



NEW HAVEN PUBLIC SCHOOLS



## *Unified Code of Conduct*

# New Haven Public Schools' Unified Code of Conduct

Adopted, February 8, 2021

# NEW HAVEN PUBLIC SCHOOLS

## 2023-2024 Board of Education

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Important Phone Numbers			
Superintendent	(475) 220-1000	Parent Engagement	(475) 220-1063
School Choice/Enrollment	(475) 220-1430/31	Transportation	(475) 220-1600
Youth, Family, & Community Engagement	(475) 220-1734	Communication	(475) 220-1019
Pre-Kindergarten	(475) 220-1463/1482	Adult Education	(203) 492-0213
Special Education	(475) 220-1760	School Volunteers	(475) 220-1373
College & Career Pathways	(203) 946-8821	Nursing Section	(203) 946-6364

### Stay Connected!

More information – [www.nhps.net](http://www.nhps.net)

United Way of Connecticut Free Infoline – Dial 211

New Haven Promise - [www.newhavenpromise.org](http://www.newhavenpromise.org)

NHPS App – Search “New Haven Public Schools” ([iTunes](#) or [Google Play](#))



NewHavenPublicSchools

New Haven Public Schools is committed to providing an open, welcoming, safe and supportive environment for all students, parents and families. To this end, we encourage all of our families to communicate with us and to play a role in shaping positive school climates that foster learning and personal growth of children, regardless of background, language, or immigration status. The district and our schools are committed to treating all students and parents with fairness and respect and will not discriminate against family members for any reason.

ALL NEW HAVEN PUBLIC SCHOOLS/FACILITIES ARE DRUG-FREE ZONES  
UP TO ONE THOUSAND (1,000) FEET IN ALL DIRECTIONS FROM THE BUILDING

LEGISLATIVE SECTION 845A OF TITLE 21, UNITED STATES CONGRESS SEC. 21a 267, CONNECTICUT GENERAL STATUTES

Text Telephone/Teletype (TT/TTY) services  
for the deaf and hearing impaired: Dial  
7-1-1

Upon request, pertinent publications  
will be enlarged for the visually  
impaired.

**Please be advised that policy and procedures may be updated during the course of a school year. A current copy of the Student-Parent Handbook will be available upon request from the school principal.**

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## **I. Summary**

The purpose of Code of Conduct is to provide school personnel, students, parents and guardians with a consistent framework of expected behaviors and responses to behaviors that are harmful or negatively affects others' ability to learn. The Code is designed to ensure that:

1. Behavioral expectations are fair, age-appropriate, and consistent across all schools.
2. Behavioral expectations protect and support the educational process and every student's right to an education.
3. All students understand the behaviors expected of them.
4. All students understand what will happen if they engage in behaviors that harm others and/or disrupt the learning environment.

This Code applies to every student under the jurisdiction of the New Haven Board of Education. It is in effect on all school properties and wherever school personnel has responsibility for students. It also applies to all students when they travel to and from school.

The Code reflects a restorative approach to supporting cooperative and productive behaviors in our school communities. Restorative Practices “are processes that proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing.”<sup>1</sup> Therefore, a restorative approach is meant to restore balance, improve or build relationships, and promote cooperation between community members. It is most effective when used proactively to prevent conflict and harm, rather than solely as a response to events.

## **II. Explanation of Restorative Practices**

As applied in the New Haven Public Schools, restorative practices describe an approach to building positive, healthy relationships and community as a means to cultivating safe, supportive, and positive learning environments; preventing conflict as much as possible and responding to conflict and harm within the school community by seeking to repair the harm.

Restorative practices promote and nurture:

- Respect for all persons
- Social and emotional skills
- Cultural competency
- Building and restoring positive relationships
- Collaborative approaches to solving community issues
- Recognizing and addressing the needs of students, teachers, parents, guardians, school staff and district administrators
- Taking responsibility for harm
- Repairing harm

Restorative practices foster improved learning through positive relationships and interactions among peers, teachers, and staff. Restorative practices recognize the impact of trauma and loss on our youth, while also establishing consequences and accountability for those causing harm and repairing harm that disrupts the learning environment. These practices recognize the importance of social and emotional health as a central component of learning.

The consequences for disruptions to the learning community are outlined in this Code. Whenever possible, the New Haven Public Schools strives to avoid exclusionary responses by employing consequences that seek to repair the harm done to individuals and the community. A restorative response includes solutions that support both the recipient of the harm and the person who has committed the harm, so that both move forward safely, cooperatively, and productively.



These practices address the needs of the community through:

- Identification and discussion of community and individual needs
- Building healthy relationships
- Resolution of conflict by exploring how each person has been affected and holding individuals and groups accountable
- Repairing harm and restoring positive relationships
- Reducing, preventing and improving harmful behaviors

When thinking about a consequence, key questions to inform the choice are:

- Has the person(s) who was harmed met with the person who committed the harm?
- Did the person harmed express his/her needs and identify what is needed to repair the harm?
- Will this consequence work to **repair** the harm that has been done?
- Will this consequence **restore** the relationships in the community to one that promotes mutual respect and cooperation?

This Code represents the collaborative work of representatives from the Mayor's office, administrators, teachers, parents, the New Haven Federation of Teachers, consultants, and community members.

### **III. Rights and Responsibilities**

#### **1. Attendance**

##### **RIGHTS**

- Students have the right to 180 days of meaningful learning experiences.
- New Haven residents have a right to stay in their neighborhood school.
- Students have a right to a hearing to appeal decisions made regarding enrollment and transportation ([Connecticut General Statute § 10-186](#))
- Under McKinney Vento Laws, homeless students have a right to attend and be transported to the school they attended when permanently housed or may choose to attend the school associated with their temporary residence.

##### **RESPONSIBILITIES**

- Students have the responsibility to attend school regularly in accordance with the district attendance policy.

#### **2. Respect for Persons and Property**

##### **RIGHTS**

- Students have the right to use school property in a manner approved by the district.
- Students have the right to privacy consistent with applicable laws.
- Students have the right to be respected and accepted as individuals.

##### **RESPONSIBILITIES:**

- Students have the responsibility to respect the rights of others and not to interfere with their learning.
- Students have the responsibility to respect and adhere to the rules and regulations of the school district.
- Students have the responsibility to report evidence of an illegal act or violation of the Code of Conduct to school or district personnel.
- Students have the responsibility to dress in accordance with the district dress code.

### **3. Knowledge and Input RIGHTS**

- Students have the right to know rules and regulations regarding their conduct.
- Students have the opportunity for input in the development of these rules and regulations through school and district Student Council meetings, school-based SPMT meetings, student members of the Board of Education, and ad-hoc forums for student input.
- Students have the right to be assured of a safe and healthy school environment.

#### **RESPONSIBILITIES:**

- Students have the responsibility to follow the rules and regulations of the district as approved by the Board of Education.

### **4. Learning RIGHTS**

- Students have the right to learn and pursue their education.
- Students have the right to a school climate and culture that is conducive and appropriate to learning.
- Students have equal access to an education.
- “No student shall be removed from class more than six times in any year nor more than twice in one week unless such student is referred to the principal or his/her designee(s) and granted an informal hearing in accordance with the provisions specified in Number 3 of the In-School-Suspensions/Suspensions Procedures of this policy.

#### **RESPONSIBILITIES:**

- Students have the responsibility to pursue an education to the best of their ability.
- Students have the responsibility to be present on time, attentive in class, and ready to learn.
- Students have the responsibility to contribute to a positive school climate conducive to learning.

## **5. Free Speech and Publication RIGHTS**

- Students are entitled to freedom of expression of their views unless there are legal reasons to regulate their speech or publications as stipulated by statute and relevant case law.
- Students have a right to appear before the Board of Education.
- All high school students have a right to participate in the election of student representatives to the New Haven Board of Education.

### **RESPONSIBILITIES:**

- Students have the responsibility to have a specific and clear understanding of the meaning of freedom of speech as it relates to district policy.

## **6. Participation in School Activities RIGHTS**

- Students have the right to participate in school programs and activities in accordance with eligibility requirements.

### **RESPONSIBILITIES:**

- Students have the responsibility to contribute to these activities in a manner that reflects the expectations set forth in the Student/Family Handbook and this Code of Conduct.

## **7. Due Process RIGHTS**

- Students have the right to due process as prescribed in the federal and state laws and school board policy including; (1) an impartial investigation of the incident; (2) to be represented by counsel as may be appropriate; and, (3) to have parents/guardians notified and present at all proceedings as may be appropriate according to law and district policy.

### **RESPONSIBILITIES:**

- Students have the responsibility to cooperate in all due process proceedings by providing truthful and accurate information.

## **IV. Expectations for Essential Stakeholders**

Cooperation and attention to the needs of parents, guardians, family members, school personnel, and students are necessary to achieve a school climate that enables learning.

### **Students**

Students are expected to actively engage in the learning process and respect all members of the school community, including other students, teachers, and school staff. With the assistance of adults, including parents/guardians, teachers, and school staff, students should understand and follow their responsibilities as defined in the “Rights and Responsibilities” section of this document.

### **Parents and Guardians**

As children’s initial and ongoing teachers in the home environment, parents/guardians play a major role in the success of their children at school.

Parents/guardians can help ensure success for their children in school and beyond, by becoming familiar with and cooperating with restorative approaches to managing harm and behaviors that disrupt the learning environment. Parents/guardians can further support student school success through the following:

1. Maintain a positive attitude toward school and education.
2. Show interest in their children’s educational progress.
3. Monitor and encourage children to complete homework assignments.
4. Ensure that their children arrive at school on time.
5. Teach their children respect for the authority of school personnel by cooperating with school personnel in solving any behavioral or educational problems.
6. Encourage their children to follow the Code of Conduct.
7. Encourage students to share if there are problems at school.
8. Cooperate with school personnel in solving behavioral problems.
9. Ensure that their children are neat, clean, and appropriately dressed.

### **Schools**

With guidance and assistance from the Board of Education staff, each school shall develop a whole school restorative practices plan to promote a safe and supportive learning environment for all students, teachers, and staff. The plan will include restorative practices and a positive behavior support system that develops mutual respect, promote constructive restorative conflict resolution skills, encourage good behavior and have fair, reasonable, and restorative consequences for inappropriate behavior.

## **School Staff (other than teachers & administrators)**

Other school staff, School Resource Officers (SROs), bus drivers, cafeteria, clerical, administrative, and custodial staff are important contributors to the school and school transportation environment. In their interactions with students, school staff should contribute to promoting a safe and supportive learning environment using restorative practices.

## **Teachers**

Classroom behavior management begins with the relationship between teacher and student. Teachers are, therefore, expected to maintain a responsive classroom environment, practice, model, and encourage restorative practices, and manage behavior proactively in the classroom in an age-appropriate manner.

The teachers will take the following actions:

- Employ restorative practices in class that are appropriate to the situation and grade level. This includes community-building circles, problem-solving circles, and the development of classroom norms using the community-building circle process for creating classroom expectations.
- Schedule or request referral of students to a school-based restorative process, such as a conflict circle or formal restorative conference.
- Contact the student's parent/guardian.
- Request a meeting with the students, teacher, and administrator.
- Schedule a conference with the parent/guardian, the person(s) who was affected or harmed, and other appropriate staff.
- Refer the student to the Student Staff Support Team ("SSST").
- If appropriate, refer the student to Youth Connect, formerly YouthStat.

There are behaviors that, due to their repetition or severity, may warrant the intervention of the school administration.

## Administrators

Will create a climate where community-building circles are used to develop strong relationships. Teachers will use circles to develop classroom norms that support the individuals within the class. These norms will employ narrative questioning techniques to build a common understanding of the needs of the classroom community. Teachers will use restorative questioning techniques to resolve minor issues within the class. Teachers will also use **affective** questions and statements to increase interpersonal understanding, model social-emotional skills, increase cultural competency, and promote cooperation within the classroom.

In any situation where harm has occurred or is alleged to have occurred, the principal or designee will hear the student's explanation and investigate the matter fully before determining a response. The principal or designee will determine:

- The extent of the harm and what needs have arisen as a result of that harm
- What restorative practices have been employed in response to the harm
- Previous incidents involving the student
- What restorative practices or programs are available and appropriate to address the needs, any harms, or disruptions to the learning community that may have been caused by the behaviors of others

Traditional Punitive Model	Restorative Model
What Rule was broken?	Who has been harmed or affected?
Who broke the rule?	What are the needs of that person?
How shall we punish them?	Who is obligated to meet those needs?

## **V. Classifications of Behaviors that Result in Harm or Disruption to the Learning Environment and Responses**

Behaviors that harm others or disrupt the education of other students are grouped into four (4) levels: Minor, Intermediate, Major I, and Major II. A restorative practices approach should be used in response to instances where others have been negatively affected. Suspensions are reserved for more serious behaviors and/or when restorative approaches have not resolved the problem. Expulsions are reserved only for the most serious behaviors that impact the safety of the school community.

Previous restorative responses shall be documented and considered in any suspension or expulsion hearing. However, the principal's primary responsibility is to maintain order and protect the safety and security of all students and faculty. Therefore, in response to any given situation, the principal should exercise his or her discretion consistent with promoting a safe and supportive learning environment.

The following behavior code classifications include travel to and from school, behavior at school, and participation in any school-sponsored events.



## **Level 1: Minor Behaviors that Affect Others Negatively**

DEFINITION: Minor disruptive or harmful behaviors includes those which disrupt the educational environment, including conflict with other students, but does not include safety risk, damage to property, or physical harm to self or others.

Level 1 behaviors include those recurrent or continued instances of minor disruptive behaviors that interfere with the ability of students to learn, the teacher's ability to teach, or interfere with school activities or processes (such as movement about the building, meals, transportation to and from school, sports events, etc.). Using **effective** restorative language, simple, isolated reminders of expectations and agreements, and/or calling the student's attention to the need to change disruptive behavior should be considered part of the ordinary classroom and school management.

Where a student or students persist in disruptive behavior or repeats a disruptive behavior, then the student's actions would be considered level 1. Profane, obscene, or vulgar language or expression (in any language) directed at others, whether verbal, written, or by gesture, may be considered level 1 behavior, depending upon severity.

When the behavior is recurrent, whenever possible and preferably prior to the behavior being reported as level 1, the parent(s)/guardian should be contacted to discuss whether there are issues impacting the student's behavior and to discuss ways to improve the student's behavior to promote optimal learning.

**Responses to Level 1 Behaviors** should employ restorative practices and focus on the prevention of future disruptive or harmful behaviors and/or repetition of the behavior.

The teacher or staff person will give notice to the school administration through the school's referral process and the parent(s)/guardian(s) will be notified about the behavior and actions taken. School administration will provide assistance to enhance the student–teacher (or student–staff member) relationship and promote a positive educational environment.

Examples include, but are not limited to :

- Use of informal restorative practices
- Harm circle process
- Formal restorative conference to repair harm and /or repair relationships **always include** the person(s) harmed and the person who committed the harm
- Consultation with parent(s)/guardian(s)

## **Level 2: Intermediate Behaviors that Affect Others Negatively**

DEFINITION: Intermediate behaviors include behavior that substantially disrupts the educational environment and has the potential to put at risk the safety and security of students, teachers, and staff. Intermediate behaviors also include chronic level 1 behaviors that have not responded to restorative approaches (three or more reports of level one behaviors within a relatively short period of time) and actions which compromise the integrity of students or the school.

Intermediate behaviors include, but are not limited to:

- cheating on tests or on academic assignments, including plagiarism (copying the work or ideas of another)
- serious and intentional disruption of a school activity
- harassing behavior targeting another student, teacher, or staff member whether verbal, physical, written, or electronic.
- physical fighting by students in grades K-8
- minor vandalism (under \$100)
- using social media in ways that disrupt school activities or to embarrass or harass others
- distributing to others non-prescription medication, such as Tylenol, that is generally considered non-harmful

**Responses to Level 2 behaviors** should employ restorative practices and focus not only on prevention of future incidents, but also on ways to repair any harms caused by or the disruptive or harmful behavior. Responses should be age appropriate. In addition to preventing and repairing harms, the purpose of responses to harmful behavior should be to promote relationships and support and develop positive social interactions.

The teacher or staff person will give notice to the school administration through the school's referral process. The parent(s)/guardian(s) will be notified of the behaviors and actions taken. School administration will provide assistance to deepen the student–teacher (or student–staff member) relationship and to enhance the educational environment.

Examples include, but are not limited to the following:

- Use of informal restorative practices
- Harm circle process
- Formal restorative conference to repair harm and /or repair relationships which **always includes** the person(s) harmed and the person who committed the harm.
- Consultation with parent(s)/guardian(s)

Specific actions for student, school staff, family, or others, will be determined through the restorative process. Specific actions will be appropriate to the student's age and nature of the behaviors, and may include behavioral contract, restitution and/or remediation, community service, and/or referral for supportive services.

## **Levels 3 and 4: Major Behaviors that Affect Others Negatively I & II**

Major behaviors are those which may result in out-of-school suspension. It is a goal of the State of Connecticut to reduce the incidence of out-of-school suspension in public schools. The state requires the use of the following decision-making guide in determining whether or not out-of-school suspension is warranted. However, in the absence of legislation requiring the use of in-school suspension and in the absence of fully funded in-school suspension programs in all the schools, it should be recognized that out-of-school suspension remains an option for the harmful behaviors in these categories. The decision guide, criteria, and consideration of mitigating factors described below apply to both Level 3 and Level 4 behaviors.

### **Level 3: Major Disruptive or Harmful Behaviors 1**

DEFINITION: Major Disruptive or Harmful Behaviors 1 includes behavior that severely disrupts the educational environment, endangers students or staff, and/or causes significant damage to school property.

Major Disruptive or Harmful Behaviors 1 may result in referral to outside agencies such as the New Haven Juvenile Review Board, other social services, mental health agencies, or programs, ***or as a last resort***, the police department. Major Disruptive or Harmful Behaviors 1 also includes chronic intermediate behaviors (three or more occurrences) that continued despite the use of restorative approaches.

Examples include, but are not limited to the following:

- Alcohol or marijuana: the use, possession, sharing, or being under the influence
- Bullying and other forms of repeated harassment
- Distribution of non-prescription medication for purposes not according to labeling
- Possession or use of illegal drugs or drug paraphernalia
- Electronic tampering: unauthorized access to information systems or unauthorized use of school or others' electronic equipment (including computers, fax machines, telephones, etc.)
- Physical fighting by students
- Distribution or possession of fireworks
- Hazing
- Harassment based on gender, race, religion, disability, and other protected categories
- Indecent exposure
- Malicious threats of violence
- Possession of a common pocket knife or other weapon or dangerous instrument (other

than a firearm, deadly weapon, or martial arts weapon)

- Secret society; organization, establishment, promotion, membership, participation in any secret society related activity or wearing any secret society organization or gang logo in any way which is disruptive of the educational process.
- Sexual harassment
- Theft
- Trespassing
- Vandalism over \$100
- Other serious behaviors that can result in harm or disruption to the educational environment which the principal/designee reasonably believes fall within this category.

**Responses to Level 3 / Disruptive or Harmful Behaviors 1** should employ restorative practices and focus on ways to repair any harms caused by the harmful behavior as well as include prevention of future harmful behaviors. Responses also should be age appropriate. To repair harm and prevent future behaviors that result in harm or disruption to the educational environment restorative processes should be utilized.

Notification of parent/guardian is required.

NOTE: Appropriate law enforcement agencies may be notified if the principal/principal's designee reasonably believes that the behavior involved qualifies as a criminal act under Connecticut Law.

**\*\*In the case of bullying, ONLY refer to the full Bullying Policy and implement progressive discipline as noted.**

Responses to instances of Disruptive or Harmful Behaviors I include, but are not limited to:

- Restorative conferencing that includes student's family/guardian
- Restorative conferencing for serious incidents may require outside adult assistance.
- Circle process
- Referral to a school-based restorative review board
- Referral to New Haven Juvenile Review Board or other support services
- Based on the restorative process used and as determined by the restorative process, additional responses may include but are not limited to, assignment to an alternative educational program, restitution, community service, or referral/access to supportive services.
- Suspension (see in-school and out-of-school suspension description below)
- SSST or Youth Stat referral.
- Recommendation for expulsion may be appropriate, but only where instances of Major

Disruptive or Harmful Behaviors result in serious harm or disruption to the educational environment.

In-school suspension may be used when needed for safety, protection of those harmed, or the short-term prevention of further disruption. Suspension from school or transportation services may be used for safety concerns or to protect person(s) harmed from further harm. The length of suspension is determined by the need for safety or protection, the nature of the behavior, and the number of previous instances of harmful or disruptive acts. Restorative approaches should be considered and previous restorative applications should be documented prior to suspension.

During any period of suspension pending application of the process of a restorative practice, students lose all privileges pertaining to extracurricular events and activities. Any further loss of privileges would be determined through the process of the restorative practice.

## **Level 4: Major Disruptive or Harmful Behaviors II**

DEFINITION: Major Disruptive or Harmful Behaviors II includes behavior that severely disrupts the educational environment, puts the safety and security of students and staff at risk, and/or leads to consequences defined by state law. Disruptive or harmful behaviors at this level include harm to self or others, and/or significant damage to school property.

Major Disruptive or Harmful Behaviors II includes referral to outside agencies such as 211, the police department, or New Haven Juvenile Review Board. Behaviors also include Major disruptive or harmful behaviors 1 that have become chronic (three or more occurrences).

Examples include, but are not limited to the following:

- Alcohol or marijuana: sale or attempted sale (including substances represented as alcohol or marijuana)
- Arson
- Assault/Battery on a student or students or on a school board employee resulting in serious bodily harm
- False alarm: submitting or calling in a false alarm
- Bomb threat
- Use of fireworks
- Illegal Drugs other than marijuana (including counterfeit): distribution, attempted distribution, sale, or attempted sale
- Explosives: willful possession of
- Firearms; the distribution, sale, attempted sale, use or willful possession
- Homicide
- Kidnapping
- Distribution of prescription medication or drugs to others
- Sexual assault
- Vandalism over \$1,000
- Vehicle Theft
- Weapon: the use or threatened use of a weapon or dangerous instrument against a person
- Weapon; the willful possession of a deadly weapon (not including a common pocket knife), dangerous instrument, or martial arts weapon as defined by State law
- Introduction of a foreign substance (toxic or harmful) into food or drink

**Responses to Level 4 / Major Disruptive or Harmful Behaviors II** should employ restorative practices approaches as much as possible and focus on ways to repair any harms caused by and/or contributing to the disruptive or harmful behavior as well as include prevention of future disruptive or harmful behavior. Responses also should be age appropriate.

***Notification of parent/guardian is required as soon as possible.***

NOTE: Appropriate law enforcement agencies may be notified if the principal/principal's designee reasonably believes that the behavior involved qualifies as a criminal act under Connecticut Law.

**\*\*In the case of bullying ONLY, Refer to the full Bullying Policy and implement progressive discipline as noted.**

Responses to instances of Major disruptive or harmful behaviors II include, but are not limited to:

- Restorative conferencing that includes the student's family/guardian
- Referral to a school-based restorative review board
- Circle process
- Mediation, which may require external, experienced, adult mediators
- Referral to New Haven Juvenile Review Board or other support services
- Based on the restorative process used and as determined in the restorative process, additional responses may include, but not be limited to, assignment to an alternative educational program, restitution, community service, referral/access to supportive services
- Referral to SSST or Youth Stat
- Suspension (see in-school and out-of-school suspension description below)
- Expulsion

In-school suspension may be used when needed for safety, protection of those who have been harmed, or prevention in the short term of further disruption. Suspension from school or transportation services may be used for safety concerns or to protect those who have been harmed from further harm. The length of suspension is appropriate to the needs for safety or protection, the nature of the harmful behavior, and to the number of previous instances of behaviors that have resulted in harm or a disruption of the learning environment. Restorative approaches should be considered and previous restorative applications should be documented prior to suspension.



During any period of suspension pending application of a restorative practices process, the student(s) lose all privileges pertaining to extracurricular events and activities. Any further loss of privileges would be determined through the restorative practices process.

NOTE: Since major disruptive or harmful behaviors II actions involve possible criminal acts under Connecticut Law, the appropriate law enforcement agencies will also be notified. Suspension from school or transportation services is required pending implementation of a restorative practices process or initiation of expulsion proceedings.

If the principal determines that there are extenuating circumstances, length of the suspension should be appropriate to the harmful behavior exhibited, to safety and protection of those who are harmed and others, and to the number of previous violations. Current and previous restorative applications with the student will be documented and considered.

Initiation of expulsion proceedings is required, based on state law, for possession of a firearm, dangerous weapon, dangerous instrument, or martial arts weapon or offering for sale or distribution of a controlled substance. In other situations, the principal may recommend initiation of expulsion proceedings for students in grades three through twelve based upon the seriousness of the behavior, any extenuating circumstances, and after review and documentation of previous restorative practice applications and a determination that those have not worked.

The principal may alternatively refer the student to a restorative practices alternative, including but not limited to the following:

Restorative Conference

Referral to New Haven Juvenile Review

Board Referral to New Haven Youth Court

Referral to SSST (Student Support Services Team)

Referral to Youth Stat

Emergency Psychiatric Services (211)

Title 9 Coordinator

## **VI. Suspension Decision Guide**

School administrators are required to use this reference guide to inform the decision for an out-of-school suspension. The student must meet either Criterion 1 or Criterion 2 in order to be considered for out-of-school suspension. Where the student's actions meet either of these criteria, the school administrator should first examine what restorative practice alternatives may be available and document restorative practices previously applied to the student. In addition, the school administrator should then examine the list of mitigating factors that are applicable to each criterion because they may have a role in determining a course of action

### **CRITERION 1 – Endangerment to Persons/Property**

Student poses a danger to persons or property that exposes a pupil or property to damage or injury, peril, risk, hazard or any harmful situation, (e.g., violent crimes, weapons possession and drug distribution) that out-of-school suspension is warranted.

### **CRITERION 2 – Serious Disruption**

Student poses such a serious disruption to the educational process that causes a serious disorder, confusion, interruption, or impediment to the operation of a class, study hall, library, assembly, program, or other gathering involving pupils or staff members that out-of-school suspension is warranted.

### **Questions to consider:**

1. Does the behavior markedly interrupt or severely impede the day-to-day operation of a school?
2. Is there a pattern of frequent or recurring incidents versus a single incident?
3. Have restorative practice alternatives been applied or could they be applied?

### **Mitigating Factors to Weigh in the Determination**

1. The intensity of any or all offenses
2. Age, grade level, and developmental stage of the student
3. Learning/behavioral support provided to the student (e.g., through special education, Section 504, etc.)
4. Student's discipline history and the likelihood of repetition
5. Student's intent and expressed reasons for the behavior
6. Student's academic progress and relative risk of lost instruction
7. Interpretation of culture and communication factors
8. History of school and family collaboration in supporting positive behaviors
9. History of restorative practice applications.
10. Student's mental health
11. Availability of mental health support services

## **APPENDIX 1: Administrator's Decision-Making Guide**

Does the behavior severely disrupt the educational environment, put the safety and security of students and staff at risk, and/or lead to consequences defined by state law OR is the behavior a Level 3 offense which has become chronic (three or more occurrences)?

**Yes...** See responses for Level 4, Major Offense II.

**No...** Does the behavior severely disrupt the educational environment and/or may it have put the safety and security of students and staff at risk OR is the behavior a Level 2 offense which has become chronic (three or more occurrences) ?

**Yes...** See responses for Level 3, Major Offense I.

**No...** Does the behavior disrupt the educational environment and have the potential to put at risk the safety and security of students and staff OR does the behavior compromise the integrity of students or the school OR is the behavior a Level 1 offense which has become chronic (three or more occurrences)?

**Yes...** See responses for Level 2, Intermediate Offense.

**No...** Does the behavior disrupt the educational environment but not include safety risk, damage to property, or physical harm to self or others?

**Yes...** See responses for Level 1, Minor Offense.

**No...** Refer back to the teacher for classroom response. Provide support as necessary.

## **APPENDIX 2: Definitions**

### **Alcohol**

All beverages and/or edible items or substances containing alcohol in any percent by volume, including distilled spirits.

### **Alternative Education Program**

An educational program used in lieu of suspension or expulsion. Students assigned to an alternative education program are prohibited from attending or participating in other events or activities, where the Unified Code of Conduct is in effect. For the purpose of this policy, the term “alternative education” does not include schools of choice.

### **Arson**

Willful and malicious damage to any structure by fire or explosion.

### **Assault**

Intentionally threatening by word or act to do violence to another person, combined with an apparent ability to commit violence, which creates a well-founded fear in the person that violence is imminent.

### **Battery**

Physically striking another person against that person’s will causing bodily harm to another person.

### **Bomb Threats**

Intentionally making a false report to any person, including school personnel, concerning the planting or placing of any bomb, dynamite or other arson-causing device.

### **Bullying**

Bullying is defined as repeated acts by any student in the New Haven Public School district against another student in the district that causes physical or emotional harm to a student or such student’s property, places a student in reasonable fear of harm to himself or herself or of damage to his or her property, creates a hostile environment at school for such student, infringes on the rights of such student at school, or substantially disrupts the educational process.

Bullying may include but is not limited to, acts based on actual or perceived differentiating characteristics: gender, gender identity and expression, ethnicity, national origin, race, sexual orientation, physical, mental, developmental or sensory capacity, academic status, physical appearance, or religion. Bullying extends to hostile written, verbal or electronic communication or physical acts or gestures against any student(s) associated with an individual or group who has or is perceived to have one or more of the above perceived differentiating characteristics, including physical appearance, gender identity and expression, socioeconomic status, academic status, developmental or sensory disability.

Cyberbullying is the use of technology, including but not limited to email, cellular mobile telephone, instant messaging, web pages, and digital photo, to harass or bully someone.

### **Burglary**

Breaking and entering into a building or vehicle with the intent to commit a crime.

### **Cheating**

To influence by deceit, trick or fraud, to violate rules for personal gain or the gain of others. To obtain by deceit a grade or reward to which one is not entitled. To plagiarize.

### **Disorderly Conduct**

Any act which substantially disrupts the orderly conduct of a school function, or substantially disrupts the learning environment or poses a threat to the health, safety, and/or welfare or others.

### **Disruption**

Behavior, which is willful and overt, initiated on the part of the student and which requires the attention of school personnel to deal with the incident.

### **Drug Paraphernalia**

All equipment, products, and materials of any kind which are used, intended for use, or designated for use in planning, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of federal and state laws.

### **Drugs**

All substances defined as controlled substances under federal and state laws including marijuana, hallucinogens, inhalants; any substance represented as a controlled substance by any person intending to deliver or sell said substance to another, whether or not the substance is controlled substance.

### **Drugs and Alcohol**

- A. **Possession** – to have unlawful custody or control over any substance defined as a drug or alcohol under this code; prescription medication is exempt from the definition of possession if the student in possession of the medication has a valid prescription for that medication and has followed the prescribed procedures for administration of medication.
- B. **Distribution** – the delivery of a drug or alcohol to another one who is responsible for the introduction of the drug or alcohol upon school board property or at a school-sponsored event. Where quantities of the drug or alcohol are extremely small, or where there are some questions as to whether the substance was willingly

distributed, or where there were a number of individuals passing the same item or substance.

C. **Sale** – the delivery of a drug or alcohol to another in return for money or other consideration.

D. **Use** – introduction of alcohol or a drug into the body.

### **Explosive**

Device      A prepared chemical or powder device designed to explode or burn, not unaltered commercial fireworks.

### **Expulsion**

The discontinuation of educational services provided by the New Haven Public Schools for a period of time from 11-180 school days prescribed by the School Board. Students under expulsion are prohibited from attending or participating in any event or activities where the Unified Code of Conduct is in effect.

### **Extortion**

Threatening another with the intent to obtain money or other property, or to compel that person to do an act or refrain from doing an act against his/her will.

### **False Alarms**

Intentionally initiating any false alarm, including contacting 911.

### **Fighting**

Mutual participation in a fight involving physical violence. Does not include verbal confrontation or horseplay.

### **Firearm**

Any weapon which will, is designated to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. A destructive device is any bomb; grenade, mine, rocket, missile, pipe bomb, or similar device containing some type of explosive that is designed to explode and is capable of causing bodily harm or property damage. Includes firearms of any kind (operable or inoperable, loaded or unloaded), including but not limited to, hand zip, pistol, rifle, shotgun, starter gun, and flare gun.

### **Fireworks**

Commercially manufactured explosive or combustibles used to produce light, smoke, and noise for entertainment.

### **Forgery**

To make a document with the intent to defraud.

### **Gambling**

To bet money or other takes on an outcome or a game, contest, or event.

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## **Harassment**

Unwanted and/or repeated, verbal or physical behavior based upon gender, racial, sexual orientation, ethnic, or religious reasons or based upon a disability which is offensive and objectionable to the recipient, causes discomfort or humiliation and interferes with school performance as defined in school board policy.

## **Hazing**

Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of postsecondary institution. Hazing includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contest or competitions or any activity or conduct that furthers a legal and legitimate objective.

## **Inappropriate Touching**

Any contact or touching of a sexual nature which is inappropriate for an educational setting or event.

## **Indecent Exposure**

Exposing or exhibiting sexual organs in any public setting.

## **Insubordination**

Failure to comply with the reasonable directive of any adult staff member.

## **Knowingly Filing a False Report**

Willfully giving or conveying to any law enforcement officer or school official false information or reports concerning the alleged commission of any crime under the laws of the state, or ethical violation of school board policy, knowing that such information is false, in that no crime or ethical violation has been committed.

## **Malicious Threats of Violence**

Threats that do not constitute assault. Words or acts that are not coupled with an apparent ability to do so or which do not create a well-founded fear that such violence is imminent. This does not require law enforcement involvement.

## **Pornographic Materials and Communications**

Vulgar or obscene material or communications, oral or written. This includes notes, phone calls, text messages, and other communications such as Internet communications, as

well as the possession of lewd or obscene drawings, pictures or magazines. Magazines which depict nude models, are included in this category.

### **Profane**

Obscene or vulgar language – any expression in any language, either verbal, written, or by gesture which is disruptive and/or offends individuals or groups and violates the norms of the school and community.

### **Robbery**

Taking money or other property from the person or custody of another by the use of force or threat.

### **Secret Societies**

The organization of, establishment of, promotion of, membership in, or pledge of membership in any secret fraternity, sorority, or group (including a gang) wholly or partly composed of student(s) enrolled in the New Haven Public Schools and which perpetuates itself wholly or partly by taking in additional members on the basis of the decision of its membership rather than on the right of any student who is qualified by the rules of the school to be a member. Displaying or wearing any secret society organization logo in any way disruptive of the educational program is prohibited.

### **Sexual Assault**

Any sexual act or attempt directed against another person, forcibly and/or against the person's will or where the victim is incapable of giving consent because of their youth or because of temporary or permanent mental incapacity. This category includes all offenses categorized as sexual assault under federal and Connecticut State Title IX law.

### **Sexual Harassment**

Sexual harassment is defined as any unwelcome sexual advances or request for sexual favors or any verbal, nonverbal or physical conduct of a sexual nature when such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance, or creating an intimidating, hostile or offensive working or academic environment; when submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or her/his academic status or progress. Sexual harassment is not limited to prohibited behavior by a male toward a female, or by a supervisory employee toward a non-supervisory employee, or a teacher to a student. Harassment may be student to student, teacher to student, student to teacher or teacher to teacher. The victim does not have to be the opposite sex of the harasser. The gender of the complainant and/or the alleged harasser is irrelevant, even if they are of the same gender. Sexual harassment based on sexual orientation or gender identify is also prohibited under State law.



Sexual harassment can involve staff members, students, vendors, independent contractors, volunteers, or parents

### **Suspension**

A temporary (5-10 days) cessation of educational services which are provided by the regular school or academic program. Students under suspension are prohibited from attending or participating in any event or activities where the Unified Code of Conduct is in effect.

### **Theft**

The unlawful taking of property of another without threat of violence or bodily harm.

### **Tobacco Products**

All items, which in total or in part, include tobacco or a by-product of tobacco, including but not limited to, cigarettes, cigars, chewing tobacco, snuff, and pipe tobacco.

### **Trespassing**

Willfully entering or remaining on any school board property, building or vehicle without permission or authority. This includes returning to any school board property while under suspension or expulsion.

### **Vandalism**

Willfully damaging by any means any real or personal property belonging to another or to the government.

### **Weapons**

Possession, use or intention of use of any instrument or object to inflict harm on another person, or to intimidate any person. Included, but not limited to, in this category are items not being used for a particular purpose such as all types of knives, chains (any not being used for the purpose for which it was normally intended and capable of harming an individual), pipe (any length or metal not being used for the purpose it was normally intended), hunting equipment, including bows and/or arrows, hunting grade sling shots, razor blades, or similar instruments with sharp cutting edges, ice picks, dirks, other pointed instruments, nunchaks, brass knuckles, Chinese darts, billy clubs, tear gas gun, electrical weapons or device (stun gun), BB or pellet gun, explosives or propellants over 2 oz, possession of any knife (other than folding, non-locking pocket knife) is included here. A common pocket knife will not be considered to be a weapon unless used as one, however, CT state law prohibits knives of ANY length or description to be possessed by students at school. Weapons and other items of contraband are also prohibited from being in vehicles while on school board property or while at school-sponsored events.

## **APPENDIX 3: Alternatives to Suspensions**

The following alternatives are approved by the Superintendent and may be used when suspension is contemplated (Levels 1-3):

- Peer mediation
- Cool down spot
- Time out
- Ways to decompress
- Administrative interventions
- After school supports
- After school reflection
- After school redirection
- Lunch choice restrictions
- Loss of privileges
- Home visits
- Saturday Academy
- Alternative program
- Community/School/Volunteer service (Manual Labor); Cafeteria, Library, Clean-up, Assistantship. (Must be approved by parent.)
- Self containment of consistently disruptive students
- Restorative justice
- Restitution
- Parent meetings
- Decide with parent (after relationship with parent has been established)
- Refer to counseling
- Behavior consultant
- Consult with community agencies
- SSS/Team referral
- Anger management
- Functional Behavior Assessment
- Reflective Writing/Written Apology

The following preventative measures are approved by the Superintendent to attempt to reduce the incidence of suspension in the schools:

- Raise positive climate in building
- Constantly reinforce positive behaviors to parents and students
- Student generated clubs and activities
- Recognition awards – daily, weekly, monthly

- Lunch bunch with teachers
- Point system
- Problem solving skills
- Contracts
- Parent in classroom
- School-based health clinic
- School based therapeutic intervention team
- Advisor / advisee program
- Teach and practice appropriate behaviors
- Older Students buddies – mentors
- Intergenerational support in classroom – mentors

NOTE: Use of these alternatives may be dependent on the availability of resources in particular schools. Not all of these options may be available to all schools.