

## **II.B.6.b. Code of Conduct/Discipline Policy**

The following is the HCCS Code of Conduct

### **I. STUDENT DISCIPLINARY CODE)**

This Code sets forth the charter school's policy regarding how students are expected to behave when participating in school activities, on and off school grounds, and how the school will respond when students fail to behave in accordance with these rules.

In all disciplinary matters, students will be given notice and will have the opportunity to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to the staff member imposing such sanctions. Depending on the severity of the infraction, disciplinary responses include suspension (short or long term), detention, exclusion from extracurricular activities, and expulsion. Where appropriate, school officials will contact law enforcement agencies.

### **A. DEFINITIONS**

For purposes of this Code:

- **"Short term suspension"** will refer to the removal of a student from school for disciplinary reasons for a period of five or fewer days;
- **"Long-term suspension"** will refer to the removal of a student from school for disciplinary reasons for a period of more than five days; and
- **"Expulsion"** will refer to the permanent removal of a student from school for disciplinary reasons.

### **A-1. RECORDS OF STUDENT DISCIPLINE**

The Charter School will maintain written records of all suspensions and expulsions including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

### **B. SHORT-TERM SUSPENSIONS**

A student who is determined to have committed any of the infractions listed below will be subject *minimally* to a short term suspension, unless the principal or Board of Trustees determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record. **Such student may be subject to any of the disciplinary measures set forth in Part D of this Code. Depending on the severity of the infraction, a long-term suspension may be imposed and referrals to law enforcement authorities may be made.**

Disciplinary Infractions:

- Attempt to assault any student or staff member.
- Vandalize school property causing minor damage.
- Endanger the physical safety of another by the use of force or threats of force which reasonably places the victim in fear of imminent bodily injury.
- Engage in conduct which disrupts school or classroom activity or endanger or threaten to endanger the health, safety, welfare, or morals of others.
- Engage in insubordination.
- Fail to complete assignments, carry out directions, or comply with disciplinary sanctions.
- Cheat on exams or quizzes, or commit plagiarism.
- Use forged notes or excuses.
- Steal, attempt to steal, or possess property known by the student to be stolen.
- Commit extortion.

- Engage in gambling.
- Drive recklessly on school property.
- Trespass on school property.
- Abuse school property or equipment.
- Use obscene or abusive language or gestures.
- Engage in acts of sexual harassment, including but not limited to sexually related physical contact or offensive sexual comments.
- Make a false bomb threat or pull a false emergency alarm.
- Possess tobacco or alcohol.
- Possess radios or other portable entertainment devices, pagers, cellular telephones, or other personal electronic devices not being used for instructional purposes.
- Wear inappropriate, insufficient, or disruptive clothing or attire, and/or violate the student dress code.
- Refuse to identify himself or herself to school personnel.
- Repeatedly commit minor behavioral infractions which, in the aggregate, may be considered an infraction subject to formal disciplinary action.
- Commit any other act which school officials reasonably conclude warrants a disciplinary response.

#### Procedures and Due Process for Short Term Suspensions

The principal may impose a short-term suspension, and will follow due process procedures consistent with *Goss v. Lopez*, 419 U.S. 565 (1975). Before imposing a short-term suspension, the principal will immediately notify the parents or guardian in writing that the student may be suspended from school. Written notice will be provided by personal delivery, express mail delivery within 24 hours of the decision to impose suspension at the last known address(es) of the parents or guardians. Where possible, notification will be provided by telephone as well. Such notice will provide a description of the incident(s) for which suspension is proposed and will inform the parents or guardian of their right to request an immediate informal conference with the principal. Such notice and informal conference will be in the dominant language or mode of communication used by the parents or guardian. The parents or guardian of the student and the student will have the opportunity to present the student's version of the incident and to ask questions of the complaining witnesses. Such notice and opportunity for an informal conference will take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference will take place as soon as possible after the suspension as is reasonably practicable.

The principal's decision to impose a short-term suspension may be challenged by the parent(s) or guardian in accordance with the charter school's complaint process, pursuant to Education Law § 2855(4).

#### **C. LONG-TERM SUSPENSIONS**

A student who is determined to have committed any of the infractions listed below will be subject *minimally* to a long-term suspension, unless the principal or Board of Trustees determines that an exception should be made based on the circumstances of the incident and the student's disciplinary record. **Such student may also be subject to any of the disciplinary measures set forth in Part D of this code. Depending on the severity of the infraction, a referral to law enforcement authorities may be made, and/or expulsion imposed.**

Disciplinary Infractions

- Possess, use, attempt to use, or transfer any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the student at school.
- Commit or attempt to commit arson on school property.
- Possess, sell, distribute or use any alcoholic beverage, controlled substance, imitation controlled substance, or marijuana on school property or at school sponsored events.
- Assault any other student or staff member.
- Intentionally cause physical injury to another person, except when the student's actions are reasonably necessary to protect himself or herself from injury.
- Vandalize school property causing major damage.
- Commit any act which school officials reasonably conclude warrants a long term suspension.

In addition, a student who commits any of the acts listed in Part II which would ordinarily result in a short-term suspension may, instead or in addition, be subject to a long-term suspension at the principal's discretion.

Federal and State law require the expulsion from school for a period of not less than one year of a student who is determined to have brought a firearm to the school, or to have possessed a firearm at school, except that the principal may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended). "Weapon," as used in this law means a "firearm," as defined by 18 USC§8921, and includes firearms and explosives. (New York Education Law §3214(3)(d) effectuates this federal law.) The principal will refer a student under the age of sixteen who has been determined to have brought a weapon or firearm to school to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42). The principal will refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42), who has been determined to have brought a weapon or firearm to school to the appropriate law enforcement officials.

#### Procedures and Due Process for Long-Term Suspensions

The principal may impose a long-term suspension. Such a suspension may be imposed only after the student has been found guilty at a formal suspension hearing. In extreme circumstances, the principal may expel the student from school. Upon determining that a student's action warrants a possible long-term suspension, the principal will inform the student verbally that he or she is being suspended and is being considered for a long-term suspension (or expulsion) and state the reasons for such actions. The principal also will notify the student's parent(s) or guardian(s) immediately in writing. Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address(es). Where possible, notification also will be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice will provide a description of the incident or incidents which resulted in the suspension and will indicate that a formal hearing will be held on the matter which may result in a long-term suspension (or expulsion). The notification provided will be in the dominant language used by the parent(s) or guardian(s). At the formal hearing, the student will have the right to be represented by counsel, question witnesses, and present evidence.

If the suspension proceeding has been initiated by the principal, the principal will hear and determine the proceeding personally or may, in his discretion, designate a hearing officer to conduct the hearing. The hearing officer's report will be advisory only and the principal may accept or reject all or part of it. The principal's decision to impose a long-term suspension or expulsion may be challenged by the parent or guardian in accordance with the charter school's complaint process pursuant to Education Law § 2855(4).

#### **D. ADDITIONAL DISCIPLINARY MEASURES**

The disciplinary measures listed below may be imposed in addition to short-term or long-term suspensions or, if an exception has been made by the principal to the imposition of a minimum suspension, in place of such suspension. Behavior not listed in Part A or Part B of this Code but determined by appropriate school staff to warrant disciplinary action, including but not limited to missing classes without permission and arriving late to class without reasonable excuse, also may be subject to these additional disciplinary measures.

In-school suspensions and suspensions of transportation may be imposed only by the principal. All other disciplinary measures may be imposed by the principal or a teacher, who must inform the principal of such action within a reasonable time.

#### **BEHAVIORAL CONTRACT**

School staff may design written agreements with students subject to punishment under this code to identify target behaviors, define expectations, and describe consequences, provided that the affected student and his or her parent(s) or guardian(s) are informed that the decision to enter into such a contract is voluntary and will not determine the child's admission to or retention in the Charter School.

#### **Detention**

After notice to the student and parent(s) or guardian(s), and provided that there is no objection from the parent(s) or guardian(s) and the student has appropriate transportation home, a student may be detained after school in detention.

#### **Loss of School Privileges**

After notice to the student and parent(s) or guardian(s), a student may be suspended from participation in any or all extracurricular activities. The student and parent(s) or guardian(s) will be given an opportunity to meet informally with the principal or teacher involved. If possible, the principal or teacher involved will hold any requested meeting prior to imposing the suspension from participation in extracurricular activities.

#### **In-School Short-Term Suspension**

Students may be temporarily removed from the classroom and placed in another area of the school where the student will receive substantially equivalent education. The student and his or her parent(s) or guardian(s) will be given a reasonable opportunity for an informal conference regarding such suspension with whoever was involved in imposing the suspension.

#### **Suspension from School Transportation**

As the result of misconduct occurring on a bus or other student transportation, and after notice to the student and his or her parent(s) or guardian(s), a student may be suspended from school transportation. When such action amounts to a suspension from attending school because of the distance between home and school and the unavailability of alternative public or private transportation, the school will make appropriate arrangements for the student's education.

#### **E. PROVISION OF SERVICES DURING REMOVAL**

The charter school will ensure that alternative educational services are provided to a child who has been suspended or removed to help that child progress in the school's general curriculum. For a student who has been suspended, alternative instruction will be provided to the extent provided by law and as consistent with the practice of the surrounding school districts during the period of suspension; for a student who has been expelled, alternative instruction will be provided in like manner as a suspended student enrolls in like manner as a suspended student until the student enrolls in another school or until the end of the school year, whichever comes first.

Alternative instruction will be provided to students suspended or expelled in a way that best suits the needs of the student and the school on a case-by-case basis.

Instruction for such students will be sufficient to enable the student to make adequate academic progress, and will provide them the opportunity to complete the assignments, learn the curriculum and participate in assessments. Instruction will take place in one of the following locations: the child's home, a contracted facility (e.g., in the school district of location), or a suspension room at the charter school. Instruction will be provided by one or more of the following individuals in consultation with student's teacher(s): teacher aides or trained volunteers, individuals within a contracted facility, a tutor hired for his purpose.

## **F. DISCIPLINARY PROCEDURES FOR STUDENTS WITH DISABILITIES**

In addition to the discipline procedures applicable to all students, the following procedures are applicable to students with disabilities. [A student not specifically identified as having a disability but whose district of residence or charter school, prior to the behavior which is the subject of the disciplinary action, has a basis of knowledge—in accordance with 34 CFR 300.527(b)—that a disability exists may request to be disciplined in accordance with these provisions.] Students who have been presumed to have a disability for discipline purposes will be afforded the rights and protection of IDEA when such students are subject to suspensions and removals for disciplinary reasons. HCCS will comply with sections 300.519-300.529 of the Code of Federal Regulations (CFR) and the following procedures, except that in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations will govern.

HCCS will maintain written records of all suspensions and expulsions of students with a disability including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

Students for whom the IEP includes a Behavior Intervention Plan (BIP) will be disciplined in accordance with the BIP. If the BIP appears not to be effective or if there is a concern for the health and safety of the student or others if the BIP is followed with respect to the infraction, the matter will be immediately referred to the CSE of the student's district of residence for consideration of a change in the guidelines. A behavior intervention plan, when developed, will include a description of the problem behavior, hypotheses as to why the problem behavior occurs and intervention strategies to address the behavior. A student's IEP may also include goals and objectives related to the student's behavior.

If a student identified as having a disability is suspended during the course of the school year for a total of eight days, such student will immediately be referred to the CSE of the student's district of residence for reconsideration of the student's educational placement. Such a student will not be suspended for a total of more than ten days during the school year without the specific involvement of the CSE of the student's district of residence prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement.

In considering the placement of students referred because of disciplinary problems, the CSE of the student's district of residence is expected to follow its ordinary policies with respect to parental notification and involvement.

HCCS will work with the district to ensure that the CSE of the student's district of residence meets within seven days of notification of any of the following:

- 1) The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days.
- 2) The commission of any fraction resulting from the student's disability.

3) The commission of any infraction by a student with a disability, regardless of whether the student has previously been suspended during the school year if, had such infraction been committed by a non-disabled student, the principal would seek to impose a suspension in excess of five days.

## **II. MAINTENANCE OF PUBLIC ORDER ON SCHOOL PROPERTY)**

The following rules will govern the conduct of students, teachers, staff, licensees, invitees, and other persons, whether or not their presence is authorized, on all property or facilities operated under the auspices of the Charter School.

These rules and penalties are not to be considered exclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal, State or local law, rule, regulation or ordinance, or the imposition of a fine or penalty provided for therein. Additionally, these rules and regulations should not be construed to limit, but rather exist in conjunction with any other codes of conduct established for the school, such as a disciplinary code and/or a bill of student rights and responsibilities.

### **A. Prohibited Conduct** - No person, either singly or in concert, will:

1. Willfully cause physical injury to any other person, or threaten to use force which would result in such injury.
2. Physically restrain or detain any other person, nor remove such person from any place where he or she is authorized to remain, except as necessary to maintain the established educational process.
3. Willfully damage or destroy school property, nor remove or use such property without authorization.
4. Without permission, express or implied, enter into any private office or classroom of an administrative officer, teacher, or staff member.
5. Enter or remain in any building or facility for any purpose other than its authorized use or in such a manner as to obstruct its authorized use by others.
6. Without authorization, remain in any building or facility after it is normally closed, nor without permission enter any building or facility prior to its normal opening.
7. Refuse to leave any building or facility after being required to do so by the principal or an authorized administrative officer or his or her designee.
8. Willfully obstruct or interfere with the free movement of persons and vehicles.
9. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interfere with the freedom of any person to express his or her views, unless such disruption is necessary to maintain order of the educational process.
10. Possess on school property any rifle, shotgun, pistol, revolver, knife, chain, club or other weapon, whether or not the person has a license to possess such weapon. Further, it is the duty of the principal to inform the police of the presence or use of any such weapon or implements used as weapons on school property.
11. Commit acts which threaten the safety and welfare of persons on school property.
12. Violate any federal or State statute or regulation, local ordinance or school policy.
13. Possess, use or distribute alcohol, drugs or drug paraphernalia.
14. Harass or coerce any person.
15. Refuse or fail to comply with a lawful order or direction of a school official in the performance of his or her duty.
16. Distribute or post on school property any written material, pamphlets or posters without the prior approval of the principal.

### **B. Penalties and Enforcement** - Penalties for violations of these rules include, but are not limited to:

- the withdrawal of authorization to remain upon school property;

- ejection;
- arrest;
- for students, suspension or other disciplinary action; and
- for school employees, dismissal or other disciplinary action.

Staff members are required to report known violations of these rules to the principal and to make reasonable