

We encourage regular and frequent feedback from parents or guardians so that we can make ongoing enhancements to the school's learning environment. You may contact the Main Office at any time to discuss any of your concerns. If you would like to meet with the Head of School, please contact our Main Office to schedule a meeting. Please communicate directly with your child's teacher about his or her instructional program. Parents also have the opportunity to provide feedback in the NYC Learning Environment Survey.

## קוד התנהגות ונהלי משמעת **Discipline Policies & Code of Conduct**

### Discipline Overview

Hebrew Public Charter schools set high standards for student behavior. All students have rights, and responsibilities – to classmates, teachers, and school. When behavior concerns are recognized, the guidelines below provide objective guidance that the schools will use as their approach to these concerns. Hebrew Public staff have a shared commitment to:

- Ensuring the right of all students to learn in a safe environment;
- Using and participating in consistent, school-wide prevention and intervention, focusing on instruction and restorative practices;
- Promoting shared responsibility throughout the school by means of problem-solving and collaborative conversations;
- Acknowledging and honoring individual student's identities and developmental needs;
- Seeking to model, teach, and reinforce students' and adults' social-emotional learning (self-management, self-awareness, social awareness, relationship skills, and responsible decision making) and;
- Involving a cooperative and collaborative effort among students, parents or guardians, and staff.

## Restorative Approach to Discipline:

Hebrew Public works with staff, students, and families to take a restorative approach to discipline. This allows students the opportunity to reflect on their actions and repair harm to the school community. Restorative interventions may be an alternative to punitive consequences or may be assigned in conjunction with a punitive consequence(s).

### *Examples of Restorative practices:*

- One-on-one conference with staff
- Written reflections
- Service learning projects
- Peace circles
- Peer conferencing
- Community meetings
- Ongoing small group interventions

## Assignment of Consequences based on Code of Conduct Violations:

When interventions or restorative approaches to student behaviors are attempted and the student's behaviors affect the safety or learning environment of others, additional consequences may be assigned by school personnel. Assigning consequences is the least desired option for Hebrew Public but may be necessary based on the severity or repetition of behaviors outlined in the Code of Conduct.

In determining the appropriate consequence, school personnel will take the following steps:

- **Redirect** student behavior if possible to de-escalate the student and the exhibited behavior.
- **Intervene** to minimize disruption and/or potentially dangerous behaviors, resolve conflict, and minimize the loss of instructional time.
- **Gather information** from students, staff, and others who potentially witnessed behavior(s). (This may include the use of internal security footage and/or footage or evidence provided to staff through electronic means.) When potentially dangerous behaviors (Level 5 or 6) are reported, the designated staff member may begin gathering information by removing students from their designated educational setting.
- **Objectively analyze** all of the information gathered, while factoring in information such as the student's age, the context in which the incident occurred, intent, services received by the student, and any additional relevant or extenuating circumstances.
- **Determine** the appropriate consequence based on information gathered regarding the reported incident, as well as previous consequences assigned for similar or repetitive behaviors.
- **Communicate** the findings of the information gathered and inform the student and family of the assigned consequence (please see appeals process below).

## Definition of Consequences:

- Reprimand. A documented verbal warning to students followed up by a parent or guardian notification.
- Family Conference. A conference about behavior with an administrator, parent or guardian, and possibly the student.
- Loss of Privilege. Loss of the ability to participate in and/or attend any extracurricular activity/event or field trip that isn't academically required/related.
- Extracurricular Activity Suspension. Suspension from extracurriculars, including rehearsals, contests, and/or performances. In addition to these consequences, students are also subject to school discipline.
- Community Repair. An alternative to punitive consequences. The dean may assign the student to repair harm to the school community through a service-oriented approach.
- Intervention plan. An intervention plan will be created as a result of an assessment of a student's behavioral concerns and/or behavioral patterns. This plan will be created via a multidisciplinary team in conjunction with the student and the student's guardian(s). The intervention plan will include identification of current and previous strengths, specific concerns that impede educational progress, multi-tiered systems of support and interventions, goals, and progress monitoring.
- Reflection Time. An assignment of 30-45 minutes in a supervised area before or after school or during lunch or recess period.
- Suspension. A short-term suspension refers to an in-school removal or out-of-school removal of a student for disciplinary reasons for a period of five or fewer days.
- Long-term Suspension & Expulsion. A long-term suspension refers to the removal of a student from school for disciplinary reasons for a period of more than five days. Expulsion refers to the permanent removal of a student from school for disciplinary reasons.

## Code of Conduct

The school has adopted a Code of Conduct that is described in detail below. It includes four levels of violations and a range of potential consequences for these different levels. While the list of violations makes every effort to be comprehensive, the School reserves the right to address under this Code student misbehavior that is of a level of seriousness equivalent to those in the Code, and is substantially similar to other code violations, even where not specifically listed. A disciplinary violation can be addressed under the school's Code of Conduct while the student is:

- at school and/or on school grounds
- participating in school-sponsored activities
- walking to or from school or a school-sponsored activity
- walking to or from or waiting for school transportation
- riding on school transportation (for example, the school bus)
- riding on public transportation while on the way to or from school or to or from a school-sponsored activity

The school may also impose consequences under this Code of Conduct for student behavior that, while occurring outside of school, has a substantial impact on other students or staff or members of the school community.

### Group I

| Infraction  | Range of interventions and/or consequences  |
|---|---|
| <p><b>I-A:</b> Excessive noise in the hall or building causing interruption to the learning or others</p> <p><b>I-B:</b> Leaving the classroom without permission</p> <p><b>I-C:</b> Engaging in any behavior that is disruptive to the orderly process of classroom instruction</p> <p><b>I-D:</b> Loitering, or occupying an unauthorized place in the school or on school grounds</p> <p><b>I-E:</b> Failing to attend class without a valid excuse</p> <p><b>I-F:</b> Persistent tardiness to school or class (3 or more incidents per semester)</p> <p><b>I-G:</b> Use of the school's network for the purpose of accessing non-educational materials, such as games and other inappropriate materials</p> <p><b>I-H:</b> Posting or distributing unauthorized written materials on school grounds</p> | <ul style="list-style-type: none"> <li>● Family Conference</li> <li>● Loss of Privilege</li> <li>● Extracurricular Activity Suspension</li> <li>● Community Repair</li> <li>● Intervention Plan</li> <li>● Detention</li> </ul> |

### Group 2

| Infraction   | Range of interventions and/or consequences  |
|--|---|
| <p><b>2-A:</b> Leaving the school without permission</p> <p><b>2-B:</b> Plagiarizing, cheating, and/or copying the work of another student or other source</p> <p><b>2-C:</b> Initiating or participating in any unacceptable minor physical actions (horseplay, play-fighting)</p> <p><b>2-D:</b> Failing to abide by school rules and regulations not otherwise listed (uniform violations, etc.)</p> <p><b>2-E:</b> Use of profane, obscene, indecent, immoral, or offensive language or gestures</p> <p><b>2-F:</b> Repeated disregard for the instructions or direction of school personnel causing interruption to other students' participation in school activities</p> <p><b>2-G:</b> Unauthorized use or possession of cellular telephones or other technology devices</p> | <ul style="list-style-type: none"> <li>● Family Conference</li> <li>● Loss of Privilege</li> <li>● Extracurricular Activity Suspension</li> <li>● Community Repair</li> <li>● Intervention Plan</li> <li>● Detention</li> <li>● Suspension</li> </ul> |

### Group 3

| Infraction  | Range of interventions and/or consequences  |
|---|---|
| <p><b>3-A:</b> Use of profane, obscene, indecent, immoral, or offensive language or gestures directed at students, staff, or visitors</p> <p><b>3-B:</b> Disruptive behavior on the school bus</p> <p><b>3-C:</b> Fighting – acts of physical contact between two people with intent to harm, no injuries result</p> <p><b>3-D:</b> Profane, obscene, indecent, and immoral or seriously offensive language and gestures, propositions, behavior, or harassment based on race, color, national origin, sex, gender, sexual orientation, age, religion, gender identity, gender expression, or disability</p> <p><b>3-E:</b> Second or more documented violation of a Group 1 or 2 behavior category</p> <p><b>3-F:</b> Forgery – false and fraudulent making or altering of a document pertaining to student information, or falsely representing any document on school letterhead/branding</p> <p><b>3-G:</b> Second or more documented act of plagiarizing, cheating, and/or copying the work of another student or other source</p> <p><b>3-H:</b> Overt display of gang affiliation</p> <p><b>3-K:</b> Bullying behaviors – conduct directed toward a student that can be reasonably predicted to cause fear of physical or mental harm, harm to property, and/or interfere with student's ability to participate in school or school activities</p> | <ul style="list-style-type: none"> <li>● Family Conference</li> <li>● Loss of Privilege</li> <li>● Extracurricular Activity Suspension</li> <li>● Community Repair</li> <li>● Intervention Plan</li> <li>● Detention</li> <li>● Suspension</li> </ul> |

### Group 4

| Infraction   | Range of interventions and/or consequences  |
|--|---|
| <p><b>4-A:</b> False activation of a fire alarm that does not cause a school facility to be evacuated or does not cause emergency services to be notified</p> <p><b>4-B:</b> Obtaining money, goods, or services through means of coercion or intimidation</p> <p><b>4-C:</b> Threatening behaviors – any written, verbal, or physical action which may cause others to expect an immediate physical altercation</p> <p><b>4-D:</b> Purposeful or malicious destruction of others’ property (including school property) up to \$100</p> <p><b>4-E:</b> Fighting – physical contact between more than two people with intent to harm or physical contact between two people with intent to harm that results in injury</p> <p><b>4-F:</b> Unauthorized control over the physical property of another or possession (physical control over, such as contained in clothing, lockers, or bags) of stolen property that costs less than \$150</p> <p><b>4-G:</b> Any extreme behavior not otherwise defined in Groups 1-4 of this SCC that very seriously disrupts the educational process</p> <p><b>4-H:</b> Initiating or participating in inappropriate physical contact with school personnel, with no intent to harm school personnel</p> <p><b>4-J:</b> Possession or use (physical control over, such as contained in clothing, lockers, or bags) and/or use of tobacco or nicotine products, e-cigarettes, vaporizers, matches, or cigarette lighters</p> | <ul style="list-style-type: none"> <li>● Family Conference</li> <li>● Loss of Privilege</li> <li>● Extracurricular Activity Suspension</li> <li>● Community Repair</li> <li>● Intervention Plan</li> <li>● Detention</li> <li>● Suspension</li> <li>● Long-Term Suspension &amp; Expulsion</li> </ul> |

### Group 5

| Infraction   | Range of interventions and/or consequences  |
|--|---|
| <p><b>5-A:</b> Intentional use of force against school staff, personnel, and/or visitors which results in harm or injury</p> <p><b>5-B:</b> Engaging in or attempting any illegal behavior which interferes with the school's educational process</p> <p><b>5-C:</b> Burglary – knowingly and without authority entering or remaining in a building or vehicle with intent to commit a felony or theft therein</p> <p><b>5-D:</b> Theft (obtaining or exerting unauthorized control over) or possession (physical control over, including in clothing, lockers, or bags) of stolen property that costs more than \$150</p> <p><b>5-E:</b> Use of intimidation, credible threats of violence, coercion, or persistent severe bullying.<br/>Intimidation is a behavior that prevents or discourages another student from exercising his/her right to education</p> <p><b>5-F:</b> Aggravated assault – assault with a deadly weapon or done by a person who conceals his/her identity</p> <p><b>2</b></p> <p><b>5-H:</b> Use or possession of illegal drugs, narcotics, controlled substances, “look-alikes” of such substances, or use of any other substance for the purpose of intoxication in or before school or a school-related function</p> <p><b>5-J:</b> Use of any computer, including social networking websites, or use of any information technology device to threaten, stalk, harass, bully, or otherwise intimidate others</p> <p><b>5-K:</b> Vandalism (willful or malicious destruction or defacing of property) or criminal damage to property that results in damage exceeding \$500</p> <p><b>5-L:</b> Inappropriate consensual sexual activity</p> <p><b>5-M:</b> Use or possession of alcohol in school or at, before, or after a school-related function</p> <p><b>5-N:</b> Gang activity or overt displays of gang affiliation</p> | <ul style="list-style-type: none"> <li>● Family Conference</li> <li>● Loss of Privilege</li> <li>● Extracurricular Activity Suspension</li> <li>● Community Repair</li> <li>● Intervention Plan</li> <li>● Detention</li> <li>● Suspension</li> <li>● Long-Term Suspension &amp; Expulsion</li> </ul> |

**Group 6**

| Infraction   | Range of interventions and/or consequences  |
|--|---|
| <p><b>6-A:</b> Use, possession, and/or concealment of a firearm/destructive device or other weapons or “look-alikes” of weapons</p> <p><b>6-B:</b> Arson – knowingly damaging, by means of fire or explosive, a building and/or the personal property of others</p> <p><b>6-C:</b> Bomb threat – a false indication that a bomb, or other explosives of any nature, is concealed in a place that would endanger human life if activated</p> <p><b>6-D:</b> Theft (obtaining or exerting unauthorized control over) or possession (physical control over, including in clothing, lockers, or bags) of stolen property that costs more than \$1,000</p> <p><b>6-E:</b> Robbery – taking personal property in the possession of another by the use of force or by threatening the imminent use of force</p> <p><b>6-F:</b> Sale, distribution, or intent to sell or distribute alcohol, illegal drugs, narcotics, controlled substances, “look-alikes” of such substances, contraband, or any other substance used for the purpose of intoxication</p> <p><b>6-G:</b> Use or possession of alcohol in school or at, before, or after a school-related function</p> <p><b>6-H:</b> Sex acts which include the use of force</p> <p><b>6-J:</b> Battery that causes great harm, is done by a person who conceals his/her identity, or aiding and abetting in the commission of such battery</p> <p><b>6-H:</b> Sale, distribution, or intent to sell or distribute alcohol, illegal drugs, narcotics, controlled substances, “look-alikes” of such substances, contraband, or any other substance used for the purpose of intoxication</p> | <ul style="list-style-type: none"> <li>● Short Term Suspension</li> <li>● Long-Term Suspension &amp; Expulsion</li> </ul> |

*Please note that behavior violations in Level 5 and 6 typically involve serious and potentially illegal incidents of misbehavior. These violations may result in more severe consequences such as short-term suspension, long-term suspension, or expulsion. School officials will report student behavior to law enforcement authorities wherever they are required to do so by law or to maintain the safety and security of the school and its students and staff.*



## Firearm Violations

Federal and New York 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 Head of School may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free schools Act of 1994 (as amended). “Weapon,” as used in this law means a “firearm,” as defined by 18 USC § 921, and includes firearms and explosives. (New York Education Law §3214 effectuates this federal law.) The following are included within this definition: (a) Any device, instrument, material, or substance that is used for or is readily capable of causing death or serious bodily injury. Knives with a blade of two and a half inches or more in length fall within this definition; (b) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (c) The frame or receiver of any weapon described above; (d) Any firearm muffler or firearm silencer; (e) Any destructible device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device.

The Head of School shall refer a student under the age of 16 who has been determined to have brought a weapon or firearm to school to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act except a student 14 or 15 years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42). The Head of School shall refer any student 16 years of age or older or a student 14 or 15 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.

## נהלים ודרגות השעייה Levels of Suspension & Due Process Procedures

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### Short-Term Suspension

A short-term suspension refers to an in-school removal or out-of-school removal of a student for disciplinary reasons for a period of five or fewer days.

The Head of School may impose a short-term suspension and shall follow due process procedures consistent with federal case law pursuant to *Goss v. Lopez* (419 U.S. 565). Before imposing a short-term suspension, or other, less serious discipline, the Head of School shall provide notice to inform the student of the charges against him or her, and if the student denies the charges, provide an explanation of the evidence against the student. A chance to present the student's version of events shall also be provided.

Before imposing a short-term suspension, the Head of School shall immediately notify the parents or guardians in writing that the student may be suspended from school. Written notice of the decision to impose suspension shall be provided by email, personal delivery or express mail delivery within 24 hours at the last known address(es) of the guardian. Where possible, the notification also shall be provided by telephone. Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the guardian of their right to request an immediate informal conference with the Head of School. Such notice and informal conference shall be in the dominant language or mode of communication used by the parents or guardians.

The parents or guardians of the student and the student shall have the opportunity to present the student's version of the incident and to ask questions of the complaining witnesses. Such notice and opportunity for an informal conference shall 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 shall take place as soon as possible after the suspension as is reasonably practicable.

The Head of School's decision to impose a short-term suspension may be challenged by the guardian in accordance with the school's complaint policy.

### Long-Term Suspension & Expulsion

A long-term suspension refers to the removal of a student from school for disciplinary reasons for a period of more than five days. Expulsion refers to the permanent removal of a student from school for disciplinary reasons.

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

If the Head of School initiates the suspension proceeding, he or she shall designate a hearing officer to conduct the hearing. The Head of School shall accept the Hearing Officer's findings of fact, but shall reserve the right to impose a different consequence or consequences than that recommended by the Hearing Officer, provided such consequences are consistent with the School code and applicable law. The Head of School's decision to impose a long-term suspension or expulsion may be challenged by the guardian through an appeal to the Board of Trustees. NOTE: In any instance where the Head of School is directly involved in the instance(s) at issue for a suspension or expulsion (for example, an assault upon the Head of School), the Head of School shall appoint a designee to handle any investigation, hearing, and determination.

### **Provision of Services During Removal**

The school will ensure that alternative educational services are provided to a student who has been suspended or removed to help that child progress in the school's general curriculum. For a student who has been suspended, a daily minimum of two hours of alternative instruction shall be provided by the School. For a student who has been expelled, alternative instruction will be provided in like manner as that for a suspended student until the student enrolls in another school for a reasonable period thereafter or until the end of the school year.

Alternative instructions will be provided to students suspended or expelled in a way that best suits the needs of the student. Instruction for such students shall be sufficient to enable the student to make adequate academic progress and shall 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

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school district of location), or a suspension room or other room at the school. During any removal for drug or weapon offenses, additional services shall include strategies designed to prevent such behavior from recurring. Instruction will be provided by one or more of the following individuals who shall be certified or qualified in accordance with § 2854(3)(a-1) of the Education Law and the federal No Child Left Behind Act: the student's teacher(s), aides or trained volunteers, individuals within a contracted facility, and/or a tutor hired for this purpose.

## **Student Disciplinary Records**

The school will maintain written records of all suspensions and expulsions including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons. The school will comply with the New York State Department of Education's data collection requirements for disciplinary data and submit that information to NYSED by required deadlines.

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

## **Disciplinary Policies for Students with Special Needs**

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 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. {Insert School Name} 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.

If a student violates the school's Code of Conduct 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 guardians (s) in addition to those set forth in the regular education discipline code. For suspensions of five school days or less, the student's 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 Head of School and appropriate staff to discuss the incident and question any complaining witness against the student. For suspensions in excess of five consecutive school days, the student's parent(s) or guardian must receive a written notice which indicates that the district proposes to suspend the student from school in excess of five consecutive school days, describes the basis for the proposed suspension, explains that the student has an opportunity for a fair hearing conducted by the Head of School 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, the notification must also be provided by telephone. In addition, the school must provide the student with the option of alternative education 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 Head of School.

The school shall maintain written records of all incident reports, suspensions, and expulsions of students with a disability including the name of the student, a description of the behavior engaged in, the disciplinary action, and a record of the number of days a student has been suspended or removed for disciplinary reasons. The school will also provide a copy of this documentation to its Committee on Special Education.

Students for whom the IEP includes a Behavior Intervention Plan (BIP) will be disciplined in accordance with the BIP. If the BIP appears not to be effective or if there is a concern for the health and safety of the student or others if the BIP is followed with respect to the infraction, the matter will be immediately referred to the CSE of the student's district of residence for consideration of a change in the guidelines.

A student with a disability shall not be suspended for a total of more than 10 days during the school year without the specific involvement of the CSE of the student's district of residence prior to the 11th 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 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 resulting from the student's disability; (3) The commission of any infraction by a disabled student, regardless of whether the student has previously been suspended during the school year if, had such infraction committed by a non-disabled student, the Head of School would seek to impose a suspension in excess of five 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 10 school days to make a manifestation determination.
2. Convene a CSE meeting within 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 or guardian with a copy of their procedural due process rights.
4. Work closely with the CSE of the student's district of residence in determining education services or the interim alternative educational setting consistent with the FAPE requirements.

### **Provision of Services During Removal of a Student With a Disability**

Those students removed for a period of fewer than 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 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 child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. These service determinations will be made by the CSE of the student's district of residence. The school will place students in interim alternative educational settings as appropriate and mandated by the IDEA.

For individual suspensions that exceed 10 days or multiple suspensions that total a minimum of ten days suspended, please see additional context in the Due Process section below.

### **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 10 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 be invited to attend all meetings regarding the student initiated by the CSE from the student's home district.

If a student consistently struggles to access their school environment safely, as evidenced by suspensions and/or disciplinary action because of unsafe behavior, the school will work with the CSE to amend the IEP to include modifications and accommodations that would better support a student in successfully accessing their educational environment. Examples of these supports

include but are not limited to; creation of a behavior intervention plan, creation of an incentive chart, scheduled breaks, additional processing time, and checks for understanding.

### Due Process

If discipline that 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 parent or guardian 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 10 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 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.

If it is determined that the student's behavior **was not** a manifestation of his/her disability, the disciplinary removal may be imposed. The following additional steps must be taken:

At the next school-based CSE meeting, the CSE must determine whether the student's behavior necessitates conducting an FBA and/or developing or reviewing a BIP. If the student requires an FBA, one must be conducted, and a decision must be made as to whether the student requires a BIP. If the student requires a BIP, it must be developed and implemented immediately. If the student already has a BIP, it must be reviewed to determine if a new FBA is needed to gather new data or if changes need to be made to the BIP.

Regardless of whether the behavior is found to be a manifestation of the student's disability, if any member of the MDR Team determines that the educational or related service needs of the student warrant a change in the student's program or a reevaluation of the student, the member must submit a request for an evaluation, an IEP review immediately following completion of the MDR.

If it is determined that the student's behavior **was** a manifestation of his/her disability, the disciplinary removal may not be imposed and the student must return to school immediately. The following steps must also be taken if the MDR Team concludes that the action is a manifestation:

- For a student with an IEP, if the student does not already have an FBA (Functional Behavior Assessment), an FBA must be conducted and, if appropriate, a BIP must be developed and implemented immediately.
- For a student with an IEP, if an FBA has already been conducted, the FBA must be reviewed to determine whether a new FBA is needed and whether a BIP should be created. If a BIP has already been developed, it must be reviewed and modified as



necessary to address the behavior that resulted in the removal.

Parents or guardians 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 or guardian 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 or guardian and the school agree otherwise.

### **Prohibition on Corporal Punishment**

No employee or agent of the school shall inflict corporal punishment upon a student as a penalty for unacceptable conduct. The term “corporal punishment” means any act of physical force upon a student for the purpose of punishing that student. The term does not mean the use of reasonable physical force by a teacher or staff member to protect himself or herself from physical injury; to protect another person from physical injury; to protect property; or to restrain or remove a student whose behavior is interfering with school functions, provided that alternative methods not involving the use of physical force cannot reasonably be employed.

### **Searches**

The school reserves the right to conduct occasional searches of school property (including desks and lockers) and students’ personal possessions to protect the safety of students and staff and to enforce school rules and all applicable laws and regulations.

The Head of School or designee may conduct searches of students and their belongings if there is a reasonable suspicion that the search will result in evidence that the student violated school policy or the Code of Conduct. Before conducting a search, the school will question the student regarding whether he/she possesses physical evidence indicating that he/she violated school policy or the Code; and attempt to obtain voluntary consent to the search from the student. If consent is not obtained, but reasonable suspicion exists, the search may proceed. Searches will be limited to the extent necessary to locate the evidence sought.

Given the intrusive nature of a search that requires a student to remove any clothing other than outer clothing, the Head of School will notify law enforcement if such a search is necessary unless the school had evidence that failure to conduct an immediate search would pose an imminent danger to health or safety. Students will be present when their possessions are

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searched, if possible.