



**Department of
Education**

Chancellor Richard A. Carranza



Citywide Behavioral Expectations to Support Student Learning Grades K–5

including the K–12 Student Bill of Rights and Responsibilities
and the Discipline Code

Effective September 2019



Richard A. Carranza
Chancellor

LaShawn Robinson
Deputy Chancellor
Division of School Climate and Wellness

Mark Rampersant
Senior Executive Director
Office of Safety and Youth Development

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

Inquiries regarding compliance with the anti-discrimination policy may be directed to:
NYCDOE Office of Equal Opportunity, 65 Court Street, Brooklyn, New York 11201, (718) 935-3320.

TABLE OF CONTENTS

Citywide Behavioral Expectations to Support Student Learning

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

Included in this document is the [K–12 Student Bill of Rights and Responsibilities](https://www.schools.nyc.gov/StudentRights) (<https://www.schools.nyc.gov/StudentRights>), which promotes responsible student behavior and an atmosphere of dignity and respect by establishing guidelines to help students strive to become productive citizens in a diverse society.

Standards of Behavior

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

The Citywide Behavioral Expectations to Support Student Learning (including the Discipline Code) provide descriptions of conduct that meet the standards of behavior expected of NYC students, and it also outlines conduct that does not meet these standards. It includes ranges of supports and interventions and also permissible disciplinary responses that schools may use to address misconduct.

These Citywide Behavioral Expectations apply to all students in NYCDOE schools.

MISSION STATEMENT ON SCHOOL CLIMATE AND DISCIPLINE	3
INTRODUCTION	3
PARENTS AS PARTNERS	4
Attendance	4
PROMOTING POSITIVE STUDENT BEHAVIOR	5
K–12 STUDENT BILL OF RIGHTS AND RESPONSIBILITIES	7
Preamble	7
I. The Right to a Free, Public School Education	7
II. The Right to Freedom of Expression and Person	8
III. The Right to Due Process	8
IV. Additional Rights of Students Age 18 and Over	9
V. Student Responsibilities	10
PROGRESSIVE LADDER OF SUPPORT AND DISCIPLINARY RESPONSES	11
SUPPORTS AND INTERVENTIONS	13
Required Documentation	13
Glossary of Supports and Interventions	13
RESTORATIVE PRACTICES	16
Glossary of Restorative Practices	16
ADDRESSING BULLYING AND BIAS-BASED BEHAVIOR	18
Prevention and Intervention	18
What is Bullying?	19
Bullying Is Not Conflict	20
DISCIPLINE PROCEDURES	21
In-School Disciplinary Responses	21
Suspensions and Teacher Removals	21
Additional Protections for Students with Disabilities	21
Manifestation Determination Review (MDR)	21

Functional Behavior Assessments (FBAs) and Behavior Intervention Plans (BIPs) _____	22
DISCIPLINARY RESPONSES _____	23
In-School Disciplinary Responses _____	23
Teacher Removal from the Classroom _____	23
Principal’s Suspension _____	23
Superintendent’s Suspension _____	24
Dispositional Options for Superintendent’s Suspensions Requiring Approval by the Chancellor or Designee or the Community Superintendent _____	24
Supports for Students During Suspension and Returning from Suspension _____	25
APPEALS AND TRANSFERS _____	26
Appeals _____	26
Transfer Options _____	26
PROHIBITED ITEMS: WEAPONS _____	27
Category I _____	27
Category II _____	27
PROGRESSIVE DISCIPLINE _____	27
Determining the Disciplinary Response _____	28
PROGRESSIVE INFRACTION LEVELS _____	29
Where and When the Discipline Code Applies _____	29
Addressing the Behavioral Needs of Pre-K Children _____	29
DISCIPLINE CODE INFRACTIONS: GRADES K–5 _____	30
Level 1 Infractions – Uncooperative/Noncompliant Behavior _____	30
Level 2 Infractions – Disorderly Behavior _____	31
Level 3 Infractions – Disruptive Behavior _____	33
Addressing Level 4 and Level 5 Behaviors _____	35
Level 4 Infractions – Aggressive or Injurious/Harmful Behavior _____	36
Level 5 Infractions – Seriously Dangerous or Violent Behavior _____	39

[Go back to the top](#)

MISSION STATEMENT ON SCHOOL CLIMATE AND DISCIPLINE

In late July 2015, the de Blasio administration issued a new “[Mission Statement on School Climate and Discipline](https://www1.nyc.gov/site/sclt/impact/impact.page)” (<https://www1.nyc.gov/site/sclt/impact/impact.page>) adopting one of the Leadership Team’s recommendations. This mission statement is below.

The New York City Mayor’s Office, New York City Department of Education, and New York City Police Department believe the City’s schools must foster environments most conducive to learning. We believe all children deserve such environments and that all children have the potential to learn and succeed. That means, first and foremost, that our schools must be safe. It also means that, in keeping them safe, we must preserve their essential character as places of learning, while serving the needs of the whole child.

New York City believes that overly punitive methods of discipline are not in the best interests of students, fail to advance school safety, and can harm students’ long-term potential. Research has shown that students facing disciplinary measures, and the schools they attend, are better served by providing positive supports that teach students the social, emotional, and behavioral skills necessary to participate and learn. Therefore, New York City will train school personnel and safety personnel in research-driven best practices on how to provide these supports, including providing enhanced support to students with special needs or those suffering from trauma due to exposure to poverty or violence. Recognizing that some schools will need additional resources, as well as training, New York City will provide the staffing support needed to implement progressive forms of discipline in particularly high-needs schools. We will build on local and national models to simultaneously improve school climate and safety. In this way, New York City will reduce the use of suspensions as a disciplinary tool and will eliminate the use of summonses and arrests for minor school misbehavior, while continuing to advance school safety.

New York City does not tolerate discrimination and will use every tool to eliminate inconsistencies and disparities in the discipline of students based on actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship/immigration status, disability, age, sexual orientation, gender (sex), gender identity, gender expression, or weight.

[Go back to the top](#)

INTRODUCTION

The manner in which students conduct themselves in school is a major factor in establishing and maintaining a safe and respectful school community. To promote positive student behavior, all members of the school community—students, staff, and parents—must know and understand, the standards of behavior that all students are expected to live up to, the supports and interventions that will be used to address misconduct, and the disciplinary responses if behavioral standards are not met.

It is essential that schools set aside time to review with students these standards of behavior, the [K-12 Student Bill of Rights and Responsibilities](https://www.schools.nyc.gov/StudentRights) (<https://www.schools.nyc.gov/StudentRights>), and the [NYCDOE Internet Acceptable Use and Safety Policy \(IAUSP\)](https://www.schools.nyc.gov/school-life/policies-for-all/internet-acceptable-use-policy) (<https://www.schools.nyc.gov/school-life/policies-for-all/internet-acceptable-use-policy>). This review should be age-appropriate so that all students know and understand the behavior expected of them when they are in school, including when they are accessing and using the NYCDOE’s internet systems, regardless of their physical location. This adjustment is especially important when working with children in the early childhood grades, given their developmental capacity to understand behavior and responses. All students, regardless of age, should be engaged in discussion of the school community’s expectations and should be active participants in creating classroom “ground rules” for their behavior.

Equally imperative, all school faculty and staff must affirm clear and consistent behavioral expectations that set the tone for a safe, orderly, and respectful school community. School faculty and staff must be firm, fair, and consistent in addressing student behavior in a manner that enables students to learn from their mistakes and be accountable for their misconduct.

[Go back to the top](#)

PARENTS AS PARTNERS

*Note: In this document, “parent” refers to the child’s parent or guardian or any person in a parental or custodial relationship to the child. This includes: birth or adoptive parent, stepparent, legally-appointed guardian, foster parent, and “person in parental relation” to a child attending school. “Person in parental relation” refers to a person who has assumed the care of a child because the child’s parents or guardians are not available, whether due to, among other things, death, imprisonment, mental illness, living outside the state, or abandonment of the child.

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

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

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

Parents who want to discuss supports and interventions in response to student behavior should contact their child’s school, including the Parent Coordinator, or, if necessary, the Family Support Coordinator in your District Office. Please use the following web page for guidance about the appropriate people in your school or district to reach and for information to look up their contact information: <https://www.schools.nyc.gov/school-life/support/get-help> .

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

Attendance

Attendance at school is vital to a student’s academic progress and success. School personnel must ensure that appropriate outreach, intervention, and supports are provided for students with patterns of absences. The school’s Attendance or Pupil Personnel Committee should review cases of absenteeism, chronic absenteeism, and/or truancy and should involve attendance teachers, deans, guidance counselors, teachers, social workers, and other school staff to facilitate a resolution.

School staff must meet with the student and parents in order to determine needed supports and an appropriate course of action which may include, but is not limited to: guidance intervention, family conferences, referral for counseling, changes in academic program, contracts, and/or referral to tutoring or after-school programs. A range of [Preventive Service Models \(https://www1.nyc.gov/site/acs/child-welfare/preventive-services.page\)](https://www1.nyc.gov/site/acs/child-welfare/preventive-services.page) are offered by community-based organizations contracted by the [NYC Administration for Children’s Services \(https://www1.nyc.gov/site/acs/about/about.page\)](https://www1.nyc.gov/site/acs/about/about.page). Being familiar with these options helps families and schools understand how a preventive service might be useful in addressing the cause of absence.

Schools are also responsible for developing and publishing a set of attendance policies which share the benefits of the attendance standards and which also define the absences (or lateness occurrences) that are

considered excused, the documentation that is required, and the appropriate responses. For more information, see [Chancellor's Regulation A-210 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations).

[Go back to the top](#)

PROMOTING POSITIVE STUDENT BEHAVIOR

School culture and climate have a profound impact on students' academic progress and their relationships with peers and adults. Each school is expected to promote a positive school culture that provides students with a supportive environment in which to grow both socially and academically.

Schools are expected to take a proactive role in nurturing students' pro-social behavior. Social emotional learning must be a basic component of a school's program of universal prevention for all students. Effective social emotional learning helps students develop fundamental life skills, including:

- Recognizing and managing emotions
- Developing caring and concern for others
- Establishing positive relationships
- Making responsible decisions
- Handling challenging situations constructively and ethically



When students develop these skills, they experience more positive relationships with peers, engage in more productive social behaviors, and are less likely to engage in misconduct.

Establishing a schoolwide multi-tiered system of supports (MTSS) is essential to ensuring that the right supports are in place and that schools are implementing progressive discipline. MTSS is a comprehensive system that screens all students and provides targeted interventions, as needed. The goal of these supports is to foster resiliency and the pro-social skills that students need to succeed in the classroom and beyond.

School staff members are also responsible for addressing inappropriate student behaviors that disrupt learning. Administrators, teachers, counselors, and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and their parents. For further information regarding behavioral crisis de-escalation and intervention, please see [Chancellor's Regulation A-411 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations).

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 immediately referred to the [Committees on Special Education](https://www.schools.nyc.gov/special-education/help/committees-on-special-education) (CSE; <https://www.schools.nyc.gov/special-education/help/committees-on-special-education>). For additional protections for students with disabilities, see also pages 21–22.

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

- meaningful opportunities to share ideas and concerns and participate in schoolwide initiatives (e.g., student government, regularly held student forums; schoolwide community service projects, etc.);
- student leadership development;
- co-curricular after-school activities (e.g., student clubs, including sports-related clubs and teams; service organizations; etc.);
- periodic recognition of students' achievements in a wide range of academic and co-curricular areas.

Such opportunities, coupled with a comprehensive program of prevention and intervention supports, provide students with the experiences, strategies, skills, and support that they need to thrive.

[Go back to the top](#)

K–12 STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

Note: the K–12 Student Bill of Rights and Responsibilities are posted online at <https://www.schools.nyc.gov/StudentRights>.

Preamble

New York City public schools seek to cultivate a sense of mutual respect among students, parents and staff. City schools also aim to involve students in activities and programs, within and outside the school community, that stress a commitment to civic responsibility and community service. With the cooperation of all members of our school communities, students can reach educational excellence while enjoying a rich learning experience. This document serves as a guide for students as they strive to become productive citizens in a diverse society.

I. The Right to a Free, Public School Education

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 Multiple 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, bullying, and bigotry, and to file a complaint if they feel that they are subject to this behavior (see Chancellor’s Regulations A-830, A-831, A-832, A-420, and A-421 at <https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>);
3. receive courtesy and respect from others regardless of actual or perceived age, race, creed, color, gender, gender identity (including the right of students to use bathrooms and locker rooms in accordance with their gender identity and to be addressed by the name and pronouns consistent with their gender identity) gender expression, religion, national origin, citizenship/immigration status, weight, sexual orientation, physical and/or emotional condition, disability, marital status, and political beliefs;
4. receive a written copy of the school’s policies and procedures, including the [Citywide Behavioral Expectations for Supporting Student Learning](#) (including the Discipline Code; <https://www.schools.nyc.gov/DCode>) and the [New York City Department of Education \(NYCDOE\) K–12 Student Bill of Rights and Responsibilities](#) (<https://www.schools.nyc.gov/StudentRights>), 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 schoolwork 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. confidentiality in the handling of student records maintained by the school system;
14. request or by parental request to have their contact information withheld from institutions of higher learning and/or military recruiters; (To protect the rights of students and parents to determine how student information is released to the military, schools that administer the Armed Services Vocational Aptitude Battery (ASVAB) will not release student scores to military recruiters unless both the parent and the student provide written consent.)
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 influence 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, including through electronic circulation, 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 or on the school website 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 NYCDOE policy on school uniforms and consistent with religious expression, except where such dress is dangerous or interferes with the learning and teaching process;
9. be secure in their persons and belongings 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 and verbal abuse (as per [Chancellor's Regulations A-420 and A-421](#); <https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>);
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](#) (<https://www.schools.nyc.gov/DCode>) and rules and regulations of the school;
2. know what is appropriate behavior and know which behaviors may result in disciplinary responses;
3. be counseled by members of the professional staff in matters related to their behavior as it affects their education and welfare in the school;
4. know possible dispositions and outcomes for specific offenses;
5. due process with respect to disciplinary responses for alleged violations of school regulations for which they may be suspended or removed from class by their teachers; students with disabilities, or who are "presumed to have a disability" have the right to certain protections under the Individuals with Disabilities Education Act (IDEA);
6. due process of law in instances of disciplinary responses for alleged violations of school regulations for which they may be suspended or removed from class by their teachers; students with disabilities, or who are "presumed to have a disability" have the right to certain protections under IDEA.
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 and/or representative at conferences and hearings;
9. the presence of school staff in situations where there may be police involvement.

IV. Additional Rights of Students Age 18 and Over

The federal Family Educational Rights and Privacy Act (“FERPA”) gives students who have reached 18 years of age certain rights with respect to the student’s education records.

Students age 18 and over have the right to request, inspect, and review their own education records within 45 days of the day the New York City Department of Education (NYCDOE) receives the student’s request, in accordance with the procedures set forth in [Chancellor’s Regulation A-820 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations).

Students age 18 and over have the right to request that their own education records be changed when they believe they are inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA, in accordance with the procedures set forth in [Chancellor’s Regulation A-820 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations).

Students age 18 and over have the right to provide written consent before personally identifiable information in their own education records is disclosed, except in certain cases when FERPA allows disclosure without consent, including the following:

- Disclosure to a school official who needs to review an education record in order to fulfill his or her professional responsibility. Examples of school officials include people employed by the NYCDOE (such as administrators, supervisors, teachers, other instructors, or support staff members), as well as people whom NYCDOE has engaged to perform services or functions it would otherwise use its own employees to perform (such as agents, contractors, and consultants), and who are under the direct control of the NYCDOE with respect to the use and maintenance of personally identifiable information from education records.
- Disclosure, upon request, to officials of another school district in which a student is trying to enroll, plans to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.
- Other exceptions that permit disclosure of personally identifiable information without consent include certain types of disclosures:
 1. to authorized representatives of government entities and officials in connection with audits, evaluations, or certain other activities;
 2. in connection with financial aid for which the student has applied or which the student has received;
 3. to organizations conducting studies for, or on behalf of, the NYCDOE;
 4. to accrediting organizations to carry out their accrediting functions;
 5. to parents of students age 18 and over if the student is a dependent for Internal Revenue Service (IRS) tax purposes;
 6. to comply with a judicial order or lawfully issued subpoena;
 7. to appropriate officials in connection with a health or safety emergency; and
 8. of information that the NYCDOE has designated as “directory information.” Most of these types of disclosures are subject to certain additional requirements and limitations. Please see FERPA and [Chancellor’s Regulation A-820 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) for more information about them.

Students age 18 and over have the right to inspect and review the record of disclosures that FERPA requires schools to keep when making disclosures of personally identifiable information without consent. However, schools are not required to record disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to parents or to students age 18 and over.

Students age 18 and over have the right to file a complaint with the US Department of Education if they feel that the NYCDOE has failed to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

V. Student Responsibilities

Responsible behavior by each student supports the rights set forth in this document. Violation of some of these responsibilities may lead, in accordance with the [Discipline Code \(https://www.schools.nyc.gov/DCode\)](https://www.schools.nyc.gov/DCode), 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 actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, weight, citizenship/immigration status, 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, truthful, and cooperative manner toward students and 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, including electronic expression, in their interactions with the school community;
18. express themselves in speech, writing, and other modes of expression, including electronic expression 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 \(https://www.schools.nyc.gov/DCode\)](https://www.schools.nyc.gov/DCode) 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.

[Go back to the top](#)

PROGRESSIVE LADDER OF SUPPORT AND DISCIPLINARY RESPONSES

The ladder of supports and disciplinary responses below illustrates a progressive approach to inappropriate behavior. Student misbehavior must be handled on a case-by-case basis. In all cases, implementation of appropriate interventions and disciplinary responses must take into account a number of factors, including the nature and severity of the misconduct. In certain cases, student supports and interventions may be used in lieu of or in tandem with in-school disciplinary responses. In some cases, a student's misconduct may require or be most appropriately addressed by a targeted or significant disciplinary response, along with supports and interventions.

1. Concurrent Support and Disciplinary Response to Misconduct

When a student engages in misconduct, supports are provided to address the student's inappropriate behavior and/or underlying needs, in conjunction with a disciplinary response, if appropriate. The goal is to foster social emotional growth and pro-social behavior and prevent future misbehavior.

2. Universal Prevention for All Students

The school takes a whole school approach to promoting positive student behavior. Social emotional learning is infused into the curriculum. School staff meet regularly to ensure that there is a comprehensive student support program in place that includes counseling services, guidance, opportunities for social emotional learning, student engagement opportunities, and prevention and intervention behavioral supports to encourage and foster pro-social student behavior, foster resiliency, and build students' positive connection to the school community. The school has a system in place for early identification of students in need of prevention, intervention, and/or supports.

3. Initial Response(s)

When a student experiences difficulty or engages in inappropriate behavior, the teacher contacts the parent and, depending on the nature and severity of the behavior and the age and maturity level of the student, takes one or more of the following steps: has a conference with the student; refers the student to a school counselor, the Pupil Personnel Team (PPT), and/or the deans' office.

4. Supports and Intervention Options (see pages 13–15)

In alphabetical order:

- a. Collaborative problem solving
- b. Community service (with parental consent)
- c. Conflict resolution
- d. Development of Individual behavioral contract
- e. Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- f. Guidance conference
- g. Health education
- h. Individual/group counseling
- i. Individualized Support Plan (ISP)
- j. Intervention by counseling staff
- k. Mentoring
- l. Parent Outreach
- m. Positive behavioral interventions and supports
- n. Referral to appropriate substance abuse counseling services
- o. Referral to a community-based organization (CBO)
- p. Referral to counseling services for bullying, intimidation, or harassment, including bias-based bullying, intimidation, or harassment
- q. Referral to counseling services for youth relationship abuse or sexual violence
- r. Referral to mental health support services
- s. Referral to Pupil Personnel Team (PPT)

- t. Referral to the Substance Abuse Prevention and Intervention Specialists (SAPIS) Program
- u. Restorative practices (see also pages 16–17)
- v. Short-term behavioral progress reports
- w. Social emotional learning

For students serving a superintendent's suspension, student supports are provided in an alternate instructional site. Contact between the site and the student's home school is established to ensure academic progress and a successful transition upon return.

5. Disciplinary Response Options

- **Range of In-School Disciplinary Response(s)**
 - a. Pedagogical school staff meeting with student to address the misbehavior and its impact
 - b. Student/teacher conference
 - c. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
 - d. Parent conference
 - e. Other in-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities, or communal lunchtime)
- **Teacher Removal or Principal's Suspension (see pages 21–23)**
 - f. Removal from classroom by teacher
 - g. Principal's suspension (up to 5 school days)
- **Superintendent's Suspension (see pages 24–25)**
 - h. Immediate reinstatement
 - i. 6–10 school days
 - j. 11–15 school days
 - k. 16–20 school days* (for Level 4 and 5 infractions only)

*Superintendent's suspensions for more than 20 school days may be imposed only when required by law or for Level 5 infractions that involve seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension. All suspensions in excess of 20 school days require approval by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent. See pages 24–25 for more information.

[Go back to the top](#)

SUPPORTS AND INTERVENTIONS

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

Required Documentation

All incidents, interventions, and supports must be documented in the Online Occurrence Reporting System (OORS) for all parties involved, where appropriate, regardless of whether or not a disciplinary response is imposed. For more information about incident reporting, please see [Chancellor's Regulation A-412](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>).

All disciplinary responses must be reported in the Suspensions and Office of Hearings Online (SOHO) system. For more information about suspension policy, please see [Chancellor's Regulation A-443](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>).

Glossary of Supports and Interventions

In alphabetical order:

- **Collaborative Problem Solving**
When a student engages in challenging behavior, a trained school staff member can use the collaborative problem-solving process to identify the specific issues that are precipitating the behavior, articulate the adult concerns about the behavior, and engage the student in a collaborative process to address the underlying reasons for the behavior and decide upon a plan of action that is both realistic and mutually acceptable to both.
- **Community Service (with Parental Consent)**
Community service allows students to develop skills and engage in real-life solutions to help communities. It holds students accountable for their behavior and allows them to make positive amends to the community in order to counter their earlier misconduct.
- **Conflict Resolution**
Conflict resolution facilitates resolutions between two or more disputants. Using the collaborative negotiation process, students actively listen and talk through an issue or conflict directly with those with whom they disagree to arrive at a mutually satisfactory resolution.
- **Development of Individual Behavior Contract**
The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent.
- **Guidance Conference**
Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal, and social issues that might have caused or contributed to the behavior.
- **Health Education**
Health education is a required academic subject for students in all grades. In this class, students learn the concepts and skills they need to stay healthy, including social and emotional skills, how to prevent bullying, communication and relationship skills, and how to avoid health risks like alcohol, tobacco, and other drugs.

- **Individual/Group Counseling**
Individual counseling provides students with an outlet to privately share issues that may be negatively impacting their attendance, behavior, and/or academic success. Small-group counseling can address needs such as stress management, anger management, and conflict resolution and/or communication skills, etc. Students discuss and formulate goals and learn problem-solving strategies that will enable them to address a variety of personal challenges. Counselors should conference with parents on a regular basis to discuss the student's academic and personal progress.
- **Individualized Support Plan (ISP)**
An Individualized Support Plan (ISP) is a written plan to support students who have been the victim or the initiator of bullying, harassment, intimidation, discrimination, and other aggressive behaviors. It contains, among other things, interventions and supports for the student and provisions for designated school staff to consult with the student and/or their parents, at specified times, to determine whether the behavior has improved. It is useful in student cases warranting a more targeted approach and/or involving regular monitoring.
- **Intervention by Counseling Staff**
Where available, school-based counseling personnel and/or School-Based Mental Health programs offer a wide range of comprehensive and confidential mental health services and interventions including, but not limited to: assessments, individual, group, and family counseling and/or therapy, teacher consultations, and educational strategies for parents and staff.
- **Mentoring**
Students are matched with a mentor/coach or a mentoring program in order to work with a counselor, teacher, student, and/or administrator for personal, academic, and social development.
- **Parent Outreach**
School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication.
- **Positive Behavioral Interventions and Supports (PBIS)**
PBIS promotes school-based prevention systems to improve student behavioral outcomes by providing a multi-tiered operational framework and teaching behavioral expectations in the same manner as any core curriculum subject.
- **Referral to Appropriate Substance Abuse Counseling Services**
In the case where a student is presenting problems with substance abuse, including the use, possession, or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to either school-based counseling services or to an external agency or community-based organization.
- **Referral to a Community-Based Organization (CBO)**
Students may be referred to a community-based organization for a wide range of services including, but not limited to, after-school programming, individual or group counseling, leadership development, conflict resolution, and academic tutoring.
- **Referral to Counseling Services for Bullying, Intimidation, or Harassment, including Bias-Based Bullying, Intimidation, or Harassment**
When a student or group of students engages in bullying, including cyberbullying, intimidation, or bias-based harassment, of another student or group of students, both the target of the behavior and the student who engages in this behavior should be referred to separate appropriate counseling, support, and education services provided by school staff or a community-based agency.

- **Referral to Counseling Services for Youth Relationship Abuse or Sexual Violence**
When a person uses a pattern of threatening or actual physical, sexual, and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education services.
- **Referral for Mental Health Support Services**
Students may be referred to receive services from a counseling, mental health, or mentoring agency.
- **Referral to Pupil Personnel Team (PPT)**
Pupil Personnel Teams are school-based teams that use a multidisciplinary approach to encourage student success through prevention, intervention strategies, and supports. A case manager is identified for each student referral and an individualized plan is created to help the student overcome academic and/or other challenges.
- **Referral to the Substance Abuse Prevention and Intervention Specialists (SAPIS) Program**
Students who are at risk for alcohol and substance abuse, gang involvement, suspension from school, disruptive behaviors, and infractions related to the Discipline Code may be referred to SAPIS for intervention services. SAPIS provides parent workshops that address alcohol and substance abuse issues, as well as bullying and violence prevention. SAPIS offers crisis-response services to schools needing support during crisis incidents. It also provides intervention services in grades K-12 to prevent and decrease the negative health, social, and educational consequences associated with substance abuse.
- **Restorative Practices**
Using restorative practices to foster positive interpersonal and intergroup relations—and to address inappropriate behavior when it occurs—is a cornerstone of a progressive approach to discipline. Restorative practices include collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing. Neither mediation nor conflict resolution is, under any circumstances, an appropriate intervention for bullying or intimidation due to an imbalance of power associated with bullying and intimidation. Please see pages 16–17 for more information.
- **Short-Term Behavioral Progress Reports**
Teachers and/or principals may send behavioral progress reports to parents on a regular basis until they feel that the student is in control of their behavior and working in the classroom successfully.
- **Social Emotional Learning**
Equipping students with skills to manage emotions, set positive goals, show empathy for others, and establish positive relationships, social emotional learning helps students make responsible and constructive decisions.

[Go back to the top](#)

RESTORATIVE PRACTICES

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

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

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

Glossary of Restorative Practices

- **Circle Process:** Regular use of restorative circles within the instructional program of a school is a significant prevention and intervention strategy. The circle process enables a group to build relationships, establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, and address other issues as they arise.

Students are the largest group of stakeholders in a school community and its greatest resource in creating and sustaining a safe and supportive school environment. Building community among students and between students, families, and staff members is integral to creating a supportive and inclusive school culture. When students feel accepted, valued, respected, and included, they build a positive connection to school and foster resiliency.

Community building circles focus on:

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

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

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

- **Peer Mediation:** An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized by another (for example, in cases of harassment or bullying), due to an imbalance of power.
- **Formal Restorative Conference:** A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm-doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired. A formal restorative conference may be used as an intervention in conjunction with a disciplinary response (e.g., a student participates in a formal restorative conference in conjunction with a teacher removal or a principal or superintendent's suspension) or may be used as a disciplinary intervention to address misconduct that does not require teacher removal or suspension. This conference should not be used when there is a perceived power imbalance between participating students.
- **Welcome-Back Circle:** A welcome-back circle is a process designed to formally welcome the returning student back into the school community and to establish a support system for the student (such as, key relationships and resources). The returning student and other circle participants (for instance, school staff and parents) make commitments about how to foster a smooth return and address individual or community circumstances that contributed to the suspension event. The Circle provides a space for students to express themselves, actively listen to one another's perspectives, and build a sense of community. This practice helps build a strong school culture that students, staff, and those in the community can rely on and return to in times of need. A welcome-back circle may be used as an intervention in conjunction with a disciplinary response (for example, a student participates in a welcome-back circle after a teacher removal or a principal's or superintendent's suspension).

[Go back to the top](#)

ADDRESSING BULLYING AND BIAS-BASED BEHAVIOR

Prevention and Intervention

Each school is expected to promote a nurturing school culture that promotes positive interpersonal and intergroup relations and respect for diversity among students and between students and staff. Schools should provide all students with a supportive and safe environment in which to grow and thrive academically and socially. The ability of students to learn and meet high academic standards and the school community's ability to educate its students are compromised when students engage in discrimination or harassment, bullying, or intimidating behavior toward other students.

Schools should prevent bullying behavior through:

- Implementation of school-wide and classroom-based social and emotional learning strategies and positive approaches to discipline;
- Age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum;
- Creation of a school-wide and classroom climate that supports racial, cultural and other forms of diversity, (i.e., clear communication of behavioral expectations, incorporation of lesson plans on prejudice reduction, modeling unbiased behavior, empathy development and cooperative learning); and
- Encouragement of parent participation in bullying behavior prevention initiatives.

Each school should intervene to put an end to bullying behavior, utilizing discipline methods that reflect a commitment to restorative practices, which may include, but not be limited to:

- Immediate referral of the student harmed to appropriate support services in the school and community;
- Referral of those who caused harm to counseling to address underlying behavior and/or to administrators for appropriate discipline;
- Notification of parents of all those involved;
- Processes for resolution, such as restorative justice circles, led by an experienced circle leader; and
- Ongoing actions intended to prevent recurrence, such as increasing adult supervision of an activity in which incidents have occurred and close monitoring of the security of those harmed.
- Development of an Individualized Support Plan ("ISP")
- Reconvening an Individualized Education Program (IEP) meeting
- Participation in community service (with parental consent)

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

Everyone in the school community—teachers, support staff, safety agents, cafeteria, custodial staff, bus drivers, school counselors, student support staff, students, and parents—needs to understand what bullying is and the NYCDOE rules that prohibit such behavior. Clarifying schoolwide rules that prohibit bullying and discrimination and discouraging bystander behavior (on-looking) are vitally important to helping students play a pivotal role in bullying prevention.

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

Students who are able to recognize and manage their own emotions are better able to be assertive rather than aggressive or passive when they interact with their peers. Students who develop caring and concern for others and establish positive relationships are less likely to engage in bullying or discriminatory behavior. Additionally, students who have learned how to make responsible decisions and handle challenging situations ethically and constructively are less likely to be bystanders and more likely to act as allies if a peer is the target of harassment or bullying of any kind. To help students learn how to be allies, the NYCDOE offers teachers and counselors training in using the curriculum module *Fostering Respect for All: Empowering Students to Move from Bystanders to Allies* as well as other Respect for All (RFA) professional development opportunities. For more information, please visit the [NYCDOE Respect for All \(RFA\) Library](https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all) (<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all>).

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

The Respect for All Library also provides schools information about opportunities and strategies to engage students in promoting respect such as Bully Prevention Month, No Name Calling Week or through projects like Not in Our School or No Place for Hate. Whether schools use the book lists to identify a class or schoolwide Book of the Month or whether trained peer educators conduct peer-to-peer workshops to prevent bullying behavior or promote respect for diversity, it is imperative that each school community is meaningfully and proactively engaged in creating a school culture and climate in which all students feel safe and respected.

Parents and students can report concerns regarding bullying behavior by completing one of the following:

1. Notify the school's Respect for All (RFA) liaison(s), a member of the child's school's administration, or any other school employee; or
2. [Submit an online form](https://www.nycenet.edu/BullyingReporting) (<https://www.nycenet.edu/BullyingReporting>) or email the Office of Safety and Youth Development (OSYD) at RespectforAll@schools.nyc.gov; or
3. If the issue involves gender-based harassment, also email the DOE Title IX Coordinator at Title_IX_Inquiries@schools.nyc.gov; or
4. Call 718-935-2288 Monday through Friday, from 9:00AM-5:00PM.

Parents should ask for the incident number from school administration for follow up. This is also known as Online Occurrence Reporting System (OORS) number.

All reports of harassment, intimidation, discrimination, and/or bullying behavior will be investigated and appropriate follow-up action will be taken. For further information, please see [Chancellor's Regulation A-832](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>).

What is Bullying?

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

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

Bullying is aggressive behavior by one individual (or group) that is directed at a particular person (or group). The aggressive behavior is unwanted and negative. It is deliberate and unprovoked. The targeted person is harmed by what is purposely being said or done. More specifically, per [New York Education Law, Section 11](https://www.nysenate.gov/legislation/laws/EDN/11) (<https://www.nysenate.gov/legislation/laws/EDN/11>):

“Harassment” and “bullying” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have

the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

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

[Bullying Is Not Conflict](#)

Conflict is a struggle between two or more people who perceive they have incompatible goals or desires. Conflict occurs naturally as we interact with one another. It is a normal part of life that we will not always agree with other people about the things we want, what we think, or what we want to do.

Most conflicts between students arise when students see the same situation from two different points of view. Think of some of the ways we describe people in conflict: "They were butting heads"; "They were going back and forth at each other"; "It was 'he said/she said/they said.'" In these cases, both people are equally "telling their side of the story."

In a conflict, people may get frustrated and angry. Chances are the amount of emotion each person feels will be relatively equal because both are vying for what they want. In the heat of the moment, one or both people's emotions can escalate a conflict. All of us have known of conflicts in which people have said things to hurt one another which they later regret.

People engaged in a conflict want the issue to be resolved. The "back and forth" that occurs is each person trying to make the case for what they want. When one or both people have the skills to resolve the dispute so that both sets of needs are met, the same conflict between the same two people most likely will not be repeated.

[Go back to the top](#)

DISCIPLINE PROCEDURES

In-School Disciplinary Responses

Schools have a range of disciplinary responses that can be used to hold students accountable for inappropriate behavior and that do not involve removal from the classroom or school or assignment to an alternate instructional site. These primary disciplinary responses are delineated on the Progressive Ladder of Support and Disciplinary Responses. A school's decision to use a disciplinary response must take into consideration a number of factors, including the nature and severity of the misconduct.

Suspensions and Teacher Removals

All suspensions and removals from the classroom must be done substantively and procedurally in accordance with relevant Regulations of the Chancellor, State Education Law, and Federal Law. (Note: Student discipline procedures for summer school vary from those used during the regular school year and are issued separately.) All entries in student records must be made in accordance with [Chancellor's Regulation A-443 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations). Schools are expected to provide supports to students returning from suspension to maximize their ability to meet the school community's social and academic standards.

Suspensions of more than five school days may be imposed for students in all schools by the Senior Executive Director of the Office of Safety and Youth Development ("OSYD") or other designee of the Chancellor, or for students in elementary and middle schools by the Community Superintendent. For ease of reference, the term "superintendent's suspension" is used throughout this document to denote both suspensions imposed by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor and suspensions imposed by the Community Superintendent.

Superintendent's suspensions for more than 20 school days (see pages 24–25 for more information) may be imposed only when required by law or for Level 5 infractions that involve seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension. All suspensions in excess of 20 school days require approval by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent.

Additional Protections for Students with Disabilities

Students with disabilities, 504 plans, or who are "presumed to have a disability" are entitled to assert specific procedural safeguards under IDEA (see [Chancellor's Regulation A-443 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations)). A student is presumed to be a student with a disability if the parent has expressed concern in writing that the student needs special education and/or related services, the parent has made a written request for an evaluation of their child, the parent or school staff express concern about a pattern of behavior, or the student has been referred for an initial evaluation.

Manifestation Determination Review (MDR)

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

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

- (1) more than 10 consecutive school days as a result of a superintendent's suspension;
- (2) more than 10 cumulative school days in a 40-school-day period as a result of three or more disciplinary responses (superintendent's suspension, principal's suspension, and/or teacher removal);
or
- (3) more than 10 cumulative school days in a school year as a result of disciplinary responses that the principal determines constitute a pattern of removals.

See the [NYCDOE Behavior Supports web page \(https://www.schools.nyc.gov/special-education/supports-and-services/behavior-supports\)](https://www.schools.nyc.gov/special-education/supports-and-services/behavior-supports) for more information.

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

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

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

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

A behavioral intervention plan (BIP) is based on the results of an FBA and includes, at a minimum: a description of the problem behavior; global and specific hypotheses as to why the problem behavior occurs; and intervention strategies that include positive behavioral supports to address the behavior. The BIP must identify intervention strategies to be used to alter antecedent events to prevent the occurrence of the behavior, teach individual alternative and adaptive behaviors to the student, and provide responses for the targeted inappropriate behavior(s) and alternative acceptable behavior(s). Baseline data must be used as a standard to establish performance criteria and against which to evaluate intervention effectiveness. The BIP must be monitored (and reported to the parent) using the same data collection measures (frequency, intensity, duration and/or latency) that were used to collect baseline data for the FBA. The goal is for the problem behavior to decrease as the replacement behavior increases.

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

[Go back to the top](#)

DISCIPLINARY RESPONSES

Please see the Progressive Ladder of Support and Disciplinary Responses (see pages 11–12) for the range of disciplinary options, including the use of a formal restorative conference.

All disciplinary responses must be imposed and all entries in student records must be made in accordance with the procedural requirements of [Chancellor's Regulation A-443](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>) and be consistent with the range of disciplinary responses authorized for a particular infraction. Schools are expected to use supports and interventions and non-removal disciplinary responses, to the extent feasible and appropriate, before imposing a teacher removal, principal's suspension or superintendent's suspension.

In conjunction with the following disciplinary responses, a formal restorative conference and welcome-back circle (see definitions on page 17) may be used as an intervention.

In-School Disciplinary Responses

In-school disciplinary responses may include detention or exclusion from extracurricular activities or communal lunchtime. If these in-school responses are used, they must not take place during class time, cannot result in a student missing instruction, and must be done in accordance with the [NYCDOE Wellness Policy](https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy) (<https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy>).

Teacher Removal from the Classroom

A student who engages in behavior that is substantially disruptive to the education process or substantially interferes with a teacher's authority over the classroom, may be removed from the classroom consistent with the disciplinary options set forth in this Code. All removed students must be permitted to attend classes that are taught by teachers other than the teacher requesting the removal (e.g., music, art, science).

Removed students must be sent to a location within the school where they will be provided with continued instructional services, including classwork and homework. While student misbehavior must be handled on a case-by-case basis, every effort should be made to address substantially disruptive classroom behavior using disciplinary responses A–E (see page 12) along with appropriate supports and interventions prior to implementing a teacher removal.

- Per [New York Education Law, Section 2801](https://www.nysenate.gov/legislation/laws/EDN/2801) (<https://www.nysenate.gov/legislation/laws/EDN/2801>), if a student in Grades 3–5 is removed from any classroom by any teacher four (4) times during a semester or three (3) times during a trimester, a principal's suspension for a minimum period of one (1) day must be imposed if the student subsequently engages in behavior that would otherwise result in a removal by the teacher during that semester or trimester. For example, the student who would otherwise be removed for the fifth time in a semester must instead receive a principal's suspension. The requirements for imposing a principal's suspension must be followed.

Note: Principals must obtain the approval of the Senior Executive Director of OSYD the Office of Safety and Youth Development in order to impose a suspension of a student in Grades 3.

Principal's Suspension

A principal has the authority to suspend a student for one to five school days for behavior which 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 consistent with the disciplinary responses set forth in this Code. Reasonable effort must be made to address inappropriate student behavior through supports and interventions prior to imposing a principal's suspension.

Suspended students must be provided with instruction, including homework and classwork, at an alternative instructional site within the school.

Superintendent's Suspension

A superintendent's suspension may result in a period of suspension that exceeds five school days and may be sought for behavior for which a superintendent's suspension is authorized in the Discipline Code.

A student who receives a superintendent's suspension must be provided with the opportunity for a hearing at which the student has the opportunity to present evidence and witnesses on their behalf and to question the school's witnesses.

If the school proves the allegations and the suspension is upheld, the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may impose one of the following as set forth below and on the following pages.

- **Immediate Reinstatement**
The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may reinstate the student to the suspending school immediately following the decision to uphold the suspension with a welcome-back circle (see page 17) upon return.
- **Suspension for a Fixed Period of 6–10 School Days**
The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order the student's suspension from school for a fixed period of 6–10 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to their original school with a welcome-back circle (see page 17) upon return.
- **Suspension for a Fixed Period of 11–15 School Days**
The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order the student's suspension from school for a fixed period of 11–15 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to their original school with a welcome-back circle (see page 17) upon return.
- **Suspension for A Fixed Period of 16–20 School Days**
The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order the student's suspension from school for a fixed period of 16–20 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to their original school with a welcome-back circle (see page 17) upon return.

Dispositional Options for Superintendent's Suspensions Requiring Approval by the Chancellor or Designee or the Community Superintendent

Superintendent's suspensions for more than 20 school days may be imposed only when required by law or for Level 5 infractions that involve seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension. Seriously dangerous and/or violent behavior can include, but is not limited to, behavior that results in serious physical injury or forcing another to engage in sexual activity. All suspensions in excess of 20 school days require approval by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent. Where a suspension of more than 20 school days is approved, the following disciplinary options are available:

- **Extended Suspension for 21–39 School Days**
The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order that a student be suspended for 21–39 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to their original school with a welcome-back circle (see page 17) upon return.

- **Extended Suspension for 40–180 School Days With an Automatic Review At 30 School Days and Every 15 School Days Thereafter**
The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order that a student be suspended for 40–180 school days and reassigned to an alternate instructional site with an automatic review for early reinstatement at 30 school days and every 15 school days thereafter. In determining the date upon which the student is reinstated, the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor shall, to the extent possible, consider the school calendar to ensure instructional continuity. If early reinstatement is not granted, the student will remain in the alternate instruction site for the remainder of the suspension and must be reinstated to the suspending school at the termination of the suspension with a welcome-back circle (see page 17) upon return.

- **One-Year Suspension with an Automatic Review for Early Reinstatement at 60 School Days and Every 30 School Days Thereafter**
Consistent with the Federal Gun-Free Schools Act of 1994, any student who is determined to have brought to or possessed at school a firearm, bomb, or other explosive (as delineated in Category 1), must be suspended for a period of not less than one year. The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent (as delineated by the Gun-Free Schools Act) may modify this suspension, in writing, for a student on a case-by-case basis with a welcome-back circle (see page 17) upon return.

The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or Community Superintendent may order that a student be suspended for one year and reassigned to an alternate instructional site, with an automatic review for early reinstatement to the suspending school at 60 school days and every 30 school days thereafter. If early reinstatement is not granted, the student will remain in the alternate instructional site for the remainder of the suspension and must be reinstated to the suspending school at the termination of the suspension with a welcome-back circle (see page 17) upon return.

- **Expulsion (Only For General Education Students Who Turned 17 Prior To The Beginning of The School Year, Which Is July 1)**
The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community 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.

Supports for Students During Suspension and Returning from Suspension

Schools must provide appropriate supports to students during their suspension and when they return to their home school from suspension to maximize their ability to meet social/behavioral and academic standards within the school community. At the middle and high school levels, students serving superintendent’s suspensions are assigned to Alternate Learning Centers (ALCs). At ALCs, students receive daily academic instruction coupled with significant supports and interventions. Students with IEPs must be provided with appropriate special education services that allow the student to make progress toward the student’s IEP goals.

The goal at all grade levels is to prepare students to return to their home schools with increased pro-social attitudes, strategies, and skills that foster resiliency and reduce the likelihood of recidivism. It is incumbent upon a student’s home school to continue supports. Supports may include any of the range of supports and interventions or a combination of both, as best meets the needs of the individual student.

[Go back to the top](#)

APPEALS AND TRANSFERS

Appeals

Parents may appeal suspensions. Principal's' suspensions may be appealed to the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent.

Superintendent's suspensions (i.e., suspensions imposed by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or by the Community Superintendent) may be appealed to the Chancellor. See [Chancellor's Regulation A-443](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>) for more information about the time frame and process for making an appeal.

Transfer Options

- **Voluntary Transfers:**
In collaboration with the Office of Student Enrollment, the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may transfer a student to another school if the parent consents. For information regarding safety transfers, see [Chancellor's Regulation A-449](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>).
- **Involuntary Transfers:**
When the behavior and/or academic record of a student in general education demonstrate that adjustment in school is unsatisfactory and if the principal believes that the student would benefit from a transfer or receive an appropriate education elsewhere, the principal may pursue an involuntary transfer in accordance with [Chancellor's Regulation A-450](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>). A student with a disability cannot be involuntarily transferred to a different school to receive the same program that they are receiving in their home school. If it is believed that a student with a disability is in need of a different special education program/supports because the behavior and academic record demonstrate that adjustment to school is unsatisfactory, then the school should convene an IEP meeting.

All [Chancellors' Regulations](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations) may be found on the NYCDOE website at <https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations>.

[Go back to the top](#)

PROHIBITED ITEMS: WEAPONS

Category I

- Firearms, including pistols, starter guns, handguns, silencers, electronic darts, shotguns, rifles, machine guns, or any weapon which will or is designed to or may readily be converted to expel a projectile by action of an explosive
- Stun guns/weapons
- Air guns, spring guns, or other instruments or weapons 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 or paintball gun)
- Switchblade knife, gravity knife, pilum ballistic knife, and cane sword (a cane that conceals a knife or sword)
- Daggers, stiletos, dirks, razorblades, box cutters, case cutters, utility knife, and all other knives
- Billy clubs, blackjack, bludgeon, chukka stick, and metal knuckles
- 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, firecrackers, and bombshells

Category II

Note: 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.

- Acid or dangerous chemicals (such as pepper spray, mace)
- Imitation gun or other imitation weapon
- Loaded or blank cartridges and other ammunition
- Any deadly, dangerous, or sharp pointed instruments which can be used or is intended for use as a weapon (such as scissors, nail file that is four inches or longer and made of metal, broken glass, chains, wire).

[Go back to the top](#)

PROGRESSIVE DISCIPLINE

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

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

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

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

Appropriate disciplinary responses should emphasize prevention and effective intervention, foster resiliency, prevent disruption to students' education, and promote positive school culture. When a student's misconduct results in a placement out of the classroom, the school should consider, where

appropriate, using the restorative welcome-back circle process (see page 17 for more information) as an effective strategy to support a successful return to the student's regular program.

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

Determining the Disciplinary Response

School officials must consult the Discipline Code when determining which disciplinary measure to impose. In determining how to best address inappropriate conduct, it is necessary to evaluate the totality of the circumstances surrounding the conduct. The following facts must be considered prior to determining the appropriate disciplinary measures:

- 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 the disciplinary and guidance intervention measures applied for each);
- the nature, severity, and scope of the behavior;
- the circumstances/context in which the conduct occurred;
 - For example:
 - Whether the student is or has been experiencing bullying behaviors or bullying classroom environments;
 - Whether the student was reacting or responding in self-defense;
 - Whether there was any effort to address the situation using positive, preventative methods prior to the incident;
 - Whether other interventions, such as positive behavior supports and restorative practices, can adequately address the behavior at issue while enabling the student to remain in school, and whether such interventions have been tried before; and
 - Whether the student is being disciplined for engaging in bullying behavior and, if so, whether restorative practices have been in place, and whether there is a restorative practices approach to discipline that would be more effective than exclusionary discipline at addressing the situation.
- the frequency and duration of the behavior;
- the number of persons involved in the behavior;
- the social emotional status/needs of all persons involved in the behavior; and
 - For example:
 - Family or community situations; and
 - Substance use or addiction.
- the student's IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan), and/or 504 Accommodation Plan, if applicable.

Supports and interventions are an integral part of a comprehensive response to behavior.

[Go back to the top](#)

PROGRESSIVE INFRACTION LEVELS

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

Progressive Infraction Levels: Infractions are grouped into five levels based on the severity of the infraction. See pages 30–41 for more information.

- Level 1 — Uncooperative/Noncompliant Behavior
- Level 2 — Disorderly Behavior
- Level 3 — Disruptive Behavior
- Level 4 — Aggressive or Injurious/ Harmful Behavior
- Level 5 — Seriously Dangerous or Violent Behavior

Each level of infractions provides a set of possible supports and interventions as well as a range of possible disciplinary responses that may be imposed by a teacher, principal, the Senior Executive Director of the Office of Safety and Youth Development, or other designee of the Chancellor or the Community Superintendent.

Principals, teachers, school staff, students, and parents need to know the disciplinary measures that can be taken when a student misbehaves or substantially disrupts a classroom. The Discipline Code is divided into two sections—Section A: Grades K–5 and Section B: Grades 6–12—to ensure that the age and general maturity of the student are considered. Some infractions may not apply to students in grades K–3. Schools should account for the developmental age of the student when determining whether a student has engaged in misbehavior covered by the Discipline Code.

The enumerated infractions are not all-inclusive. Students who engage in misconduct that is not listed in the Discipline Code are subject to appropriate disciplinary measures by the teacher, principal, or the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent. This is based on the violation of school rules and it keeps with the standards for addressing inappropriate behavior by students in grades K–12 as illustrated herein. To ensure that staff, students, and parents are aware of all expected standards of behavior, school rules must be in writing and available to all students and communicated in a grade-appropriate manner.

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

Where and When the Discipline Code Applies

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

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

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

Addressing the Behavioral Needs of Pre-K Children

The Discipline Code establishes behavioral expectations for students in grades K-12. The Discipline Code does not apply to students in Pre-K. The Department of Education and the NYC Administration for Children’s Services are committed to ensuring that all children leave early childhood programs prepared to enter kindergarten ready to succeed academically and behaviorally. For more information about Behavior Management, see the Administration for Children’s Services and Department of Education’s Statement on Behavior Management on the Department of Education website under [Early Childhood](https://infohub.nyced.org/docs/default-source/default-document-library/statement-on-positive-behavior-guidance.pdf) (<https://infohub.nyced.org/docs/default-source/default-document-library/statement-on-positive-behavior-guidance.pdf>). [Go back to the top](#)

DISCIPLINE CODE INFRACTIONS: GRADES K–5

Level 1 Infractions – Uncooperative/Noncompliant Behavior

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

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see p. 22)
- Guidance conference
- Individual/group counseling
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Referral to Pupil Personnel Team (PPT)
- Restorative practices (see p. 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses * (see pages 17, 21–25)

- A. Pedagogical school staff meeting with student to address the misbehavior and its impact
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
- D. Parent conference
- E. In-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher for up to one day for students in grades K-2 or up to four school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more semester or four or more trimester removals)

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**.

[Go back to the top.](#)

Level 2 Infractions – Disorderly Behavior

- A11 Possession and/or use of cigarettes, electronic cigarettes, matches, lighters, and/or vaping devices (A–D)
- A12 Gambling (For Grades 3-5 only: A–F)
- A13 Using profane, obscene, vulgar, or lewd language, gestures, or behavior (A–F)
- A14 Lying to, giving false information to, and/or misleading school personnel (Grades K–2: A–E) (Grades 3–5: A–F)
- A15 Misusing property belonging to others (A–F)
- A16 Engaging in or causing disruptive behavior on the school bus (A–E)
- A17 Leaving class or school premises without permission of supervising school personnel (A–E)
- A18 Engaging in inappropriate or unwanted physical contact or touching someone in a private part of body. (For grades K–3 only: A–F) (For Grades 4–5, see Infraction A28) (For shoving, pushing, etc., see A24.)
- A19 Violating the Department’s Internet Use Policy (e.g., use of the Department’s system for non-educational purposes, security/privacy violations) (Grades K–2: A–D) (Grades 3–5: A–F)

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Referral to Pupil Personnel Team (PPT)
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses* (see pages 17, 21–25)

- A. Pedagogical school staff meeting with student to address the misbehavior and its impact
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
- D. Parent conference
- E. In-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher for up to one day for students in grades K-2 or up to four school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more semester or four or more trimester removals)

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**.

[Go back to the top](#)

Level 2 Infractions – Disorderly Behavior, Continued

A20 Engaging in scholastic dishonesty which includes but is not limited to:

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

A21 Inappropriate use of electronic technology (e.g. unauthorized audio/video recording) (Grades K–2: A–E) (Grades 3–5: A–F)

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Referral to Pupil Personnel Team (PPT)
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses* (see pages 17, 21–25)

- A. Pedagogical school staff meeting with student to address the misbehavior and its impact
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
- D. Parent conference
- E. In-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher for up to one day for students in grades K-2 or up to four school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more semester or four or more trimester removals)

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**.

[Go back to the top](#)

Level 3 Infractions – Disruptive Behavior

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

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan (ISP)
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to Pupil Personnel Team (PPT)
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses * (see pages 17, 21–25)

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

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**. [Go back to the top](#)

Level 3 Infractions – Disruptive Behavior, Continued

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

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan (ISP)
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to Pupil Personnel Team (PPT)
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses * (see pages 17, 21–25)

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

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**.

[Go back to the top](#)

[Addressing Level 4 and Level 5 Behaviors](#)

This progressive code of conduct is predicated upon concurrent supports/interventions with a discipline response to address student misconduct so that students learn from their misbehavior. The Progressive Ladder of Support and Disciplinary Responses calls for universal prevention for all students and the early identification of students who are in need of additional and/or specific supports.

Schools must address Level 4 and 5 behavior in accordance with the Progressive Ladder of Support and Disciplinary Responses and the progressive approach to discipline set forth in this Discipline Code. The Discipline Code provides a range of disciplinary responses for these types of behaviors to ensure that all relevant factors are considered in determining the appropriate response.

Superintendent's suspensions for more than 20 school days may be imposed only when required by law or for Level 5 infractions that involve seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension. All suspensions in excess of 20 school days require approval by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent.

Further details about supports and interventions can be found on pages 13–15. Further details about disciplinary responses and seriously dangerous and/or violent behavior can be found on pages 21–25.

[Go back to the top](#)

Level 4 Infractions – Aggressive or Injurious/Harmful Behavior

- A32 Posting or distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff (including but not limited to posting such material on the Internet) (Grades K–2: A–F) (Grades 3–5: D–I)
- A33 Engaging in physically aggressive behavior other than minor altercations as described under A24, which creates a substantial risk of or results in minor injury (Grades K–2: A–F) (Grades 3–5: D–J)
- A34 Coercing, threatening, planning, or instigating an act of violence, injury, or harm to other(s) (Grades K–2: A–F) (Grades 3–5: D–J)
- A35 Engaging in behavior on the school bus which creates a substantial risk of or results in injury (Grades K–2: A–F, G only where behavior is repeated and involves physical violence) (Grade 3: D–G) (Grades 4–5: D–J)
NOTE: Students may be excluded from the bus as per Chancellor’s Regulation A-801.
- A36 Engaging in harassing, intimidating, and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass (Grades K–2: A–F, G only where behavior is repeated and involves physical violence) (Grade 3: D–G) (Grades 4–5: D–J)

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan (ISP)
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to mental health support services
- Referral to Pupil Personnel Team (PPT)
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses* (see pages 17, 21–25)

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

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**.

[Go back to the top](#)

Level 4 Infractions – Aggressive or Injurious/Harmful Behavior, Continued

- A37 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying) based on an individual’s actual or perceived race, color, creed, religion, religious practices, ethnicity, national origin, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, disability or weight; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass (Grades K–2: A–F, G only where behavior is repeated and involves physical violence) (Grade 3: D–G) (Grades 4–5: D–J)
- A38 Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images) (For Grades 4–5 only: D–J)
- A39 Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol (Grades K–2: D–F) (Grades 3–5: D–J)

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan (ISP)
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to appropriate substance abuse counseling service
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to mental health support services
- Referral to Pupil Personnel Team (PPT)
- Referral to the Substance Abuse Prevention and Intervention Specialists (SAPIS) Program
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses * (see pages 17, 21–25)

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

*NOTE: Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**. [Go back to the top](#)

Level 4 Infractions – Aggressive or Injurious/Harmful Behavior, Continued

- A40 Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior (Grades K–2: A–F), (Grades 3–5: D–J)
- A41 Falsely activating a fire alarm or other disaster alarm (Grades K–2: A–F) (Grades 3–5: D–I)
- A42 Making a bomb threat (Grades K–2: A–F) (Grades 3–5: D–I)
- A43 Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella, or laser pointer) (Grades K–2: A–F) (Grades 3–5: D–J)
- A44 Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer) (Grades K–2: D–F, G only where behavior is repeated and involves physical violence) (Grades 3–5: D–J)
- A45 Inciting/causing a riot (Grades K–2: D–F) (Grades 3–5: D–J)
- A46 Possessing, displaying or selling any weapon as defined in Category II (Grade K–2: D–F) (Grades 3–5: D–J) NOTE: 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.
- A47 Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol (Grades K–2: D) (Grades 3–5: D–J)

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan (ISP)
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to appropriate substance abuse counseling service
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to counseling services for youth Referral to mental health support services
- Referral to mental health support services
- Referral to Pupil Personnel Team (PPT)
- Referral to the Substance Abuse Prevention and Intervention Specialists (SAPIS) Program
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses * (see pages 17, 21–25)

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

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**. [Go back to the top](#)

Level 5 Infractions – Seriously Dangerous or Violent Behavior

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

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (page 22)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan (ISP)
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports
- Referral to appropriate substance abuse counseling services
- Referral to a community-based organization
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to mental health support services
- Referral to Pupil Personnel Team (PPT)
- Referral to the Substance Abuse Prevention and Intervention Specialists (SAPIS) Program
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses * (see pages 17, 21–25)

- A. Pedagogical school staff meeting with student to address the misbehavior and its impact
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
- D. Parent conference
- E. In-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher for up to one day for students in grades K-2 or up to four school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more semester or four or more trimester removals)
- G. Principal's suspension for one to five school days
- H. Superintendent's suspension that results in immediate reinstatement with a welcome-back circle upon return
- I. Superintendent's suspension that results in a suspension for a fixed period of six to ten school days with a welcome-back circle upon return
- J. Superintendent's suspension that results in a suspension for 11–15 school days with a welcome-back circle upon return
- K. Superintendent's suspension that results in a suspension for 16–20 school days with a welcome-back circle upon return

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**.

[Go back to the top](#)

Level 5 Infractions – Seriously Dangerous or Violent Behavior, Continued

- A52 Instigating, or participating with another or others, in an incident of group violence (Grades K–2: D–F, G only where behavior is repeated and involves physical violence) (Grade 3: D–J, G–J only where behavior involves physical violence) (Grades 4–5: D–K)
- A53 Engaging in dangerous or violent behavior that is gang-related (Grade 3: A–F) (Grades 4–5: A–H)
NOTE: In determining whether the behavior is gang-related, school officials may consult with the Office of Safety and Youth Development’s Gang Unit.
NOTE: This infraction does not apply to Grades K–2.
- A54 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity (For Grades 4–5 only: H–L)
- A55 Selling or distributing illegal drugs or controlled substances and/or alcohol (Grades K–2: D–F) (Grade 3: D–K) (Grades 4–5: E–K)

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan (ISP)
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to appropriate substance abuse counseling services
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to mental health support services
- Referral to Pupil Personnel Team (PPT)
- Referral to the Substance Abuse Prevention and Intervention Specialists (SAPIS) Program
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses* (see pages 17 and 24–25)

- D. Parent conference
- E. In-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher for up to one day for students in grades K-2 or up to four school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more semester or four or more trimester removals)
- G. Principal’s suspension for one to five school days
- H. Superintendent’s suspension that results in immediate reinstatement with a welcome-back circle upon return
- I. Superintendent’s suspension that results in a suspension for a fixed period of six to ten school days with a welcome-back circle upon return
- J. Superintendent’s suspension that results in a suspension for 11–15 school days with a welcome-back circle upon return
- K. Superintendent’s suspension that results in a suspension for 16–20 school days with a welcome-back circle upon return
- L. For cases when law requires, or circumstances warrant, imposition of a suspension period longer than 20 days, please see pages 24–25

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**.

[Go back to the top](#)

Level 5 Infractions – Seriously Dangerous or Violent Behavior, Continued

- A56 Possessing or selling any weapon as defined in Category I, other than a firearm, bomb or other explosive (Grades K-2: D-F, G for repeatedly bringing in a weapon) (Grade 3: D–K) (Grades 4-5: E–K)
- A57 Threatening to use a weapon as defined in Category II to attempt to inflict injury upon school personnel, students, or others (Grades K-2: D–F) (Grades 3: D–K) (Grades 4-5: E–K) Note: See page 25 for more information.
- A58 Threatening to use a weapon as defined in Category I, other than a firearm, bomb or other explosive, to attempt to inflict injury upon school personnel, students, or others (Grades K-2: D–F) (Grades 3: D–K) (Grades 4-5: E–K)
- A59 Using any weapon as defined in Category I or II, other than a firearm, bomb or other explosive, to inflict injury upon school personnel, students, or others (Grades K-2: D-G) (Grade 3: D–L) (Grades 4-5: H–L)
- A60 Possessing or using a firearm, bomb, or explosive as defined in Category I. Note: For A60, the Senior Executive Director of the Office of Safety and Youth Development or other designee or the Community Superintendent may modify the suspension, in writing, on a case-by-case basis. (L)

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

Supports and Interventions (see p. 13–15)

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 22)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan (ISP)
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation (see page 17)
- Positive behavioral interventions and supports (PBIS)
- Referral to appropriate substance abuse counseling services
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to mental health support services
- Referral to Pupil Personnel Team (PPT)
- Referral to the Substance Abuse Prevention and Intervention Specialists (SAPIS) Program
- Restorative practices (see pages 16–17)
- Short-term behavioral progress reports
- Social emotional learning

Range of Possible Disciplinary Responses* (see pages 17 and 24–25)

- D. Parent conference
- E. In-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities, or communal lunchtime)
- F. Removal from classroom by teacher for up to one day for students in grades K-2 or up to four school days for students in grades 3-5 (subject to a minimum suspension requirement for students in grades 3-5 at 5 or more semester or four or more trimester removals)
- G. Principal’s suspension for one to five school days
- H. Superintendent’s suspension that results in immediate reinstatement with a welcome-back circle upon return
- I. Superintendent’s suspension that results in a suspension for a fixed period of six to ten school days with a welcome-back circle upon return
- J. Superintendent’s suspension that results in a suspension for 11–15 school days with a welcome-back circle upon return
- K. Superintendent’s suspension that results in a suspension for 16–20 school days with a welcome-back circle upon return
- L. For cases when law requires, or circumstances warrant, imposition of a suspension period longer than 20 days, please see pages 24–25

***NOTE:** Further details about **supports and interventions** can be found on **pages 13–15**. Further details about **disciplinary responses** can be found on **pages 23–24**.

[Go back to the top](#)