



**New Dawn Charter High School**  
**Code of Conduct**  
**and**  
**Discipline Policy**



## **Student Conduct**

*Please Note:* The administration retains the right and privilege to issue consequences for acts or behavior not specifically stated herein and to alter any consequences, as they consider necessary. Furthermore, the administration reserves the right to amend any provisions in this policy that they deem to be in the best interest of the educational process.

### **Overview**

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 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.

Discipline at New Dawn is viewed as an active part of the educational process. Many times students who have not been successful in traditional settings need extra time to learn the rules and trust adults in authority. Because of this, 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.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of Article VIII of this Code of Conduct and Discipline Policy for disciplining students with a disability or presumed to have a disability in accordance with the Individuals with Disabilities Education Act (IDEA). A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### **I. New Dawn Code of Conduct**

#### **A. Students will:**

1. Arrive to school and class on time.
2. Turn in all electronic devices upon entering the building.
3. Arrive to class prepared with a binder and writing utensils.
4. Remain in class during the appropriate class times.
5. Use appropriate language at all times.
6. Respect all students and staff members.
7. Show no tolerance for violence or possession of weapons or dangerous instruments.
8. Show no tolerance for harassment, intimidation, or aggressive behavior.
9. Avoid the use of illegal drugs or alcohol.
10. Avoid the use of tobacco products on or near school grounds.
11. Dress appropriately.

- B. The Code of Conduct and Discipline Policy is meant to ensure the health and safety of students and staff, to foster an atmosphere where learning can take place without distractions and to protect the school building and the property within. In addition, these rules serve to protect students from intimidation, harassment, violence (verbal and physical), and any person or behavior that may prevent them from receiving a quality education.
- C. The standards set forth in the Code of Conduct and Discipline Policy apply to behavior in school during schools hours, before and after school, while on school property, while traveling on vehicles funded by the School, at all school-sponsored events and on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or endanger the health, safety, morals, or welfare of the school community. When misbehavior involves communication, gestures or expressive behavior, the infraction applies to oral, written or electronic communications, including but not limited to texting, emailing, social networking and other online communication platforms.

## **II. Code of Conduct Violations**

- A. New Dawn utilizes a discipline policy adapted from the NYC DOE Citywide Standards of Intervention and Discipline Measures (Effective April 2015) which provides a coherent and highly structured range of appropriate disciplinary responses that can be used for each incident of misconduct.
- B. Infractions

### **LEVEL 1 Infractions – Uncooperative/Noncompliant Behavior**

B01 – Unexcused absence from school

B02 – Cutting classes

B03 – Being late for school or class

B04 – Bringing items to school in violation of school policy

B05 – Failing to be in one’s assigned place on school premises

B06 – Behaving in a manner which disrupts the educational process

B07 – Engaging in verbally rude or disrespectful behavior

B08 – Posting or distributing material on school premises in violation of school rules

B09 – Failing to provide school officials with required identification

B10 – Using school computers, fax machines, telephones, or other electronic equipment or devices without appropriate permission

## **LEVEL 2 Infractions – Disorderly Behavior**

- B11- Smoking and/or use of electronic cigarettes and/or possession of matches or lighters
- B12 – Gambling
- B13 – Using profane, obscene, vulgar, lewd or abusive language or gestures
- B14 – Lying or giving false information to, and/or misleading school personnel
- B15 – Misusing property belonging to others
- B16 – Inappropriate use of electronic technology (e.g., unauthorized audio/video recording)
- B17 – Leaving class or school premises without permission of supervising school personnel

## **LEVEL 3 Infractions – Disruptive Behavior**

- B18 – Defying or disobeying the lawful authority or directive of school personnel or school security in a way that substantially disrupts the educational process
- B19 – Entering or attempting to enter, or leave, the school building without authorization or through an unauthorized entrance
- B20 – Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability
- B21 – Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students or school personnel (e.g. pushing past another person), throwing an object (e.g., marker) or spitting at another person
- B22 – Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of school rules
- B23 – Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs). Slick 6
- B24 – Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or electronic means
- B25 – Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others
- B26 – Knowingly possessing property belonging to another without authorization

#### **LEVEL 4 Infractions – Aggressive or Injurious/Harmful Behavior**

- B27 – Violating the school’s Internet Use Policy (e.g., use of the school’s system for non-educational purposes, security/privacy violations)
- B28 – Engaging in scholastic dishonesty which includes but is not limited to cheating, plagiarizing, or colluding (engaging in fraudulent collaboration with another person in preparing written work for credit).
- B29 – Posting or distributing libelous material or literature (including posting such material on the Internet)
- B30 – Engaging in sexual conduct on school premises or at school-related functions
- B31 – Making sexually suggestive comments, innuendos, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)
- B32 – Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including posting such material on the Internet
- B33 – Engaging in physically aggressive behavior other than minor altercations as described under B24, which creates a substantial risk of or results in minor injury
- B34 – Engaging in an act of coercion or **threatening violence**, injury or harm to another or others-Core 4
- B35 – Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury
- B36- Engaging in harassing, **intimidating**-core 4 and/or bullying behavior, including using electronic communications to engage in such behavior (cyber bullying); such behavior includes, but is not limited to, physical violence, stalking, verbal, written or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing, taunting, exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass.
- B37 – Engaging in harassing, intimidating and/or bullying behavior, including using electronic communications to engage in such behavior (cyber bullying) based on an individual’s

actual or perceived race, weight, religion, religious practices, gender, gender identity, gender expression, sexual orientation, or disability; such behavior includes, but is not limited to, physical violence, stalking, verbal, written or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing, taunting, exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass.

B38 – Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol

B39 – Falsely activating a fire alarm or other disaster alarm

B40 – Making a bomb threat

B41 – Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior

B42 – Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)

B43 – Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)

B44 – Inciting/causing a riot

B45 – Possessing or selling any weapon as defined in Category II

B46 – Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol

#### **LEVEL 5 Infractions – Seriously Dangerous or Violent Behavior**

B47 – Starting a fire

B48- Threatening to use or using force to take or attempt to take property belonging to another

B49 – Using force against, or inflicting or attempting to inflict serious injury against school personnel or school security

- B50 – Using extreme force against or inflicting or attempting to inflict serious injury upon students or others
- B51 – Planning, instigating, or participating with another or others, in an incident of group violence
- B52 – Engaging in **threatening**, dangerous or violent behavior that is gang-related-Slick 6
- B53 – Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity
- B54 – Selling or distributing illegal drugs or controlled substances and/or alcohol
- B55 – Possessing or selling any weapon, other than a firearm, as defined in Category I
- B56 – Using any weapon as defined in Category II to threaten or to attempt to inflict injury upon school personnel, students, or others
- B57 – Using any weapon, other than a firearm, as defined in Category I, to threaten or to attempt to inflict injury upon school personnel, students, or others
- B58 – Using any weapon, other than a firearm, as defined in Category I or II, to inflict injury upon school personnel, students, or others
- B59 – Possessing or using a firearm

### C. Prohibited Weapons

#### Prohibited Weapons – Category I

- Firearm, including pistol and handgun, silencers, electronic dart, and stun gun
- Shotgun, rifle, machine gun, or any other weapon which simulates or is adaptable for use as a machine gun
- Air gun, spring gun, or other instrument or weapon in which the propelling force is a spring or air, and any weapon in which any loaded or blank cartridge may be used (such as a BB gun or paintball gun)
- Switchblade knife, gravity knife, pilum ballistic knife and cane sword (a cane that conceals a knife or sword)
- Dagger, stiletto, dirk, razor, box cutter, case cutter, utility knife and all other knives
- Billy club, blackjack, bludgeon, chukka stick, and metal knuckles
- Sandbag and sandclub
- Sling shot (small, heavy weights attached to or propelled by a thong) and slung shot

- Martial arts objects including kung fu stars, nunchucks and shirkens
- Explosives, including bombs, fire crackers and bombshells

#### Prohibited Weapons – Category II

- Acid or dangerous chemicals (such as pepper spray, mace)
- \*Imitation gun or other imitation weapon
- Loaded or blank cartridges and other ammunition
- Stun weapons
- Any deadly, dangerous, or sharp pointed instrument which can be used or is intended for use as a weapon (such as scissors, nail file, broken glass, chains, wire).

\* Before requesting a suspension for possession of an article listed in Category II for which purpose other than infliction of physical harm exists, e.g., a nail file, New Dawn will consider whether there are mitigating factors present. In addition, New Dawn will consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance and weight.

#### D. Harassment/Bullying (Level 4 or 5 Infraction)

- In accordance with the Dignity for All Students Act (DASA), New Dawn Charter High School is committed to maintaining an environment in which all students are treated with respect and dignity. The School strictly prohibits harassment/bullying or discrimination of or by any student enrolled at the School. This prohibition includes harassment/bullying or discrimination based upon an individual's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. Harassment/bullying or discrimination, whether verbal, physical, or environmental, is unacceptable and will not be tolerated by the School. The purpose of this policy against harassment/bullying and discrimination is to educate students about what may constitute harassment/bullying and discrimination, to notify students that the School will not condone harassment/bullying or discrimination, and to explain the procedure for reporting harassing/bullying or discriminatory conduct.
- Definition of Harassment/Bullying and Discrimination

Harassment/Bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law § 11(8), that

- 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
- 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 be reasonably 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.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11(7)).

Discrimination means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

c. Procedures for Reporting and Investigating Harassment/Bullying or Discrimination

The School encourages all members of the School community (students, faculty, and staff) to report all incidents of harassment/bullying or discrimination, regardless of who the offender may be. The School will investigate any report of harassment/bullying or discrimination and will take whatever corrective action is deemed necessary and appropriate.

Any student who believes that he or she has been harassed/bullied or discriminated against, or has witnessed an incident that he or she believes might constitute harassment/bullying or discrimination, should immediately report the incident to Mariah Smith – Dean, the designated School staff member who will serve as the DASA Coordinator. Any staff member who observes an incident that might constitute harassment/bullying or discrimination or who receives notice that a student may have been a victim of harassment/bullying or discrimination should also report the incident or alleged incident to DASA Coordinator.

The School is committed to taking all reasonable measures promptly to prevent and correct any harassing or discriminatory behavior. Upon receipt of any complaint of harassment or discrimination, the School will promptly investigate the complaint. The investigation may consist of interviews with the complainant, the alleged harasser or person engaging in discrimination, and any other persons who have relevant knowledge of the incident or surrounding circumstances, as well as evaluation of any other information or documents that may be pertinent.

No member of the School community (students, faculty, and staff) who in good faith reports an incident of harassment/bullying or discrimination shall suffer intimidation, harassment, retaliation, discrimination or adverse employment consequence because of such report.

d. Disciplinary Action for Violating this Policy

If the School determines that this Policy has been violated, the violator will be subject to appropriate disciplinary action in accordance with this Code of Conduct and Discipline Policy, which may include a verbal or written reprimand, referral to appropriate counseling, suspension, or expulsion. Factors to be considered may include: the nature of the behavior; the frequency of the behavior; the relationship between the parties; the context in which the behavior occurred; and what action is most likely to end ongoing harassment/bullying or discrimination and deter future harassment/bullying or discrimination.

The School recognizes that false accusations of harassment/bullying or discrimination can cause serious harm to innocent persons. If an investigation results in a finding that the complainant knowingly falsely accused another person of harassment/bullying or discrimination, the complainant will be subject to disciplinary action, in accordance with this Code of Conduct and Discipline Policy, which may constitute a Level 2, 3 or 4 Infraction.

e. Record Keeping

The School will maintain records of complaints of harassment/bullying and discrimination, as well as records of subsequent investigation of such matters. These records will be kept confidential to the extent practicable and appropriate under the circumstances.

### **III. Discipline and Consequences**

A. Students who are found to have violated the School's Code of Conduct and Discipline Policy may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

- Oral Warning – any member of the school staff (Level 1, 2, and 3 Infractions)
- Written Warning – security, coaches, counselors, teachers, administrators (Level 1, 2 and 3 Infractions)
- Written Notification to Parent – counselors, teachers, administrators (Level 1, 2 and 3 Infractions)
- Detention – teachers, administrators (Level 1, 2, 3 and 4 Infractions)
- Suspension from Athletic Participation – coaches, administrators (Level 1, 2, 3 and 4 Infractions)
- Suspension from Social or Extracurricular Activities – activity director, administrators (Level 1, 2, 3 and 4 Infractions)
- Suspension of Other Privileges – administrators (Level 1, 2, 3 and 4 Infractions)
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- Removal from Classroom by Teacher – teachers, administrators (Level 1, 2, 3 and 4 Infractions)
- Removal from School by Principal (remainder of one School Day) – principal (Level 2 and 3 Infractions)
- In-school Suspension (five days or less) - administrators (Level 3 and 4 Infractions)

- Short-term (five days or less) Suspension from School – principal, Board of Trustees (Level 3 and 4 Infractions)
- Long-term (more than five days) Suspension from School –principal, Board of Trustees (Level 3, 4, and 5 Infractions)
- Expulsion from School—Board of Trustees (Level 4 and 5 Infractions)

B. The following is a non-exhaustive list of other responses and supports that may be used in conjunction with the disciplinary responses for each level of infraction:

- Referral to Support Services Team
- Intervention by mental health staff
- Individual/group counseling
- Conflict resolution
- Peer mediation
- Development of individual behavior contract
- Restitution
- Short-term behavioral progress reports
- Community service (with parental consent)
- Transfer (with parental consent)
- Guidance Conference
- Referral to a Community Based Organization (CBO)
- Mentoring Program
- Academic sanctions for a scholastic dishonesty infraction only
- Referral to appropriate substance abuse counseling services

#### **IV. Due Process**

A. The degree of due process a student is entitled to receive before a penalty is imposed depends upon the penalty being imposed. In all cases, regardless of the level of the infraction and regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students and teachers will give statements either verbally and or in writing. 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. These additional rights are explained below:

##### ***(i) Detention***

Teachers and administrators may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student’s parent has been notified to confirm that there is no parental objection to the penalty.

***(ii) Suspension from Extra-Curricular Activities and Other Privileges***

A student subjected to a suspension from extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the director of the activity or the administrator imposing the suspension to discuss the conduct and the penalty involved.

***(iii) Removal from Classroom***

A student's behavior can affect a teacher's ability to teach and make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. Such practices may include, but are not limited to: (1) short-term "timeout" in an administrator's office; (2) sending a student into the hallway briefly with an adult; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code of Conduct and Discipline Policy.

On occasion, a student's behavior may become disruptive to the point where these techniques are not sufficient to maintain classroom control. For purposes of this Code of Conduct and Discipline Policy, a "disruptive student" is a student who is substantially disruptive of the educational process or who substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions and/or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before he/she is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours. The teacher must complete a school Disciplinary Removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another school administrator designated by the principal must notify the student's parents that the student has been removed from class and why. The notice must also inform the parent that he or she has the

right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. The written notice must be provided 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 student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be scheduled within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal. The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law, including the School's Code of Conduct and Discipline Policy.
- The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48 hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Each teacher must keep a complete log (on a school provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

*Note on removal of special education students:* Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

#### ***(iv) Removal from School***

There may be occasions that a student will be asked to leave for the day. This process will be used in cases where the infraction does not warrant a short-term suspension but the behavior is such that the student cannot remain in school. The reasons for asking a student to leave include, but are not limited to, those behaviors that are not putting individuals at risk but are substantially disruptive to the educational process, including the individual student's education. These infractions include Level 2 and Level 3 Infractions: skipping class, wandering the halls

during class time, insubordination or rudeness to an adult, verbal harassment of other students, and other disruptive behavior that substantially interrupts the educational process.

Only a principal may remove a disruptive student from School for the remainder of the school day. The removal from school constitutes removal from all classes for the remainder of the school day and removal from the School's premises. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the principal must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before he/she is removed. Only after the informal discussion may a principal remove a student from School.

If the student poses a danger or ongoing threat of disruption, the principal may order the student to be removed immediately. The principal must, however, explain to the student why he or she was removed from the School and give the student a chance to present his or her version of the relevant events within 24 hours. The principal must complete a School Disciplinary Removal form.

Within 24 hours after the student's removal, the principal or another school administrator designated by the principal must notify the student's parents in writing that the student has been removed from School and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. The written notice must be provided by personal delivery, express mail delivery, fax, email or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal must attend the informal conference. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be scheduled within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal. The principal or the principal's designee may overturn the removal of the student from School if the principal finds any one of the following:

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law, including the School's Code of Conduct and Discipline Policy.
- The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48 hour period for the informal conference, if a conference is requested. No student removed from the School by the principal will be permitted to return to the School until the principal makes a final determination, or the period of removal expires, whichever is less. Any disruptive student

removed from School by the principal shall be offered continued educational programming and activities until he or she is permitted to return to School. The principal must keep a log of all removals of students from School.

*Note on removal of special education students:* Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no principal may remove a student with a disability from School until he or she has verified with the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

As set forth in Article V, Section A, an appeal of the decision of the principal may be made to the Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within ten (10) business days of the date of the principal's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the principal. Final decisions of the Board may be appealed to the New York State Education Department within 30 days of the decision.

#### ***(v) Suspension from School***

Suspension from School is a severe penalty, which may be imposed only upon students who have committed Level 3, 4, and 5 infractions, which include, but are not limited to, insubordination violent or disruptive behavior, or conduct that 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 with 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 for a violation of the code of conduct. Students with disabilities, having a 504 other than for testing accommodations, or as "deemed to know" will follow the same discipline procedures as the nondisabled student. If the suspension is approaching 10 days of cumulative suspensions the procedures will follow procedures set in accordance with IDEA policies.

All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension, in any event by the end of the day. 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. Parent or guardian will be notified first by phone with a letter sent by mail or attached in an e-mail within 24 hours. The letter will state the description of the incident, the Code of Conduct Violation, an invitation for a school meeting, dates that the suspension is for and date student is to return to class or school and provisions for alternative instruction. Keep

*Short-term (1 to 5 days) Suspension from School (In-School Suspension and Out of School Suspension)*

When the principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, fax or email or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where 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 parents 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 parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. The notice and opportunity for an informal conference 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 decision and wish to pursue the matter, they may appeal the decision.

As set forth in Article V, Section A, an appeal of the decision of the principal may be made to the Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within ten (10) business days of the date of the principal’s decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the principal. Final decisions of the Board may be appealed to the New York State Education Department within 30 days of the decision.

New Dawn will follow procedures and policies set by the Department of Education A-443 regarding alternate instruction. During the time of suspension, students shall not be penalized academically unless the infraction is directly related to an academic activity such as cheating or plagiarism. A student who is suspended by the principal for one to five days or who is awaiting his/her suspension hearing, will be provided with a minimum of instruction for two hours a day. Students who have IEP services will receive their related services as stated on their IEP as well as alternate instruction.

*Long-term (more than 5 days) suspension from school*

When the principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. The principal shall personally hear and determine the proceeding or may, at his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the principal. The report of the hearing officer shall be advisory only, and the principal may accept all or any part thereof.

As set forth in Article V, Section A, an appeal of the decision of the principal may be made to the Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within ten (10) business days of the date of the principal's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the principal. Final decisions of the Board may be appealed to the New York State Education Department within 30 days of the decision.

New Dawn will follow procedures and policies set by the Department of Education A-443 regarding alternate instruction. During the time of suspension, students shall not be penalized academically unless the infraction is directly related to an academic activity such as cheating or plagiarism. A student who is suspended by the principal for more than five days who is awaiting his/her suspension hearing, will be provided with alternative instruction at a site other than the School. Students who have IEP services will receive their related services as stated on their IEP as well as alternate instruction.

***(vi) Permanent Suspension or Expulsion***

Permanent Suspension or 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 lawfully on school property or attending a school function.

When the principal determines that a permanent suspension or may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. The principal shall personally hear and determine the proceeding or may, at his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the principal. The report of the hearing officer shall be advisory only, and the principal may accept all or any part thereof.

As set forth in Article V, Section A, an appeal of the decision of the principal may be made to the Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within ten (10) business days of the date of the principal's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the principal. Final decisions of the Board may be appealed to the New York State Education Department within 30 days of the decision.

#### *Weapons on School Property*

In accordance with the Gun-Free Schools Act, any student, other than a student with a disability, found guilty of bringing a firearm (as defined in 18 U.S.C. § 921(a)) onto school property 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 set forth in this section. Students with a disability or having a 504 with a classification will follow guidelines and procedures set by the Department of Education and Part 201 - Procedural Safeguards for Students with Disabilities set by NYSED.

The principal and the Board of Trustees have the authority to modify this one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the principal or Board may consider the following:

- The student's age
- The student's grade in school
- The student's prior disciplinary record
- The principal's belief that other forms of discipline may be more effective
- Input from parents, teachers and/or others
- Other extenuating circumstances

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

#### ***V. Appeal Process for Disciplinary Actions and/or Grievances with New Dawn Charter High School***

This Code of Conduct and Discipline Policy is to be distributed to parents and guardians once every year and upon enrollment in New Dawn Charter High School. It outlines the disciplinary appeals process and grievance procedure in the event a parent or guardian would like to appeal a disciplinary decision or feels that their needs or the needs of their student have not been addressed in an appropriate matter.

##### A. Appeals

Any disciplinary action that results in a student's removal from School (out of school suspension (short term and long term) or expulsion) may be appealed to the School's Board of Trustees by

submitting the appeal in writing to the Board of Trustees at the following address within 10 (ten) business days of the Principal's decision:

Ronald Tabano, Board Chair  
New Dawn Charter High School  
CEO/Principal  
John V. Lindsay Wildcat Academy  
17 Battery Place  
New York, NY 10004

A student and/or parent who is not satisfied with the outcome of the review by the Board of Trustees, may file an appeal with the New York State Department of Education, by submitting the appeal in writing to the New York State Education Department at the following address within 30 (thirty) days of the Board's decision:

New York State Education Department  
Office of Innovative School Model  
Charter School Office  
Room 465 EBA  
89 Washington Avenue  
Albany, NY 12234

All appeals must be made in writing and must clearly state on what grounds the appeal is being made. Appeals to the Charter School Office should be made within 30 days of the determination of the Board of Trustees.

## B. Grievances

Any school parent or teacher, other interested person, or agency may file a grievance or complaint. All complaints must be:

- Written (in the event the person is unable to write, the school will supply them with a scribe);
- Signed by the person or agency representative filing the complaint;
- Specify the requirement of law or regulation being violated and the related issue, problem, and/or the concern;
- Complete with information/evidence supporting the complaint; and
- Written with a statement describing the nature of the corrective action desired.

Complaints regarding the school's administration and implementation of any of its educational or after school programs should be sent to the Executive Director at the address below:

Sara M. Asmussen, Ph.D.  
Executive Director  
New Dawn Charter High School  
760 Dekalb Avenue  
Brooklyn, NY 11216

The Executive Director has a 30 day period in which to resolve the complaint and respond in writing. In the event the Executive Director fails to resolve the complaint within 30 days, or fails to resolve the issue to the satisfaction of the complainant, the complaint should be sent to the New Dawn Board of Trustees at the address below.

Ronald Tabano  
Board Chair  
New Dawn Charter High School  
CEO/Principal  
John V. Lindsay Wildcat Academy  
17 Battery Place  
New York, NY 10004

The Board of Trustees has a 30 business day period in which to resolve the complaint and respond in writing to the complainant. If the New Dawn Board of Trustees fails to resolve the complaint within 30 business days, or fails to resolve the issue to the satisfaction of the complainant, the complaint should be sent to the New York State Department of Education at the address below.

New York State Education Department  
Office of Innovative School Model  
Charter School Office  
Room 465 EBA  
89 Washington Avenue  
Albany, NY 12234

## **VI. PINS Petitions**

The School may file a PINS (person in need of supervision) petition in Family Court on behalf of any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

## **VII. Juvenile Delinquents and Juvenile Offenders**

The principal is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- Any student under the age of 16 who is found to have brought a weapon to school, or
- Any student 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

## **VIII. Discipline of Students with Disabilities**

- A. Discipline procedures for students with disabilities must be in accordance with IDEA regulations. Among the special rules that apply are the following:
- If a student with a disability attending a charter school is suspended or removed for more than 10 school days in a year, the School must notify the CSE (Committee on Special Education). The CSE must conduct a functional behavioral assessment and develop or review a behavior intervention plan.
  - If a student with a disability is suspended or removed in excess of 10 school days in a school year, this constitutes a disciplinary change in placement. The CSE must be notified so a Manifestation Determination Review can be conducted. (See below for details.)
  - The School may contact the CSE to request an expedited due process hearing before an Impartial Hearing Officer to request that a student with a disability be moved to an interim alternative education setting for up to 45 days in cases where maintaining the student in the school is substantially likely to result in injuring the student or others. A student can also be moved to an alternative educational setting if he or she brings a gun to school or possesses or uses illegal drugs at school.

### *B. Manifestation Determination*

Manifestation determination is a determination of whether there is a relationship between a student's disability and a behavior that is subject to disciplinary action. This determination must be made by the CSE and other qualified individuals in a meeting that includes a representative from CSE, the parent, members of the student's IEP team. The parent has the right to bring an attorney or advocate to this meeting. The requirement to conduct a manifestation determination comes into play only when school officials seek to impose a suspension or removal that constitutes a disciplinary change of placement (i.e., a suspension or removal of a student with a disability from his or her educational placement for more than ten consecutive days; or a suspension or removal for a period of ten consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they add up to more than ten school days in the school year 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).

Conversely, the CSE is not required to conduct a manifestation determination for suspensions or removals of ten days or less in the school year, or for subsequent short-term suspensions or removals (less than ten cumulative days) that do not constitute a pattern of removal.

Specifically, the CSE must convene a meeting to make a manifestation determination whenever:

- School officials impose a suspension or removal that constitutes a disciplinary change of placement
- The principal decides to place a student in an interim alternative educational setting (IAES) for behavior involving weapons, illegal drugs or controlled substances
- An impartial hearing officer decides to place a student in an IAES when it has been determined that continuing the student's placement is substantially likely to result in injury to the student or to others.

If the CSE determines that the student's behavior was a manifestation of his or her disability, the student may return to School. The CSE will conduct a Functional Behavioral Assessment (FBA) and either develop or review a Behavioral Intervention Plan (BIP) for the student.

If the CSE determines that the student's behavior was not a manifestation of his or her disability, the removal from school (suspension or expulsion) will continue until the end of the determined period. During such suspension or expulsion, the student shall receive appropriate special education services that will allow him or her to continue to participate in the educational curriculum and progress towards the student's IEP goals. . The CSE will conduct a FBA and either develop or review a Behavioral Intervention Plan (BIP) for the student to prevent the behavior from recurring.

A parent may appeal the decision at the Manifest Determination meeting by requesting an expedited impartial hearing.

#### **IX. Reporting Crimes and/or Disruptive Behavior**

It is important that all students and staff of New Dawn Charter High School understand that certain criminal and/or disruptive behavior must be reported to appropriate police authorities by law. The following incidents *will* be reported.

- Capital Crimes
- Assaults or Threats of Assault
- Possession of Weapons
- Robbery or Theft
- Sexual Abuse
- Property Damage
- Drug or Alcohol Use

Additionally, the principal has the discretion to report any other incident occurring within the regular operation of the school.

Any student who is formally charged with a felony by a proper prosecuting attorney for an incident which is shown to have an adverse impact on the educational program, discipline, or

welfare in the school in which the student enrolled shall, following an administrative hearing conducted pursuant to rules of the SED and after due notice to the parents, parent, or guardian, and when suspension is recommended, be suspended from all classes until the determination of his or her guilt or innocence, or the dismissal of charges, is made by a court of competent jurisdiction.

## **X. Required Reporting**

### ***Violent or Disruptive Incident Reporting (VADIR)***

New Dawn Charter High School is required to file a report for each individual Violent or Disruptive Incident that occurs at the school and then submit an annual summary report to the SED. A violent or disruptive incident includes any of the following: kidnapping, homicide, sexual offences, assaults with serious injury, arson, robbery, reckless endangerment, criminal harassment, bomb threats, and drug or alcohol use, possession, or sale. Any staff witnessing such acts must immediately file a report with the principal's office.

#### ***A. Criminal Incident Reporting***

New Dawn is also required to verbally report criminal incidents to the Special Commissioner of Investigation for the New York City School District at (212) 510-1500. In general, any incident covered under the Violent and Disruptive Incident Reporting should be reported.

Every board member, officer and employee of a charter school is obligated by law to report all known or suspected corrupt and/or criminal activity involving school employees or people otherwise connected with school programs or services, including volunteers and contractors. If an incident creates an immediate safety emergency, the school must immediately notify the police and then the Special Commissioner of Investigation.

Any information concerning sexual misconduct involving students by school staff, board members, officers, employees, or others connected with school programs or services, including volunteers and contractors, must be reported immediately to the Special Commissioner of Investigation for the New York City School District. This obligation extends to sexual misconduct on and off school premises. The principal must also immediately contact the student's parent. The principal should not gather any information or conduct an investigation of the allegations. Complete reporting obligation information can be found at: <http://www.nycsci.org/public/Reporting%20Obligations.pdf>

#### ***B. Child Abuse Reporting***

Pursuant to §413 of the Social Services Law, New Dawn Charter High School is required to report instances of suspected child abuse or maltreatment to the State Central Register of Child Abuse and Maltreatment ("SCR"). A hotline has been established for reporting by mandated reporters, which include school officials (including, but not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators, or other school personnel required to hold a teaching or administrative license or certificate) when such school officials are acting in their official or professional capacity. The hotline number is 1-800-635-1522.

Child abuse occurs when a parent or other person legally responsible for the child inflicts serious physical injury upon the child, creates a substantial risk of serious physical injury, or

commits a sex offense against the child. In addition, the definition includes instances where the parent (or person legally responsible) knowingly allows another to inflict such harm.

Child “maltreatment” (which includes neglect) occurs when a child’s physical, mental, or emotional condition has been impaired, or is in imminent danger of impairment, by the parent’s (or other person legally responsible for the child) failure to exercise a minimum degree of care by (1) failing to provide sufficient food, clothing, shelter or education; (2) failing to provide proper supervision, guardianship, or medical care; or (3) inflicting excessive corporal punishment, abandoning the child, or misusing alcohol or other drugs and, in doing so, cause the child to be placed in imminent danger.

School employees are required to report suspected child abuse or maltreatment when they have reasonable cause to suspect that either has occurred when such school officials are acting in their official or professional capacity. “Reasonable cause” to suspect child abuse or maltreatment means that, based on a school employee’s rational observations, professional training, and experience, the official suspects that the parent or other person legally responsible for the child has harmed the child or placed the child in imminent danger of harm.

The following procedures should be followed in reporting instances of child abuse and maltreatment:

1. If a school employee learns of or suspects a situation of abuse or maltreatment of a student by his or her parent or person legally responsible for the student’s care, the employee must report the situation to the principal immediately and call the SCR hotline at 1-800-635-1522 and make a verbal report.
2. The school employee or principal making the verbal report to the SCR hotline should ask the SCR representative his or her name and the “Call I.D.”
3. Within 24 hours of the school employee or principal’s verbal report to the SCR hotline, he or she must complete and submit to SCR mandated reporter form “LDSS-2221A”. Form LDSS-2221A may be obtained from the New York State Office of Children and Family Services website at: [www.ocfs.state.ny.us/main/forms](http://www.ocfs.state.ny.us/main/forms) or by calling (518) 472-0971.
4. If a school official is uncertain about whether a situation rises to the level of abuse or maltreatment, the official should contact the hotline to discuss the matter with a trained SCR specialist.
5. The principal shall document for his or her confidential file the events, conversations, and facts associated with an allegation of child abuse or neglect, whether or not those circumstances rise to the level of reasonable suspicion that cause the school employee or principal to make a report to SCR.

All information relating to reports of child abuse or maltreatment shall be strictly confidential.

### ***C. In-School Abuse Reporting***

Pursuant to New York Education Law §1126, and the regulations of the Commissioner of Education (8 N.Y.C.R.R. 100.2(hh)), any oral or written allegation that a child has been subjected to abuse by a New Dawn Charter High School employee or volunteer in an educational setting

must promptly be reported in a form provided by the Commissioner of Education, consisting of the following:

1. The name of the child's parent.
2. The name of the person who reported the abuse and their relationship to the child.
3. The name of the employee or volunteer against whom the allegation is made.
4. A list of the specific allegations.

The report must be given to the principal immediately. All records, reports, or written material relating to the suspected abuse should be kept strictly confidential. Willful disclosure of a confidential record to an unauthorized person is a Class A misdemeanor.