

# BRONX ACADEMY OF PROMISE

## CODE OF CONDUCT

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### I. INTRODUCTION

The School Board (the Board) of Bronx Academy of Promise Charter School (BAOP) is committed to providing a safe school environment where students may receive quality educational services without disruption or interference. Responsible behavior by students, teachers, other staff personnel, parents and other visitors is vital to achieving this goal.

BAOP has high expectations for conduct on school property and at school functions. These expectations are based on principles of mutual respect, citizenship, character, honesty and integrity. 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 the Code of Conduct.

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

### II. DEFINITIONS

For purposes of this code, the following definitions apply.

a. **Disruptive student** – a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

b. **Violent Student**- student who:

Commits while on school property or at school function an act of violence upon another student, school employee, any person lawfully on school property or attempts to do so.

Possesses while on school property or school function, a weapon, and /or threatens to use a weapon

Knowingly and intentionally damages or destroys school property, personal property of school employee, or any lawful person on school property.

- c. **School property-** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property of school or in or on a school bus.
- d. **School function-** any school sponsored extracurricular activity.
- e. **Weapon-** any firearm/ gun loaded or unloaded, bb gun, pistol, revolver, shotgun, rifle, machine gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, kung fu star, stun gun, pepper spray or other noxious spray, explosive or incendiary bomb or other device, instrument, material substance that can cause physical injury or death.

### **III. STUDENTS RIGHTS AND RESPONSIBILITIES**

#### **a. Student Rights**

BAOP is committed to safeguarding the rights given to all students under applicable state and federal law. In addition, to promote a safe and healthy orderly and civil school environment all BAOP students have the right to:

Take part in all BAOP activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability.

Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **b. Student Responsibilities**

**All BAOP students have the responsibility to:**

Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.

Be familiar with and abide by all BAOP policies, rules and regulations dealing with student conduct, including this code.

Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.

Work to the best of their ability in all academic and extracurricular pursuits, and strive toward their highest level of achievement possible.

React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.

Seek help in solving problems that might lead to discipline issues.

Dress appropriately for school and school functions in the required school uniform.

Accept responsibility for their actions.

Conduct themselves as representatives of the Academy when participating in or attending school- sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

## **IX. ESSENTIAL PARTNERS OF BAOP**

### **a. Parents**

#### **All parents are expected to:**

Recognize that the education of their child (ren) is a joint responsibility of the parents and the school community.

Send their children to school ready to participate and learn.

Ensure their children attend school regularly and on time.

Ensure absences are excused.

Ensure that their children be dressed and groomed in a manner consistent with the student dress code. If children come to school and are not in their school uniform parents will be notified, as described in the BAOP uniform policy, regarding the consequences.

Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

Know school rules and help their children understand and comply with them.

Convey to their children a supportive attitude toward education and BAOP.

Help their children deal effectively with peer pressure.

Inform school officials of changes in the home situation that may affect student conduct or performance.

Provide a place for study and ensure homework assignments are completed.

**b. Teachers**

**All BAOP teachers are expected to:**

Maintain a climate of mutual respect and dignity, which will strengthen students' self – concept and promote confidence to learn.

Be prepared to teach.

Demonstrate interest in teaching and concern for student achievement.

Know school policies and rules, and enforce them in a fair and consistent manner.

Communicate to students and parents:

Class objectives and requirements

Marking/grading procedures

Assignment deadlines

Expectations for students

Classroom discipline plan

**c. Administration**

**The Principal is expected to:**

Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.

Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.

Evaluate on a regular basis all instructional programs.

Support the development of and student participation in appropriate extracurricular activities.

Be responsible for enforcing the Code and ensuring that all cases are resolved promptly and fairly.

Ensure effective working relationships between employees and organizations by addressing student and employee needs and concerns.

Keep the Board informed of the condition of the school's educational system and serve as liaison between the Board and school personnel.

**d. Board of Trustees**

**The Board is expected to:**

Collaborate with student, teacher, administrator, and parent organizations: school safety personnel: and other personnel to develop a Code that clearly defines expectations for the conduct of students, BAOP personnel and visitors on school property and at school functions.

Adopt and review BAOP's code to evaluate the Codes' effectiveness and the fairness and consistency of its implementation.

Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

**X. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions.

BAOP has adopted a school uniform dress code for its students. Each student must wear the school uniform throughout the entire school day unless otherwise instructed by a BAOP staff member.

Students and their parents have the primary responsibility for ensuring that the students are dressed in the school uniform every school day.

Teachers and all other BAOP personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

The Principal or his/her designee shall inform all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be subject to discipline as described in the BAOP uniform policy.

Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including permanent dismissal from BAOP.

## **XI. PROHIBITED STUDENT CONDUCT**

The Board expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, BAOP personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own conduct, as well as the consequences of their misconduct. BAOP 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.

The Board recognizes the need to make clear its 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 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 permanent dismissal from school, when they:

### **a. Engage in conduct that is disorderly or disruptive.**

#### **Examples of disorderly and disruptive conduct include:**

Running in hallways.

Making unreasonable noise.

Using language or gestures that are profane, lewd, vulgar or abusive.

Obstructing vehicular or pedestrian traffic.

Engaging in any willful act, which disrupts the normal operation of the school community.

Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.

Computer/electronic communication misuse, including any unauthorized use of computers, software, or internet/intranet account: accessing

inappropriate websites; or any other violation of the Academy's acceptable use policy.

**b. Engage in conduct that is insubordinate.**

**Examples of insubordinate conduct include:**

Failure to comply with the reasonable directions of teachers, school administrators or other school personnel or otherwise demonstrating disrespect.

Lateness for, missing or leaving school without permission.

Skipping detention.

**c. Engage in conduct that is violent.**

**Examples of violent conduct include:**

Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employees or attempting to do so.

Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a student or any other person lawfully on school property or attempting to do so.

Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.

Displaying what appears to be a weapon.

Threatening to use any weapon.

Intentionally damaging or destroying the personal property of a student, teacher, administrator, other BAOP employee or any person lawfully on school property, including graffiti or arson.

Intentionally damaging or destroying BAOP property.

**d. Engage in any conduct that endangers the safety, health or welfare of others.**

**Examples of such conduct include:**

Lying to school personnel.

Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.

Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.

Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.

Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.

Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.

Selling, using or possessing obscene material.

Using vulgar or abusive language, cursing or swearing, smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.

Possessing, consuming, selling, distributing or exchanging 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 any substances commonly referred to as "designer drugs."

Inappropriately using or sharing prescription and over-the-counter drugs.

Gambling.

Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

**a. Engage in misconduct while on a school bus**

It is crucial for students to behave appropriately while riding on 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, and may lead to disciplinary action, including but not limited to suspension from school bus privileges.



**b. Engage in any form of academic misconduct.**

**Examples of academic misconduct include, but are not limited to:**

Plagiarism.

Cheating.

Copying.

Altering records.

Assisting another student in any of the above actions.

## **XII. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code to a teacher, a teacher assistant, the 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 principal, the Board, or their designee.

All BAOP staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. BAOP staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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 dismissal and referral for prosecution.

The principal or their 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 the BAOP as soon as practical, but in no event later than one business day after the Superintendent or an assistant principal or their designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that constituted a crime.

## **XIII. 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 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 action, 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, depending on the circumstances, 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 for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior that is determined to be a manifestation of his/her disability.

### **c. Consequences**

Students who are found to have violated the BAOP Code may be subject to the following penalties, either alone or in combination:

Oral warning

Written warning

Written notification to parent

Detention

Suspension from transportation

Suspension from social or extracurricular activities

Suspension of other privileges

In-school suspension

Removal from classroom by teacher

Short-term (ten days or less) suspension from school

Long-term (more than ten days) suspension from school

Permanent dismissal

**d. 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 evidence against the student, 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. These additional rights are explained below.

Detention

Teachers and principals may use after school detention as a penalty for student misconduct. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that the student has appropriate transportation home following detention.

A student subjected to a detention is not entitled to a hearing.

Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal or his/her designee. In such cases, the student's parent will become responsible for seeing that his/her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, BAOP will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a hearing. However, the student and the student's parent will be provided with an explanation of the charges and evidence against the student and a reasonable opportunity for an informal conference with the principal or the principal's designee to discuss the conduct and the penalty involved.

Suspension from extracurricular activities and other privileges

A student subjected to a suspension from extra-curricular activities or other privileges is not entitled to a hearing. However, the student and the student's parent will be provided with an explanation of the charges and evidence against the student and a reasonable opportunity for an

informal conference with the BAOP official imposing the suspension to discuss the conduct and the penalty involved.

### 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 principal to place students who would otherwise be suspended from school as the result of a Code violation in “in-school suspension.”

A student subjected to an in-school suspension is not entitled to a hearing. However, the student and the student’s parent will be provided with an explanation of the charges and evidence against the student and a reasonable opportunity for an informal conference with the principal imposing the in-school suspension 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 control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “break” in another classroom or in an administrator’s office; (2) talking with the student in the hallway briefly; (3) sending a student (escorted by an adult) to the principal’s office for a brief period of time; or (4) sending a student to another appropriate BAOP staff member for brief counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student’s behavior may become disruptive. For purposes of this Code, 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 consecutive days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/she is being removed and an opportunity to explain his/her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

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

The teacher must complete a school-established disciplinary removal form and meet with the principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal is not available by the end of the same school day, the teacher must leave the form with the office of the principal and meet with the principal prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another BAOP administrator must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he/she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The principal may require the teacher who ordered the removal to attend the informal conference.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he/she is permitted to return to the classroom.

Each teacher must keep a complete log (on a BAOP provided form) for all cases of removal of students from his/her class. The principal 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/her class until he/she has verified with the principal that the removal will not violate the student's rights under state or federal law or regulation.

### Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the principal.

Any staff member may recommend that a student be suspended. All staff members must be immediately report and refer a violent student to principal for violation of code. 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 principal upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather facts relevant to the matter and record them for subsequent presentation, if necessary.

### **Short term (10 days or less) suspension from school**

When the principal proposes to suspend a student charged with misconduct for ten days or less, he/she must immediately notify the student orally. If the student denies the misconduct, the principal must provide an explanation of the basis for the proposed suspension. The principal must notify the student's parents in writing that the student is going to 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 notice within 24 hours of the decision to propose suspension at the last known address for parents. Where possible, notice should be provided by telephone if the school has been provided with a telephone number for the purpose of contacting parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining adult witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence 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.

If the student's parents are not satisfied with the principal's decision, they might file written appeal to the Board within 10 business days of the date of said principal's decision, unless they can show extraordinary circumstances precluded them doing so.

### **Long term (more than 10 days) suspension from school**

When a principal determines that a suspension of more than ten days may be warranted, he/she shall refer the matter to the Board for a Board hearing.

The principal shall give immediate written notice to the student's parents. This notice shall contain the following information: the specific charges against the student: date, time, and place of hearing; the parents right to review and obtain copy of the students records: the students right

to be represented by counsel; the right to question witnesses against him or her; the right to present other witnesses and evidence on his/her behalf; and ,if the parent's dominant language is not English, the right of the parent to bring a translator or interpreter to assist at the hearing.

The hearing will be held by the board or his/her designee. In the event that the board designates a designee, the designee shall make findings of fact and recommendations as to the appropriate measure of discipline, which may be adopted in whole or in part, modified, or rejected. A recorded or verbatim stenographic record of hearing will be kept.

An appeal of the decision of the designee may be made to the board. All appeals to the board must be in writing and submitted to the board within 10 business days of the date of the original decision, unless the parents can show that extraordinary circumstances precluded them from doing so.

### Permanent dismissal

Permanent dismissal is the permanent removal of a student from BAOP. It is reserved for extraordinary circumstances such as where a student's conduct poses a significant danger to the safety and well being of other students, school personnel or any other person lawfully on school property of attending a school function. It may also be imposed where a student repeatedly and/or substantially disrupts the educational process of BAOP.

BAOP will provide alternative instruction to permanently dismissed students only for a reasonable period of time in order to allow the student's parents to register the student in another public or a private school in accordance with New York State's compulsory educational law. Failure on the part of the student's parents to register the student in another public or private school after a reasonable period of time will relinquish BAOP's obligation in this Code to continue to provide alternate instruction to the student.

#### **a. Minimum periods of suspension**

##### **Students who bring a firearm to school**

Any student, other than a student with a disability, found guilty of bringing a firearm onto school property may be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a board hearing. The board has the authority to modify the one year suspension on a case by case basis. In deciding whether to modify the penalty, the board may consider the following:

The student's age

The students grade in school

The student's prior disciplinary record

The board believes that other forms of discipline may be more effective.

Input from parents, teachers, and/or others

Other extenuating circumstances

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

### **Students who commit violent acts other than bringing a weapon to school**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, may be subject to suspension from school for at least ten days. If the proposed penalty is the minimum ten 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 short term suspension. If the proposed penalty exceeds the minimum ten 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 long term suspension. The principal has the authority to modify the minimum ten day suspension on a case by case basis. In deciding whether to modify the penalty, the principal may consider the same factors considered in modifying a one year suspension for possessing a weapon.

Any student, other than a student with a disability, who is found to have assaulted a staff member, may be subject to automatic permanent dismissal.

### **Students who commit violent acts of harassment**

Any student other than a student with a disability, who engages in any form of harassment, including cyber-bullying, will be subject to suspension from school for no less than one day for the first offense, no less than three days for the second offense and no less than five days for the third offense.

The principal has the authority to modify the minimum penalties on a case by case basis. In deciding whether to modify the penalty, the principal may consider the same factors considered in modifying a one year suspension for possessing a weapon.

### **Students who are repeatedly and/or substantially disruptive of the educational process or repeatedly and/or substantially interfere with their teacher's authority over the classroom.**

Any student other than a student with a disability, who repeatedly and or substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom, may be suspended from school for at least five days. For purposes of this code "repeatedly and/or substantially disruptive" means engaging on conduct those results in the



student being removed from the classroom by teachers pursuant to this code on four or more occasions during a semester. If the proposed penalty is the 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 ten days, however, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to long term suspension. The principal may consider the same factors considered in modifying a one year suspension for possessing a weapon.

## **b. Referrals**

### **Counseling**

The principal and/or guidance counselors shall handle all referrals of students to counseling.

### **PINS Petitions**

BAOP may file a person in need of supervision (PINS) petition in family court on any student who demonstrates that he or she requires supervision and treatment by:

Being habitually truant and not attending school

Engaging in ongoing or continual course of conduct, which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of BAOP.

Knowingly and lawfully possessing on school property any illegal substance or weapon as defined by applicable law. A single instance will be a sufficient basis for filing a PINS petition.

### **Juvenile Delinquents and Juvenile Offenders**

The principal shall refer any student who is found to have brought an illegal substance or weapon, as defined by applicable laws, to school to the county Attorney for a juvenile delinquency proceeding before the Family Court.

## **XIII. ALTERNATIVE INSTRUCTION**

In compliance with New York's compulsory education law, when a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant this code, BAOP will take appropriate steps to provide the student with alternative means of instruction and mandated services. (if applicable)

## **XIV. 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 on 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 affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law regulations.

**a. Authorized Suspensions or Removals of Students with Disabilities**

For purposes of this section of the code, the following definitions apply.

A “suspension” means a suspension pursuant to this Code.

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than 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.

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 educational program (IEP), and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

“Weapon” means the same as dangerous weapon which includes “ a weapon, device, instrument, material or substance, inanimate object, that is used for, or is readily capable of causing death or serious bodily injury, except for a pocket knife with a blade less than 2 ½ inches in length.”

“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.

“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.

School personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:

The principal may order the placement of a student with a disability into an IAES or suspension for a period not to exceed ten consecutive school days, inclusive of any period in which the student has been suspended or removed for the same behavior in that school year. No suspension shall exceed the amount of time a non disabled student would be subject to suspension for the same behavior.

The principal 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.

The principal may order the placement of a student with a disability in an IAES to be determined by the students committee on Special Education (CSE), for the same amount of time that a student without 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 at a school function, and the conduct is determined to be a manifestation of the students disability. If the conduct is not determined to be a manifestation of the student's disability, the 45 day limitation is not applicable.

**b. Change of Placement Rule**

A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

More than 10 consecutive school days; or

10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitutes a pattern because they add to more than 10 school days in a school year, the child's behavior is substantially similar to behavior in prior incidents that resulted in suspension or removal, and because of additional factors such 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.

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, BAOP 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 student's CSE has determined that the behavior at issue 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.

**c. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

A Committee on Special Education function, in terms of reviewing disciplinary conduct, is to:

Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever BAOP is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his/her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE generally review the behavioral intervention plan and its implementation to determine if modifications are necessary.

Prior to the manifestation determination review being conducted, the parents of the student facing disciplinary action should receive notice by the CSE of the manifestation determination review to ensure that the parent has the opportunity to attend. The notice shall inform the parent of the purpose of the meeting, the names of the committee members expected to attend, and inform the parent of his or her right to request to have relevant members of the CSE participate.

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if in accordance with federal and state statutory and regulatory criteria, BAOP is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If BAOP is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

The principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that BAOP had knowledge the student was a student with a disability, BAOP either:

Conducted an individual evaluation and determined that the student is not a student with a disability, or

Determined that an evaluation was not necessary and provided notice to parents of such determination, in the manner required by applicable law and regulations

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by BAOP, which can include suspension.

BAOP shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others: or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the commissioner shall accompany the notice of disciplinary removal.

The parents of a student with disabilities subject to a suspension of 10 consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non disabled students.

The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the students disability.

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided appropriate alternative instruction and mandated services (if applicable).

**a. Referral to law enforcement and judicial authorities**

In accordance with the provisions of IDEA and its implementing regulations:

BAOP may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.

The principal shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to which a crime is reported, subject to applicable law.

**XV. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any BAOP employee is strictly forbidden.

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

Protect oneself, another student, teacher or any person from physical injury.

Protect the property of the school or others.

Restrain or remove a student whose behavior interferes with the orderly exercise and performance of BAOP functions, powers and duties, if that student has refused to refrain from further disruptive acts.

BAOP will file all complaints about the use of corporal punishment with the Board for further review. Additionally, BAOP will file all complaints about the use of corporal punishment or child abuse in the educational setting in accordance with Article 23-B of the New York Education Law.

## **XVI. STUDENT SEARCHES AND INTERROGATIONS**

The Board is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the BAOP code. Students are not entitled to any sort of “Miranda”- type warning before being questioned by school officials, 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.

In addition, the Board authorizes the principal and other school personnel it deems appropriate, to conduct searches of student and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or BAOP Code.

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.

An authorized school official may search a student or the students belongings based upon information received from a reliable informant. Individuals, other than BAOP employees will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide that same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. BAOP employees will be considered reliable informants unless they are known to have had previously supplied information that they knew was not accurate.

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.

### **a. Student Lockers, Desks, and other school storage places**

The rules in this Code regarding searches and their belongings do not apply to student lockers, desks and other school 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 school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

### **b. Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the principal. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another BAOP professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause not simply reasonable cause to believe the student is concealing evidence of a violation of law or the BAOP Code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search or in writing after the fact if the parent could not be reached by telephone.

### **c. Documentation of Searches**

**The authorized school conducting the search shall be responsible for promptly recording the following information about each search:**

Name, age and grade of student searched.

Reasons for the search.

Name of any informant(s).

Purpose of search (that is, what item(s) were being sought).

Type and scope of search.

Person conducting search and his/her title position.

Witnesses, if any, to the search.

Time and location of search.

Results of search (that is, what items were found).



Disposition of items found.

Time, manner and results of parental notification.

The Principal or their designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or their designee shall label each item taken from the student and retain control of the items, until the items are turned over to the police. The principal or their designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

**d. Police Involvement in Searches and Interrogations of Students**

BAOP is committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

A search or arrest warrant; or

Probable cause to believe a crime has been committed on school property or at a school function; or

Been invited by school officials.

Before police officials are permitted to question or search any student, principal or their designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted the questioning or search shall not be conducted. The principal or their designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school.

**e. Child Protective Services Investigations**

Consistent with BAOP'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. BAOP will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the principal or his/her designee. The principal or his/her designee shall set the time

and place of the interview. The principal or his/her designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his/her clothing in order for the child protective services worker to verify the allegations, the school nurse or other BAOP medical personnel must be present during that portion of the interview. No student may be requested to remove his/her clothing in front of a child protective services worker or BAOP official of the opposite sex.

## **XVII. VISITORS TO THE SCHOOLS**

The Board encourages parents and other interested local citizens to visit BAOP's classrooms to observe the work of students, teachers and other staff. Because schools are a place of work and learning, however, certain limits must be set for such visits. The principal or their designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

Anyone who is not a regular staff member or student of the school will be considered a visitor.

All visitors to the school must report to the office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification tag, which must be worn at all times while in the school or on school grounds. The visitor must return the identification tag to the office before leaving the building. Identification may be asked for if you are not known to the office personnel.

Visitors attending school functions that are open to the public, such as Board meetings or public gatherings, are not required to register.

Parents or citizens who wish to observe a classroom while school is in session are requested to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.

Teachers are expected not to take class time to discuss individual matters with visitors unless requested to do so by a school administrator.

Any unauthorized person on school property will be reported to the principal or his/ her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.

All visitors are expected to abide by the rules for public conduct on school property contained in this code.

## **XVIII. PUBLIC CONDUCT ON SCHOOL PROPERTY**

BAOP 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 when on school property or attending a school function including students, teachers and BAOP personnel.

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.

### **a. Prohibited Conduct**

**No person, either alone or with others, shall:**

Intentionally injure any person or threaten to do so.

Intentionally damage or destroy BAOP property or the personal property of a teacher, administrator, other BAOP employee or any person lawfully on school property, including graffiti or arson.

Disrupt the orderly conduct of classes, school programs or other school activities.

Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.

Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

Obstruct the free movement of any person in any place to which this Code applies.

Violate the traffic laws, parking regulations or other restrictions on vehicles;

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.

Smoke on school property.

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 BAOP.

Loiter on or about school property.

Gamble on school property or at school functions.

Refuse to comply with any reasonable order of identifiable BAOP officials performing their duties.

Willfully incite others to commit any of the acts prohibited by this Code.

Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **b. Penalties**

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

### 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 considered a trespasser and subject to ejection.

### Students

They shall be subject to disciplinary action as the facts may warrant, in accordance with due process requirements.

### Staff members

They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **c. Enforcement**

The principal or their designee shall be responsible for enforcing the conduct required by this Code.

When the principal or their designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the Superintendent, assistant principals or their designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or their designee shall also warn 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 principal or their 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.

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

#### **XIV. DISSEMINATION AND REVIEW**

##### **a. Dissemination of Code of Conduct**

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

Making copies of the Code available to all parents at the beginning of the school year.

Making copies available in the principal’s office.

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.

Providing all new employees with a copy of the current Code when they are first hired.

Making copies of the Code available for students, parents and other community members, upon request.

Providing new copies of the Code to parents and students when the Code is modified.

Any material changes to this Code must be consistent with applicable law and shall be adopted by Board resolution.

The Board will review this Code 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 BAOP’s response to Code violations. The committee will be made up of representatives of student, teacher, administrator, 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 and any amendments to it will be filed with the NYC Department of Education in accordance with the BAOP’s charter agreement.

