

HELLENIC CLASSICAL CHARTER SCHOOL PARK SLOPE

DISCIPLINE POLICY

INTRODUCTION

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. The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the charter 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 charter school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Where appropriate, school officials also will contact law enforcement agencies.

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.

A. DEFINITIONS

- **"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. RECORDS OF STUDENT DISCIPLINE

The charter School will maintain written records of all suspensions and expulsions.

B. SHORT-TERM SUSPENSIONS

- A student who is determined to have committed any of the infractions listed below will be subject **minimally** to a short term suspension, unless the principal 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 as defined in penal law §
- Engage in gambling.
- 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 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.
- Drive recklessly on school property.
- Trespass on school property.
- 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 provide notice, in writing, to the student's parents or guardian that the student *may* be suspended from school. 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 or guardian of the right to request an immediate informal conference with the principal. . 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 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, or marijuana on school property or at school events.
- Assault any other student or staff member.
- Intentionally cause physical injury to another person, except when 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 found offensive.

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 (amended). 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 except 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/Expulsion

When the principal determines that a long-term suspension may be warranted, she shall give reasonable notice to the student and the student's parents or guardian of their right to a formal suspension hearing. In extreme circumstances, the principal may expel the student from school. Notice and a hearing must be completed prior to the imposition of a long-term suspension or expulsion. Such notice shall include that, 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, in her discretion, designate a hearing officer to conduct the hearing. 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 conclusions as to guilt or innocence and identify the appropriate measure of discipline, if any, to be imposed. Upon conclusion of the hearing, the principal shall provide the parents or guardian of the student with her final written decision. The principal's decision to impose a long-term suspension or expulsion may be challenged by the parent(s) 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. 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

Detention

Loss of School Privileges

In-School Short-Term Suspension

Suspension from School Transportation

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 required 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 until the student enrolls

in another school or until the end of the school year, whichever comes first. Alternative instruction will be provided to students suspended or expelled in a way that best suits the needs of the student and the school on a case-by-case basis. Instruction for such students will be sufficient to enable the student to make adequate academic progress, and will provide them the opportunity to complete the assignments, learn the curriculum and participate in assessments. Instruction will take place in one of the following locations: the child's home, a contracted facility (e.g., in the school district of location), or a suspension room at the charter school. Instruction will be provided by one or more of the following individuals in consultation with student's teacher(s): teacher aides or trained volunteers, individuals within a contracted facility, a tutor hired for his purpose.

F. DISCIPLINARY PROCEDURES FOR STUDENTS WITH DISABILITIES

In addition to the discipline procedures applicable to all students, the following procedures are applicable to students with disabilities. [A student not specifically identified as having a disability but whose 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 disciplinary actions. The Charter School will comply with sections 300.519-529 of the Code of Federal Regulations (CFR) and the following procedures, except that in the event 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 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 ineffective or if there is a concern for health and safety of the student or others if the BIP is followed, 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 behavior, hypotheses as to why the problem behavior occurs and intervention strategies. 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 year for a total of eight days, such student will immediately be referred to the CSE of the students' district of residence for reconsideration of the student's placement. The CSE of the student's district of residence is expected to follow its ordinary policies with respect to parental notification and involvement.

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 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 the goals of his or her IEP. 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.

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 provide 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.