

## **THE CHARTER HIGH SCHOOL FOR LAW AND SOCIAL JUSTICE STUDENT CODE OF CONDUCT**

### **INTRODUCTION**

The Board of Trustees (the “Board”) of The Charter High School for Law and Social Justice (the “School”) is committed to providing a safe and orderly environment in which students can receive, and School personnel can deliver, quality educational services without disruption or interference. Responsible behavior by students, teachers, other School personnel, and parents is essential to achieving this goal. The School expects appropriate conduct on School property and at School functions. These expectations are based on civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The Board recognizes the need to clearly define expectations for acceptable conduct on and off of School property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Student Code of Conduct (the “Code”).

### **SECTION ONE: DEFINITIONS**

For purposes of this Code, the following definitions apply:

**\*Bullying and Harassment:** Bullying is the use of aggression with the intent to harm another individual. Bullying can take many forms. While it is not possible to list all those acts that may constitute bullying, bullying includes, but is not limited to, the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off School property and creates or would foreseeably create a risk of substantial disruption within the School environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (which includes a person’s actual or perceived gender, as well as gender identity and expression). For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

**\*Cyberbullying:** bullying or harassment, as defined above when such bullying or harassment occurs through any form of electronic communication.

**\*Disruptive student:** a student who is substantially disruptive of the educational process or substantially interferes with the administration’s or a teacher’s authority over the School or classroom.

**\*Parent:** the parent, guardian or person lawfully having the care, custody or control of a student.

**\*School function:** any School-sponsored extra-curricular event or activity, regardless of where the event takes place.

**\*School property:** in or within any building, structure, playground, athletic field, parking lot or land contained within the real property boundary line owned, leased, or occupied by the School, or in or on a School bus.

**\*Staff:** an employee of the School.

**\*Student with a disability:** a student with a disability as defined in Section 4401(1) of the Education Law, who has not attained the age of 21 prior to September 1 and who is entitled to attend public schools pursuant to Section 3202 of the Education Law and who, because of mental, physical or emotional reasons, can only receive appropriate educational opportunities from a program of special education.

**\*Violent student:** a student who:

1. Commits an act of violence upon a School employee, or attempts to do so;
2. Commits, while on School property or at a School function, an act of violence upon another student or any other person lawfully on School property or at a School function, or attempts to do so;
3. Possesses, while on School property or at a School function, a weapon;
4. Displays, while on School property or at a School function, a weapon or what appears to be a weapon;
5. Threatens, while on School property or at a School function, to use any instrument that appears capable of causing physical injury or death;
6. Knowingly and intentionally damages or destroys the personal property of any School employee or student or any person lawfully on School property or at a School function; or
7. Knowingly and intentionally damages or destroys property of the School.

**\*Visitor:** anyone on school property who is not a regular staff member or student of the School.

**\*Weapon:** a firearm as defined in 18 U.S.C. Section 921 for purposes of the Gun-Free Schools Act. It also includes, but is not limited to, any other gun, BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or any other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## SECTION TWO: STUDENT RIGHTS AND RESPONSIBILITIES

With every student right comes a student responsibility, as described in the following chart:

RIGHTS	RESPONSIBILITIES
Attend school and be granted the opportunity to receive a quality education.	Attend school regularly and on time, complete assignments, and strive to do the best work possible.
Be made aware of School rules and policies,	Be familiar with the Code, obey the rules it

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and always be treated in a manner consistent with these policies in all disciplinary matters.	contains, and conduct yourself in a manner not distracting to others.
Have the opportunity to present your version of the facts and circumstances in all disciplinary matters.	Be truthful and respectful when responding to authority.
Take part in all School activities on an equal basis regardless of race, sex, religion, national origin, disabilities, and all the characteristics protected by the School's anti-discrimination policy.	Work to your best ability in all academic and extracurricular activities, while being fair to and supportive of others.
Be safe in the School environment.	Behave in a manner that will not jeopardize the safety and well-being of yourself or others and actively discourage, in the interest of safety, inappropriate behavior of other students.
Not to be intimidated or harassed by others.	Respect one another and treat others fairly and in accordance with this Code. Report any harassment to School officials as soon as possible.
Dress according to the School's dress code.	Dress in a manner not distracting to others, and in accordance with School policy.
Be allowed the opportunity for the free expression of ideas subject to limitation in regards to libelous, slanderous, vulgar, or obscene words or images or speech that materially and substantially disrupts the work and discipline of the School.	Use language that is appropriate in demonstrating respect for yourself and others when expressing ideas and interacting with other students, School personnel, and any other visitors to the School.
Wear political buttons, armbands, or badges of symbolic expression as long as they conform to the limits of the dress code.	Display buttons, armbands, or badges of symbolic expression respectfully and in accordance with the dress code.
Be protected against illegal or unreasonable personal searches and seizures of property.	Fully cooperate with School officials and authorities if an authorized School official has reasonable suspicion that warrants a search of you or your belongings.
Submit a written grievance or complaint about a School-related matter or School employee or	Obey School rules and regulations, respect School officials, and accept responsibility for

official to the principal.	your own actions in regards to complaints.
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**I. Dignity For All Students Act Policy:**

The School and its Board are committed to providing a safe and productive learning environment within the School. In accordance with New York State’s Dignity for All Students Act (“DASA”), the School is committed to promptly addressing incidents of harassment and/or discrimination of students that impede students’ ability to learn. This includes bullying, taunting, or intimidation in all their myriad forms.

**Students’ Rights**

No student shall be subjected to harassment by staff or students on School property or at a School function. Nor shall any student be subjected to discrimination based on the student’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by School employees or students on School property or at School functions.

In addition, the School reserves the right to discipline students, consistent with the Discipline Policy, who engage in harassment of students off School property under circumstances where such off-campus conduct: 1) affects the educative process; 2) actually endangers the health and safety of the School’s students within the educational system; or 3) is reasonably believed to pose a danger to the health and safety of the School’s students. This includes written and/or verbal harassment which materially and substantially disrupts the work and discipline of the School and/or which School officials reasonably foresee as being likely to materially and substantially disrupt the work and discipline of the School.

**Dignity Act Coordinator**

The School designates Jose Ferrer, Assistant Principal for Culture, as the Dignity Act Coordinator (the “DAC”). Mr. Ferrer can be reached by dialing the School’s main line (347-696-0042) or by email at [jferrer@chslsj.org](mailto:jferrer@chslsj.org). The DAC is trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex. The DAC will be accessible to students and other employees for consultation and advice.

**Reporting and Investigating**

Personnel at all levels are responsible for reporting harassment of which they have been made aware to their immediate supervisor. Any student who believes that he or she is being subjected to harassment, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, shall report the harassment to any staff member or to the DAC. A staff member who witnesses harassment or who receives a report of harassment shall inform the DAC. The DAC, or their designee, shall promptly investigate the complaint and take appropriate action to include, as necessary referral to the next level of supervisory authority and/or other official

designated by the School to investigate allegations of harassment. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that harassment has not resumed and that those involved in the investigation of the allegations of harassment have not suffered retaliation.

Material incidents of discrimination and harassment on School grounds or at a School function will be reported to the State Education Department as required by law.

### **No Retaliation**

The School and its Board prohibit any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of harassment. All complainants and those who participate in the investigation of a complaint in conformity with state law and School policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

## **SECTION THREE: ESSENTIAL PARTNERS**

The School will not be successful unless all stakeholders are actively engaged in promoting a positive school environment that promotes a culture of learning and respect. This section describes the expectations the School has of parents, teachers, student support personnel, staff, the principal, and the Board.

### **Expectations of Parents:**

1. Make certain your child's attendance at School is regular and punctual and all absences are properly excused, as required by law.
2. Ensure that your child is dressed in compliance with the dress code and School rules regarding sanitation and safety and in a fashion that will not disrupt classroom procedures or the educational environment.
3. Be as certain as possible that your child is free of communicable diseases and is in good health, enabling him or her to participate in the learning environment.
4. Teach your child, by word and example, respect for the law, the authority of the School, and the rights and property of others.
5. Know and understand the rules your child is expected to observe at School. Be aware of the consequences of violations of these rules and accept responsibility for your child's actions.
6. Help your child understand that appropriate rules are required to maintain a safe, orderly environment and provide effective and appropriate strategies for dealing with peer pressure in accordance with the Code.
7. Instill in your child a desire to learn. Encourage respect for hard work and an interest in exploring broader fields of knowledge.
8. Become acquainted with the School, its staff, curriculum, and activities. Attend parent-teacher conferences and School functions.
9. Convey to your child a supportive attitude toward education and the School.
10. Recognize that the education of your child is a responsibility of you and the School.

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11. Send your child to School ready to participate and learn.
12. Promote positive behavior in your child by helping your child accept the consequences of his or her actions and by becoming involved in the behavior management/disciplinary process. Guide your child to develop socially acceptable standards of behavior.
13. Inform School officials of changes in the home situation that may affect student conduct or performance.
14. Support your child educationally by providing a place for study and ensuring that homework assignments are completed.
15. Report any School-related safety concerns to the principal, director of operations, or other School administrator for resolution.

**Expectations of Teachers:**

1. Reflect a personal enthusiasm for teaching and learning and a genuine concern for each individual student.
2. Guide learning activities so students learn to think and reason. Assume responsibility for their actions and that they respect the rights of others.
3. Be fair, firm, and consistent in enforcing School rules on School property and at all School functions.
4. Give positive reinforcement for acceptable behavior.
5. Inform the principal or the assistant principal for School culture about any student whose behavior requires special attention.
6. Maintain a climate of mutual respect and dignity to strengthen each student's self-concept and confidence to learn.
7. Communicate to students and parents information that is important to the student's emotional, social, behavioral, and academic progress, including but not limited to marking and grading procedures, assignment deadlines, expectations of students, the classroom discipline plan, the school-wide discipline plan, and student progress.
8. Be knowledgeable about effective classroom/building behavior management techniques and non-violent crisis intervention philosophy and techniques.
9. Maintain confidentiality about all personal information and educational records concerning students and their families.
10. Demonstrate dependability, integrity, self-discipline, and respect for law by word and personal example.
11. Promptly report any School-related safety concerns to the principal, director of operations, or other responsible School administrator for resolution.

**Expectations of Student Support Service Personnel:**

1. Demonstrate interest in and concern for student achievement in the educational process.
2. Know School policies and rules, including this Code, and enforce them in a fair and consistent manner.
3. Maintain confidentiality about all personal information and educational records

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concerning students and their families.

4. Demonstrate dependability, integrity, and other standards of ethical conduct.
5. Provide educationally related service(s) to support students in their educational program.
6. Support educational and academic goals.
7. Assist students in coping with peer pressure and emerging personal, social, emotional, and physical problems.
8. Encourage students to benefit from the curriculum and co-curricular activities.
9. Communicate regularly with students, parents, and other staff.
10. Be knowledgeable about effective classroom behavior/building management techniques and non-violent crisis intervention philosophy and techniques.
11. Promptly report any School-related safety concerns to the principal, director of operations, or other School administrator for resolution.

**Expectations of Other School Staff:**

1. Know, abide by, and enforce School rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity, respect, and other standards of ethical conduct.
3. Assist in promoting a safe, orderly, and stimulating School environment.
4. Maintain confidentiality about all personal information and educational records concerning staff, students, and their families.
5. Promptly report any School-related safety concerns to the principal, director of operations, or other responsible School administrator.

**Expectations of the Principal and School Leadership:**

1. Organize School schedules and teaching assignments that promote effective classroom management and instruction.
2. Be fair, firm, and consistent in all decisions affecting students, parents, and staff.
3. Promote a successful teaching and learning environment by fostering a safe, orderly, and academically stimulating School environment.
4. Ensure that students and staff have the opportunity to communicate regularly with the principal and administration regarding any School-related matters.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Be responsible for students, parents, and staff knowing and understanding the Code.
7. Be knowledgeable about effective classroom behavior/building management techniques, non-violent crisis intervention philosophy and techniques, and the Code.
8. Ensure that a School-wide behavior management system is created, supported, and enforced.
9. Maintain confidentiality about all personal information and educational records concerning students and their families.
10. Demonstrate by word and personal example dependability, integrity, self-discipline, and respect for law.

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11. Adhere to the School's policies, regulations and procedures.
12. Inform the Board about educational trends relating to student discipline.
13. Work to create instructional programs that are academically sound and promote an environment that is sensitive to student and teacher needs and is designed to minimize problems of student misconduct.
14. Establish, implement and maintain programs for students with special needs.

**Expectations of the Members of the Board of Trustees:**

1. Adopt a Student Code of Conduct that clearly defines expectations for conduct of students on School property and at School functions.
2. Review the Code at least annually to evaluate its effectiveness, fairness, and implementation and approve or modify the Code accordingly.
3. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
4. Become acquainted with the School, staff, and students by visiting the School and by attending School functions.

**SECTION FOUR: CIVILITY**

All members of the School community are expected to behave with dignity and treat others with respect and courtesy. Students should respect their peers, teachers, and School staff. Individual behavior should not interfere with the rights of others. Students are expected to use language that is appropriate in demonstrating respect for self and others. Profanity and vulgar language, including but not limited to inappropriate/offense comments and obscene gestures toward others, will not be tolerated.

**SECTION FIVE: STUDENT BEHAVIORAL EXPECTATIONS**

The primary goal of the School is to maximize the educational, emotional, personal and social development of each student. This Code is designed to assist each student in realizing a rewarding experience at the School, to promote proper student behavior and promote academic excellence. The Board recognizes the need for specific and clear expectations for student conduct while on School property or engaged in a School function. The behavioral expectations listed below are intended to provide clear expectations about behavior. Students who violate these behavioral expectations will be subject to appropriate discipline.

The following is a non-exclusive list of behavioral expectations of students at the School.

Attendance: Students must attend School and class on a regular basis and participate in School and classroom programs, activities, and discussions in order to benefit from their education. When a student's lack of attendance becomes concerning to School staff, the School will address the lack of attendance by using the School's resources and involving the student and his or her parents or guardians. The School resources include both teaching and administrative staff as well as guidance staff. If the School exhausts its efforts and the student's attendance has not improved, the School might use other resources available, including family court, to attempt to

correct the problem.

Cafeteria: All students must eat breakfast and lunch in the cafeteria or other designated area whether they bring food from home or buy it. Students must deposit their garbage in the proper receptacles. Students are expected to conduct themselves in an orderly manner in the cafeteria. Students must stay seated, speak with an appropriate volume, and avoid disruptive behavior.

Computer/Internet Policy: The School encourages students to use computers and technology available in School facilities; however, with this use comes responsibility. Violations of the following guidelines may result in a loss of access as well as other disciplinary or legal action in accordance with applicable laws. Users are expected to:

\*Respect the privacy of others:

\*Users will not try to gain unauthorized access to networked or stand-alone systems.

\*Users will not modify or read the files of other individuals. However, system and school administrators have access to all files. You should not assume privacy from School and system administrators.

\*Respect the legal protection provided by copyright and licenses to programs and data.

\*Users will not make copies of programs in violation of copyright laws.

\*Users will not install their own software on School computers without authorization.

\*Users will not intentionally develop or use programs to harass others or infiltrate a computing system or damage or alter the software components or network.

\*Users will not intentionally send inappropriate, obscene, or hateful messages/emails to others.

\*Users will not be allowed access to various Internet sites including but not limited to pornographic websites, personal websites not related to school, or any online gambling site of any type.

\*Abide by the Acceptable Use Agreement distributed to all School students and their parents.

Corridor Passes: While classes are in session, no student is permitted in the halls or lavatories without permission. Students found in the halls without a hall pass may be subject to discipline. Appropriate hallway behavior is expected; students are prohibited from running, shoving or any other inappropriate behavior.

Dangerous Behavior/Weapons: Student behavior that threatens or might endanger the health, safety, or welfare of the student, other students, teachers, or staff, is prohibited. This behavior includes but is not limited to setting false fire alarms; making bomb threats; starting fires; possessing fireworks, weapon(s), pepper spray, or any similar items or explosives; throwing objects; fighting; vandalism; extortion; and any other activity that would endanger anyone on School property or at a School function.

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Cell Phones and Electronic Devices: Students may possess electronic devices during school hours but may not use them or have them out during School hours except for educational purposes, as instructed by a teacher, or in emergency circumstances.

Fighting and Harassment: Fighting or harassment of a physical, sexual, and/or verbal nature are prohibited. A student engaging in any of these behaviors will be subject to disciplinary action.

Forgery: Forgery of any kind is prohibited.

Gambling/Selling or Trading Items: Participating in or conducting any activity that may be construed as gambling is prohibited. Exchanging personal property or selling property is prohibited and exchanged or sold items may be confiscated and returned to the original owner.

Medications: Students may not take and/or carry medications – prescription or over-the-counter – while in school unless the proper forms signed by both the parent/guardian and doctor are submitted to the nurse’s office. All medications must be in their original packaging. The School’s complete medication policy is posted on the School’s website.

Insubordination: Insubordination, vulgarity, flagrant disregard of School rules, and disrespect for School personnel are prohibited. Such behavior includes but is not limited to failing to complete assignments, follow directions from adults, and be prepared for class.

Loitering and Trespassing: Loitering in or trespassing onto the School building or School grounds is prohibited.

Leaving School Building/Grounds: Students are not permitted to leave the school building or grounds at any time during the school day without a duly authorized pass from the principal or the principal’s designee. Students who become ill must be sent home through the nurse’s office.

Plagiarism and Cheating: Plagiarism and cheating on any assignment and/or test or examination are prohibited. In addition to any other disciplinary measures, a student guilty of plagiarism or cheating may also receive a grade of zero for the test or assignment.

Substance Use and Abuse: Federal law and Board policy prohibit any type of substance abuse, including the use of tobacco, in any form, on School property or at School functions. The use of alcoholic beverages of any kind, tobacco in any form, or any form of illegal substance, is prohibited at all times on School property and at School functions. This includes all School functions both on and off School property. Students are prohibited from possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, or illegal substances or being under the influence of any of these substances. Illegal substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and drug paraphernalia. Students with substance abuse or other social problems {00043465.1}

are encouraged to discuss them with appropriate School personnel.

Tardiness: Being late to School is prohibited. Appropriate notification from a parent/guardian must be provided to the School if a student is late to School.

Theft and Possession of Stolen Property: Theft and possession of stolen property are prohibited on School grounds and at School functions on or off School property.

Vandalism: Vandalism of School property is prohibited. Vandalism ranges from littering to destruction of School property. Students will be responsible for damages or loss of any School property or equipment that they damage. In accordance with law, students and/or parents may be responsible for the cost of damages from vandalism.

Visitors: Student visitors are permitted only with prior School permission. No visits will be allowed during the week prior to final exams, the week of final exams, or the day before a School holiday or School vacation.

Vulgarity and Profanity: The use of vulgarity and profanity in the School building, on School grounds, or at any School sponsored function, is prohibited. This includes selling, using or possessing obscene materials. This policy applies to locker decorations and clothing.

### **SECTION SIX: DISCIPLINARY INFRACTIONS AND CONSEQUENCES**

Disciplinary infractions are labeled and handled on a scale of Level 1, 2, 3, 4, and 5 as follows. This is not an exhaustive list of infractions or penalties. Other infractions and penalties can be found elsewhere in this Code, the School's Family and Student Handbook, and the School's policies posted on its website. In addition, the School retains discretion to adjust penalties based on factors such as the severity of the infraction, the student's prior record, the principal's judgment about the effectiveness of other penalties, parental input, and other extenuating circumstances.

<b>Level 1 Infractions- Uncooperative/Noncompliant Behavior</b>		
L1	Minor Uniform Violation	A uniform violation that can be fixed in the moment/on the spot--. For example, an untucked shirt, excessive jewelry, disheveled tie, sagging pants, etc.

### Level 1 Infractions- Uncooperative/Noncompliant Behavior

L1	Off Task During Instruction	Not paying attention during instruction; daydreaming; looking out the window; doodling
L1	Not Tracking speaker	Not paying attention or looking at the speaker when asked to do so
L1	Not Starting Work on Time	Not promptly commencing work when asked to do so.
L1	Too Much Time in Bathroom	Spending excessive time in bathrooms (seven or more minutes) without medical reason
L1	Working on Other Work	Not doing work directly related to the class at hand
L1	Unprofessional Communication	Communicating in a way that would not be acceptable in a workplace ( <i>e.g.</i> slang or street talk)
L1	Head on Desk	Having head on desk
L1	Misuse of Resources	Playing with classroom supplies instead of using them for their intended purpose ( <i>e.g.</i> stapling a piece of paper five times)
L1	Loitering	Loitering in the hallway during transition/not moving with urgency
L1	Poor Transition	Transitioning between classrooms or activities in a way that is not orderly or in keeping with established expectations
L1	Excessive Volume	For example yelling, hooting, shouting, or hollering
L1	Out of Seat Without Permission	Getting out of seat without permission

<b>Level 1 Infractions- Uncooperative/Noncompliant Behavior</b>		
L1	Not Cleaning Up	Not leaving a space as clean as it was found
L1	Other Disorderly	Other disorderly behavior
L1	Calling Out	Calling out in class
L1	Side Conversation	Talking to a peer in class when not allowed
L1	NF Class or School Procedure	Not following a class or school procedure
L1	Disruptive Negative Attitude	Being negative about the School, a class, another student, or a teacher in a way that is disruptive
L1	Disruptive Laughing	Laughing in a way that attracts attention in a disruptive way, deliberately or not

<b>Level 2-Disorderly Behavior (Automatic Detention)</b>		
L2	Refusing to Participate	Refusing to complete work or answer questions in class
L2	Sleeping	Sleeping
L2	Late to School, Class, or other Activity	Being late to any scheduled class or activity (including lunch) during the day
L2	No Pass	Not being able to produce a hall pass during class time
L2	Inappropriate Contact	Putting hands on another student in any form

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<b>Level 2-Disorderly Behavior (Automatic Detention)</b>		
L2	Gum/Candy/Food/ Drink	Having unauthorized gum, candy, food, or drink in class
L2	Phone/Electronics	Having a phone or any form of electronics in sight without permission
L2	Major Uniform Violation	Any uniform violation that cannot be fixed in the moment
L2	Inappropriate Reaction	Responding in any way to a correction other than acceptance or self-frustration, for example, sucking teeth, rolling eyes, or slamming an object on the ground
L2	Disrespect	Any insult directed to classmate, teacher, or staff member; teasing/making-fun/yelling
L2	Disrespect to Property	Doodling on desk or not treating school property as one's own
L2	Gossiping	Spreading malicious rumors about another student
L2	Ignoring/Refusing	Refusing to comply with teacher directions
L2	Use of Teacher Work Room	Using the teacher work room without permission
L2	Passing Notes in Class	Passing notes in class
L2	Late to School	Being late to school
L2	Leaving Early	Leaving school early for a reason not medically necessary or preapproved
L2	Repeated Level 1 infractions (3+ in a day)	Three or more Level 1 infractions in a day
L2	Disrespect to Peer	Undermining the dignity or emotional safety of another student

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Level 2-Disorderly Behavior (Automatic Detention)		
L2	Disrespect to Adult	Undermining the dignity, authority, or emotional safety of an adult
L2	Hands-on	Play-fighting, rough-housing, or other similar behavior
L2	Threatening (regardless of intent to harm)	Threatening a student or staff member or volunteer ( <i>e.g.</i> , . "If you __ then I'll __ you!"; "I'll kill you!")
L2	Verbal Altercation	Verbal arguments between scholars
L2	Plagiarism/ Cheating	Claiming work that is not 100% one's own
L2	Insubordination	Repeatedly refusing to follow directions (a more severe form of ignoring/refusing)
L2	Lying/Dishonesty	Being dishonest or not telling the whole truth
L2	Destruction of Property	Damaging school property in a way that requires replacement or repair
L2	Theft/Stealing	Taking what is not one's own
L2	Hate Speech	Using language that undermines the dignity of a race, sexual orientation, religion, or other characteristic protected by law
L2	Throwing Items	Throwing anything during class
L2	Deliberate Derailment of Lesson	Intentionally attempting to disrupt or derail a lesson
L2	Swearing	Using any form of profanity (including "damn" and "hell")

Level 3 Infractions-Disruptive Behavior (Automatic Detention and/or ISC)		
L3	Bullying/ Harassment	Repeatedly teasing another or being mean-spirited in a way that assails the dignity of another individual
L3	Deliberate Derailment of Lesson	Repeated disrupting or derailing a lesson
L3	Egregious Disrespect	<ul style="list-style-type: none"> <li>▪ Yelling at a staff member</li> <li>▪ Profanity in response to behavioral consequence</li> <li>▪ Other highly disruptive reactions</li> <li>▪ Purposefully damaging property, graffiti, or similar destructive behavior</li> <li>▪ Hate words</li> </ul>
L3	Other Egregious Behavior	Reserved for Principal's and AP's use. (This includes integrity violations such as plagiarism or cheating)
L3	Graffiti	Tagging or defacing school property
L3	Skipping	Cutting class

#### **Level 4 Infractions- Aggressive or Injurious/ Harmful Behavior (OSS)**

- ❖ Persistent bullying/threatening/harassment
- ❖ Physical aggression—pushing, fighting, or similar behavior
- ❖ Major dishonesty: stealing or other similar behavior
- ❖ Possessing, distributing, or using any toy weapons, including but not limited to a water gun, pellet gun, or similar device
- ❖ Highly disruptive or disrespectful behavior in ISC; repeated non-compliance while in ISC
- ❖ Minor Sexual Misconduct—Inappropriate comment, harassment, mimicking sexual behavior, kissing, or any other similar behavior
- ❖ Leaving school building/campus without permission
- ❖ Any repeated or chronic disregard for the rules
- ❖ Destruction of school or other’s property; any “tagging” or suggestive graffiti
- ❖ Any time a student requires physical restraint, including but not limited to a safety hold or other similar restraint
- ❖ Other egregious behavior as defined by the School on or off school property or on the internet
- ❖ Assault or attempted assault
- ❖ Gambling
- ❖ Extortion
- ❖ Using forged notes, excuses, passes, or any other forged document

#### **Level 5 Infractions-Seriously Dangerous or Violent Behavior (OSS or Expulsion)**

- ❖ Carrying or attempting to carry any weapons on school property
- ❖ Possessing, using, or distributing drugs, alcohol, or any illegal substance
- ❖ Possessing or distributing any illicit materials including obscene materials or pornography
- ❖ Sexual Misconduct: Overt sexual harassment, sexual threatening or bullying, any sexual act
- ❖ Chronic bullying
- ❖ Physical assault (including sexual assault)
- ❖ Violation of any law; conviction of any crime
- ❖ Other dangerous or violent behavior as defined by the School

<b>Consequence</b>	<b>How a Student Earns It</b>	<b>Summary/Purpose</b>
<b>Detention</b>	<ul style="list-style-type: none"> <li>✓ Three Level 1 infractions in a day</li> <li>✓ One Level 2 infraction in a day</li> </ul>	Detention is a sixty minute silent reflection time to reflect on mistakes and make sure they do not happen again. Detention is always served the next day. Parents are notified by telephone the night of the infraction. Detention can NOT be excused except for medical and legal reasons.
<b>Friday Detention</b>	<ul style="list-style-type: none"> <li>✓ Earned more than one detention in one day</li> <li>✓ Repeated level 1 and 2 infractions</li> <li>✓ Leaderships' Discretion</li> </ul>	Friday detention is a three hour silent reflection time to reflect on mistakes and make sure they do not repeat. Friday detention is held on Friday from 1:30PM-4:30PM
<b>Independent Study Center</b>	<ul style="list-style-type: none"> <li>✓ Committing a Level 3 infraction <i>or</i> repeated level 1 and 2 infractions</li> <li>✓ Being out of uniform in a way that cannot be fixed</li> <li>✓ Failing to attend detention</li> <li>✓ Failing to attend Friday detention</li> </ul>	The Independent Study Center is a silent room in which scholars are instructed to reflect independently on their choices. They must complete a sheet or packet that guides them through this process, and have a parent or guardian speak with an administrator. Scholars may be kept in ISC for multiple days.
<b>Out of School Suspension</b>	<ul style="list-style-type: none"> <li>✓ Committing a Level 3, 4, or 5 infraction</li> <li>✓ Poor behavior in the Independent Study Center</li> <li>✓ Repeatedly failing to attend detention</li> </ul>	Out of school suspensions are used when scholars commit an infraction that violates a zero-tolerance policy, when scholars have repeated behavior infractions, or when scholars refuse to take responsibility for their behavior in ISC.
<b>Expulsion</b>	<ul style="list-style-type: none"> <li>✓ Committing a Level 5 infraction (drugs/alcohol, weapons, assaulting an adult, sexual assault, etc.)</li> </ul>	Expulsions are for scholars who have so severely violated the integrity and safety of our community that they will not be permitted to return to school.

### **Detention**

Detention provides a time and place for scholars to reflect on their behavior and to make

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plans to improve. Detention provides a disincentive for the poor behavior. Detention is held Monday through Thursday from 4:15-5:15 and 1:30-4:30 on Friday. In detention scholars may not talk, communicate, or make noises; may not put their head down or slouch; must follow all directions from the teacher in charge; and must talk to and respond to the teacher in charge with respectful language, tone, and body language. Scholars in detention will work on the following assignments in this order:

- 1) Commitment to Excellence (“CTE”): Scholars must complete this to expected/established standards.
- 2) Reflection: Scholars must complete a top-quality reflection about the behavior that resulted in the detention.
- 3) Reading/Homework: If scholars have completed the CTE and reflection, they may read a book or complete homework.

### **Independent Study Center (“ISC”)**

There are times when it is in the best interest of the broader student body to remove a scholar from class to preserve the integrity of the learning environment and the authority of the teacher. The School provides scholars with a structured, silent room known as the Independent Study Center (“ISC”) in which scholars are given supports to help them understand the long-term impact of their choices.

#### Placement in ISC

Scholars are placed in ISC at the express direction of the Principal or the Assistant Principal for School Culture (“AP-School Culture”). Scholars can be placed in ISC for any Level 3, 4, or 5 infraction *or* by accruing repeated Level 1 and Level 2 infractions. Scholars can also be placed in ISC if they are unable or unwilling to be in full uniform for the day. If a scholar is in ISC because of a school uniform infraction, the scholar may leave ISC immediately after fixing the uniform infraction. Scholars are allowed to use the phone to call parents to bring them missing items if they are in ISC for a uniform violation.

#### Expectations while in ISC

During ISC, scholars must sit in their assigned seat; work or read at all times; complete the work assigned in class that day (if a scholar completes all of his or her work, independent reading books will be provided); refrain from sleeping or putting their heads down; refrain from using cell phones or other electronic devices; remain in as close to full uniform as possible (scholars may not shed uniform items while in ISC); and ask to use the restroom and receive a pass at the discretion of the ISC Coordinator prior to using the restroom.

If a scholar misbehaves in ISC, the scholar will face out of school suspension. Repeated misbehavior in ISC constitutes gross insubordination.

#### Completing ISC Service

There is no fixed time limit on how long a scholar may remain in ISC. Scholars may leave ISC when they have successfully repaired their relationship with the individual with whom

they misbehaved. A scholar must complete one of the following before leaving ISC:

A Reflection Sheet: A scholar who is sent to ISC for a lower-level Level 3 infraction must complete a reflection sheet. If the scholar successfully completes the sheet and the scholar acknowledges his or her infraction, the scholar may return to class.

A Reflection Packet: A scholar who is sent to ISC for a more egregious Level 3 infraction or a Level 4 or 5 infraction must complete a packet with structured reflection questions. If the scholar successfully completes the packet the scholar must then have successful conversations about the infraction with the AP-School Culture and the Principal. If the scholar has successful conversations with each individual, the scholar may return to class

### **Out of School Suspension (“OSS”)**

An out of school suspension is a temporary loss of the privilege of attending school, class, and school functions. During OSS scholars may not come to school, except for sanctioned tutoring or special education services. OSS is any removal from school from a period of one-half day to ten days.

During OSS, scholars will complete all assigned school work. Prior to completing an OSS, a scholar must complete a reflection/apology and show contrition and take responsibility for the infraction. The parent/guardian and scholar must also verbalize plan to prevent the infraction from occurring again and the parent must have a meeting with the AP-School Culture or the Principal.

## **SECTION SEVEN: REPORTING VIOLATIONS**

All students are expected to report violations of the Code promptly to a teacher, guidance counselor, member of the administration, or principal. Any student observing another student possessing a weapon, alcohol, tobacco, or illegal substance on School property or at a School function shall report this information immediately to a teacher, member of the administration, or principal. All School staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. School staff not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code to their supervisor. Any weapon, alcohol, tobacco, or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved. The principal or the principal’s designee must notify the appropriate local law enforcement agency of those Code violations that could constitute a crime as soon as practical, but in no event later than the close of business the day the principal or the principal learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code and that could constitute a crime.

## **SECTION EIGHT: DISCIPLINARY CONSEQUENCES, PROCEDURES AND REFERRALS**

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Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary actions, School personnel authorized to impose disciplinary penalties will consider the following:

1. the student's age;
2. the nature of the offense and the circumstances that led to the offense;
3. the student's prior disciplinary record, if any;
4. the effectiveness of other forms of discipline;
5. information from parents, teachers and/or others, as appropriate; and
6. other extenuating circumstances.

The School is committed to implementing progressive discipline instead of zero tolerance policies whenever possible. As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. The School also recognizes the philosophy of restorative justice. Restorative justice principles involve those who have a stake in a specific offense in collectively identifying and addressing the harm done and the needs and obligations of all involved in order to heal and correct the situation as fully as possible. Restorative justice strategies may be used at the discretion of the principal in lieu of, or in addition to, certain other interventions set forth in the Code, when all parties voluntarily agree to participate and the appropriate resources are available to support a meaningful effort. Appendix A provides a list of examples of restorative justice practices that the School may implement.

**Consequences:** Students who are found to have violated the Code may be subject to the following consequences, either alone or in combination. The School personnel identified after each penalty are authorized to impose that consequence, consistent with the student's right to due process as set forth herein:

1. Oral warning: any member of the School staff.
  2. Written warning: guidance counselors, teachers, assistant principals, principal.
  3. Written notification to parent: guidance counselors, teachers, assistant principals, principal.
  4. Detention: AP-School Culture, principal.
  5. Suspension from transportation: AP-School Culture, principal.
  6. Suspension from athletic participation: AP-School culture, principal.
  7. Suspension from social or extracurricular activities: AP-School culture, principal.
  8. Suspension of other privileges: AP-School Culture, principal.
  9. Removal from classroom: teachers, AP-School Culture, principal.
  10. In-School Study Center: AP-School Culture, principal.
  11. Short-term (ten (10) days or less) suspension from School: principal with right to
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appeal the decision of the principal to the Executive Director and if necessary, the decision of the Executive Director to the Board of Trustees.

12. Long-term (more than ten (10) days) suspension from School: principal shall preside over a hearing or in the principal's discretion, designate a hearing officer to preside over the hearing, who makes recommendation for a consequence to the principal, with right to appeal the decision of the principal to the Executive Director and if necessary, the decision of the Executive Director to the Board of Trustees.

13. Expulsion from School: principal shall preside over a hearing or in the principal's discretion, designate a hearing officer to preside over the hearing who makes recommendation for a consequence to the principal, with right to appeal the decision of the principal to the Executive Director and if necessary, the decision of the Executive Director to the Board of Trustees.

14. Balanced and restorative justice strategies: at the principal's discretion provided all participation is voluntary.

**Procedures:** regardless of the penalty imposed, School personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Students will have an opportunity to present their version of the facts informally to the School official imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed as described below.

**Detention:** In the event of a detention parents will be notified that day of the reason and the student will be expected to serve the detention the following school day.

**Suspension from Athletic Participation, Extra-Curricular Activities, and Transportation and Denial of Other Privileges:** Students are expected to abide by the athletic training rules and other rules applicable to students participating in athletics or extracurricular activities of the School. A student subject to suspension from athletic participation, extra-curricular activities, or transportation, or denial of other privileges, is not entitled to a full hearing; however, the School will provide the student and the student's parents with a reasonable opportunity for an informal conference with the principal to discuss the conduct and the penalty within a reasonable time of the imposition of the penalty.

**Removal of Disruptive Students:** Teachers, the Assistant Principal of Culture and the Principal have the authority to remove a student who causes a substantial disruption of the educational process, substantially interferes with a teacher's authority, demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. In such cases, the teacher shall inform the principal or assistant principal for school culture, who shall inform the student's parents within 24 hours and give them the opportunity for an informal conference. If the student denies the charges, the principal or assistant principal for school culture must provide the student with the basis for the removal and allow the

student to present the student's version at an informal hearing within 48 hours of the removal.

In-School Study Center: The principal, at his or her discretion, may authorize In-school Study Center ("ISS") for a student who would otherwise be suspended from school as a result of a Code violation. A student subject to an ISS is not entitled to a hearing; however, the School will provide the student and the student's parent with a reasonable opportunity for an informal conference with the principal to discuss the conduct and the penalty involved within a reasonable time of the suspension. While the student is in ISC, the student will receive instruction each day.

Suspension from School: Suspension from School is a severe penalty, which may be imposed only on students who are insubordinate, disorderly, violent, or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students on the principal. Any staff member may recommend to the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal. Staff members must make all recommendations and referrals in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, the staff member who recommended the suspension will prepare a written report as soon as possible. The principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

\*Short-term (ten (10) days or less) Suspension from School: When the principal proposes to suspend a student charged with misconduct for five (5) days or less, the principal must promptly notify the student orally of the charges. If the student denies the misconduct, the principal must explain the basis for the proposed suspension. The principal must also notify the student's parents in writing that the student may be suspended from School. The written notice must be provided, at the last known address of the parents, by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension. When possible, notice should also be provided by telephone if the School has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent. At the conference, the student and/or parents shall be permitted to present the student's version of the events and ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the

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decision and wish to pursue the matter, they may appeal to the Executive Director within fifteen (15) business days. The Executive Director shall issue a decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the Executive Director's decision, they may file a written appeal to the Board of Trustees within fifteen (15) business days, unless they can show extraordinary circumstances precluding them from doing so. The Board of Trustees shall issue a written decision regarding the appeal within thirty (30) business days of receiving the appeal. If the parents are not satisfied with the Board of Trustee's decision, they may file a written appeal to the Commissioner of the New York State Education Department. Only final decisions of the Board may be appealed to the Commissioner. The appeal must be filed within thirty days of the decision to the New York State Education Department, The University of the State of New York, Albany, NY 12234.

\*Long-term (more than ten (10) days) Suspension from School: When the principal determines that a suspension for more than five days may be warranted, the principal shall give reasonable notice to the student and the student's parents of their right to a fair hearing prior to the suspension. The notice shall follow the notice requirements for a short-term suspension. The Principal shall personally preside over the hearing and make a determination of the disciplinary consequence or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer's report shall be advisory only and the principal may accept or reject all or part of it. At the hearing the student may bring his or her parents and shall have the right to be represented by counsel, the right to testify, the right to question and cross-examine witnesses against him or her, and the right to present witnesses and other evidence on his/her behalf. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they may appeal to the Executive Director within fifteen (15) business days. The Executive Director shall issue a decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the Executive Director's decision, they may file a written appeal to the Board of Trustees within fifteen (15) business days, unless they can show extraordinary circumstances precluding them from doing so. The Board of Trustees shall issue a written decision regarding the appeal within thirty (30) business days of receiving the appeal. If the parents are not satisfied with the Board of Trustee's decision, they may file a written appeal to the Commissioner of the New York State Education Department. Only final decisions of the Board may be appealed to the Commissioner. The appeal must be filed within thirty days of the decision to the New York State Education Department, The University of the State of New York, Albany, NY 12234.

\*Expulsion: Expulsion is reserved for extraordinary circumstances such as when a student's conduct poses a life-threatening danger to the safety and well-being of other students, School personnel, or any other person on School property or at a School function. If a student is permanently suspended the student may not be re-admitted to the School. A student subject to permanent suspension/expulsion shall be given the same hearing rights as a student subject to a long-term suspension.

A parent or guardian may appeal the Principal's decision of the imposition of an out-of-school suspension by submitting a written appeal to the Executive Director within fifteen (15) days of receipt of the Principal's decision (appeal can be submitted by email to [rburke@chsjsj.org](mailto:rburke@chsjsj.org) or left {00043465.1}

in hard copy with the Principal or Director of Operations). The Executive Director shall issue a decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the Executive Director's decision, they may file a written appeal to the Board of Trustees within fifteen (15) business days, and the Board shall designate two (2) or more Trustees (the "Designated Trustees") to review the appeal which may include, in the Designated Trustees discretion, an in-person meeting (the "Meeting") whereby the parents/guardians of the affected student and the Principal shall each have up to fifteen (15) minutes to present information for the Designated Trustees' consideration. The Designated Trustees shall render their decision within five (5) days of the Meeting.

\*Minimum Periods of Suspension: The following is a list of minimum periods of suspension based on the nature of the infraction.

*Students Who Bring a Weapon to School:* Any student found guilty of bringing a weapon onto School property or to a School function will be subject to suspension from School for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing as described above in the sections regarding short- and long-term suspensions. The principal has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the principal may consider the following:

1. the student's age;
2. the student's grade;
3. the student's prior disciplinary record, if any;
4. the principal's belief that other forms of discipline may be more effective;
5. input from parents, teachers and/or others; and
6. other extenuating circumstances.

In addition to suspension, the principal must refer children under the age of 16 determined to have brought a firearm to school to the county attorney for a juvenile delinquency proceeding, and students 16 years of age or older, or 14 or 15 years old who qualify for juvenile offender status, to appropriate law enforcement officials.

*Students Who Commit Violent Acts other than Bringing a Weapon to School:* Any student who has committed a violent act, other than bringing a weapon onto School property, shall be subject to suspension from School for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The principal has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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*Students Who are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with a Teacher's Authority over the Classroom:* Any student who repeatedly is substantially disruptive of the education process or substantially interferes with the teacher's authority over the classroom will be suspended from School for at least five days. For the purposes of this Code, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by a teacher or teacher(s) pursuant this Code on four or more occasions during a semester. If the proposed penalty is a suspension of five days or less, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty is a suspension of more than five days, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The principal has the authority to modify a suspension of five or fewer days on a case-by-case basis. In deciding whether to modify the penalty, the principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **SECTION NINE: ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by the teacher for disruptive behavior, or a student of compulsory attendance age is suspended from School pursuant to this Code, the School will take immediate steps to provide alternative means of instruction to the student. This instruction shall be of a substantially equivalent nature to that provided in the student's regularly scheduled class and shall be provided by a School staff member. The School shall act promptly, with due regard for the nature and circumstance of the particular case. Students who are suspended from School shall receive a minimum of two hours of instruction per day by certified teachers.

#### **SECTION TEN: DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or inappropriate behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever School authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities shall be consistent with applicable federal and state law and follow the procedures described below.

#### **Suspension or Removal of Students with Disabilities:**

1. For purposes of this section of the Code, the following definitions apply.
  - a. A "suspension" means a suspension pursuant to this Code.
  - b. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting ("IAES").
  - c. An IAES is a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum,

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although in another setting; to continue to receive those services and modifications, including those described in the student's current individualized education program ("IEP"), that will enable the student to meet the goals set out in such IEP; and includes services and modifications to address the behavior that precipitated the IAES placement that are designed to prevent the behavior from recurring, including, as appropriate, a functional behavioral assessment.

2. School personnel may order the suspension or removal of a student with a disability who violates this Code from his or her current educational placement as follows:
  - a. The principal may order the placement of a student with a disability into an IAES, another setting, or suspension, for a period not to exceed five consecutive school days, if the principal determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time a student who does not have a disability would be subject to suspension for the same behavior.
  - b. The principal may order the placement of a student with a disability into an IAES, or another setting, or suspension for up to ten consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the principal determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time a student who does not have a disability would be subject to suspension for the same behavior.
  - c. The principal may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct and do not constitute a disciplinary change of placement.
  - d. The principal may order the placement of a student with a disability into an IAES to be determined by the Committee on Special Education ("CSE") of the student's school district of residence, for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five days, and without regard to whether the behavior was a manifestation of the disability, if the student carries or possesses a weapon while at School or a School function, knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School function, or has inflicted serious bodily injury upon another person while at School or a School function.
    1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. Section 930(g)(w), which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
    2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
    3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally

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possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

**Change of Placement Rule:**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

- a. For more than ten consecutive school days; or
- b. For a period of ten consecutive school days or less if the student is subjected to a series of suspensions or removals that constitutes a pattern because they add to more than ten school days in a school year, the child's behavior is substantially similar to behavior in prior incidents that resulted in suspension or removal, and because of such factors as the length of each suspension or removal, the total amount of time the student is removed, and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement. However, the School may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the manifestation team of the student's school district of residence has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior relating to the infliction of serious bodily harm or behavior involving weapons, illegal drugs, or controlled substances.

**Manifestation Determination:**

1. Within ten school days of any decision to change the placement of a child with a disability because of a violation of the Code, the manifestation team of the child's school district of residence, including a representative of the child's school district knowledgeable about the student and the interpretation of information about child behavior, the child's parent, and the relevant members of the IEP team shall review all relevant information in the student's file to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability, or whether the conduct in question was the direct result of the School's failure to implement the child's IEP.

2. If the members of the team described in the previous paragraph determine that the behavior was caused by or had a direct and substantial relationship to the child's disability or the School's failure to implement the child's IEP, the conduct shall be deemed to be a manifestation of the child's disability.

3. If the conduct was a manifestation of the child's disability, the child will be returned to the {00043465.1}

placement from which he or she was removed, unless the violation involved a weapon, controlled substance, or serious bodily injury to another.

### **SECTION ELEVEN: CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of disciplining that student. No teacher, administrator, officer, employee, or agent of the School may use corporal punishment as a means of discipline against a student, nor shall corporal punishment be used against a student by a parent or any other visitor or volunteer while on School property. However, in situations in which alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, then the use of reasonable physical force may be used to protect oneself from physical injury; to protect another student, teacher or any other person from physical injury; or to protect the property of the School or others. In instances in which a disruptive student, whose behavior interferes with the orderly exercise and performance of School functions, powers, and duties, refuses to comply with a request to refrain from further disruptive behavior, the principal or an assistant principal may contact law enforcement authorities for assistance. The School will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's Regulations.

### **SECTION TWELVE: STUDENT SEARCHES AND INTERROGATIONS**

**Questioning of Students by School Officials:** Any School employee authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law, School rules, or the Code. School officials are not required to give "Miranda" type warnings before questioning, nor are they required to contact a student's parent before questioning the student. However, School officials will tell students why they are being questioned. School officials have the right and responsibility to contact appropriate law enforcement agencies, as may be necessary, with regard to statements and information students give to them.

**Student Searches by School Officials:** In order to maintain discipline and safety on School property and at School functions, students and their property may be subject to searches by authorized School officials. School officials shall protect the constitutional right of students to be free from unreasonable searches and seizures.

The School principal, assistant principal for School culture, nurse, and security officials are authorized to conduct searches of students and their property on School grounds if the authorized School official has reasonable suspicion to believe that the search will result in evidence that the student violated the law, School rules, or the Code.

Before searching a student's belongings, the authorized School official should question the student about whether the student possesses physical evidence that the student violated the law or Code, and if so, to provide it, or ask the student to consent to the search voluntarily. Searches will be limited to the extent necessary to locate the evidence sought, and considering the age and {00043465.1}

gender of the student and the nature of the alleged infraction.

Whenever practicable, searches of students and their property will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. When necessary, the search of a student may take place at a School function off of School property provided the search follows the restrictions and procedures in this Code.

Factors to consider in determining whether reasonable suspicion exists to search a student include the age of the student, the student's record and past history, the predominance and seriousness of the problem in the School that relate to the search, the statements of the student and others, personal observations of the student's behavior giving rise to the suspicion; and the urgency to conduct the search without delay.

**Searches of Lockers, Desks, and Other Storage Spaces:** School authorities will make a reasonable search of a student's locker, desk, or other school-related property only when there is reasonable suspicion that a student is in possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process

**Police Involvement in Searches and Interrogations:** The School is committed to cooperating with law enforcement authorities to maintain a safe School environment. Police officials may interview or search students in School or at School functions, or use School facilities in connection with police work, but in doing so must follow laws and rules applicable to law enforcement personnel.

**Child Protective Services Investigations:** Consistent with the School's commitment to keep students safe from harm and the obligation of School officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the School will cooperate with local child protective service workers who wish to conduct interviews of students on School property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

### **SECTION THIRTEEN: RELATED RULES AND POLICIES**

The School has adopted policies and rules relating to student behavior in other documents as well. These include, but are not limited to the Anti-Bullying and Harassment Policy, Anti-Sexual Harassment Policy, Attendance Policy, Policy Prohibiting Disability Discrimination, Student Health Services Policy, and the Student and Family Handbook. The terms of the Code and these other policies and rules are to be read so they supplement and are consistent with each other.

### **SECTION FOURTEEN: COMPLAINT/GREIVANCE POLICY**

#### **General Procedure**

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Any parent/guardian who has a concern about a School policy, academic grade, discipline decision, or anything else, is encouraged to contact the appropriate member of the School’s staff by telephone or email.

For example, to discuss a classroom-related grievance, here are the steps to follow:

1. Talk to the teacher or coach:
  - Set up a meeting and talk with the teacher or coach face-to-face about the issue
2. Talk to an Assistant Principal:
  - Set up a meeting and talk with an Assistant Principal about the grievance and brainstorm ways to solve problem
3. Talk to the Principal:
  - If the issue cannot be resolved with the teacher, coach, or Assistant Principal, set up a meeting with the Principal
4. Talk to the Executive Director:
  - If the issue cannot be resolved with the Principal, set up a meeting with the Executive Director

All staff members are committed to responding promptly to parent/guardian concerns. If an issue is not resolved promptly or satisfactorily, please contact the Executive Director to discuss the matter further.

Any individual or group may bring complaints or concerns of any kind to the Executive Director. The Executive Director will work to resolve conflicts fairly and informally, as quickly as possible. After reviewing the complaint, the Executive Director will respond either in writing, telephone, or in person depending on the circumstance. If the Executive Director is unable to resolve the complaint to the individual or group’s satisfaction, or if the complaint is about the Executive Director, the individual or group may bring their complaint to the School’s Board of Trustees. The complaint may be presented to the Board in an open meeting, in written form, by letter or via email to [board@chslawandsocialjustice.org](mailto:board@chslawandsocialjustice.org). The Board of Trustees shall investigate and respond to all complaints in a timely manner, and shall serve as the appeals body for any complaints that are not satisfactorily resolved.

### **Procedure for Complaints under Section 2855 of the Charter Schools Act**

Section 2855(4) of the New York Education Law, part of the New York State Charter Schools Act (the “CSA”), provides that any individual or group may bring a complaint directly to the School’s Board of Trustees alleging a violation of the CSA, the School’s charter, or any other provision of law relating to the management or operation of the School. All such complaints should be in writing and include the following:

1. the name, address, and phone number of the complainant;

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2. a detailed statement of the complaint, including the specific provision of the School's charter or law that allegedly has been violated;
3. the relief sought by the complainant; and
4. the response, if any, received from the School thus far.

The Board of Trustees will respond in writing to any complaint submitted in writing no later than 30 days from receipt of the written complaint. Depending upon the circumstances, the Board's first response to a complaint may be to advise the complainant as to the timeline for further review, investigation, and resolution of the complaint, rather than an immediate resolution of the complaint.

If the complainant believes that the Board of Trustees has not adequately addressed the complaint, the individual or group may then present the complaint to the School's authorizer, the Board of Regents of the University of the State of New York (the "Board of Regents"). The Board of Regents has delegated authority to handle complaints concerning charter schools to the Commissioner of Education. The Charter School Office of the New York State Education Department, on behalf of the Commissioner, will investigate and respond to complaints concerning charter schools that have been appropriately filed, and has the power and the duty to issue appropriate remedial orders involving any such complaint.

The process for bringing a complaint to the Board of Regents can be found here: <http://www.p12.nysed.gov/psc/complaint.html>.

The complaint may be submitted via email to the Board of Regents at [charterschools@nysed.gov](mailto:charterschools@nysed.gov), or by writing to the Board of Regents at the following address:

New York State Education Department  
Charter School Office  
89 Washington Avenue  
Albany, NY 12234  
(518) 474-1762

## **SECTION FIFTEEN: DISSEMINATION AND REVIEW**

The Board will work to ensure that the School community is aware of this Code of Conduct by:

1. Providing copies of a summary of the Code to all students at the beginning of each School year;
2. Making copies of the Code available to all parents at the beginning of the School year;
3. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
4. Providing all new employees with a copy of the Code when they are first hired; and
5. Making copies of the Code available for review by students, parents and other

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community members.

The Board will review and approve this Code every year and update it as necessary.

*Last Updated March 4, 2021.*

## **APPENDIX A**

### **Balanced and Restorative Justice Strategies**

Following is a list of generally accepted balanced and restorative justice strategies. These may be used at the discretion of the principal in lieu of, or in addition to, other interventions set forth in the Code, when all parties voluntarily agree to participate and the appropriate resources are available to support a meaningful effort.

**Circles**: Circles use traditional circle ritual and structure to involve the victim, victim supporters, the offender, offender supporters, police, and all interested community members. Within the circle, people can speak from the heart in a shared search for understanding of the event, and together identify the steps necessary to assist in healing all affected parties and prevent future offenses.

Circles typically involve a multi-step procedure that includes: (1) application by the offender to participate in the circle process; (2) a healing circle for the victim; (3) a healing circle for the offender; (4) a circle to develop consensus on the elements of a healing plan; and (5) follow-up circles to monitor the progress of the offender. The healing plan may incorporate commitments by the School, community and family members, as well as by the offender.

The goals of circles include promoting healing for all affected parties; providing an opportunity for the offender to make amends; empowering victims, community members, families, and offenders by giving them a voice and a shared responsibility in finding constructive resolutions; addressing the underlying causes of offensive behavior; building a sense of community and its capacity for resolving conflict; promoting and sharing community values; and improving school culture.

Circles are not appropriate for all offenses. The connection of the offender to the community, the sincerity and nature of the offender's efforts to be healed, the input of victims, and the dedication of the offender's support group are key factors in determining whether a case is appropriate for the circle process.

**Youth Courts**: Youth courts are programs in which youth work together with youthful offenders, victims, and the community, which is most often the School setting, to repair harm, build competencies, and help to create safer Schools and/or communities. Youth courts typically are set up in different configurations resembling courts. They usually deal with minor delinquent and other behavior problems. Most programs require youth to admit guilt or accept responsibility prior to participation. When the program or disposition is completed, charges or consequences are typically dismissed. Successful youth courts consist of students who are trained in restorative justice practices, including circles, conferencing, and community panels. Students who participate in youth court peer jury sessions as victims, offenders, or community members should {00043465.1}

be encouraged to participate as volunteers on subsequent panels.

**Restorative Group Conferencing:** Restorative group conferencing involves the community of people most affected by the offense – the victim and the offender; and the family, friends and key supporters of both – in deciding the resolution of an incident. These affected parties are brought together by a trained facilitator to discuss how they and others have been harmed by the offense and how that harm might be repaired. To participate, the offender must admit to the offense. Participation by all involved is voluntary. The facilitator contacts the victim and offender to explain the process and invites them to the conference; the facilitator also asks them to identify key members of their support systems, who will be invited to participate as well.

The conference typically begins with the offender describing the incident, followed by each participant describing the impact of the incident on his or her life. It is preferable to allow the victim to start the discussion, if the victim wishes. Through these narrations, the offender is faced with the human impact of the behavior on the victim, on those close to the victim, and on the offender's own family and friends. The victim has the opportunity to express feelings and ask questions about the incident. After a thorough discussion of the impact of the behavior on those present, the victim is asked to identify desired outcomes from the conference, and thus helps to shape obligations that will be placed on the offender. All participants may contribute to the problem-solving process of determining how the offender might best repair the harm he or she caused. The session ends with participants signing an agreement outlining their expectations and commitments.

The goals of restorative group conferencing include providing an opportunity for the victim to be directly involved in the discussion of the offense and in decisions regarding appropriate sanctions to be placed on the offender, increasing the offender's awareness of the human impact of his or her behavior and providing the offender an opportunity to take full responsibility for it, engaging the collective responsibility of the offender's support system for making amends, shaping the offender's future behavior, and allowing both offender and victim to reconnect to key community support systems

In implementing any restorative conferencing program, the facilitators, who may be students or School personnel, must be trained in conferencing preparation techniques. It is critically important that the facilitator do everything possible to ensure that neither the victims nor offenders are harmed in any way. Additionally, the victim's participation must be completely voluntary, as should the participation of the offender. Whenever possible, the victim should be given choices concerning decisions such as when and where the conferencing will take place, who will be present and who will speak first. The facilitator should conduct in-person, pre-conferencing sessions with both parties and make follow-up contacts, including the monitoring of any agreement reached.

**Victim-Offender Conferencing:** Victim-offender conferencing is a process that provides interested victims an opportunity to meet their offender, in a safe and structured setting, {00043465.1}

and engage in a mediated discussion of the offense. With the assistance of a trained mediator, the victim is able to tell the offender about the offense's physical, emotional, and financial impact; to receive answers to lingering questions about the offense and the offender; and to be directly involved in developing a restitution plan for the offender to pay back his or her financial debt.

The goals of victim-offender conferencing include supporting the healing process of victims by providing a safe and controlled setting for them to meet and speak with the offender on a strictly voluntary basis, allowing the offender to learn about the impact of the offense on the victim and to take direct responsibility for their behavior, and providing an opportunity for the victim and offender to develop a mutually acceptable plan that addresses the harm caused by the offense. This process is not primarily focused upon reaching a settlement, although most sessions do, in fact, result in a signed restitution agreement.

In implementing any victim-offender conferencing program, it is critically important to maintain sensitivity to the needs of the victim. First and foremost, the mediator must do everything possible to ensure that the victim will not be harmed in any way. Additionally, the victim's participation must be completely voluntary, as should the participation of the offender. The victim should also be given choices, whenever possible, concerning decision such as when and where the mediation session will take place, who will be present, and who will speak first. Cases should be carefully screened regarding the readiness of both victim and offender to participate. The facilitator should conduct in-person, pre-mediation sessions with both parties and make follow-up contacts, including the monitoring of any agreement reached.