

**STUDENT CODE  
OF CONDUCT**  
2023-2024

# Table of Contents

I. Message from the Superintendent.....	3
II. Introduction.....	3
III. Essential Partners.....	6
IV. Rights and Responsibilities of School Stakeholders.....	6
V. Getting Help with a Problem.....	11
• Student Problem at School.....	11
• Student Personal Problem.....	12
• Academic Problem.....	12
• Bullying, Discrimination, and Harassment.....	12
• Dignity for All Students Act Coordinators.....	13
• Non-Discrimination Notice.....	14
• Complaint Procedures.....	14
VI. Interventions and Responses.....	14
• Minimum Periods of Suspension.....	15
• Disciplinary Penalties.....	16
• Preventative Strategies: Responding to Behavior Violations.....	19
• Levels of Response at a Glance.....	20
• Behavior Chart: Interventions and Consequences.....	23
VII. Reporting Violations.....	29
VIII. Student Dress Code.....	30
IX. Electronic Devices.....	30
X. Student Attendance.....	31
XI. Contacting Law Enforcement.....	31
XII. Corporal Punishment.....	31
XIII. Searches and Investigations.....	31
XIV. Visitors to the Schools.....	33
XV. Public Conduct on School Property.....	34
XVI. Dissemination and Review.....	35
XVII. Review of Code of Conduct.....	35
XVIII. Removal, Suspensions and Referrals.....	36
XIX. Disciplining Students with Disabilities.....	36
XX. Appendix A - Glossary of Definitions.....	40
XXI. Short-term In-school or One- to Five-day Out-of-school Suspension.....	45
XXII. Out-of-school Suspension Lasting More than Five Days.....	46
XXIII. Transition Timeline for a Student’s Return.....	47

# I. Message from the Superintendent

The City School District of Albany's Student Code of Conduct is a resource for everyone that has a role in helping our students succeed – students and their families, employees and community members.

The code describes expectations for student behavior and explains efforts to promote character-building and good conduct. It also defines and identifies consequences for unacceptable conduct.

Our Student Code of Conduct is designed to help our students learn and grow, not just punish problematic behavior. The code also is designed to guide our employees toward a common understanding of standards and procedures that assure the safety of students and school personnel.

The code continues our focus on engaging parents and guardians as partners who support each student and share a desire to address disproportionate rates of school suspension for students of color and students with disabilities. Our school district remains committed to ending this disparity.

This year's Student Code of Conduct is another step in our partnership toward successful outcomes for all students. We look forward to working with our families and our community partners to make these documents and processes clearer, more consistent and more supportive for every student.

I wish you all a productive and fulfilling school year!

Sincerely,



**Joseph Hochreiter**  
Superintendent



## II. Introduction

### Why we have a Code of Conduct

The City School District of Albany has developed and implemented a set of expectations for conduct on school property, at school functions, in the digital classroom, and where there is a nexus to the school district environment. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

An individual's character reflects the attitudes, attributes and moral convictions that shape their conduct. The development of good character is essential to responsible behavior and academic success in school today and future success in college, career and life.

This Code of Conduct addresses both the development of student character and conduct. The code, in conjunction with the district safety plan, contains standards and procedures that assure the security and safety of students and school personnel.

The Board of Education of the City School District of Albany recognizes the need to:

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

Unless otherwise indicated, this Code of Conduct applies to all students, district personnel, parents/guardians and other visitors when on school property or attending a school event or activity, including sporting events.

## Beliefs about learning and discipline

All children and young people must be assured that they can learn in a non-disruptive atmosphere and will be treated in a fair, equitable, consistent and nondiscriminatory manner.

The Board of Education believes:

- All children and young people are capable of achieving their personal best, and when necessary improving their behavior with guidance, instruction, support and coaching. These practices fall along a continuum that responds to children of all abilities.
- Students need different kinds and amounts of time, attention, tasks, interventions and supports to behave responsibly, succeed academically and achieve at high levels.
- Consistent expectations and accountability for these expectations allow for students to anticipate and become familiar with routines and natural consequences for their actions.
- The use of out-of-school suspension as a response to challenging behavior does not improve school climate or outcomes for students. Students are more likely to do the right thing when:
  - They understand the positive behaviors that are expected of them;
  - They feel that staff members care about them and will help them learn and grow;
  - All school staff consistently use shared language and practices; and
  - All staff members provide recognition and feedback for behaving appropriately, making their best effort and completing high-quality work.
- The root of the word discipline is “teach.” Effective discipline helps students become more self-disciplined and teaches students to become more self-aware.
- An orderly school environment and a common understanding of discipline are essential to an effective public education.
- Everyone in the school community must play an active role in contributing to an orderly school environment.
- An orderly school environment requires a code of common understanding of discipline that clearly defines individual responsibilities, promotes positive behavior, categorizes and specifies unacceptable behavior, and provides for appropriate disciplinary measures and options.

In order to be effective, the code must:

1. Be positive and preventative in nature;
2. Promote self-discipline;
3. Concern itself with the welfare of the individual as well as that of the school community as a whole;
4. Promote a close working relationship between parents/guardians and district staff;
5. Distinguish between minor and serious offenses as well as between first-time and repeat offenders;
6. Provide disciplinary responses that are fair, equitable and appropriate to the misbehavior and age or cognitive level of the individual;
7. Be administered by all in a way that is fair, equitable, reasonable and consistent;
8. Encourage a high regard for every person's right to be provided the opportunity for reasonable due process procedures when there is an allegation of misconduct; and
9. Comply with provisions of federal, state and local law as well as with guidelines and directives of the New York State Board of Regents and the New York State Education Department, including the reporting of material incidents of harassment, bullying and/or discrimination as well as implementation of the Dignity for All Students Act (DASA).

## Goals of the Student Code of Conduct

- Maximize every school's capacity to promote positive behaviors.
- Develop interventions and consequences that enable students to increase their capacity to self-regulate and interact positively and responsibly with others in a manner that is developmentally appropriate.
- Ensure that classrooms and public spaces are safe, civil and orderly.
- Prevent inappropriate, unacceptable and unsafe behaviors.
- Increase capacity and accountability of district and school administrators to lead, support, and supervise highly functioning student support and school intervention teams.
- Support improved behavior for students with the highest number of incidents of unacceptable behavior.
- Reduce overuse and disproportionate use of in-school and out-of-school suspensions and school discipline referrals.
- Establish schoolwide expectations that all adults are committed to support.
- Establish schoolwide rules that all adults are committed to support and enforce.
- Increase capacity and accountability of administrators and student support specialists to intervene early and effectively with all students, particularly those with the highest needs.
- Increase capacity and accountability of teachers to respond to and correct unacceptable behaviors in an effective and respectful manner.
- Increase capacity and accountability of district and school administrators to lead effective discipline and student support policies and practices.



## Guiding principles of the Student Code of Conduct

The following principles form the foundation for creating safe, healthy and supportive learning environments. These principles will guide school district staff, students and families, and community partners in the shared work of ensuring positive school environments and improved student outcomes.

The Code of Conduct is premised on these key principles:

1. Adults – teachers, principals, administrators, school staff, parents/guardians and the larger community – have an obligation to help students learn to be good citizens and lead productive lives by:
  - Enabling them to discern right from wrong;
  - Fostering in them the desire to do what is good;
  - Encouraging them to take responsibility for their words and actions; and
  - Modeling positive behaviors adults want to cultivate in children and youth.
2. Student discipline and support policies and practices must be implemented in ways that are perceived to be respectful and equitable. Interactions between and among district and school staff, students and parents/guardians are expected to protect the dignity of each individual.
3. Improving educational outcomes for all students requires that schools provide support at three levels of care and instruction throughout the whole school: in classrooms; in small groups and with individual students and families.
4. A multi-tiered system of support is aimed at addressing students' academic learning gaps and the causes of unsafe behavior. Prevention and intervention strategies may include more personalized academic instruction and support, student support services and programs to address personal and family circumstances; social/emotional learning, such as conflict resolution, peer mediation, anger management and communication skill building; and behavior replacement strategies and other restorative interventions that may include discipline circles and family group conferencing.
5. Student discipline and support policies and practices must be implemented in ways that are perceived to be fair, equitable and differentiated. Differentiated responses must occur within a larger framework of fair and equitable practices under which all students are treated fairly without favor toward or prejudice against any one group of students according to ability, talent, age, gender/gender identity, developmental and acquired disabilities, race and ethnicity, socioeconomic status, religious and spiritual orientation, national origin and home language, sexual orientation and indigenous heritage.
6. Student discipline and support policies and practices must be implemented in ways that are enforceable, viable and effective. The district must ensure that all stated rules, policies, consequences and interventions are actually enforceable, viable and effective.
7. The Code of Conduct supports the use of a leveled system of interventions and consequences addressing inappropriate, unacceptable and unsafe behaviors with the ultimate goal of teaching positive behaviors and strengthening students' personal, social and academic efficacy. A leveled student discipline and student support system emphasizes both student accountability and behavioral change. The goal is the prevention of a recurrence of unacceptable behavior by helping students to:
  - Learn from their mistakes;
  - Understand why the behavior is unacceptable;
  - Acknowledge the harm that they have caused or the negative impact of their actions;
  - Understand what they could have done differently in the situation;
  - Take responsibility for their actions;
  - Be given the opportunity to learn pro-social strategies and skills to use in the future; and
  - Understand that more intensive consequences and interventions will take place if unacceptable behaviors persist.
8. Every reasonable effort should be made to correct student misbehavior through guided interventions. Interventions are essential when inappropriate behavior or violations of the Code of Conduct may be symptomatic of more serious concerns 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.
9. Effective schools promote and model mutual respect, high-quality professionalism and transparent accountability based on trust among and between administration, staff, students and families.
10. The district builds a culture based on high expectations, respect and shared accountability. At the heart of a healthy school culture is the commitment of all staff to take responsibility for the healthy development of students and model the skills, behaviors and mindsets they seek to cultivate in children and young people. To this end, school staff, teachers and administrators are encouraged to set high expectations for student success, build positive relationships with students and teach and model for students how to behave successfully and safely in all school settings.

## III. Essential partners

### Students

The Code of Conduct is your guide for behavior at school. Your principal, teachers and other staff members will support your efforts to be successful in the personal, social and academic behaviors that are expected at school.

When you follow the expectations and rules in the Code of Conduct, you will be demonstrating your good citizenship and character and helping to make your school a safe, respectful and productive learning environment.

The Code of Conduct also describes specific behaviors that are unacceptable at school and explains the consequences that will be assigned to you if your conduct does not meet expected standards of behavior. It also is your guide to understanding your rights and responsibilities.

### Parents/guardians/caregivers

The Code of Conduct is your guide for understanding the personal, social and academic behaviors that are expected of your child at school and how school principals, teachers and staff will work with you and your child to help them demonstrate positive behavior and enjoy academic success. The Code of Conduct also provides you with information about your rights and responsibilities.

### School administrators

The Code of Conduct is your guide for supporting a safe, orderly and productive learning environment, helping you to promote positive student behavior at school. It provides guidance in supervising and monitoring effective implementation of schoolwide expectations, rules, policies, systems and practices. It will help the school to address student behaviors and support students to turn around unacceptable behaviors and get back on track to school success through accountable and restorative interventions.

### School staff (including teachers, support services staff and all support staff)

The Code of Conduct is your guide for supporting positive student behavior at school. It will help you prevent disciplinary problems through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or violate the school rules and policies. If you have concerns about safety or your school's climate, please talk to your school principal so that you and your school administration can work together to maintain a safe and orderly learning and work environment.

The Code of Conduct is your guide for supporting schools in developing a positive school climate that ensures student and staff safety and order. It will minimize unacceptable student behavior and maximize students' personal and social efficacy. The Office of Pupil Personnel Services is responsible for monitoring effective implementation of schoolwide expectations, rules, policies, systems, Positive Behavior Intervention Supports, family engagement and the Dignity for All Students Act (DASA). The Director of Pupil Personnel Services assesses and reviews all disciplinary data and sanctions by race, ethnicity, disability and gender/gender identity of students, and prepares recommendations for improving school climate, discipline and student support.

## IV. Rights and responsibilities of school stakeholders

### Student rights and responsibilities

#### Student rights

The Code of Conduct describes specific behaviors that are unacceptable at school and explains the consequences that will be assigned to you when your conduct does not meet expected standards of behavior. The district's Code of Conduct and student's rights and responsibilities extend to the digital classroom.

The district is committed to safeguarding the rights of all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, you have the right to:

- Get a quality education that will make you college or career ready;
- Have a school environment that is safe, promotes learning and encourages respect;
- Be treated fairly, with respect by fellow students and school staff;
- Participate and be engaged in district activities regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation or gender/gender identity;
- Be heard when facing a disciplinary issue through the processes and procedures described in the Code of Conduct;
- Have access to information concerning substance abuse, as well as access to individuals or agencies that can help you or your family members;
- Be protected from intimidation, harassment, or discrimination based on factors which include, but are not limited to, actual or perceived race, color, weight, national origin, ethnic group, sex, gender/gender identity, sexual orientation, or disability on school property or at a school-sponsored event, function or activity.

## Student responsibilities

### Personal conduct

- Attend school regularly and on time.
- Accept directions, requests, feedback and support respectfully from adults.
- Be truthful about and accountable for your words and actions.
- Be familiar with and follow school district rules.
- Meet the standards of behavior in the Code of Conduct.
- Contribute to maintaining a safe and orderly school environment that supports learning and shows respect to other persons and to property.
- Conduct yourself to the highest standards of conduct, behavior and sportsmanship.
- Demonstrate self-discipline by making responsible behavioral and academic choices.
- Accept consequences when behavioral expectations are not met or school rules are violated.
- Make an effort to correct and improve unsafe behavior with the support of your teachers and staff.
- Dress appropriately for school and school functions.

### Learning

- Attend school every day unless legally excused.
- Be on time to class.
- Work to the best of your ability in all academic and extracurricular activities.
- Strive towards your highest level of achievement possible.
- Seek help when needed.
- Ask questions when you do not understand.
- Be prepared to learn.
- Challenge yourself.
- Do your best and work hard.
- Bring an open mind and positive attitude to learning every day.

### Cooperating and treating others with respect

- Treat others with kindness, care and respect.
- Be polite.
- Express your thoughts and opinions in ways that are polite, respectful and courteous.
- Use a polite tone of voice and appropriate body language.
- Listen politely when others are speaking to you.
- Respect others' personal space and keep your hands to yourself.
- Work with others cooperatively in large and small groups.

### Respecting property

- Respect the property that belongs to other students, adults, or the school.
- Use school technology appropriately as directed by adults.

### A safe school community

- Help make school a community free of violence, intimidation, bullying, harassment and discrimination.
- Ask for assistance when you need help resolving conflicts and differences.
- Report violations of the Code of Conduct or other school rules.
- Contribute to the safety and well-being of our community.



## Parent/guardian rights and responsibilities

### A parent, guardian or caregiver has the right to:

- Be involved in your child's education;
- Be treated courteously, fairly and respectfully by all school staff and principals;
- Receive timely information about the policies of the City School District of Albany Board of Education and procedures that relate to your child's education;
- Receive information and prompt notification of inappropriate or disruptive behaviors by your child and any disciplinary actions taken by principals or school staff;
- Receive information and prompt notification about incidents that may impact your child;
- Receive information about due process procedures for disciplinary matters concerning your child, including information on conferences and appeals;
- Receive information from school staff about ways to improve your child's academic or behavioral progress, including, but not limited to: counseling, tutoring, after-school programs, academic programs and mental health services within the school district and in the community;
- Receive information about services for students with disabilities and English language learners;
- Be contacted immediately if it is believed that your child has committed a crime and police are summoned;
- Receive regular reports, written or oral, from school staff regarding your child's academic progress or behavior, including but not limited to report cards, behavior progress reports and conferences.

### Parent/guardian responsibilities

- Collaborate with the school in the education of your child;
- Help your child understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
- Provide updated contact information to the school district's Central Office and your child's individual school;
- Ensure your child attends school regularly and on time and that any absences are excused (Board of Education Policy #5100 Student Attendance);
- Ensure your child follows the dress code;
- Know school rules and help your child understand them;
- Help your child deal with peer pressure;
- Inform school officials and/or staff of changes in the home situation that may affect student conduct or performance;
- Partner with the school to support expectations of academic achievement and appropriate behavior in school and in the community;
- Support your child in ways that maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex in accordance with Dignity for All Students Act;
- Tell school officials about any concerns or complaints in a respectful and timely manner;
- Work with principals and school staff to address any academic or behavioral problems your child may experience;
- Read and become familiar with the policies of the Board of Education, administrative regulations and the City School District of Albany Code of Conduct;
- Encourage your child to complete their homework by asking about homework, checking homework and making an area for your child to do their homework without interruption (e.g., a quiet corner; space in a bedroom; a clear kitchen table);
- Be respectful and courteous to staff, other parents/guardians and students while on school premises.





## School staff rights and responsibilities

### School administrators and school staff members have the right to:

- Work in a safe and orderly environment;
- Be treated courteously, fairly and respectfully by students, parents or guardians and other school staff;
- Communicate concerns, suggestions and complaints to the school district's Office of Human Resources;
- Receive supportive professional development and training;
- Receive the necessary resources to deliver quality instruction.

### School staff responsibilities

#### All district teachers are expected to:

- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex, which will strengthen students' self-concept and promote confidence to learn;
- Be prepared to teach;
- Demonstrate interest in teaching and concern for student achievement;
- Know school policies and rules, and enforce them in a fair and consistent manner;
- Maintain confidentiality in conformity with federal and state law;
- Clearly communicate:
  - Progress to students and parents/guardians in a timely manner;
  - Marking periods and grading procedures;
  - Assignment due dates;
  - Expectations for students;
  - The progressive classroom discipline plan to students and parents/guardians;
  - Course objectives and requirements;
  - Regularly with students, parents and other teachers concerning growth and achievement.
- Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law;
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function;
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

#### All district student support service staff are expected to:

- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex;
- Assist students in coping with peer pressure and emerging personal, social and emotional problems;
- Initiate teacher/student/counselor conferences and parent/guardian/teacher/student/counselor conferences, as necessary, as a way to resolve problems;
- Regularly review with students their educational progress and career objectives.

### School administrator responsibilities

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex;
- Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances;
- Maintain confidentiality in accordance with federal and state law;
- Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum;
- Support the development of and student participation in appropriate extracurricular activities;
- Provide support in the development of the Code of Conduct, when called upon;
- Disseminate the Code of Conduct and anti-harassment policies;
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
- Participate in schoolwide efforts to provide adequate supervision in all school spaces;
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function;
- Maintain safe and orderly schools by using prevention and intervention strategies by following the code;
- Be respectful and courteous to students, parents and guardians, serving as role models for students;
- Be knowledgeable about the policies of the Board of Education and administrative regulations and rules, and enforce them fairly and consistently.

- Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities.
- Communicate policies, expectations and concerns, and respond to complaints or concerns from students and parents or guardians in a timely manner in an understandable language.
- Refer students to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary.
- Inform parents and guardians of student academic progress and behavior, create meaningful opportunities for their participation and provide regular communication in an understandable language.
- Provide alternative education and makeup work for students with lawful absences, including those students who are absent for disciplinary reasons.
- Participate in required professional development opportunities.
- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Follow up on any incidents of discrimination and harassment in a timely manner that are witnessed or otherwise brought to the principal's attention in a timely manner in collaboration with the Dignity Act coordinator (DAC).
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the superintendent, principal or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent the recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed.
- The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- The principal shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying and/or discrimination to the superintendent.
- Collect and report data on the implementation of the Code of Conduct, including but not limited to, data on the use of in-school and out-of-school suspension by student demographic characteristics.
- Ensure that students and staff have the opportunity to communicate regularly with the school administration and approach the administration for redress of grievances.
- Evaluate on a regular basis all instructional programs.
- Set the expectation for all students and staff that inappropriate conduct will not be tolerated in school.
- Report and document violations of the Code of Conduct as per policy and procedures.
- Protect the legal rights of school staff, principals, students and parents or guardians.
- Provide a broad-based and varied curriculum to meet individual school needs.
- Ensure the protection of legal rights of students with disabilities.
- Provide staff training to meet the needs of students.

## Superintendent responsibilities

- Support a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex, which will strengthen students' self-concept and promote confidence to learn.
- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Report, respond to and document violations as per policy and procedures.
- The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination and ensure that such investigation is completed promptly after receipt of any written reports. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the superintendent, principal or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent the recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed.
- The principal, superintendent or their designee shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Maintain confidentiality in conformity with state and federal law.
- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Inform the board about educational trends relating to student discipline.
- Work to create instructional programs that minimize

problems of misconduct and are sensitive to student and teacher needs.

- Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Inform the community, students, parents or guardians, school staff, principals and school board about board policies and educational trends, including student discipline.

- Address all areas of school-related safety concerns.
- Review data on the implementation of the Code of Conduct and make recommendations on improvement when needed to reduce the use of suspensions.
- Take appropriate measures where violations of the Code of Conduct occur.

## Board of Education responsibilities

- Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- Adopt and review at least annually the district's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting board meetings in a professional, respectful and courteous manner.
- Support a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex, which will strengthen students' self-concept.

- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function. Report and document violations as per policy and procedures.
- Appoint a Dignity Act coordinator (DAC) in each school building. The DAC will be thoroughly trained to handle human relations and will be accessible to students and other staff members for consultation and advice related to the Dignity for All Students Act (DASA).
- Review data and the recommendation of the superintendent on the implementation of the Code of Conduct, including, but not limited to, the use of in- and out-of-school suspensions with student demographics and implement reforms if needed.



## V. Getting help with a problem

### Student problem at school

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

- Tell the nearest teacher or adult staff member. Tell them exactly what has happened to you or what you have observed happening to someone else. Concerns related to discipline, security and personal safety are considered very serious.
- Talk to the principal or assistant principal right away.
- It is natural to feel worried and upset. Talk to someone who will listen and understand – perhaps a peer mediator, peer helper, teacher, school counselor, school psychologist, social worker or an adult mentor. It is

important to talk to a trusted adult. A school counselor, school psychologist or social worker can help students learn ways to deal with problems so that they may feel safer and more comfortable when faced with similar problems in the future.

- In addition to alerting school personnel, you should tell your parents/guardians about the concern. They will want to know. It is important for you to know that when a report is made to the school about an incident of this nature, every effort will be made to keep the information and identity confidential.

## Student personal problem

- Discuss the problem with parents/guardians.
- If you and your parents/guardians cannot solve the concern, there are a number of people in the school who may be able to offer additional help:
  - A teacher with whom you feel comfortable.
  - School counselors, psychologists and social workers. All these people are trained to offer help with personal problems. They can also lead you to other resources you may not know about.
- Confidentiality in counseling: When a student indicates that they are thinking about hurting themselves or other students, school personnel are required to take action to ensure the safety of the student or other students. This action will include sharing of information with the school principal and parents/guardians, and may include other outside agencies.

## Academic problem

For help, you can:

- See the teacher who teaches the subject. Teachers regularly work with individual students who are having academic concerns. The teacher may recommend help sessions or mentoring, or may make a referral for additional assistance. The teacher may ask for a conference with the student or request a parent/teacher conference.
- See the school counselor for academic support and guidance.
- Unresolved concerns: You should discuss the matter with your parents/guardians and with the principal or assistant principal. Parents/guardians may wish to join you in discussions with the principal.

## Bullying, discrimination or harassment

Bullying, cyberbullying, harassment, intimidation, hazing and bias behaviors are unsafe and do not reflect respect for others as defined by the Code of Conduct. If you or someone you know is a target of one of these behaviors, you can report it using the Bullying, Harassment or Intimidation Reporting Form, available on the school website or in the main office or the counseling office of your school. You can also tell a staff member, who will respond quickly and provide a practical, private and safe place to report. If an administrator determines that one of these behaviors has occurred, the students involved will receive support from a school counselor, school psychologist, school social worker, pupil personnel worker or school health staff person to be sure everyone involved feels safe and supported.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

### If you are being bullied:

- Tell someone – a parent/guardian, a teacher, a counselor.
- Calmly tell the student to stop, or say nothing and walk away.

### If you know someone who is being bullied:

- If you feel safe, be an “upstander” and:
  - Tell the bully to stop by saying, “We don’t do that at this school” or “That’s not right to treat someone like that.”
  - Say words of support to the student being bullied.
  - Be a friend!
- Don’t encourage the bully by laughing or joining in.
- Tell other bystanders how to help stop bullying.
- If it doesn’t feel safe:
  - Tell an adult.
  - Encourage the student being bullied to talk to someone.



# Dignity Act coordinators

Every building has a Dignity Act coordinator. Please discuss any concerns regarding potential bullying, discrimination or harassment with the Dignity Act coordinator. The Dignity Act coordinator for each building is listed below and the most current list can be found at: [albanyschools.org/dasa](http://albanyschools.org/dasa)

SCHOOL	PHONE	COORDINATOR	EMAIL
Albany High School	(518) 475-6200	Marilyn Jones-Oliver	mjones-oliver@albany.k12.ny.us
	(518) 475-6220	Kenneth Klein	kklein@albany.k12.ny.us
	(518) 475-6240	Alexandrea LaCoss	alacoss@albany.k12.ny.us
	(518) 475-6400	Emily Lawyer	elawyer@albany.k12.ny.us
	(518) 475-6230	Michael Lopez	mlopez2@albany.k12.ny.us
	(518) 475-6250	Shermaine Moore-Boakye	smoore-boakye@albany.k12.ny.us
Albany International Center	(518) 475-6600	Ajmal Khoshbin	akhoshbin@albany.k12.ny.us
Albany School of Humanities	(518) 475-6575	Glenn Westfall Tara McLeod	gwestfall@albany.k12.ny.us tmcleod@albany.k12.ny.us
Arbor Hill Elementary School	(518) 475-6625	Janet Escoto-LaVoie Jerome Perkins	jescoto-lavoie@albany.k12.ny.us jperkins@albany.k12.ny.us
Delaware Community School	(518) 475-6750	Kenneth Griffin	kgriffin@albany.k12.ny.us
Dual Language Program	(518) 475-6600	Ajmal Khoshbin	akhoshbin@albany.k12.ny.us
Eagle Point Elementary School	(518) 475-6825	Jared Fox	jfox1@albany.k12.ny.us
Giffen Memorial Elementary School	(518) 475-6650	Nichol Dickson William Flax-Leight	wnicholdickson@albany.k12.ny.us wflax-leight@albany.k12.ny.us
Montessori Magnet School	(518) 475-6675	Akira Marshall	amarshall2@albany.k12.ny.us
New Scotland Elementary School	(518) 475-6775	Timitra Rose	trose@albany.k12.ny.us
North Albany Middle School	(518) 475-6800	Karleen Brookshire Lauren Hodlin Jesenia Rios-Gibson	kbrookshire@albany.k12.ny.us lhodlin@albany.k12.ny.us jrrios-gibson@albany.k12.ny.us
Pine Hills Elementary School	(518) 475-6725	Allisen Brodie Darnell Murdock	abrodie@albany.k12.ny.us dmurdock@albany.k12.ny.us
Roots Academy at West Hill	(518) 475-6700	Wendy Morin Tonya Venable	wmorin@albany.k12.ny.us tvenable@albany.k12.ny.us
Sheridan Preparatory Academy	(518) 475-6850	Tina Cascone Lloyd Johnson	tcascone@albany.k12.ny.us ljohnson2@albany.k12.ny.us
Stephen and Harriet Myers Middle School	(518) 475-6425	Christopher Monticello LaTanya Muhammad Paul Nabors	cmonticello@albany.k12.ny.us lmhammad@albany.k12.ny.us pnabors@albany.k12.ny.us
Thomas O'Brien Academy of Science and Technology	(518) 475-6875	Aaron Harrell Jr.	aharrell@albany.k12.ny.us
Tony Clement Center for Education	(518) 475-6525	Tiffany Davis Michelle Knightes Sarah Murphy	tdavis1@albany.k12.ny.us mknightses@albany.k12.ny.us smurphy@albany.k12.ny.us
William S. Hackett Middle School	(518) 475-6475	Lionel Harris	lharris@albany.k12.ny.us

## Non-discrimination notice for students and prospective students

The City School District of Albany does not discriminate on the basis of actual or perceived race, color, national origin, sex, disability, age, weight, ethnic group, religion, religious practice, sexual orientation, gender identity or expression, or other characteristic protected by federal or state law in its programs and activities, including but not limited to admission, access to and participation in educational programs, course offerings and student activities. The following persons at the City School District of Albany have been designated to handle inquiries regarding the City School District of Albany's non-discrimination policies and the application of regulations prohibiting discrimination as they relate to students who have been discriminated against:

### Title IX Compliance Officer

**Kate Thies**

Human Resources Administrator  
City School District of Albany  
1 Academy Park  
Albany, NY 12207  
(518) 475-6055  
kthies@albany.k12.ny.us

### 504 Compliance Officer

**Elaine Griessler**

Director of Special Education  
City School District of Albany  
75 Watervliet Ave.  
Albany, NY 12206  
(518) 475-6150  
egriessler@albany.k12.ny.us

### Director of Pupil Personnel Services

**Kerri A. Canzone-Ball, Ed.D.**  
City School District of Albany  
75 Watervliet Ave.  
Albany, NY 12206  
(518) 475-6130  
kcanzone@albany.k12.ny.us

For further information on this notice of non-discrimination, or to inquire regarding the application of regulations prohibiting discrimination you may also contact the U.S. Department of Education Office for Civil Rights.

## Complaint procedures

Students and parents/guardians have the right to file a complaint if they believe that there has been a violation or misapplication of a written provision of school policy or that their due process rights have been violated.

A student or parent/guardian with a concern about a discipline-related decision or action should first discuss the concern with the person who made the decision.

If the student or parent/guardian is not satisfied with the handling of the matter, the student or parent/guardian should file a verbal or written complaint with the school principal.

If the student or parent/guardian is still not satisfied, they may contact either Assistant Superintendent for Elementary Instruction Cecily Wilson-Turner, Ed.D. at [cwilson@albany.k12.ny.us](mailto:cwilson@albany.k12.ny.us), or Assistant Superintendent for Secondary Instruction Lori McKenna at [lmckenna@albany.k12.ny.us](mailto:lmckenna@albany.k12.ny.us). Either may be reached at (518) 475-6010.

You also can visit [albany.k12.ny.us/schools/contact](http://albany.k12.ny.us/schools/contact) to submit your questions, comments or concerns related to discipline or any other issue.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

## VI. Interventions and responses

### Determining disciplinary responses and consequences

Disciplinary responses, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. School officials must consult this document when determining which disciplinary interventions and consequences best address inappropriate, unacceptable and unsafe behaviors.

It is necessary to consider the following prior to determining the appropriate assignment of consequences and interventions:

- The student's age and maturity;
- The student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct and effectiveness of interventions applied in prior behavior violations);
- The nature, severity and scope of the infraction;
- The circumstances/context in which the conduct occurred;
- The frequency and duration of the behavior;
- The number of persons involved in the behavior;

- Information from parents/guardians, teachers and student's Individualized Education Plan (IEP), Behavioral Intervention Plan (BIP) and 504 Accommodation Plan, if applicable; and/or
- Other extenuating circumstances.

Multiple incidents or chronic violations of the same behavior will warrant more intensive interventions and more serious consequences.

The interventions and consequences that are aligned with each level represent a menu of responses. Teachers and administrators can select one or more responses in each level. Administrators, teachers and student support teams are not expected to select and use all interventions in each level.

Administrators, teachers and student support teams may also use a lower-level intervention when it is appropriate. They will strive to match students with interventions that are the least intensive, while being the most effective. Interventions will be progress-monitored and adjusted based on student response.

## Minimum periods of suspension

For the safety of students and school staff, some behaviors call for a minimum period of suspension. The student and parent/guardian will be notified of the disciplinary action and given an opportunity for an informal conference for short term suspension or a hearing for long term suspensions.

### Students who bring a firearm to school

Any student found guilty of possession of a weapon (firearm) on school property, as defined by the federal Gun Free School Act of 1994 (20 USC §8921) or by Education Law §3214, will be subject to suspension from school for at least one calendar year and referred to law enforcement. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.

The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may

consider the following:

1. The student's age;
2. The student's grade in school;
3. The student's prior disciplinary record;
4. The superintendent's belief that other forms of discipline may be more effective;
5. Input from parents/guardians, teachers, and/or others; and/or
6. Other extenuating circumstances.

### Students who commit violent acts other than possessing a weapon on school property

Any student other than a student with a disability found to have committed a violent act other than bringing a weapon onto school property shall be subject to suspension from school for at least five days.

If the proposed penalty is the minimum five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for an informal conference given to a student subject to short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the

student's parent/guardian will be given the same notice and opportunity for a hearing given to a student subject to long-term suspension.

The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

### Students who repeatedly substantially disrupt the educational process or interfere with the teacher's authority over the classroom

Any student other than a student with a disability who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least one day.

For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester.

If the proposed penalty is the minimum one-day suspension, the student and the student's parent/

guardian will be given the same notice and opportunity for an informal conference given to a student subject to short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for a hearing given to a student subject to long-term suspension.

The superintendent has the authority to modify the minimum one-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.



## Disciplinary penalties

### Teacher removal of a student from the classroom

A student's behavior can affect a teacher's ability to teach and make it difficult for other students in the classroom to learn. In most instances the classroom teacher can use redirection prompts and reminders or a quick check-in conference to support the student's re-engagement.

Other techniques may include providing the student with a brief break in the classroom or in an alternative setting or providing the student with an opportunity to speak briefly with a student support team member. In both of these situations, the goal is to give the student an opportunity to regain their composure and self-control in order to return to the classroom ready to learn. These actions do not constitute a disciplinary removal for purposes of this code.

When a student's inappropriate, unacceptable or unsafe behavior is identified as a Level 3 or 4 violation and seriously jeopardizes other students' safety in the classroom or seriously interrupts learning for a protracted period of time after other interventions have been attempted, the teacher may remove a student from the classroom.

Before removing the student, the teacher must explain to the student why they are being removed from the classroom and explain that the student will have an opportunity to present their version of the story in an investigation of the incident within 24 hours.

The referring teacher submits the Office Discipline Referral with student removal and has until the end of day to complete details of the referral that include documentation of what happened prior to and during the incident as well as any prior responses or interventions that the teacher has attempted before this incident occurred. Each teacher must keep a complete log (on a district-provided form) for all cases of removal of students from their class.

The teacher submitting the referral is expected to make at least two attempts to contact a parent/guardian and submit dates and times in a district-provided log. The student is escorted from the classroom for intake by safety personnel, school staff or an administrator.

For students in prekindergarten-grade 5, an administrator determines time out of class, recommended not to exceed 45 minutes, unless the administrator extends removal from regular classes because of the seriousness of the incident.

For grades 6-12, removal is for the remainder of the class period unless an administrator extends removal from regular classes because of the seriousness of the incident. In all instances, the removal from regular classes ends at the close of the school day. The administrator who investigates the incident may determine that other consequences are warranted (including assigned time in a student support area for appropriate interventions, or while intervention is being finalized, in-school suspension or out-of-school suspension).

The administrator must fully investigate the incident within 24 hours, including hearing the teacher's and student's version of the incident. If in-school suspension or out-of-school suspension is warranted, the administrator must complete suspension documentation. If additional time in a student support area is assigned for further interventions, the administrator must complete appropriate documentation, discuss reasons for further interventions with the student and assign scheduled time

for the student in a student support area. The principal must keep a log of all removals of students from class. No student removed from the classroom by a classroom teacher will be permitted to return to the classroom until the principal has determined whether any additional consequences are warranted. If the student is assigned to a student support area for additional class periods when the student would otherwise be attending class with the referring teacher, the referring teacher will provide educational assignments for the student until the student is permitted to return to the classroom.

Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents/guardians, by telephone and in writing, that the student has been removed from class and the reason(s) why. The notice shall be in the dominant language used by the parent/guardian. The notice must also inform the parent/guardian that they have the right, upon request, to meet informally with the principal or an administrator to discuss the reason(s) for the removal.

The written notice must be postmarked within 24 hours of the student's removal to the last known address for the parents/guardians. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/guardians. The communication must inform the parent/guardian that they can request a conference with an administrator and/or teacher to discuss reason(s) for classroom removal.

Within 24 hours of the incident (until Monday close of school, if incident occurred on Friday), the student's parent/guardian can request a phone or in-person conference with the principal and/or teacher to discuss reason(s) for classroom removal and next steps to resolve the problem. The principal may require the teacher who removed the student from the classroom to attend an informal conference with the student and parent/guardian. The goal of the informal conference is to explain why the student was removed, ensure that the teacher and student can present their versions of the incident, respond to parent/guardian questions and agree on next steps that the student and teacher will take to resolve the problem. 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/guardian and principal.

If an informal conference with an administrator, student and parent/guardian has not taken place, the teacher must facilitate a one-to-one conference with the student within 48 hours of the student's return to class or arrange for a student support team member to facilitate a conference between the student and teacher to discuss reasons for removal and make a plan to improve the student's behavior and engagement in the classroom.

The teacher is expected to complete the conference log documentation and is expected to monitor the student's progress through timely oral and written feedback. 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 their class until they have verified with the principal or another school administrator that the removal will not violate the student's rights under state or federal law or regulation. For additional information, refer to "Students with Disabilities".



## Suspension from transportation

If a student does not conduct themselves properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention by documenting the incident on a referral. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, the superintendent or their designees. In such cases, the student's parent/guardian will become responsible for seeing that their child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

## Suspension from athletic participation, extracurricular activities and other privileges

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved. Refer to Board of Education Policy 5280, Interscholastic Athletics.

## In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for a classroom environment that is conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension."

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

## Suspension from school

Suspension from school is a severe penalty that only may be imposed upon a student who is insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

**Students in prekindergarten through grade 5 cannot receive an out-of-school suspension unless their behavior/conduct posed a serious and immediate threat to students, staff or public safety.**

The board retains its authority to suspend a student, but places primary responsibility for the suspension of a student with the superintendent and the building principals.

Any staff member may recommend to the principal or superintendent that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The principal or superintendent shall gather the facts relevant to the matter and record them for subsequent presentation if necessary upon receiving a recommendation or referral for suspension, or when processing a case for suspension.

## Suspension from school of five days or fewer (short-term suspension)

When the principal or superintendent/designee (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or fewer pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension.

The suspending authority must also notify the student's parent/guardian in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/guardians.

Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent/guardian. The notice shall provide a description of the charges against the student and the incident for

which suspension is proposed and shall inform the parent/guardian of the right to request an immediate informal conference with the principal. Where possible, notice should also be provided by phone if the school has been provided with a telephone number(s) for the purpose of contacting the parent/guardian.

At the conference, the parent/guardian shall be permitted to ask questions of complaining witnesses under such procedures as the principal may have established. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parent/guardian in writing of the principal's decision. The principal shall advise the parent/guardian that if

they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/guardians are not satisfied with the superintendent's decision, they must

file a written appeal to the Board of Education with the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the board may be appealed to the State Education Department Commissioner within 30 days of the decision.

## Suspension from school more than five days (long-term suspension)

If, after a suspension from school of five days or fewer has been imposed, the superintendent or building principal determines that a suspension for more than five days may be warranted, the superintendent or building principal shall give reasonable notice to the student and the student's parents/guardians of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses testifying against the student and the right to present witnesses and other evidence on behalf of the student.

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

### The superintendent's hearing will have two phases.

#### Phase 1: Finding of facts

In phase 1 of the hearing, a hearing officer is appointed, and will determine whether or not the student actually committed the alleged acts. The school will present evidence and witnesses to establish that the act(s) occurred. The student, parents, guardians or other person representing the student may also present witnesses and evidence on the student's behalf. Both sides may question all witnesses and examine all evidence at the

hearing. To prove that the alleged Code of Conduct violations occurred, there must be competent and substantial evidence that the student participated in the objectionable conduct. The hearing officer's determination based on the evidence will ultimately form the basis of their recommendation to the superintendent.

#### Phase 2: The dispositional/penalty phase

If the student was found guilty in phase 1, then phase 2 will occur to determine what the student's penalty will be for the conduct. Phase 2 is before the same hearing officer, and is about whether or not the school should suspend the student beyond the five-day principal suspension and if so, for how long will that suspension be.

In phase 2, both sides may present evidence beyond the facts to establish what penalty is proportionate and fair. The evidence presented may include, but is not limited to the student's disciplinary record and proof of mitigating factors which impacted or provide insight into the student's behavior. The penalty imposed must be proportionate to the severity of the offense involved. The hearing officer will make a recommendation to the superintendent about the penalty to be imposed.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents/guardians can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent.

Final decisions of the board may be appealed to the Commissioner of the State Education Department within 30 days of the decision.

## Permanent suspension

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

## Alternative instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

## Therapeutic Crisis Intervention for Schools (TCIS)

Therapeutic Crisis Interventions for Schools (TCIS) is a framework to train staff in strategies to support students in building coping skills. TCIS provides a curriculum for implementing a crisis prevention and response system. TCIS allows teams to:

- Create a trauma-sensitive environment where students and adults are safe and feel safe
- Proactively prevent and/or de-escalate potential crisis situations with students
- Manage a crisis situation in a therapeutic manner, and, if necessary, intervene physically in a manner that reduces the risk of harm to students and staff
- Help process the crisis event with students to help improve their coping strategies.

## Suicide Risk Assessment

All school psychologists, school social workers and school nurses are trained in the district's Suicide Risk Assessment protocol. When a student is identified to be at risk, due to suicidal thoughts/ideation, a warm handoff takes place to one of these trained staff member, who begins the risk assessment.

The district protocol includes the use of the Columbia Suicide Severity Rating Scale (CSSR-S) which includes evidence-supported questions required for a thorough assessment. A student is determined to be at no risk, low

risk, moderate risk, or high risk based on the assessment. Coinciding steps and supports are assigned to each level of risk. Additionally the protocol includes a safety planning document provided by the Suicide Prevention Center of New York, which supports a student's safety after they have experienced suicidal ideation or engaged in suicidal behavior that places them at a certain level of risk. After completion of the risk assessment, collaboration with the parent/guardian will occur to formulate the student's safety plan.

## Comprehensive School Threat Assessment Guidelines (CSTAG)

The district has implemented a standardized procedure for responding to student threats of violence. Key staff members, including, but not limited to: administrators, behavior specialists, home school coordinators, nurses, psychologists, school counselors, and social workers, were trained in the Comprehensive School Threat Assessment Guidelines (CSTAG). This evidence-based model was developed by Dr. Dewey Cornell in 2001, out of the University of Virginia. The model is preventative in nature, and every building has a designated threat assessment team.

The basic idea is when a student communicates a threat to harm someone, the threat assessment team will use the CSTAG to determine how serious the threat is and what can be done to prevent harm to anyone in the school community. The outcome of threat assessments typically includes a plan to provide interventions on behalf of the student. Upon the conclusion of the threat assessment, parents/guardians are contacted and included on the safety planning. Serious and very serious threats may result in collaboration with law enforcement to ensure the safety of the school community.

## RULER

RULER is a systemic approach to social and emotional learning (SEL) developed at the Yale Center for Emotional Intelligence. RULER aims to infuse the principles of emotional intelligence into schools, informing how leaders lead, teachers teach, students learn and families support students.

RULER is an acronym for the five skills of emotional intelligence:

- **Recognizing** emotions in oneself and others
- **Understanding** the causes and consequences of emotions
- **Labeling** emotions with a nuanced vocabulary
- **Expressing** emotions in accordance with cultural norms and social context
- **Regulating** emotions with helpful strategies

RULER uses four anchors to promote and support these skills:

- **The Charter:** This builds and sustains positive emotional climates by creating agreed-upon norms for how people want to feel, as well as how they can help each other to experience those feelings.
- **Mood Meter:** The Mood Meter enhances self and social awareness. This tool supports the development of a nuanced emotion vocabulary and a range of strategies for regulating emotion.
- **Meta-Moment:** This strategy helps the student to explore their best self when encountering different situations.
- **Blueprint:** This tool can help student's resolve conflict or facilitate its resolution.

## Preventative strategies; responding to behavior violations

The code creates a four-level support system that emphasizes student accountability and behavior change. When a student's rule violation is significant, they are assigned a consequence signaling that the action at issue is inappropriate, unacceptable or unsafe. The district response to the violation will fall into one of four levels. The higher the level of response, the more serious the violation.

The level system emphasizes both student accountability and behavioral change. The goal is the prevention of a recurrence of unacceptable behavior by helping students to:

- Learn from their mistakes;
- Understand why the behavior is unacceptable;
- Acknowledge the harm that they have caused or the negative impact of their actions;
- Understand what they could have done differently in the situation;
- Take responsibility for their actions;
- Be given the opportunity to learn pro-social strategies and skills to use in the future; and

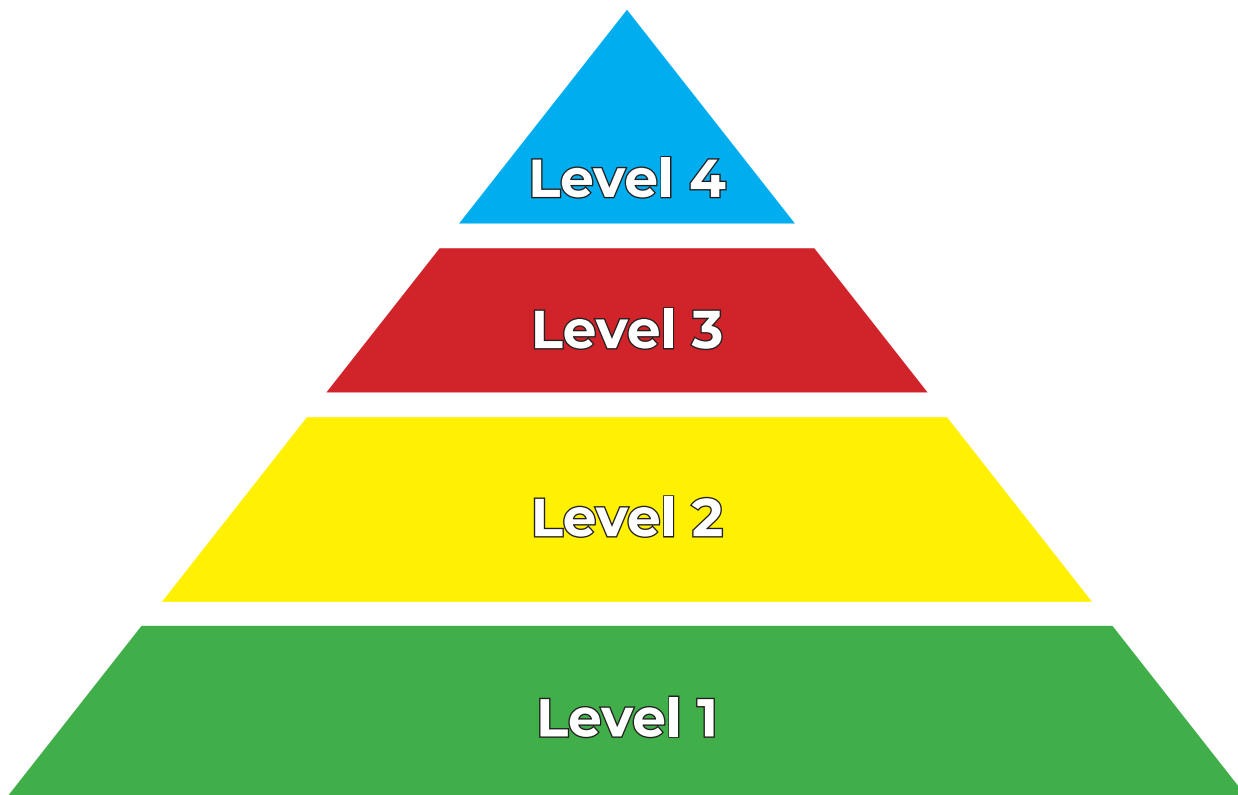
- Understand that more intensive consequences and interventions will take place if unacceptable behaviors persist.

**LEVEL 1** response 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. Through observation and immediate responses, teachers aim to prevent minor discipline problems from becoming major disciplinary incidents.

**LEVEL 2** involves targeted interventions and assigned consequences when a student's behavior violation warrants a more focused behavioral response beyond the immediate situation or incident in the classroom or other location. Assigned consequences can include assignment to in-school suspension.

**LEVELS 3 and 4** involve behavior violations that seriously jeopardize school and classroom safety and order. Students who are experiencing high-risk or pervasive behavioral, academic, and physical and mental health concerns are assigned more intensive, individualized interventions.

## Levels of response at a glance



### Level 1

Classroom support and student support team

### Level 2

Classroom support, intensive out-of-class support and appropriate administrative interventions, up to issuance of detention

### Level 3

Supports and discipline up to a short-term suspension

### Level 4

Supports and discipline up to a long-term or permanent suspension

## Level 1 response

### Who will implement the Level 1 response?

Teachers and classroom staff will implement the classroom interventions and responses. The student support team may implement other identified interventions and responses.

### How will Level 1 responses be implemented?

- **Classroom interventions and responses** – These interventions aim to interrupt unsuccessful behaviors and teach skills so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers are expected to collaborate effectively and report concerns to support staff.
- **Student support team interventions and responses** – These interventions aim to engage the student's support system at school and at home to ensure success by working to change the conditions that contribute to student's unsuccessful behaviors. They can involve school staff, partner and community agency staff.

## What are possible Level 1 responses?

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

- Positive directives that state expectations;
- Positive and specific feedback;
- Re-teaching and rehearsal of skill or procedure;
- Increased opportunity to respond during instruction;
- Increase teacher proximity;
- Verbal prompt, redirection and/ or correction;
- Reminders and redirection;
- Student/teacher conference;
- Develop relationship with families;
- Family conference;
- Daily progress sheets on behavior;
- Create a classroom check-in plan;
- Restorative practices and strategies;
- Reflection activity;
- Teacher contacts parent/guardian to discuss infraction and next steps;
- Referral to the Dignity Act coordinator;
- Other evidence-based student specific strategies.

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

- Check-in with school building staff;
- Mentoring/coaching;
- Peer mediation;
- Restitution plan;
- Referral to school-based health or mental health providers;
- Service to school and community;
- Referral to community organization;
- Utilize support staff;
- Develop relationships with families;
- Restorative circle;
- Other evidence-based student specific strategies;
- Consideration of environmental/social-emotional factors when determining intervention(s) and supports.

## Level 2 response

### When are Level 2 responses merited?

These interventions may be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others.

### Who will implement the Level 2 response?

Teachers and classroom staff will implement the classroom interventions and responses. The student support team and/or building administrators will implement the other identified interventions and responses.

### How will Level 2 responses be implemented?

- **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 negatively influence the learning of the student and others.
- **Student support team and/or administrative-level interventions and responses** – These interventions can involve support staff or administrative staff when needed and are designed to correct behavior by addressing the seriousness of the behavior while keeping the student in school.

### What are possible Level 2 responses?

All interventions and responses listed in Level 1 are also available for Level 2.

**Classroom interventions and responses** will include:

- Collaborate with family;
- Collect progress monitoring data about the behavior and interventions attempted;
- Review of cumulative folder and academic progress, create implement and monitor academic plan;
- Collaborate with academic coaches and/or behavior specialists to build on student strengths;
- Create a literacy-based strategic plan;
- Monitor all plans created and reevaluate every two weeks;
- Peer mediation/restorative circle.

**Student support team and/or administrative-level interventions and responses** may include:

- Referral to MTSS for possible Tier 1 interventions;
- Administrative and/or support team conference;
- After school detention;
- Lunch detention;
- Suspension from transportation;
- Consideration of environmental/social-emotional factors when determining intervention(s) and supports.

## Level 3 response

### When are Level 3 responses merited?

These interventions and responses may be appropriate when the behavior at issue jeopardizes school and classroom safety and order.

### Who will implement the Level 3 response?

Teachers and classroom staff will implement the classroom interventions and responses. The student support team and/or building administrators will implement the other identified interventions and responses.

### How will Level 3 responses be implemented?

- **Classroom and support team interventions and responses** – If a student is removed from the learning environment, teachers/staff will review and adjust the classroom interventions and responses. The student support team and/or building administrators will implement any changes and record the effectiveness of the response.
- **Intensive administrative-level and/or student support team interventions and responses** – 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.

### What are possible Level 3 responses?

All interventions and responses listed in Levels 1 and 2 are also available for Level 3.

#### Classroom and support team interventions and responses will include:

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

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

- Referral and coordination with community-based supports;
- Prior to and/or upon reentry, restorative circle with teacher/students facilitated by administrator;
- Informal conference with principal and student;
- Faculty/staff contacts parents/guardian;
- Family/guardian/student/school team conference;
- Develop functional behavioral assessment and behavior intervention plan;
- In-school suspension up to 5 days;
- Out-of-school suspension up to 5 days;
- Family/guardian notification of due process rights;
- For students in grades prekindergarten through 5, principal must immediately provide written notification to superintendent's designee;
- Consideration of environmental/social-emotional factors when determining intervention(s) and supports.
- Comprehensive School Threat Assessment Guidelines (CSTAG)
- Suicide Risk Assessment

## Level 4 response

### When are Level 4 responses required?

These interventions and responses may be appropriate when the behavior at issue seriously jeopardizes school and classroom safety and order.

### Who will implement a Level 4 response?

Teachers and classroom staff will implement the classroom interventions and responses. The student support team and/or building administrators will implement the other identified interventions and responses.

### How will Level 4 Responses be Implemented?

- **Classroom and support team interventions and responses** – If a student is removed from the learning environment, teachers/staff are expected to review and adjust the classroom interventions and responses and seek out additional community based resources, including the parent/guardian in the process. The student support team and/or building administrators will implement any changes and record the effectiveness of the response.
- **Intensive administrative-level and support team interventions and responses**– 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.

## What are possible Level 4 responses?

All interventions and responses listed in Levels 1, 2 and 3 are also available for Level 4.


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

- Intensify and/or reevaluate application of previous interventions and supports.
- Plan for classmates as students returns;
- Faculty/staff contacts parent/guardian.

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

- Plan for a student reentry meeting;
- Wraparound services;
- Individualized case management for students with 504 plans or IEPs;
- Request for district hearing to request consideration of a long-term suspension, alternative placement or permanent suspension;
- For students in prekindergarten through grade 5,
- Suspension from school for more than 5 days;
- Consideration of environmental/social-emotional factors when determining intervention(s) and supports.
- Comprehensive School Threat Assessment Guidelines (CSTAG)
- Suicide Risk Assessment

## District-wide behavior chart: intervention and consequences





 Students in prekindergarten through grade 5 cannot be suspended out of school unless the behavior at issue has a green triangle below and posed a serious and immediate threat to student, staff or public safety.

















 A green circle under the "police" column indicates that law enforcement MAY be called.

 A red square under the "police" column indicates that law enforcement MUST be called.




Level 1	Level 2	Level 3	Level 4
Classroom support and student support team	Classroom support, intensive out-of-class support and appropriate administrative interventions, up to issuance of detention	Supports and discipline up to a short-term suspension	Supports and discipline up to a long-term or permanent suspension












## Behavior violations and levels of response











Behavior violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
<b>Absences</b>							
Failing to attend class without a valid excuse	X	X					Significant unexcused absences will result in the involvement of the attendance teachers and possible filing of a PINS petition.
Persistent or excessive absences from school	X	X					
Chronic absenteeism (unexcused absences in excess of 20 days)	X	X					
<b>Academic dishonesty</b>							
Plagiarism, copying another's work, cheating or altering records	X	X	X				Students may receive a failing grade for the assignment.
<b>Alcohol</b>							
Under the influence		X	X				School staff will refer student to appropriate substance abuse counseling.
Use or possession		X	X				
Distributing or selling			X	X			School nurse will be notified immediately.












Behavior violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
<b>Arson</b>							
Starting a fire		X	X				NYS Uniform Fire Prevention and Building Code 401.3 requires building principals to contact the fire department for any and all unwanted fires.  Principals must complete NYSED Office of Facilities Planning Fire Incident Report Form 2014.
Starting a fire: Destruction of property as a result of starting a fire			X	X			
<b>Attack on student or other individual</b>							
Attack with or without injury		X	X				
Attack on student with serious bodily injury with or without provocation				X			
Two or more persons intentionally attacking with injury			X	X			
Two or more persons intentionally attacking with serious bodily injury				X			
<b>Bomb threat</b>							
Making threats or providing false information about the presence of explosive materials or devices on school property			X	X			
<b>Bullying, harassment and/or discrimination</b>							
Intentional conduct (including verbal, physical or written conduct) that constitutes bullying, discrimination or harassment	X	X	X				Depending on the allegations, a Dignity for All Students Act Investigation or a Title IX or other investigation as outlined in applicable board policies may be required.
Intentional conduct via electronic communication that constitutes bullying, discrimination or harassment	X	X	X				
Persistent and repeated incidents targeted at same person or group		X	X	X			For more information and for board policies 0100, 0110, 0115 and accompanying regulations, visit <a href="http://albanyschools.org/policy">albanyschools.org/policy</a> .
Very serious incident that is life-threatening, seriously harmful or personally damaging to the person who is targeted			X	X			
<b>Contraband</b>							
Possession of contraband	X	X					
Repeated possession of contraband		X	X				
<b>Damage to school or personal property</b>							
Minor damage (less than \$50)	X	X	X				
Damage to another person's or school property (\$50 to \$500)		X	X				
Damage to another person's or school property (over \$500)			X	X			



Behavior violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
<b>Electronic devices</b>							
Use of cell phones, handheld mobile devices, electronic game devices and other similar items when use is prohibited	X	X					Possession and/or transmission of child pornography must be reported to the police.
Violation of the Internet Safety Policy (see board policy 4526.1)		X	X				
Use of electronic devices that lead to the threat of harm to another person		X	X				
Recording or publishing a fight		X	X				
Use of electronic devices for which it is determined that such use directly causes physical or emotional harm to another person			X	X			
<b>Entering a class without permission</b>							
Entering a class not enrolled without permission	X	X					
<b>Environmental distraction and/or disruption</b>							
Does not work silently or independently without bothering others	X	X					
Use of profanity or obscene language	X	X					
Talking out in class or talking out of turn	X	X					
Throws objects without physical injury to others	X	X					
Throws objects that pose a potential threat of harm	X	X	X				
Makes excessive, distracting or disruptive movements or noises	X	X	X				
<b>Extortion</b>							
Obtaining money, property or information from another by coercion or intimidation		X	X	X			
<b>Failure to comply with security protocol</b>							
Intentionally or repeatedly entering school property without passing through the requisite security		X	X				
Intentionally or repeatedly entering school property or assisting others to enter the school building that poses a serious and grave threat to the safety of school community			X	X			

Behavior violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
<b>False activation of fire alarm</b>							
Improper activation of fire alarm			X	X			
<b>Fighting</b>							
Fighting with another		X	X				DASA investigation may be warranted.
Fighting that causes the principal to initiate emergency response procedures, prevents large numbers of students from moving through the hallways and disrupts the educational process for large numbers of students, or poses a serious and grave threat to the safety of large numbers of students			X	X			
Fighting with serious bodily injury				X			
<b>Forgery</b>							
False and fraudulent making or altering of a document or the use of such a document		X	X				
<b>Gambling</b>							
Participating in games of chance or skill for money, things of value or exchangeable goods	X	X	X				
<b>Gang</b>							
Committing acts that intentionally further gangs or gang-related activities such as recruitment, intimidation, initiation and promotion of a gang	X	X	X				Such activities are further defined in the glossary.
<b>Hallway misbehavior</b>							
Running, making excessive noise, loitering or occupying an unauthorized place in the school hallway	X	X					
<b>Inciting or participating in disturbance</b>							
Participating in a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption		X	X				A large disruption is defined as a disruption that causes the principal to initiate emergency response procedures, prevents large numbers of students from moving through the hallways, disrupts the educational process for large numbers of students, or poses a serious and grave threat to the safety of large numbers of students.
Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption		X	X	X			
Using an electronic device to bring others to initiate or engage in a disturbance		X	X	X			
<b>Illegal behavior</b>							
Engaging in illegal behavior that interferes with the school's educational process and/or poses a risk of serious injury to a person or persons	X	X	X				

Behavior violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
<b>Illegal drugs/marijuana/inhalants/unauthorized medicine</b>							
Under the influence		X	X				School staff will refer student to appropriate substance abuse counseling.  School nurse will be notified immediately.
Using and/or possessing		X	X				
Distributing or selling		X	X	X			
<b>Inappropriate behavior towards school personnel or school agent</b>							
Misleading or giving false information to school staff	X	X	X				
Confrontational and/or aggressive behavior or intimidation		X	X				
Name-calling, insults, making inappropriate gestures, symbols or comments, or using profane or offensive language		X	X				
<b>Leaving the classroom without permission</b>							
Exiting classroom without permission of teacher or staff	X	X					
<b>Non-compliance</b>							
Failure to follow directions	X	X					
Failure to respond to school staff directives, questions or requests	X	X					
Failure to comply with school rules, regulations, policies or procedures	X	X					
Failure to comply with school emergency response procedures		X	X				
Persistent failure to comply with school rules, policies and procedures	X	X	X				
<b>Physical contact with school personnel or school agent(s)</b>							
Unintentional physical contact as a result of unsafe behavior (ex: horseplay)	X	X					
Unintentional physical contact or other aggressive behavior towards a staff member/school agent who is intervening in a fight		X	X				
Unsafe or aggressive behavior that results in injury to the staff member/school agent.		X	X	X			
Offensive touching, poking, pushing, shoving or physical intimidation			X	X			
Intentional physical attack on school personnel/school agent			X	X			

Behavior violation	Level 1	Level 2	Level 3	Level 4		Police	Notes
<b>Public space misconduct</b>							
Serious misconduct that impedes normal operations and navigation of school grounds		X	X				Failure to provide proper identification may result in the SRO being called to address issue of trespass.  Public space misconduct is defined in the glossary.
<b>Robbery</b>							
Taking money or property from another by force			X	X			
<b>Sexual assault</b>							
Forced sexual act				X			School staff is required to refer students to appropriate counseling.
<b>Sexually based infraction or offenses</b>							
Sexual harassment		X	X	X			School staff is required to refer students for appropriate counseling.
Sexual activity or sexual misconduct		X	X	X			Possession and/or transmission of child pornography is subject to prosecution and must be reported to police.
<b>Tardiness</b>							
Persistent tardiness to school or class	X	X					
<b>Technology Acceptable Use Policy</b>							
Violation of the City School District of Albany's Acceptable Use Policy	X	X	X	X			Possession and/or transmission of child pornography is subject to prosecution and must be reported to police.
<b>Theft</b>							
Under \$500		X	X				
Over \$500			X	X			
<b>Threat</b>							
Verbal or written threat against student		X	X				
Verbal or written threat against student involving a threat of loss of life or serious bodily injury			X	X			When a threat is made, the school will initiate a comprehensive school threat assessment guidelines (CSTAG) for further assessment
Verbal or written threat against school personnel/agent			X	X			
Verbal or written threat against school community		X	X	X			

Behavior violation	Level 1	Level 2	Level 3	Level 4	△	Police	Notes
<b>Tobacco or vaping device</b>							
Using and/or possessing	X	X					
Distributing or selling		X	X				
<b>Trespassing</b>							
Entering City School District of Albany property when prohibited from doing so or remaining on school grounds after receiving a request to depart	X	X	X	X		●	
<b>Weapons, firearms, explosives</b>							
Possession of instruments or objects that could be used as weapons		X	X		△	●	Expulsion for no less than one calendar year is mandated by state law for firearms violation, but can be modified on a case-by-case basis by the superintendent of schools.
Possession of an instrument or object used as a weapon with intent to cause injury			X	X	△	■	
Possession of a weapon				X	△	■	
Possession of a weapon that has been concealed to avoid detection				X	△	■	
Firearms (possession of a firearm as defined in 18 USC 921 of the federal code; e.g., handguns, rifles, shotguns, bombs)				X	△	■	
Other guns (possession of any gun of any kind, loaded or unloaded, operable or inoperable including BB guns and pellet guns, etc.)				X	△	■	
Explosives (possession, sale, distribution, detonation or threat of detonation of an incendiary or explosive material or device including firecrackers, smoke bombs, flares or any combustible or explosive substances or combination of substance or articles, other than a firearm)				X	△	■	

## VII. Reporting violations

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the principal or their designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the principal, the principal's designee or the superintendent.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. Any weapon, alcohol or illegal substance found shall be confiscated immediately, if

possible, followed by notification to the parent/guardian of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The principal or their designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or their designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime on school property or at a school function.

## VIII. Student dress code

This dress code is intended to support the following district values:

- We celebrate students' differences and individuality and encourage students to present themselves in a way that is most reflective of their true selves.
- We support students in expressing their preferred identity, including gender, race and culture, and in wearing hairstyles historically associated with race, religion, and/or culture.
- We believe district staff are responsible for ensuring that student appearance does not interfere with a safe educational environment for all students, faculty and staff.
- We believe that no person's attire is responsible for any other person's ability to maintain focus.
- We believe that a clear and simple dress code minimizes unnecessary conflict between students and staff and increases the opportunity to develop caring relationships.
- We believe that we are preparing students for college and career readiness and that includes learning that certain settings have rules and expectations for attire and appearance.

**For those reasons we establish the following dress code:**

*Throughout this dress code, the word attire means appearance including clothing, hats and head coverings, jewelry, accessories, makeup, hairstyle, nail decor, etc.*

**Students must:**

1. Wear clothing that covers the following with opaque material: genitals, buttocks, nipples, and the area from the nipples to the bottom of the rib cage.
2. Wear shoes with soles (including, but not limited to sneakers, boots, sandals, etc.) in which they can navigate the building safely. Elementary students must wear shoes with either an enclosed back or heel strap.

**Students' attire must not:**

1. Interfere with the operation of the school or create a reasonably foreseeable risk of such interference.
2. Obscure the student's identity unless necessary to accommodate a medical or religious purpose.
3. Include items that are vulgar, or obscene.
4. Be libelous or denigrate others, especially on the basis of race, color, sex, sexual orientation, gender identity, gender expression, disability, ethnicity, religion or religious expression, creed, national origin, weight, cultural observance, household income, or body type/size.
5. Include gang-related paraphernalia of any kind.
6. Include underwear as the primary attire or outer layer.
7. Include language or symbols that constitute hate symbols or speech as defined by Education Law

Section 1527-a, which includes, but is not limited to, symbols of white supremacy, neo-Nazi ideology, or the Battle Flag of the Confederacy.

8. Promote, endorse, or include images of weapons, alcohol, tobacco, marijuana, or illegal drugs.
9. Encourage any type of illegal or violent activity.
10. Include accessories that could be dangerous or could be used as a weapon including but not limited to items with spikes.

### Specific Activity Dress Codes

Certain classes or activities may have different attire expectations, such as sneakers for physical education, athletic wear including sports bras for sports practices, swimsuits for swimming, business attire for certain clubs, costumes for plays, protective eyewear and closed-toe shoes in certain CTE workshops and science labs, hairnets in culinary arts classes, etc.

Specific activity dress codes must be consistent with the values expressed in this policy, and must be shared in advance in writing.

### Third Party Dress Codes

Attire during certain classes or activities may be regulated by dress codes established by a third party. For example, athletic team uniforms are established by the New York State Public High School Athletic Association, and JROTC uniforms are governed by the military sponsor.

When there is a conflict between the district dress code and any third-party dress code, district staff will clarify for students when each dress code is in force.

District staff will also support students in advocating for improvements to third party dress codes if necessary to ensure that such codes are gender neutral and do not reinforce historic marginalization or oppression of any group.

### Enforcement

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

All staff members shall enforce the dress code consistently and in a manner that does not reinforce marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size.

Students will be given every opportunity to come into compliance with the dress code without needing to leave school including the opportunity to remove or add attire, borrow attire from the school or from other students, or to contact their family to request alternate attire be brought to school.

## IX. Electronic devices

Students are permitted to use their cell phones, handheld mobile devices, electronic game devices and other similar items. Students may not use these items during any

instructional time without the explicit permission of staff or at any other time when use is deemed prohibited by staff.

Upon a first offense of unauthorized use, the device will be confiscated and returned to the student at the end of the class period or school day. Upon a second or successive offense, the device will only be returned to the parent/guardian. Other penalties as set forth in this Code of Conduct may also be pursued in lieu of or in addition to the above penalties.

The misuse of electronic devices includes but is not limited to texting, recording a fight and/or Code of Conduct violation, publishing a recording that is damaging to others, sexting, verbal comments, graphic and symbolic communication, written communication via email, instant messaging, blogging, defamatory personal and online personal polling websites, supporting the

deliberate, repeated, and hostile behavior by an individual or group.

Students may not engage in electronic communication that demeans or ridicules on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or any other legally protected status (cyberbullying). The possession and/or transmission of child pornography is subject to prosecution and must be reported to the police. A violation of the Internet Safety Policy may warrant a Level 2 or 3 response depending on the severity of the misuse.

## X. Student attendance

The Board of Education, in compliance with state education law, requires that students regularly attend school on a full-time basis from the first day of session in September of the school year in which they become six years of age.

Also in accordance with the state education law, the City School District of Albany encourages the enrollment of children who have turned five on or before December 1. Students must be enrolled through the last day of the school year in which they become sixteen years of age, unless they have completed a four-year high school course of study. Students may attend a school other than

a public school or receive home instruction, provided the instruction is equivalent to that given in the public schools.

The Board of Education believes that regular attendance is a critical factor in student academic success. It is the district's responsibility to work collaboratively with families to assist with identifying and removing barriers to regular attendance and to communicate to families the importance of regular attendance. The excused and unexcused absence list can be found in Board Policy #5100 Attendance.

## XI. Contacting law enforcement

The principal or their designee must notify the appropriate local law enforcement agency of code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or their designee learns of the violation.

## XII. Corporal punishment

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

However, 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:

1. Protect oneself, another student, teacher or any person from physical injury.

2. Protect the property of the school or others.
3. 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 about the use of corporal punishment with the Commissioner of the State Education Department in accordance with the commissioner's regulations.

## XIII. Searches and investigations

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary 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/guardian 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, assistant principals, the school nurse and district security officials to conduct searches of students and their belongings, in most instances with exceptions set forth below, if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as

touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official also may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable

informants unless they are known to have previously supplied information that they knew was not accurate.

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

Whenever practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. Searches will be conducted in the presence of two adults whenever possible.

## Exceptions

### Student lockers, desks, and other school storage places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means students' lockers, desks, and other school storage places may be subject to search at any time by school officials without prior notice to students and without their consent.

### Strip searches

Under no circumstances will any school personnel conduct a strip search of any other person. For the purposes of this section, requiring the removal of an outer coat or jacket, or shoes and socks, shall not constitute a strip search. In the unlikely event that such a thorough search is warranted, the police should be summoned to the scene.

### Metal detector screenings

Schools in the City School District of Albany may be equipped with walk-through metal detectors, and/or hand-held "wand" metal detectors. The board may obtain portable walk-through units or hand-held wand units that are available for use in the schools or other buildings on request. School officials may utilize metal detectors to search students' book bags, purses and other personal belongings in appropriate circumstances.

For purposes of this policy, a "metal-detector screening" means the use of metal detectors (walk-through units or hand-held wand units) on the students entering a school facility or their belongings on a given date.

#### The following types of metal-detector screenings authorized by this policy:

1. **Unscheduled random screenings:** Random metal-detector screenings are an effective and necessary means of detecting and deterring the possession of weapons, and preventing their consequences, principally student violence, from occurring on school premises. Random screenings are screenings that are not conducted on a regularly scheduled basis, and are not necessitated by particularized safety concerns or special events.

The superintendent or their designee or school officials may authorize metal-detector screenings on randomly chosen days during a specified period of the day, using school personnel to operate the metal detectors available to their school.

2. **"As-needed" screenings:** The superintendent or their designee or school officials may authorize metal-

detector screenings on days chosen to address particular safety concerns (such as recent violence in the neighborhood) or on days on which special events (such as athletic competitions) are held, using school personnel to operate the metal detectors available to the school.

3. **Daily screenings:** The superintendent or their designee or school officials may authorize daily metal-detector screenings using school personnel to operate the metal detectors available to their school. Metal detector activation by anyone subject to a search under this section may constitute reasonable suspicion to justify a more intrusive individualized search.

If metal detector activation results in the discovery of contraband, such activation and discovery shall be documented in a timely manner in accordance with this Code of Conduct as well as applicable state laws and regulations.

## Documentation of searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age, and grade of student searched;
2. Reasons for the search;
3. Name of any informant(s);
4. Purpose of search (that is, what item(s) were being sought);
5. Type and scope of search;



6. Persons conducting searches and their titles and positions;
7. Witnesses, if any, to the search;
8. Time and location of search;
9. Results of search (that is, what items(s) were found);
10. Disposition of items found; and
11. Time, manner and results of parental notification

The building principal or the principal's designee shall be responsible for the custody, control and disposition

of any contraband, illegal or dangerous item taken from a student. The principal or the principal's designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is disposed of or turned over to the police. The director or assistant director of safe schools and violence prevention shall be responsible for personally delivering contraband, dangerous or illegal items to police authorities and such items may not be returned to the student or family.

## Investigation of students suspected of possession or consumption of alcohol

All authorized district staff have the authority to investigate the suspected consumption or use of alcohol or illegal substances on school property or at a school function. Such investigations may include (but are not limited to):

1. Searching student lockers, desks, and other storage spaces;
2. Searching student clothing;
3. Questioning students;
4. Conducting prescreening tests (e.g. examining coordination, mannerisms, speech); and
5. Using hand-held breath-test devices

## Police involvement in searches and investigations of students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- A search or an arrest warrant or other court order authorizing the student's removal; or
- Probable cause to believe a crime has been committed on school property or at a school function.

Before police officials are permitted to question or search any student, the principal or their designee shall first try to notify the student's parent/guardian to give them the opportunity to be present during the police questioning

or search. If the student's parent/guardian cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

## XIV. Visitors to the schools

The Board of Education recognizes that the success of the school program depends, in part, on support by the larger community. The board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff.

Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or the principal's designee is responsible for all persons in the building and on the grounds.

For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal (or other designated area) upon arrival at the school, provide valid identification, and sign the visitor's registry. They will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's

office before leaving the building and sign out of the visitor's registry.

3. Visitors attending school functions that are open to the public after the end of the school day, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Visitors who wish to observe a classroom while school is in session are required to arrange such visits in advance with the principal and classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or the principal's designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## XV. Public conduct on school property

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

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

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

### Prohibited conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy (including graffiti and arson) district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Display, 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.
5. Use language that is inappropriate for a school community.
6. Intimidate, harass or discriminate against any person on the basis of factors which include, but are not limited to, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or age.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this Code of Conduct applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic products or beverages, controlled substances, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code of Conduct.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
17. Possess a skateboard and hoverboard on school property.



## Penalties

Persons who violate this Code of Conduct shall be subject to the following penalties:

1. Visitors shall have their authorization, if any, to remain on school grounds or at the school function withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to arrest.
2. Students shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020 and/or any other legal rights that they may hold.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75 shall 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 hold.
5. Staff members other than those described in subdivisions 3 and 4 shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may hold.

## Enforcement

The building principal/designee has the overall responsibility to ensure the Code of Conduct is enforced within their building or for conduct which has a nexus to the school environment. When the Code of Conduct is being violated, the prohibited conduct should be addressed and corrected.

If the person refuses to correct the prohibited conduct, the person should be warned of the consequences. If the person's conduct poses an immediate threat, the

person should be removed from school property or the school function. If necessary, local law enforcement will be contacted to assist in removing the person.

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

## XVI. Dissemination and review

The Board of Education will work to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of a full Code of Conduct to all students at the beginning of each school year.
2. Making copies of the Code of Conduct available to all parents/ guardians at the beginning of the school year.
3. Mailing a full copy of the Code of Conduct to all parents/guardians of district students before the beginning of the school year and making this copy available later upon request.
4. Providing 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 via an online link.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the Code of Conduct available for review by students, parents/guardians and other community members.

The district will sponsor a professional development program for all district staff members to ensure the effective implementation of the Code of Conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. Ongoing professional development will be included in the district's professional development plan, as needed.

## XVII. Review of Code of Conduct

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

The board may appoint an advisory committee to assist in reviewing the code and the district's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school

personnel, parents/guardians, students and any other interested party may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner of the State Education Department, no later than 30 days after adoption.

The change in name and/or contact information of the Dignity Act coordinators, building principals, or the individuals listed in the non-discrimination notice will not constitute a revision to the Code of Conduct so as to require a public hearing.

## XVIII. Removals, suspensions and referrals

In the event a student is involved in a removal or suspension from school the following supportive referrals may be initiated:

### Counseling

The counseling office/social worker/psychologist shall handle all referrals of students to counseling and will work with site staff to refer families for support from social/human services, and outside agencies when necessary.

### Person in Need of Supervision (PINS) petitions

The district may file a PINS petition in Family Court on any student under the age of 18 who demonstrates that they requires supervision and treatment by:

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

### Juvenile delinquency and juvenile offenders

The superintendent is required to refer any student under the age of 16 who is found to have brought a weapon, as defined by paragraph 2 of subsection g of section 930 of title 18 of the United States Code, or firearm, as defined by subsection a of section 921 of title 18 of the United States Code, to school who does not otherwise qualify for juvenile offender status, to the county attorney for a juvenile delinquency proceeding before the Family Court.

The superintendent is required to refer any student age of 16 or older or any student who qualifies as a juvenile offender who is found to have brought a weapon, as defined by paragraph 2 of subsection g of section 930 of title 18 of the United States Code, or firearm, as defined by subsection a of section 921 of title 18 of the United States Code, to school to local law enforcement.

## XIX. Students with Disabilities

### Students with disabilities

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

1. A suspension means a suspension pursuant to Education Law §3214.
2. A removal means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an Interim Alternative Educational Setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or others.
3. An Interim Alternative Educational Setting means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications. This includes those described on the student's current Individualized Education Program (IEP), that will enable the student to meet the goals set out in such IEP, and includes services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
4. The superintendent may order 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 (1) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
5. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement.
6. The superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE) for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or school function.

School personnel may order the suspension or removal from current educational placement as follows:

1. The board, the superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
2. Subject to specified conditions required by both

federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in their current educational placement poses a risk of harm to the student or others.

## Change of placement rule

A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

1. For more than 10 consecutive school days; or
2. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

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

## Special rules regarding the suspension or removal of students with disabilities

The district's Committee on Special Education (CSE) shall conduct a "manifestation determination" review of the relationship between the student's disability and the behavior subject to disciplinary action whenever:

1. A decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances;
2. Because maintaining the student in their current educational setting poses a risk of harm to the student or others; or
3. A decision is made to impose a suspension that constitutes a disciplinary change in placement.

The parents/guardians of a student who is facing disciplinary action but who has not been determined to be eligible for services under Individuals with Disabilities Education Act (IDEA) and Article 89 at the time of misconduct shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability. A district is deemed to have knowledge that a student has a disability and therefore the student is presumed to have a disability if prior to the time that the behavior occurred:

1. A parent/guardian expressed concern that the child has a disability;
2. An evaluation to assess whether the student has a disability was requested; or
3. A teacher or other district personnel expressed specific concerns that the student had a disability.

A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

1. Conducted an individual evaluation and determined that the student is not a student with a disability;
2. The parent/guardian of the student refused the services; or
3. The parent/guardian of the student has not allowed an evaluation of the student pursuant to Section 200.4 of the Commissioner of the State Education Department's regulations.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

If the behavior is found to be associated with a student's disability, the CSE shall conduct a functional behavioral assessment to determine why a student engages in a particular behavior. The CSE will develop or review a behavioral intervention plan whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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

school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

The district shall provide parents/guardians with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs, or controlled substances or because:

- Maintaining the student in their current educational setting poses a risk of harm to the student or others; or
- A decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner of the State Education Department shall accompany the notice of disciplinary removal.

The parents/guardians of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents/guardians of non-disabled students under the Education Law.

Superintendent hearings on disciplinary charges against students with disabilities who are subject to a suspension of more than five school days shall be separated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner of the State Education Department's regulations incorporated into this Code of Conduct.

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

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the commissioner's regulations incorporated into this Code of Conduct.

## Expedited due process hearing

An expedited due process hearing shall be conducted in the manner specified by the Commissioner of the State Education Department's regulations incorporated into this Code of Conduct, if:

1. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in their current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings.
2. The parent/guardian requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
  - During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents/guardians and the district agree otherwise.
  - If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
3. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, they must mail a written decision to the district and the parents/guardians 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.



# GENERAL PROCEDURES FOR FORMAL HEARING OF STUDENTS WITH DISABILITIES OR A PRESUMED DISABILITY

201.9(c) Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be divided into guilt phase and penalty phase

## DETERMINATION OF GUILT PHASE OF SUPERINTENDENT'S HEARING

Determines whether the student is guilty of the alleged misconduct

**STUDENT IS FOUND GUILTY OF ALLEGED MISCONDUCT**

**STUDENT IS FOUND NOT GUILTY OF ALLEGED MISCONDUCT**

**MANIFESTATION DETERMINATION MEETING**

**COMMITTEE ON SPECIAL EDUCATION MEETING HELD TO REVIEW STUDENT'S IEP AND PROGRAMMING**

**NOT A MANIFESTATION**  
Student will be disciplined in the same manner as a non-disabled student but continue to receive IEP services

**MANIFESTATION**  
Superintendent hearing dismissed. Exception for charges of weapons, drugs or serious bodily injury, which will go to the Penalty Phase.

**PENALTY PHASE OF SUPERINTENDENT'S HEARING**

**CSE MEETING HELD TO REVIEW STUDENT'S IEP AND PROGRAMMING**

**HEARING OFFICER RECOMMENDS A CHANGE IN PLACEMENT TO AN IAES**

**HEARING OFFICER RECOMMENDS RETURN TO SCHOOL**

## XX. Appendix A – Glossary of definitions

**Absence** means failure to attend or appear at school.

**Academic dishonesty** includes plagiarism; copying another's work; altering records and cheating by providing, receiving or viewing answers to quiz or test items or independent assignments; or using texts, documents, notes, or notebooks during tests without permission from a staff member.

**School agent** means any person(s) and/or entity who, at the moment of the alleged incident, was acting on behalf of the City School District of Albany and/or under direction of the district, including but not limited to, volunteers, speakers/presenters and chaperones for school events or on school property.

**Arson** means starting a fire or destruction of property as a result of starting a fire.

**Attack** means physical action against a person or persons in a forceful, hostile or aggressive way with or without provocation.

**Bomb threat** means the making of threats or providing false information about the presence of explosive materials or devices on school property without cause in writing, in person or by phone, including text messaging.

**Bullying** See harassment or bullying.

**Change in placement** if a child with a disability is suspended for more than 10 days, then a "change in placement" is said to have occurred. This 10-day limit does not have to be reached by a single suspension. If your child with a disability has been suspended multiple times, for similar conduct or similar lengths of time, then these suspensions may be added together and if greater than 10 days, could be equal to a change in placement.

**Child pornography** means sexually explicit images of children.

**Classroom** is defined to include the physical on-campus instructional environment, off-campus externship or instructional opportunities, and the digital instructional environment.

**Classroom distraction** means behavior that is disruptive or disturbing the class.

**Controlled substance** means a drug or other substance identified under schedule I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. section 812[c]) (United States Code, 1994 edition, volume 11; Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9328: 1995 – available at the Office of Vocational and Educational Services for Individuals with Disabilities, Room 1624, One Commerce Plaza, Albany, NY 12234).

**Contraband** means any item that is possessed in violation of this Code of Conduct or which the possession resulted in, or could reasonably result in, a disruption of the educational environment, including, but not limited to, lighters, matches, laser pointers, air horns, and other similar items that are potentially harmful or disruptive to the educational environment.

**Cyberbullying** shall mean harassment or bullying as defined in this glossary, where such harassment or bullying occurs through any form of electronic communication.

**Damage to property** means damage, destruction of or defacement of property belonging to the school or others.

**Digital classroom** extends the physical classroom into a digital space. Electronic devices and software are incorporated into the learning environment. This can include but is not limited to a digital space for collaboration between teacher and other students, reflective discussion forums, individualized lessons, and teacher feedback.

**Dignity Act coordinator** means an employee designated by the board who ensures full compliance with the Dignity for All Students Act. It also refers to designated Dignity Act coordinators in every school who coordinate and manage all written documentation, processing, school actions and interventions involved in enforcing the Dignity for All Students Act (DASA).

**Discrimination** includes the use of actual or perceived race, color, height, weight, national origin, ethnic group, religion, religious practice, gender/gender identity sexual orientation or disability as a basis for treating another in a negative manner.

**Discipline** means a system of rules of conduct, training, practice and instruction that supports and sustains positive behaviors and self-discipline. Student discipline and support policies and practices must be implemented in ways that are perceived to be fair, equitable and differentiated. Students need different amounts of time, attention, tasks, interventions and supports to behave responsibly and achieve at high levels. Differentiated responses must occur within a larger framework of fair and equitable practices under which all students are treated fairly without favor toward or prejudice against any one group of students according to ability, talent, age, gender/gender identity developmental and acquired disabilities, race and ethnicity, socio-economic status, religious and spiritual orientation, national origin and home language, sexual orientation and indigenous heritage.

**Disruptive student** means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom or activity.

**Distribution** means transferring possession of a substance in violation of this code of conduct to another person with or without an exchange of money.

**Electronic devices** means technology and equipment such as cell phones, computers and tablets.

**Emotional harm** means in the context of harassment and bullying, 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.

**Employee/school personnel** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of Article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (Education Law. Sec. 11(4) and 1125(3)).



**Entering a class without permission** means entering a class a student is not enrolled in or had been removed from for that class period.

**Extortion** means theft using coercion, which includes obtaining money or property from another student through coercion, intimidation or threat of physical harm.

**Failure to clear security/bypassing security** shall mean entry upon school property without submitting to the requisite security procedures and protocols.

**False activation of a fire alarm** means the activation of a fire alarm when there is no fire or emergency warranting such activation.

**Fighting** means displaying or engaging in violence, combat or aggression.

**Forgery** means false and/or fraudulent making or altering of a document or the use of such a document.

**Gang activities** or acts that intentionally further gangs or gang-related activities include but are not limited to: tagging or otherwise defacing school property with gang or gang-related symbols or slogans; requiring payment of protection, insurance or otherwise intimidating or threatening any person related to gang activity; inciting other students to intimidate or to act with physical violence upon other person related to gang activity; and soliciting others to gang membership.

**Gambling** means participation in games of chance, including, but not limited to, card playing for money and/or other things of value.

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

**Gender expression** means the way in which we each we express gender identity to others through behavior, clothing, haircut, voice and other forms of presentation.

**Gender identity** means the way in which people self-identify and present their masculinity and femininity to the world. Gender identity is an individual's sense of being a man, a woman, a boy, or a girl, or sometimes outside of these binaries. Gender identity is internal and is not necessarily visible to others.

**Harassment or bullying** means the creation of a hostile environment by verbal and non-verbal conduct, intimidation, verbal threats or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits; or mental, emotional and/or physical well-being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or reasonably causes or would reasonably be expected to cause a student to fear for their physical safety. Such acts of harassment and bullying include those that occur on school property; at a school function or off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Harassing and bullying behavior may be based on any characteristic including but not limited to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender/gender identity. Bullying is an intentional act or the repeated intentional acts done willfully, knowingly and with deliberation, by individuals or an individual that target and harm another person

physically or emotionally. Bullying is characterized by an imbalance of power between two students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students.

**Hallway misbehavior** means willful acts that impede normal operations and navigation on school grounds outside of buildings and in public spaces within any school building including, but not limited to, hallways, stairwells, cafeteria, library, auditorium, all offices and all spaces not designated as classrooms. Hallway misbehavior includes, but is not limited to:

- Bringing in unauthorized pets or animals;
- Shoving, horseplay, play-fighting;
- Clustering in groups in ways that impede the movement of students from one place to another;
- Making unreasonable and excessive noise;
- Obstructing vehicular traffic or pedestrian movement;
- Running in hallways;
- Running away when school staff member is asking a direct question or making a direct request to a student;
- Unauthorized presence in any prohibited school area.

**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. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule, or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:

- Humiliation: socially offensive, isolating or uncooperative behaviors;
- Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs;
- Dangerous hazing: hurtful, aggressive, destructive and disruptive behaviors.

The term "hazing" as used in this Code of Conduct, means any conduct or methods of initiation into any student organization, whether on public or private property, before, during or after school hours, which willfully or recklessly endangers the physical or mental health of any student. Consent of the victim of hazing shall not be available as a defense to any prosecution of hazing under this Code of Conduct. Whoever knows that another person is the victim of hazing and is at the scene of such a hazing shall, to the extent that the person can do so without danger or peril to themselves or others, report such activity to an appropriate official as soon as responsibly possible. Any person who knowingly and unreasonably fails to report hazing activity shall be guilty as an accomplice in such activity. Employees who fail to report an incident of hazing may be subject to disciplinary action.

**Illegal behavior** means any behavior that is considered a violation against municipal, state, or federal laws.

**Illegal drug** means a controlled substance which is illegal in certain situations (meaning a person is not allowed to have them). This does not include a controlled substance legally possessed or used under the supervision of a licensed health care professional or a substance that is otherwise legally possessed or used under the authority

of the Controlled Substances Act or under any other provision of federal law.

**Inciting or participating in a disturbance** means 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.

**Indecent exposure** means a student who appears in a public place in such a manner that the private or intimate parts of their body are unclothed or exposed.

**Inhalant** means medicine or illegal drug that is breathed into the lungs through the mouth or nose. Students will only be penalized for possession of illegal drugs or medicine they are not legally authorized to possess.

**Instigating** means behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals.

**Interventions** mean specific programs, strategies, restorative conferencing protocols, skill-building sessions and individual and group counseling activities that enable students 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 track for school success.

**Juvenile offender** as defined by New York Criminal Procedure Law § 1.20 means

1. A person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; and
2. A person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law.

**Leaving the classroom without permission** occurs when a student exits a classroom without the permission of the teacher or staff.

**Leveled consequences and interventions** communicate an increasing sense of urgency and seriousness to the

student and the parent/guardian by:

- Increasing the degree of involvement and communication for the student and parent/guardian as consequences and interventions intensify;
- Involving other teachers, student support team members, and/or administrators in behavioral conferences and contracts with student and parent/guardian;
- Increasing the levels of adult supervision and monitoring of the student through daily check-ins, progress reports, and teacher feedback.

Leveled consequences and interventions move from teacher responses to behavior concerns to more intense and comprehensive interventions and consequences when a) the same behavior becomes chronic; or b) the intensity, frequency or severity of cumulative behaviors and incidents continues to escalate or c) a single incident warrants Level 2 or Level 3 consequence.

**Long term suspension** (See page 18)

**Makeup work** When students are removed from class because of inappropriate or disruptive behavior, school staff must provide students with missed assignments and the opportunity to make up these assignments without penalty. Students with Individualized Education Plans (IEPs) and 504 plans have additional protections that may require full IEP implementation, not just homework packets.

**Manifestation determination** A manifestation determination is a meeting held to decide if there is a relationship between the student's disability and the behavior that is the subject of the disciplinary action. This meeting should be held immediately, but no longer than 10 days after a student with a disability has been suspended in a way that constitutes a change in placement. This meeting must take place within 10 days of the district's decision to suspend the child for 10 or more days, or for a period of time that otherwise constitutes a disciplinary change in placement.

**Marijuana (cannabis and/or substances containing THC)** violations means possession, use, sale or distribution of marijuana or marijuana products, including but not limited to, blunts, bongos, capsules, dabs, edibles, joints, pipes, and vape devices and pens.

**Material incident of harassment, bullying and/or discrimination** means a single verified incident or a series of verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition "harassment and bullying" as defined above and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee. Such conduct shall include, but is not limited to threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex; provided that nothing in this definition shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sec. 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be

permissible under Section 504 of the Rehabilitation Act of 1973.

**National origin** means a person's country of birth or ancestor's country of birth.

**Nexus** is a connection to school for conduct that occurred outside of the school that may endanger the health or safety of students within the educational system or adversely affect or disrupt normal school and administrative operations.

**Non-authorized or inappropriate use and misuse of school equipment, school materials and electronic devices** includes:

- Misuse of technology: Any situations in which a student or students deliberately tamper with, damage, alter, access, crash or corrupt the computer or communications system for a class, school or the district, resulting in the loss or corruption of information, or the ability of the system to operate, or in any way disrupts or degrades the school or district's technology infrastructure.
- Computer misuse: Any unauthorized or inappropriate use of computers, including the Internet, specific programs or hacking (i.e., sharing of obscene, pornographic [including transmission of child pornography], lewd or illegal images or photographs, unauthorized use of computers, software, or Internet/intranet accounts, accessing inappropriate websites).
- Non-authorized use and misuse of electronic and other devices: This includes the non-authorized use of any of the following on school premises during the school hours of any school day: electronic communication devices, cellular phones, electronic games and other materials designated by staff as disruptive or potentially disruptive. Misuse includes, but is not limited to, texting, sexting, blogging, verbal comments, graphic and symbolic communication, written communication via email, instant messaging, blogging and posting in web sites. Students may not engage in electronic communication which demeans or ridicules on the bases of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or any other legally protected status (electronic bullying).

**Non-compliance** means failure to follow established and identified school policies and procedures, failure to follow the directives of staff, failure to respond to staff (i.e.: stop horseplay, return to class, repeated foul language, etc.)

**Offensive touching** means an intentional act taken against a student with a part of the body or with an instrument, including, but not limited to, shoving, pushing, and striking, thereby causing offense, alarm, or minor physical harm.

**Parent** means parent, guardian or the person in a parental relationship to a student.

**Persistent** means repeated over a period of days after interventions have been implemented and given ample time to be effective.

**Physical aggression** means behavior causing or threatening physical harm towards others, including but not limited to, hitting, kicking, biting, and shoving.

**Physical contact** means the act of touching physically.

**Positive behavior** means socially appropriate behavior

(verbal and non-verbal) that does not interfere with the learning environment.

**Positive Behavioral Interventions and Supports (PBIS)** is a school-wide, three-leveled framework of universal expectations, shared language and common policies and practices that support a safe, civil, disciplined and orderly school climate and positive student behavior through the promotion of social and emotional competence and habits of self-discipline and prevention of inappropriate, unacceptable and unskillful behaviors (Level 1); targeted interventions for students who meet specific criteria and conditions associated with specific interventions (Level 2); and more intensive and individualized interventions for students with high needs who are at greatest risk for healthy development and school success (Levels 3 and 4).

**Public space misconduct** Willful acts that impede normal operations and navigation on school grounds outside of buildings and in public spaces within any school building including, but not limited to, hallways, stairwells, cafeteria, library, auditorium, all offices, and all spaces not designated as classrooms. Public space misconduct can be classified as serious and includes, but is not limited to:

- Bringing in unauthorized pets or animals;
- Shoving, horseplay, play-fighting;
- Clustering in groups in ways that impede the movement of students from one place to another;
- Making unreasonable and excessive noise;
- Obstructing vehicular traffic or pedestrian movement;
- Unauthorized presence in any prohibited school area.

**Race** A group of persons related by a common descent or heredity; for purposes of enumeration, the U.S. Census Bureau uses terms such as: "White/Caucasian," "Black/African American/African-descent," "Asian," "Biracial," "Hispanics/Latinos," etc. to describe and classify the inhabitants of the United States.

**Repeatedly substantially disruptive** means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for an informal conference given to a student subject to a short-term suspension.

**Reportable to police** Certain offenses require police reports while reporting of others depends on whether the activity is considered criminal behavior. Police reports are required when an offense is illegal or causes injury to persons.

**Restorative practices** help us improve and repair relationships to decrease crime and antisocial behavior, repair harm, increase social capital and build healthy communities. Restorative practices include strategies such as affective statements, community circles and restorative conversations. These skills are also embedded throughout our RULER work.

**Robbery** means obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence or intimidation using a dangerous instrument or weapon.

**School** as utilized in the Code of Conduct includes not only the physical school building and classrooms, but includes digital classrooms and off-campus class

learning opportunities arranged by the district or for district students.

**School bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

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

**School property** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

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

**Serious public space misconduct** See public space misconduct.

#### **Sexual Offenses:**

- Inappropriate sexual behavior includes, but is not limited to, physical touching of intimate body parts of another or one's self. Consensual acts of intimacy are not appropriate in an educational setting and are prohibited.
- Sexual harassment means unwelcome acts, including, but not limited to, sexual advances, requests for sexual favors, requesting, taking, or sending sexually explicit videos, pictures or auditory recordings or other inappropriate verbal, written or physical conduct of a sexual nature, directed toward others. The sexual harassment offender suggests, solicits, requests, commands, demands or otherwise attempts to induce another individual to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that it is likely to cause annoyance, offense or alarm to that individual.
- Sexual assault means physical sexual act by force or threat of force against a staff member or another student, including inappropriate touching.
- Rape or attempted rape includes forced or attempted forced sexual contact without the consent of the victim.

**Sex** means the biological and physiological characteristics that define men and women (male and female denote "sex").

**Sexual orientation** means the sex to which a person is sexually attracted.

**Student support teams** includes but is not limited to school building and/or district-wide personnel operating in the role of social worker, behavior specialist, school counselor, school psychologist, school nurse, attendance teacher, homeless liaison, school administrator or other titles engaged in the work of supporting student social-

emotional-behavioral wellbeing.

**Short-term suspension** (See page 17)

**Tardiness** means arriving late to school or class.

**Theft** means taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use.

**Threat** means an actual declaration of an intention or determination to inflict physical or emotional injury or cause physical or emotional harm.

**Threat against school personnel written or verbal** means stating an intention to cause school personnel harm whether in writing or verbally. Tone and perceived threats are not sufficient; the student must threaten actual harm or injury against the school personnel or the family of school personnel.

**Tobacco violations** mean possession, use, sale or distribution of tobacco or tobacco products, including, but not limited to, cigarettes, e-cigarettes, vape devices, cigars, pipe tobacco, snuff, chewing tobacco or smokeless tobacco.

**Trespassing** means being on school property without permission, including while suspended or expelled; includes breaking and entering.

**Verbal aggression** against school personnel includes misleading or giving false information to school staff; confrontational and aggressive arguing; name-calling, insults, making inappropriate gestures, symbols or comments; or using profane or offensive language.

**Unauthorized medication** means a substance used for medical treatment, including prescribed and over the counter medications. This does not include prescribed medications possessed or used under the supervision of a licensed healthcare professional that has been properly documented as per district policy.

**Under the influence** means altered physical and/or mental state after consuming a substance in violation of this code of conduct.

**Unintentional** means not intentional or deliberate; accidental.

**Using or possessing** means consuming a substance in violation of this code of conduct or in possession of these substances on school property or at school functions.

**Vape device or vaporizer** is a device used to vaporize substances for inhalation. Vape device includes but is not limited to e-cigarettes, vapes, vape pens, dab pens, Juuls, mods, pods, and any substances used therein

**Violent student** means a student under the age of 21 who while on school property or at a school function:

1. Commits an act of violence upon a school employee or attempts to do so;
2. Commits, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts to do so;
3. Possesses a weapon;
4. Displays what appears to be a weapon;
5. Threatens to use a weapon or threatens physical harm;
6. Knowingly and intentionally damages or destroys the personal property of any school employee or

any person lawfully on school property or at a school function;

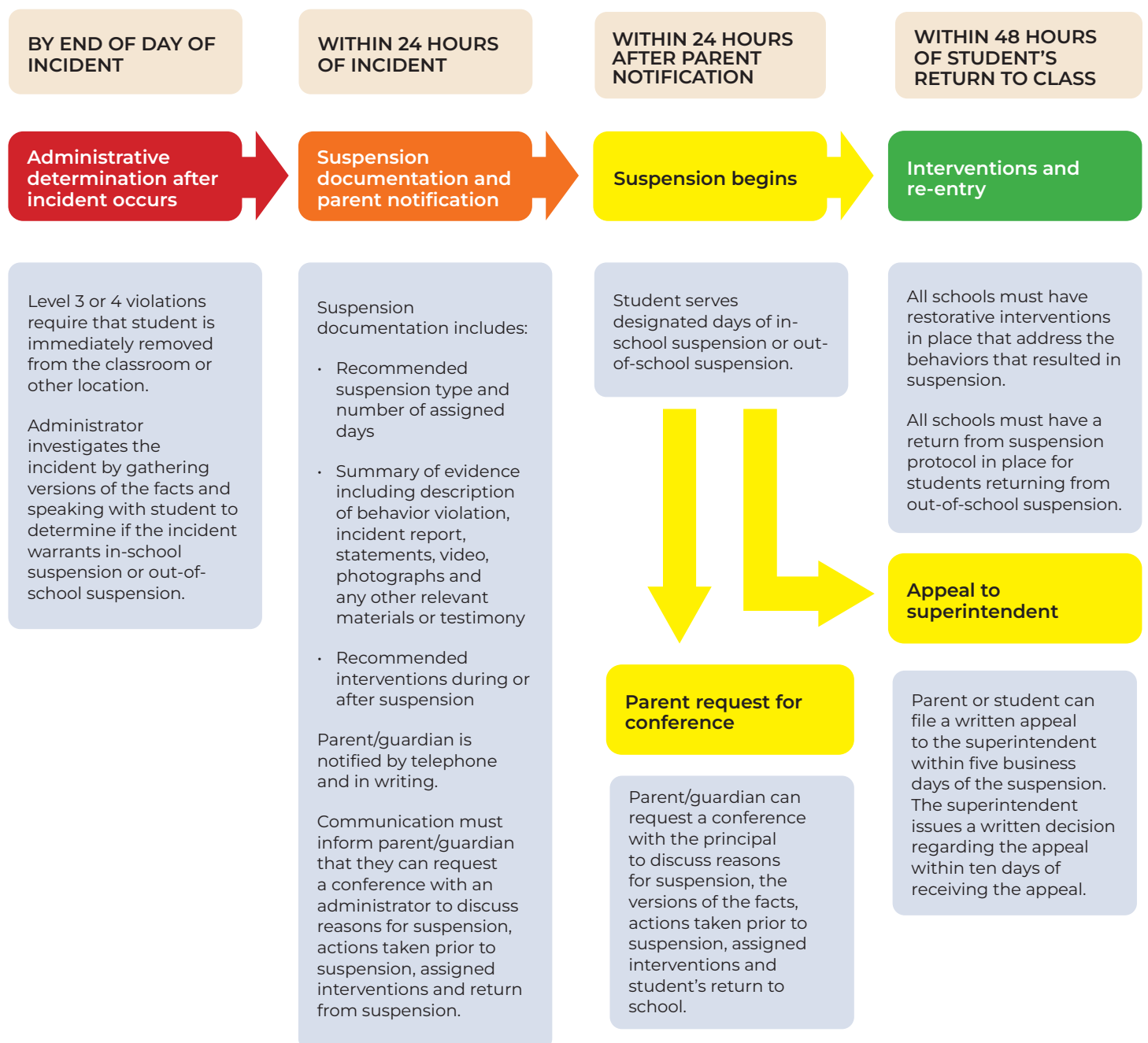
7. Knowingly and intentionally damages or destroys school district property; or
8. Is otherwise defined under Education Law §3214 (available at nysed.gov).

**Weapon** means a firearm as defined in 18 U.S.C. §921 for purposes of the Gun-Free Schools Act. It also means

any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane, sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, loaded or blank cartridges or other ammunition, or other device, instrument, material, or substance that can cause physical injury or death when used with the intention of causing physical injury or death.

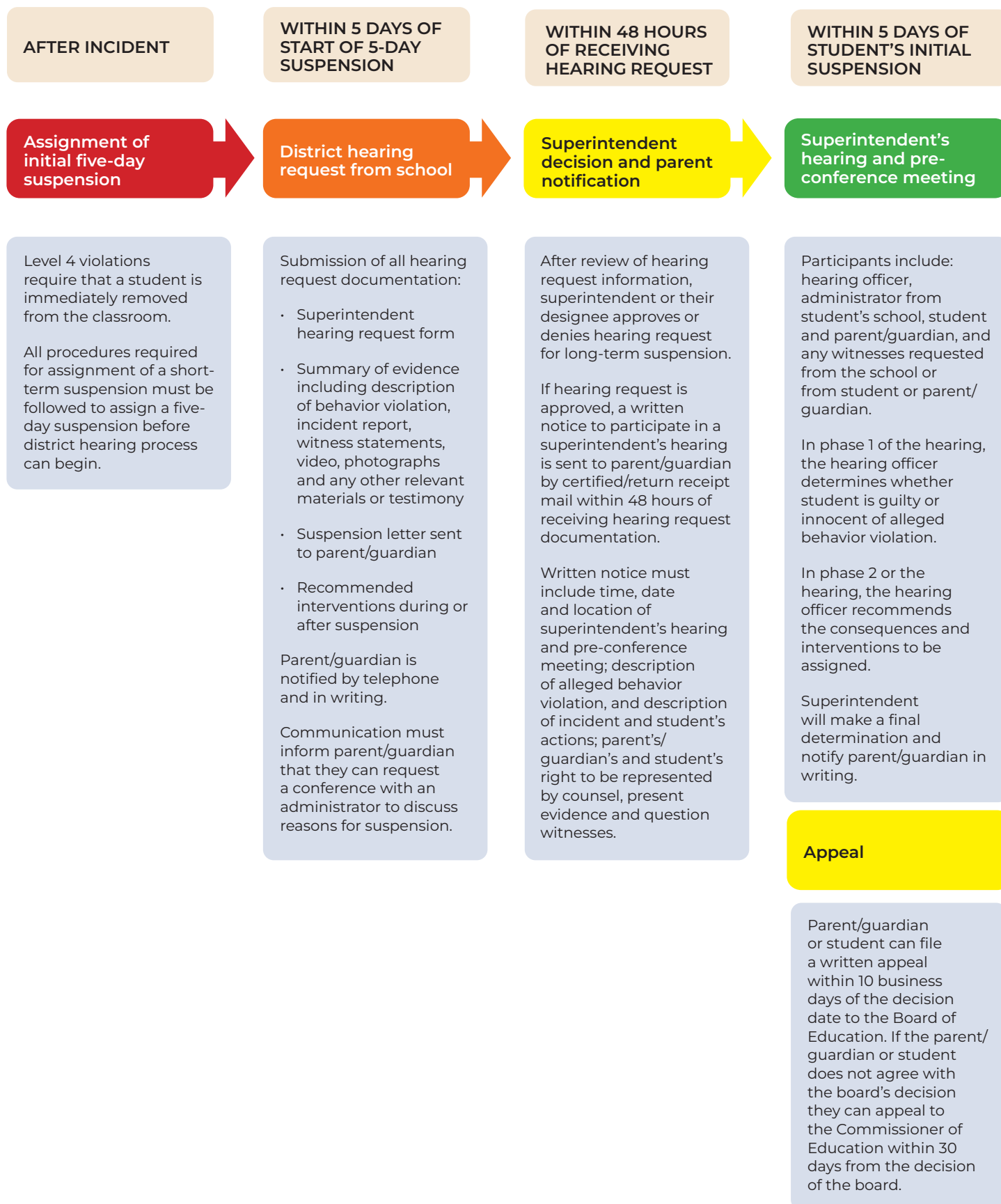
## XXI. Short-term in-school or one- to five-day out-of-school suspension procedures and timeline

If a student's inappropriate, unacceptable or unsafe behavior is identified as a Level 2 violation, it may warrant short-term in-school suspension. If a student's inappropriate, unacceptable or unsafe behavior is identified as a Level 3 violation, it may warrant a short-term-in-school or out-of-school suspension.



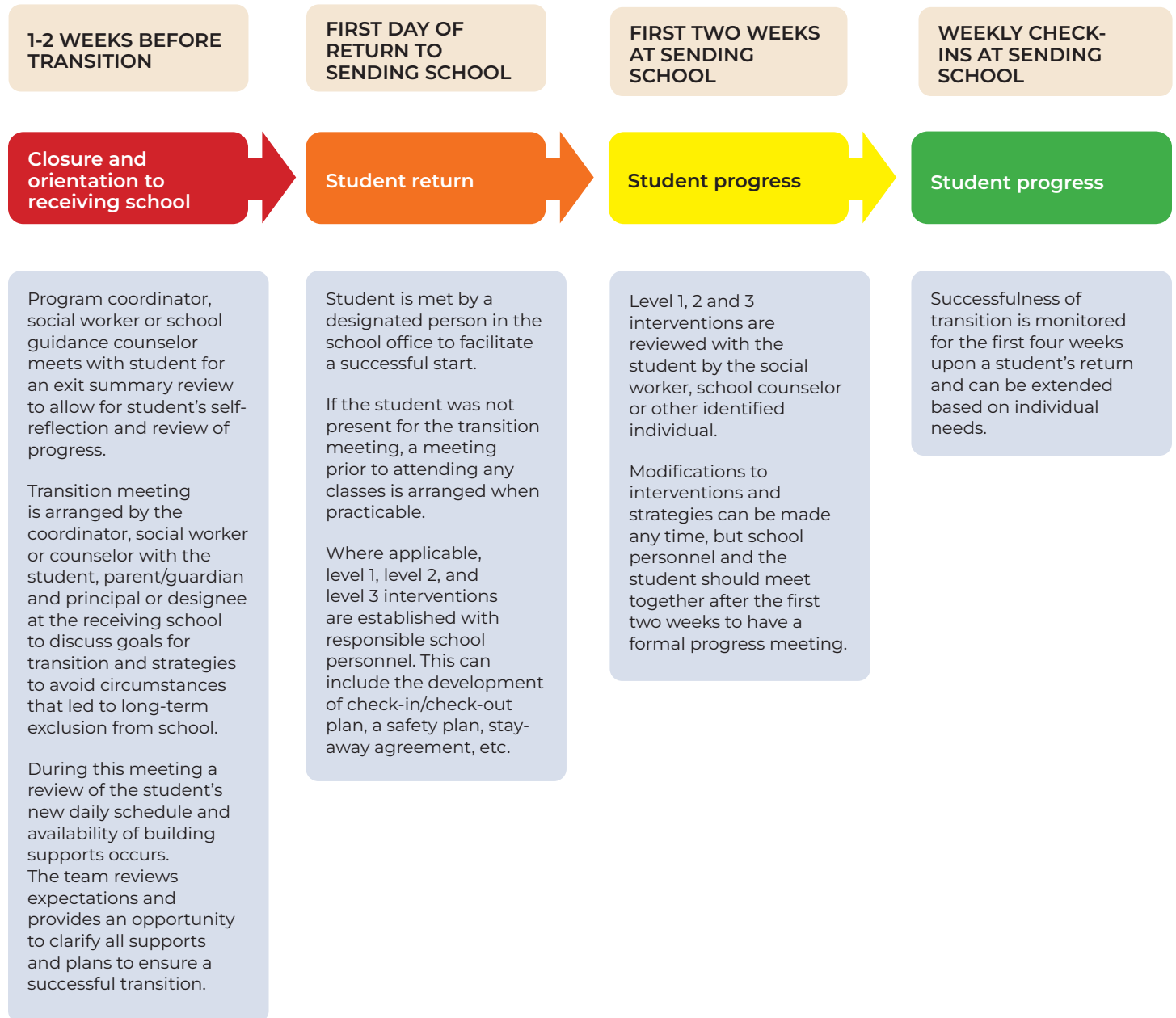
## XXII. Out of school suspension lasting more than five days

If a student's inappropriate, unacceptable or unsafe behavior is identified as a Level 4 violation that warrants possible assignment of an out of school suspension of more than five days, the following procedures and timeline must be followed.



# XXIII. Transition timeline for a student's return to school after long-term suspension

To ensure a student's optimal transition back to a regular school program, the following structures and procedures should be in place.



# BOARD OF EDUCATION

**Vickie Smith**, President

**Anne Savage**, Vice President

**Sridar Chittur, Ph.D.**, Secretary

**Hassan I. Elminyawi**

**Ellen Krejci**

**Damarise Mann**

**Tabetha Wilson**

---

**Joseph Hochreiter**

Superintendent

## OUR VISION

The City School District of Albany will be a district of excellence with caring relationships and engaging learning experiences that provide equitable opportunities for all students to reach their potential.

## OUR MISSION

The mission of the City School District of Albany is to work in partnership with our diverse community to engage every learner in a robust educational program designed to provide the knowledge and skills necessary for success.

## OUR GOALS

- Increase student achievement
- Enhance the delivery of quality instruction
- Build our leadership capacity and increase accountability
- Empower families
- Partner with our diverse community

[albanyschools.org](http://albanyschools.org)

[f](#) [t](#) [@](#) @albanyschools  
#allinforalbany  
(518) 475-6000

