

HELLENIC CLASSICAL CHARTER SCHOOL

Operations and Policies

Charter School Student Discipline & Order Policies

INTRODUCTION

To ensure that an environment is created where teaching and learning can flourish, the charter school has developed a series of rules that address proper student behavior, maintenance of order within the school and while people are engaged in school activities, and a statement of student rights and responsibilities.

School staff will ensure that parents and students are well informed of these policies both before enrollment and at the time students sign up for entry into the charter school. As such, students will not be surprised about what type of behavior is expected from them, and parents will be reassured about the type of classroom environment will be maintained in the charter school.

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 also 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 will determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record. **Such student also may be subject to any of the disciplinary measures set forth in Part D of this Code, and, depending on the severity of the infraction, a long-term suspension also 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 also will be provided by telephone. 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 of 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, to referral to law enforcement authorities, and/or to expulsion.

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 verbally inform the student 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 immediately notify the student's parent(s) or guardian(s) 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. 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 personally hear and determine the proceeding 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 a 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 whomever 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 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 the student's teacher(s): teacher aides or trained volunteers, individuals within a contracted facility, a tutor hired for this 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 school 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. The Charter School 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.

The Charter School 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 Individualized Educational Plan (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 Committee on Special Education (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.

The Charter School 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 disabled student, 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.

Provision of Services During Removal

Those students removed for a period fewer than ten days will receive all classroom assignments and a schedule to complete such assignments during the time of his or her suspension. Provisions will be made to permit a suspended student to make up assignments or tests missed as a result of such suspension. The school also will provide additional alternative instruction during the first ten days of suspension and by appropriate means to assist the student, so that the student is given full opportunity to complete assignments and master curriculum, including additional instructions, phone assistance, computer instruction and/or home visits and one-on-one tutoring.

During any subsequent removal that, combined with previous removals equals ten or more school days during the school year, but does not constitute a change in placement, services must be provided to the extent determined necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. In these cases, school personnel, in consultation with the child's special education teacher, will make the service determination.

During any removal for drug or weapon offenses [pursuant to 34 CFR §300.520(a)(2)] services will be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. These service determinations will be made by the CSE of the student's district of residence. The school will place students in interim alternative educational settings as appropriate and mandated by 34 CFR §300.520(a)(2).

During any subsequent removal that does constitute a change in placement, but where the behavior is not a manifestation of the disability, the services must be provided to the extent necessary to enable the student to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. The CSE of the student's district of residence will make the service determination.

CSE Meetings

Meetings of the CSE of the student's district of residence to either develop a behavioral assessment plan or, if the child has one, to review such plan are required when: (1) the child is first removed from his or her current placement for more than ten school days in a school year; and (2) when commencing a removal which constitutes a change in placement.

Subsequently, if other removals occur which do not constitute a change in placement, the school will work with the CSE of the student's district of residence to review the child's

assessment plan and its implementation to determine if modifications are necessary. If one or more members of the CSE of the student's district of residence believe that modifications are needed, then the CSE is expected to meet to modify the plan and/or its implementation.

Due Process

If discipline which would constitute a change in placement is contemplated for any student, the following steps will be taken: (1) not later than the date on which the decision to take such action is made, the parents of the student with a disability will be notified of that decision and provided the procedural safeguards notice described in 34 CFR §300.504; and (2) immediately, if possible, but in no case later than ten school days after the date on which such decision is made, the CSE of the student's district of residence and other qualified personnel will meet and review the relationship between the child's disability and the behavior subject to the disciplinary action.

If, upon review, it is determined that the child's behavior was not a manifestation of his or her disability, then the child may be disciplined in the same manner as a child without a disability, except as provided in 34 CFR §300.121(d), which relates to the provision of services to students with disabilities during periods of removal.

Parent Appeal Process

Parents may request a hearing to challenge the manifestation determination. Except as provided below, the child will remain in his or her current educational placement pending the determination of the hearing.

If a parent requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary action relating to weapons or drugs, the child will remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in the disciplinary action, whichever occurs first, unless the parent and Charter School agree otherwise.

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 efforts to stop the prohibited conduct. The principal is responsible for the enforcement of these rules.

III. STUDENT RIGHTS & RESPONSIBILITIES

A. Participation in School Activities

All students have the following rights:

1. To have the opportunity to take part in all school activities on an equal basis regardless of race, sex, national origin, creed, or disability.
2. To address the school on the same terms as any citizen.

Similarly, all students are bound by the same rules for exclusion from school activities and public address.

B. Records

Charter Schools are subject the federal Family Education Rights and Privacy Act of 1974 (FERPA) which requires a school to protect a student's privacy. The school will not disclose any information from the student's permanent records except as authorized pursuant to FERPA, or in response to a subpoena, as required by law. The parent(s) or guardian(s) of a student under 18 years of age, or a student 18 years of age or older, is entitled to access to the student's school records by submitting a written request to the principal. Further information concerning the disclosure of student information and limitations on such disclosure may be found in FERPA.

C. Freedom of Expression

1. Students are entitled to express their personal opinions verbally, in writing, or by symbolic speech. The expression of such opinions, however, will not interfere with the freedom of others to express themselves, and written expression of opinion must be signed by the author. Any form of expression that involves libel, slander, the use of obscenity, or personal attacks, or that otherwise disrupts the educational process, is prohibited. All forms of expression also must be in compliance with the Student Disciplinary Code and the school dress code, violations of which are punishable as stated in the Disciplinary Code.
2. Student participation in the publication of school sponsored student newsletters, yearbooks, literary magazines and similar publications is encouraged as a learning and educational experience. These publications, if any, will be supervised by qualified faculty advisors and will strive to meet high standards of journalism. In order to maintain consistency with the school's basic educational mission, the content of such publications is controlled by school authorities.
3. No person will distribute any printed or written materials on school property without the prior permission of the principal. The principal may regulate the content of materials to be distributed on school property to the extent necessary to avoid material and substantial interference with the requirements of appropriate discipline in the operation of the school. The principal may also regulate the time, place, manner and duration of such distribution.

D. Search and Seizure

1. A student and/or the student's belongings may be searched by a school official if the official has a reasonable suspicion to believe that a search of that student will result in evidence that the student violated the law or a school rule. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from the student by school authorities.
2. Student lockers and desks remain the property of the school, though the school is not responsible for books, clothing, or valuables left in lockers or desks. A student will not place

or keep in a locker or desk any article or material which is of a non-school nature and may cause or tend to cause the disruption of the mission of the school.

3. The following rules will apply to the search of school property assigned to a specific student and the seizure of illegal items found therein:
 - a. School authorities will make an individual search of a student's locker or desk only when there is reasonable suspicion to believe that a student is in the possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process.
 - b. Searches will be conducted under the authorization of the school principal or his/her designee.
 - c. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from student lockers or desks by school authorities.

E. Off-Campus Events

Students at school sponsored off-campus events will be governed by all the guidelines of the school and are subject to the authority of school officials. Failure to obey the lawful instructions of school officials will result in a loss of eligibility to attend school sponsored off-campus events and may result in additional disciplinary measures in accordance with the Student Disciplinary Code.

F. Discipline

1. Prohibited conduct and acceptable school responses to such conduct are set forth in the Student Disciplinary Code. In disciplinary matters, students will have the opportunity to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to the professional staff member imposing such sanctions.
2. A student may be suspended from instruction only after his or her rights to due process have been observed.
 - a. Plans to educate and train the school's staff regarding the implementation of all disciplinary policies, as well as the health, safety, and well being of all students.

Professional development regarding the implementation of all disciplinary policies, as well as the health, safety and well being of students will be provided during the two weeks prior to the opening of school which has been scheduled for staff training.