;
2. To ensure that the Dignity Act Coordinator (DAC) in each school building is thoroughly trained to handle human relations and is accessible to students and other staff members for consultation and advice as needed in relation to the Dignity for All Students Act;
3. To review with District and building administrators the policies of the Board of Education and state and federal laws relating to school operations and management;

4. To create and implement programs and procedures that encourage safe and orderly schools for all students, school staff, and principals;
5. To educate the community, students, parents, school staff, and principals about the policies of the Board of Education and educational trends;
6. To provide support and professional development training to principals and school staff to help them support students;
7. To identify and create research-based instructional programs that are appropriate and sensitive to student and teacher needs;
8. To ensure that all members of the school community have access to the Code of Conduct annually and that discussions about its content take place at the beginning of the school year with staff, parents, and students;
9. To work with District and building administrators in applying the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
10. To address all areas of school-related safety concerns;
11. To review data on the implementation of the Code of Conduct and make recommendations on improvement, when needed, to reduce the use of suspensions;
12. To take appropriate measures when violations of the Code of Conduct occur;
13. To use school computers, fax equipment, and other electronic devices appropriately.

#### **DISTRICT ADMINISTRATORS**

1. To implement policies and procedures that encourage safe and orderly schools for all students, school staff, and school administrators;
2. To protect the legal rights of administrators, school staff, students, and parents;
3. To ensure the protection of the legal rights of Students with Disabilities;
4. To be courteous, respectful and fair with students, parents, school staff and administrators;
5. To respond to school administrators' communications in a timely manner;
6. To provide a broad-based and varied curriculum to meet individual school needs;
7. To inform the community, students, parents, school staff and principals about policies of the Board of Education;
8. To provide support and professional development training to principals and school staff to help them support students;
9. To support principals and school staff in the fulfillment of their responsibilities as defined by the Code of Conduct;
10. To contact and involve parents on disciplinary issues;

11. To monitor and analyze data on the implementation of the Code of Conduct;
12. To coordinate and ensure that all community and governmental resources are available to the school district;
13. To use school computers, fax equipment and other electronic devices appropriately.

#### **BOARD OF EDUCATION**

1. To collaborate with all parts of the school community to develop and approve a Code of Conduct that clearly defines expectations for the conduct of all members of the school community on school property and at school functions;
2. To review and adopt the Code of Conduct and to evaluate the Code's effectiveness, fairness, and consistency of implementation annually;
3. To appoint a Dignity Act Coordinator (DAC) in each school building;
4. To lead by example by conducting Board meetings in a professional, respectful, courteous manner;
5. To review data and the recommendations of the Superintendent on the implementation of the Code of Conduct.

### **STUDENTS, DO YOU NEED HELP WITH A PROBLEM?**

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The safety and well-being of our students is of the utmost importance. Students are entitled to learn in a safe and friendly environment, be treated with respect, and receive the help and support of a caring community. Students are often faced with many challenges that not only affect their academic achievement, but also their social-emotional development.

When facing a problem that you cannot resolve without harming yourself or others, **YOU MUST REACH OUT TO AN ADULT FOR HELP.**

#### **Bullying, Cyberbullying, Harassment, Intimidation, Hazing, & Bias Behavior**

Bullying, cyberbullying, harassment, intimidation, hazing, and bias behaviors are unsafe and do not reflect respect for others as defined by the Code of Conduct and the New York State Dignity for All Students Act (DASA). The Dignity Act states that no student will be subjected to harassment, bullying, or intimidation by employees or students on school property or at any school function; nor will any student be subjected to discrimination based on a person's actual or perceived race, color, physical appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, or gender by school employees or students on school property or at any school function.

The Yonkers Public Schools condemn and strictly prohibit all forms of discrimination, such as bullying, cyberbullying, harassment, intimidation, hazing, and bias behaviors. These negative behaviors are prohibited on school ground and school buses, at school-sponsored activities, programs, events, and as well as outside of school grounds in the case of cyberbullying. They can create or reasonably be expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school, impinge on the rights of other students, and may result in disciplinary consequences.

If you or someone you know is a target of one of these behaviors, you can report it using the online Harassment, Intimidation, or Bullying Reporting Form available on the District website at [www.yonkerspublicschools.org/dasa](http://www.yonkerspublicschools.org/dasa). For assistance with completing the online DASA form contact your school's DASA Coordinator, Pupil Support Team member and/or an administrator.

If an administrator determines that one of these behaviors has occurred, the DASA Coordinator and/or Pupil Support Personnel will provide support to the students involved in an effort to ensure that everyone involved feels safe, supported, and understands how to avoid these situations in the future.

### Are you being bullied?

If you are being bullied, you should:

1. **Tell an adult** — a parent, a teacher, an administrator, a member of the Pupil Support Team, your DASA Coordinator, or any school staff member.
2. **Calmly tell the student to stop...or say nothing and walk away.**

### Do you know someone who is being bullied?

If you know someone who is being bullied, you should:

1. **Tell an adult** — a parent, a teacher, an administrator, a member of the Pupil Support Team, your DASA Coordinator, or any school staff member.
2. **If you feel safe, be an "Upstander" by:**
  - Telling the bully to stop by saying, "We don't do that at this school," or "It's not right to treat someone like that;"
  - Supporting the student being bullied; be a friend!
  - Not encouraging the bully by laughing or joining in;
  - Encouraging other bystanders to help stop the bullying.
3. **If you do not feel safe:**
  - Tell an adult.
  - Encourage the bullied student to talk to an adult.

### Are you having an issue in school?

If you have a problem related to discipline, security, vandalism, or personal safety or welfare, you should:

1. **Immediately tell** the nearest adult you see at the time of the incident. Tell them exactly what happened to you or what you observed happening to someone else. Problems of discipline, security, and personal safety are considered very serious and should be addressed as soon as possible.
2. **Talk** to the school DASA Coordinator.
3. **Express your feelings.** It is natural to feel worried and upset. Talk to someone who will listen, understand, and be able to help. It is important to talk to a trusted adult.
4. **Ask for help** so that you can learn strategies to deal with problems and feel safer and more comfortable when faced with similar problems in the future.
5. **Tell your parents** about the problem.

**It is important for students to know that when a report is made to school staff about an incident of this nature, every effort will be made to keep the information and identity of the student(s) involved confidential.**

### Do you need assistance with academics?

For help with an academic problem, you should:

1. Speak to your classroom teacher and ask for assistance. Possible options for help may include an extension of time to complete an assignment, extra credit assignments, or extra help in the particular subject after school or during available extended learning time. The teacher will determine, on an individual basis, what is appropriate and discuss the decision with you.
2. If the teacher or other staff member is unable to help you resolve the problem, speak to a Pupil Support Team member or administrator.
3. You and your parents can request a conference with your teacher and/or an administrator to attempt to resolve the academic problem.
4. Call the Yonkers Public Library **Homework Helper Hotline at 914-337-1500.**

### Are you having problems with extracurricular activities?

For help with problems involving extracurricular activities, you should:

1. See the assigned staff member and/or coach for the activity at a time when he/she can give you their undivided attention. Try not to discuss the problem during the scheduled activity period.

2. If you do not know who the assigned staff member and/or coach for the activity is, see an administrator.
3. Discuss the matter with your parents and with the principal if you are unable to get help in solving the problem by doing the above.

### Are you part of a group that needs assistance?

For help with a group problem related to personal safety or overall well-being, you should:

1. Send two or three representatives from the group to the teacher or administrator to present the group's point of view. Communication between one or two people and a large group is extremely difficult and is an ineffective approach to problem-solving. The most effective approach is one that involves communication between representatives of the groups involved.
2. If the conflict is not resolved, you should inform your parent/caregiver, DASA Coordinator and/or an administrator.

### Are you having personal issues that are affecting school?

For help with personal problems which may affect your school life or activities, you should:

1. Discuss the problem with a parent if possible.
2. If you cannot solve the problem with your parent, then speak to an administrator, a teacher, pupil support staff, or other adult with whom you feel comfortable. Staff at the school can offer you help with personal problems. They can also help if you are concerned about a friend and help you find other resources in the school and community.
3. Students dealing with substance use issues may seek help from an administrator, school psychologist, school social worker, guidance counselor, or speak to the Student Assistance Counselor at the high school level.

Keep in mind the following strategies when dealing with any problem:

1. Allow Cool-Down Time: Stop, breathe, and give yourself a couple of minutes to reflect. Use this time to calm yourself and gather your thoughts. This can help you as much as it helps the other person.
2. Relax Your Body Language: Keep a relaxed posture. Use non-aggressive body language. Avoid pointing fingers, swinging arms, or invading another's personal space. This can defuse escalating tensions.
3. Control Your Voice: Speak slowly and calmly. You will be viewed as less confrontational if you maintain control over your voice.

4. Avoid Making Judgmental Statements: Begin with an Affective Statement such as: "I feel embarrassed when you yell at me" (I feel \_\_\_\_ when you \_\_\_\_). Be honest but avoid making personal attacks. Keep your comments brief and focused on resolving the problem rather than blaming others.

### PARENTS AS PARTNERS

Parent involvement has been shown to have a positive effect on academic outcomes. When parents participate in school, the quality of their children's education improves. Moreover, students, parents, and school personnel all have a role in making school safe and must work collaboratively to achieve this goal. As role models, parents and school staff should exhibit the behaviors which they would like to see students follow. The Yonkers Public Schools is committed to responding to inappropriate behaviors in school so that students may remain in school and continue learning. The Code of Conduct includes prevention and intervention strategies to be used, as appropriate, in response to any disciplinary issue.

#### PARENTS

- Parents must be familiar with the Code of Conduct in order to ensure that they become active and involved partners in promoting a safe and supportive school environment.
- Parents are encouraged to join their school Parent Teacher Association (PTA).
- Parents should attend their children's school open houses and activities to build positive relationships with administrators, teachers, and staff and to learn the expectations for the school year.
- Parents should refer to the Parents Rights and Responsibilities section of the Code of Conduct for more information to assist them.

#### TEACHERS/ADMINISTRATORS/ STAFF PARTNERING WITH PARENTS

Meaningful consultation and communication should occur between the school and home which can include phone calls, parent conferences, and/or written communications, including emails. Parent conferences attended by school administration, support staff, and teachers are an effective means of encouraging parental input and should include students when appropriate.

Teachers, administrators, and support staff:

- Are responsible for informing parents about their children's behavior and for nurturing the skills students need to succeed in school and in society;
- Can work as partners on positive strategies for successful learning both in the school environment and in the home environment.

## WHO TO CONTACT

Parents who want to discuss interventions in response to student behavior should contact their children’s teachers, support staff or school administrators; if necessary, contact the **Central Office, Division of Teaching and Learning, 914-376-8011.**

## NAVIGATING THE SCHOOL SYSTEM

There are many resources offered by the Yonkers Public Schools:

- Teachers, school administration, and staff are the first source of information regarding resources available to parents and students.
- For electronic resources – visit the Yonkers Public School Website at [www.yonkerspublicschools.org](http://www.yonkerspublicschools.org). A link to each school’s website can be accessed from this website.
- Turn to Channel 75 (Cablevision) and Channel 38 (Verizon FIOS) for current news from the Yonkers Public Schools.
- The Yonkers Council of PTA/PTSA (YCPTA) is dedicated to advocating for better educational opportunities, as well as wellness and safety of children. YCPTA works collaboratively with parents, teachers, students, and community stakeholders to achieve these goals. Each of the Yonkers Public Schools is represented by a PTA Unit. For assistance from the Yonkers Council of PTA/PTSA, call 914-295-2454, email [ycpta@ycpta.org](mailto:ycpta@ycpta.org) or visit the website [www.yonkerspublicschools.org/ycpta](http://www.yonkerspublicschools.org/ycpta), Facebook: YonkersCouncilPTA, or Twitter: YonkersCPTA. Parents are encouraged to attend the Yonkers Council meetings which take place once a month in schools throughout the District as well as your children’s school PTA meetings.
- The Yonkers Special Education PTA (YSEPTA) focuses on issues and advocates for the students with Individualized Educational Plans (IEPs) and their parents. Visit the Yonkers Special Education PTA website located at [www.yonkerspublicschools.org/ysepta](http://www.yonkerspublicschools.org/ysepta) for contact information or send an email to [Ysepta914@gmail.com](mailto:Ysepta914@gmail.com)

## CONCERNS/COMPLAINTS/PROCEDURES

### School Issues

When there are behavioral and/or academic issues, the first person parents should contact is the teacher involved. If parents feel the issue is not being resolved, they should contact school administration. If the issue is still not being resolved, the parent should contact Central Office Administration.

### Central Office Administration

Division of Teaching and Learning.....	914-376-8011
Elementary Administration.....	914-376-8066
Secondary Administration.....	914-376-8281
Special Education and Pupil Support .....	914-376-8489
Transportation.....	914-376-8015
Safety and Security.....	914-376-8678

## NOTICE OF NON-DISCRIMINATION

The Yonkers City School does not discriminate on the basis of an individual’s actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender, military status, veteran status, domestic violence victim status, or political affiliation, and additionally, does not discriminate against students on the basis of physical appearance, gender identity, gender expression, and religious practices or any other basis prohibited by New York State and/or federal non-discrimination laws in employment or its programs and activities. The District provides equal access to community and youth organizations. Inquiries regarding the District’s non-discrimination policies as well as inquiries regarding compliance with Section 504 of the Rehabilitation Act of 1973 should be directed to:

Civil Rights Compliance Officer  
City of Yonkers, Department of Human Resources  
One Larkin Center, 2nd Floor  
Yonkers, New York 10701  
(914) 377-6941  
[civilrightscompliance@yonkerspublicschools.org](mailto:civilrightscompliance@yonkerspublicschools.org)

Inquiries regarding compliance with Section 504 Regulations may be directed to:

Department of Pupil Support Services and Special Education  
One Larkin Center, 1st Floor  
Yonkers, New York 10701  
(914) 376-8209

## TITLE IX - SEXUAL HARASSMENT

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any educational program or activity. It protects victims of sexual or gender-based bullying and harassment and survivors of gender-based violence. Protection from the discrimination on the basis of sex includes protection from being retaliated against for filing a complaint of discrimination or harassment.

The Yonkers Board of Education and all Yonkers Public Schools are committed to complying with Title IX and enforcing school policies prohibiting discrimination on the basis of sex. The City of Yonkers Department of Human Resources (for staff) and the Yonkers Public Schools Deputy Superintendent (for student and parent/guardian) serve as Title IX Coordinators.

If your children or you feel you have been the victim of any sexual harassment, you should contact the Title IX Coordinator using any of the following information:

## DIGNITY FOR ALL STUDENTS ACT SUPERVISION

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### STUDENTS

Deputy Superintendent  
Yonkers Board of Education  
One Larkin Center  
Yonkers, New York 10701  
(914) 376-8011  
civilrightscompliance@yonkerspublicschools.org

### STAFF

City of Yonkers, Department of Human Resources  
One Larkin Center, 2nd Floor, Yonkers, NY 10701  
(914) 377-6185/6180  
Fax: (914) 377-6941  
civilrightscompliance@yonkerspublicschools.org

Or to the Office of Civil Rights

<http://www.ed.gov/ocr/complaintintro.html>

Or send a letter to the OCR enforcement

Office for Civil Rights, New York Office  
U.S. Department of Education  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
(646) 428-3800  
Fax: (646) 428-3843  
OCR.NewYork@ed.gov

*References: Board of Education Policies 0110, 0115, 5020.3  
and 5030*

### ATTENDANCE

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All students have a right to educational opportunities that will enable them to develop to their fullest potential. In order to access these opportunities, students must be in attendance in school. Regular school attendance maximizes students' interaction with their teachers and peers and is a major component of academic success. Improved school attendance generally increases student achievement and reduces the drop-out rate. The Yonkers Public Schools strives to achieve a rate of attendance of 100% in all schools.

One important goal of the attendance policy is to help provide early identification of attendance problems so that problems can be addressed effectively and in a manner that promotes student attendance and success. This goal can only be accomplished through the cooperation of all members of the school community, including parents, students, teachers, administrators, and support staff.



The Yonkers Public Schools will regularly track student absences whether excused or unexcused. In maintaining student attendance records, the schools will describe an absence as either excused (legal) or unexcused (illegal) as follows:

Excused absences include:

- Personal illness with a physician's note
- Illness or death in family with a note
- Religious observance
- Attendance at a health clinic with a note from the clinic
- Quarantine with a note from a physician
- Required court appearance with a copy of the appearance ticket
- College visit with administrative approval
- Military obligation with a copy of the military order
- Suspension

Unexcused absences include:

- Absent from school without a note as required
- Present in school but absent from a class for any reason other than the exceptions noted: (a) administrative altered schedule; (b) school operated pull-out lessons; (c) school testing; (d) curriculum based field trips; and (e) approved participation in school/District extra-curricular activities and athletic events.

The Yonkers Public Schools is committed to reducing chronic absenteeism. **A student shall be considered chronically absent when he or she has missed at least ten percent of enrolled school days.** The emphasis here is on missed instruction, and as such, when determining chronic absenteeism, both unexcused and excused absences shall be taken into account.

It must be noted that a significant, unexcused absentee rate that has a detrimental effect on a student's education can serve as the basis for a finding of educational neglect against a parent. Additionally, habitual unexcused absence or irregular attendance by a student of compulsory school age constitutes grounds for filing a person in need of supervision (PINS) petition in family court.

### Student Responsibilities

1. Attend all classes each day and work to meet the academic, behavioral, and attendance expectations of the Yonkers Public Schools.
2. In the event an absence from school or a particular class occurs, provide the main office with a note, signed by a parent or administrator, explaining the absence. Absences for which there is no note on file in the main office will be considered unexcused.
3. Make up any class work, homework, or tests missed due to a class absence.

### Parent Responsibilities

1. Discuss this Attendance Policy with your child and reinforce expectations for good attendance.
2. If you give your child permission to be absent from school, call the school's main office on the day of the absence. Send your child to school with a note explaining the reason for the absence on the day he/she returns.
3. If your child is going to be absent from school for more than one day (for an illness as an example), inform the school attendance office by phone on the first day of the absence.
4. Call the guidance counselor or administrator if your child is having attendance problems. A conference will be arranged to assist you and your child.
5. Respond to any and all communications that the school sends to you regarding attendance.
6. Provide your child with the opportunity and support to make-up any work missed due to an absence from school.

### School Administrators, Teachers and Support Staff Responsibilities

1. School personnel must ensure that appropriate and timely outreach, intervention, and supports are provided for students who exhibit poor attendance.
2. School administration must regularly review cases of chronic absenteeism and must involve teachers, guidance counselors, social workers, and other school staff to help resolve the problem behind the attendance issue.

Effective implementation of the Yonkers Public Schools Attendance Policy requires that all participants are informed and fully understand the policy's purpose, procedures, and consequences for non-compliance. For more detailed information regarding the Yonkers Public Schools policy on attendance, please refer to Board of Education Policy #5100-Attendance found on the Yonkers Public Schools website.

### Secondary Level Attendance Policy

#### GRADES 9 THROUGH 12

##### General Policy

The following minimum attendance requirements are hereby established by the Yonkers Public Schools for all Secondary Level students. Students on home instruction are not considered absent. Validated extended absences, where there are extenuating circumstances, may be excused by administrative action.

A student absent for more than 24 classes for a full year course, or 12 classes for a semester course, or 9 lab classes for a full year Regents science lab course will not receive credit for the course. Unexcused absences will be counted in this number. The only exceptions not counted toward the 24, 12, 9 limitation are: (a) administrative altered schedule; (b) school operated music lessons; (c) school testing; (d) curriculum based field trips; and (e) approved participation in school athletic events. These are considered excused absences from class.

If a student is absent more than 24 times in a full year course, that student may not be allowed to attend summer school.

This policy takes effect 10 days after the first official day of class. This allows schools two weeks to refine and finalize student schedules. Decisions under this policy may be appealed to the building principals and, in succession, to the Superintendent of Schools and the Board of Education. (See Appeals Process)

### General Procedures/Data Collection and Sharing

- a. Rules Regarding Make Up Work Missed Due to Absences: Students must be given the opportunity to make up classwork, projects, and tests which were missed because of absences.
- b. Parent/Teacher Notification: Letters will be sent to parents, with copies to the student's counselor and grade level administrator, by the school's main office according to the Schedule of Absences Letters below:

Schedule of Absences Letters	1	2	3*	4*	5*
	Number of Absences				
Full Year Course	5	10	15	20	25
Half-Year Course	3	6	9	12	XX
Science Lab	2	4	6	8	XX
	*Registered letter(s) will be sent				

- c. Appeals Process: In some cases students will have demonstrated a dramatic change in behavior, performance and attitude toward school attendance or will have had an extended absence period due to illness or some other serious extenuating circumstance. If so, students or parents may exercise their right to appeal the 24 absence practice of no credit. Appeal forms will be accepted by the building principal during the first ten school days of the month prior to the end of the course.

The appeals process is as follows:

1. A parent or student obtains a copy of the Request for Appeal of No Credit form from the main office or guidance office, fills out Section 1 of the form and submits the form to the teacher of the course in question as soon as possible after the 12th (6th or 5th) absence.

2. The teacher fills out Section 2 of the Appeals form with all requested information and submits the form to the grade level administrator.
3. The grade level administrator holds an appeals conference with the student, teacher, guidance counselor, and parent.
4. The grade level administrator fills in Section 3 of the form and routes copies of the form to the teacher, guidance counselor, parent, student, and attendance office.

### GRADES 7 AND 8

For seventh and eighth grades, attendance is critical to promotion. Promotion will be based on passing three out of four core subjects (English, Math, Social Studies and Science) during the year or in summer school (if available), and two non-core subjects.

#### 1. To improve attendance, the following steps have been developed:

- a. Attendance will be taken each period by every teacher using eSchoolPLUS.
- b. It is the responsibility of the student to bring an absence note, signed by the parent, to school on the day he/she returns to school. The note is to be brought to the school's main office by the student. There will be a two-day grace period for notes to be brought to school. After this grace period, the absence will be coded as unexcused.
- c. On a daily basis, main office personnel are responsible for updating reasons for student absences from class into eSchoolPLUS.

#### 2. Incremental interventions for seventh and eighth grade absences:

The following steps of incremental interventions will be carried out by each school as a minimum effort. Each school will add interventions as the nature of the attendance problems indicates and time for staffing allows.

##### Step 1: Teacher Intervention

- a. Tell students to bring a note from a parent to excuse an absence.
- b. Tell students to make up any work missed as a result of an absence.
- c. Notify appropriate Pupil Support Staff, if available, when a student has been absent from a class three times in any two-week period.

### Step 2: Pupil Support Staff Intervention

- a. Meet with each student referred for absence by teachers.
- b. Follow these suggested interventions:
  1. Discuss attendance with student and possible solution;
  2. Contact or meet with parent to identify strategies to improve attendance;
  3. Consult with appropriate community resources;
  4. Refer a student to his/her grade level administrator if cutting class or school absence continues;
  5. Refer to Child Protective Services (CPS) when there are 20 unexcused absences;
  6. Refer a student to Family Court as a Person In Need of Supervision (PINS) if the student has 20 or more days' absences in a marking period and is not responding to parent and/or school supervision regarding attendance.

### Step 3: Administrative Intervention

- a. Meet with staff to discuss interventions that were used to improve student attendance and the outcome.
- b. Meet with student, parent, and appropriate staff to assess why prior interventions were not successful and decide on a different approach. Part of the discussion may include:
  - additional interventions that have not been used;
  - family supports from a community organization;
  - removal of privilege to continue participation in extra-curricular activities;
  - referral to Committee on Special Education (CSE) if needed.

- c. Monitor progress periodically with parent.
- d. Refer student to Child Protective Services (CPS) when 20 or more unexcused absences occur.
- e. Refer student who has 20 or more days' absences in a marking period and is not responding to parent and/or school supervision regarding attendance to Family Court as a Person In Need of Supervision (PINS).

### ELEMENTARY LEVEL ATTENDANCE POLICY

#### Grades Prekindergarten through 6

In order for elementary level attendance to improve, a focused and closely monitored system must be implemented. To implement the Attendance Policy, a person responsible for attendance in each elementary school, prekindergarten through grade six, must be identified.

1. Classroom teachers send names of children who are absent for five days within an attendance period to the designated attendance person. The names are sent to the attendance person whenever the number of days is reached. These do not need to be consecutive absences. If the classroom teacher does not know the reason for the absence (no note or explanation given), the child's name is sent to the office.
2. Attendance person calls home or uses the District's digital messaging system to ascertain why students are absent and fills out a form that is shared with building administrator and classroom teacher.
3. In addition to the phone call, a letter is sent home by the person responsible for attendance.
4. In the event that a student is absent for an additional five days, either within the same attendance period, or a different attendance period, the classroom teacher sends the name(s) to the main office and the person responsible for attendance calls the home and sends a letter to the parent inviting him/her to a meeting with school staff.



5. Decisions will be shared with all concerned parties.
6. Once a child reaches 15 days of absence, the Pupil Support Team (PST) meets and decides upon a plan of action.
7. If a child reaches 20 days of absences and the parent has not shown a commitment to work with the school/ agencies, the family will be referred to CPS and/or a PINS petition will be filed. In addition, parent will be informed that the child is in danger of being retained.

**Attendance as a Criterion for Promotion:** Attendance will be considered in making a judgment about promotion to the next grade level. A very poor record of attendance can severely impact a child’s level of skills and knowledge required for success at the next grade level.

## DRESS CODE

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### Student Dress Code

All students are expected to dress appropriately for school and at school-sponsored functions. Students and their parents are responsible for ensuring that student dress (including jewelry) and appearance is safe and appropriate, and does not disrupt or interfere with the educational process. School personnel should help students develop an understanding of appropriate appearance in the school setting.

The following dress code will be enforced:

1. Students may not wear extremely brief, revealing garments such as, but not limited to, tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), midriff tops, see-through fabrics, short shirts, or dresses.
2. Undergarments such as, but not limited to, underwear and/or undershirts must be completely covered with clothing. Pants and/or shorts are to be worn at the waist.
3. Footwear must be worn at all times. Footwear that is a safety hazard, such as, but not limited to, flip-flops or sandals without a heel strap and lace up shoes without laces, is not allowed.

4. Clothing which promotes inappropriate products or activities prohibited by school policies or that is likely to cause a material and substantial disruption in the school is not allowed. This includes, but is not limited to, t-shirts and other clothing that displays, promotes, or endorses profanity, illegal organizations, and/or gang identity, violent activities, or the use of alcohol, tobacco, or illegal drugs or substances.
5. Clothing will be considered inappropriate if it contains obscenity, is libelous, or denigrates others on account of race, color, religion, creed, national origin, gender, sexual orientation, disability, or any other protected class.
6. Headgear of any kind including, but not limited to, hats, caps, and hoods may not be worn in school, with the exception of headgear for a religious or medical purposes.
7. Clothing generally accepted as “outer wear” may not be worn in the classroom.
8. Jewelry that is capable of being used as a weapon is not allowed. This shall include, but is not limited to, rings covering multiple fingers, spiked necklaces or belts, belts with large removable buckles, heavy and/or large neckwear, martial arts gear, chain link wallets, and key rings.

While some garments are inappropriate to wear during the school day, exceptions may be made for school dances and proms by individual schools. Those who violate the dress code must modify their appearance by covering the offending item and/or replacing it with an acceptable one. If they refuse to do so or repeatedly violate the dress code, they will be subject to discipline under this Code of Conduct.

### School Uniform Policy

The School Uniform Policy required in prekindergarten through grade 12 may improve academic performance and self-esteem and may reduce absenteeism and competition over attire. Each school’s uniform colors and styles must be agreed upon by the school administration, faculty, and parents. This information will be published in District and school publications, correspondence, and on the websites. Principals are required to inform the superintendent or his/ her designee of any changes to their school’s uniform colors and styles for the following school year in writing by June 1. In case of financial hardship, parents may contact their child’s school by phone, mail or in person to request assistance. No punitive action of any kind will be taken against a student for not complying with the uniform policy.

## CREATING A POSITIVE SCHOOL CLIMATE

The Board of Education recognizes that all members of the school community have the capacity to grow and learn. Each school is expected to foster a positive school climate and culture, promote academic excellence and social-emotional development, encourage and maintain respectful relationships, and provide a supportive environment so that all students have the opportunity to succeed both academically and social-emotionally. Additionally, schools are expected to use a progressive discipline approach which combines prevention, intervention, and restorative practices within a safe, inclusive, and accepting environment.

### Multi-Tier System of Support (MTSS) Framework

The Yonkers Public Schools uses a Districtwide, three-tiered Multi-Tier System of Support (MTSS) framework of behavioral supports to provide early, systematic, and appropriately intensive assistance to students who are struggling academically and/or behaviorally. The goal of MTSS is to

address problematic behavior before it escalates, reduce the use of disciplinary responses including out-of-school suspensions, assist in the early identification of students with learning and/or behavioral needs, and prevent unnecessary referrals to the Committee on Special Education. MTSS strives to achieve these goals by:

- fostering resiliency;
- helping students understand and follow school rules and procedures;
- teaching students the skills they need to meet behavior expectations;
- helping students develop age-appropriate social-emotional skills;
- supporting character development.

Every reasonable effort should be made to correct student inappropriate behavior through interventions and other school-based resources with the least severe disciplinary responses. Students and staff must understand that



## Multi-Tier System of Supports (MTSS): Fact Sheet

### MTSS is...

- ✓ A framework that helps schools improve the performance of all students by identifying needs early and modifying instruction quickly.
- ✓ A comprehensive system that screens all students and provides interventions that can be intensified if needed.
- ✓ Real-time support, not wait-to-fail.

### MTSS is not...

- ✗ Just help with academics. Behavioral and social-emotional support are included.
- ✗ The job of a few specialists. General educators play a key role in helping assess students and plan interventions.
- ✗ An excuse to delay or deny a special education evaluation. Parents can request an evaluation at any time.

### Many schools use some elements of MTSS

Response to intervention (RTI) focuses on academics and provides increasing levels of support to struggling students. In most districts, Tier 1 is classroom-wide support for all students, Tier 2 is small group interventions, and Tier 3 is intensive, individualized support.

Positive behavioral interventions and supports (PBIS) is similar to RTI but focuses on establishing behavioral expectations and providing tiered supports to help students meet those expectations.

### Teacher training in MTSS can help schools work on...

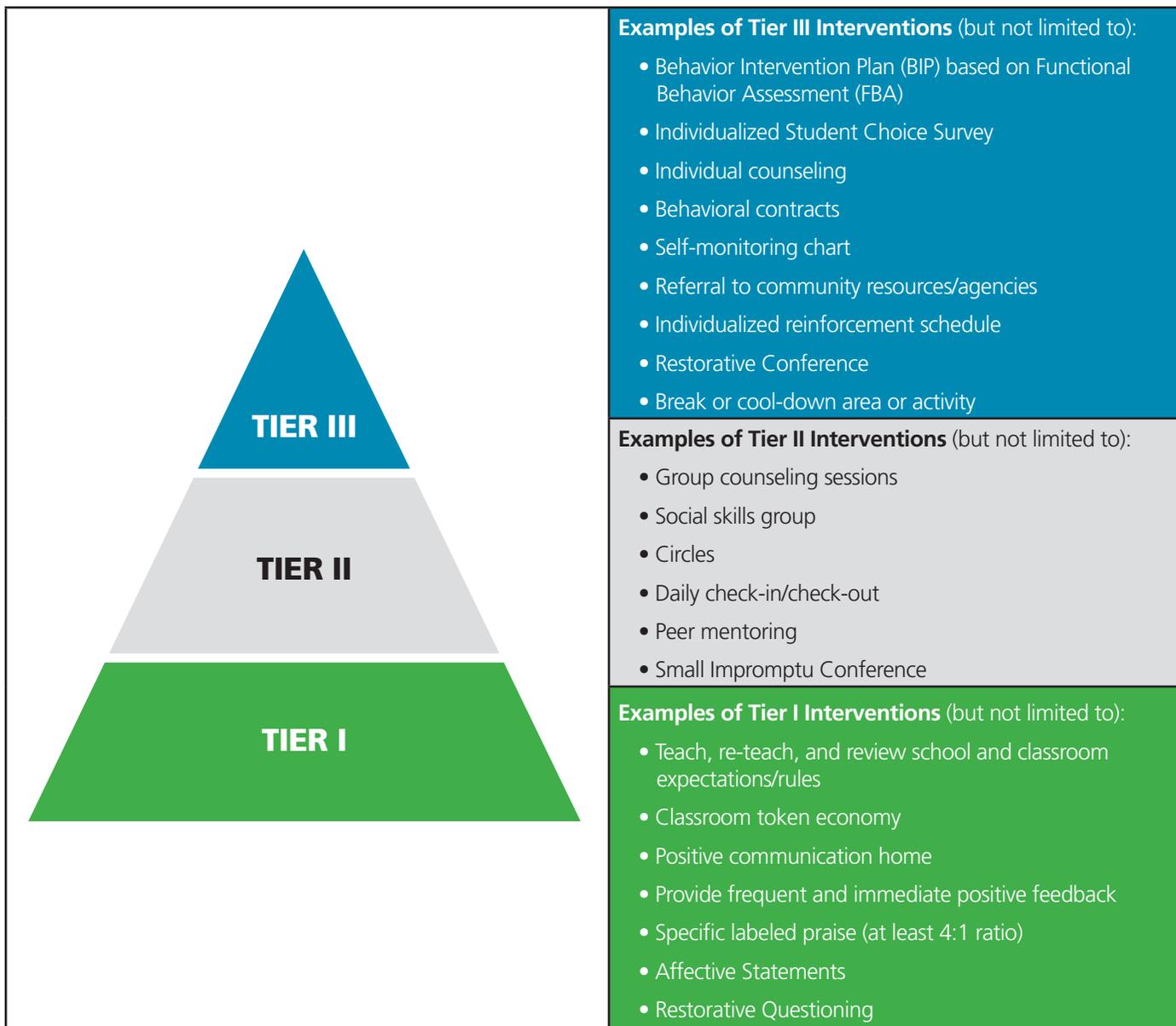
Assessing the needs of **all students**, not just those who are outwardly struggling

Monitoring **student progress data** and using this data to make decisions

Expanding **access to specialists** who typically work with kids with disabilities

Faithfully following **intervention timelines** and other key aspects of MTSS





progression to more stringent consequences and interventions will be applied if the inappropriate behavior continues. Interventions are essential because inappropriate behavior or chronic violations of the Code of Conduct 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.

Furthermore, it is important for school staff to remember that instances of inappropriate behavior can be used as a “teachable moment” and understand that this is fundamental to a positive approach to discipline. We should encourage our students to learn from their mistakes as this is an invaluable part of growth and development. With this understanding, the District can promote positive behavior and teach early problem-solving skills in an effort to avoid conflict. However, if a student does display inappropriate behavior, school staff should help the student learn from his or her mistake.

Schools will assist students in this process by utilizing restorative practices which support students while holding them accountable for their actions in addition to helping heal those individuals who have been harmed. Additionally, these practices help facilitate the restoration of relationships necessary for success as a member of the school community.

**Tier 1 Interventions:** All students are provided with school-wide and classroom-wide expectations for successful student behavior. The focus of Tier 1 is to define clear expectations, teach appropriate school behaviors, and continuously reinforce these behaviors across all school settings for all students.

Within Tier I school staff builds positive relationships with students and the primary focus is prevention. Some strategies and skills that may be employed to establish positive relationships are:

- communicating understanding;
- using affective statements;

- structuring tasks for student success;
- reinforcing student behavior in a positive manner;
- using Restorative Questions;
- developing classroom procedures with student input;
- creating a positive, safe, and trusting learning environment;
- using nonjudgmental language and fair processes;
- using small impromptu conferencing;
- staying calm in tense situations;
- using Restorative Circles;
- encouraging students to express themselves in a respectful manner;
- identifying and labeling feelings, values, and topics to be resolved (strategic listening);
- asking open-ended questions that allow students to have a voice;
- assisting students to use a positive problem-solving process.

Generally, **Tier 1 interventions** will eliminate 80 to 85 percent of the inappropriate behaviors that occur within the school and classroom settings. In instances in which this level of intervention is unsuccessful and the student continues to display inappropriate behaviors, a more intensive level of intervention will be utilized.

### TEMPERING CONFLICT

#### Show students they are understood.

Listen with sincere concern to create positive relationships among students and adults. Trust then becomes the foundation for academic success and conflict resolution.

#### Ask Restorative Questions.

- What happened?
- Who was affected or harmed by the behavior?
- What impact has this incident had on you and others?
- What needs to be done to make things right?

**Use reflective listening when intervening in a conflict.** Get the attention of an angry person by reflecting back the feelings heard in a nonjudgmental way. Let students tell their story. Say just enough to help them.

**Help students problem-solve disputes.** Use reflective listening to help students think about what happened. Trust that, with guidance, students will identify a solution that works for them.



**Tier 2 Interventions:** About 10 to 15 percent of students continue to exhibit inappropriate behavior despite Tier 1 interventions. These students are provided with Tier 2 supports, which include additional interventions in a small group format. Tier 2 interventions should be easy to administer and should require limited time and staff. Tier 2 provides additional supports to those students having difficulty meeting the school-wide and classroom-wide expectations which may involve the Pupil Support Team.

**Tier 3 Interventions:** For those students who continue to display inappropriate behavior despite receiving Tier 1 and Tier 2 interventions, more individualized Tier 3 interventions should be implemented. In general, less than five percent of students will require this level of support. Tier 3 supports include increasingly intensive interventions which are implemented on an individual basis and are guided from the data obtained while implementing the previous tiers of interventions. One such intervention within Tier 3 is a Behavior Intervention Plan (BIP) which is developed by conducting a Functional Behavioral Assessment (FBA).

### **Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP):**

An FBA is an assessment that helps determine why a student engages in inappropriate behaviors and how the student's behavior relates to the environment. The FBA looks beyond the demonstrated behavior and focuses instead on identifying those factors that initiate, sustain, and/or promote the target behavior. An FBA helps identify what function(s) the inappropriate behavior serves for the student and develop appropriate interventions geared toward reducing or eliminating the inappropriate behavior and replacing it with acceptable behavior that serves the same purpose or function. In conducting and reviewing an FBA, it is important to assess not only the behavior itself, but the consequences delivered for engaging in inappropriate behavior in order to help determine the function of the behavior (see Functions of Behavior below).

An FBA is considered when:

- the student exhibits persistent behaviors that interfere with his or her learning or that of others, despite consistently implemented school-wide or classroom-wide interventions;
- the student's Individual Education Plan (IEP) indicates behaviors that interfere with his or her learning or that of others;
- the student exhibits behavior that places him/her or others at risk of harm or injury;
- the student is being initially referred to the Committee on Special Education (CSE) due to behavior concerns;
- the CSE is considering more restrictive programs as a result of the student's behavior;
- the student has a high number of in-school referrals and/or out-of-school suspensions; and/or
- the school manifestation team determines that a student's behavior which warrants a suspension or removal from school in excess of 10 consecutive school days or would otherwise constitute a disciplinary change in placement was a manifestation of the student's disability.

Once a formal FBA has been conducted, the data and information gathered during the FBA is used to develop a Behavior Intervention Plan (BIP). A BIP is a specific plan of action designed to teach the student how to engage in appropriate behavior in place of the inappropriate behavior

the student currently exhibits. In order for the plan to be effective, it is important that the appropriate replacement behaviors meet the same function or purpose as the targeted inappropriate behaviors. The BIP should also identify environmental factors that contribute to the inappropriate behavior and attempt to modify the environment so that it no longer reinforces and/or promotes the inappropriate behavior. In order to determine the effectiveness of a BIP, school staff will progress monitor the frequency and/or duration of the targeted inappropriate behavior in order to determine if there is a reduction in the inappropriate behavior(s) and an increase in the appropriate behavior(s).

### **FUNCTIONS OF BEHAVIOR**

When interventions and consequences are delivered without considering the purpose of the behavior (function), there is a chance the intervention or consequence may inadvertently maintain or strengthen the inappropriate behavior. Therefore, whenever staff is developing interventions or delivering consequences for inappropriate behaviors, they should consider the function of the problem behavior. The four main functions of behavior are: 1) Sensory; 2) Escape/Avoidance; 3) Attention; and 4) Tangible)

Once the function of behavior is determined, staff should develop interventions and deliver consequences that teach/reinforce a socially appropriate alternative to the inappropriate behavior which serve the same function for the student, reinforce the replacement behavior and extinguish the inappropriate behavior.

For example:

Sally is calling out of turn in class. One of the possible functions of this behavior may be to obtain **attention** from the teacher. The interventions and/or consequences can include:

1. teaching Sally to raise her hand to obtain teacher attention;
2. providing Sally with reinforcement when she raises her hand to obtain teacher attention;
3. not allowing Sally to gain teacher attention when she calls out.

**School-based Pupil Support Teams:** Each building has a multidisciplinary team, or Pupil Support Team (PST), that, when necessary, will meet to identify whether additional interventions within the three-tiered RtI framework are required for a particular student. The Pupil Support Team may include the parent, guidance counselor, social worker, school psychologist, classroom teacher, related service provider(s) (speech therapist, occupational therapist, and physical therapist), nurse, and/or school administrator(s). When a student is not responding to Tier 1 or Tier 2 interventions, the PST will hold a meeting to discuss the student and make recommendations for more intensive Tier 3 intervention(s) and will ensure that the student's parents are aware of the recommended interventions. Also, families may enlist the aid of the pupil support staff to help them contact and connect with the many private and public agencies available to help address inappropriate behavior outside of school. Please refer to the Resource section for a list of community and school-based programs that may be available.

## **RESTORATIVE PRACTICES**

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The primary goal of the Yonkers Public Schools is to provide excellent educational programs so that all students have the opportunity to achieve academic success and social-emotional well-being. The Board of Education and Superintendent of Schools strive to provide all students with a school environment that values the diverse family cultures, languages, interests, viewpoints, and performance levels of all students. The Yonkers Public Schools is committed to using restorative practices and programming that promotes social-emotional learning, fosters interpersonal and intergroup relationships, supports self-discipline and strives to prevent, reduce, and/or change inappropriate behaviors.

The Board of Education recognizes that in utilizing restorative practices and programming which promote social-emotional learning, school personnel must recognize that students are an essential asset to, and a resource in, establishing and sustaining safe and supportive schools. They must be mindful of the need to believe in students, even when they may have engaged in inappropriate behavior. It is of the utmost importance that school personnel, parents, and students alike invest in relationships that develop trust and fairness in an effort to foster an inclusive school culture.

A restorative approach to discipline changes the fundamental questions asked following a behavioral incident. Instead of asking who is to blame and how to punish those engaged in the behavior, the following four Restorative Questions are asked:

- What happened?
- Who was affected or harmed by the behavior?
- What impact has this incident had on you and others?
- What needs to be done to make things right?

## **Continuum of Restorative Practices**

**Affective Statements:** Daily use of "I" statements are used to express feelings about how the behavior of others affects students, parents, and staff. This practice humanizes how individuals perceive one another, promotes responsibility, and encourages care in the relationship-building process.

**Affective Questions:** Daily use of affective questions helps students, parents, and staff think about conflict as an opportunity to foster learning and build relationships. Students must be held accountable and responsible for their behavior. Separating the deed (student's action/behavior) from the doer (the student) is the beginning of a restorative process.

**Small Impromptu Conference:** The use of this restorative practice can help address conflict, prevent it from escalating, and lead to prompt resolutions. During these conferences, the student(s) will actively engage in expressing their feelings and think about the impact of their behavior and how to resolve the problem.

**Circles (Groups):** The use of circles allows staff to sit with students in an effort to enhance the quality of their relationships, create classroom norms, and develop a proactive process for preventing and solving conflict. In order for circles to be effective, they must be engaging and require participation, ownership, and commitment from the entire school community including students, parents, and staff.

**Restorative Conference:** Restorative Conferences are formal responses to inappropriate behavior. At such a conference, all those involved and affected by an incident should participate. The conference is led by a trained facilitator who will help the participants explore what happened, determine who was affected, and decide on an appropriate response which will best repair the harm done. One of the goals of the conference is to raise peoples' consciousness by sharing in the problem so that students, parents, and staff can be responsive and resourceful in preventing and resolving conflict.

## **LEVELS OF BEHAVIOR CONCERNS, VIOLATIONS AND RESPONSES: INTERVENTIONS AND CONSEQUENCES**

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### **DETERMINING DISCIPLINARY RESPONSES**

School officials must consult the Code of Conduct when determining an appropriate disciplinary intervention and/or consequence. In addressing inappropriate behaviors, it is necessary to evaluate all of the circumstances surrounding the behavior in order to determine the least punitive response that would properly address the inappropriate behavior. All individuals involved in the incident (including witnesses) must be interviewed by an administrator or designee. The following facts must be considered prior to determining an appropriate disciplinary intervention and/or consequence:



- the student’s age, maturity, and ability to understand consequences;
- the student’s family situation, such as involvement in foster care, domestic violence, incarceration, homelessness, poverty, the recent death of a loved one, or immigration status;
- the student’s substance abuse or addiction;
- the student’s disciplinary record including the nature of any prior misconduct and the number of prior instances of misconduct;
- any previous disciplinary consequences and/or interventions used and the student’s response to those interventions;
- the nature, severity, scope, frequency, and duration of the behavior including whether the student’s behavior threatened the safety of themselves or others;
- whether the student is or has been a victim of bullying;
- the circumstances and/or context in which the behavior occurred;
- the student’s IEP, 504 Accommodation Plan, or designation as a student suspected of having a disability if applicable;
- the student’s current FBA (Functional Behavioral Assessment) and BIP (Behavior Intervention Plan) if applicable.

Differentiated responses to disciplinary problems are included within the four levels, under which all students are treated fairly, with respect and dignity, so that:

- All opportunities and interventions are accessible to every student, including students with disabilities.
- Consequences and interventions at all levels are consistently applied across all groups of students with honesty and integrity.
- Documentation is completed and parents are notified within 24 hours of the inappropriate behavior.

#### WHERE AND WHEN THE CODE OF CONDUCT APPLIES

The Yonkers Public Schools Code of Conduct applies to incidents that occur as follows:

- in school and on school property during school hours;
- before and after school, while on school property;
- while traveling in vehicles funded by the Yonkers Public Schools;
- at all school-sponsored events, regardless of location;
- harassment, bullying, cyberbullying and/or discrimination off school property could create a risk or threat of substantial disruption within the school environment.

When misconduct involves communication, gestures, or expressive behavior, the behavior violation will apply to oral, written, and electronic communications including, but not limited to, text, email, and social network content.

#### EXPECTATIONS TO CONSIDER FOR PREKINDERGARTEN THROUGH GRADE 2

Aggressive behavior in young children is rarely an intentional act to harm another. Rather, aggressive acts are often a result of children’s unskilled attempts to communicate what they want, what they need, and what they don’t like. When a child engages in an aggressive act that threatens or harms other children or makes the learning environment feel unsafe, supportive procedures need to be in place to ensure that both children involved in the incident (the child who has been threatened or hurt and the child who has engaged in the aggressive act) receive immediate attention and care. In addition, students who have experienced traumatic events may have emotional, social development, behavioral, or academic problems that need to be responded to with extreme sensitivity and awareness.

Parents can expect that these actions will take place:

- A staff person will temporarily remove the child who has engaged in the aggressive act immediately from the environment to help the child regain a sense of calm so that the staff member can speak with the child about the incident.

- A staff person will speak to the child who has been threatened or harmed immediately to ensure that the child has an opportunity to talk about the incident and to help the child regain a sense of safety.
- Parents of children involved in the incident will be contacted and school staff will explain what happened prior to the incident, share how adults responded to the incident, discuss the short-term plan for restoring a sense of calm and safety, and discuss the longer-term plan for preventing similar incidents in the future.
- When warranted, the Pupil Support Team (PST) will conduct a Functional Behavioral Assessment (FBA) and create a Behavior Intervention Plan (BIP).
- Parents of either child involved in the incident can request a restorative conference.

All responses to prekindergarten through grade 2 children's inappropriate behavior will be delivered in an age appropriate manner and aligned with the levels below.

## LEVELS OF INTERVENTIONS AND CONSEQUENCES (PK-12)

**LEVEL 1** incorporates universal school-wide and classroom practices that promote the development and practice of pro-social behaviors, self-discipline, habits of learning, and healthy well-being. Level 1 behavior can be addressed by teachers and any other school personnel. Through observation and immediate responses, teachers and staff aim to prevent minor discipline problems from becoming major disciplinary incidents.

**LEVEL 2** involves targeted interventions and assigned consequences when a student's inappropriate behavior warrants a more focused behavioral response beyond the immediate situation or incident in the classroom or other location. This level encompasses infractions which are of a more serious nature or repeated instances of Level 1 misconduct. Level 2 misconduct includes those student behaviors which interfere with orderly educational process and can be addressed by teachers and other school personnel.

**LEVEL 3** involves inappropriate behaviors that seriously impact school and classroom safety and order. Level 3 infractions are very serious in nature and result in a suspension. Students who are experiencing high-risk or frequent behavioral, academic, social and emotional concerns are assigned supervised, individualized interventions. Infractions at this level require the cooperative intervention of the parent, teacher, and school administration.

**LEVEL 4** involves behavior that presents an imminent threat of serious harm to the school community, or seriously affects the safety of others in the school and/or the educational process. The response administered for Level 4 violations is a suspension from school. Additionally, if warranted, the District may notify the Yonkers Police Department. To note, the building principal or his or her designee must notify appropriate law enforcement of any act that is criminal in

nature and affects the physical, emotional, or moral well-being of a student, staff member, or the overall safety of the school when it occurs on school grounds, at a school function, reported to school personnel from outside school during school hours, or during travel to or from school.

These policies apply to all students, including all students with IEPs and 504 plans. Multiple incidents of misconduct and/or chronic inappropriate behavior will warrant more intensive interventions and more serious consequences.

The interventions and consequences aligned with each behavior level listed below represent a menu of potential responses. Teachers and administrators may choose to utilize one or more response in order to best address inappropriate behavior. Administrators, teachers, and Pupil Support Teams are not expected to use all interventions listed for each level. When appropriate, administrators, teachers, and Pupil Support Teams may choose to use lower-level interventions. School staff should strive to utilize the least punitive responses they believe will properly address the student's inappropriate behavior. Interventions will be progress-monitored and adjusted based on student response.

## LEVEL 1 BEHAVIORS

**Classroom Interventions and Responses:** These interventions aim to teach appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior. Teachers must try a variety of teaching and classroom management strategies. Teachers are expected to collaborate effectively and report concerns to support staff. For repeated Level 1 behaviors, refer to the possible interventions outlined in RtI practices.

Examples of possible Level 1 classroom interventions and responses:

- Use affective statements
- Use affective questions
- Establish relationship with student
- Give positive directives that state expectations
- Give positive and specific feedback
- Use pre-teaching, re-teaching, and rehearsal of skill or procedure
- Increase opportunity to respond during instruction
- Increase teacher proximity
- Provide verbal prompt, redirection, and/or correction
- Give reminders and redirection
- Hold Student/Teacher small impromptu conference
- Develop relationship with families
- Hold a family conference

- Keep daily progress sheets on behavior
- Create a classroom check-in plan
- Use a reflection activity
- Apologize
- Use other evidence-based student specific strategies

**Pupil Support Team (PST) Interventions and Responses:**

These interventions aim to engage the student’s support system at school and at home to improve the learning conditions that contribute to student’s successful behaviors. They can involve school staff, parents and community agency staff.

Examples of possible Level 1 PST interventions and responses:

- Reflection activity
- Check-In with school building staff
- Mentoring
- Peer mediation
- Mediated conflict resolution conference
- Referral to school-based health or mental health providers
- Service to the school community
- Referral to community organization
- Use of support staff

**LEVEL 2 BEHAVIORS**

**Classroom Interventions and Responses:** These interventions may be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to interrupt instruction. For repeated level 2 behaviors, refer to the possible interventions outlined in the RtI practices.

Examples of possible Level 2 classroom interventions and responses:

- Give positive directives that state expectations
- Give positive and specific feedback
- Pre-teach, re-teach, and rehearse skill or procedure
- Increase opportunity to respond during instruction
- Increase teacher proximity
- Use verbal prompt, redirection, and/or correction
- Remind and redirect
- Hold a student/teacher impromptu conference
- Use affective statements
- Use affective questions
- Develop relationships with families
- Hold a family conference

- Collaborate with family
- Keep daily progress sheets on behavior
- Create a classroom check-in plan
- Use reflection activity
- Try other evidence-based, student-specific strategies
- Use restitution/restoration strategies
- Collect progress monitoring data about the behavior and interventions attempted
- Refer to DASA coordinator
- Review cumulative folder and academic progress, create, implement, and monitor an academic plan.
- Collaborate with Pupil Support Team to build on student strengths
- Monitor all plans created and reevaluate as appropriate
- Provide peer mediation
- Conduct a community conference or network meeting
- Use conflict resolution

**Administrative and Pupil Support Team Interventions and Responses:**

These interventions can involve support staff or administrative staff when needed and are designed to improve behavior by addressing the seriousness of the behavior while keeping the student in school.

Examples of possible Level 2 administrative and pupil support team interventions and responses:

- Use a reflection activity
- Check-In with school building staff
- Mentor
- Refer to school-based health or mental health providers, where available
- Remove student from classroom (See Student Removal Chart)
- Refer to community organization
- Use support staff root cause assessment
- Provide conflict mediation
- Hold an administrative and/or support team conference
- Mentor/Coach
- Conduct a Functional Behavioral Assessment (FBA)
- Create a Behavior Intervention Plan (BIP)
- Individualize case management for students with 504 plans or IEPs
- Refer to and coordinate with community-based supports when available
- Restrict extracurricular activities
- Give up to 2 days out-of-school suspension

## LEVEL 3 BEHAVIORS

### Classroom and Pupil Support Team Interventions

**and Responses:** If a student is removed from the learning environment, teacher(s)/staff is expected to provide current assignments and materials to administration, and consider:

- Use affective statements
- Use affective questions
- Hold a student/teacher impromptu conference
- Collaborate with families
- Keep daily progress sheets on behavior
- Create a classroom check-in plan
- Collect progress monitoring data about the behavior and interventions tried
- Refer to DASA coordinator
- Review cumulative folder and academic progress and create, implement, and monitor an academic plan
- Monitor all plans created and reevaluate as needed
- Initiate a student-centered discussion about the inappropriate behavior incident
- Create, implement, and monitor a transition plan for student returning to the classroom
- Hold a restorative circle
- Prepare the class for the student's return

For repeated level 3 behaviors, refer to the possible interventions outlined in the Rtl practices.

**Administrative and Pupil Support Team Interventions and Responses:** An administrator must be directly involved throughout this process. These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. The duration of the removal from the learning environment is to be limited as much as possible while still adequately addressing the seriousness of the behavior.

Examples of possible Level 3 Administrative and Pupil Support Team interventions and responses:

- Conduct a Functional Behavioral Assessment (FBA)
- Create a Behavior Intervention Plan (BIP)
- Coordinate the delivery of student academic work provided by teacher(s) when student is removed from class
- Hold a restorative conference
- Make referral to school-based health or mental health providers

- Hold an administrative and/or support team conference
- Mentor/Coach
- Individualize case management for students with 504 plans or IEPs
- Refer to and coordinate with community based supports
- Hold a family/student/school team conference
- Refer to student support team for behavior evaluation
- Request a behavioral support consultation from Pupil Support Team for explosive/violent incidents
- Request support from local/county crisis team for explosive/violent incident
- Give up to 5 day out-of-school suspension
- Give up to 5-day suspension from transportation

## LEVEL 4 BEHAVIORS

### Classroom and Pupil Support Team Interventions

**and Responses:** If a student is removed from the learning environment, teacher(s)/staff are expected to:

- Provide current assignments and materials to administration
- Initiate a student-centered discussion about the inappropriate behavior incident when appropriate
- Assist in creating, implementing, and monitoring a transition plan for a student returning to the classroom
- Hold a restorative circle when appropriate
- Prepare the class for the student's return

For repeated level 4 behaviors, refer to the possible interventions outlined in the Rtl practices.

### Administrative and Pupil Support Team Interventions

**and Responses:** An administrator must be directly involved throughout this process. These interventions and responses may include removing the student from the classroom or school environment because of the seriousness of the demonstrated behavior. The duration of the removal from the learning environment is to be limited as much as possible while still adequately addressing the seriousness of the behavior.

- Coordinate the collection of student academic work provided by teacher(s)
- Mediate conflict resolution conference
- Notify family of due process rights and informal conference with principal and student
- Refer to school-based health or mental health providers

- Request a consultation with Pupil Support Team for explosive/violent incident
- Conduct a Functional Behavioral Assessment and develop a Behavior Intervention Plan
- Individualize case management for students with 504 plans or IEPs
- Refer to and coordinate with community based organization supports
- Give a 5 day out-of-school suspension
- Request a Superintendent's Hearing for long-term suspension/alternative placement
- Develop, implement and monitor student's transition back to school
- Provide immediate written notification to the Superintendent or designee upon suspension For grades 3-12
- Conduct a required manifestation hearing for students with IEPs before requesting a Superintendent's hearing



## INAPPROPRIATE BEHAVIORS AND LEVELS OF RESPONSE

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
<b>Academic Dishonesty</b>						
Cheating, copying another's work, plagiarism	●	●				
Changing/altering school records/documents		●	●		●	
Signing a parent's name on a school document without parent consent.		●	●			
<b>Alcohol and Other Mood, Mind, or Performance Altering Substances (Drug Free School Zones)</b>						
Under the influence (except when a medical professional has prescribed drug)		●	●		●	
Using or possessing drug (except when under the direction of a medical professional)		●	●		●	
Distributing or selling				●		●
<b>Arson</b>						
Attempting to start a fire		●	●		●	
Starting a fire				●		●
Destruction of property as a result of arson				●		●
<b>Attack on Student/Staff</b>						
Verbal	●	●				
Attack on student/staff with injury				●		●
Attack on student/staff with serious bodily injury with or without provocation (hitting, kicking, or punching)				●		●
Two or more persons intentionally attacking a student/staff and causing serious bodily injury.				●		●
<b>Attendance (Absence, Class Cutting, Tardiness, Early Departures)</b>						
Failure to attend a class	●	●				
Chronic cutting (missing the same class at least 5 times)	●	●				
Excessive absences, tardies, or early departures (5% to 10% of school days)	●					
Chronic absences, tardies, or early departures(10% or more of school days)		●				
<b>Bomb or Terrorist Threat</b>						
Making threats or providing false information about the presence of explosive materials or devices on school property.				●		●
<b>Bullying - Verbal, Physical and Electronic</b>						
Intentional conduct (including verbal, physical, or written conduct) or electronic communication that is threatening		●	●		●	
Persistent and repeated incidents of bullying targeted at same person or group		●	●		●	
Very serious incident that is life-threatening, seriously harmful, or personally damaging to the person who is targeted				●	●	●

● = First Offense   ● = Repeated Offense

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
<b>Cafeteria</b>						
Running, making excessive noise, horseplay, shoving, or loitering	●	●				
Creating a cafeteria disruption (e.g., throwing food, not cleaning up after self, and leaving lunch room without permission)	●	●				
<b>Classroom</b>						
Talking out in class or talking out of turn; throwing objects; picking on, bothering, or teasing other students; and other behavior that distracts from student learning	●	●				
Breaking school or class rules such as horseplay, making excessive noise, and being unprepared	●	●				
Leaving the classroom without permission	●	●				
Behavior that disrupts and/or continues to disrupt instruction and learning	●	●				
Failure to adhere to terms of behavior or academic contract	●	●				
<b>Disrespectful Behavior</b>						
Making inappropriate gestures, symbols or comments, or using profane or offensive language	●	●				
Using verbal insults /put-downs or giving misleading/ false information to school staff	●	●				
Using verbal insults /put-downs or giving misleading /false information to school staff that leads to emotional /physical harm to another person		●	●			
<b>Dress Code</b>						
Violating school district dress code	●					
<b>Drugs or Controlled Substances - including any Mood, Mind, or Performance Altering Substances (Drug Free School Zones)</b>						
Under the influence (except when under the direction of a medical professional)		●	●		●	
Using or possessing (except when under the direction of a medical professional)		●	●		●	
Possession of drug paraphernalia			●	●	●	
Distributing or selling				●		●
<b>Electronic Devices</b>						
Inappropriate use of school computers, fax equipment, or other electronic devices, including personal electronic devices	●	●				
Use of electronic devices that directly causes physical or emotional harm to another person		●	●		●	
<b>Extortion</b>						
Obtaining money or property from another student through coercion, intimidation, or threat of physical harm			●	●	●	

● = First Offense ● = Repeated Offense

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
<b>Fire Alarm</b>						
Intentional false activation of fire alarm				●		●
<b>Fighting</b>						
Physical aggression with another student		●	●			
Fighting which causes the principal to initiate "stay in place" emergency procedures, prevents large numbers of students from moving through the hallways, disrupts the educational process for large numbers of students across the school, and poses a serious and grave threat to the safety of large numbers of students, such as a threat of substantial bodily harm to students				●	●	
Fighting with serious bodily injury				●		●
<b>Gambling</b>						
Requires the use of money or exchangeable goods	●	●				
<b>Group Activity</b>						
Participation in activities by a group that interferes with or disrupts instruction, safety, and order of the school		●	●			
Using association with a group to intimidate or harass a student or staff member			●	●	●	
Group activities that result in harm			●	●		●
<b>Hallway</b>						
Running, making excessive noise, horseplay, shoving, or loitering	●	●				
<b>Harassment based on Race, Ethnicity, Gender, Sexual Orientation, Disability or Religion, including Cyber-harassment, against members of the school community</b>						
Harassment	●	●	●			
Very serious incident that is life-threatening, seriously harmful or personally damaging to the person who is targeted				●	●	●
<b>Inciting or Participating in a Disturbance</b>						
Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption (such as a riot)				●	●	
Using an electronic device to bring others to initiate or engage in a disturbance			●	●	●	
<b>Leaving School</b>						
Leaving the school without permission	●	●			●	
<b>Non-Compliance with School Personnel</b>						
Failure to comply with school rules, regulations, policies, or procedures	●	●				
Failure to respond to school staff directives, questions, or requests (non-violent or non-physical)	●	●				

● = First Offense ● = Repeated Offense

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
<b>Physical Contact with School Personnel</b>						
Unintentional physical contact with school personnel	●	●				
Unintentional striking of a staff member who is intervening in a fight or other aggressive behavior		●	●			
Intentional physical attack on school personnel				●		●
Offensive touching, poking, pushing, shoving, or physical intimidation			●	●	●	
<b>Property</b>						
Pattern of disrespecting the property of other students	●	●				
Pattern of disrespecting school property	●	●				
Defacing, vandalizing or destroying property with graffiti or by other means		●	●		●	
Theft/burglary/robbery			●	●	●	
<b>Recess</b>						
Identify specific inappropriate behavior on this grid	●	●				
<b>Sexual Assault or Offense</b>						
Forced sexual act without consent				●		●
<b>Sexually- Based Infraction</b>						
Sexual harassment (e.g., unwelcome sexual advances; request for sexual favors; other inappropriate verbal, written, or physical conduct of a sexual nature)				●	●	
Sexual activity or sexual misconduct (e.g., indecent exposure, engaging in sexual activity, etc.)				●	●	
Distribution of pornography			●	●	●	
<b>Technology Acceptable Use Policy Violation</b>						
Violation of Yonkers Public Schools Technology Acceptable Use Policy	●	●				
<b>Threat against School Personnel</b>						
Verbal or written threat against school personnel			●	●	●	
<b>Tobacco or Nicotine Products (BOE Policy 1530)</b>						
Use or possession (including e- Cigarettes, hookah, and vaping devices)		●	●			
<b>Transportation (Bus or Van)</b>						
Minor disruption on the bus (i.e., eating, drinking, being too loud, standing, pushing, cursing)	●	●				
Serious or repeated disruption on the bus			●			
<b>Trespassing</b>						
Being on school property without permission, including while suspended or expelled		●	●		●	

● = First Offense ● = Repeated Offense

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	May contact police	Must contact police
<b>Weapons, Firearms, Explosives</b>						
Possession of a weapon such as a firearm, rifle, shotgun, pistol, revolver, starter pistol, other firearms, or explosives which could be used as a weapon				●		●
Possession of a weapon such as a knife, box cutter, utility razor, linoleum cutter, dangerous chemicals, or any object/chemical which is not necessary for school activities and which could be used as a weapon			●	●	●	
Displaying what appears to be a weapon			●	●		●
Threatening harm with a weapon or an object that can be used as a weapon				●		●
Use of a weapon				●		●
Possession of fireworks, "poppers," smoke or stink bombs, or any other pyrotechnic device, flammable materials, or volatile chemical			●	●		●
Use of fireworks, "poppers," smoke or stink bombs, or any other pyrotechnic device, flammable materials, or volatile chemical			●	●		●

● = First Offense ● = Repeated Offense

## DISCIPLINARY RESPONSES AND PROCEDURES

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be most effective in changing student behavior.

### LIST OF DISCIPLINARY RESPONSES

Students who do not follow the Yonkers Code of Conduct by engaging in inappropriate behavior may receive the following disciplinary responses, either alone or in combination. The District and school personnel identified after each response are authorized to use the following consequences, consistent with the student's right to due process:

1. Oral warning – any member of the school or District staff
2. Written warning – bus staff, hall and lunch CSEA staff, coaches, teachers, pupil support staff, school administrators, principal, or Superintendent of Schools or his/her designee
3. Written notification to parent – coaches, teachers, pupil support staff, school administrators, principal, or Superintendent of Schools or his/her designee
4. Detention – teachers, school administrators, principal, or Superintendent of Schools or his/her designee
5. Suspension from transportation – school administrators, principal, or Superintendent of Schools or his/her designee
6. Suspension from athletic participation – coaches, school administrators, principal, or Superintendent of Schools or his/her designee
7. Suspension from social or extracurricular activities – teachers, school administrators, principal, or Superintendent of Schools or his/her designee
8. Suspension of other privileges – school administrators, principal, or Superintendent of Schools or his/her designee
9. Removal from classroom – teachers, school administrators, or principal
10. Short-term suspension from school (five days or less) – principal, Superintendent of Schools, or Board
11. Long-term suspension from school (more than five days) – Superintendent of Schools or Board
12. Permanent suspension from school – Superintendent of Schools or Board
13. Expulsion – Superintendent of Schools or Board

## DETENTION

Teachers, principals, and the Superintendent may use after school detention as a response to inappropriate student behavior in situations where removal from the classroom or suspension would not be warranted. Detention will be given only after the student's parent has been notified to confirm that there is no parental objection to the consequence and the student has appropriate transportation home following detention.

## STUDENT REMOVAL FROM THE CLASSROOM

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. Examples of such disruptive behavior include, but are not limited to:

- repeated and/or severe instances of speaking disrespectfully to the teacher or others
- making inappropriate gestures
- repeatedly leaving his/her seat without permission
- having physical contact with another
- throwing items.

In many instances the teacher is able to respond to a student's behavior while maintaining order in the classroom by using effective classroom management techniques and Restorative Practices such as:

- affective statements,
- affective questions,
- small impromptu conferences,
- use of redirection prompts and reminders, and/or
- any other techniques the teacher consider effective to support the student's re-engagement.

Teachers should do their best to attempt to redirect inappropriate behavior through the use of interventions other than removal. However, if the student's behavior jeopardizes safety in the classroom or if, after other interventions have reasonably been exhausted, the student's behavior is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, the Code of Conduct and New York State law allow for student removal from the classroom.

If a student is removed because he or she is thought to be under the influence of alcohol or other mood, mind, or performance altering substances, the student must be escorted by a staff member to the nurse and school administration must be notified immediately. If it is determined that the student is under the influence, the Code of Conduct will be applied and the student will be referred to appropriate counseling.

## TEACHER DISCIPLINARY REMOVAL OF DISRUPTIVE STUDENTS (LEVEL II INFRACTION)

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques and restorative practices. These techniques may include practices that involve the teacher directing a student to take a "time-out", giving the student an opportunity to regain his or her composure and self-control, or asking a Pupil Support Team member or administrator to see the student. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may request to remove a substantially disruptive student from class. The removal from class applies to the class of the removing teacher only. On the elementary level, this applies to the specific subject area only.

**STEP 1** If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher request the student be removed from class.

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

**STEP 2** The teacher must complete a District/school established disciplinary removal form. The teacher must meet with the principal or his or her designee as soon as possible to explain the circumstances of the removal and to present the removal form, but no later than the end of the school day.

**STEP 3** Within 24-hours after the student's removal, the teacher and/or administrator must notify the student's parent in writing that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee and teacher to discuss the reason(s) for the removal.

The principal or designee will require the teacher who ordered the removal to attend the informal conference.

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

The principal or designee may reverse the removal of the student or take further action if he or she finds any one of the following:

1. The charges against the student are not supported by substantial evidence.

2. The student's removal is otherwise in violation of law, including the District's Code of Conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214.

The principal or designee may overturn a removal at any point between receiving the student removal form issued by the teacher and the close of business on the day following the conference. No student removed from the class will be permitted to return to the class until the principal makes a final determination, or the period of removal expires, whichever comes first.

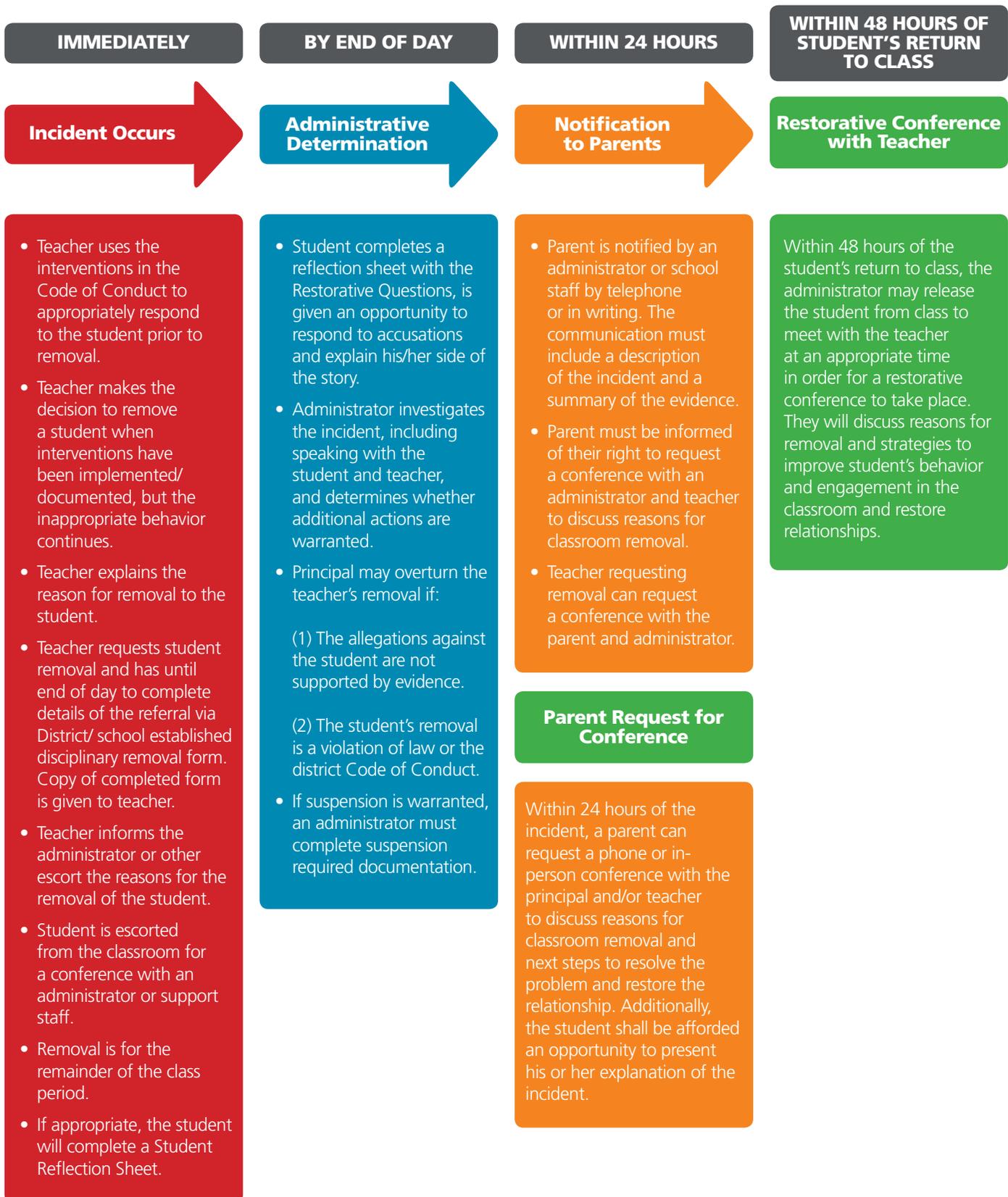
Any disruptive student removed from the classroom will be given equivalent instructional material by the removing teacher until he or she is permitted to return to the classroom.

Each teacher must keep a file containing a copy of each disciplinary removal form.

Removal of a student with a disability under certain circumstances may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.



## WHAT ARE THE STUDENT REMOVAL FROM CLASSROOM PROCEDURES AND TIMELINE?



## **Suspension from Transportation**

If a student engages in inappropriate behavior or misconduct on a bus or other vehicle funded by the Yonkers Public Schools, the driver is expected to inform the company dispatcher who then informs the District's Transportation Department and the building administrator. Students determined to be a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or his/her designee. In such cases, the student's parent will be responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from school due to the distance between home and school and the unavailability of an alternative public or private means of transportation, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing under Education Law §3214. However, the student and parent(s) will be provided with a reasonable opportunity for an informal conference with the building principal to discuss the inappropriate behavior and the assigned responses.

## **Suspension from Athletic Participation and Extra-Curricular Activities**

A student who is suspended from athletic participation, extracurricular activities, or other privileges is not entitled to a full hearing under Education Law §3214. However, the student and the student's parent(s) will be provided with a reasonable opportunity for an informal conference with the school official imposing the suspension to discuss the inappropriate behavior and the assigned responses.

## **Suspension from School**

Suspension from school is a severe assigned consequence which may be imposed only upon students who are insubordinate, disorderly, violent, or disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others. While the Board retains its authority to suspend students, the Superintendent and building principals have primary responsibility for the suspension of students. All suspensions from school shall be imposed in accordance with the requirements of applicable laws and this Code.

The principal must conduct an investigation prior to any student being suspended or as soon as possible if the student presents a continuing danger to persons or property or an ongoing threat of disruption to the academic process. As part of the investigation, the principal must meet with the student(s) and all parties involved, gather the relevant facts, and create a written record of the incident. Additionally, the school must provide the student and his or her parent(s) with notice of the proposed suspension, a description of the misconduct or the incident prompting the proposed suspension, and their right to request an informal conference with the building principal. Such notice and the opportunity for a conference will also take place prior to the suspension unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process.

## **Short-Term (5 school days or less) Suspension from School**

### **PREKINDERGARTEN THROUGH GRADE 2**

The Yonkers Public Schools, along with the New York State Education Department (NYSED), is committed to reducing and severely limiting suspension practices with the ultimate goal of completely eliminating these practices in all early childhood settings.

### **PREKINDERGARTEN THROUGH 12**

When the principal proposes to suspend a student for inappropriate behavior for five days or less pursuant to Education Law §3214 and in accordance with this Code of Conduct, he or she must immediately meet with the student to inform him or her of the proposed suspension and discuss the alleged incident. If the student denies the misconduct, the principal must provide an explanation of the basis for the proposed suspension.

When a suspension is proposed, the principal must notify the student's parent by telephone of the proposed suspension. The principal must also provide notice to the student's parent in writing. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parent. The notice must provide a description of the student's misconduct and the incident for which suspension is proposed and inform the parents of their



right to request an informal conference to be held with a school administrator. Both the notice and informal conference will be in the primary language used by the parent(s). At the informal conference, the parent(s) will be permitted to ask questions of complaining witnesses under such procedures as the principal may establish and in compliance with New York State Education Law.

The notice and opportunity for an informal conference will take place prior to the student's suspension, unless the student's presence in the school poses a continuing danger to persons/ property or an ongoing threat of disruption in school. If the student's presence does pose such danger or threat of disruption, the student may be immediately suspended and the notice and informal conference will occur as soon as reasonably possible. After the conference the principal will promptly advise the parents of his or her decision in writing.

### **Appeal Process**

An appeal of the decision of the principal may be taken to the Superintendent of Schools. All appeals to the Superintendent of Schools must be in writing and submitted within ten business days, unless the parent(s) can show that extraordinary circumstances prevented them from doing so. The Superintendent of Schools will issue a written decision regarding the appeal within ten business days of receiving the appeal. If the parent(s) are not satisfied with the Superintendent's decision, they may appeal to the Board of Education. All appeals to the Board must be in writing and submitted to the secretary to the Board within thirty business days of the date of the Superintendent's decision, unless the parent(s) can show that extraordinary circumstances prevented them from doing so. Final decisions of the Board may be appealed to the New York State Commissioner of Education within thirty days of the decision.

## WHAT ARE THE SHORT-TERM ONE TO FIVE DAYS OUT- OF- SCHOOL SUSPENSION PROCEDURES AND TIMELINE?

**BY END OF DAY OF INCIDENT NOTIFICATION**

**WITHIN 24 HOURS OF INCIDENT NOTIFICATION**

**STUDENT'S RETURN TO CLASS**

**Administrative Determination after Incident Notification Occurs**

**Suspension Documentation**

**Re-entry and Interventions**

**Appeal to Superintendent**

- Administrator investigates the incident, gathers the facts and speaks with student and staff to determine whether a suspension is warranted.
- If a suspension is proposed, the Administrator will discuss the reasons with the student.
- Prior to the proposed suspension, the parent must be notified of his/her right to request an informal conference with the principal. The conference would be to discuss reasons for the proposed suspension, review the evidence collected, assign interventions and propose next steps to resolve the problem and restore the relationship.

Suspension documentation includes:

- Letter of notification of suspension and number of assigned days
- Summary of evidence including description of inappropriate behavior, incident report, statements and any other relevant materials of testimony
- Recommended interventions provided by the Pupil Support Team during or after suspension
- Evidence of alternative instruction for the duration of the suspension.

Suspension documentation will be maintained in the student's electronic file and, if required by the Code of Conduct or law, copied to the appropriate Assistant Superintendent.

- All schools must have a re-entry conference with the returning student and parent. The purpose of the conference is to discuss the next steps to resolve the problem and restore the relationship.
- There will be an opportunity for a separate restorative meeting which may include staff and/or students affected by the incident.
- Students may require additional interventions to address the behaviors that resulted in the suspension.

Parent can file a written appeal to the Superintendent within **TEN** business days of the suspension. The Superintendent will issue a written decision regarding the appeal within ten business days of receiving the appeal.  
**(See Appeal Process.)**



### **Long-Term (More than Five School Days) Suspension from School**

The Yonkers Public Schools is committed to limiting the use and length of long-term suspensions. However, if a student's inappropriate behavior is identified as a Level 4 violation, a long-term suspension may be warranted.

No student may be suspended for a period in excess of five school days unless the student and the student's parents have had an opportunity for a fair hearing. Therefore, if a principal determines that a suspension of more than five days may be appropriate, he or she must submit a request to the Superintendent that a hearing be held in compliance with Education Law §3214. If the Superintendent approves the request, the District will provide the student and his or her parent with reasonable notice of the hearing and a Superintendent's Hearing will be held. Such reasonable notice will include a description of the incident for which suspension is proposed and the date when the hearing will take place. At the hearing the student has the right to be represented by counsel, question witnesses against him or her, and present witnesses and other evidence on his or her behalf.

The Superintendent may personally hear and determine the proceeding or may, in his or her discretion, designate a hearing

officer to conduct the hearing. A record of the hearing will be maintained, but no stenographic transcript will be required. A digital or tape recording will be deemed a satisfactory record. The hearing officer will make findings of fact and recommendations as to the appropriate disciplinary responses and/or interventions to the Superintendent. The report of the hearing officer is advisory only, and the Superintendent may accept or reject all or any part of the recommendation. The Superintendent will provide the student and his or her parent(s) with a final written decision.

### **Appeal Process**

An appeal of the decision of the Superintendent may be taken to the Board of Education. All appeals to the Board must be in writing and submitted to the secretary to the Board within 30 business days of the date of the Superintendent's decision, unless the parent(s) can show that extraordinary circumstances prevented them from doing so. The Board will make its decision based solely upon the record before it and may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the New York State Commissioner of Education within 30 days of the Board's decision.

## WHAT ARE THE LONG-TERM SUSPENSION AND HEARING PROCEDURES AND TIMELINE?

If the student's inappropriate behavior is identified as a Level 4 violation, a long-term suspension of more than five days may be needed. All procedures required for assignment of a short-term suspension must be followed before a long-term suspension can be recommended. The following procedures and timeline must be followed:



### Minimum Length of Suspension from School

The minimum length of suspension is two days for any student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority in the classroom. This is defined as engaging on four or more separate occasions during a semester in conduct which results in the removal of the student from the classroom. However, the principal or Superintendent may reduce the minimum suspension period on a case-by-case basis to be consistent with state and federal law.

The minimum suspension period is five days for any student who: (1) commits an act of violence upon a teacher administrator or other school employee; (2) commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property; (3) possesses, while on school district property, a gun, knife, explosive, incendiary bomb, or other dangerous instrument capable of causing physical injury or death; (4) displays, while on school district property, what appears to be a gun, knife, explosive, incendiary bomb, or other dangerous instrument capable of causing death or physical injury; (5) threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death; (6) knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee, or any person lawfully upon school district property; or (7) knowingly

and intentionally damages or destroys school district property. The principal or Superintendent may reduce the minimum suspension period on a case-by-case basis to be consistent with state and federal law.

The Federal Gun-Free Schools Act requires that any student who is determined to have brought a firearm to school be suspended for a period of not less than one calendar year, but the superintendent may modify this suspension requirement on a case-by-case basis, subject to review by the Board of Education and the Commissioner of Education. For purposes of this provision, the term "firearm" is defined in 18 U.S.C. § 921. It includes any weapon that can expel a projectile by the action of an explosive and/or any destructive device, which includes explosives, incendiary devices, and poison gas. The superintendent must also refer a student under the age of 16 who has been determined to have brought a weapon or firearm to school to the Westchester County Law Department for a juvenile delinquency proceeding under article three of the Family Court Act, unless the student is 14 or 15 years of age and qualifies for juvenile offender status under section 1.20(42) of the Criminal Procedure Law. The superintendent must refer any student 16 years of age or older or a student 14 or 15 years of age who qualifies for juvenile offender status and who has been determined to have brought a weapon or firearm to school to the appropriate law enforcement officials.



## Permanent Suspension for Extraordinary Circumstances

A permanent suspension is the removal of a student from school reserved for extraordinary circumstances in which a student's conduct poses a life-threatening danger to the safety and well-being of others who are lawfully on school property or attending a school function. This disciplinary response will begin on the date of the incident and last through the remainder of the school year. Students who are recommended for a permanent suspension are entitled to a Superintendent's Hearing. Following the hearing the Superintendent will make a final decision as to the appropriateness of a permanent suspension. Students who are on permanent suspension shall receive alternative instruction as required by applicable law.

## Expulsion

An expulsion is the permanent discharge from the Yonkers Public Schools of a student who has completed the school year in which he or she has turned 17 years-of-age. This disciplinary response will be reserved for extraordinary circumstances in which a student's conduct poses a life-threatening danger to the safety and well-being of others who are lawfully on school property or attending a school function. Students who are recommended for expulsion are entitled to a Superintendent's Hearing. Following the hearing, the Superintendent will make a final decision as to the appropriateness of expulsion.

## REFERRALS

### PINS PETITIONS

The District may file a Person in Need of Supervision (PINS) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student unmanageable or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possessing marijuana in violation of penal Law §221.05. A single violation of 221.05 will be a sufficient basis for filing a PINS petition

## Juvenile Delinquents and Juvenile Offenders

The Superintendent is required to refer the following students to the Westchester County Law Department, Family Court Bureau, for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to or possess a weapon in school; or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedural Law §1.20 (42)

## DISCIPLINE OF STUDENTS WITH DISABILITIES AND STUDENTS SUSPECTED OF HAVING A DISABILITY

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All students of the Yonkers Public Schools are expected to meet District standards outlined in this Code of Conduct. When a student with a disability or suspected of having a disability violates the Code of Conduct, it is recognized that it may be necessary to remove, suspend or otherwise discipline the student to address disruptive, violent or other inappropriate behavior. However, students with disabilities or those suspected of having a disability by law and regulation are entitled to procedural safeguards when disciplinary action is considered.

The procedural safeguards relating to the discipline of students with disabilities or those students suspected of having a disability require school personnel to consider all unique circumstances on a case-by-case basis when making a determination. Some factors which may be considered are: a student's disciplinary history, ability to understand consequences, expression of remorse, supports provided to the student prior to the violation, and/or the unique circumstances of the infraction. Whenever a student with a disability violates this Code of Conduct and disciplinary consequences are being considered, the principal will review the student's Individualized Education Plan (IEP) in consultation with member(s) of the Pupil Support Team (PST) and the IEP Teacher. When the student's conduct is related to his or her disability, he/she will be treated in accordance with the IEP. When a student's conduct is found not to be related to his or her disability, the student will be subject to the same standards of discipline as those who do not have a disability. For those students suspected of having a disability, the principal will also meet with the PST to determine the appropriate disciplinary response. School Administrators or a designee will determine if there is a pattern of suspensions and monitor the total days of suspensions for all students with disabilities and those suspected of having a disability.

If a student repeatedly engages in inappropriate behaviors, they will be referred to the Pupil Support Team (PST). A Functional Behavioral Assessment (FBA) will be conducted and/or a Behavior Intervention Plan (BIP) will be developed and implemented whenever school-wide and classroom interventions have not been effective or when required by New York State Education Department (NYSED) regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

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

a. For purposes of this section of the Code of Conduct, the following definitions apply:

- An **“Interim Alternative Educational Setting (IAES)”** means a temporary educational placement (located in or outside the District) for a period of up to 45 days, other than the student’s current placement at the time the behavior led to the IAES placement. An IAES allows the student an opportunity to progress in the general curriculum in another setting. The student continues to receive those services and modifications described in the student’s current IEP that make it possible for the student to meet the IEP goals. The student will also receive services and modifications that address the behavior which led to the IAES placement and are designed to prevent the behavior from happening again.
- A **“suspension”** is when a student is not allowed to temporarily attend school or a specific class and/or participate in any school-related activity due to a violation of the Code of Conduct (Education Law §3214).
- A **“removal”** is when a student is temporarily moved from his or her current educational placement to an IAES due to a violation of the Code of Conduct

b. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- The Board, the District Superintendent of Schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

- The Superintendent of Schools may direct the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension or removal and does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- The Superintendent of Schools may direct additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- The Superintendent may direct the placement of a student with a disability into an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would receive, but not for more than 45 days, if the student does any of the following:
  1. Carries to or possesses a weapon in school or at a school function; or
  2. Knowingly possesses, uses, sells, or solicits the sale of mood, mind or performance enhancing substances while at school or a school function; or
  3. Inflicts serious bodily injury on another person while at school or at a school function.

### B. Disciplinary Change of Placement Rule

- a. A disciplinary change in placement is a suspension or removal of a student with a disability from the student’s current educational placement for a period in a given school year.
- for more than ten consecutive school days; or
  - for a period of ten consecutive school days or less, if the student is subjected to a series of suspensions or removals that constitutes a pattern because they add up more than ten school days in a school year or because the length of each suspension or removal is ten days.

- b. School personnel may not suspend or remove a student with disabilities if the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement based on a pattern of suspensions or removals, if the CSE has determined that the behavior was not a manifestation of the student's disability or the student is placed in an IAES for behavior involving weapons, illegal drugs, or controlled substances.

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

#### **a. The District's Committee on Special Education will:**

- Conduct Functional Behavioral Assessments to determine why a student engages in a particular behavior. Develop or review Behavioral Intervention Plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, such as an IAES for misconduct involving weapons, illegal drugs, or controlled substances.

Subsequently, if a student with a disability has a BIP and has been suspended or removed from his or her current educational placement for more than ten school days in a school year and is subject to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE will review the current BIP and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district will convene a meeting to modify the plan and its implementation to the extent the committee determines necessary.

- A manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action will be conducted when: a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs, or controlled substances; maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.



- b. The parent(s) of a student facing disciplinary action, who has not been determined eligible for services under IDEA and Article 89 at the time of misconduct, will have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations when the school district is found to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is found to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

**Basis of Knowledge:**

The school district will be found to have had knowledge that such a student had a disability prior to the time the behavior occurred if:

- the parent expressed concern in writing to supervisory or administrative personnel of the school district or to a teacher of the student that the student is in need of special education. Expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
- the parent requested an evaluation of the student pursuant to section 200.4 or 200.16 of the Commissioner's Regulations; or
- a teacher of the student or other personnel of the school district expressed specific concerns about a pattern of behavior demonstrated by the student to the office of the assistant superintendent for special education or other supervisory personnel of the school district.

**Exceptions:** A student is not a student presumed to have a disability for discipline purposes if, after the initial request for evaluation:

- the parent/guardian of the student has not allowed assessment of the student;
- the parent/guardian of the student has refused special education services;
- it was determined through the CSE process that the student is not a student with a disability; or
- it was determined through the CSE process that an evaluation was not necessary and the District provided notice to the parent/guardian of such determination, in the manner required by applicable law and regulations.

The superintendent, building principal, or other school official imposing suspension or removal will be responsible for determining whether the student is a student presumed to have a disability. If a request for an individual evaluation is made while such non-disabled student is subject to a disciplinary removal, an expedited evaluation will be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is complete, the non-disabled student who is not a student presumed to have a disability for discipline purposes will remain in the educational placement determined by the District, which can include suspensions.

- c. The District will provide parents with notice of disciplinary removal no later than the date on which the decision is made to change the placement of a student with a disability to an IASE for: either misconduct involving weapons, illegal drugs, or controlled substances; or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguard notice prescribed by the Commissioners will accompany the notice of disciplinary removal.
- d. The parent(s) of a student with disabilities subject to a suspension of five consecutive school days or less will be provided with the same opportunity for an informal conference available to parents of non-disabled students under Educational Law.
- e. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days will be separated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's Regulations incorporated into this Code of Conduct.
- f. The removal of a student with disabilities other than a suspension or placement in an IAES will be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive school days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.



- g. During any period of suspension or removal, including placement in an IAES, students with disabilities will be provided services as required by the Commissioner's Regulations incorporated into this Code.

#### **D. Expedited Due Process Hearings**

- a. An expedited due process hearing will be conducted in the manner specified by the Commissioner's Regulations incorporated into this Code if:
  - The District requests such a hearing to obtain an order from an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement; or during the pendency of due process hearings for the student to be in his or her current educational placement.
  - The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability; nor related to any decision regarding placement including, but not limited to, any decision to place the students in an IAES.

  1. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or controlled substances, on the grounds of dangerousness or with regard to a determination that the behavior is not a manifestation of the student's disability, the student will remain in the IAES pending the decision of the impartial hearing officer or expiration of IAES placement (whichever occurs first), unless the parent and the District agree otherwise.

2. If school personnel propose to change the student's placement after the expiration of an IAES placement and during the pendency of any proceeding to challenge the proposed change in placement, the student will remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

- An expedited due process hearing must be completed within 15 business days of receipt of the request for a hearing. The impartial hearing officer may grant specific extensions of such time period. He or she must mail a written decision to the District and the parent(s) within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

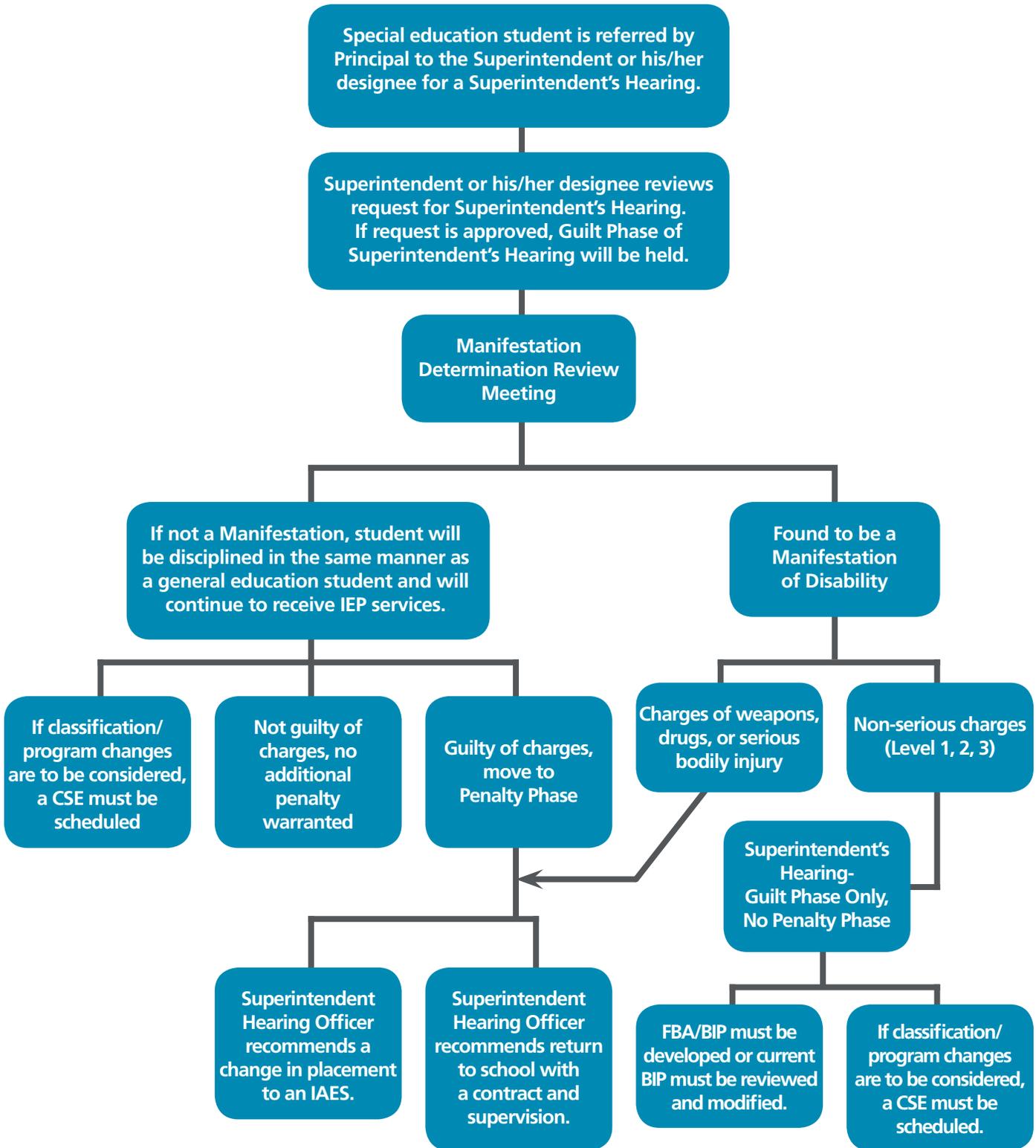
#### **E. Referral to Law Enforcement and Judicial Authorities**

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

- a. The District may report a crime committed by a child with a disability to appropriate authorities. Such action will not constitute a change of the student's placement.
- b. The Superintendent will ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

## PROCEDURES FOR A SUPERINTENDENT'S HEARING FOR A STUDENT WITH A DISABILITY OR A STUDENT SUSPECTED OF HAVING A DISABILITY

201.9(c) Procedures for suspensions of more than five school days (Superintendent's Hearings): Superintendent's Hearings on disciplinary charges against a student with a disability and a student suspected to have a disability for discipline purposes will be separated into a guilt phase and a penalty phase.



## ALTERNATIVE INSTRUCTION AND RE-ENTRY

The Yonkers Public Schools is committed to supporting students continued instruction during any period of removal or suspension. The District will take immediate steps to provide a student who is of compulsory education age and is removed or suspended from class or school with alternative instruction as required by applicable law.

The alternative instruction will be substantially equivalent to the instruction received by the student prior to the suspension or removal, afford the student continuity in learning, and provide the student with an opportunity to complete his or her required coursework. It is the responsibility of the student to complete any alternative instruction assignments and/or attend the alternative instruction program and perform to the best of his or her ability.

School staff will consult with the individual(s) providing the alternative instruction to articulate the student's continued academic program. A file will be kept of the student's educational activities while on suspension so that the work can count toward credit accumulation. This file will include the student's completed assignments and test scores while suspended. Additionally, the District will provide the student and parent with the name and contact information of the staff member overseeing the alternative instruction in the event that there are any questions or concerns.

In an effort to ensure successful reentry to the school, the school will schedule a conference to be held with the parent and the student upon the return of a student from a suspension. The school will provide reasonable notice of the conference to the parent and the student in order to encourage participation.

At the conference, the participants will:

1. Engage in a restorative process where the suspended student who caused the harm (and if appropriate with the student(s) who have been harmed) has an opportunity to discuss the situation that led to the suspension, share feelings, and achieve closure in order to prevent further suspensions;
2. Discuss the student's academic progress; and
3. Create a reentry plan, when appropriate, that specifies what supports the school will provide to help the student successfully reenter and remain in school.

Additionally, the student will be provided opportunities, within the same timeframe as provided for excused absences, to make-up and turn in class assignments and take any tests he or she may have missed as a result of being removed or suspended.

## VISITORS TO SCHOOLS

To promote effective communication between the citizens of the community and the school system, the Board of Education encourages parents and other citizens to visit their schools periodically during the course of the school year.

The Board recognizes that many visits that occur are regularly scheduled events, e.g., parent-teacher organization meetings, public gatherings, registering of students, etc. There are also occasions when parents desire to visit their child's classroom at other than regularly scheduled times. When such visits occur, they will be made on the basis of a defined need and only with the approval of their child's principal and teacher. The Board views these visits as constructive; however, no such visit will be permitted to interfere with the educational process.

The following procedures have been established to ensure that visits to the schools are encouraged, enhance the educational programs in the schools, and are not disruptive to an orderly environment that is conducive to learning. Additionally, these procedures will help maintain the safety of all persons in school buildings and on school grounds.

1. The community should feel welcomed in our schools and, therefore, building principals should encourage members of the community to come to the schools to see firsthand the educational process at work.
2. Anyone who is not a regular staff member or student of the particular school will be considered a visitor. Members of the Board in fulfilling their responsibilities as Trustees, as well as the Superintendent and Central Office Administrators, have the right to visit any school within the District without prior notification.
3. All visitors to the school upon entering a school building must report to the security desk or any other designated sign-in area of the building visited. They will be required to present photo identification, sign the visitors register, and will be directed to the main office. Visitors will not be permitted to leave the main office until the principal or his or her designee has been informed of their arrival.
4. All visitors will be issued a visitor's identification badge which must be worn at all times while in the school or on school grounds. Visitors must return the identification badge to the security desk or sign-in area and sign out before leaving the building.
5. Visitors attending functions that are open to the public and/or after school hours, such as parent-teacher organization meetings, sporting events, events or activities of outside organizations, or public gatherings, whether or not school-related, are not required to sign in with the school.



6. Students and/or staff of other schools within the District who are visiting a school for an approved school-related event or activity and whose attendance at the event or activity has been pre-approved by and is known to the school are not required to sign in.
7. Persons or groups wishing to visit a school must contact the principal or his or her designee to obtain prior approval for all visits. Exceptions will be made in an emergency or in instances in which the visit was unforeseeable or providing prior notice was impractical. However, in no situation will any visitor be allowed to go beyond the main office until the principal or his or her designee has been informed.
8. The principal or his or her designee should attempt to answer all questions about the school and provide information, if available. If questions cannot be answered by the principal or the question concerns District data, the visitor should be referred to the Office of Public Information.
9. Persons or groups wishing to observe a classroom while in session are required to arrange such visits in advance with the principal or his or her designee. Disruption of the classroom must be kept to a minimum. If a teacher feels the visit has become disruptive, he or she may request the visitor(s) leave the room. Teachers and other classroom staff are not expected to take class time to answer questions or discuss individual matters.
10. Parents are encouraged to visit teachers, guidance counselors, school nurses, school psychologists, and other support personnel in order to discuss their child's progress as well as any problems or concerns regarding the student, whether or not school-related. Parents wishing to speak with any of the above mentioned staff members must obtain the permission of the principal and make an appointment with the individual staff member or his or her designee.
11. Visits by state or local officials must be reported to the Superintendent of Schools and the Public Information Department prior to their visit. If an official shows up unexpectedly at a school, both offices must be notified immediately.
12. To maintain a nonpartisan stance during election campaign periods for local, county, state, and federal office occurring September through November, schools must deny requests from politicians (active candidates) to visit or speak to school groups.
13. Any visitor wishing to inspect school records or interview students on school premises must comply with all applicable laws, administrative regulations, and Board



policies. In questionable cases, the visitor will be directed to the Superintendent's office or his/her Central Office designee to obtain written permission for such a visit.

14. Visitors are expected to conduct themselves in an appropriate manner, conducive with the educational program in progress. Further, at all times, visitors must abide by the District's Code of Conduct as well as any other applicable law, administrative regulation, or Board policy.
15. The principal or his or her designee is responsible for all persons in school buildings and on school grounds and is authorized to take any action necessary to secure the safety of students and school personnel.
16. Visitors who become disruptive will be reported to the principal or his or her designee and will be asked to leave the school building.
17. Unauthorized visitors will be reported to the principal or his or her designee and will be asked to leave immediately. If they refuse, they may be subject to arrest and prosecution for trespassing according to New York State Penal Law.

## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

The Board of Education recognizes that the primary purpose of the District is to provide a safe, respectful, and orderly atmosphere conducive to learning and education. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having this effect will be in violation of Board policy. As required by Education Law §2801, the Code of Conduct is designed to implement this policy.

The Board also recognizes its responsibility to protect school property and declares its intent to take appropriate legal action to prevent damage or destruction of school property. The Board will also seek restitution from and prosecution of any person who willfully damages school property.

The restrictions on public conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of these restrictions is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

The following regulations have been established to ensure the District is able to provide a safe, respectful, and orderly atmosphere conducive to learning and education. For purposes of these regulations, "public" will mean all persons

on school property or attending a school function including students, parents, teachers, District personnel, visitors, licensees, invitees, and all other persons, whether or not their presence is authorized. Further, these rules apply to all school buildings, grounds, premises, vehicles, or other property under the control of the District as well as with respect to any school program, event, activity, function, or meeting held on or off school property.

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

### **A. Prohibited Conduct**

No person, either alone or with others, will:

1. Intentionally injure any person, or attempt or threaten to do so.
2. Intentionally damage, destroy, or threaten to do so, school district property or the personal property of a teacher, student, administrator, other District employee, or any person lawfully on school property by graffiti or arson.
3. Intentionally remove or use school district property or the personal property of a teacher, administrator, other District employee, or any person lawfully on school property without authorization or threaten to do so.
4. Intimidate, bully, harass, or discriminate against any person on the basis of actual or perceived race, color, creed, physical appearance, national origin, ethnic group, religion, religious practice, disability, age, sexual orientation, gender (including gender identity and expression), genetic characteristics, or any other protected class.
5. Violate the Dignity for All Students Act (DASA) by engaging in any bullying, harassment, discrimination, or cyberbullying of students.
6. Disrupt or prevent the orderly conduct of classes, school programs, meetings, or other school activities.
7. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
8. Enter or remain in any area of the school premises without permission for any purpose other than its authorized uses or in such a manner as to obstruct its authorized use by others.
9. Enter any building or facility prior to its normal opening or remain in any building or facility after it is normally closed without authorization.
10. Obstruct the free movement of any person or vehicle in any place in which these rules apply.
11. Violate any traffic laws, parking regulations, or other restrictions on vehicles.
12. Smoke a cigarette, pipe, cigar, or use any tobacco products or e-cigarettes in violation of Board policy 1530.
13. Possess, use, consume, sell, distribute, offer, manufacture, or exchange alcoholic beverages, drug paraphernalia, controlled or illegal substances, any synthetic versions (whether or not specifically illegal or labeled for human consumption); or be under the influence of any of the above on school property or at a school function.
14. Possess or use any weapon in or on school property or at a school function except in the case of law enforcement officers or authorized District personnel, whether or not the individual is licensed to possess the same.
15. Loiter on or about school property.
16. Gamble on school property or at school functions.
17. Use abusive language, be insubordinate, and/or refuse to comply with any reasonable order of identifiable District employees performing their duties.
18. Commit any act which threatens the safety, security, and/or welfare of persons on school property or attending a school function.
19. Violate any federal or state statute, local ordinance, or board policy while on school property or while at a school function.
20. Willfully incite others to commit any of these prohibited acts.

### **B. Penalties**

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

1. Visitors, including all individuals except those specifically referenced below, will have any authorization to remain on school grounds or at a school function withdrawn and the individual will be directed to leave the premises. If the individual refuses to leave, he/she will be ejected, may be charged with trespassing, and/or subject to further police action.
2. All students will be subject to appropriate disciplinary action as the facts may warrant. Any disciplinary action taken will be in accordance with due process and the Code of Conduct.
3. Tenured/non-tenured faculty will be subject to immediate ejection and to disciplinary action as the facts may warrant, in accordance with Education Law §3020-a or any other legal rights that they may have.

4. Staff Members in the classified service of the civil service entitled to the protection of Civil Service Law §75 will be subject to immediate ejection and to disciplinary action as the facts may warrant, in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4 will be subject to immediate ejection and to warning, reprimand, suspension, or dismissal as the facts may warrant, in accordance with any legal rights they may have.

### **C. Enforcement**

1. In addition to the Superintendent of Schools, the building principal or his or her designee will be responsible for the enforcement of these rules.
2. It is the duty of all staff members to report any violations of these regulations to the principal or his or her designee.
3. In the case of a violation of these rules which, in the opinion of the principal or his or her designee, does not pose any immediate threat of injury to persons or property, the principal or his or her designee will tell the individual(s) that the conduct is prohibited and attempt to persuade the individual(s) to stop. The principal or his or her designee will also warn the individual(s) of the consequences for failing to stop which may include removal from school property or the school function.
4. In any case where the individual(s) refuses to stop engaging in the prohibited conduct, or if the conduct poses an immediate threat of injury to persons or property, the principal or his or her designee will have the individual removed from school property or the school function immediately. If necessary local law enforcement authorities will be contacted to assist in removing the individual(s).
5. As appropriate, the District will initiate disciplinary action, as described in the "penalties" section above, against any student or staff member that engages in prohibited conduct.

These regulations and the penalties set forth herein are not considered to be exhaustive or to preclude in any way the prosecution and conviction of any person for a violation of any federal, state, or local laws, regulations or ordinances and the imposition of a fine or penalty provided for therein. As such, the District reserves all its rights to pursue civil or criminal legal action, as it sees fit, against any persons who violate these rules.

### **POSITION ON CORPORAL PUNISHMENT**

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

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- Protect oneself, another student, teacher, or any other person from physical injury.
- Protect the property of the school or of others.
- Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers, and duties, if that student has refused to refrain from further disruptive acts.

The District will file all complaints regarding the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's Regulations.

### **STUDENT SEARCHES AND INTERROGATIONS**

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

In addition, the Board authorizes the Superintendent, building principals, the school nurse and District security officials to conduct searches of students and their belongings if there is reasonable suspicion that the search will result in evidence that the student violated the law or the District Code of Conduct.

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

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

Before searching a student or a student's belongings, the authorized school official should attempt to get the student to admit that he or she has physical evidence proving a violation of the law or the District Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers, or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search. A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

### **Personal Searches**

A student's person and/or personal effects (e.g., purse, bookbag, etc.) may be searched whenever a school authority has reasonable grounds for suspecting that the student has violated or is violating either the law or the rules of the school. Measures adopted for such a search will be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

If a pat-down of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present.

If extreme emergency conditions require a more intrusive search of a student's person, such a search may only be conducted in private by a school official of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the Superintendent or his/her designee, unless the health or safety of students will be endangered by the delay caused in following these procedures.

### **Locker Searches**

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by school authorities for any reason and at any time without notice, without student consent, and without a search warrant.

### **Automobile Searches**

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student's consent and without a search warrant.

### **Seizure of Illegal Materials**

If a properly conducted search yields illegal or contraband materials, such finding shall be turned over to proper legal authorities for ultimate disposition.

### **Metal Detectors in School Buildings**

It is the policy of the Yonkers Board of Education to promote the health and safety of students within the school setting and to provide a school environment conducive to education. In order to implement that policy objective, the Yonkers Board of Education approves the randomized use of metal detectors in public school facilities as a measure of deterrence of the possession of weapons and other dangerous objects in school facilities. The Superintendent of Schools or his/her designee has proposed administrative guidelines governing the use of the metal detectors in school facilities, which the Board has reviewed. This policy and the subject guidelines have been adopted in an effort to forestall and prevent future incidents of possession by students of weapons and other dangerous objects in school facilities. The policy and guidelines have been structured for the purpose of enhancing the security of school facilities, while protecting the constitutional rights of our students.

## GLOSSARY OF TERMS

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For purposes of the Yonkers Public Schools' Code of Conduct, the following definitions apply. **NOTE:** Throughout the Code of Conduct, the term "parent(s)" refers to persons in parental relationship, including guardians and custodians.

**Absence (excused)** occurs when a student misses school and parent provides a written note explaining why.

**Absence (unexcused)** occurs when a student misses school and parent does not provide a note explaining why.

**Accommodation** is a change in the school environment, which allows a student to fully participate in all aspects of the school experience or "receive a free and appropriate education" (FAPE).

**Allegation** is an accusation that someone has done something wrong without proof.

**Alternative Instruction** is education provided to a student when he/she has been removed from his/her school for an extended period of time.

**Appeal** is a process when a parent and/or student disagrees with a decision that has been made, and wants it to be changed, if possible.

**Child Pornography** Sexually explicit images of children (younger than 17 years of age)

**Classification** The Individuals with Disabilities Education Act (IDEA) lists categories that define who is eligible to receive special education. A child, in Kindergarten or older, qualifies for help if he or she has a disability that matches the description in one of the categories. When the student is found eligible under one of these categories, this means that his/her needs are a good match to the description of that disability and this will be his/her classification.

**Commissioner's Regulations** – Part 200 contains the policies of the N.Y.S. Education Department that governed schools regarding Special Education.

**Committee on Preschool Special Education (CPSE)**

This committee is responsible for determining the proper needs/services for children with disabilities who are three and four years old.

**Committee on Special Education (CSE)** This committee is responsible for determining the proper needs/services for children with disabilities between the ages of five and twenty-one.

**Compulsory Education/School Age** By New York State law, children must attend school and schools must provide an education to children between the age of 6 and through the end of the school year in which the child turns 16.

**Conference** a communication that takes place face to face, by telephone or through digital media.

**Confidentiality** is a legal right that school officials will hold information relating to a student secret, unless the parent gives consent permitting disclosure.

**Consequence** is a response to inappropriate behavior.

**Defamation** includes making false statements or representations about an individual or group of individuals that harm their reputation by demeaning them.

**Discipline** is a system of rules of conduct, training, practice, and instruction that supports and sustains positive behaviors.

**Due Process (Procedural Safeguards)** are the steps required by law that must be followed to make sure that processes used by the District are fair and that staff and students' rights are upheld regarding: confidentiality, independent evaluations, discipline procedures for students and staff, and other steps taken when there is disagreement.

**Early Departure** from School is when a student leaves school grounds before the end of the school day.

**Emotional Harm** in the context of harassment or bullying means harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

**Extracurricular Activities** are organized events, beyond the curriculum, that engage students socially in their school community with parents, staff and other students.

**Gender** means assigned or perceived sex and includes a person's gender identity or expression.

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

**Gender Identity** is a person's self-perception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

**Harassment** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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 conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

**Hazing** is a specific form of harassment among students defined as any humiliating or dangerous activity expected of a student in order to join a group or be accepted by a formal or informal group, regardless of the student's willingness to participate.

**Home Instruction** academic services provided by an instructor when a child of compulsory school age cannot attend school due to a chronic medical condition or long term suspension; or when a student with a disability is awaiting placement in another educational setting.

**Impartial Hearing** is a formal process to resolve disputes that can be initiated by a parent or the Board of Education.

**Inappropriate Behavior Actions** that violate the Code of Conduct.

**Individualized Education Plan (IEP)** is a written plan created by the CPSE or the CSE that describes a student's educational needs and the help that will be provided to address those needs.

**Individuals with Disabilities Education Act (IDEA)** – IDEA is a Federal law that outlines the educational rights of children with disabilities and establishes the process that schools must follow to educate them.

**Insubordination** When a student does not respond to directives given by school staff.

**Interim Alternative Educational Setting (IAES)** means a temporary educational placement, other than the student's current placement at the time the inappropriate behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him/her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's IEP; as well as to receive, as appropriate, a Functional Behavioral Assessment and Behavioral Intervention Plan designed to address the inappropriate behavior so that it does not reoccur.

**Interventions** Specific programs, strategies, restorative conferencing protocols, skill-building sessions, and individual and group counseling activities that enable students, staff and parents/guardians to reflect on their behavior, attitudes, needs and feelings; learn replacement behaviors and habits; work through personal obstacles; resolve conflicts; and develop goals and plans to get back on the path to school success.

**Intimidation** engaging in actions or statements that put an individual in fear of harm.

**Manifestation Determination** is when a decision is made about the relationship between a student's disability and the inappropriate behavior that could require a disciplinary response.

**Manifestation of a Disability** is when the inappropriate behavior is caused by or has a direct or substantial relationship to the student's disability, or the inappropriate behavior is the direct result of the district's failure to implement the student's IEP.

**Manifestation Review** is the process of determining whether there is a relationship between a student's disability and the inappropriate behavior exhibited that may require a disciplinary response.

**Manifestation Team** is made up of school personnel who must determine whether or not the student's inappropriate behavior is a manifestation of the student's disability.

**Mediation** is a process in which individuals who have a conflict reach an agreement.

**Out of School Suspension** is a consequence to a student's inappropriate behavior where he/she is not allowed in school for a specified number of days.

**Restitution** involves replacing items that were stolen or damaged by providing fair market value through compensation or service.

**School Climate** - refers to the quality and character of school life based on patterns of students', parents' and school personnels' experience of school life, and reflects norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures.

**School Day** means any day, including a partial day, that students are in attendance at school for instructional purposes.

**School Function** means any school-sponsored event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

**School Property** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a Yonkers Public School Building or on school transportation.

**Section 504 of the Rehabilitation Act** Section 504 of the Rehabilitation Act of 1973 is a national civil rights law. Its purpose is to make sure that students with physical or mental disabilities will receive specific supports and services that will help them fully participate at school. Students who qualify receive accommodations that are described in a plan called a 504 plan. Students who have an IEP cannot also have a 504 plan.

**Sexual Offenses:** Any sexual behaviors, whether consensual or non-consensual, which include, but are not limited to, physical touching of intimate body parts of another or one's self in an educational setting and/or at a school function.

**Social and Emotional Development** is the process of acquiring and effectively applying the knowledge, attitudes, and skills necessary to recognize and manage one's own emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably.

**Tobacco or Nicotine Violations** Possession, use, sale or distribution of tobacco or tobacco products, including, but not limited to, cigarettes, e-cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, smokeless tobacco, hookah or vaping devices.

**Transition Plan** is a collaborative school and family effort to support the return of a suspended student back to school and classroom(s) to assure academic and social success.

**Violent Behavior** includes but is not limited to:

- Committing an act of violence on a school employee, another student or any other person, or attempting to do so while on school property or at a school function.
- Possessing, while on school property or at a school function, a weapon.
- Using, while on school property or at a school function, a weapon.
- Displaying, while on school property or at a school function, what appears to be a weapon.
- Threatening, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damaging or destroying school district property.
- Knowingly and intentionally damaging or destroying the personal property of any school employee or any person lawfully on school property or at a school function.



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