



COMMUNITY Charter School

CODE OF CONDUCT

2009-2010

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COMMUNITY Charter School

Code of Conduct

INTRODUCTION

The COMMUNITY Charter School Board of Trustees (“Board”) is committed to providing a safe and orderly school environment where students may receive and school personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, or other school personnel, parents and other visitors is essential to achieving this goal.

The COMMUNITY Charter School has a set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. COMMUNITY Charter School’s mission is to optimize the potential of each child to meet or exceed the New York State Learning Standards and advance to personal independence with short and long term contribution to the community and reflect the following beliefs and values:

- The school promotes an environment in which children are intellectually challenged, experience team work and display respect for others;
- Children gain self-esteem by improving their ability to articulate and express themselves on diverse subjects and in a variety of situations.
- The curriculum is accessible to all of its students by minimizing the specific barriers that inner-city children encounter.
- Effective education includes teaching children to exercise good judgment, be critical thinkers, be creative and attain a positive attitude towards self and others.
- Effective education accepts that deep understanding leads to broader knowledge and increased opportunity for short and longer-term application.
- Educational strategies are evidence-based to the extent possible.
- The school adds value to the community with an improved quality to cost ratio.
- The school is a learning community for parents, faculty, staff, children and the greater community; and as such, contributes to the improvement of assets of the community at large.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”).

Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

DEFINITIONS

For purposes of this Code, the following definitions apply:

Disruptive student means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Parent means parent, guardian or person in parental relation to a student.

School function means any school-sponsored extra-curricular event or activity.

School property means in or within any building, structure, playground, parking lot or land contained within the real property boundary line owned or leased by the COMMUNITY Charter School, or in or on a school bus, as defined in Vehicle and Traffic Law 142.

Staff means an employee of the COMMUNITY Charter School.

Student with a disability means a student with a disability as defined in Section 4401(1) of the Education Law, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to Section 3202 of the Educational Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department. (Commissioner Regulation 200.1).

Violent student means a student under the age of 21 whom:








1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys COMMUNITY Charter School property.

Visitor means anyone who is not a regular staff member or student of the COMMUNITY Charter School.

Weapon means a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also includes, but is not limited to, any other gun, BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, materials or substance that can cause physical injury or death when used to cause physical injury or death.

STUDENT RIGHTS AND RESPONSIBILITIES

With every right comes a responsibility:

RIGHTS		RESPONSIBILITIES
1. Attend school and be granted the opportunity to receive a quality education.		Attend school regularly and on time, complete assignments, and strive to do the highest quality work possible.
2. Be made aware of the school rules and policies, and to always be treated in a manner consistent with these policies in all disciplinary matters.		Be familiar with the COMMUNITY Charter School Code of Conduct, obey the rules it contains, conduct him/herself in a manner not distracting to others.
3. Have the opportunity to present your version of the facts and circumstances in all disciplinary matters.		Be truthful and respectful when responding to authority.
4. Take part in all school activities on an equal basis regardless of race, sex, religion, national origin, or disability.		Work to one's best ability in all academic and extracurricular activities, while being fair and supportive of others.
5. Be safe in the school environment.		Behave in a manner that will not jeopardize the safety and well being of oneself or others.
6. Not to be intimidated or harassed by others.		Respect one another and treat others fairly and in accordance with this Code.
7. Dress according to uniform policy.		Dress in a manner not distracting to others, and in accordance with school policy.

ESSENTIAL PARTNERS

Expectations for Parents:

1. Make certain your child's attendance at school is regular and punctual and all absences are properly excused, as required by law.
2. Insist that your child is dressed in compliance with the uniform policy and school rules regarding sanitation and safety and in a fashion that will not disrupt classroom procedures.
3. Be as certain as possible that your child is free of communicable disease and is in good health, enabling him or her to participate in the learning environment.
4. Teach your child, by word and example, respect for the law, for the authority of the school and for the rights and property of others.
5. Know and understand the rules your child is expected to observe at school. Be aware of the consequences for violations of these rules and accept legal responsibility for your child's actions.
6. Help your child understand that appropriate rules are required to maintain a safe, orderly environment and provide effective and appropriate strategies for dealing with peer pressure in accordance with COMMUNITY Charter School Code of Conduct.
7. Instill in your child a desire to learn; encourage a respect for honest work and an interest in exploring broader fields of knowledge.
8. Become acquainted with your child's school, its staff, curriculum and activities. Attend parent-teacher conferences and school functions.
9. Convey to your child a supportive attitude toward education and the COMMUNITY Charter School.
10. Recognize that the education of your child is a joint responsibility of the parents/guardians and the school community.
11. Send your child to school ready to participate and learn as required by NYS Education Law.
12. Promote positive behavior in your child by helping him or her to accept the consequences of his or her actions and by becoming involved in the behavior management/disciplinary process; guide your child to develop socially acceptable standards of behavior.
13. Inform school officials of changes in the home situation that may affect student conduct or performance.
14. Support your child educationally by providing a place for study and ensuring that homework assignments are completed.
15. Report any school-related safety concerns to a building administrator for resolution.

Expectations for Teachers:

1. Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
2. Guide learning activities so students learn to think and reason, assume responsibility for their actions and respect the rights of others.
3. Be fair, firm and consistent in enforcing school rules on school property and at all school functions.
4. Give positive reinforcement for acceptable behavior.
5. Inform the Director, Principal and/or his/her designee concerning any student whose behavior requires special attention.
6. Maintain a climate of mutual respect and dignity to strengthen each student's self-concept and confidence to learn.
7. Communicate to students and parents that which is important to the student's emotional, social, behavioral and academic progress, including but not limited to:
 - Marking/grading procedures
 - Assignment deadlines
 - Expectations for students
 - Classroom discipline plan
 - School-wide discipline plan
 - Student progress
8. Be knowledgeable about effective classroom/building behavior management techniques and the non-violent crisis intervention philosophy and techniques.
9. Maintain confidentiality about all personal information and educational records concerning students and their families.
10. Demonstrate dependability, integrity, self-discipline and respect for law by word and personal example.
11. Report any school-related safety concerns to the Director, Principal and/or his/her designee for resolution.

Expectations for Student Support Service Personnel:

1. Demonstrate interest and concern for student achievement in the educational process.

2. Know school policies and rules, including this Code of Conduct, and enforce them in a fair and consistent manner.
3. Maintain confidentiality about all personal information and educational records concerning students and their families.
4. Demonstrate dependability, integrity and other standards of ethical conduct.
5. Provide educationally related service(s) to support students in their educational program.
6. Support educational and academic goals.
7. Assist students in coping with peer pressure and emerging personal, social, emotional and physical problems.
8. Encourage students to benefit from the curriculum and co-curricular activities.
9. Communicate regularly with students, parents and other staff.
10. Be knowledgeable about effective classroom behavior/building management techniques and the non-violent crisis intervention philosophy and techniques.
11. Report any school-related safety concerns to the Director, Principal and/or his/her designee for resolution.

Expectations for Other School Staff:

1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity, respect and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning staff, students and their families.
5. Report any school-related safety concerns to the Director and/or his/her designee for resolution.

Expectations for the Director and/or His/Her Designee:

1. Organize school schedules and teaching assignments which promote effective classroom management and instruction.
2. Be fair, firm and consistent in all decisions affecting students, parents and staff.

3. Promote a successful teaching and learning environment by fostering a safe, orderly and academically stimulating school environment.
4. Ensure that students and staff have the opportunity to communicate regularly with the Director regarding any school related matters.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Be responsible for students, parents, and staff knowing and understanding the Code of Conduct.
7. Be knowledgeable about effective classroom behavior/building management techniques, the non-violent crisis intervention philosophy and techniques, and assure the utilization of the building/discipline plan.
8. Ensure that a school-wide behavior management system is created, supported and enforced.
9. Maintain confidentiality about all personal information and educational records concerning students and their families.
10. Demonstrate by word and personal example dependability, integrity, self-discipline and respect for law.
11. Adhere to COMMUNITY Charter School's policies, regulations and procedures.
12. Inform the Board about educational trends relating to student discipline.
13. Work to create instructional programs that are academically sound and promote an environment that is sensitive to student and teacher needs and is designed to minimize problems of student misconduct.
14. Establish, implement and maintain programs for students with special needs in accordance to NYS Education Law.
15. Become acquainted with the schools, staff and students, by visiting classrooms regularly and by attending school functions.

Expectations for Board of Trustees:

1. Collaborate with student, teacher, the Director and/or his/her designee and parent organization, and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, personnel and visitors on school property and at school functions.

2. Approve and review at least annually, the COMMUNITY Charter School Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.
4. Become acquainted with the school, staff and students by visiting buildings and by attending school functions.

CIVILITY

Appropriate Language/Respectful Behavior

Students are expected to behave with dignity and treat others with respect and courtesy. Students should respect their peers, teachers, and school staff. Individual behavior should not interfere with the rights of others. Students are expected to use language that is appropriate in demonstrating respect for self and others. Profanity, vulgar language including, but not limited to, racial comments, and/or obscene gestures toward others will not be tolerated. Appropriate disciplinary action will be taken.

STUDENT CONDUCT

The primary goal of the COMMUNITY Charter School is to optimize the potential of each child to meet or exceed the New York State *Learning Standards* and advance to personal independence with short and long term contribution to the community. The information herein has been designed to assist each student in realizing a rewarding academic experience at COMMUNITY.

The following is intended to serve as a guide for what is expected of COMMUNITY Charter School students. The adherence to school policies will promote proper student behavior and promote academic excellence in which COMMUNITY takes pride. Any violation of these policies will result in appropriate disciplinary action. Specific levels will develop language under each category appropriate to their level.

The Board recognized the need for specific and clear expectations for student conduct while on school property or engaged in a school function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- Engage in conduct that is disorderly.
- Engage in conduct that is insubordinate.
- Engage in conduct that is disruptive.
- Engage in conduct that is violent.
- Engage in any conduct that endangers the safety, morals, health or welfare of others.

- Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on owned or leased COMMUNITY Charter School buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- Engage in any form of academic misconduct.

The following are examples of, but not limited to, behavioral expectations of the students of the COMMUNITY Charter School:

Cafeteria

All students must eat their lunch in the cafeteria or designated area whether they bring it from home or buy it. Students must deposit their garbage in the proper receptacles. Students are expected to conduct themselves in an orderly manner in the cafeteria. Students must stay seated and use appropriate volume. Disruptive behavior in the cafeteria will not be tolerated. Appropriate disciplinary action will follow.

Computer/Internet Policy

We encourage students to use computers and technology available in our school facilities; however, with this use comes responsibility. Violations of the following guidelines may result in a loss of access as well as other disciplinary actions or legal action in accordance with applicable laws and/or due process procedures. Users are expected to:

Respect the privacy of others.

1. Users will not try to gain unauthorized access to networked or stand alone systems.
2. Users will not modify or read files of other individuals, however, it should be noted that system and/or district administrators have access to all files. **Privacy shall not be assumed in this case.**

Respect the legal protection provided by copyright and license to programs and data.

1. Users will not make copies of licensed programs, in violation of Copyright Laws.
2. Users will not install their own software on COMMUNITY Charter School computers without authorization.
3. Users will not intentionally develop or use programs to harass others or infiltrate a computing system or damage or alter the software components or network.
4. Users will not intentionally send inappropriate, obscene or hateful messages/mail to others.
5. Users will not be allowed access to various Internet sites including pornography, personal web sites or any online gambling site of any type.

Abide by the Acceptable Use Agreement distributed to all COMMUNITY students, and their parents, who use COMMUNITY Charter School computers.

Corridor Passes

While school is in session, no student is permitted in the halls or lavatories without permission. Students found in the halls without permission may be subject to disciplinary measures.

Appropriate hallway behavior is expected; no running, shoving or any other inappropriate behaviors not conducive to the school environment.

Dangerous Behavior/Weapons

Any student who threatens or displays behavior that might endanger the health, safety and welfare of self, other students, teachers and/or staff, will be suspended immediately and may include a recommendation for a Board hearing to determine the student's future status. This behavior includes but is not limited to setting false fire alarms; making bomb threats; starting fires; possessing fireworks, weapon(s) or pepper spray; throwing objects; fighting; vandalism; extortion and any other activity that would endanger anyone on school property or at a school function.

Electronic Devices

Students are to refrain from bringing to school any items that are not needed for instructional/medical purposes. This includes, but is not limited to, electronic devices such as cell phones, beepers, walkmans, MP3/CD players, laser pointers, etc. During school hours these items may be confiscated immediately and the appropriate measures taken.

Fighting/Harassment

All students of COMMUNITY Charter School are to treat each other with dignity and respect. Any student who engages in fighting/harassment (physical, sexual and/or verbal) will be displaying inappropriate behavior. Violators will be referred to the Director and/or his/her designee for disciplinary action. The penalty may range from a reprimand to suspension from school. A write-up of the incident will be placed in their permanent folder.

Forgery

Students who engage in forgery of any kind will be given appropriate disciplinary consequences.

Gambling/Selling/Trading of Items

Students observed participating in, or conducting any activity that may be construed as gambling will be disciplined appropriately. Exchanging of personal property is not conducive to the educational environment and those items may be confiscated and appropriate disciplinary measures will be taken.

Medications

Students may not take and/or carry medications – prescription or over-the-counter – while in school unless the proper forms signed by both parent and doctor are submitted to the Nurse’s Office. All medications must be in their original packaging.

Insubordination

The appropriate disciplinary action will be taken when students are insubordinate, vulgar or display flagrant disregard of the school rules and disrespect for school personnel. This is to include but not limited to completing assignments, following directions from adults and being prepared for class. A write-up of the incident will be placed in their permanent folder.

Loitering/Trespassing

Unauthorized persons, including students, found loitering in the building or on school grounds will be referred to an administrator for disciplinary actions. The police will be contacted when necessary.

Leaving School Building/Grounds

Students are not permitted to leave the school building or grounds at any time during the school day without a duly authorized pass from the Office. Students who become ill must be sent home through the Nurse’s Office.

Plagiarism/Cheating

Students found to be plagiarizing or cheating on any assignment and/or test or examination may have a parent conference scheduled with the teacher as well as the Director and/or his/her designee (if necessary). If warranted, the student will also receive a grade of zero for the test or assignment and disciplinary action will be assigned.

Substance Use/Abuse (Including Smoking)

Federal law and Board policy prohibits any type of substance use/abuse, including the use of tobacco, in any form on school property or at school functions.

The use of alcoholic beverages of any kind, as determined by law, is prohibited at all times on school property and at school functions. This includes all school-sponsored functions both on COMMUNITY Charter School property and away. Students are prohibited from possessing, consuming, selling, attempting to sell, distribute or exchange alcoholic beverages or illegal substances or being under the influence of either. Illegal substances include, but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and drug paraphernalia.

Students with substance abuse or other social problems are encouraged to discuss them with appropriate school personnel. Problems will be treated in the strictest confidence possible.

Tardy to School

Appropriate notification from a parent/guardian must be received at the Nurse's Office if a student is late to school. If a student is excessively tardy then further action will be taken.

Theft/Possession of Stolen Property

Disciplinary action will be taken against students taking things that do not belong to them.

Vandalism

Vandalism of school property is considered a serious offense. This can range from littering to destruction of school property. Students will be responsible for damages of loss of any school property or equipment for which they damaged. In accordance with law, students and/or parents may be responsible for the cost of recouping damages. In addition, disciplinary action may be taken.

Student Visitors

Student visitors are welcome under certain conditions. The necessary paperwork must be completed well in advance of a visitation. There will be no visitations allowed on the week prior to exams or the day before a school holiday or school vacation.

Vulgarity/Profanity

The use of vulgarity/profanity in the school building, or on school grounds or at any school sponsored function, is strictly prohibited. This includes selling, using or possessing obscene materials. All locker decorations should reflect this policy.

Attendance

In accordance with Board policy, the impact of attendance upon instruction on a regular and continuing basis is an important element in an effective teaching/learning program. Each and every student should attend classes on a regular basis and be a participant in the classroom programs, activities, and discussions in order to benefit from presentations made by teachers. Because of the information being disseminated and because of the expectation of student participation, class attendance is important. Students' prolonged absences will result in a loss of instruction; therefore, attendance is imperative.

At such time as a student's lack of attendance is identified as a problem, every effort should be made to address the problem, utilizing the resources of the school and involving the student and his or her parents or guardians to resolve the attendance problem. The school resources include both teaching and administrative staff as well as guidance staff. When resources of COMMUNITY Charter School have been exhausted and attendance patterns have not improved, other sources, including family court, may be appropriate in an attempt to correct the problem. Students requesting early dismissal must complete the appropriate form.

REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct to a teacher, social worker, Director, Principal or his/her designee. Any student observing another student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Director, Principal and/or his/her designee.

All COMMUNITY Charter School staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. COMMUNITY staff not authorized to impose disciplinary sanctions is expected to promptly report violations of the Code of Conduct to their supervisor. Disciplinary sanctions may be imposed by the Director, Principal or designee.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, if warranted, which may include permanent suspension and referral for prosecution.

The Director, Principal and/or his/her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Director, Principal and/or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and that constituted a crime.

DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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 the 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. In determining the appropriate disciplinary actions, school personnel authorized to impose disciplinary penalties will consider the following:

- The student's age.
- The nature of the offense and the circumstances which led to the offense.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.

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 this Code of Conduct for disciplining students with a disability or presumed to have a disability.

Penalties

Students who are found to have violated COMMUNITY Charter School's Code of Conduct 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 COMMUNITY staff.
- Written warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, Director, Principal and/or his/her designee.
- Written notification to parent-school counselors, teachers, Director and/or his/her designee.
- Detention – teachers, Director, Principal and/or his/her designee.
- Suspension from transportation – Director, Principal and/or his/her designee (Students will be expected to attend school as regularly scheduled; parents must arrange for transportation.)
- Suspension from athletic participation – coaches, Director, Principal and/or his/her designee.
- Suspension from social or extracurricular activities – activity director, Director, Principal and/or his/her designee.
- Suspension of other privileges – Director, Principal and/or his/her designee.
- Removal from classroom by teacher – teachers, Director, Principal and/or his/her designee.
- In-school suspension – Director, Principal and/or his/her designee.
- Short-term (five days or less) suspension from school – Director, Principal and/or his/her designee, Board of Trustees.
- Long-term (more than five days) suspension from school – Director, Principal and/or his/her designee, Board of Trustees.
- Permanent suspension from school – Director, Principal and/or his/her designee, Board of Trustees.

Procedures

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 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 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.

Detention

Teachers, Principal, and the Director and/or his/her designee may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. In the event of a detention parents will be notified that day of the reason and the student will be expected to serve the detention the following day. Parents must provide transportation for their child.

Suspension from Athletic Participation, Extra-curricular Activities and Denial of other Privileges

Students are expected to abide by COMMUNITY Charter School's athletic training rules and other rules applicable to students participating in athletics or extracurricular activities.

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with COMMUNITY Charter School's Director, Principal or designee to discuss the conduct and the penalty involved.

Teacher Disciplinary Removal of Disruptive Students

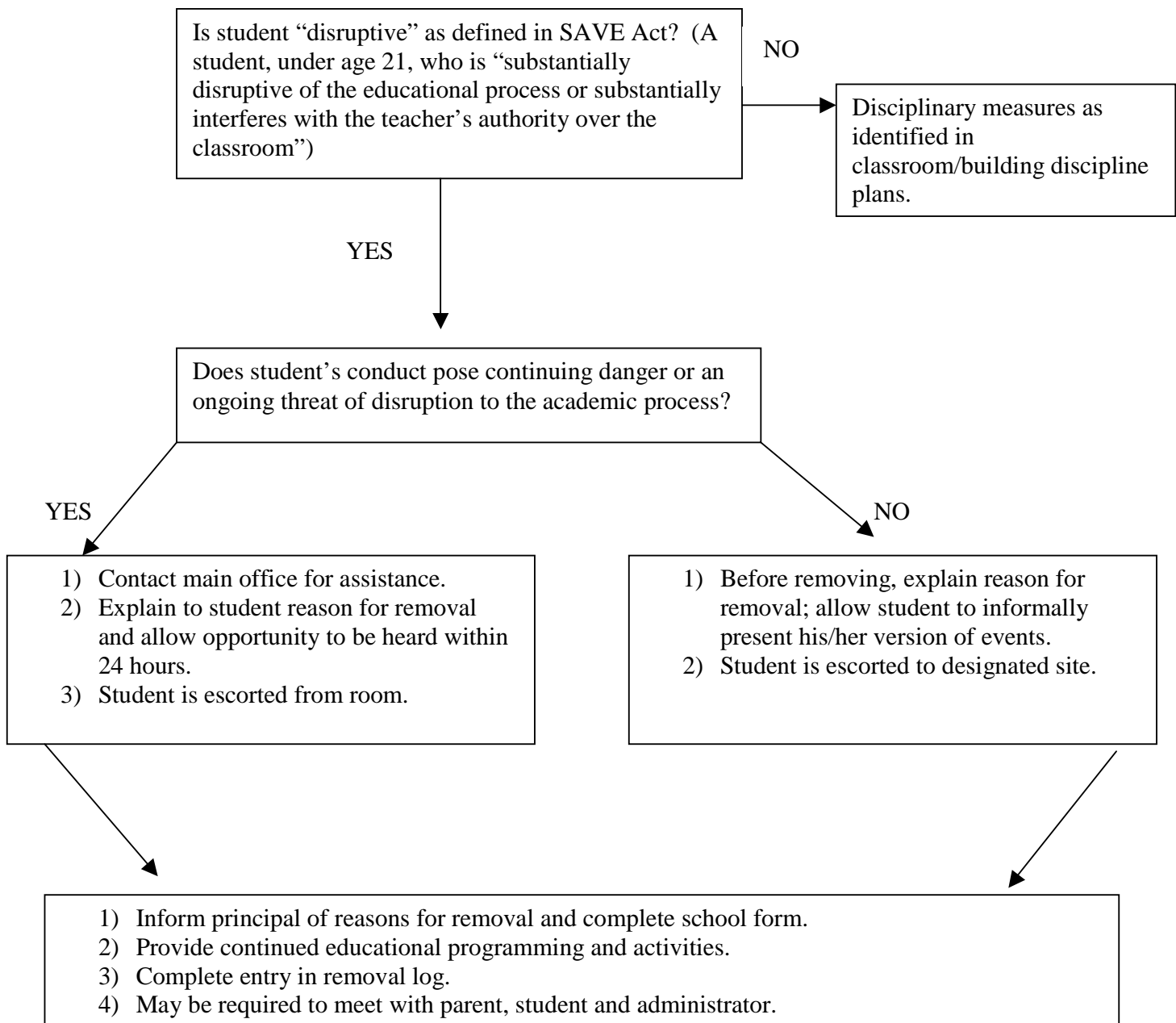
A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can manage a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. Time-honored classroom management techniques do not constitute disciplinary removals for purposes of this Code as long as the management technique does not transfer student care/custody from the teachers.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or 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 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. A student removed from class for up to two days will be placed in Internal Suspension under the supervision of a monitor. While the student is in Internal Suspension (ISS), he/she will receive two hours of instruction per day by a certified teacher.

The procedure for the removal of a student by a teacher is as follows (see flow chart, following page):

TEACHER RESPONSIBILITIES WHEN REMOVING A DISRUPTIVE STUDENT



DIRECTOR'S RESPONSIBILITIES TRIGGERED BY TEACHER REMOVAL OF A STUDENT

- 1) Within 24 hours of removal, the Director, Principal and/or his/her appointee must inform parent of reasons for removal.
- 2) **On request**, student/parent must be given an opportunity to discuss reasons with Director, Principal and/or his/her appointee.
- 3) If student denies the charges, student/parent must be given explanation of basis for removal and an opportunity to present his/her version. This must take place within 48 hours of removal.
- 4) Director, Principal and/or his/her appointee must decide, by the close of the business on the day following the opportunity for the informal hearing, whether the discipline will be overturned. Director, Principal and/or his/her appointee may only set aside discipline if:
 - a. The charges against the student are not supported by **substantial evidence**.
 - b. The student's removal is in violation of the law.
 - c. The conduct warrants suspension and a suspension will be imposed.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities at a designated "time-out" place as determined by COMMUNITY.

Each teacher must keep a complete log for all cases of removal of students from his or her class. The Director, Principal and/or his/her designee must keep a log of all removals of students from class.

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 she 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.

In-School Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes the Director, Principal and/or his/her designee to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension."

A student subject to an in-school suspension is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with COMMUNITY Charter School's Director, Principal or designee imposing the in-school suspension to discuss the conduct and the penalty involved.

While the student is in Internal Suspension (ISS), he/she will receive two hours of instruction per day by a certified teacher and is supervised by a monitor.

Suspension from School

Suspension from school is a severe penalty, which may be imposed only on students who are insubordinate, disorderly, violent or disruptive, or whose conduct 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 Director, Principal or designee..

Any staff member may recommend to the Director, Principal or designee that a student be suspended. All staff members must immediately report and refer a violent student to the Director, Principal or designee for a violation of the Code of Conduct. 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.

The Director, Principal and/or his/her designee, 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.

1. Short-term (5 days or less) Suspension from School

When the Director, Principal and/or his/her designee proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law Section 321.4(3), he/she must immediately notify the student orally. If the student denies the misconduct, the Director, Principal or designee must provide an explanation of the basis for the proposed suspension. The Director, Principal or designee 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, 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 description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the Director, Principal and/or his/her designee. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent. At the conference, the parent shall be permitted to ask questions of complaining witnesses under such procedures as the Director, Principal and/or his/her designee may establish.

The notice and opportunity for an informal conference with the Director, Principal or designee 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 Director, Principal and/or his/her designee shall promptly advise the parents in writing of his or her decision. The Director, Principal and/or his/her designee shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Board of Trustees within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Board of Trustees shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Board of Trustees' decision, they may file a written appeal to the State Education Department. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision. (The State Education Department, The University of the State of New York, Albany, NY 12234)

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 that 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 quizzes, exams, or commit plagiarism;
- Used forged notes or excuses;
- Steal, or attempt to steal, or possess property known by the student to be stolen;
- Commit extortion;
- Engage in gambling;
- Abuse school property or equipment;
- Use obscene or abusive language or gestures;
- Engage in acts of verbal or physical sexual harassment;
- Make a false bomb threat or pull a false emergency alarm;
- Possess tobacco or alcohol;
- Possess pagers, beepers, or portable/cellular telephones not being used for instructional purposes;
- Wear inappropriate, insufficient, or disruptive clothing or attire, or violate the student dress code;
- Misuse computer technology, including viewing or downloading inappropriate material not germane to schoolwork.
- Commit any other act which school officials reasonably conclude disrupts the learning environment of the school;
- Repeatedly commit minor behavioral infractions which, in aggregate, may be considered an infraction subject to formal disciplinary action.

2. Long-term (More than 5 days) Suspension from School

When the Director, Principal and/or his/her designee determine 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/her behalf.

An appeal of the decision of the Director and/or his/her designee may be made to the Board that 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 of Trustees within 10 business days of the date of the Director and/or his/her designee'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 Director, Principal or designee. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision. (The State Education Department, University of the State of New York, Albany, NY 12234)

Disciplinary Infractions

- Possess, use, attempt to use, or transfer of any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the student in school;
- Commit, or attempt to commit arson on school property;
- Assault any other student or staff member;
- Intentionally causes physical injury to another person, except when student's actions are reasonably necessary to protect him or herself from injury;
- Vandalize school property causing major damage;
- Commit any act which could constitute a crime or is a more egregious infraction described under "short-term suspension", which school officials reasonably conclude warrants a long-term suspension.

Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where 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. If a student is permanently suspended the student may not be re-admitted to COMMUNITY Charter school.

Minimum Periods of Suspension

Students who Bring a Weapon to School

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. A student with a disability may be suspended only in accordance with the requirements of state and federal law. Before being suspended, the student will have an opportunity for a hearing pursuant to Educational Law Section 3214.

The Director, Principal and/or his/her designee have the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Director, Principal and/or his/her designee may consider the following:

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

Students Who Commit Violent Acts Other Than Bringing a Weapon to School

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. A student with a disability may be suspended only in accordance with the requirements of state and federal law. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Director, Principal and/or his/her designee has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Director, Principal and/or his/her designee may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

Students Who are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interferes with the Teacher's Authority Over the Classroom

Any student, who repeatedly is substantially disruptive of the education process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. A student with a disability may be suspended only in accordance with the requirements of state and federal laws. For the purposes of this Code of Conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law Section 3214(3-a) and this Code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students to a long-term suspension. The Director, Principal and/or his/her designee has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Director may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by the teacher for disruptive behavior, or a student of compulsory attendance age is suspended from school pursuant to Education Law 3214, COMMUNITY Charter School will take immediate steps to provide alternative means of instruction for the student. This instruction shall be of an equivalent nature to that provided in the student's regularly scheduled class and shall be provided by a COMMUNITY staff member. The school shall act promptly, with due regard for the nature and circumstance of the particular case.

Students who are suspended from school shall attend the Out of School Suspension Program sponsored by the Boys and Girls Club. They will receive a minimum of two hours of instruction per day by certified teachers.

DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply.
 - a. A "suspension" means a suspension pursuant to Education Law 3214.
 - b. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
 - c. An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the Director, Principal and/or his/her designee may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

- b. The Director, Principal and/or his/her designee may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The Director, Principal and/or his/her designee may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The Director, Principal and/or his/her designee may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE) of the students' school district of residence, for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
 - 1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length."
 - 2. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - 3. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
 - 4. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

Change of Placement Rule

- 1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. For more than 10 consecutive school days; or
 - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a 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.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the Board may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE of the students' school district of residence has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of disciplining that student. Any teacher, administrator, officer, employee or agent of COMMUNITY Charter School shall not use corporal punishment as a means of discipline against a student; nor shall corporal punishment be used against a student by a parent or any other visitor while on school property.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, then the use of reasonable physical force may be used to:

- Protect oneself from physical injury;
- Protect another student, teacher or any other person from physical injury;
- Protect the property of the school or others; or
- Restrain or remove a disruptive student, whose behavior interferes with the orderly exercise and performance of COMMUNITY Charter School functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive behavior.

The school will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with the Commissioner's Regulations.

STUDENT SEARCHES AND INTERROGATIONS

Questioning of Students by School Officials

Any school designee authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law, school rules or the COMMUNITY Code of Conduct. School officials are not required to give "Miranda" type warning before questioning, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

School officials have the right and responsibility to contact appropriate law enforcement agencies, as may be necessary, with regard to statements and information given by students to school officials.

Student Searches by School Officials

In order to maintain discipline and safety on school property and at school functions, students and their property, as well as desks, lockers, and other school property used by students, may be subject to searches by authorized school officials. However, the constitutional right of students to be free from unreasonable searches and seizures shall be protected.

The Director, Principal and/or his/her designee, school nurse, security official's are authorized to conduct searches of students and their belonging on school grounds if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law, school rules, or the Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

Before searching a student or the student's belongings, the authorized school officials should attempt to obtain the student's admission that he or she possess physical evidence that they violated the law or the School Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

Factors that may be considered in determining whether reasonable cause exists to search a student include:

- The age of the student;
- The student's record and past history;
- The predominance and seriousness of the problem in the school where the search is directed;
- The statements of the student and others;
- Personal observations of the student behavior giving rise to the suspicion;
- The urgency to conduct the search without delay.

Student Lockers, Desks and Other School Storage Places

The rules of this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks, and other storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other storage may be subject to search at any time by school officials, without prior notice to students and without their consent.

Other Searches

Personal searches on school property or at a school function may occur in accordance with Board policy and law.

Police Involvement in Searches and Interrogations

The school is committed to cooperating with law enforcement authorities to maintain a safe school environment. Police officials may interview or search students in schools or at school functions, or to use school facilities in connection with police work, in accordance with law and Board policy.

Child Protective Services Investigations

Consistent with the School's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the School will cooperate with local child protective service workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

VISITORS TO THE SCHOOL

The following rules apply to visitors to the school:

1. Anyone who is not a regular school staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the main office upon arrival at the school and state the purpose of their visit. Visitors will be required to sign the visitors register and follow specific building procedures. Signs notifying visitors to report first to the school office shall be prominently posted in the school building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to obtain permission in advance from the Director, Principal and/or his/her designee.
5. Visitors are expected to refrain from taking class time to discuss individual matters with teachers.

Visitation will occur in a way that avoids or minimizes disruption to the normal learning process and the ordinary classroom routine. The Director, Principal and/or his/her designee may accompany visitors during the visit when appropriate. Visitors are expected to maintain confidentiality regarding information acquired during the course of the visit.

6. Any unauthorized person on school property will be reported to the Director, Principal and/or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situations warrants.

Before a child may be released from the building with a visitor, it must be approved by the Director, Principal and/or his/her designee as one having the legal right to take the child. The visitor will wait in the main office for the child to come from the classroom and/or follow other duly approved procedures for that building.

7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

PUBLIC CONDUCT ON SCHOOL PROPERTY

The school is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, “public” shall mean all persons on school property or attending a school function including students, teachers and school personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The school recognizes that free inquiry and free expression are indispensable to the objectives of the School. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, or disability.
3. Obstruct the free movement of any person in any place to which this Code applies.
4. Willfully incite others to commit any of the acts prohibited by this Code.
5. Intentionally damage or destroy school property or the personal property of a teacher, administrator, other school employee or any person lawfully on school property, including graffiti or arson.
6. Disrupt or prevent the orderly conduct of classes, school programs or other school functions.
7. Distribute or wear apparel or other materials on school property or at school functions that are obscene, advocate the use of drugs, alcohol, tobacco products or illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

8. Use tobacco products on school property or at any school function.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school.
11. Gamble on school property or at school functions.
12. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
13. Loiter on or about school property.
14. Refuse to comply with any reasonable order of identifiable school officials performing their duties.
15. Violate the traffic laws, parking regulations or other restrictions on vehicles, including the unauthorized operation of ATVs, snowmobiles or other such vehicles, as posted.
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

Penalties

Persons who violate this Code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and may not return. The duration of the eviction will be determined by the severity of the action and in accordance with law.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law 75 or any other legal rights they may have.

5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

ENFORCEMENT

The Director and/or his/her designee or her designee shall be responsible for enforcing the conduct required by this Code.

When the Director, Principal and/or his/her designee or her designee sees an individual engaged in prohibited conduct, which is his or her judgment does not pose any immediate threat of injury to persons or property, the Director, Principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Director, Principal and/or his/her designee or her designee shall also want the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Director, Principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The school shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the school reserves its right to pursue a civil or criminal legal action against any person violating the Code.

DISSEMINATION AND REVIEW

Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this Code of Conduct by:

1. Conducting a public hearing relating to this Code before Board approval.
2. Providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year.
3. Making copies of the Code available to all parents at the beginning of the school year.
4. Mailing a summary of the Code of Conduct written in plain language to all parents of COMMUNITY students before the beginning of the school year and making this summary available later upon request.
5. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.

7. Making copies of the Code available for review by students, parents and other community members.

The Board will support an in-service education program for all school staff members to ensure the effective implementation of the Code of Conduct. The Director, Principal and/or his/her designee may solicit the recommendations of the school staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

The Board will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the Code and the School's response to Code of Conduct violations. The committee will be made up of representatives of students, teachers, Director, Principal and/or his/her designee, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.