

Students

SUBJECT: DISCIPLINE

- 1) All employees must constantly promote an honest and open communication system which involves students, parents/guardians, all other employees, and the community-at large. Such a system can result in a mutual understanding of the rights and responsibilities which belongs to each and a more pleasant and successful climate can be created.

One means by which communication will be enhanced is through distributing handbooks for students, parents/guardians and faculty. Such handbooks clearly define the law, Charter School Board policy, and administrative regulations as well as provide guidelines for the development of self discipline and the maintenance of order. The content of such handbooks must be consistent throughout the School, yet recognize the need for which such handbooks are intended. All policy and regulations pertaining to discipline and student behavior must be contained therein and distributed and reviewed annually.

- 2) Administrators and faculty must constantly seek to provide alternative educational programs and facilities to respond to the needs of the disruptive student.
- 3) Students must be properly supervised at all times by the proper individual charged with this responsibility, i.e. teacher, bus driver, etc. If at any time it is necessary for the individual to be away from the students, the responsible individual must make proper arrangements to ensure temporary supervision.
- 4) Building administrators are responsible for enforcing the laws, policies and regulations to ensure appropriate student behavior and a conducive educational climate. In turn, the teachers are responsible for maintaining appropriate student behavior in their classrooms and throughout their school. Classrooms and schools should be so administered that at all times the objectives of training for self-discipline, individual responsibility and favorable climate for learning might be realized.
- 5) When a discipline problem occurs, the teacher should exhaust all possibilities and resources available to him/her for its solution. Finding this unsuccessful, the teacher needs to seek further assistance through the administration of the school. All parties to the problem, i.e. student, teacher, parents/guardians, administrators, guidance, must be involved as early and as completely as is necessary to resolve it. All problems are to be dealt with in a firm, fair, legal and timely manner.

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SUBJECT: DISCIPLINE (Cont'd.)

- 6) The building administrator and staff must make every reasonable effort to assist students to adjust properly, using to good advantage their experience and knowledge of child growth and development. Depending on the nature of the case, they may discipline the student directly in relation to the offense; they may call in the parents/guardians for a conference; they may refer the case for the attention of the support personnel; or they may use a combination of these procedures - as well as other resources or techniques - in accordance with their best judgment.
- 7) Administrators, teachers and counselors are to contact and involve the parents/guardians as early as possible in the resolution of a problem. This is of extreme importance, as parents/guardians can exert the most influence on the student in helping him/her adjust to school. Parents/guardians are expected to cooperate with the schools in working toward a solution to the problem.
- 8) Whenever possible, administrators and teachers throughout the School are to adhere to the following for dealing with student misbehavior:
 - a. The teacher must exhaust all resources in dealing with a problem. This means that there must be at least one or more private conferences between the teacher, the student, and the parent(s)/guardian(s), to attempt to resolve the problem. The administrator and/or counselor should be informed of a serious or chronic problem.
 - b. The teacher may consider detaining the student after school for a conference and assistance, and parents/guardians are to be notified. Such detention may be scheduled for the following day from the infraction in order to inform parents/guardians and provide transportation.
 - c. The teacher should refer a student to the administrator and/or counselor for a conference and/or corrective measures. Parents/guardians are to be notified by school authorities and involved in the resolution of the problem.
 - d. The continuation of the student's misbehavior can result in the following:
 - (1) Required parent/guardian conference.
 - (2) Teacher removal from the classroom in accordance with law, Commissioner's Regulations and the *School's Code of Conduct*.

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SUBJECT: DISCIPLINE (Cont'd.)

- (3) Placement of student in an alternative program (a program for secondary students who are denied attendance in the regular day school). Parents/guardians must be notified and parent/guardian conference is required.
 - (4) Suspension out of school by building Principal for a period of time not to exceed five (5) days. (see letter "e" below).
- e. A student may be suspended:
- (1) Who is insubordinate or disorderly, or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health and welfare of others, OR
 - (2)
 - a. When the Principal proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension. When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.
 - b. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation. The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of the right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

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SUBJECT: DISCIPLINE (Cont'd.)

- c. The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.
 - d. Teachers shall immediately report or refer a violent student to the Principal for a violation of the *School's Code of Conduct* and a minimum suspension period.
- (3) Suspension out of school for a period of time exceeding five (5) school days. Parents/persons in parental relation must be notified, preferably by telephone and registered mail, that prior to the suspension in excess of five (5) school days, the parent/guardian and student shall have the right to a hearing. At such hearing, the student shall have the right to be represented by an attorney, the right to present witnesses and/or other evidence on his/her own behalf, and the right to cross examine witnesses against him/her.
 - (4) When a student has been suspended and is compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.
 - (5) The notice of the hearing must advise the student of the grounds for the charges in specific enough terms to enable him/her to anticipate reasonably the subject content of the proposed hearing and to prepare a defense.
 - (6) The student should be allowed to remain in school prior to the hearing unless his/her presence in school poses a clear danger to his/her physical or emotional safety, to other students, faculty or institutional property, or to the continuation of the learning process.
 - (7) At the hearing, persons having direct knowledge of the facts should be called to testify. Hearsay evidence alone is not sufficient. There must be some direct evidence of guilt of the charges. As in court, the burden of providing guilt rests upon the administrator making the charge, and the student is entitled to a presumption of innocence of wrongdoing unless the contrary is proved. The student may testify in his/her own behalf, and is free to cross-examine witnesses against him/her.

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SUBJECT: DISCIPLINE (Cont'd.)

- (8) The administrator bringing the charges must furnish all records and written report on the facts and charges.
 - (9) A hearing officer may be appointed to conduct disciplinary hearings. The report of the hearing officer is advisory only.
 - (10) A record of the hearing shall be maintained, but no stenographic transcript shall be required and a tape recording shall be deemed a satisfactory record.
 - (11) Any decision by the suspending authority can be appealed to the Charter School Board, and from the Charter School Board to the Commissioner of Education, or through the courts.
- 9) Building administrators and/or the Transportation Director are empowered to suspend bus transportation privileges of students who are disorderly or insubordinate. The parents/guardians in these cases are then responsible for the safe transportation of their children to and from school. (Refer also to Regulation #4.10R -- Suspension From Bus Transportation.)
- 10) Student discipline records are to be maintained by building administrators.
- 11) The use of the term "corporal punishment" in this regulation shall be defined as any act of physical force upon a student for the purpose of punishing that student. Corporal punishment is prohibited. However, reasonable physical force can be used for any of the following purposes:
- a. To protect oneself from physical injury;
 - b. To protect another student or teacher or any other person from physical injury;
 - c. To protect the property of the school or of others; or
 - d. To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of School functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth above.

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SUBJECT: DISCIPLINE (Cont'd.)

Any use of corporal punishment must be reported both verbally and in writing just as soon as possible to the individual's immediate supervisor. Such report must include all necessary facts leading to the use of corporal punishment as the means of correcting the problem. Any use of corporal punishment or any complaint of such use must be investigated by appropriate personnel of the School and written report submitted to the Principal.

- 12) Removal of a student with a disability or a student presumed to have a disability for discipline purposes for longer than ten (10) cumulative school days or as otherwise viewed as a disciplinary change in educational placement in accordance with law and/or regulation cannot take place without appropriate involvement of the School Committee on Special Education.

When a student with a disability or a student presumed to have a disability is referred in writing to the School Committee on Special Education for disciplinary infractions which would result in long term suspension, the referral shall document the infractions and request an immediate appropriate district's Committee on Special Education meeting.

The appropriate district's Committee on Special Education meeting will be held within ten (10) business days of commencing a removal that constitutes a change in placement in accordance with federal and state law and/or regulation. The Committee must consider, among other factors:

- a. Whether the student's behavior was related to the disability.
- b. Whether the student's behavior presents a serious danger to himself/ herself or others.
- c. Whether the student's classification, placement, and/or program, needs to be changed to better meet the student's needs.

Where the appropriate district's Committee on Special Education determines that the student's actions are related to his/her disability, the Committee must provide alternate placement and/or program changes. If the appropriate district's Committee on Special Education determines that the behavior is not related to the disability, disciplinary action will be determined by normal disciplinary procedures.

In all cases, the due process rights pertaining to the placement of a child with a disability and the due process rights pertaining to suspension of a student will be granted to the student and his/her parents/guardians.

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Students

SUBJECT: DISCIPLINE (Cont'd.)

- 13) Smoking by students in and on school property shall be prohibited. The Charter School Board supports a strong anti-smoking program within the school curriculum.
- 14) Charter School Board policy, administrative regulations and guidelines are to be given wide dissemination. This is necessary so that all parties involved -- students, parents/guardians, teachers and administrators -- will know what is expected of them.

Early Identification and Resolution of Student Discipline Problems

Student support personnel, administrators, teachers, and others should communicate about students when they believe such students present a possible discipline problem. Appropriate personnel will conduct an investigation of the reports and/or communicate, which may include conferences with the student, parents/guardians, teachers, other student support personnel or others, as he/she deems appropriate for the early identification and resolution of the suspected problem. If an administrator suspects that the problem may be a manifestation of a disability, he or she will refer the matter to the appropriate district's Committee on Special Education in the manner prescribed by 200.4 of the Commissioner's Regulations and by School policy.

The Principal will direct the development of any forms necessary for the implementation of this regulation after consulting with the appropriate staff.

Discipline Code for Students

Students must conduct themselves at all times in the following manner:

- 1) So as not to interfere with the teaching/learning process or the orderly operation of the school;
- 2) So as to obey laws and rules to respect others and the property of others;
- 3) So as to maintain courteous relations with teachers and fellow students;
- 4) So as to assume responsibility for themselves, their conduct and their learning;
- 5) So as to maintain an excellent attendance record to class and school by avoiding unnecessary absence or tardiness;
- 6) So as to make a sincere effort to always perform in the best manner possible.

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Students

SUBJECT: DISCIPLINE (Cont'd.)

The following list of student misbehaviors, though not intended to be all-inclusive, is cause for disciplinary action by school authorities:

- 1) Possession, use, distribution or sale of drugs on school grounds or at school events;
- 2) Possession, use, or sale of alcohol on school grounds or at school events;
- 3) Disrespectfulness;
- 4) Physical assault on teachers, students or school employees;
- 5) Vandalism;
- 6) Truancy or excessive tardiness;
- 7) Fighting;
- 8) Stealing;
- 9) Disobedience;
- 10) Continual disruptive misbehavior;
- 11) Profane and/or obscene language or actions;
- 12) Storing, possessing or carrying dangerous weapons;
- 13) Endangering another or impugning another's rights;
- 14) Continual unexcused absenteeism;
- 15) Intimidation;
- 16) Extortion;
- 17) Immorality;
- 18) Acts of violence;
- 19) Forgery;
- 20) Arson;
- 21) Continual infractions of school rules;
- 22) Dishonesty;
- 23) Insubordination;
- 24) Smoking;
- 25) Attempts to perform any act, including but not limited to the acts listed above, that is in violation of law and/or school rules.

A student may be suspended from school or subjected to other disciplinary action when the student:

- 1) Engages in conduct which is:
 - a. Disorderly, i.e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, by:
 - (1) Fighting or engaging in violent behavior;
 - (2) Making unreasonable noise;

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Students

SUBJECT: DISCIPLINE (Cont'd.)

- (3) Using abusive or obscene language or gestures;
 - (4) Obstructing vehicular or pedestrian traffic; or
 - (5) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose; or
 - (6) Vandalizing school property or property of others;
 - (7) Stealing.
- b. Insubordinate, i.e. failing to comply with the lawful directions of a teacher, school administrator or other school employee in charge of the student; or
- 2) Endangers the safety, morals, health or welfare of others by any act, including but not limited to:
- *a. Selling, using or possessing alcohol, drugs, or other controlled substances or drug paraphernalia;
 - *b. Selling, using or possessing weapons, fireworks, or other dangerous instruments or contraband;
 - c. Selling, using or possessing obscene materials;
 - d. Using profane, vulgar or abusive language (including ethnic slurs);
 - e. Smoking;
 - f. Gambling;
 - g. Hazing;
 - h. Engaging in lewd behavior, or any behavior unbecoming young adults in a public school, i.e. excessive display of affection; or
- *A violation of this nature is severe enough to automatically warrant a suspension.**
- 3) Engages in any of the following forms of academic misconduct:
- a. Lateness for, missing or leaving school or class without permission or excuse;

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SUBJECT: DISCIPLINE (Cont'd.)

- b. Cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test-taker, and other forms of unauthorized collusion), or
- c. Plagiarism; or
- 4) Engages in conduct violating the Board's rules and regulations, the *School's Code of Conduct* and local laws for the maintenance of public order on school property; or
- 5) Is identified as "violent or disruptive" in accordance with law, Commissioner's Regulations, and the *School's Code of Conduct*.

The range of disciplinary measures which may be imposed by staff and/or administration for violations of the student disciplinary code include the following:

- 1) Verbal warning;
- 2) Written warning;
- 3) Written notification to parents/guardians;
- 4) Counseling;
- 5) Probation;
- 6) Reprimand;
- 7) Detention;
- 8) Teacher removal from the classroom in accordance with law, Commissioner's Regulations, and the *School's Code of Conduct*;
- 9) In school suspension;
- 10) Suspension from transportation;
- 11) Suspension from athletics participation;
- 12) Suspension from social or extra curricular activities;
- 13) Suspension of other privileges;
- 14) Exclusion from a particular class;
- 15) Involuntary transfer;
- 16) Suspension from school;
- 17) Expulsion.

Depending upon the nature of the violation, it is the Board's desire that student discipline be progressive, i.e., a student's first violation should merit a lighter penalty than subsequent violations. It is also the Board's desire that the staff member/administrator take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination.

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SUBJECT: DISCIPLINE (Cont'd.)

These regulations and penalties are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

Student Disciplinary Proceedings

- 1) Any teacher, administrator, Board member, parent/guardian or other person may report a violation of the student disciplinary code (i.e.; *Code of Conduct*) to the building Principal or designee. The Principal or designee will then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or make a referral to the appropriate district's Committee on Special Education, as he/she deems necessary.
- 2) Any teacher may detain a student without first referring the case to a building administrator. The teacher must give the student notice of the reasons for the detainment and an opportunity to discuss these reasons.
- 3) The School's Code of Conduct will be disseminated and publicized to staff, students, parents and the community as enumerated in law, and Commissioner's Regulations. In order to insure the effectiveness of the Code of Conduct, the Charter School Board requests the continuing assistance of parents/guardians in explaining and enforcing such Code.

NOTE: Refer also to Regulation #6.6R -- Guidelines For Student Suspensions.

Students

SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS

- 1) Keep careful records of all violations of school regulations. This should include names, dates, circumstances, investigation and disposition.
- 2) Utilize support personnel to find ways of helping the student and/or parents/person(s) in parental relation to solve the problem (teachers, guidance, psychologists, social worker, attendance officer, etc.).
- 3) Utilize all school and community agencies which might prove helpful.
- 4) Record all attempts to deal with problems, including conferences with parents/person(s) in parental relation, teacher observations, record of referrals to other personnel and agencies and their reports.
- 5) When the staff member has exhausted all available alternatives and resources and feels that the student's continued presence in school would constitute a threat or danger to himself/herself or other students or that the student is "violent and/or disruptive" as defined in accordance with law and Commissioner's Regulations, the matter should also be referred to the Principal.
 - a. A "violent student" is defined in Education Law as an elementary or secondary student under twenty-one years of age who:
 - (1) Commits an act of violence upon a teacher, administrator or other school employee;
 - (2) Commits, while on School property, an act of violence upon another student or any other person lawfully upon said property;
 - (3) Possesses, while on School property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
 - (4) Displays, while on School property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
 - (5) Threatens, while on School property, to use any instrument that appears capable of causing physical injury or death;
 - (6) Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other School employee or any person lawfully upon School property; or

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SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)

(7) Knowingly and intentionally damages or destroys School property.

Teachers are required to **immediately** report and refer violent students to the Principal for a violation of the *School's Code of Conduct* and a minimum suspension period pursuant to Education Law Section 2801. However, the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law.

- b. A "disruptive student" is defined in Education Law as an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

As further enumerated in Commissioner's Regulations, "repeatedly and substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by the teacher(s) pursuant to Education Law and the provisions set forth in the *School's Code of Conduct* on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable.

Pursuant to the *School's Code of Conduct*, a minimum suspension period shall be established for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom. However, the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law.

- 6) When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

Suspension: Five School Days or Less

- 1) When a student may be suspended from school for a period of five (5) school days or less, the suspending authority shall provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension. Administration shall also immediately notify the parents/persons in parental relation in writing that the student may be suspended from school.
- 2) Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation.

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SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)

Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

- 3) Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parent/person in parental relation.
- 4) The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.
- 5) Regardless of the length of a student's suspension, if a parent/person in parental relation wishes to appeal the suspension of such student by the suspending authority, such appeal must be made to the Charter School Board, if necessary, prior to commencing an appeal to the Commissioner of Education.

NOTE: Refer also to Regulation #4.5R -- Discipline.

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SUBJECT: DEVELOPMENT GUIDELINES FOR CODES OF CONDUCT ON SCHOOL PROPERTY

The School has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors. The School shall further provide for the enforcement of such Code.

For purposes of this regulation and the implemented Code of Conduct, school property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the School's elementary or secondary schools, or in or on a school bus as defined in Vehicle and Traffic Law Section 142; and a school function shall mean a school-sponsored extracurricular event or activity.

The School Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel, and has been approved by the Charter School Board.

The Code of Conduct shall include, at a minimum:

- 1) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property, including school functions; and conduct, dress and language deemed unacceptable and inappropriate on school property. Examples of potential items to be considered include:
 - a. Dress codes;
 - b. Bill of student rights and responsibilities (Refer also to #19 below).
- 2) Provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students, and visitors on school property, including school functions. Examples of potential items to be considered include:
 - a. Adoption of a Civility Policy;
 - b. Prohibition of swearing and/or use of abusive language;
- 3) The appropriate range of disciplinary measures which may be imposed for violation of such Code of Conduct.
- 4) The roles of teachers, administrators, other school personnel, the Charter School Board, and parents/persons in parental relation to the student.
- 5) Standards and procedures to assure security and safety of students and school personnel.

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Community Relations

SUBJECT: DEVELOPMENT GUIDELINES FOR CODES OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

- 6) Provisions for the removal from the classroom, and from school property and school functions, of students and other persons who violate the Code of Conduct. Examples of potential items to be considered include:
 - a. Grounds for teacher removal of "disruptive students" (as defined in accordance with Education Law and Commissioner's Regulations) from the classroom:

A "disruptive student" is defined as an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom (Refer also to #16 below.)
 - b. Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident by the teacher. However, no such "disruptive" student shall return to the classroom until the Principal (or his/her designated School administrator) makes a final determination, pursuant to Education Law Section 3214(3-a)(c) (see "c" below) or the period of removal expires, whichever is less.
 - c. The Principal/designee shall not set aside the discipline imposed by the teacher unless the Principal/designee finds that:
 - (1) The charges against the student are not supported by substantial evidence;
 - (2) The student's removal is otherwise in violation of law; or
 - (3) The conduct warrants suspension from school pursuant to Education Law and a suspension will be imposed.
 - d. Teachers are required to **immediately** report and refer "violent students" (as defined in accordance with Education Law) to the Principal or Principal for a violation of the Code of Conduct and a minimum suspension period pursuant to Education Law Section 2801 (Refer also to #17 below.)
- 7) Disciplinary measures to be taken in incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence.
- 8) Provisions for detention, suspension and removal of students from the classroom, consistent with such portions of the Education Law Section 3214 as are applicable to charter schools and other applicable federal, state, and local laws.

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SUBJECT: DEVELOPMENT GUIDELINES FOR CODES OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

- 9) Procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs.
- 10) Procedures by which violations are reported and determined; and disciplinary measures imposed and carried out.
- 11) Provisions ensuring that the Code of Conduct, and its enforcement, are in compliance with state and federal laws relating to students with disabilities.
- 12) Procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime.
- 13) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations by their children.
- 14) Circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed.
- 15) Circumstances under and procedures by which referral to appropriate human service agencies shall be made.
- 16) Delineation of a **minimum** suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom. However, the suspending authority may reduce the suspension period on a case by case basis consistent with any other state and federal law.
 - a. The determination of students who "repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom" shall be in accordance with definitions enumerated in Commissioner's Regulations. For purposes of this requirement:

"Repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four or more occasions during a semester, or three or more occasions during a trimester, as applicable.

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SUBJECT: DEVELOPMENT GUIDELINES FOR CODES OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

- 17) Delineation of a **minimum** suspension period for acts that would qualify the student to be defined as a "violent student" pursuant to Education Law Section 3214(2-a)(a) and enumerated below . However, the suspending authority may reduce the suspension period on a case by case basis consistent with any other state and federal law.

Pursuant to Education Law, a "violent student" is defined as an elementary or secondary student under 21 years of age who:

- a. Commits an act of violence upon the teacher, administrator or other school employee;
 - b. Commits, while on School property, an act of violence upon another student or any other person lawfully upon such property;
 - c. Possesses, while on School property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
 - d. Displays, while on School property, what appears to be a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing death or physical injury;
 - e. Threatens, while on School property, to use any instrument that appears capable of causing physical injury or death;
 - f. Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other School employee, or any person lawfully upon School property; or
 - g. Knowingly and intentionally damages or destroys School property.
- 18) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school shall be suspended for a period of not less than one calendar year. However, the Principal has the authority to modify this suspension requirement on a case-by-case basis.
- 19) Guidelines and programs for in-service education programs for all School staff members to ensure effective implementation of school policy on school conduct and discipline.

The Code of Conduct has been adopted by the Charter School Board only after at least one public hearing that provided for the participation of school personnel, parent/persons in parental relation, students, and any other interested parties.

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SUBJECT: DEVELOPMENT GUIDELINES FOR CODES OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

Distribution of the Code of Conduct shall include, but not be limited to, the following methods of dissemination:

- 1) Copies of a summary of the Code of Conduct shall be provided to all students at a general assembly held at the beginning of each school year.
- 2) Copies of the Code of Conduct shall be made available to parents/persons in parental relation to students at the beginning of each school year.
- 3) A plain language summary of the Code of Conduct shall be mailed to all parents/persons in parental relation to students **before** the beginning of each school year, and such summary of the Code shall be made available thereafter upon request.
- 4) Each existing teacher shall be provided with a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code, and new teachers shall be provided with a copy of the current Code upon their employment.
- 5) Copies shall be made available for review by students, parents/persons in parental relation to students, non-teaching staff, and other community members
- 6) The School shall further take reasonable steps to ensure community awareness of the Code provisions.

The School's Code of Conduct shall be reviewed by the Charter School Board on an annual basis and updated as necessary, taking into consideration the effectiveness of Code provisions and the fairness and consistency of its administration. The School is authorized to establish a committee to facilitate the review of the Code of Conduct and the School's response to Code of Conduct violations. Any such committee shall be comprised of similar individuals designated to develop the original Code of Conduct (see above).

The Charter School Board shall reapprove any such updated Code of Conduct or adopt revisions only after at least one public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The School shall file a copy of its Code of Conduct and all amendments to the Code with the Commissioner of Education no later than thirty (30) days after their respective adoptions.

NOTE: Refer also to Regulation #1.13R.1 -- Rules and Regulations for the Maintenance of Public Order on School Property.

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Community Relations