



# ITHACA CITY SCHOOL DISTRICT PREK-12

2023 UNIFIED CODE OF CONDUCT



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# A Letter from Dr. Luvelle Brown and Dr. Sean Eversley Bradwell

Dear ICSD Community,

Cultivating a Culture of Love includes an ongoing cycle of reflection, discussion, and policy realignment. This process is required as we constantly evolve in order to meet the ever-changing needs and desires of our community of learners.

This Code of Conduct, and our approach to engaging with our scholars, are grounded in our school district's loving ethos. We have articulated the loving beliefs and practices in our school community, and that definition requires us to be patient, forgiving, honest, and committed. This guiding document challenges us to be reflective in our individual lives and continuously evolve and strive towards a loving organization and school community.

Regards,

Luvelle Brown  
Superintendent, Ithaca City School District

Dr. Sean Eversley Bradwell  
President, Ithaca City School District Board of Education

## INTRODUCTION

### ICSD Code of Conduct

The ICSD Code of Conduct is a guiding document that provides a framework throughout the Ithaca City School District for students PreK-12, and some information may also be developed through each building-based handbook. This code of conduct also outlines and supports equitable school communities that are relationship-driven, affirming, and culturally responsive. Part of designing a more equitable school model involves shifting away from disproportionate discipline practices and embracing our shared values and vision. This shift supports the practice of placing relationships at the heart of cultivating equitable schools.

### Why is the Code of Conduct important?

As a district, we believe every student should be seen, heard, and known.

Historically, codes of conduct in U.S. public schools have focused on outlining punishments for students' behavior. Public education has struggled to transform these punishments into positive changes, and school districts have struggled to realize equity and excellence for all.

A significant amount of educational research reveals that current systems and codes of conduct contribute to disproportionate discipline for students of color, students with disabilities, students from economically disadvantaged backgrounds, and other marginalized students. [The ICSD Equity Report Card](#) reveals similarly disproportionate student experiences in our district.

The ICSD is committed to challenging traditional ideas of school discipline due to the connection between these commonly practiced forms of discipline and the ultimate exclusion of students. One of the goals of this code of conduct is to provide opportunities for restoration within and between our communities while rejecting suspension or expulsion except when required by law.

The ICSD is committed to creating an environment where true learning happens and an environment that promotes student success for all. We hope the Unified Code of Conduct will help forge a pathway toward this vision of educational excellence and equity.

**Why does discipline look so different than in the past? Why focus on positive school discipline?**



**Restorative justice is more focused on needs: the needs of those harmed, of those causing harm, and of the communities in which these situations arise.** - Howard Zehr, *The Little Book of Restorative Justice*



The saying “when we know better, we do better” exemplifies why approaches to teaching, learning, and school organization must change. Simply stated, we know that punitive discipline does not work.

A focus on *restorative practices* allows us to do better. With a strong emphasis on relationships and communication, restorative practices have the power to heal communities. Additionally, restoration helps us end the unfair use of exclusion and disrupt the ways in which discipline creates disproportionality.

## Restorative Justice

Restorative justice is a belief system as much as it is a set of practices to support communities in growing and learning from difficult situations. Howard Zehr, author of *The Little Book of Restorative Justice*, asserts, "The goal of restorative justice is to provide an experience of healing for all concerned. And ideally, restorative justice is about prevention of harm as well as justice after harm has occurred." [Zehr identifies three pillars of restorative justice: harms and needs, obligations, and engagement.](#)

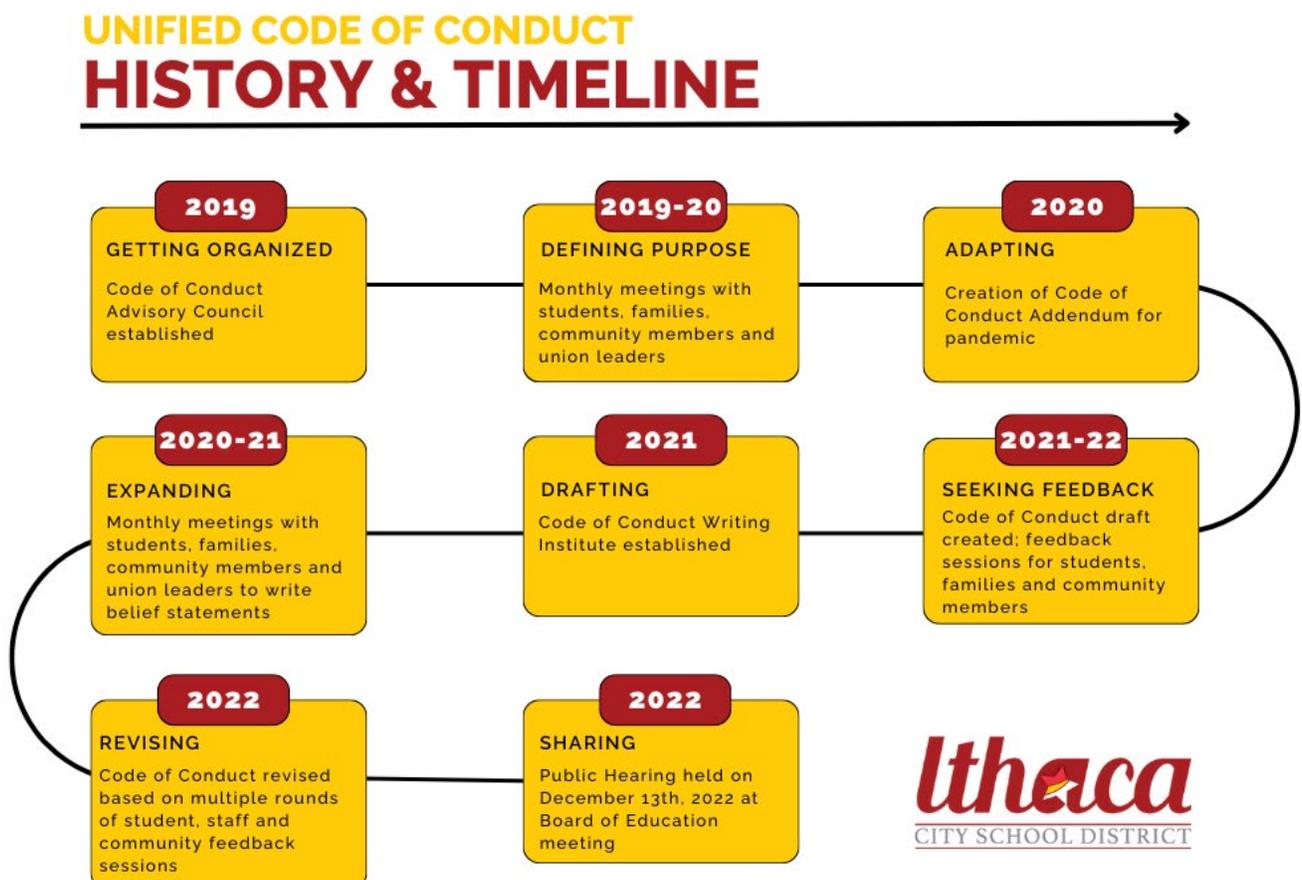
In her book, *Justice on Both Sides*, Dr. Maisha T. Winn reminds us that:

*A restorative justice circle process thus has the potential to bring students and adults together by having participants respond to a series of questions that encourage participants to describe how they have experienced harm, which allows everyone involved to hear one another, often for the first time; to explore the needs of everyone involved; and to collaboratively identify potential pathways to make things right. In other words, the RJ (Restorative Justice) circle provides a forum for exploring histories, futures, tensions, and paths forward. In such a process, educators and the students they serve no longer assume oppositional 'sides'; indeed, restorative justice seeks to undermine such binaries.*

In short, young people and adults benefit from restorative approaches to "behavior."

## Where We Started and Where We're Going

All codes of conduct must be documents that are regularly reviewed and updated. Any code of conduct must be a work in evolution. Below is a timeline of the development of the Unified Code of Conduct.



## Beliefs

The Code of Conduct outlines the beliefs, rights, and responsibilities of ICSD community members as we create a restorative model of student engagement and support.

- ★ We believe that every person should be seen, heard, and known.
- ★ We believe that every child, when provided with the opportunity to reflect upon their actions, can learn and succeed.
- ★ We believe that it is the responsibility of all community members to seek, create, and implement restorative supports for our children.
- ★ We believe that district employees are powerful forces in children's lives. This code of conduct is designed to support district employees as they strive to gain the trust and love of the children, parents, and families they serve.
- ★ We believe that discipline that excludes a child from the community, even temporarily, is punishment. As [outlined by the National Education Association](#), suspension isolates, alienates, and seldom transforms the student, which is a foundation of the school-to-prison pipeline.
- ★ We believe that this code of conduct is crucial to sustaining an anti-racist and anti-marginalizing school district.
- ★ We believe that the Code of Conduct is not just a document for students but also a collective vision/goal for district employees and students to hold each other to high standards and hold each other accountable.

## Did you know?

- » All children want to belong and succeed.
- » Children succeed when afforded opportunities. It is unlikely for a student to attend school only to cause disruptions.
- » "Behavioral problems" are often an expression of need that occurs when children do not know how to ask for what they need to be successful.
- » Following the pandemic, many children have residual trauma. It can be tempting to think that behavior should improve after enforcing a discipline approach, but trauma is not so easily solved.
- » Suspension further alienates students from a school community and leads to increased disruptions.



# RIGHTS AND RESPONSIBILITIES

This section begins with a description of the rights and responsibilities of members of the ICSD community. Some rights and responsibilities hold for all community members, whether they are students, educators, administrators, staff, parents/caregivers, or partners. ALL district employees are seen as educators, as their work supports students' educational experiences.

## Students' Rights

All district students have a right to:

- ★ Be seen, heard, and known
- ★ Access a free and appropriate education
- ★ Be included and treated equitably
- ★ Be protected from intimidation, harassment, bullying, or discrimination and report incidents of bias in accordance with the Dignity for All Students Act ("DASA") See *Education Law 12[1]* and the [ICSD Policy 0115 and 0115-R](#)
- ★ Access district policies and rules at any time and receive an explanation of those policies or rules in an age-appropriate way from school personnel

## Students' Responsibilities

All district students have a responsibility to:

- ★ Engage in learning to the best of their capacity
- ★ Attend school regularly to the best of their ability [as required by New York State Law](#)
- ★ Follow reasonable and appropriate directions from school personnel and seek help to determine reasonable alternatives when stress, problems, conflicts, and/or disputes occur

## Parents, Caregivers, and Families' Rights

All parents, caregivers, and families have a right to:

- ★ Be seen, heard, and known
- ★ Be treated as valued partners
- ★ Receive clear and timely communication about their child, including reports on academic progress and discussions about student successes and challenges provided in the parent/caregiver/family's chosen language
- ★ Expect that information about their child will be kept confidential

## Parents, Caregivers, and Families' Responsibilities

All district parents, caregivers and families have a responsibility to:

- ★ Treat district employees and educators as valued partners
- ★ Support student attendance at school to the best of their ability [as required by New York State Law](#)
- ★ Engage in open conversation with educators that supports students' overall participation and success in school and that aligns with the Code of Conduct and their family values
- ★ Create, build, and sustain positive and nurturing relationships with students, colleagues, and parents/caregivers to build community and support the foundation for restorative justice

## Educators' Rights

All district educators have a right to:

- ★ Be seen, heard, and known
- ★ Be treated as valued partners
- ★ Be included in school communities, conversations, and forums for evaluating ICSD policies
- ★ The privileges negotiated and outlined in the most recent professional contract associated with their role
- ★ Request and receive support when faced with new or challenging situations

## Educators' Responsibilities

All district educators have a responsibility to:

- ★ Contribute to a climate that is welcoming and inclusive in classrooms, schools, and all other spaces that serve students
- ★ Engage in open communication with students, colleagues, parents/caregivers, and community members
- ★ Follow all applicable laws and policies related to student privacy, accessibility, and communication
- ★ Uphold the items negotiated and outlined in their employment contracts
- ★ Create, build, and sustain positive and nurturing relationships with students, colleagues, and parents/caregivers to build community and support the foundation for restorative justice

(See [ICSD Bargaining Agreements](#))

## Principals and Administrators' Rights

All district principals and administrators have a right to:

- ★ Be seen, heard, and known
- ★ Be treated as valued partners
- ★ The privileges negotiated and outlined in their employment contracts

## Principals and Administrators' Responsibilities

All district principals and administrators have a responsibility to:

- ★ Contribute to a community where members feel seen, heard, and known
- ★ Ensure that the school community knows, understands, and enacts important guidance and policies
- ★ Advocate for what is needed in order to support a fully functioning school community
- ★ Support the collaborative development of handbooks outlining school-specific behavioral expectations and processes
- ★ Uphold the items negotiated and outlined in their employment contracts
- ★ Use isolation or exclusion from the learning environment only after exhausting all other best practices as outlined in this document
- ★ Create, build, and sustain positive and nurturing relationships with students, colleagues, and parents/caregivers to build community and support the foundation for restorative justice

(See [ICSD Bargaining Agreements](#))

## Superintendent's Rights

The district superintendent has a right to:

- ★ Be seen, heard, and known
- ★ Be treated as a valued partner
- ★ The privileges negotiated and outlined in their employment contract

## Superintendent's Responsibilities

The district superintendent has a responsibility to:

- ★ Contribute to instructional programs that are responsive and restorative to student and educator needs
- ★ Reflect the values and mission of the ICSD and the commitment to restorative justice as a tool to foster educational equity
- ★ Collaborate with district educators in upholding the Code of Conduct and ensure that all cases are resolved promptly and fairly
- ★ Collaborate and share information with district educators, the ICSD community, and the Board of Education and provide opportunities for feedback
- ★ Use isolation or exclusion from the learning environment only after exhausting all other best practices as outlined in this document

## Board of Education Members' Rights

Board of Education members have a right to:

- ★ Be seen, heard, and known
- ★ Be treated as a valued partner

## Board of Education Members' Responsibilities

Board of Education members have a responsibility to:

- ★ Serve as the organizing body for regular review and revision of the Code of Conduct
- ★ Create policies that form the Code of Conduct in alignment with best practices for curriculum, instruction, and student and educator development, as well as federal and state education laws
- ★ Focus on student success, including the development of a budget that provides for programs and activities in support of achieving the ICSD's goals as outlined in the Code of Conduct and other documents

## Communication with Caregivers and Families

All ICSD educators are encouraged to be in regular communication with parents, caregivers, and families; this includes working to build trusting relationships through clear and timely information ranging from general school news to issues relating to individual students.

Communication should happen through multiple formats, including notes, phone calls, meetings, and relevant technology. An expansive communication approach is especially critical when concerning any issues outlined in this code of conduct. Parents, caregivers, and families have the right to be notified of any exclusionary forms of discipline.

# UNDERSTANDING BEHAVIOR AND APPROACHES TO DEVELOPING POSITIVE SCHOOL COMMUNITIES

In order to ensure that every child receives a high-quality education, each school must create a climate of learning – a place where the fundamental dignity of all members of the school community is protected and nurtured.

A school climate that protects human dignity exists when all members feel socially, emotionally, and physically safe. Additionally, a climate of learning exists when there is communication and positive relationships among educators, students, parents, caregivers, and families and when students' self-expression and self-esteem are supported.

The purpose of community and/or individual interventions is best achieved when they address needs, resolve conflicts, restore relationships, and encourage inclusion within the school community.

## Why Exclusion Doesn't Work

The school-to-prison pipeline is the disproportionate tendency of minors to become incarcerated following increasingly harsh school policies, such as zero-tolerance policies. In addition to diminishing a positive school culture, punitive approaches also endanger the lives and futures of children. Black and brown children are disproportionately excluded from school through suspension and expulsion, which perpetuates systemic racism. Students from lower socioeconomic backgrounds and students with disabilities are often excluded at much higher rates as well. Additionally, exclusion does not support the development of strong relationships between district employees, students, and parents/caregivers, which is the foundation of restorative justice and equitable school communities.

## Responsible Referring to Outside Agencies

The ICSD must follow all New York State Education Department (NYSED) guidance regarding mandatory steps to be taken before making a referral to any family court or child welfare system. Still, the ICSD recognizes that the referral of students to the family or criminal court system directly contributes to the school-to-prison pipeline. While NYSED law allows for referrals, the ICSD is committed to minimizing criminal court system referrals except in limited and statutorily-mandated circumstances. The district will actively endeavor to utilize innovative and restorative alternatives that are both supportive and non-coercive.

## Understanding the ICSD's Approach to Building and Maintaining Relationships

Building positive relationships among and between students and all educators in the ICSD requires time, professional development, and resources. Additionally, "...simply announcing a commitment to 'restorative justice' doesn't make it so. Restorative justice doesn't work as an add-on. It requires us to address the roots of student 'misbehavior' and a willingness to rethink and rework our classrooms, schools, and school districts" ([restorativejustice.org](http://restorativejustice.org)). Instead, we must build alternatives through schoolwide and districtwide participation, which includes collaboration and creativity. These alternatives must include empowering students, educators, and parents/caregivers/families and be grounded in building genuine communities of learning.

Ongoing professional development and support for educators, students, families, and community members will be necessary to implement restorative practices. The district and Board are committed to supporting this work.

## RESTORATIVE RESPONSES THAT ALIGN WITH ICSD VALUES AND MISSION

While many codes of conduct outline disciplinary responses triggered by specific behaviors, this approach ignores the different experiences and needs of students. As stated previously, the consequences of punitive interpretations and applications of codes of behavior have greatly contributed to inequitable school environments. Therefore, the ICSD is committed to a more responsive, needs-based approach to support the understanding of behavior and the promotion of positive participation by all students in their education.

### Supportive Responsive Classrooms

Sometimes outcomes in the classroom do not align with the expectations of adults and young people. Although these incidents can create difficult and uncomfortable experiences, they also provide opportunities for teachable moments. With a longer view, incidents can equally provide opportunities for relationship-building while also helping to minimize any future interruptions to instruction.

If a student's behavior is disruptive to the learning environment, the educator and education support professionals will do their best to manage the behavior in the classroom using one of the interventions and restorative practices outlined below. These interventions and practices are developed at the building level, with district support, to best meet the different needs of various age groups.

Listed below are examples of some categories of student behaviors and situations that *could* be managed at the classroom level. This list is not meant to be exhaustive, but is instead an outline of what educators, students, and families might experience with restorative practices.

**Disruption of the learning environment**, *which could include but is not limited to*: not following class procedures and norms, not listening to directives from educators, inappropriate language, or verbal conflict/arguing.

**Minor aggression toward other students or educators** that does not result in significant disruption or injury, *which could include but is not limited to*: shoving, pushing, kicking, or bumping. Age, disability, and other factors should be considered in the context of aggression. For instance, a push or shove in a high school classroom can have a different impact than *the same behavior* in a first-grade classroom.

**Using language or gestures that are inappropriate for school settings**, *which could include but are not limited to*: slurs, swearing at others, mocking, or teasing.

**Repeated lateness/tardiness to school or class** that is impacting student learning for themselves and/or others. The following includes information from the [ICSD Comprehensive Attendance Policy](#) for tardiness/attendance:

- Each school will develop procedures to address tardiness.
- Schools will utilize data analysis for tracking individual student attendance and individual and group trends in student attendance problems.
- The attendance policy will be included in student handbooks and reviewed with students at the start of the school year and with students entering during the school year. School newsletters and publications will include periodic reminders of the components of this policy.

**Inappropriate use of electronic devices**, including behavior that damages the electronics or violates the Electronics Policy (*see page 17*).

# POTENTIAL TOOLS FOR IMPLEMENTING RESTORATIVE PRACTICES

## Before a Conflict Arises

### CIRCLE PROCESSES

A circle process can be used as a tool to teach social skills such as listening, respect, and problem-solving. Circles provide participants an opportunity to speak and listen to one another in a safe atmosphere and are best utilized early in the establishment of a learning community. Getting to truly know and care for one another before many challenges arise can allow members of any community to solve problems in circles when difficult situations present themselves. This process recognizes that students can utilize conflict resolution practices and social skills to resolve conflict with help from a facilitator.

### SOCIAL-EMOTIONAL LEARNING (SEL)

Social-emotional learning teaches skills that allow students to recognize and manage emotions, develop concern for others, establish relationships, make responsible decisions, and handle challenging situations constructively and efficiently. These are the skills that allow children and adults to calm themselves when angry, to make friends, to resolve conflicts respectfully, and to make ethical and safe choices. *(See RULER description in Glossary)*

## After a Conflict Has Occurred

### TAKING THE LEAD OF THOSE WHO HAVE EXPERIENCED HARM

As Howard Zehr reminds us, "Victims should be able to identify their own needs." Helping those who have experienced harm identify what they need in a situation is paramount. Often, those who have experienced harm need information, to tell their truth, empowerment, and restitution.

### CIRCLE PROCESSES

Again, when conflicts arise, engaging those who have experienced harm, enacted harm, and been impacted/witnessed harm together in a circle to discuss the harms and their needs can be important. Once relationships are built, circle processes can be even more powerful in addressing harms, although this is not necessary.



## INFORMAL RESTORATIVE PRACTICES

Informal Restorative Practices might include:

- » Affective statements, which communicate people's feelings
- » Affective questions, which cause people to reflect on how their behavior has affected others
- » Proactive engagement with students, parents, caregivers, and families
- » Mentor relationships
- » Community service
- » Lunchtime table talks

## COMMUNITY/SCHOOL SERVICE

Community/school service allows students to restore a harm that may have been committed to the school community by providing a meaningful and appropriate service that contributes to their individual improvement. An example may include students spending time in one of the district's elementary schools working in a classroom side-by-side with teachers and staff to support the community.

## IN-THE-MOMENT CONFERENCE

When difficult situations arise, this can be a good opportunity to provide time to check in and conference. Building administrators and others are here to support staff and students in providing this time and space, which can lessen the feeling of being alone or on our own.

If educators and students find they need to step away to engage in conversation at that moment, an educator can call for other school personnel who are available (administrator, buddy class, co-teacher, etc.) to stand in and support the whole class while the educator and student confer with one another. This connected interaction helps build and strengthen bonds between students and staff while allowing space to address conflicts.

## THERAPEUTIC CRISIS INTERVENTION FOR SCHOOLS (TCIS)

TCIS is an approach used in our schools to support students and adults alike. Crisis interventions are necessary in moments of challenge and as a tool to de-escalate challenging situations. The goals of TCIS are to:

- » Create a trauma-sensitive environment where children and adults are safe and feel safe
- » Pro-actively prevent and/or de-escalate potential crisis situations with children
- » Manage a crisis situation in a therapeutic manner
- » Process the crisis event with children to help improve their coping strategies

TCIS focuses on four key questions:

- » What am I feeling now?
- » What does this student feel, need, or want?
- » How is the environment affecting the student?
- » How do I best respond?

# ACCESSING SCHOOL AND COMMUNITY RESOURCES TO SUPPORT POSITIVE PARTICIPATION

These methods may work in tandem with family group counseling, mental health counseling, anger management, or behavioral coaching.

## School-Level Resources

If a behavior is not manageable at the classroom level, the concern should be brought to building administrators. Building administrators will support students and educators toward a resolution through restorative interventions, including those found in this document, and through continued communication.

The following list of potential student behaviors includes examples of situations that *can be managed at the school or district level*:

- » **Repeated behaviors that are disruptive** to the student's learning, class environment, or teacher's practice.
- » **Behaviors that are potentially violent or pose a potential danger** to the student's self and/or others, including actual violence and threats of violence.
- » **Bringing weapons** (as defined by New York State Law) to school. [Under New York Penal Code § 265.01-a](#), "it is against the law to possess a shotgun, rifle or firearm on the property of a school without the prior authorization of that educational institution. 'School' is defined as a school, college, or university." The ICSD will of course not provide authorization for shotguns, rifles, or firearms to be on school property at any time.
- » **Repeated use of banned substances** on school property, including tobacco/vapes and illegal drugs.

If law enforcement is needed for any of the above situations, please refer to the [ICSD District Safety Plan - When to Call Law Enforcement](#) (page 25). In times of imminent danger or harm, 911 should be contacted immediately for rapid response.

## Exclusion from School

Any isolation or exclusion from the learning environment will only happen after exhausting all other best practices as outlined in this document. If a building administrator determines that a child should be excluded from school, the building administrator must do the following:

- » Conference with another building administrator to talk through alternatives to exclusion
- » [Communicate with parents, caregivers, and families](#)
- » Document the process using SchoolTool
- » Arrange and ensure that alternative instruction and related services are provided during exclusion from school
- » Follow best practices for students returning to school (see Appendix IV)

## STATE AND FEDERAL POLICIES AND GUIDELINES

While the ICSD's mission is to support students to learn positive behaviors through a restorative justice approach and eliminate school suspensions, some policies are mandated by New York State Education Law and/or US Education Law. For information on policies regarding suspension from school, please see Appendix I.

Please note that all students have statutory rights that must be met if they are to be excluded from school. The Board also recognizes that students with disabilities deemed eligible for special education services under the Individuals with Disabilities Education Act (IDEA) and Article 89 of New York's Education Law or Section 504 of the Rehabilitation Act of 1973 have certain procedural protections that school authorities must observe when deciding to suspend or remove. Students with disabilities are understood to be those with IEPs or 504 plans or those presumed to have a disability for disciplinary purposes. For more information about the rights and the special circumstances that must be met to exclude a student with disabilities, please see Appendix III.

### Title IX

Title IX of the Education Amendments of 1972 (Title IX) prohibits sex (including pregnancy, sexual orientation, and gender identity) discrimination in any education program or activity receiving federal financial assistance. The ICSD is committed to sexual harassment and assault prevention and response.

Title IX prohibits various types of sex discrimination, including, but not limited to: sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in the ICSD's science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- » Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the ICSD's education program or activity
- » Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation
- » Dating violence
- » Domestic violence
- » Stalking, meaning engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to:
  - Fear for their safety or the safety of others
  - Suffer substantial emotional distress

Any person may report sex discrimination, including sexual harassment, regardless of whether they are the alleged survivor. Reports may be made in person to the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. This report may be delivered at any time (including during non-business hours) by using the telephone number, email address, or mailing address listed for the office of the Title IX Coordinator.

Additional details, including contact information and reporting forms, can be found on the [ICSD Sexual Harassment and Assault Response and Prevention webpage](#).

## Dignity for All Students Act (DASA)

New York State's Dignity for All Students Act (DASA) took effect on July 1, 2012. The law seeks to provide students in the state's public schools with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, school buses, and/or at school functions.

The Board of Education condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation, and bullying on school grounds, school buses, and at all school-sponsored activities, programs, and events. For a complete description of the Board Policy, including definitions and processes, see [ICSD Board Policy 0115](#) and [Board Regulation 0115-R](#). The regulation (0115-R) also outlines how the ICSD implements the required components of the Dignity for All Students Act.

If you need to contact someone about bullying, cyberbullying, or harassment, please see the [ICSD DASA webpage](#), which includes DASA coordinators by building.



## How to Raise a Concern

The genuine hope is that building administrators and all ICSD educators are supported in working collaboratively with students and families to resolve any concerns. Whenever possible and when applicable, the district wishes to resolve any concerns with the specific parties involved. Still, when there are unresolved concerns and to ensure timely and effective problem-solving, the process for addressing concerns is as follows:

1. Contact the classroom teacher or instructional support teacher by phone or email. For Dignity for All Students (DASA) cases, concerns should be directed to the building principal, who also serves as a DASA coordinator.
2. If the teacher has not responded within three business days, or if the response is unsatisfactory, contact the building principal.
3. If the building principal has not responded within three business days, or if the response is unsatisfactory, contact the deputy superintendent.
4. If the deputy superintendent has not responded within three business days, or if the response is unsatisfactory, contact the superintendent.
5. If the superintendent has not responded within three business days, or if the response is unsatisfactory, contact the Board of Education via a message to the board clerk.

At any time, students and families can contact the [ICSD Educator of Inclusion](#) for their building.

## OTHER IMPORTANT POLICIES

### Student Dress Code

The ICSD dress code policy is focused on promoting both safety and belonging – crucial tenets of a positive school culture. Students may dress in any style they desire and may present themselves in a way that is consistent with their identity.

#### DRESS CODE BELIEFS

- ★ All students should be able to dress comfortably for school without fear of unnecessary discipline or body shaming.
- ★ All students and staff should understand that they are responsible for managing their personal “distractions” without regulating individual students’ clothing/self-expression.

#### ADDRESSING THE DRESS CODE

- » School administrators and educators can intervene in situations where clothing serves to:
  - dehumanize groups or individuals;
  - promote hate or encourage violence; or
  - materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.
- » It is up to educators (staff, teachers, and administrators) to take an educational and restorative approach when they have deemed clothing is in need of intervention. Students have a right to a conversation about their clothing, and their parents, caregivers, or families should be notified about any actions taken in regard to clothing.

The Board of Education supports the requirement for students to wear protective gear in certain classes. Students have the right to request district support if they are not provided protective gear.

Students or parents/caregivers/families may contact classroom teachers and school administration regarding exemption from the dress code policy when religious, cultural, or medical reasons exist. Denials can be appealed by following the “How to Raise a Concern” process outlined on the previous page or by contacting an ICSD Educator of Inclusion at any time.

### ICSD Electronics Policy

The ICSD Electronics Policy addresses students’ online interactions with ICSD faculty, staff, and other students, as well as students’ individual actions with electronic devices. The policy is intended to complement, not replace, existing regulations and district policies, including those related to acceptable use, social media, electronic communications, and data security.

The following expectations apply to all district-supported digital learning tools and platforms, and synchronous (live) lesson environments:

- » Students are expected to use bias-free language when speaking and when communicating through text and/or chat features.
- » If you identify a security and/or safety problem in the district’s devices and/or educational platform, notify your educator or building administrator immediately.

- » Educators may encourage but cannot require students to turn on their cameras during virtual instruction or penalize them for not doing so. Student engagement can and should be measured in other ways, including oral participation, participation in the chat, or participation on other platforms. It is becoming more and more evident that engagement and assessment are more easily determined when small group and pair work are a part of the online pedagogical process.
- » During online instruction, students do not have the right to record lessons or meetings with educators or other students. Educators may record their virtual lessons and will follow the district protocol established during Digital Learning 2.0.
- » All district members must keep their account passwords and credentials secure and respect the digital privacy of others.
- » Unauthorized use of the credentials of others to access the accounts or data of other students, staff, or district systems is a violation of the district's acceptable use policy.
- » ICSD students are subject to all local, state, and federal laws governing the Internet. Consequently, faculty and administration will cooperate fully with local, state, or federal officials in any investigation related to illegal activities conducted through Internet access.
- » If a claim is made that a student has violated this policy, the student (and parents/caregivers/family) will be notified of the alleged incident and given an opportunity to present an explanation.

## CELL PHONES

With the advent of nearly ubiquitous cell phone access, students and staff alike have to balance their school-related responsibilities with their personal responsibilities, interests, and needs to be accessible 24/7 with these handheld devices. Teaching and learning must come first, and cell phones may be utilized, if appropriate, as long as teaching and learning are at the core.

The majority of students in secondary schools have access to a cell phone. We know that a prohibitive cell phone policy is inauthentic and unrealistic in our current climate. Cell phone access for students can be beneficial for learning; they can increase access to technology, provide access to safety in case of an emergency, and instill a value of freedom and connection to students and teachers.

We believe that, with support, students should learn how to effectively manage and handle devices. One way that teachers and staff can help model students' behavior is through habits such as turning phones off or putting them in airplane mode. Other strategies can include having a cell phone storage area where students can place their devices in a pocket with their names on it.

## STRATEGIES FOR MANAGING EXPECTATIONS AROUND CELL PHONE USE

- » Modeling boundaries with phone use and strategies (e.g., a teacher makes a habit of putting away their phone with the class)
- » Asking students to inform their teacher in advance if they need to use their phone for an emergency-related issue
- » Communicating with students and working to understand their needs around their cell phone use
- » Developing clear classroom agreements around cell phone use and what works best when people forget or violate that agreement.

## ADDITIONAL ELECTRONIC DEVICE POLICIES AND PROCEDURES

- » The school is not responsible for the loss or theft of electronic devices brought to school by students.
- » Students are permitted to bring the following electronic items to school:
  - Cell phones
  - Laptops
  - Tablets
  - iPads and other similar computing devices
- » Using any device to misrepresent an individual, harass or bully, or promote illicit activity (e.g., fighting) is unacceptable.
- » Use of cell phones, computing devices, portable music and entertainment systems, and other electronic devices during the administration of state standardized examinations is governed by the New York State Education Department rules and may be prohibited.

## Visitors

The Board recognizes that the success of the school program depends on support from the larger community. The principal or their designee is responsible for all persons in the school building and on school grounds. In order to ensure the security of our school buildings, community members should follow these procedures:

- » All visitors to the school during school hours must enter through the designated main entrance and report to the main office upon arrival at the school. Visitors will sign the visitor register and be issued a visitor identification badge. Visitors may be requested to provide photo identification and must return the identification badge to the main office before leaving the building.
- » Parents, caregivers, families, and community members who wish to observe a classroom while school is in session are required to discuss and arrange such visits in advance with the classroom teacher and/or building principal.
- » Educators are not expected to take class time to discuss individual matters with visitors.
- » All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct and [Policy 5300.70 Public Conduct on School Property](#).



## GLOSSARY

This glossary includes terms that are not consistent with the prioritizing of restorative practices and policies. However, these terms are included because they mirror the phrasing of educational laws that the ICSD is required to enforce, both throughout the document and beyond.

For purposes of this portion of the Code of Conduct, and consistent with applicable law and regulations, the following definitions will apply:

- » **Behavioral intervention plan (BIP)** means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes 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 and services to address the behavior.
- » **Controlled substance** means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
- » **Disability** means (a) a physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).
- » **Disciplinary change in placement** means a suspension or removal from a student's current educational placement that is either:
  - For more than 10 consecutive school days; or
  - For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
- » **Firearms** is defined under the Gun-Free Schools Act as the following:
  - Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
  - The frame or receiver of any weapon described above
  - Any firearm muffler or firearm silencer
  - Any destructive device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, or rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device
  - Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter

- Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled
  - The definition does not apply to a firearm lawfully stored inside a locked vehicle on school property, or if it is for activities that are school approved and authorized and the district has appropriate safeguards to ensure student safety (NY Educ. Law § 3214(3)(d)(3)(ii))
- » **Gender** means actual or perceived sex and shall include a person's gender identity or expression (Education Law §11[6]).
- » **Gender expression** means the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.
- » **Gender identity** means a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Everyone has a gender identity.
- » **Harassment/bullying** means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying, as defined in Education Law §11(8), that:
- has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being;
  - reasonably causes or would reasonably be expected to cause a student to fear for their physical safety;
  - reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
  - 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. For purposes of this definition, the term "threats, intimidation, or abuse" shall include verbal and non-verbal actions. (Education Law §11[7]).

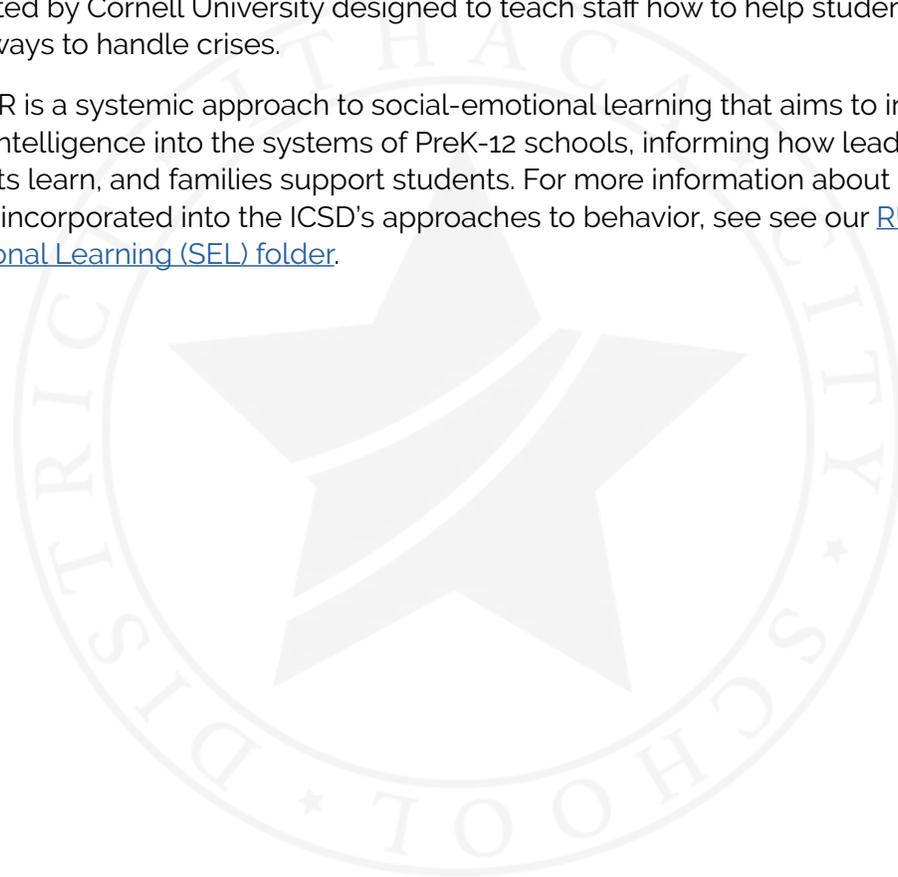
"Cyberbullying" means harassment/bullying, as defined above, through any form of electronic communication. (Education Law §11[8]).

- » **Illegal drug** means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
- » **Interim alternative educational setting (IAES)** means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable them to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
- » **Manifestation review** means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.

- » **Manifestation team** means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, caregiver, family, and relevant members of the committee on special education as determined by the parent and the district.
- » **Pocket knife** means a knife that has a blade of less than two and one-half inches in length.
- » **Removal** means a removal of a student with a disability for disciplinary reasons from their current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
- » **School bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers, and other persons acting in a supervisory capacity to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers, and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).
- » **School day** means any day, including a partial day, that students are in attendance at school for instructional purposes.
- » **School property** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law §2801(1); §11[1] and Vehicle and Traffic Law §142).
- » **School function** means any school-sponsored extracurricular event or activity (Education Law §2801(1); §11[2]).
- » **Serious bodily injury** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- » **Sexual orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality. (Education Law §11[5])
- » **Student presumed to have a disability for discipline purposes** means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
- » **Suspension** means a suspension pursuant to §3214 of New York's Education Law.
- » **Violence**, according to the World Health Organization, means "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation."
- » **Weapon** means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

## Additional Terms

- » **DASA:** The Dignity for All Students Act (The Dignity Act or DASA) was established to protect all students from harassment, bullying, and discrimination. It became effective on July 1, 2012, and was amended to include cyberbullying effective July 1, 2013.
- » **FERPA:** The Family Educational Rights and Privacy Act of 1974 is a United States federal law that governs the access to educational information and records by public entities such as potential employers, publicly funded educational institutions, and foreign governments.
- » **TCIS:** Therapeutic Crisis Intervention and Support (TCIS) is a crisis prevention and intervention program created by Cornell University designed to teach staff how to help students and adults learn constructive ways to handle crises.
- » **RULER:** RULER is a systemic approach to social-emotional learning that aims to infuse the principles of emotional intelligence into the systems of PreK-12 schools, informing how leaders lead, teachers teach, students learn, and families support students. For more information about RULER and the ways that it is incorporated into the ICSD's approaches to behavior, see see our [RULER & Integrated Social/Emotional Learning \(SEL\) folder](#).



## APPENDIX I - LIST OF CODE OF CONDUCT VIOLATIONS

The ICSD is committed to building and maintaining a school climate that protects human dignity, where students feel safe, positive relationships between educators, students, and caregivers are nurtured, and students' self-expression and self-esteem are supported.

The ICSD is also deeply committed to actively utilizing innovative and restorative practices to support substantive and longer-lasting changes in behavior, which connect students to their communities rather than exclude them. As mentioned previously, the goal of this code of conduct is to reject suspension or expulsion except when required by law.

And even with this concerted effort to find solutions beyond suspension or expulsion, all codes of conduct in New York State must have a section that outlines prohibited conduct. Further, the ICSD has a legal and moral obligation to provide safe learning spaces to our students who are on the receiving end of violating behaviors.

Below are the legal requirements of prohibited conduct, as outlined in New York State Education Law 3214(2-a):

**“2-a. a. Violent pupil.** For the purposes of this section, a violent pupil is an elementary or secondary student under twenty-one years of age who:

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

**b. Disruptive pupil.** For the purposes of this section, a disruptive pupil is an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.”

Additionally, 8-CRR-NY §120.5 requires school districts to prohibit and report on the following offenses:

- Homicide
- Sexual Offense
- Assault
- Weapons Possession
- Material Incidents of Discrimination, Harassment, and Bullying
- Bomb Threat
- False Alarm
- Threat (Other than bomb threat or false alarm)
- Use, Possession or Sale of Drugs
- Use, Possession or Sale of Alcohol

## **APPENDIX II - EXCLUSION FROM SCHOOL AND SCHOOL ACTIVITIES (SUSPENSION AND EXPULSION)**

### **Suspension from Transportation**

The goal of the Unified Code of Conduct is to reject suspension or expulsion and actively pursue restorative practices to resolve any incidents or situations; this includes suspension or expulsion from bus transportation.

When a student does engage in dangerous or disruptive behavior, the bus driver is expected to bring such misconduct to the principal's attention. Again, the goal is to actively pursue restorative practices to resolve any incidents or situations. Still, students engaged in dangerous or disruptive behavior may have their riding privileges suspended by the principal, the superintendent, or their designees.

In such cases, the student's parent, caregiver, or family, will become responsible for safely transporting their child to and from school. Should any suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and their parent, caregiver, or family will be provided with a reasonable opportunity for an informal conference with the principal or the principal's designee to discuss the conduct, consequence(s), and next steps.

### **Suspension from Athletic Participation, Extra-Curricular Activities, and Other Privileges**

A student may also be subjected to a suspension from athletic participation, extra-curricular activities, or other privileges. In such cases, the student is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent, caregiver, or family will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct, any disciplinary action(s), and next steps.

### **Classroom Removal/In-School Suspension**

The Board recognizes the school must balance the need of students to attend school and the need to establish an environment conducive to learning. As such, the Board authorizes principals and the superintendent to temporarily remove students from a classroom or learning space. Students subject to such temporary removals will spend time with certified teachers, and restorative approaches will continue to be explored and utilized.

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

## Suspension from School

Suspension from school is a severe penalty, which may be imposed only in accordance with New York State Law, and should be avoided at all costs for a variety of reasons. (See *Why Exclusion Doesn't Work* on page 9)

The Board retains its authority to suspend students but places primary responsibility for the suspension of students with the superintendent and building principals.

All staff members must immediately report and refer a student who is violent to the principal or the superintendent (see Appendix I). All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member reporting the concerning behavior. The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

### A. SHORT-TERM (FIVE DAYS OR FEWER) SUSPENSION FROM SCHOOL

When the superintendent or principal (typically referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or fewer pursuant to Education Law §3214(3), the superintendent or principal must immediately notify the student verbally. If the student denies the misconduct, the superintendent or principal must provide an explanation of the basis for the proposed suspension. The superintendent or principal must also notify the student's parents/guardians in writing that the student may be suspended from school.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/guardians. Whenever possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents/guardians.

The notice shall provide a description of the ways by which the student violated the code of conduct, including details of the incident for which suspension is proposed. Additionally, the notice shall inform the parents/guardians of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents/guardians shall have the right to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents/guardians in writing of their decision. The principal shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within ten (10) business days unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/guardians are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within ten (10) business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

### **B. LONG-TERM (MORE THAN FIVE DAYS) SUSPENSION FROM SCHOOL**

When the superintendent determines that a suspension for more than five days may be warranted, they shall give reasonable notice to the student and the student's parents/guardians of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf.

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

An appeal of the decision of the superintendent may be made to the Board, which will make its decision based solely on the record before it. All appeals to the Board must be in writing and submitted to the district clerk within thirty (30) days of the date of the superintendent's decision unless the parents/guardians can show that extraordinary circumstances preclude them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

### **C. PERMANENT SUSPENSION**

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

### **D. PROCEDURE AFTER SUSPENSION**

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

## APPENDIX III - DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from their current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law or Section 504 of the Rehabilitation Act of 1973 have certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

### Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, superintendent of schools, or a building principal with the authority to suspend students under the Education Law may order the placement of a student with a disability into an **interim alternative educational setting** (IAES), another setting, or suspension for a period not to exceed five consecutive school days.

The superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed 10 consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph if the superintendent determines that the student's behavior warrants the suspension. The superintendent also may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of 10 consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the superintendent may enforce consequences for the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. carries or possesses a weapon to or at school, on school premises, or to a school function, or
2. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the district's jurisdiction, or
3. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the district's jurisdiction.

The superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

## **Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents/guardians or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short-term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of their disability. The penalty phase of the hearing may proceed after receipt of that notification.
3. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that they will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerns weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

## **Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities**

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth in this code of conduct, unless:

1. the manifestation team determines that the student's behavior was not a manifestation of the student's disability; or
2. the student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

## **Parental/Guardian Notification of a Disciplinary Change of Placement**

The district will provide the parents/guardians of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.



## APPENDIX IV - BEST PRACTICES TO SUPPORT A RETURN TO SCHOOL AFTER A STUDENT HAS BEEN EXCLUDED

The ICSD recognizes that exclusion from school can have a profoundly negative impact on students and families. For this reason, the ICSD will make every effort to support students' re-entry to school. Actions that are important to be taken during this transition are:

- » At the point of removal, assure the student's parents, caretakers, and family that the student will not be penalized for lost instructional time and will be given support with completing work upon their reentry.
- » Notify educators and any support staff who work with the student of the number of days of suspension and the anticipated return date. Encourage them to stay in contact with the student if appropriate.
- » Schedule a face-to-face re-entry conference with the student and family members prior to the reentry date. It is recommended that the reentry conference should cover the following topics:
  - Time to share feelings and resolutions about returning to school
  - Solving any unresolved issues that they would like to address upon return
  - Discussion of insights the parents, caregivers, or family has that could deepen the school's understanding of the student and the incident that resulted in the removal
  - Coaching student on what they can do or say if peers inquire about the reason they were out of school (i.e., privacy and confidentiality are rights that they have)
  - A work completion plan and referral to support staff for assistance if needed
- » Explore other possible practices, such as:
  - Determining a restorative action plan which can include (among other things) mediation; restorative conversations; community service and coaching/counseling session
  - Determining if a skill building plan for replacement behaviors should be developed and who will take point on the development of the plan
  - Determining if a safety plan should be put in place that could include a change in schedule, supervision during unstructured times of day
  - Setting a date (no longer than two weeks from the return date) for the student, key staff, and family to come together for a check in to determine if any other supports or interventions are needed



# ITHACA CITY SCHOOL DISTRICT

2023 UNIFIED CODE OF CONDUCT

