

CODE OF CONDUCT
TABLE OF CONTENTS

THE CODE OF CONDUCT FOR THE MAINTENANCE OF ORDER ON SCHOOL PROPERTY

I. PREAMBLE

Norman Thomas High School is committed to providing a school environment that is conducive to learning, safety and order. Responsible behavior by students, teachers, other staff, parents and other visitors is essential to achieving this goal. Norman Thomas High School has a set of values and beliefs that guides the actions and behaviors of students to ensure success. Central to those values and beliefs are certain fundamental principles:

- Students learn best when adults serve as active, positive role models.
- Students learn best when there is unconditional acceptance and tolerance for differences.
- Students learn best when respect and civility are modeled by all.
- Students learn best when behavioral expectations are clearly defined and enforced.

The Norman Thomas Code of Conduct:

- Defines expectations for acceptable conduct on school property and at school events both off and on school property.
- Serves as a standard for consistency and fairness in ensuring student, family, and visitor rights.
- Identifies possible consequences for unacceptable conduct.
- Strives to ensure that discipline is administered fairly and in accordance with applicable regulations and statutes.

The following set of rules and regulations have been adopted to cover the conduct of students and adults. The intention of the rules is to help ensure safety and security of students, staff, and visitors.

II. PROHIBITED BEHAVIOR

Having a common language and a common understanding of terms is critical to a fair and objective administration of the Code of Conduct.

A. Alcohol, Tobacco, and Other Substances

The terms *alcohol*, *tobacco*, and *other substances* refer to all substances including, but not limited to, alcohol, tobacco, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, anabolic steroids, look-alikes, and any other substances commonly referred to as "designer drugs."

- No alcoholic beverages or illegal drugs may be brought onto school property.
- The inappropriate use of prescription and over-the-counter drugs is prohibited.
- Using prescribed drugs without a nurse's supervision is prohibited. Prescription drugs must be registered with the school nurse and/or Bellevue Clinic.

II. PROHIBITED BEHAVIOR, CONT.

- Students under the influence of alcohol or drugs prohibited under this regulation will be dealt with accordingly, which may mean immediate suspension from school or school event, or some other consequence/sanction.
- Possessing or using tobacco, lighters and/or other tobacco paraphernalia in or around the building is prohibited.
- Smoking or using tobacco products on school property will be dealt with accordingly, which may mean immediate suspension from school or school event, or some other consequence/sanction.

B. Inappropriate Dress

Students are expected to adhere to the following dress code in school as well as during trips outside of school:

- Headgear of any kind is prohibited (including but not limited to hats, headbands of any width, caps and hoods). This applies to male and female students.
- Clothing that is deemed to be disruptive to the learning environment is not acceptable. Examples of banned clothing include (but are not limited to) tank tops, muscle shirts, short shorts, miniskirts, see-through clothing, tights and/or spandex style wear without a long covering top within four fingers of the middle knee, clothing with obscene words, pictures or graphics.
- No clothing with images of weapons, drugs or alcohol may be worn.
- No clothing can be worn with anything that symbolizes drugs or gangs.
- Jewelry that may be deemed a weapon is not allowed. This includes, but is not limited to, rings covering multiple fingers, spiked necklaces or belts, belts with large removable buckles, chainlike wear, ninja-type stars, etc.
- Skirts, dresses, shorts, and/or cut-off pants must be no shorter than four fingers above the middle of the knee cap when measured by the individual student with fingers in a closed position.
- Neither males nor females may wear pants so low that undergarments or skin is shown.
- Monday is Dress for Success Day. Students must be dressed professionally every Monday.

C. Bullying

Bullying for the purpose of this policy is defined as harassment, aggressive behavior or other overt action, whether verbal or physical, which is intended, or could reasonably be expected, to cause distress, harm, ridicule, humiliation and/or intimidation. Bullying can be face-to-face or carried out by phone, over the internet and/or through the "posting" of sensitive and/or private information.

Norman Thomas High School is committed to providing its students and staff with an educational and working environment that is safe and secure, promotes respect, dignity, equality, and is free from bullying. Norman Thomas High School prohibits bullying on school grounds and at all school-sponsored activities, programs and events including those taking place off school property.

C. Bullying, cont.

No person, either singly or in concert with others while on school property, shall:

- Cause physical injury to any other person, or threaten to do so for the purpose of compelling or inducing any other person to perform or refrain from performing any act.
- Engage in bullying, threats, intimidation and/or extortion of any other person.

D. Disruptive Behavior

For the purpose of this Code of Conduct, a *disruptive student* is any student who is substantially disruptive of the education process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a staff member's authority occurs when a student demonstrates a persistent unwillingness to comply with instruction or the respective school activity, or repeatedly violates the rules for behavior.

The following disruptive behavior is prohibited at Norman Thomas High School:

- Substantially interfering with, or impeding the ability of other students to engage in the educational process. Using language or gestures, or engaging in actions that are obscene, profane, perverse, overtly sexual, lewd, lascivious, indecent, vulgar or abusive.
- Disrupting or preventing the orderly conduct of classes and meetings, administration, disciplinary procedures or other school activities or deliberately interfering with the freedom of any person to express his views, including invited speakers.
- Failing to comply with directions of school officials acting in the performance of their duties, including but not limited to safety drills or other emergency protocols.
- Causing disruption on or interfering with the operation of school buses.
- Intentionally making or conspiring to make a bomb threat, raise a false alarm or make a false report of a school closing or cancellation of school events. Any bomb threat made in New York State is a felony and will be treated accordingly. The school shall cooperate fully with law enforcement in the investigating and prosecuting of said offenses.
- Obstructing the free movement of any individual on school property.
- Gambling (including using dice or playing cards) on school property.

E. Electronic Devices

Norman Thomas defines *electronic devices* as ipods, MP3 players (audio listening devices), cell phones, Blackberries, cameras or any other instrument that can be used to transmit images, sound or information from one source to another.

Norman Thomas High School prohibits all electronic devices on school property. Students shall not be in possession of such devices in the school building.

F. Loitering/Trespassing

Loitering is remaining in or near school buildings and grounds with no reason for being there and with no authority or written permission to remain. A person is suspected of loitering/trespassing when (s)he remains in or about any school building or grounds, buses, or at a school-sponsored event; not having any reason or relationship involving custody of,

F. Loitering/Trespassing, cont.

or responsibility for, a student or any other specific legitimate reason for being there and not having written permission from an authorized school official for being there. (Section 240.35 of the State Penal Law)

The following instances of loitering/trespassing are prohibited at Norman Thomas High School:

- Entering into and remain in any building, facility, office or room for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others.
- Refusing to leave any building or facility after being required to do so by any person responsible for the maintenance of order in a building or facility.
- Remaining in the school building or on school grounds without having a class or supervised activity at that time.

G. Sexual Harassment

Sexual harassment includes all unwelcome behavior of a sexual nature that may have the purpose or effect of creating an intimidating, hostile, or offensive environment. Harassment should be promptly reported to a teacher, other faculty member, principal, nurse or other school official in order to be properly investigated. If proven guilty, penalties in accordance with Education Law Sect. 3214 and applicable Penal Law shall apply.

Sexual harassment may include, but is not limited to, the following:

- Verbal harassment or abuse.
- Pressure for sexual activity or favor.
- Repeated unwanted remarks to a person, with sexual or demeaning implications.
- Unwelcome touching.
- Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's reputation or general safety and welfare.
- Engage in any activity or action that demeans, discriminates, or otherwise violates or imposes upon the legal rights of others.

H. Violent Behavior

A student is considered *violent* if (s)he:

- Commits, while on school property or at a school function, an act of violence upon another student or any other person on school property or a school function, or attempts to do so.
- Commits an act of violence upon a school employee, or attempts to do so.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon, or what appears to be a weapon.

There are consequences required by law that the school must adhere to in the cases of violent behavior. Such violations may warrant more than the minimum disciplinary options/consequences.

H. Violent Behavior, cont.

For the purpose of this Code, a *weapon* can mean a firearm as defined in 18 USC §921 for purpose of the Gun Free Schools Act., any firearm or silencer, or any destructive device (18USC-921, Goals 2000: Educate America Act, Public Law 103-277). For the purpose of this Code of Conduct, a weapon also means any other gun (simulated or real), BB-gun, knife, razor, switch-blade knife, dagger, dirk, stiletto, box cutter, pocket knife, pepper spray or other noxious spray, explosive or incendiary device, ammunition or simulated ammunition, fireworks, or other devices, or any other instrument, material, or substance that can cause physical injury or death.

I. Damaging or Stealing School Property

Norman Thomas *school property* includes (but is not limited to) the walls, desks, computers, media equipment, floors, windows and escalators.

The following are examples of damaging or theft of school property prohibited at Norman Thomas High School:

- Intentionally damaging or destroying school property.
- Defacing school property.
- Intentionally damaging or destroying the personal property of any school employee or any person on school property or at a school function.
- Using matches, lighters (or similar devices) on school property, setting fires, tampering with or obstructing any safety measures such as fire extinguishers, alarm systems, posted fire regulations, water sprinklers, or fire doors.
- Tampering with any communications, heating, lighting, or power systems.
- Removing or using such property without authorization.
- Engaging in theft of, damage to, or defacement of any school property or property of any other person.

III. STUDENTS' RIGHTS AND RESPONSIBILITIES

Norman Thomas High School is committed to safeguarding the rights given to all students under state and federal laws and regulations. The Code of Conduct recognizes that expected behavior and consequences are appropriate to students' age and developmental level. The goal is for students to gain an understanding of the benefits of proper behavior as well as the consequences of inappropriate behavior. A student who violates any of the provisions shall be subject to the appropriate disciplinary penalty stipulated in the Code that is proportionate to the severity of the misconduct

A. Students' Rights

Students have the right to:

1. Learn in circumstances which permit healthy, intellectual, emotional, physical and moral development.
2. Receive a free, sound, basic education and take part in all activities without discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status or disability.
3. Receive an education appropriate for his or her individual needs.

A. Students' Rights, cont.

4. Obtain an education which respects culture, race, socioeconomic background and the language of their home.
5. Attend schools and educational programs that are effective.
6. Participate in educational programs that prepare students for jobs, for college, for responsible family life and for citizenship in a self-governing society.
7. Have available resources needed to secure their educational rights.
8. Pursue their education without fear.
9. Receive an education which involves responsibilities as well as rights.

B. Students' Responsibilities

Students are expected to:

1. Take responsibility for their own learning.
2. Take responsibility for their own behavior.
3. Be respectful of all adults and the values and views of other students.
4. Be prepared for classes, for attending school each day, and being ready to learn.
5. Be positive members of the school community with regard to themselves, others and property.
6. Behave in a way which will promote a safe and productive educational environment for all.
7. Finish all their work and tasks to the best of their ability.
8. Listen to and follow the directions of their teachers and other school personnel.
9. Accept responsibility for their actions.
10. Be respectful to fellow students, school employees and all school property.
11. Follow bus rules and regulations.
12. Be in school unless legally excused.
13. Be in classes on time.
14. Attend all classes as scheduled.
15. Leave the building only with prior approval.
16. Be in authorized areas only.
17. Carry and display an appropriate hall pass.
18. Be familiar with all school and building rules pertaining to student conduct.
19. Represent Norman Thomas High School when participating or attending school sponsored events with the highest standards of conduct, demeanor, and sportsmanship.
20. Speak in a tone and voice that is not loud and disruptive.
21. Respect personal space and physical proximity, avoiding public displays of affection.
22. Dress appropriately for school and school functions.

C. Positive Alternatives

At Norman Thomas High School, student discipline is more than a policy with consequences for behaviors. It's a commitment to a philosophy and a series of programs designed to meet the needs of students and promote a positive school climate. Positive alternatives to ongoing disciplinary issues include but are not limited to:

1. Parent Conferences, teacher conferences, case conferences
2. Conflict Resolution Programs - Peer mediations
3. Intervention counselors, school counselors, social workers

C. Positive Alternatives, cont.

4. The SAVE room
5. Parenting programs
6. Student incentive programs - Honor Roll, Students of the Month
7. Before/After-school programs (sports teams, clubs, and activities)
8. Prevention Programs - Peer Leadership
9. Grant Street Settlement Program
10. NYPD Explorer Program
11. Student involvement in decision making (Student Government)
12. Community service projects

IV. DISCIPLINARY INFRACTIONS, PROCEDURES, CONSEQUENCES, AND PROCESSES

Students and visitors who violate the Norman Thomas Code of Conduct will be subject to disciplinary action. Administration may use a range of responses to student misconduct. Before disciplining a student, School officials may issue a warning, conduct a parent conference, enter into a student behavior contract, or provide counseling or mediation. The fundamental objective shall be the modification of behavior in order to promote and foster academic success and maintain a school environment that is conducive to teaching and learning. However, at other times, immediate disciplinary consequences may be required.

The following sections describe, in detail, possible infractions, disciplinary procedures, disciplinary options and consequences, beginning with lower level and ending with those of the most serious nature. In all cases, those staff members charged with maintaining order at school and other sites at which student activities take place are expected to carry out complete investigations and administer the Code as consistently and equitably as possible, taking into consideration:

- The student's grade level and previous disciplinary history.
- The nature of the specific incident and mitigating circumstances, particularly whether or not an action was deliberate or accidental.

LEVELS OF INFRACTIONS, PROCEDURES, CONSEQUENCES, AND PROCESSES

LEVEL 1 INFRACTIONS

Listed below are examples, but not all inclusive, of Level 1 Infractions.

Infractions – Insubordinate Behaviors

- B01 Unexcused absence from school (A-D only)
- B02 Failing to wear the required school uniform (applies only to students in grades 6-12 in schools that have adopted a school uniform policy and whose parents have not secured an exemption) (A-D only)
- B03 Cutting classes (reporting to school and failing to attend one or more programmed classes)
- B04 Being late for school or class

LEVEL 1 INFRACTIONS, CONT.

- B05 Bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper, or other electronic communication/entertainment devices)
- B06 Failing to be in one's assigned place on school premises
- B07 Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)
- B08 Engaging in verbally rude or disrespectful behavior
- B09 *Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process
- B10 Posting or distributing material on school premises in violation of written Department of Education policy and/or school rules
- B11 Failing to provide school officials with required identification
- B12 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission

* If there is a question regarding whether or not clothing or headgear is representative of religious expression, the school should contact the Senior Youth Development Director.

LEVEL 1 DISCIPLINARY PROCEDURES

1. Supervising staff member or observer immediately intervenes and informs student of the infraction.
2. The incident may be documented on a student referral form which is sent to the Assistant Principal's or Dean's office, for certain infractions.
3. In cases of repetitive behavior, the staff member shall communicate to the deans and/or administrator.
4. An administrator will provide the parent with a written notification of the infraction and applicable consequence.
5. The Parent shall be provided with an opportunity for an informal conference to discuss the infraction(s), consequences, and possible interventions to prevent such future student conduct.
6. The student and incident may be referred to the Pupil Personnel Committee or the Common Planning Time Committee.
7. Referring staff will be informed of the action taken.
8. The principal, or his/her designee, maintains a record of the offense and disciplinary action.

LEVEL 1 DISCIPLINARY OPTIONS/CONSEQUENCES

A disciplinary penalty is appropriate as long as it is proportionate to the severity of the misconduct for which it is being imposed. In addition, a harsher penalty may not be imposed merely because the student does not cooperate with the school's investigation of an incident and does not admit guilt.

1. Verbal warning – immediate adult counsel or reprimand
2. Written warning, documentation of behavior
3. Written apology
4. Parental notification
5. Informal conference with parent
6. Temporary loss or restriction of privileges
7. Confiscation/securing of electronic devices
8. Payment for theft or damage
9. Cleaning up
10. Peer mediation

LEVEL 1 DISCIPLINARY OPTIONS/CONSEQUENCES, CONT.

11. School - community service (with consent of parent)
12. Seat change in classroom
13. Supervised after-school detention or Saturday detention
14. In-school suspension
15. Behavioral contract or probation
16. Referral to counselor/psychologist
17. Temporary removal from class.

LEVEL 2 INFRACTIONS

Listed below are examples, but not all inclusive, of Level 2 Infractions.

Infractions – Disorderly Disruptive Behaviors

- B13 Smoking and/or possession of matches or lighters (A-D only)
- B14 Gambling
- B15 Using profane, obscene, vulgar, lewd, or abusive language or gestures
- B16 Lying to, giving false information to, and/or misleading school personnel
- B17 Misusing property belonging to others
- B18 Engaging in or causing disruptive behavior on the school bus
- B19 Engaging in a pattern of persistent Level 1 behavior (Whenever possible and appropriate, prior to imposing a Level 2 disciplinary response, school officials should have exhausted the disciplinary responses in Level 1. Further, repeated Level 1 infractions are limited to Level 2 disciplinary responses. This applies only to infractions B05-B12 in Level 1, grades 6-12.)

LEVEL 2 DISCIPLINARY PROCEDURES

1. The staff member shall write up a student referral form and report the infraction to the assistant principal or dean.
2. Assistant principal or dean shall meet with the student to determine the most appropriate disciplinary consequence.
3. The parent will be notified and may request a conference.
4. In cases of teacher removal of a student (for up to three days) from class please refer to and strictly comply with steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES - Teacher Removal of Disruptive Pupils.
5. In cases of short-term suspension (5 days or less), please refer to and strictly comply with the steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES - Suspension from School.
6. Child Protective Services may be contacted and report filed.
7. The student and incident may be referred to support services.
8. Referring staff informed of the action taken.
9. The assistant principal, or dean, maintains a record of the offense and disciplinary action.

LEVEL 2 DISCIPLINARY OPTIONS / CONSEQUENCES

A disciplinary penalty is appropriate as long as it is proportionate to the severity of the misconduct for which it is being imposed. In addition, a harsher penalty may not be imposed merely because the student does not cooperate with the school's investigation of an incident and does not admit guilt.

1. More stringent continuation of any Level 1 disciplinary options

LEVEL 2 DISCIPLINARY OPTIONS/CONSEQUENCES, CONT.

2. In-school suspension
3. Supervised after-school detention or Saturday detention
4. Suspension from privileges
5. Suspension from participating in athletic events
6. Suspension from school-related social or extracurricular activities
7. Teacher removal from a particular class for up to three days
8. Suspension from school
9. Child Protective Services may be contacted and a report made.

Students may not be suspended from school for truancy, as such penalty is inconsistent with the educational goal of encouraging children to regularly attend and participate fully in school.

LEVEL 3 INFRACTIONS

Listed below are examples, but not all inclusive, of Level 2 Infractions.

Infractions – Seriously Disruptive Behavior

- B20 Leaving class or school premises without permission of supervising school personnel
- B21 Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety agents
- B22 Entering or attempting to enter a school building without authorization
- B23 Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, or disability (C-I only)
- B24 Shoving, pushing, or engaging in other similar physical behavior (e.g., horseplay or other minor altercation), or throwing an object (e.g., chalk), or spitting at another person (C-I only) (for fighting use B37)
- B25 Bringing unauthorized visitors to school or allowing unauthorized visitors to enter school in violation of written school rules
- B26 Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti**, making gestures or signs) (D-I only)*
- B27 Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means
- B28 Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others (D-I only) **
- B29 Knowingly possessing property belonging to another without authorization

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

** If there is substantial damage to property requiring extensive repair, the superintendent may extend the suspension for 30-90 school days with an automatic review for early reinstatement after 30 or 60 school days.

LEVEL 3 DISCIPLINARY PROCEDURES

1. The staff member shall write up a student referral form and report the infraction to the principal or Principal's designee.
2. The principal or Principal's designee shall meet with the student to determine the most appropriate disciplinary consequence.
3. The parent will be notified immediately and a conference will be held prior to penalty.

LEVEL 3 DISCIPLINARY PROCEDURES, CONT.

4. In cases of teacher removal of a student (for up to three days) from class please refer to and strictly comply with steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES - Teacher Removal of Disruptive Pupils.
5. In cases of suspension (5 days or less), please refer to and strictly comply with the steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES - Suspension from School.
6. In cases of suspension of other privileges, please refer to and strictly comply with the steps outlined in the section entitled: STUDENT DISCIPLINARY PROCESSES- Suspension of Privileges.
7. Child Protective Services may be contacted and report filed.
8. The student and incident may be referred to PPS.
9. If criminal activity, police will be contacted.
10. In severe cases, a Superintendent's Suspension we be requested.

LEVEL 3 DISCIPLINARY OPTIONS / CONSEQUENCES

A disciplinary penalty is appropriate as long as it is proportionate to the severity of the misconduct for which it is being imposed. In addition, a harsher penalty may not be imposed merely because the student does not cooperate with the school's investigation of an incident and does not admit guilt.

1. One-day minimum suspension from school, up to a maximum of five days prior to a referral to a superintendent's hearing.
2. More stringent continuation of any Level 1 and 2 disciplinary options
3. In-school suspension
4. Supervised after-school detention or Saturday detention
5. Restitution
6. Suspension (five days or less)
7. Child Protective Services report filed,
8. Filing of a PINS Petition (Person In Need of Supervision)
9. Police contacted and report filed
10. Referral to Superintendent's office for hearing

LEVEL 4 INFRACTIONS

Listed below are examples, but not all inclusive, of Level 4 Infractions.

Infractions – Dangerous or Violent Behavior

- B45 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, or umbrella)
- B46 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, or umbrella)
- B47 Starting a fire
- B48 Inciting/causing a riot
- B49 Possessing or selling any weapon as defined in Category II*
- B50 Using controlled substances without appropriate authorization, or using illegal drugs and/or alcohol
- B51 Engaging in a pattern of persistent Level 3 behavior (Whenever possible and appropriate, prior to imposing a Level 4 disciplinary response, school officials should have exhausted the disciplinary responses in Level 3. Further, repeated Level 3 infractions are limited to Level 4 disciplinary responses.)

LEVEL 4 INFRACTIONS, CONT.

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

LEVEL 4 DISCIPLINARY PROCEDURES

1. The staff member shall write up a student referral form and report the infraction to the principal or principal's designee.
2. Principal or Principal's designee shall meet with the student to determine the most appropriate disciplinary consequence.
3. The representative of the school will attempt to notify the parent immediately.
4. Child Protective Services may be contacted and report filed.
5. If criminal activity, police will be contacted.
6. Referring staff will be informed of the action taken.
7. The principal, or his/her designee, maintains a record of the offense and disciplinary action, and the designated hearing officer maintains a record of the hearing minutes.

LEVEL 4 DISCIPLINARY OPTIONS / CONSEQUENCES

A disciplinary penalty is appropriate as long as it is proportionate to the severity of the misconduct for which it is being imposed. In addition, a harsher penalty may not be imposed merely because the student does not cooperate with the school's investigation of an incident and does not admit guilt.

1. Automatic suspension of five days*
2. More stringent continuation of any Level 1, 2 and 3 disciplinary options
3. Automatic referral to Superintendent's office for hearing

*Pursuant to federal and state law, students deemed to have brought or possessed a firearm at school, or brought a weapon (exceptions are noted in Gun Free Schools Act) - to school, must be suspended for a minimum period of one calendar year, subject to modification on a case-by-case basis by the school superintendent (20 USC Sec. 715 (b)(1); Education Law 3214 (d)(3)).

LEVEL 5 INFRACTIONS

Listed below are examples, but not all inclusive, of Level 5 Infractions.

Infractions – Seriously Dangerous or Violent Behavior

- | | |
|-----|--|
| B52 | Threatening to use or using force to take or attempt to take property belonging to another |
| B53 | Using force against or inflicting or attempting to inflict serious injury against school personnel or school safety agents |
| B54 | Using extreme force against or inflicting or attempting to inflict serious injury upon students or others |
| B55 | Planning, instigating or participating in an incident of group violence |
| B56 | Engaging in threatening, dangerous or violent behavior that is gang-related* |

LEVEL 5 INFRACTIONS, CONT.

- B57 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity
- B58 Selling or distributing illegal drugs or controlled substances
- B59 Possessing or selling any weapon, other than a firearm, as defined in Category I
- B60 Using any weapon as defined in Category II to threaten or to attempt to inflict injury upon school personnel, students, or others
- B61 Using any weapon, other than a firearm, as defined in Category I, to threaten or to attempt to inflict injury upon school personnel, students, or other (L for students who have not completed the school year in which they turned 17, M for general education students who have completed the school year in which they turned 17) **
- B62 Using any weapon, other than a firearm, as defined in Category I or II, to inflict injury upon school personnel, students, or others (L for students who have not completed the school year in which they turned 17, M for general education students who have completed the school year in which they turned 17) **
- B63 Possessing or using a firearm (L for students who have not completed the school year in which they turned 17, M for general education students who have completed the school year in which they turned 17) **

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

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

DEFINITION OF STUDENT DISCIPLINARY PROCESSES

1. Teacher Removal of Student from Classroom

- A teacher may temporarily remove a student who repeatedly is disruptive of the educational process or substantially interferes with the teacher's authority over the classroom from class.
- The teacher shall inform the principal or the Principal's designee of the reasons for the removal.
- The teacher must provide the student with an explanation of the basis for the removal.
- The student shall be allowed to informally present the student's version of the relevant facts prior to the removal from the classroom.
- In cases where the teacher finds the student's conduct to not only be substantially disruptive, but the student's presence poses a continuing danger to persons or property or represents an on-going threat of disruption of the academic process; the teacher has 24 hours from the student's removal to provide the student the requisite explanation of the basis of removal, and provide the informal opportunity for the student to be heard.
- When a student of any age is removed from class by a teacher, immediate steps must be taken to provide alternative means of instruction for the student. Alternative instruction does not have to match every aspect of the instructional program the student received prior to the removal from the classroom.
- The principal or Principal's designee must inform the student's parent(s) of the removal and the reasons therefore within 24 hours of the removal and, on request, give the student and the student's parents an opportunity for an informal conference to discuss the removal.

1. Teacher Removal of Student from Classroom, cont.

- If the student denies the charge, the principal or Principal's designee must provide for an informal hearing within 48 hours of the removal for the student and student's parent(s) to present the student's version.
- The principal or the Principal's designee may set aside the teacher's disciplinary action upon a finding that the charges against the student are unsupported by substantial evidence, or that the removal constitutes a violation of law; or the conduct warrants suspension from school and a suspension will be imposed. Said determination must be made by the close of the day after the 48-hour period for an informal hearing.
- A student removed from the classroom by the teacher can return to the classroom only after the principal or the Principal's designee determines whether or not to set aside the removal, or the period of removal expires, whichever is less.

2. Principal Suspension (five days or less)

- In all cases of suspension of a student from school, the parent must be contacted and informed of the suspension prior to the imposing of the consequence.
- Written notice must be delivered by personal messenger, express mail, or an "equivalent means reasonably calculated to assure receipt" within 24 hours of the decision to propose suspension.
- Where possible, notification also must be provided by telephone. Leaving a voice message could lead to the violation of student's privacy and should not occur.
- Verbal or oral communication with the parent(s) regarding a suspension is not a substitute for the required written notification that must be given prior to the actual suspension.
- Notification by regular mail following oral notification by phone the same day does not constitute sufficient notice; neither does notice sent by registered mail return receipt requested.
- Further, the notice must be in the parent's dominant language or mode of communication.
- The only exception for giving written notice prior to the suspension is when the student's presence is a continuing danger to person or property or an ongoing threat of disruption of the academic process.
- A Principal's suspension letter issued by the school (*or school office in cases of long-term suspensions*) prior to the suspension, must provide the parent sufficient explanation of the infraction and the applicable consequence, and inform the parent that he/she may request an opportunity to hold an informal conference (*short-suspensions*) and doing so question complaining witnesses.
- The parent must have the opportunity to participate in such a conference prior to the suspension.
- The informal conference with the parent(s) must be conducted.
- Both the Education Law and the Commissioner's Regulations require that the principal and the complaining witnesses be present when requested by the parents.
- It is insufficient merely to provide an opportunity to speak to the principal without the complaining witnesses present, or an opportunity to speak to the complaining witnesses without the principal present.
- Where student or faculty witnesses are available, they should be present at the conference when requested by the parents. Even if no student witnesses are available, the parents should have an opportunity to question School employee witnesses who have first-hand knowledge. If the opportunity is not afforded to a parent, the student suspension may be annulled and expunged from the student's record.

2. Principal Suspension (five days or less), cont.

- The only exception for giving written notice prior to the suspension is when the student's presence is a continuing danger to person or property or an ongoing threat of disruption of the academic process.
- When a student of any age is suspended from school, immediate steps must be taken to provide alternative means of instruction for the student. Such alternative instruction must begin within one or two days of suspension.
- Alternative instruction does not have to match every aspect of the instructional program the student received prior to the removal from the classroom.
- A suspension may be carried over to the following school year when misconduct occurs at the end of the school year and the suspension can be meaningfully implemented only at the beginning of the following school year.

3. Superintendent Suspension (in excess of five days)

- A student disciplinary hearing is an administrative proceeding conducted in accordance with Section 3214 of the Education Law to determine whether a student is guilty of misconduct that warrants a long-term suspension from school.
- The student and the parent must have had an opportunity for a hearing on reasonable notice.
- The notice for a hearing must be reasonable, allowing the student to prepare and present an adequate defense. A single day is insufficient, but a 3-day notice is deemed sufficient (Commissioner's decisions).
- At such hearing the student has a right to bring a parent, to be represented by an attorney, as well as the right to testify and present witnesses and other evidence on their own behalf, or to cross-examine witnesses against them.
- The burden of proof rests with Norman Thomas High School. The student is entitled to a presumption of innocence until proven otherwise.
- If the school is forced to postpone a hearing and the initial short-term suspension period has expired, the student must be allowed to return to school in the interim, unless the student's parents have consented to the delay.
- Students who are suspended more than five days without a hearing and parental consent may request an order of the commissioner of education directing reinstatement pending a hearing and determination of charges.
- Students, together with their parents, may elect to either proceed to a hearing, or waive their right and accept the school's proposed long-term suspension. Any such waiver must be in writing, and it must be clear that the student and parent understand all the rights being waived and the consequences of waiving those rights.
- A parent's failure to request a hearing cannot be interpreted as a waiver of rights to a hearing.
- A hearing officer is appointed by the superintendent of schools to conduct student disciplinary hearings.
- The hearing officer's report is advisory only, and the superintendent may accept or reject all or any part of it.
- Students may appeal a long-term suspension to the school board of education, and thereafter to the commissioner of education.
- When a student of any age is suspended from school, immediate steps must be taken to provide alternative means of instruction for the student. Such alternative instruction must begin within one or two days of suspension.
- Alternative instruction does not have to match every aspect of the instructional program the student received prior to the removal from the classroom.

4. In-school Suspension

- In-school suspension can be imposed by someone other than the principal.
- Although not subject to a formal process, the parents must be provided with the opportunity for an informal conference with the individual who imposed the suspension to discuss the student's misconduct and the penalty involved.
- An in-school suspension shall not prevent, prohibit, or otherwise impede a student's access to appropriate instruction. Student shall receive substantially equivalent, alternative instruction.

5. Suspension from Privileges (School Functions, Social Functions, Extra-Curricular Activities and Other Privileges)

- Suspension from social functions, special recognitions or extra-curricular activities does not require a full, formal hearing as required in school suspension cases.
- A suspension from social functions or extra-curricular activities, in and of itself, does not affect a student's right to attend school.
- A parent may request, has the right and should be afforded an opportunity to informally discuss the facts underlying the suspension with the principal, his/her designee, the director of transportation or his/her designee.
- Special recognitions include, but are not limited to honors, scholarships and other accolades at which the student represents the school or as an example to others.

DISCIPLINE PROCESS FOR STUDENTS WITH DISABILITIES

Students with disabilities are expected to follow the discipline code at Norman Thomas High School. However, if a student with a disability violates the school code of conduct and is being considered for a suspension or removal that constitutes a disciplinary change of placement (i.e. removal for more than 10 consecutive days or a series of removals that in the aggregate total more than 10 school days) a manifestation determination must be conducted. The parent must receive written notification before any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification must inform the parent of:

- The purpose of the meeting
- The names of the individuals expected to attend
- His or her right to have relevant members of the Committee on Special Education participate at the parent's request.

The manifestation team must review all relevant information in the student's file including:

- The student's Individual Educational Plan
- Any teacher observations
- Any relevant information provided by the parents

Upon review of the above information, the manifestation team must determine:

- If the conduct in question was caused by or had a direct and substantial relationship to the student's disability
- If the conduct in question was the direct result of the school's failure to implement the Individual Educational Plan

DISCIPLINE PROCESS FOR STUDENTS WITH DISABILITIES, CONT.

If the manifestation team determines that the conduct was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of Norman Thomas High School's failure to implement the Individual Educational Plan:

- The Committee on Special Education must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student; and
- Except for removals for drugs, weapons or serious bodily injury pursuant to section 201.7 of the Regulations of the Commissioner, the student must be returned to the placement from which the student was removed, unless the parent and Norman Thomas High School agree to a change of placement as part of the modification of the behavioral intervention plan.

A student with a disability may be removed from to an interim alternative educational setting (IAES) for illegal drugs, controlled substances, weapons and serious bodily injury for up to 45 schooldays regardless of the manifestation determination.

A student with a disability who has been suspended or removed for a period of 10 consecutive school days (or a series of removals that in the aggregate total more than 10 school days) in a school year, must be provided with educational services in an interim alternative educational setting (IAES), as determined by the Committee on Special Education, that are necessary to enable the student to:

- Continue to participate in the general education curriculum and;
- Progress toward meeting the goals set out in the student's Individual Educational Plan
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

If a parent requests an impartial hearing or an appeal regarding the change in placement for his or her child to an interim alternative educational setting or the manifestation determination, the student must remain in his or her interim alternative educational setting pending the decision of the independent hearing officer or until expiration of the time period of the removal, whichever occurs first, unless the parents and Norman Thomas High School agree otherwise.

If the manifestation team determines that the specific behavior has no relation to the disability, the standard school discipline code will be followed.

STUDENT PRIVACY RIGHTS

A. Student Privacy Pursuant to Policy 7330

Each student is entitled to the right of personal privacy and is protected by Constitutional guarantees; however, each student's right of privacy is necessarily limited by the School's need to protect its educational climate from disruption by the presence of weapons, drugs, or other dangerous or prohibited items. A student may be searched and contraband seized on school grounds or in a school building by a School employee only when Norman Thomas High School employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal. School officials have no obligation to give students *Miranda*-type warnings prior to questioning them while investigating school-related misconduct or a breach of school security.

1. Searches of Students– School authorities search students and/or their belongings where reasonable suspicion of a violation of the Code of Conduct or a violation of

1. Searches of Students, cont.

the law exists. Searches shall be conducted by authorized school personnel, and may be in the presence of law enforcement representatives. A search beyond outer clothing will be conducted only by a school administrator of the same gender as the student and in the presence of another employee or law enforcement representative (e.g. School Resource Officer) who is also of the same gender. In all instances the parent or guardian shall be informed as to the reason(s) for the search, and allowed to be present is practicable to do so. Vehicle Searches - Search may be conducted of vehicles parked on school grounds when there is reasonable suspicion of a violation, of the Code of Conduct or a violation of law.

2. Searches Using Canine Units - Administration may authorize canine searches by law enforcement personnel without advance notice or warning to students or school personnel.

B. Investigation Interviews – If there is reasonable suspicion of a student committing a crime on school property or at a school event, parents will be informed that the student will be questioned by the school principal or his/her designee and possibly by law enforcement. If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Within the framework of legal rights, students have a citizen's responsibility to cooperate with law enforcement authorities. A police agency assisting with the investigation of a crime at school may be involved with the interviews of possible witnesses. The parents of said witnesses will be advised of their child's cooperation and interaction with the police agency.

DUE PROCESS

Before the school imposes discipline, students are entitled to due process. In every case, the school must inform the student of the misconduct and investigate the facts surrounding the misconduct. The school must allow all students to present their version of the facts. Beyond this, the level of due process ranges from parental notification and informal conferences to a formal hearing pursuant to Education Law §3214.

REFERRALS IN THE CASE OF A POSSIBLE CRIME

The principal must notify the superintendent of any code violations that constitute a crime and substantially affect the security of the school. The superintendent, in turn, will notify local law enforcement.

FIRST AMENDMENT RIGHTS

The First Amendment in the Bill of Rights of the United States Constitution provides in part that Congress will make no law prohibiting the free exercise of religion, freedom of speech, the right of people to assemble peaceably, and the right to petition the government for a redress of grievances.

While students are afforded the opportunity to exercise said rights, the building principal must be provided advanced notice of any potential acts or actions in order to appropriately allow said rights but yet preserving a positive learning environment.

Norman Thomas High School has the right to establish reasonable regulations for the exercise of these rights by its students so as to ensure and preserve a safe, orderly environment that is not disruptive to the educational process. Some of the specific rights

FIRST AMENDMENT RIGHTS, CONT.

that students have under this amendment and the conditions under which they may exercise these rights are as follows:

1. Student Speech – Although the First Amendment to the U.S. Constitution guarantees freedom of speech to all Americans, that does not permit students to interfere with the orderly conduct of classes, to force others to participate in a particular method of expression, or to violate the rights of those who disagree with their viewpoint. Therefore, student speech may be subject to disciplinary action or restriction if it:
 - a. Is slanderous, hateful in nature, discriminating, spoken maliciously and without regard to the truth
 - b. Clearly and immediately urges others to damage property or physically harm others
 - c. Materially or substantially interferes with the normal operation of the school.
2. Literature Distribution, Surveys and Petitions – Although students have certain rights regarding speech, any distribution of literature including questionnaires, surveys and petitions on school grounds shall only be with the prior authorization of the superintendent/designee. School authorities may regulate the distribution of literature on school grounds for the purpose of avoiding material and substantial interference with the educational operation of the school. Fliers or other materials that totally consist of advertising or intending to promote a business or business transaction may not be handed out on school property or advertised using school e-mail or website unless associated with a school approved fund raising activity.
3. Patriotic Ceremonies - The State of New York requires that the Pledge of Allegiance be recited while saluting the flag each day in the schools. Students have the right to refrain from either the pledge or the salute. In doing so, they have the responsibility to respect the rights and interests of classmates who wish to participate. Students who choose not to participate may stand or remain seated quietly while the ceremony is in process. They do not need to obtain permission of their parents to exercise this right.
4. Buttons, Arm Bands, and Other Symbols - Students have a right to wear or display buttons, arm bands, flags, decals or other badges symbolic of personal expression, as long as the manner of expression does not significantly intrude on the orderly process of the school or the rights of others. Such symbols of expression must not contain obscene, lewd, vulgar, discriminatory, libelous material or material that advocates violence or prejudice on the basis of a protected classification as defined by the school Policy on Dress Code.
5. Religious Activities - The school shall make all attempts and take the necessary steps to avoid violations of the Establishment clause, avoiding both perceived and actual endorsement of religion. Students have the right to individually observe whatever religious beliefs they wish, free of any pressure from schools or classmates. High school students, only during non-instructional times, may use school facilities to meet and openly pray or conduct Bible study activities. Since all students have this right, everyone must be conscious of and respect the sensitivities of others in this regard. School personnel may attend such meetings only as monitors, not as advisors or participants. Said meetings may not interfere materially or substantially with the orderly conduct of school activities. Religious indoctrination is inappropriate in the public schools and is not supported by the Board. The use of

5. Religious Activities, cont.

religious readings for historical, literary and cultural references that are required elements of a course is permitted. Similarly, religious music, as a part of a secular program or concert, is permitted provided it is educational or cultural and not for religious purposes and on a voluntary basis. Under certain circumstances, students may be released during regular school hours to receive religious instruction upon written request from the parent or guardian. The instruction cannot be provided at the school. Such programs must be completely voluntary, and the education of the students remaining in school may not be disrupted. Students also have the right to be excused from certain parts of the health and hygiene courses if the curriculum conflicts with their established religious beliefs. For more information about these matters, please see the Principal.

6. School Newspaper and Student Publications - Newspaper staff members, contributors, or editors and students have a responsibility to observe the rules for responsible journalism and, in particular, to refrain from libel and obscenity. The school has the right to halt the distribution of materials that would materially and substantially interrupt the educational process or intrude upon the rights of others. Students may take photographs, and make audio/visual recordings with prior permission of the Principal or adult supervisor in charge of activity or classroom for news or documentary purposes as long as they do not materially and substantially interrupt the educative process or intrude upon the rights of others. Students who are not members of the newspaper staff may have their work submitted and considered for publication in the school newspaper, particularly in those instances where non-editorial staff opinions differ from those of the editor.

IV. PARENT/GUARDIAN ROLES & RESPONSIBILITIES

As primary teachers for their children, parents play a key role in the maintenance of good discipline at Norman Thomas High School. "Parent" is defined as a parent, guardian or person in parental relation to the student. Parents are expected to work with and support school staff through awareness, understanding and support of the Norman Thomas Code of Conduct. Parents are required to be scanned and to sign in at the office when entering a building. Failure to do so may result in the parent being removed from the building. Parents are also expected to behave in a professional manner when dealing with Norman Thomas staff members. Failure to do so may result in a parent being removed from the building.

Please note that all visitors, including parents/guardians, are required to be scanned and sign in at the security desk when entering Norman Thomas High School. Visitors are required to be announced by school safety and must wear a visitor's pass on school property. Visitors to our school are expected to exhibit behaviors that support the Code of Conduct for the Maintenance of Order on School Property. Our visitors play a key role in the maintenance of appropriate behavior by modeling behaviors expected of our students. While on school premises or at school activities, they are subject to the authority of the building principal. Failure to do so may result in the visitor being removed from the building. A visitor who violates any of the provisions of these rules and regulations will not be allowed to remain on school grounds or at a school function and will be directed to leave the premises. If the violator refuses to leave, (s)he will be subject to ejection or arrest.