

South Bronx Classical Charter School V
Student Discipline Policy and Code of Conduct

RESPECTFUL ENVIRONMENT

Respect is a core value at SOUTH BRONX CLASSICAL CHARTER SCHOOL V, and scholars are expected to demonstrate the following elements of respect each day:

- Respect for self: Carrying themselves with a sense of dignity every day – in their behavior, language, and their school uniform dress
- Respect for fellow scholars: Showing support, encouragement, and kindness to all scholars and refraining from insulting, teasing, bullying, or physically harming others
- Respect for faculty, staff, and all adults: Listening and following instructions and using appropriate language, gestures, and tone of voice in all interactions with adults
- Respect for the classroom: Following the rules of the classroom; working hard and dedicating themselves to excellence; participating in class activities and completing all homework; and attending class each day, arriving on time, with all materials necessary for school
- Respect for property: Respecting their personal property and the property of other scholars; maintaining their textbooks and other materials; and caring for school grounds/property and pitching in to keep them clean and neat

SOUTH BRONX CLASSICAL CHARTER SCHOOL V will comply with all aspects of the Dignity for All Students Act (“DASA”). Our DASA Coordinator is our Director of Scholar Services. This is currently Leah Epstein. The approved DASA policy is posted on the school’s website.

Our Dean of Students is responsible for disciplinary concerns. The Dean collaborates with teachers, families and scholars to help create a safe and orderly learning environment. The Dean is given the authority to decide on the appropriate consequences for inappropriate scholar behavior.

SOUTH BRONX CLASSICAL CHARTER SCHOOL V must provide a safe and secure environment from the moment the scholars leaves his/her home to the moment they return where they can focus solely on mastering their skills in reading, writing, math, science and social studies. The School must promise parents that their children are in safe and capable hands throughout the extended day and year that scholars attend the school.

To this end, SOUTH BRONX CLASSICAL CHARTER SCHOOL V has set forth policies that support our mission, ensure a culture of achievement, and are consistent with the requirements of due process and with federal laws and regulations governing the placement and disciplining of students with disabilities.

We have created a Code of Conduct in order to: ensure that our school is a respectful space for learning where all feel comfortable, allow scholars to focus on their learning, and prepare scholars to become engaged citizens who follow rules set by our communities.

The Code of Conduct describes behaviors that the school considers inappropriate or unacceptable

("behavioral infractions") and the consequences of those behaviors. Scholars who do not meet the school community's clearly defined standards for reasonable and acceptable behavior are not permitted to disrupt the education of others. Without a firm and consistent discipline policy, none of what we envision for the school can happen. This is the basis of our student Code of Conduct. It is important to note that since SOUTH BRONX CLASSICAL CHARTER SCHOOL V will provide a highly structured setting, in which expectations are clearly explained and consistently modeled, we anticipate that such infractions as are described below will be minimal. We believe that scholars rise to the level of behavioral expectations we set for them, and that within a disciplined environment, along with positive and consistent modeling, scholars will behave very well. SOUTH BRONX CLASSICAL CHARTER SCHOOL V utilizes training modules from *Teach Like a Champion* that include "Least Invasive Forms of Intervention." All staff are trained to first use proximity to address off task behavior, followed by anonymous corrections, and redirections before relying on the use of warnings as part of the Traffic Light or Paycheck systems as outlined below. In addition to using these tools to promote positive behavior, all students who are progressing through the traffic light or paycheck systems receive time at a designated space in the classroom to cool down. This station provides different calming strategies for scholars to engage in for refocusing, empowering scholars to take charge of the situation and redirect their behavior to reengage in lesson material. These stations are in place in all grades (from Kindergarten to eighth grade).

BEHAVIORAL INFRACTIONS

The following list of behavioral infractions is not comprehensive; it offers examples of inappropriate or unacceptable behaviors. While we have stated possible consequences for certain behavioral infractions, staff have sole discretion to determine the consequence of each behavioral infraction. A school-related behavioral infraction refers to the violation of this code occurring while the scholar is on school grounds or school-related transportation, during school- sponsored activities and trips, and during all other school-related events.

RESPECTFUL BEHAVIOR

At SOUTH BRONX CLASSICAL CHARTER SCHOOL V we help our scholars grow into mature young people. To that end, while we will not tolerate disrespect, we do allow for scholars to disagree respectfully with each other and with adults. We have developed routines and procedures that enable scholars to do so.

TRAFFIC LIGHT BEHAVIOR SYSTEM (Grades K-4)

If a scholar disrupts learning for himself or others, there is a consequence to that behavior. If a scholar commits any of the following minor infractions, the scholar will move down levels on our traffic light behavior system. In addition to moving up and down levels on the traffic light (such as from green to yellow, or yellow to red), the scholar may receive additional targeted, corrective consequences and/or lose other school privileges at the discretion of their instructor. Behavioral infractions include, but are not limited to:

- Chewing gum
- unexcused lateness to school or class
- making inappropriate noises or speaking out of turn during class
- not paying attention or following directions or procedures of the class or school and
- other behaviors deemed inappropriate by school staff.

PAYCHECK SYSTEM (Grades 5-8)

In grades 5-8, scholars transition away from the Traffic Light and begin following the Paycheck System. Like the Traffic Light, scholar behavior is tracked throughout the day using a point system. Scholars receive bonus points for positive behaviors including but not limited to the following:

- Sitting in scholar position to demonstrate investment in learning
- Listening attentively and respectfully by tracking the speaker
- Walking silently in hallways to avoid disrupting the learning environment
- Completing work in a timely and productive manner
- Being present and in complete uniform
- Participating in class discussions

Scholars receive “checks” for disruptive behaviors. Teachers issue “checks” using concise language to quickly redirect scholars and avoid further disruption. The pattern of escalation in the Paycheck system aligns with the Traffic Light system. Scholars have an opportunity to Cool Down and to complete a Reflection form prior to receiving a Dean Referral.

Based on the level of behavior, a scholar may be escalated to a Dean Referral without a Cool Down or Reflection. An immediate Dean Referral indicates that a scholar needed to be removed from their class community immediately.

DETENTION

If a scholar endangers himself or others physically or verbally, and thus commits any of the following major infractions, the scholar may receive a detention. Behavioral infractions which warrant a detention include, but are not limited to:

- Moving down from yellow to red on the traffic light
- disrespecting a fellow scholar
- disrespecting faculty, staff, or other member of the school community
- disrespecting school property
- deliberately disrupting class
- engaging in disruptive conduct or making scholars feel uncomfortable/excluded; and
- chronic tardiness

PROCEDURES FOR TRAFFIC LIGHT MOVEMENTS AND DETENTIONS

If a scholar commits an infraction and the consequence called for is any other than suspension or expulsion, staff members are authorized to address the infraction and invoke the consequence according to their professional judgment. The School Director and Dean of Students will be responsible for ensuring through professional development that teachers are modeling positive and appropriate behaviors consistently, and applying the Code of Conduct in a uniform and equitable way.

Teachers will notify school leaders of any significant or repeated discipline concerns and seek support from school leaders in finding ways to modify scholar behavior where needed. The school will reserve the right to insist upon parent involvement via phone call intervention in resolving the disruptions

before the student will be allowed to return to class.

Detention may be served during lunch, Enrichment, choice time, or with a buddy teacher on day the detention is earned. Such decisions are at the discretion of the teacher and/or Dean of Students. Detention times will vary depending on the infraction with the time of the detention increasing for more serious infraction. Detention will not exceed 30 minutes at any given time.

IN-SCHOOL AND OUT-OF-SCHOOL SUSPENSION

If a scholar endangers the school community and commits any of the following gross infractions, the scholar may receive an in-school or out-of-school suspension, as determined by the Dean of Students and School Director. Behavioral infractions which warrant a suspension include, but are not limited to:

- Gross disrespect of a fellow student, faculty member, or school transportation provider; damaging, destroying, or stealing property or attempting to do so (including graffiti); using or possessing tobacco products; inappropriate sexually or racially motivated conduct; using abusive, vulgar or profane language; fighting, or any form of harassment or intimidation; making verbal or physical threats, empty or otherwise; setting off false alarms; gambling, forging, plagiarizing, or cheating.

PROCEDURES FOR IN-SCHOOL AND OUT-OF-SCHOOL SUSPENSION

If a scholar commits an infraction that calls for a consequence of short-term suspension (ten days or fewer), such action will be recommended by the Dean and possibly approved by the School Director. In such cases, the school will adhere to the following procedure, consistent with applicable law:

- The scholar shall be informed of the charges against them as well as the evidence of those charges;
- the scholar will have the opportunity to explain their side of the events;
- the school will immediately and personally notify the parent and will call or send written confirmation by personal delivery or mail within 24 hours of the decision to suspend a scholar;
- the parent will have the opportunity to discuss the suspension with the School Director;
- the school may require a meeting with the parents (with both virtual or in-person options) before the scholar may return to classes; if the scholar is out-of-school suspended, alternative education will be provided by the School . If the scholar does not attend alternative education, the scholar's suspension will be an unexcused absence.

ALTERNATIVE EDUCATION

Alternative Educational Services are in-school instructional services provided to all scholars who have received an out-of-school suspension for up to 10 consecutive school days. Parents/Guardians must check the appropriate box, located at the bottom of the suspension letter or contact the school's Dean of Students.

EXPULSION

Expulsion is defined as the exclusion from the school on either a long-term or permanent basis at the discretion of the Executive Director or his/her designee. Behavioral infractions that can lead to expulsion include:

- Possessing a dangerous or illegal weapon or anything intended to be used as a weapon including, but not limited to, a knife or a gun (a one-year minimum suspension under the Gun Free Schools Act);
- possessing a controlled substance including, but not limited to, illegal drugs or alcohol;
- repeated suspensions;
- assault (i.e., threatening assault, hitting, kicking, punching, slapping, pushing) against fellow students or other members of the school community;
- theft or destruction (attempted or actual) of personal or school property, including arson; and
- consistent and continuous behavioral infractions as noted above.

PROCEDURES FOR LONG-TERM SUSPENSION OR EXPULSION

Long-term suspension indicates the removal of a scholar from the school building for disciplinary reasons for more than ten days. Expulsion refers to the permanent removal of a student for disciplinary reasons. The following procedures which comply with applicable law are followed:

- The scholar is immediately removed from class/school as needed; and the scholar is informed of the charges against him/her as well as the evidence of those charges; the scholar has the opportunity to explain his/her side of the relevant events.

The Dean of Students immediately notifies a guardian of the child in person or on the phone and sends written confirmation by personal delivery or express mail within 24 hours of the decision to suspend or expel, and sets a date for a formal hearing and notifies guardians in writing of the date, time, and place of the hearing, as well as:

- The charges against the scholar; a summary of the supporting evidence; and their right to be represented (at their own expense) by an attorney at the hearing, present evidence, and question witnesses.

The School Director or Executive Director will preside at the hearing and makes a decision as to the scholar's status and issues a written decision which is sent to the scholar's guardians, the Board of Trustees, and put in the scholar's permanent file. If the School Director or Executive Director finds that long-term suspension or expulsion is indicated, the guardians of the scholar may appeal this decision to the Board of Trustees within ten days of the decision to suspend or expel.

If there is an appeal, the guardians are once again notified in writing of the date, time, and place of the hearing, as well as the record and evidence presented at the original hearing. There is an additional chance for each party to make an argument to the appellate panel.

Upon receipt of a request for an appeal, a panel comprised of no less than three trustees who were not involved in the initial hearing will promptly hear the appeal. Each party will have twenty minutes in which to make a statement. The scope of the appeal will be limited to positions and the record

established during the original disciplinary hearing. In rendering its decision, the panel may consult the transcript of the disciplinary hearing and any evidence submitted in connection with it. The panel will provide a written ruling within five school days. In situations where the student/family believes there has been a violation of the school's charter or applicable law, they may further appeal to the school's authorizer, the State University of New York (SUNY). If not satisfied by SUNY's ruling, they can appeal to the State Board of Regents.

PROVISION OF INSTRUCTION DURING REMOVAL

In order to ensure academic progress, alternative instruction is provided to scholars who have been suspended or removed. The method and form of this alternative instruction is determined on a case-by-case basis. In all situations, the method and form are selected with the goal of maximizing the scholar's academic progress. It enables the scholar to master material, complete assignments, and participate in assessments. Instruction commences immediately upon a scholar being removed or suspended. In such cases, instruction occurs within the school facility. Alternative instruction will occur either during the school day, before school hours, or after school hours, as coordinated between the School and applicable student's family.

POLICY FOR INFRACTIONS WHICH CONSTITUTE A VIOLATION OF THE LAW

Infractions which are violations of municipal, state, and federal law (such as weapons possessions, assaults, thefts, and possession of controlled substances) are reported to the appropriate law enforcement authorities (e.g., the New York City Police Department).

STUDENT SEARCHES

In order to maintain the security of all its scholars, we reserve the right to conduct searches of its scholars and their property. If searches are conducted, the school ensures that the privacy of the scholars is respected to the extent possible, and that scholars and their families are informed of the circumstances surrounding and results of the search.

SCHOLAR RESTRAINTS

SOUTH BRONX CLASSICAL CHARTER SCHOOL V maintains a strict Code of Conduct and clear disciplinary procedures. These procedures do not allow for corporal punishment but rather include a clear set of consequences including the traffic light movements, detentions, loss of privileges, suspensions, and expulsions. Corporal punishment of pupils is prohibited. School personnel can use reasonable force as is necessary to protect pupils, other persons, and themselves from an assault by a pupil. When such an assault has occurred, the Executive Director will file a detailed report of such with the board.

DISCIPLINE OF SCHOLARS WITH SPECIAL NEEDS

SOUTH BRONX CLASSICAL CHARTER SCHOOL V will comply with all Federal and State laws that provide certain procedural rights and protections relating to discipline of scholars who have been identified under

such laws as having special needs based upon a disability (e.g., §504/ADA Disability; IDEA Disability). In the event a manifestation determination review (MDR) determines that the conduct of a student with a disability is attributable to that disability, the student must immediately be permitted to return to school, in lieu of beginning or completing the period of suspension.

In addition to the discipline procedures applicable to all Students, the School shall implement the following disciplinary policy procedures with respect 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 will be disciplined in accordance with these provisions. The School shall 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 shall govern.

Discipline Process

If a student violates the School's discipline code and is being considered for a suspension or removal, the School must ensure the following due process protections are provided to the Student and to the Student's parent(s) in addition to those set forth in the regular education discipline code. For suspensions of ten (10) school days or less, the Student's parent(s) or guardian must be provided with a written notice, and a follow up telephone call if possible, within 24 hours of the incident leading up to the suspension which describes the basis for the suspension and explains that the parent or guardian has the right to request an informal conference with the School's Director and appropriate staff to discuss the incident and question any complaining witness against the Student. For suspensions in excess of ten (10) consecutive school days, the Student's parent(s) or guardian must be provided with a written notice which indicates that the School proposes to suspend the Student from School in excess of ten (10) consecutive school days, describes the basis for the proposed suspension, explains that the Student has an opportunity for a fair hearing conducted by the School's Director or his or her designee at which the Student will have a right to question any witnesses accusing him/her of committing the misconduct charge and to present witnesses on his/her behalf. Where possible, notification must also be provided by telephone. In addition, the School must provide alternative education to the Student during the suspension as set forth below, including any special services required by the Individualized Education Program (IEP) prepared by the Student's Committee on Special Education (CSE) of their district of residence. Final determination on a suspension or removal of a Student, following due process, shall be made by the School's Director.

The School shall 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 the Student has been suspended or removed for disciplinary reasons.

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 shall not be

suspended for a total of more than ten (10) 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 School shall work with the district to ensure that the CSE of the Student's district of residence meets within seven (7) 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 infraction that the School suspects is the result of 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 School's Director would seek to impose a suspension in excess of ten (10) days.

Also, the School will ensure that when the suspension or removal of a student with a disability will constitute a disciplinary change of placement, the CSE will be immediately notified so that the CSE can meet its required obligations to:

1. Convene a CSE meeting within ten (10) school days to make a manifestation determination
2. Convene a CSE meeting within ten (10) business days to develop a plan to conduct a functional behavioral assessment or review an existing functional behavioral assessment or behavioral intervention plan.
3. Provide the Student's parent with a copy of their procedural due process rights.
4. Work closely with the CSE of the Students' district of residence in determining education services or the interim alternative educational setting consistent with the FAPE requirements.

Provision of Services During Removal

Those students removed for a period fewer than ten (10) 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 shall provide additional alternative instruction with reasonable promptness 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 (10) 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 Student 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 Student's special education teacher, shall make the service determination.

During any removal for weapon, drug or infliction of serious bodily injury-related offenses pursuant to 34 CFR §300.530(g)(1), (2) and (3), respectively, services will 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. 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 the IDEA.

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. The Student's special education teacher (or coordinator) and the general classroom teacher will attend all meetings regarding the Student initiated by the CSE from the Student's home district.

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 shall 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 shall 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 shall 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.

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 shall remain in any 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 the School agree otherwise.