

The
New York City
Department
of
Education

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Chancellor



CITYWIDE STANDARDS

OF DISCIPLINE AND INTERVENTION MEASURES

{THE DISCIPLINE CODE}

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NEW YORK CITY DEPARTMENT OF EDUCATION

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Citywide Standards of Discipline and Intervention Measures (The Discipline Code)
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CITYWIDE STANDARDS OF DISCIPLINE AND INTERVENTION MEASURES

{THE DISCIPLINE CODE}

The New York City Department of Education is committed to ensuring that our schools are places where students learn and staff teach in a safe, secure and orderly environment. Such an environment can only be achieved where students, staff and parents demonstrate mutual respect. It is, therefore, necessary that students, staff and parents understand that there are **standards of behavior** with which all students are expected to comply and that there are consequences if these standards are violated. These standards of behavior include: a **Discipline Code** that sets forth a comprehensive description of unacceptable behavior, including incidents involving drugs or weapons, and the range of permissible disciplinary and intervention measures which may be utilized when students engage in such behaviors; and a **Student Bill of Rights and Responsibilities** that promotes responsible behavior and an atmosphere of dignity and respect by establishing guidelines for appropriate and acceptable conduct, dress and language.

In providing a range of permissible disciplinary measures, the Discipline Code ensures both consistency and equitable treatment for all students and enables principals and superintendents to exercise discretion and educational judgment. Principals, teachers, school staff, students and parents need to know the disciplinary measures that can be taken when any student misbehaves or substantially disrupts a classroom. It should, however, be recognized that inappropriate behavior or violations of the discipline code may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may be impacting upon the behavior of students and respond in a manner that is most supportive of their needs.

School personnel are responsible for developing and utilizing techniques and measures that promote optimal learning and address behaviors which negatively impact upon the education process. Toward that end, school personnel are expected to engage students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and her/his parent. Intervention and prevention approaches may include guidance support and services to address personal and family circumstances; social/emotional learning, conflict resolution/peer mediation/negotiation, anger management, and/or communication skills acquisition; the use of alternative instructional materials and/or methods; enrichment services; and/or alternative class placement. For students with disabilities, functional behavioral assessments and behavioral intervention plans should be developed and/or reviewed as an early intervention strategy. If, at any time, school officials suspect that a student's difficulties may be the result of a disability which may require special education services, the student should be referred immediately to the Committee on Special Education. Through the use of intervention and prevention strategies that engage students and give them a clear sense of purpose, school staff facilitate students' academic and social-emotional growth and assist them in following school rules and policies.

It is important that there be maximum consultation and communication between the school and the home. Students, parents and school staff all have a role in making the schools safer and must cooperate with one another to achieve that goal. In order to ensure that parents

become active and involved partners and that they instill a sense of responsibility in their children, parents must be familiar with the Discipline Code. Educators are responsible for informing parents about their child's behavior and for nurturing the skills students need to succeed in school and in society. As role models, parents and school staff should exhibit behavior which they would like to see emulated. Guidance conferences attended by the principal or his/her designee, a guidance counselor, the student's parent, and one or more of the student's teachers, are an effective means of encouraging parental input and should be held with students where appropriate.

School personnel must ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that manifest themselves as truancy or patterns of unexcused absence. In cases of truancy, school personnel must meet with the student and parent in order to determine an appropriate course of action which should include, but not be limited to: guidance intervention, referral for counseling, referral to after-school programs, the filing of a Person in Need of Supervision (PINS) Petition in Family Court and referral to the Administration for Children's Services (ACS). The school's Attendance or Pupil Personnel Committee should review cases of truancy and should involve attendance teachers, deans, guidance counselors, teachers, social workers and other school staff in facilitating a resolution to address the pattern of truancy.

The standards set forth in the Discipline Code apply to behavior in school during school hours, before and after school, while on school property, while traveling on vehicles funded by the Department of Education, at all school-sponsored events and on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community. When misbehavior involves communication, gesture or expressive behavior, the infraction applies to oral, written or electronic communications.

INFRACTIONS AND RANGES OF POSSIBLE DISCIPLINARY RESPONSES

School officials must consult the Discipline Code in determining what disciplinary measure to impose. **In addition to consulting the Discipline Code, prior to determining the appropriate disciplinary and/or intervention measures, the following must be considered: the student's age, maturity, and previous disciplinary record (including the nature of the prior misconduct, the number of prior instances of misconduct, and the disciplinary measure imposed for each); the circumstances surrounding the incident leading to the discipline; and the student's IEP, BIP and 504 Accommodation Plan, if applicable.**

The enumerated infractions are not all-inclusive. Students who engage in misconduct which is not listed are subject to appropriate disciplinary measures by the teacher, principal or regional superintendent based on violation of school rules. To ensure that staff, students and parents are aware of all expected standards of behavior, school rules should be in writing and distributed along with the Discipline Code.

Each level of infractions contains a minimum to a maximum range of possible disciplinary responses that may be imposed by a teacher, principal or regional superintendent. Infractions are grouped into five levels, which range from insubordinate behaviors to seriously dangerous or violent behaviors and provide a corresponding range of possible disciplinary responses. Whenever possible and appropriate, interventions should begin with the lowest level of disciplinary response. Clear distinctions are made for levels of behavior for grades K-5 and 6-12 so that the age and general maturity of the student are considered. Some infractions may not apply to students in grades K-3. The Discipline Code provides graduated penalties for students who engage in repeated misbehaviors despite the prior imposition of appropriate disciplinary measures. More severe penalties will be imposed on those students who engage in a pattern of persistent misconduct. Whenever possible and appropriate, prior to imposing such penalties, school officials should exhaust less severe disciplinary responses. In addition, a non-exhaustive list of guidance considerations, alternative techniques and other measures, e.g., counseling, which may be used when appropriate in conjunction with the disciplinary response, is included in this document on page 18.

NOTE: It is the responsibility of schools to notify parents whenever students violate the Discipline Code or school rules. However, Level 3 Infractions or higher must be reported to parents. When a student is believed to have committed a crime, the police must be summoned and parents must be contacted.

DISCIPLINE PROCEDURES

All entries in student records must be made in accordance with Chancellor's Regulation A-820. All suspensions and removals from the classroom must be effectuated substantively and procedurally in accordance with relevant Regulations of the Chancellor, State Education Law and Federal Laws. Principals' suspensions may be appealed to the regional superintendents and regional superintendents' suspensions may be appealed to the Chancellor in accordance with Chancellor's Regulation A-443.

School officials are responsible for sharing the information contained herein with students, staff and parents. Student discipline procedures for summer school vary from those used during the regular school year and are issued separately.

STUDENT DISCIPLINE CODE

{Kindergarten-Grade 5}

Level 1 Infractions – Insubordinate Behaviors

- A01 Unexcused absence from school (A-D only)
- A02 Failing to wear the required school uniform (applies only to students in schools that have adopted a school uniform policy and whose parents have not secured an exemption) (A and/or D only)
- A03 Being late for school
- A04 Bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper)
- A05 Failing to be in one's assigned place on school premises
- A06 Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)
- A07 Engaging in verbally rude or disrespectful behavior
- A08 Wearing clothing, headgear*, or other items that are unsafe or disruptive to the educational process
- A09 Posting or distributing material on school premises in violation of written Department of Education policy and/or school rules
- A10 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission

* If there is a question regarding whether or not clothing or headgear is representative of religious expression, the school should contact the Regional Student Placement Youth and Family Services (SPYFSS) Director.

Level 1 – Range of Possible Disciplinary Responses

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent conference
- E. In-school disciplinary action (e.g., exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher)

{Kindergarten-Grade 5}

Level 2 Infractions – Disorderly Disruptive Behaviors

- A11 Smoking
- A12 Gambling
- A13 Using profane, obscene, vulgar, lewd or abusive language or gestures
- A14 Lying or giving false information to school personnel
- A15 Misusing property belonging to others
- A16 Engaging in or causing disruptive behavior on the school bus
- A17 Leaving class or school premises without permission of supervising school personnel
- A18 Engaging in inappropriate or unwanted physical contact (grades K-3 only; see Infraction A28 for grades 4-5)
- A19 Violating the Department's Internet Use Policy (e.g., use of the Department's system for non-educational purposes, security/privacy violations)
- A20 Engaging in scholastic dishonesty which includes but is not limited to:
 - a. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; substituting for another student or permitting another student to substitute for one's self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test)
 - b. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution)
 - c. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)
- A21 Engaging in a pattern of persistent Level 1 behavior* (Whenever possible and appropriate, prior to imposing a Level 2 disciplinary response, school officials should have exhausted the disciplinary responses in Level 1. Further, repeated Level 1 infractions are limited to Level 2 disciplinary responses.)

* This applies only to infractions A04-A10 in Level 1, grades K-5.

Level 2 – Range of Possible Disciplinary Responses

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent conference
- E. In-school disciplinary actions (e.g., exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher)
- G. Principal's suspension

{Kindergarten-Grade 5}

Level 3 Infractions – Seriously Disruptive or Dangerous Behavior

- A22 Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety agents
- A23 Using slurs based upon race, ethnicity, color, national origin, religion, gender, gender identity, gender expression, sexual orientation, or disability
- A24 Fighting/engaging in physically aggressive behavior
- A25 Bringing unauthorized visitors to school or allowing unauthorized visitors to enter school in violation of written school rules
- A26 Engaging in theft or knowingly possessing property belonging to another without authorization
- A27 Tampering with, changing, or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means
- A28 Engaging in inappropriate or unwanted physical contact* (grades 4-5 only; see Infraction A18 for grades K-3)
- A29 Posting or distributing libelous or defamatory material or literature or material containing a threat of violence, injury or harm (C-I only)
- A30 Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others (C-I only)
- A31 Falsely activating a fire alarm or other disaster alarm or making a bomb threat (C-I only)
- A32 Engaging in gang-related behavior** (e.g., wearing gang apparel, writing graffiti, making gestures or signs) (grades 4-5 only) (D-I only)
- A33 Engaging in a pattern of persistent Level 2 behavior*** (Whenever possible and appropriate, prior to imposing a Level 3 disciplinary response, school officials should have exhausted the disciplinary responses in Level 2. Further, repeated Level 2 infractions are limited to Level 3 disciplinary responses.) (D-I only)

* The school should offer appropriate counseling to students who engage in this behavior.

** In determining whether the behavior is gang related, school officials may consult with the Office of School Intervention and Development's Gang Unit.

***This applies only to infractions A11-A19 in Level 2, grades K-5.

Level 3 – Range of Possible Disciplinary Responses

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent conference
- E. In-school disciplinary actions (e.g., exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- G. Principal's suspension
- H. Regional Superintendent's suspension that results in reinstatement
- I. Regional Superintendent's suspension that results in continued suspension for a fixed period of 6-29 school days

{Kindergarten-Grade 5}

Level 4 Infractions – Dangerous or Violent Behavior

- A34 Engaging in intimidation, coercion or extortion or threatening violence, injury or harm to another or others
- A35 Engaging in behavior which creates a substantial risk of or results in injury
- A36 Engaging in intimidating and bullying behavior – threatening, stalking or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that threatens another with harm, including taunting and/or intimidation through the use of epithets or slurs involving race, ethnicity, color, national origin, religion, religious practices, gender, gender identity, gender expression, sexual orientation or disability
- A37 Engaging in sexually suggestive comments, innuendoes, propositions or other verbal or nonverbal or physical conduct of a sexual nature* (e.g., touching, patting, pinching) (for grades 4-5 only)
- A38 Possessing controlled substances without appropriate authorization, illegal drugs, drug paraphernalia, and/or alcohol*
- A39 Engaging in threatening, dangerous or violent behavior which is gang-related** (grades 4-5 only) (G-K only)
- A40 Participating in an incident of group violence (G-K only)

* The school should offer appropriate counseling to students who engage in this behavior.

** In determining whether the behavior is gang related, school officials may consult with the Office of School Intervention and Development's Gang Unit.

Level 4 – Range of Possible Disciplinary Responses

- D. Parent conference
- E. In-school disciplinary actions (e.g., exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher)
- G. Principal's suspension
- H. Regional Superintendent's suspension that results in reinstatement
- I. Regional Superintendent's suspension that results in continued suspension for a fixed period of 6-29 school days
- J. Regional Superintendent's suspension that results in continued suspension for a fixed period of 30-90 school days
- K. Regional Superintendent's suspension that results in extended suspension for one year with the opportunity to petition for early reinstatement after 90 school days

{Kindergarten-Grade 5}

Level 4 Infractions – Dangerous or Violent Behavior (continued)

- A41 Threatening, while on school property, to use any instrument that appears capable of causing physical injury (G-K only)
- A42 Engaging in behavior on the school bus which creates a substantial risk of or results in injury (G-K only)
- A43 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity* (grades 4-5 only) (G-K only)
- A44 Committing arson (G-K only)
- A45 Inciting/causing a riot (G-K only)
- A46 Possessing any weapon as defined in Category II** (G-K only)
- A47 Using controlled substances without appropriate authorization, illegal drugs and/or alcohol* (G-K only)
- A48 Engaging in a pattern of persistent Level 3 behavior (Whenever possible and appropriate, prior to imposing a Level 4 disciplinary response, school official should have exhausted the disciplinary responses in Level 3. Further, repeated Level 3 infractions are limited to Level 4 disciplinary responses.)

* The school should offer appropriate counseling to students who engage in this behavior.

** Before requesting a suspension for possession of an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance and weight.

Level 4 – Range of Possible Disciplinary Responses (continued)

- D. Parent conference
- E. In-school disciplinary actions (e.g., exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher)
- G. Principal's suspension
- H. Regional Superintendent's suspension that results in reinstatement
- I. Regional Superintendent's suspension that results in continued suspension for a fixed period of 6-29 school days
- J. Regional Superintendent's suspension that results in continued suspension for a fixed period of 30-90 school days
- K. Regional Superintendent's suspension that results in extended suspension for one year with the opportunity to petition for early reinstatement after 90 school days

{Kindergarten-Grade 5}

Level 5 Infractions – Seriously Dangerous or Violent Behavior

- A49 Using force against or inflicting or attempting to inflict serious injury against school personnel or school safety agents (I-K only)
- A50 Using extreme force against or inflicting or attempting to inflict serious injury upon students or others (I-K only)
- A51 Selling or distributing illegal drugs or controlled substances* (I-K only)
- A52 Possessing any weapon, other than a firearm, as defined in Category I (I-K only)
- A53 Using any weapon as defined in Category II to attempt to inflict injury upon school personnel, students, or others (I-K only)
- A54 Using any weapon, other than a firearm, as defined in Category I or Category II to inflict injury or Category I to attempt to inflict injury upon school personnel, students, or others
- A55 Possessing or using a firearm (L only)**

* The school should offer appropriate counseling to students who engage in this behavior.

** This disciplinary measure may be modified on a case-by-case basis.

Level 5 – Range of Possible Disciplinary Options

- I. Regional Superintendent's suspension that results in continued suspension for a fixed period of 6-29 school days
- J. Regional Superintendent's suspension that results in continued suspension for a fixed period of 30-90 school days
- K. Regional Superintendent's suspension that results in extended suspension for one year with the opportunity to petition for early reinstatement after 90 school days
- L. Regional Superintendent's suspension that results in a one year suspension and assignment to a Second Opportunity School (SOS) for students in grades 6-12 and to an alternative program for students in grades K-5, without the opportunity to petition for early reinstatement

Level 1 Infractions – Insubordinate Behaviors

- B01 Unexcused absence from school (A-D only)
- B02 Failing to wear the required school uniform (applies only to students in grades 6-8 in schools that have adopted a school uniform policy and whose parents have not secured an exemption) (A-D only)
- B03 Cutting classes (reporting to school and failing to attend one or more programmed classes)
- B04 Being late for school or class
- B05 Bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper)
- B06 Failing to be in one's assigned place on school premises
- B07 Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)
- B08 Engaging in verbally rude or disrespectful behavior
- B09 Wearing clothing, headgear*, or other items that are unsafe or disruptive to the educational process
- B10 Posting or distributing material on school premises in violation of written Department of Education policy and/or school rules
- B11 Failing to provide school officials with required identification
- B12 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission

* If there is a question regarding whether or not clothing or headgear is representative of religious expression, the school should contact the Regional Student Placement Youth and Family Services (SPYFSS) Director.

Level 1 – Range of Possible Disciplinary Responses

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent conference
- E. In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)

Level 2 Infractions – Disorderly Disruptive Behaviors

- B13 Smoking
- B14 Gambling
- B15 Using profane, obscene, vulgar, lewd or abusive language or gestures
- B16 Lying or giving false information to school personnel
- B17 Misusing property belonging to others
- B18 Engaging in or causing disruptive behavior on the school bus
- B19 Engaging in a pattern of persistent Level 1 behavior* (Whenever possible and appropriate, prior to imposing a Level 2 disciplinary response, school officials should have exhausted the disciplinary responses in Level 1. Further, repeated Level 1 infractions are limited to Level 2 disciplinary responses.)

Level 2 – Range of Possible Disciplinary Responses

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- D. Parent conference
- E. In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- G. Principal's suspension

*This applies only to infractions B05-B12 in Level 1, grades 6-12.

Level 3 Infractions – Seriously Disruptive or Dangerous Behavior

- B20 Leaving class or school premises without permission of supervising school personnel (A-H only)
- B21 Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety agents (A-I only)
- B22 Entering or attempting to enter a school building without authorization (A-J)
- B23 Using slurs based upon race, ethnicity, color, national origin, religion, gender, gender identity, gender expression, sexual orientation, or disability (C-J only)
- B24 Fighting/engaging in physically aggressive behavior (C-J only)
- B25 Bringing unauthorized visitors to school or allowing unauthorized visitors to enter school in violation of written school rules (E-I only)
- B26 Engaging in gang-related behavior* (e.g., wearing gang apparel, writing graffiti, making gestures or signs) (D-I only)
- B27 Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means (D-I only)
- B28 Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others (D-K only)
- B29 Falsely activating a fire alarm or other disaster alarm or making a bomb threat (G-K only)
- B30 Engaging in sexually suggestive comments, innuendoes, propositions or other verbal or nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching)**
- B31 Engaging in sexual conduct on school premises or at school related functions
- B32 Engaging in theft or knowingly possessing property belonging to another without authorization (D-K only)
- B33 Violating the Department's Internet Use Policy (e.g., use of the Department's system for non-educational purposes, security/privacy violations)

* In determining whether the behavior is gang-related, school officials may consult with the Office of School Intervention and Development's Gang Unit.

** The school should offer appropriate counseling to students who engage in this behavior.

Level 3 – Range of Possible Disciplinary Responses

- A. Admonishment by pedagogical school staff
- B. Student/teacher conference
- C. Reprimand by appropriate supervisor (e.g. assistant principal, principal)
- D. Parent conference
- E. In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher)
- G. Principal's suspension
- H. Regional Superintendent's suspension that results in reinstatement
- I. Regional Superintendent's suspension that results in continued suspension for a fixed period of 6-29 school days
- J. Regional Superintendent's suspension that results in continued suspension for a fixed period of 30-90 school days
- K. Regional Superintendent's suspension that results in extended suspension for one year with the opportunity to petition for early reinstatement after 90 school days

Level 3 Infractions – Seriously Disruptive or Dangerous Behavior (continued)

- B34 Posting or distributing libelous or defamatory material or literature or material containing a threat of violence, injury or harm (D-K only)
- B35 Engaging in scholastic dishonesty which includes but is not limited to:
- Cheating (e.g., copying from another’s test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an un-administered test; substituting for another student or permitting another student to substitute for one’s self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test)
 - Plagiarizing (appropriating another’s work and using it as one’s own for credit without the required citation and attribution)
 - Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)
- B36 Engaging in a pattern of persistent Level 2 behavior (Whenever possible and appropriate, prior to imposing a Level 3 disciplinary response, school officials should have exhausted the disciplinary responses in Level 2. Further, repeated Level 2 infractions are limited to Level 3 disciplinary responses.) (D-K only)

Level 3 – Range of Possible Disciplinary Responses (continued)

- Admonishment by pedagogical school staff
- Student/teacher conference
- Reprimand by appropriate supervisor (e.g., assistant principal, principal)
- Parent conference
- In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)
- Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal’s suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- Principal’s suspension
- Regional Superintendent’s suspension that results in reinstatement
- Regional Superintendent’s suspension that results in continued suspension for a fixed period of 6-29 school days
- Regional Superintendent’s suspension that results in continued suspension for a fixed period of 30-90 school days
- Regional Superintendent’s suspension that results in extended suspension for one year with the opportunity to petition for early reinstatement after 90 school days

Level 4 Infractions – Dangerous or Violent Behavior

- B37 Engaging in intimidation, coercion or extortion or threatening violence, injury or harm to another or others
- B38 Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury
- B39 Engaging in intimidating and bullying behavior – threatening, stalking or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that threatens another with harm, including taunting and/or intimidation through the use of epithets or slurs involving race, ethnicity, color, national origin, religion, religious practices, gender, gender identity, gender expression, sexual orientation or disability
- B40 Possessing controlled substances without appropriate authorization, illegal drugs, drug paraphernalia, and/or alcohol*
- B41 Engaging in threatening, dangerous or violent behavior that is gang-related** (G-M only)
- B42 Participating in an incident of group violence (G-M only)
- B43 Threatening, while on school property, to use any instrument that appears capable of causing physical injury (G-M only)
- B44 Engaging in behavior which creates a substantial risk of or results in injury (G-M only)
- B45 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity (G-M only)
- B46 Committing arson (G-M only)
- B47 Inciting/causing a riot (G-M only)

* The school should offer appropriate counseling to students who engage in this behavior.

** In determining whether the behavior is gang-related, school officials may consult with the Office of School Intervention and Development's Gang Unit.

Level 4 – Range of Possible Disciplinary Responses

- E. In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- G. Principal's suspension
- H. Regional Superintendent's suspension that results in reinstatement
- I. Regional Superintendent's suspension that results in continued suspension for a fixed period of 6-29 school days
- J. Regional Superintendent's suspension that results in continued suspension for a fixed period of 30-90 school days
- K. Regional Superintendent's suspension that results in extended suspension for one year with the opportunity to petition for early reinstatement after 90 school days
- L. Regional Superintendent's suspension that results in a one year suspension and assignment to a Second Opportunity School (SOS) for students in grades 6-12 and to an alternative program for student in grades K-5, without the opportunity to petition for early reinstatement
- M. Expulsion (only for general education students who turned 17 prior to the beginning of the school year, which is July 1)

Level 4 Infractions – Dangerous or Violent Behavior (continued)

- B48 Possessing any weapon as defined in Category II* (G-M only)
- B49 Using controlled substances without appropriate authorization, illegal drugs and/or alcohol** (G-M only)
- B50 Engaging in a pattern of persistent Level 3 behavior*** (Whenever possible and appropriate, prior to imposing a Level 4 disciplinary response, school official should have exhausted the disciplinary responses in Level 3. Further, repeated Level 3 infractions are limited to Level 4 disciplinary responses.) (G-M only)

* Before requesting a suspension for possession of an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance and weight.

** The school should offer appropriate counseling to students who engage in this behavior.

***This applies only to infractions B20-B33 in Level 3, grades 6-12.

Level 4 – Range of Possible Disciplinary Responses (continued)

- E. In-school disciplinary actions (e.g., detention, exclusion from extracurricular activities, recess or communal lunchtime)
- F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.)
- G. Principal's suspension
- H. Regional Superintendent's suspension that results in reinstatement
- I. Regional Superintendent's suspension that results in continued suspension for a fixed period of 6-29 school days
- J. Regional Superintendent's suspension that results in continued suspension for a fixed period of 30-90 school days
- K. Regional Superintendent's suspension that results in extended suspension for one year with the opportunity to petition for early reinstatement after 90 school days
- L. Regional Superintendent's suspension that results in a one year suspension and assignment to a Second Opportunity School (SOS) for students in grades 6-12 and to an alternative program for student in grades K-5, without the opportunity to petition for early reinstatement
- M. Expulsion (only for general education students who turned 17 prior to the beginning of the school year, which is July 1)

Level 5 Infractions – Seriously Dangerous or Violent Behavior

- B51 Using force against or inflicting or attempting to inflict serious injury against school personnel or school safety agents
- B52 Using extreme force against or inflicting or attempting to inflict serious injury upon students or others
- B53 Selling or distributing illegal drugs or controlled substances
- B54 Possessing any weapon, other than a firearm, as defined in Category I
- B55 Using any weapon as defined in Category II to attempt to inflict injury upon school personnel, students, or others
- B56 Using any weapon, other than a firearm, as defined in Category I or Category II to inflict injury or Category I to attempt to inflict injury upon school personnel, students, or others (L for students who have not turned 17 prior to the beginning of the school year, M for general education students who turned 17 prior to the beginning of the school year)*
- B57 Possessing or using a firearm (L for students who have not turned 17 prior to the beginning of the school year, M for general education students who turned 17 prior to the beginning of the school year)*

Level 5 – Range of Possible Disciplinary Responses

- I. Regional Superintendent's suspension that results in continued suspension for a fixed period of 6-29 school days
- J. Regional Superintendent's suspension that results in continued suspension for a fixed period of 30-90 school days
- K. Regional Superintendent's suspension that results in extended suspension for one year with the opportunity to petition for early reinstatement after 90 school days
- L. Regional Superintendent's suspension that results in one year suspension and assignment to a Second Opportunity School (SOS) for students in grades 6-12 and to an alternative program for students in grades K-5, without the opportunity to petition for early reinstatement
- M. Expulsion (only for general education students who turned 17 prior to the beginning of the school year, which is July 1)

* This disciplinary measure may be modified on a case-by-case basis.

PROHIBITED WEAPONS

Prohibited Weapons – Category I	Prohibited Weapons – Category II
<ul style="list-style-type: none"> • Firearm, including pistol and handgun, silencers, electronic dart, and stun gun • Shotgun, rifle, machine gun, or any other weapon which simulates or is adaptable for use as a machine gun • Air gun, spring gun, or other instrument or weapon in which the propelling force is a spring or air, and any weapon in which any loaded or blank cartridge may be used (such as a BB gun) • Switchblade knife, gravity knife, pilum ballistic knife and cane sword (a cane that conceals a knife or sword) • Dagger, stiletto, dirk, razor, box cutter, case cutter, utility knife and other dangerous knives • Billy club, blackjack, bludgeon, chucka stick, and metal knuckles • Sandbag and sandclub • Sling shot (small, heavy weights attached to or propelled by a thong) and slung shot • Martial arts objects including kung fu stars, nunchucks and shirkens • Explosives, including bombs, fire crackers and bombshells 	<ul style="list-style-type: none"> • Acid or deadly or dangerous chemicals • Imitation gun • Loaded or blank cartridges and other ammunition • Stink bombs • Stun pens • Laser beam pointers • Any deadly, dangerous, or sharp pointed instrument which can be used or is intended for use as a weapon (such as scissors, nail file, broken glass, chains, wire).

ADDITIONAL RESPONSES AND SUPPORTS

The following is a non-exhaustive list of other responses and supports that may be used in conjunction with the disciplinary responses for each level of behavior:

- Referral to PPT (Pupil Personnel Team)
- Intervention by mental health staff
- Individual/group counseling
- Conflict resolution
- Peer mediation
- Development of individual behavior contract
- Restitution
- Short-term behavioral progress reports
- Community service (with parental consent)
- Transfer (with parental consent)
- Guidance Conference
- Referral to a Community Based Organization (CBO)
- Mentoring Program
- Academic sanctions for a scholastic dishonesty infraction only
- Referral to appropriate substance abuse counseling services
- Involuntary transfer* (general education students only)

* In accordance with the procedures set forth in Chancellor's Regulation A-450, an involuntary transfer may be considered when a student's behavior and/or academic record demonstrate that adjustment in school is unsatisfactory and if the principal believes that the student will benefit from a transfer or receive an appropriate education elsewhere.

DISCIPLINARY RESPONSES

The following discipline responses must be effectuated in accordance with all the procedural requirements of Chancellor's Regulation A-443.

REMOVAL FROM A CLASSROOM BY A TEACHER

A student who engages in behavior which is substantially disruptive of the education process or substantially interferes with a teacher's authority over the classroom may be removed from the classroom by the teacher for 1-4 days.

Removed students will be sent to a location within the school where they will be provided with continued educational services including class work and homework.

After a student is removed from any classroom by any teacher three (3) times during a semester or two (2) times during a trimester, a principal's suspension must be sought if the student engages in subsequent misbehavior that would otherwise result in a removal by a teacher.

PRINCIPAL'S SUSPENSION

A principal has the authority to suspend a student for 1-5 days when a student's behavior presents a clear and present danger of physical injury to the student, other students or school personnel, or prevents the orderly operation of classes or other school activities.

Suspended students must be provided with alternative instruction including homework and class work.

REGIONAL SUPERINTENDENT'S SUSPENSION

A Regional Superintendent's suspension may result in a period of suspension that exceeds five days. A student who is suspended by the Regional Superintendent must be provided with the opportunity for a hearing at which the student has the opportunity to present evidence and witnesses on his/her behalf and to question the school's witnesses. If the school proves the charges against the student and the suspension is upheld by the Regional Superintendent, the Regional Superintendent may impose one of the following disciplinary options depending upon the type of misbehavior, the student's age, maturity, previous disciplinary record and the circumstances surrounding the incident.

REGIONAL SUPERINTENDENT'S SUSPENSION THAT RESULTS IN REINSTATEMENT

The Regional Superintendent may reinstate the student to the suspending school immediately following the decision to uphold the suspension.

REGIONAL SUPERINTENDENT'S SUSPENSION THAT RESULTS IN CONTINUED SUSPENSION FOR A FIXED PERIOD OF 6-29 OR 30-90 SCHOOL DAYS

The Regional Superintendent may continue the student's suspension from school for a fixed period of 6-29 or 30-90 school days during which the student receives alternative education at a location that may be outside the school building. At the end of the suspension period the student must be reinstated to his/her original school. Whenever possible, the student must be reinstated at the beginning of a new marking period, term or cycle.

REGIONAL SUPERINTENDENT'S SUSPENSION THAT RESULTS IN EXTENDED SUSPENSION FOR ONE YEAR WITH THE OPPORTUNITY TO PETITION FOR EARLY REINSTATEMENT

A Regional Superintendent may order that a student be suspended for one year and reassigned to an alternative instructional site with the opportunity to petition for early reinstatement to the suspending school after 90 school days.

After 90 school days, the student may file a written petition with the suspending superintendent explaining why the student believes he/she no longer poses a danger to the safety of the school community.

If a student elects not to petition for readmission or if the petition is not granted, the student will remain in the alternate site for one year, and will be reinstated to the suspending school at the termination of the one year suspension.

REGIONAL SUPERINTENDENT'S SUSPENSION THAT RESULTS IN A ONE YEAR SUSPENSION AND ASSIGNMENT TO A SECOND OPPORTUNITY SCHOOL FOR STUDENTS IN GRADES 6-12 AND TO AN ALTERNATIVE PROGRAM FOR STUDENTS IN GRADES K-5, WITHOUT THE OPPORTUNITY TO PETITION FOR EARLY REINSTATEMENT

A Regional Superintendent may suspend a student for one year without the opportunity to petition for early reinstatement. Students in grades K-5 must be placed in an alternative instruction site for the year. Students in grades 6-12 must be placed at a Second Opportunity School.

At the termination of the one-year period, the student will be reinstated to the school from which he/she was suspended.

EXPULSION (ONLY FOR GENERAL EDUCATION STUDENTS WHO TURNED 17 PRIOR TO THE BEGINNING OF THE SCHOOL YEAR, WHICH IS JULY 1)

A Regional Superintendent may expel a student from the New York City Public School system only if the student is in general education and turned 17 prior to the beginning of the school year.

TRANSFER OPTIONS

The Regional Superintendent may transfer a student to another school if the parent consents.

At any point in the suspension process, and in the absence of a suspension, if a principal believes that the reinstatement of a student in general education would not be appropriate because of the student's academic or behavioral difficulties and that the student would benefit from a transfer or receive an appropriate education elsewhere, the principal may initiate involuntary transfer proceedings. See Chancellor's Regulation A-450.

At any point in the suspension process, if the principal believes that a student with a disability will not benefit from reinstatement, the principal may initiate referral to the Committee on Special Education for purposes of holding a placement meeting.

New York City Department of Education

BILL OF STUDENT RIGHTS AND RESPONSIBILITIES, K-12**PREAMBLE**

A sense of mutual respect among students, parents and staff for the good of all concerned is a goal of the New York City public schools. Another goal is the involvement of students in activities and programs, within and outside the school community, which stress a commitment to civic responsibility and community service. The cooperation of all members of the school community will ensure that a rich learning experience and educational excellence can be achieved for every student. This document will serve as a guide for students as they strive to become productive citizens in a multicultural society.

I. THE RIGHT TO A FREE PUBLIC SCHOOL EDUCATION

While public schools serve many age groups whose rights may differ according to their levels of maturity, the right to a free public school education is a basic "student right" guaranteed to all children.

Students have a right to:

1. attend school and receive a free public school education from kindergarten to age 21 or receipt of a high school diploma, whichever comes first, as provided by law; students who have been determined to be English Language Learners are entitled to bilingual education or English as a second language program as provided by law; students with disabilities who have been determined to be in need of special education are entitled to a free appropriate public education from age 3 until age 21, as provided by law;
2. be in a safe and supportive learning environment, free from discrimination, harassment and bigotry;
3. receive courtesy and respect from others regardless of age, race, creed, color, gender, gender identity, gender expression, religion, national origin, sexual orientation, disability, marital status and political beliefs;
4. receive a written copy of the school's policies and procedures, including the discipline code and the New York City Department of Education Bill of Student Rights and Responsibilities, early in the school year or upon admission to the school during the school year;
5. be informed about diploma requirements, including courses and examinations and information on assistance to meet those requirements;

6. be informed about required health, cognitive and language screening examinations;
7. be informed about courses and programs that are available in the school and the opportunity to have input in the selection of elective courses;
8. receive professional instruction;
9. know the grading criteria for each subject area and/or course offered by the school and to receive grades for school work completed based on established criteria;
10. be informed of educational progress and receive periodic evaluations both informally and through formal progress reports;
11. be notified in a timely manner of the possibility of being held over in the grade or of failing a course;
12. be notified of the right of appeal regarding holdover or failing grades;
13. access to review their education records upon request, if in high school (the right to review records is always accorded the parent/adult in parental relationship and eligible student);
14. confidentiality in the handling of student records maintained by the school system;
15. receive guidance, counseling and advice for personal, social, educational, career and vocational development.

II. THE RIGHT TO FREEDOM OF EXPRESSION AND PERSON

All students are guaranteed the right to express opinions, support causes, organize and assemble to discuss issues and demonstrate peacefully and responsibly in support of them, in accordance with policies and procedures established by the New York City Department of Education.

Students have the right to:

1. organize, promote and participate in a representative form of student government;
2. organize, promote and participate in student organizations, social and educational clubs or teams and political, religious, and philosophical groups consistent with the requirements of the Equal Access Act;
3. representation on appropriate schoolwide committees that impact on the educational process, with voting rights where applicable;
4. publish school newspapers and school newsletters reflecting the life of the school and expressing student concerns and points of view consistent with responsible journalistic methods and subject to reasonable regulations based on legitimate pedagogical concerns;
5. circulate newspapers, literature or political leaflets on school property, subject to reasonable guidelines established by the school regarding time, place and manner of distribution, except where such material is libelous, obscene, commercial or materially disrupts the school, causes substantial disorder or invades the rights of others;

6. wear political or other types of buttons, badges or armbands, except where such material is libelous, obscene or materially disrupts the school, causes substantial disorder or invades the rights of others;
7. post bulletin board notices within the school, subject to reasonable guidelines established by the school, except where such notices are libelous, obscene, commercial or materially disrupt the school, cause substantial disorder or invade the rights of others;
8. determine their own dress within the parameters of the Department of Education policy on school uniforms, except where such dress is dangerous or interferes with the learning and teaching process;
9. be secure in their persons, papers and effects and to carry in the school building personal possessions which are appropriate for use on the premises;
10. be free from unreasonable or indiscriminate searches, including body searches;
11. be free from corporal punishment;
12. decline to participate in the Pledge of Allegiance or stand for the pledge.

III. THE RIGHT TO DUE PROCESS

Every student has the right to be treated fairly in accordance with the rights set forth in this document.

Students have the right to:

1. be provided with the discipline code and rules and regulations of the school;
2. know what is appropriate behavior and what behaviors may result in disciplinary actions;
3. be counseled by members of the professional staff in matters related to their behavior as it affects their education and welfare within the school;
4. know possible dispositions and outcomes for specific offenses;
5. receive written notice of the reasons for disciplinary action taken against them in a timely fashion;
6. due process of law in instances of disciplinary action for alleged violations of school regulations for which they may be suspended or removed from class by their teachers;
7. know the procedures for appealing the actions and decisions of school officials with respect to their rights and responsibilities as set forth in this document;
8. be accompanied by a parent/adult in parental relationship and/or representative at conferences and hearings;
9. the presence of school staff in situations where there may be police involvement;
10. challenge and explain in writing any material entered in their student records.

IV. STUDENT RESPONSIBILITIES

Responsible behavior by each student is the only way in which the rights set forth in this document can be preserved. Violation of some of these responsibilities may lead, in accordance with the Discipline Code, to disciplinary measures. Full acceptance of responsibility with the exercise of rights will provide students with greater opportunity to serve themselves and society.

Students have a responsibility to:

1. attend school regularly and punctually and make every effort to achieve in all areas of their education;
2. be prepared for class with appropriate materials and properly maintain textbooks and other school equipment;
3. follow school regulations regarding entering and leaving the classroom and school building;
4. help maintain a school environment free of weapons, illegal drugs, controlled substances and alcohol;
5. behave in a manner that contributes to a safe learning environment and which does not violate other students' right to learn;
6. share information with school officials regarding matters which may endanger the health and welfare of members of the school community;
7. respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others;
8. show respect for school property and respect the property of others, both private and public;
9. be polite, courteous and respectful toward others regardless of age, race, creed, color, gender, gender identity, gender expression, religion, national origin, sexual orientation, physical and/or emotional condition, disability, marital status and political beliefs, and refrain from making slurs based on these criteria;
10. behave in a polite, cooperative manner toward students, teachers and other school staff;
11. promote good human relations and build bridges of understanding among the members of the school community;
12. use non-confrontational methods to resolve conflicts;
13. participate and vote in student government elections;
14. provide positive leadership by making student government a meaningful forum to encourage maximum involvement;
15. work with school staff in developing broad extracurricular programs in order to represent the range of physical, social and cultural interests and needs of students;
16. observe ethical codes of responsible journalism;
17. refrain from obscene and defamatory communication in speech, writing and other modes of expression in their interactions with the school community;

18. express themselves in a manner which promotes cooperation and does not interfere with the educational process;
19. assemble in a peaceful manner and respect the decision of students who do not wish to participate;
20. bring to school only those personal possessions which are safe and do not interfere with the learning environment;
21. adhere to the guidelines established for dress and activities in the school gymnasium, physical education classes, laboratories and shops;
22. be familiar with the school discipline code and abide by school rules and regulations;
23. provide leadership to encourage fellow students to follow established school policies and practices;
24. keep parents informed of school-related matters, including progress in school, social and educational events, and ensure that parents receive communications that are provided by school staff to students for transmittal to their parents.

NOTES

