



# **URBAN CHOICE CHARTER SCHOOL**

## **Urban Choice Charter School Code of Conduct**

*Redefining Urban Education*

**Urban Choice Charter School  
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## **I. Introduction**

The Board of Trustees of Urban Choice Charter School (sometimes "UCCS" or the "School") is committed to providing a safe educational environment to enable its students, staff and community members to grow as responsible, productive and involved citizens. The Board of Trustees is also committed to maintaining a climate of mutual respect and dignity within the school to promote learning in a safe environment. Responsible behavior by students, teachers, other personnel, parents and all visitors is essential to achieving this goal.

The Board of Trustees recognizes that our expectations for acceptable conduct while at school and at school-related functions must be clearly defined and communicated to our constituents, as should the possible consequences for unacceptable behavior. The Board also recognizes the need, when necessary, to ensure the prompt and fair administration of discipline. To that end, the Board of Trustees of UCCS adopts this Code of Conduct in accordance with all relevant New York State and federal laws and regulations.

Unless otherwise indicated, this Code of Conduct applies to all students, school personnel, parents and other visitors when on school property or attending a school function. A copy of this Code of Conduct will be provided to (1) newly enrolled families, (2) all enrolled families when revised, (3) upon request, and (4) at any other time UCCS deems appropriate. Additionally, this Code of Conduct is posted and available on UCCS's internet site, [www.urbanchoicecharter.org](http://www.urbanchoicecharter.org).

### **A. Statement of Philosophy**

The focus of this Code of Conduct is not punishment, but to promote the development of emotional competency. Students learn from experiences, both positive and negative in nature. These learning opportunities, when addressed in a timely and appropriate fashion, will facilitate the development of the individual towards self-discipline. Students will learn their role in the larger school community. Learning opportunities arise also out of negative experiences. When students disrupt the educational environment, or

endanger the safety of others, their conduct is dealt with seriously. Attention to code of conduct violations ensures a level of safety for all students, as well as provides parameters of acceptability. The Urban Choice Charter School believes students benefit when boundaries are clear and discipline is consistent. This policy reflects the broader philosophy of the Urban Choice Charter School.

*"Have high expectations with shared accountability."*

## **B. Positive Behavioral Intervention and Supports**

The school has established a positive school climate. Students are praised for making good choices and the staff goes out of their way to teach the students the value of making appropriate choices. There are *teaching moments* throughout the day and Urban Choice staff are encouraged to take advantage of these. There are other practices within the school that promote positive behavior.

The school has established a monthly activity in grades K-8 to celebrate the achievements of the students throughout the course of the month. The celebration is reflective, not only of the students' academic achievements, but also their character and positive choices.

The Urban Choice Charter School utilizes Positive Behavioral Interventions and Supports (PBIS), which provides for teachers and staff a decision-making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavior outcomes for all students.

When a staff member sees a student exhibiting extraordinarily good behavior, they may give the student a **3R's ticket**. These cards are collected by the classroom/homeroom teachers and placed in a drawing for monthly prizes. In grades K-4, the teaching staff use a system called "Class Dojo" which recognizes students' positive

behavior choices, as well as those areas that need work. It is easily displayed electronically in the classroom and available for parents to view via the internet. Its summary is provided as part of the report card packet each marking period. In grades 5-8, the teaching staff use a system called Kickboard.

Getting Along Together is a program we utilize that has a three-pronged focus: students learn thinking and cognitive skills, emotional management, as well as interpersonal and social skills. Collectively, these skills and strategies create a peaceful school environment where students are empowered to manage their own behavior, decrease conflict, and increase receptivity to learning. Getting Along Together helps students with focus, memory, and self-control, as well as building empathy, friendship skills, cognition, and coping skills for common social problems.

Another program that is utilized is Character Counts. This fully-integrated student development framework incorporates the most critical research findings and current theories from all major research and evidence-based strategies. The framework instills academic, social, emotional and ethical values, mindsets and character traits to help students:

- *Reach their academic potential and have the ability to succeed in school*
- *Succeed in the workplace and their careers*
- *Live happy, worthy and fulfilling personal lives*
- *Become engaged, responsible and productive citizens*

### **C. Responsibility**

All UCCS staff shall be responsible for implementing this Code of Conduct.

When an individual is engaged in prohibited conduct that does not pose any immediate threat of injury to persons or property, it is the responsibility of all UCCS staff to inform the individual that the conduct is prohibited and to try to persuade the individual to stop. The staff member shall also inform the individual of the consequences for failing to stop

and provide the individual with an opportunity to respond and to explain his actions. If the person's conduct poses an immediate threat of injury to the student or others, the Dean of Students shall take immediate steps to intervene and remove other children from the situation.

## II. Definitions

For purposes of this Code of Conduct or Code, the following definitions apply:

- Disruptive student means a student under the age of 21 who substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom.
- Parent means parent, guardian or any other person in parental relation to a student.
- School day means any day of required pupil attendance. Unless preceded by the word "calendar", "day" means a school day.
- Student support service personnel means staff that provides educationally-related services to students, including school counselors, social workers, behavior interventionists and the school nurse.
- School property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the school.
- School function means any school-sponsored or school authorized extracurricular event or activity, regardless of where the event or activity takes place.
- Weapon means a firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, airgun or spring gun; a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife; a billy club, blackjack, bludgeon, chukka stick, or metal knuckles; a sandbag or sandclub; a sling shot or slungshot; a martial arts instrument, including but not limited to a king fu star, ninja star, nun chuck, or shiriken; an explosive including but not limited to a firecracker or other fireworks; a deadly or dangerous chemical, including but not limited to a strong acid or base, mace, or pepper spray; an imitation gun; loaded or

blank cartridges or other ammunition; or any other instrument possessed with intent to use the same unlawfully against another.

- Authorized School Official means a member of the Leadership Team.

### **III. Rights and Responsibilities**

The Urban Choice Charter School is committed to safeguarding the rights given to all students under all applicable New York State and federal laws and corresponding regulations to promote a safe, healthy, orderly and civil school environment.

#### **A. Student Rights**

All students have the right to:

- Take part in all school activities on an equal basis regardless of actual or perceived race, color, ethnic group, creed, national origin, religion, gender, gender identity, sexual orientation, or disability.
- Present their version of relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of a penalty.
- Access school rules and receive an explanation of those rules from school personnel.
- Expect a school environment that is conducive to learning and free from bullying and harassment.
- Be treated respectfully by those in the school community.

#### **B. Student Responsibilities**

All 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.
- Inform staff, teachers, or administrators of violations of the Code of Conduct.
- Be familiar with and abide by all school policies, rules and regulations

dealing with student conduct.

- 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.
- Complete homework regularly and turn it in on time.
- Respond to directions and directives given by teachers, administrators and other school personnel in a respectful, positive manner.
- Manage their emotions and behavior.
- Ask questions when they do not understand.
- Seek help in solving problems that might lead to disciplinary action.
- Dress appropriately for school and school functions.
- Accept responsibility for their actions.
- Conduct themselves as representatives of UCCS when participating in or attending school-sponsored extracurricular events, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

### **C. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a UCCS staff member. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function will report this information immediately to a UCCS staff member.

### **D. Transportation**

Urban Choice is committed to making communication between the home and the school as efficient as possible. Families should first contact the school if there is a problem with student pick up or drop off. The school will call the bus company. If a parent or guardian wants to speak to someone at the bus company directly, they should call 585-336-4000.

## **E. Searches and Interrogations**

The Board of Trustees 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 school's Code of Conduct. Students are not entitled to any sort of "Miranda- type" warning before being questioned by school officials.

In addition, the Board authorizes **the Leadership Team** to conduct searches of students 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 the Code of Conduct. The scope of the search shall be reasonably limited to the circumstances giving rise to the search.

Before searching a student or the student's belongings, the authorized school official should give the student an opportunity to acknowledge that he or she possesses physical evidence of a violation of law or the Code, and give the student an opportunity to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practical, searches will be conducted in the privacy of administrative offices, with two Leadership Team members and the student whose possessions are being searched present.

**Any searches of a student's person must be conducted in the privacy of an administrative office by and in the presence of two employees of the same gender as the student, who shall be Leadership Team members and/or Behavior Interventionists.**

## **F. Student Lockers, Desks and Other School Storage Places**

The rules in this Code of Conduct regarding searches of students 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 authorized school officials, without prior notice to students and without their consent.

## **G. Documentation of Searches**

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

- Name, age and grade of student searched
- Reason(s) for the search
- Name of any informant(s)
- Purpose of search (that is, what item(s) were being sought)
- Type and scope of search
- Persons conducting search and his or her title(s) and position(s)
- Witnesses 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 Leadership Team shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Leadership Team shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is properly disposed of or turned over to the police.

## **H. Police Searches and Interrogation of Students**

UCCS officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interrogate 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 interrogate or search a student or to conduct a formal investigation involving students only if they have:

- A search or an arrest warrant; or
- Received a report that 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 conduct a warrantless interrogation or search of a student, an authorized school official shall first try to notify the student's parent(s) to give the parent(s) the opportunity to be present during the police interrogation or search. If the student's parent(s) cannot be contacted, the police interrogation or search shall not be conducted unless there is sufficient basis to believe that the failure of police to conduct a search/question a student creates a risk of harm to the student or others; risks the loss of evidence; or constitutes unlawful interference with a police investigation. The authorized school official may, to the extent authorized by law, be present during any police interrogation or search of a student on school property or at a school function.

## IV. Educational Partners

The Urban Choice Charter School was founded on the belief that students need to be inspired to reach their full potential. This inspiration can come from many places, including the outside community. For many students, it may take more than one individual to impact them. It may take many individuals, groups and experiences. For this reason, UCCS has embraced educational partners who will have a positive effect on our students and their families.

### A. Parents and Guardians

All parents and guardians are expected to:

- Recognize that the education of their children is the responsibility of the parents, students and the school community.
- Send their children to school as required by New York State law.
- Make certain their children's attendance at school is regular and punctual, and all absences are properly excused.
- Insist their children be dressed in school uniform.
- Maintain communication with the school and the School Nurse concerning the medical needs and conditions of their children attending school.
- Know and understand the rules their children are expected to observe at school and accept responsibility for their children's actions.
- Convey to their children a supportive attitude towards education and UCCS.
- Teach their children, by word and example, respect for the law, for the authority of the school and for the rights and property of others.
- Become acquainted with the UCCS staff, curriculum and activities. Attend parent-teacher conferences, meetings and school functions concerning their children.
- Provide accurate family information (e.g., address, phone numbers, emergency contacts, legal custody orders), and inform school officials of changes in the home situation that may affect student conduct or performance.

- Help their children deal effectively with peer pressure.
- Build good relationships with teachers, other parents and their children's friends.
- Provide a place for study at home, and ensure homework assignments are completed and turned in on time.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Ensure their children are familiar with the Code of Conduct and comply with the relevant portions of the Code of Conduct.
- Comply with the relevant portions of the Code of Conduct for parents, visitors, etc.

## **B. Staff Members**

All staff members are expected to:

- Promote a safe, orderly and stimulating school environment, and support active teaching and learning.
- Maintain the confidentiality of all personal information and educational records concerning students and their families.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow the chain of command for various administrative procedures referenced in this Code of Conduct.
- Know and comply with all school policies and rules.
- Be fair, firm and consistent in enforcing school rules in classrooms, hallways, restrooms, school buses, on the school campus and at all school-sponsored activities.

## **C. Teachers**

All teachers are expected to:

- Maintain a climate of mutual respect and dignity which will strengthen

students' self-concept and promote confidence to learn.

- Demonstrate a personal enthusiasm for teaching, concern for student well-being, achievement and educational progress, and respond appropriately to the individual needs of each student.
- Know and comply with all school policies and rules.
- Promote a safe, orderly learning environment.
- Be fair, firm and consistent in enforcing school rules in classrooms, hallways, restrooms, school buses, on the school campus and at all school-sponsored activities.
- Communicate regularly with students, parents and other teachers concerning growth and achievement, their expectations for students and their classroom discipline plan.
- Be knowledgeable in effective behavior management techniques and the non-violent crisis intervention philosophy and techniques.
- Maintain the confidentiality of all personal information and educational records concerning students and their families.
- Demonstrate dependability, integrity and other standards of ethical conduct..
- Follow the chain of command for various administrative procedures referenced in this Code of Conduct.
- Help students deal effectively with peer pressure and emerging personal, social and emotional problems.

#### **D. Leadership Team**

All building Leadership Team members are expected to:

- Promote a safe, orderly and academically stimulating school environment that supports active teaching and learning.
- Organize school schedules and teaching assignments.
- Require effective classroom management and instruction.
- Ensure that a building-wide behavior management system is created and supported when required to meet the needs of students enrolled in their

building.

- Be knowledgeable about effective classroom behavior and building management techniques, and non-violent crisis intervention philosophy and techniques, and assure their utilization in the building.
- Maintain the confidentiality of all personal information and educational records concerning students and their families.
- Demonstrate dependability, integrity, and other standards of ethical conduct.
- Follow the chain of command for various administrative procedures referenced in this Code of Conduct.
- Be fair, firm and consistent in all decisions affecting students, parents and staff.
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

#### **E. Board of Trustees**

All members of the Board of Trustees are expected to:

- Adopt and review at least annually the Code of Conduct to evaluate the Code's effectiveness and the fairness, and consistency of its implementation.
- Conduct Board meetings in a professional, respectful and courteous manner.
- Carry out the duties and responsibilities set forth in this Code of Conduct and comply with all other relevant portions of the Code.
- Be aware of and compliant with the Code of Ethics for Trustees.

## V. Standard of Dress

Urban Choice Charter School students are required to wear a school uniform.

**Students who come to school not in uniform will not be allowed to enter class.**

**Parents will be called to bring in the proper attire and students will receive a Power School write-up.**

All Students (Grades K-8):

### **SHIRTS:**

- Red, Black, or White polo-style ONLY
- Plain/solid ONLY (no stripes, designs, words, etc.)
- Any long sleeve shirts under polos must be solid (no design/print) red, black, or white ONLY
- Sweaters or sweatshirts must be solid red, black, or white ONLY
- No hooded sweatshirts or hooded sweaters
- No regular or UCCS t-shirts are permitted, only polos

### **PANTS/SHORTS/SKIRTS:**

- Tan/Khaki or Black style ONLY
- Shorts, jumpers, and skirts must reach within 1 inch of the knee/fingertip ends
- No leggings or tights (unless worn under a skirt or jumper)
- No jeans, jeggings or sweatpants

### **SHOES:**

- Close-toed shoes ONLY
- NO sandals, flip-slops, Crocs, or open-toed shoes of ANY KIND

### **ADDITIONAL NOTES:**

- All clothing must fit properly and look presentable at all times – nothing excessively tight, revealing or baggy.
- A belt is strongly recommended.
- A call home will be made if a student is out of uniform. A uniform will need to be

brought to school for the student. If the parent cannot come to the school, a uniform will be provided.

## **VI. Cell Phone/Electronic Devices/Lockers**

### Cell Phone & Electronic Devices Policy:

- Cell phones or personal electronic devices are not allowed in school.
  - This does not apply to school-issued tablets or devices provided for educational purposes
- UCCS is not responsible for lost or damaged cell phones and/or electronic devices.

### Cell Phone & Electronic Procedure:

- If a student brings a cell phone to school, it needs to be stored in their locker during the school day.
- If a student needs to call home during the school day, he/she will get permission from a teacher and use a school phone.
- If a parent needs to get in touch with a student during the school day, parents should call school and we will locate your child so you may speak to them.
- If a student is found to have a cell phone that was not properly stored at the start of the day, it will be confiscated and returned only to the parent after a parent conference is held.

### Handheld Games:

- Electronic (handheld) games are not allowed.

### Lockers:

- Locks are provided for all lockers.
- No food or drink.
- No stickers/decals on the outside, but items may be taped on the inside.
- Lockers should be cleaned out frequently.

## **VII. Prohibited Student Conduct**

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

The best accountability occurs when students assume and accept responsibility for their own behavior, as well as for the consequences of their misbehavior. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on students' ability to grow in self-discipline.

The Board recognizes the need to make specific and clear all expectations for student conduct while students are on school property or engaged in a school function. The rules of conduct listed below are intended to do that, and to focus on safety and respect for the rights and property of others. There may be additional classroom rules and or procedures to be aware of regarding student conduct. 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 expulsion from school, when they engage in the following types of behaviors as described below: Disorderly Conduct; Insubordination; Violent Conduct; Conduct that Endangers the Safety, Morals, Health or Welfare of Others, including conduct in violation of the Dignity for All Students Act; or Misconduct on the Bus; and/or Academic Misconduct.

### **A. Disorderly Conduct**

Examples of Disorderly Conduct may include but are not limited to:

- making inappropriate and/or unreasonable noise
- using language or gestures that are profane, lewd, vulgar or abusive
- inappropriate shows of affections

- engaging in any willful act which disrupts the normal operation of the school community
- misusing computer and/or electronic communications, including unauthorized use of computers
- loitering on school premises

## **B. Insubordination**

Examples of Insubordination may include but are not limited to:

- failing to comply with the directions, or otherwise demonstrating disrespect, of teachers, school administrators or other school employees in charge of students
- leaving school property or a school function without permission
- skipping an assigned class or detention
- persistent tardiness

## **C. Violent Conduct**

Examples of Violent Conduct may include but are not limited to:

- committing or attempting an act of violence, such as hitting, kicking, punching or scratching, upon a teacher, administrator or other school employee
- committing or attempting an act of violence, such as hitting, kicking, punching, scratching, or sexually assaulting another student or any other person lawfully on school property
- 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
- using or threatening to use any weapon, or any object as a weapon
- intentionally damaging or destroying, or threatening to damage or destroy the personal property of a student, teacher, administrator, other school employee or any person lawfully on school property, which

- include but is not limited to graffiti, vandalism, or arson
- intentionally damaging or destroying or threatening or attempting to destroy school property
  - fighting and/or using any form of physical force against another person
  - instigating, initiating or encouraging a fight or the use of any form of physical force against another person
  - any form of sexual touching

#### **D. Conduct that Endangers the Safety, Morals, Health or Welfare of Others, Bullying, Harassment and Hazing**

The Urban Choice Charter School is committed to providing an educational and working environment that promotes respect, dignity and equality. UCCS recognizes that harassment, hazing, bullying, and any form of discrimination are detrimental to student learning and achievement. These behaviors disrupt the operation of the school and interfere with the mission of the school to educate its students. Such behavior affects not only its targets but also those individuals who participate and witness such acts. To protect the rights of all students and groups for a safe and secure learning environment, UCCS strictly prohibits all forms of discrimination such as bullying, harassment, hazing and other forms of aggression and violence on school grounds, school buses and at all school-sponsored activities, programs and events. All administrators, faculty, staff, parents/caregivers, families, volunteers, and students are expected to refuse to tolerate harassment, hazing, and bullying and to demonstrate behavior that is respectful and civil.

##### **1. Definitions:**

**Discrimination** – Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

**Bullying** – Bullying is any gesture or written, verbal, electronic, social, graphic, or physical act that is perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress. *Bullying and harassment also include forms of retaliation against individuals who report or cooperate in*

*an investigation on an incident.*

Common forms of bullying include:

- Physical: including but not limited to hitting, kicking, physical attacks, spitting, pushing, slapping, poking, tripping or causing to fall, scratching, any unwanted physical contact, taking or damaging personal belongings;
- Verbal: including but not limited to taunting, malicious teasing, name calling, making threats, laughing at the expense of another, racial slurs, homophobic language, any unwanted or unreasonable verbal conduct directed toward or affecting another person that annoys, disturbs, frightens, insults, or offends;
- Psychological (also known as Indirect or Social Bullying): including but not limited to spreading rumors, manipulating social relationships, turning people against each other, social exclusion, extortion, shunning, intimidation, ruining someone's reputation, humiliating, sharing someone's private information, giving dirty looks or aggressive stares, or teasing about clothing or one's looks;
- Cyberbullying: including but not limited to the use of cell phones, email, Facebook, Instagram, Twitter or social networking (or other electronic modalities) to harass, threaten or intimidate someone by video, picture or words. Types of cyberbullying can include but are not limited to: posting, sending or forwarding inappropriate, humiliating or derogatory messages, images, spam, or viruses; sharing private information; sending hateful or defamatory remarks that can include racial, ethnic or homophobic messages; or posting or contributing to polling sites.

**Harassment** – Harassment is the creation of a hostile environment by conduct or by threats, intimidation or abuse that has or would have the effect of interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical

safety. Harassment includes any teasing or taunting based on any characteristic, including but not limited to actual or perceived: race, color, weight, national origin, ethnic group, socio-economic status, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity\* and expression\*). *\*Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth. Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.* Harassment also includes **unwanted sexual behavior**, which may include touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, pictures, leers, overly personal conversation, and/or pulling at another's clothes.

**Hazing** – Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

2. UCCS is Committed to Preventing all forms of Bullying, Discrimination or Hazing:

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key value. A school-wide effort geared towards prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Prevention includes the following:

- Training of staff
- Comprehensive school-wide educational component
- Supervision of students
- Clear and consistent expectations of behavior

3. Responses to Violations of DASA – Intervention:

Intervention by adults and upstanders\* is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building. *\* An upstander is someone willing to stand up and take action in defense of*

others. Further, it identifies people who take helpful steps to help others in instances of bullying, discrimination, harassment or other injustices. Depending on the situation, they help themselves or others by expressing opposition to the bullying or/and by providing emotional support to the target and/or by getting help for the target. Successful intervention may involve remediation, including measures designed to correct the problem behavior and protect the target. Staff is expected, when aware of bullying, hazing, and harassment to intervene in accordance with this policy and regulation.

#### 4. Responses to Violations of DASA – Reporting and Investigation:

In order for UCCS to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to a Leadership Team member or the DASA Coordinator (Mr. Carl Parris) as soon as possible after the incident. UCCS will make a bullying complaint form available on its website and hard copies at the school to facilitate reporting. The school will collect relevant data from written and verbal complaints to allow reporting to the Board on an annual basis.

UCCS will investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete an investigation.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible, including: the nature of the incident(s); dates, times, places it has occurred; name(s) of perpetrator(s); witnesses to the incident(s); and the target's response to the incident (please refer to the reporting form). If, after the appropriate investigation, UCCS finds that a student, an employee or a third party has violated this policy, corrective and possible disciplinary action will be taken in accordance with the Code of Conduct, school policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made utilizing the School's Complaint Procedure.

5. Responses to Violations of DASA – Confidentiality:

It is UCCS policy to respect to the fullest extent possible, the privacy of all parties and witnesses to bullying. To the extent possible, the school will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, UCCS retains the right to disclose the identity of parties and witnesses in appropriate and necessary circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

- 1) The request may limit the school's ability to respond to his/her complaint;
- 2) UCCS policy and federal law prohibit retaliation against complainants and witnesses;
- 3) UCCS will attempt to prevent any retaliation; and
- 4) UCCS will take strong responsive action if retaliation occurs

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the school from responding effectively to the bullying and preventing the bullying of other students. By law, the consequences to a student found to be responsible for a DASA violation cannot be shared with the victim without express written consent of the student and his/her parent/guardian.

## 6. Responses to Violations of DASA – Investigation and Resolution

### Procedures:

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, a Leadership Team member or the DASA Coordinator shall make all reasonable efforts to resolve complaints informally. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, following receipt of a complaint, a Leadership Team member or the DASA Coordinator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s) and/or other involved parties.
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) an opportunity to respond and notifying him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences should a violation be found.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include (if possible) but are not limited to:
  - A hall pass that allows the student to visit a designated adult at any time
  - Access to alternative bathroom facilities
  - Access to an alternative place
  - Bus accommodations

UCCS recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

7. Responses to Violations of DASA – Complaint Resolution:

Where appropriate and possible, the following non-disciplinary methods may be used to resolve the complaint in lieu of or addition to methods identified in section 10 below:

- Discussion with the accused, informing him or her of the school's policies and indicating that the behavior must stop
- Suggesting counseling, skill-building activities, and/or sensitivity training
- Conducting school-wide training, calling attention to the consequences of the conduct
- Requesting a letter of apology to the target
- Writing letters of caution or reprimand
- Separating the parties

Where the Leadership Team, their designee or the DASA Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should notify the CEO (or designee), and then contact the school attorney, appropriate child protection agencies and, if appropriate, law enforcement authorities.

8. Responses to Violations of DASA – Provisions for Students Who Don't Feel Safe at School:

UCCS acknowledges that, notwithstanding actions taken by school staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed and possible in order to help ensure the safety of the student. The Leadership

Team, other appropriate staff, the student, and the student's parent/guardian will work together to define and implement any needed accommodations.

9. Responses to Violations of DASA – Retaliation Prohibited:

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and subject to disciplinary action. Likewise, retaliation is prohibited against any person who has testified, assisted, or participated in any manner in an investigation or proceeding involving a bullying complaint. For purposes of this policy, retaliation includes but is not limited to: verbal and physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls or social media posts, and any other form of harassment. Any person who retaliates is subject to disciplinary action up to and including suspension or termination.

10. Responses to Violations of DASA – Consequences and Remedial Actions:

Consequences and appropriate remedial actions for a student or staff member who engages in one or more acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion in the case of a student, or suspension or termination in the case of an employee, as set forth in the employee handbook.

Consequences for a student who commits an act of bullying and harassment shall vary in severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with this Code of Conduct. Remedial measures shall be designed to: correct the problem behavior; educate the bully/harasser, prevent another occurrence of the behavior; and protect the target. The remedial measures may include but are not limited to the examples listed below:

***Examples of Remedial Measures***

- Counseling
- Mediation
- Class presentation

- Apology
- Admonishment
- Participation in a guided reflection process designed to teach alternative behavior
- Temporary removal from the classroom
- Loss of privileges
- Detention
- Alternative to Suspension (ATS)
- Out-of-School Suspension (OSS)
- Referral to Family Court
- Expulsion
- Parent/Guardian meetings
- Other restorative measures as deemed appropriate

***Examples of Remedial Strategies for Individual Behavioral Change:***

- Restitution and restoration
- Supervised peer support group
- Corrective instruction or other relevant learning or service experience
- Supportive interventions, including Student Success Team, peer mediation, etc.
- Behavioral assessment or evaluation
- Behavioral management plan
- Student counseling
- Involvement of school administrator

11. Responses to Violations of DASA – Disciplinary Responses to DASA

Violations:

Disciplinary measures available to school authorities include but are not limited to the following:

- Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of

Conduct and applicable law.

- Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.
- Volunteers: Penalties may range from a warning up to and including notification of law enforcement.
- Vendors: Penalties may range from a warning up to and including loss of school business, or notification of law enforcement.
- Other Individuals: Penalties may range from a warning up to and including denial of future access to school property and/or notification of law enforcement.

#### **E. Misconduct on the Bus**

Students are required to conduct themselves on the bus in a manner consistent with established standard for classroom behavior. Misconduct on the bus that in any way endangers student safety or causes the driver to be distracted will be subject to discipline. The bus company has the authority to suspend their bus riding privilege.

#### **F. Academic Misconduct**

Examples of academic misconduct include but are not limited to:

- plagiarism (copying others work without permission),
- cheating,
- copying,
- altering records,
- non-compliance with homework/classwork procedures,
- assisting another student in any of the above actions, and
- encouraging another person to violate this Code of Conduct.

## VIII. Student Discipline

*Please note throughout Section VIII, if a student is a student with a disability or a student presumed to have a disability, the provisions outlined in Section X "Discipline of Students with Disabilities" below also apply.*

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.

### **A. Considerations for Imposing Disciplinary Penalties**

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 (including its impact on others) 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 generally a student's first violation will usually merit a lesser penalty than subsequent violations, taking into account all factors relevant to the severity of the current violation. The particular circumstances of a violation may, however, warrant a severe form of disciplinary action even if it is the student's first offense.

In any and all disciplinary measures, the Urban Choice Charter School is committed to protecting the rights of each and every student under all applicable laws and regulations.

## **B. Reporting Violations**

All UCCS staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. Staff not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who will 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 will be confiscated immediately, if possible, followed by notification to the parent/guardian of the Code violation and of the possible disciplinary sanction for such violation, which may include expulsion and referral for prosecution.

As soon as is practical, the authorized school official must notify the appropriate local law enforcement agency and parents/guardians of those Code of Conduct violations that constitute a crime and which in his/her judgement substantially affect the order or security of the school. This report will be made no later than the close of business the day the building administrator learns of the violation. The notification may be made by telephone or a direct report followed by a letter mailed on the same day. The notification must identify the student and explain the conduct that violated the Code of Conduct which constitutes or may constitute a crime.

## **C. Consequences**

Students who are found to have violated the Code of Conduct may be subject to the following consequences, either alone or in combination. As students move further along the ladder, the consequences potentially get more severe with expulsion (permanent removal from school) being the final result if behavior does not improve.

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 UCCS staff, bus drivers, and other authorized individuals at school functions.
- Written “write-ups”: any member of UCCS staff, bus drivers, and other authorized individuals at school functions.
- Written notification to parent: teachers, administrators, coaches and student support personnel.
- Phone calls to parents: teachers, student support personnel, coaches and administrators.
- Escorting students to class: any UCCS staff member.
- Loss of privileges: teachers, student support personnel, coaches and administrators.
- Academic penalty: teachers (as related to academic misconduct e.g. giving a zero on an assignment for cheating).
- Confiscation of items: teachers, student support personnel, coaches and administrators.
- Community and/or volunteer service: administrator, teachers, student support personnel and coaches.
- Participation in self-help group activity: administrators, teachers, student support personnel and coaches.
- Letter of apology: teachers, student support personnel, coaches and administrators.
- Payment of damages or restitution: administrators.
- Detention: administrators and teachers.
- Suspension from transportation: Dean of Students or bus authority.
- Suspension from athletic participation: coaches and administrators.
- Suspension from social or extracurricular activities: administrators.
- Suspension of other privileges: administrators.
- Alternative to Suspension (ATS): administrators.
- Removal from classroom by teacher: teachers and administrators.
- Short-term (ten days or less) suspension from school: Dean of Students.

- Long-term (more than ten days) suspension from school: Dean of Students following a hearing, with right to appeal to Board of Trustees.
- Expulsion from school: CEO, following a hearing conducted by a designee, with an automatic appeal to the Board of Trustees.
- Referral to appropriate law enforcement agency: Leadership Team.

#### **D. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed, as well as a determination of whether a student is a student with a disability or a student presumed to have a disability under applicable state and federal law.

In all cases, 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. As students move further along the ladder, the consequences potentially get more severe with expulsion being the final result if behavior does not improve.

##### **1. Transportation Discipline and Suspension**

Bus behavior is viewed as part of school behavior. If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the Transportation Department's attention. Only the Transportation Department or Dean of Students can suspend a student from the bus.

The school is aware that adult supervision on the bus is not as intensive as supervision in the school setting and students who are not problems at school can have behavior issues on the bus. For this reason, all referrals are discussed with the classroom teacher. This ensures that someone inside the school investigates the situation to ensure that discipline is warranted.

Students who become a serious disciplinary problem may have transportation privileges suspended by the Dean of Students or the transportation provider. In such cases, the student's parent or guardian will become responsible for seeing that the student gets to and from school safely. A student subjected to a suspension from transportation is not entitled to a full hearing. However, the student and the student's parent or guardian will be provided with a reasonable opportunity for an informal conference with the Dean of Students or the Transportation Department to discuss the conduct and the penalty involved.

2. Suspension from Athletic Participation, Extracurricular Activities and Other Privileges

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing. However, the student and the student's parent or guardian will be provided with a reasonable opportunity for an informal conference with the school official imposing the suspension to discuss the conduct and the penalty involved.

3. Teacher's 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. Such techniques may include directing the student to sit in a designated area of the room ("cool down spot") or to briefly leave the classroom as an opportunity to regain composure/self-control under the supervision of another adult (Help Zone). Time-honored classroom management techniques do not constitute disciplinary removals for purposes of this Code of Conduct.

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*. Examples include but are not limited to:

- repeated instances of speaking loudly or disrespectfully to the teacher or others
- repeatedly speaking out of turn
- repeatedly leaving his or her seat without permission
- physical contact with another person
- throwing items, etc.
- displaying or using an electronic device and refusing to put away after directed to do so

If the student poses a danger or on-going threat of disruption, the teacher will contact administration and/or the Help Zone immediately.

#### 4. Alternative to Suspension (ATS)

The Board recognizes that 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. Accordingly, the Board authorizes building administrators and designees to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "Alternative to Suspension".

A student assigned to ATS is not entitled to a full hearing. However, the student and the student's parent or guardian will be provided with a reasonable opportunity for an informal conference with the teacher and the Dean of Students imposing the alternative to suspension to discuss the conduct and the penalty involved.

#### 5. Suspension

Suspension from school is a significant consequence, which may be imposed only after compliance with all due process requirements are met.

The Board has placed primary responsibility for the suspension of students with the Leadership Team.

Any staff member may recommend to the Leadership Team that a student be suspended for any violation of the Code of Conduct that creates a substantial risk of disruption to the educational process or endangers the safety, morals, health or welfare of others. All staff members **must** immediately report conduct which is listed under the category of violent conduct (Section C of the Code). All recommendations and referrals shall be made in writing or PowerSchool entry 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 and in no event later than the end of the next school day.

The Leadership Team, upon receiving a recommendation or referral for suspension or when processing a case for suspension, will gather the facts relevant to the matter and record them for subsequent presentation if necessary.

The Leadership Team will then notify the student of the charges against them and provide an explanation of the evidence that's been gathered. The Leadership Team member will also provide the student with an opportunity to present their side of the story.

Immediately thereafter, an authorized school official will contact the parent or guardian to report the suspension and request that he/she pick up the student. An authorized school official will also notify the parent in writing of the charges and invite the parent for an informal conference to review the evidence, ask questions, and present the student's view of the event.

#### i. Long-Term Suspension and Expulsion

When the Dean of Students determines that a suspension for more than ten consecutive days may be warranted, they shall give notice to the student and the student's parent or guardian 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 or her behalf.

The CEO may personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and, if the student is found to have committed the acts which are the subject of the hearing, the hearing officer will review record information, including disciplinary records and anecdotal information of past instances of misconduct, to determine the appropriate penalty. Following the dispositional phase of the hearing, the hearing officer will provide recommendations as to the appropriate measure of discipline to the CEO. The report of the hearing officer shall be advisory only, and the CEO may accept, reject or modify all or any part thereof. The CEO will prepare a written decision.

An appeal of the decision of the CEO may be made to the Board of Trustees. The Board will make its decision based solely upon the record from the hearing, which shall include the recording of the hearing (or transcript thereof) and all documents and exhibits submitted at the hearing. All appeals to the Board of Trustees must be in writing and submitted within 10 business days of the date of the CEO's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board of Trustees shall consider the appeal at its next regular business meeting following the request and may adopt in whole or in part the decision of the CEO.

#### 6. Students Who Bring a Firearm to School

Any student found guilty of bringing a firearm onto school property (as defined by the Gun-Free Schools Act; 18 U.S.C. § 921) will be subject to suspension from school for at least one calendar year, subject to special protections for students with disabilities.

7. Students Who Are Repeatedly Substantially Disruptive of the Educational Process

Any student, including a student with a disability whose conduct is not a manifestation of his or her disability (as described below) who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will receive a disciplinary referral and be placed in ATS for at least one day. For purposes of this Code of Conduct, students who repeatedly are disruptive are students who engage in conduct that results in the student being removed from the classroom by teacher(s) and this Code on six or more occasions during a semester, as applicable. If the proposed penalty is the one-day or more in ATS, the student and the student's parent or guardian will be given the opportunity for an informal conference.

**IX. Alternative Instruction**

When a student is removed from class by a teacher or suspended from school, the Dean of Students will take immediate steps to provide alternative means of instruction for the student. Students with a disability must be given a full opportunity to enable the student to progress in the general education curriculum while achieving the goals of the IEP.

During any period of suspension, a student with a disability shall be provided all services to the extent required under all relevant New York State and federal laws and regulations including the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.). Nothing in this section shall be construed to confer a greater right to services than is required under such New York State and federal laws and regulations.

**X. Discipline of Students with Disabilities**

The Board of Trustees recognizes that it may be necessary to suspend or remove students with disabilities to address disruptive or problematic behavior. The Board also recognizes that students with disabilities have procedural protections before discipline is imposed that would amount to a change of educational placement. The Board is committed to ensuring that the procedures followed for suspending or removing students

with disabilities are consistent with all applicable New York State and federal laws and corresponding regulations.

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

### **A. Definitions**

For purposes of this Section, the following definitions apply:

- Suspension means a disciplinary exclusion from school in accordance with this Code of Conduct.
- 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.
- 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 described on the student's current Individualized Education Program (IEP) and additional services to address the behavior which precipitated the IAES placement.
- Student with a Disability means a student who has an Individualized Education Program (IEP) prepared by a Committee on Special Education and also a student with a disability who is found to be eligible for a Section 504 Plan.
- Student Presumed to Have a Disability means a student presumed to have a disability as defined in Individuals with Disabilities Education Act (20 U.S.C. § 1415).

## **B. Authorized Suspensions or Removals of Students with Disabilities**

A Leadership Team member may order the placement of a student with a disability into an IAES, another setting or suspension.

## **C. Change of Placement**

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

- for more than ten (10) consecutive school days; or
- for a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate to more than ten (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.

School personnel may not suspend or remove a student with a disability for conduct related to the disability if the imposition of the suspension or removal would result in a disciplinary change in placement – that is, a suspension for more than ten (10) consecutive days or ten (10) days is total based on a pattern of suspension or removal.

UCCS may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, if the CSE has determined that the behavior was not a manifestation of the student's disability. A Leadership Team member may also place a student in an IAES as a result of behavior related to his or her disability involving weapons, illegal drugs or controlled substances, or inflicting serious bodily injury.

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

If a student with a disability is charged with a violation of the Code of Conduct that might be punishable by a long-term suspension or expulsion, or otherwise could constitute a disciplinary change in placement, UCCS will provide parents with Procedural Safeguards

notice prescribed by the Commissioner of Education. Such notice shall accompany the notice of the disciplinary hearing. The student's parent shall also be advised that the student will be referred to the Committee on Special Education (CSE) of the student's home district or, if the student has a Section 504 Plan, to the school's 504 Team, to determine if the conduct that is subject to discipline is a manifestation of the student's disability.

The parents of a student with a disability subject to a suspension of fewer than ten (10) consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of students without disabilities.

#### **E. Long-Term Suspension, Expulsion and Special Rules for Violations Involving Weapons, Drugs or Serious Bodily Harm**

If a student with a disability is charged with a violation of the Code of Conduct that might warrant suspension of more than four (4) days or expulsion, the CEO will conduct a hearing as described above (Long-Term Suspension or Expulsion). The student will also be referred to the Committee on Special Education (CSE) of his or her home district or to the school's 504 Team, for a review of the conduct. The Committee may determine that the conduct was a manifestation of the student's disability.

Regardless of whether a student's conduct was a manifestation of the student's disability, he or she may not be allowed to return to class if he or she has been found guilty at the hearing of any of the following: carrying or possessing a weapon to or at school, on school premises, or to or at a school function; possessing or using illegal drugs or selling or soliciting the sale of a controlled substance while at school; or inflicting a serious bodily injury upon another person while at school, on school premises, or at a school function. Under these circumstances, the CEO may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days.

For purposes of this provision, the following definitions apply:

- 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 a pocket knife with a blade of 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 provision 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.
- Serious Bodily Injury means an injury or illness that involves: (1) a substantial risk of death; (2) extreme physical pain; (3) protracted and obvious disfigurement; or (4) protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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 of school at a time, if maintaining the student in his or her current educational placement is substantially likely to result in injury to the student or others.

Under other circumstances that do not warrant 45 day placement in an IAES, students with disabilities may not be subject to disciplinary action and will be returned to class unless the CSE changes the student’s placement following regular CSE procedures.

Like all long-term suspension hearings, hearings on disciplinary charges against students with disabilities subject to a suspension of ten (10) or more school days shall be bifurcated into a guilt phase and a penalty phase. The penalty phase shall be conducted in the same manner as the penalty phase of a hearing involving a non-disabled student,

except that the CEO will also consider the student's special education records and a report from the Committee on Special Education (CSE) of the student's home district with respect to the relationship between the conduct that is the subject of the hearing and the student's disability.

- During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided those services and modifications described on the student's current Individualized Education Program (IEP) and additional services to address the behavior which precipitated the IAES placement.

#### **F. Working with Committees on Special Education**

The Urban Choice Charter School shall assist a student's home district's Committee on Special Education (CSE) to:

- Conduct functional behavioral assessment to determine why the student engages in a particular behavior, whenever the CSE determines that the conduct that was subject to the disciplinary hearing was a manifestation of the student's disability, and to develop, review or implement a behavioral intervention plan for the student.
- If a behavioral intervention plan has already been developed and implemented, UCCS will work with the CSE to review the plan and, if necessary, modify it to address the behavior that was the subject of the disciplinary hearing.
- Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever the student's conduct would be subject to suspension in excess of ten (10) days if the student did not have a disability.

## **G. Protection for Children with Special Education Needs Who Do Not Have IEPs**

The parents of a student who has a 504 Plan or who has not yet been found to be eligible for an IEP may assert protections provided for students with disabilities if the school had knowledge, or had a basis for knowledge, that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The Leadership Team member imposing a suspension shall be responsible for determining whether the student is a student presumed to have a disability for discipline purposes.

Students with 504 Plans will be referred to the school's 504 Team for a determination of whether the conduct which is the subject of the disciplinary proceeding was a manifestation of the student's educational disability.

Other students who do not have IEPs may be referred to the Committee on Special Education (CSE) of their district of residence if school officials are deemed to have had knowledge of a possible disability prior to the time the behavior occurred. They will be deemed to have had such knowledge if:

- The parent or guardian of the child expressed concern in writing to supervisory or administration personnel or to a teacher that the child might be in need of special education;
- The parent or guardian of the child requested an evaluation; or
- A teacher of the child or other school personnel expressed specific concerns to a Leadership Team member or other supervisory personnel about a pattern of behavior demonstrated by the child.

The school will not be eligible for the special protections accorded to students with disabilities if:

- the Committee of Special Education (CSE) had previously conducted an evaluation and determined that the student is not a student with a disability, and provided the parent or guardian with notice of its finding;
- the school determined that an evaluation was not necessary and provided

notice to the parent or guardian of such determination, in the manner required by applicable law and regulations; or

- the parent or guardian refused to allow the Committee on Special Education (CSE) to conduct an evaluation.

If the school is not “deemed to have knowledge” of the student’s disability prior to taking disciplinary measures against the student, the student may be disciplined in accordance with the Code of Conduct in the same manner as a student without a disability. However, if a request for an individual evaluation is made while such student is subjected to a disciplinary removal, the CSE shall conduct an expedited evaluation. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the school, which can include suspension.

#### **H. Expedited Due Process Hearings**

An expedited due process hearing shall be conducted by the school district in which the student resides under the following circumstances:

- A parent or guardian objects to the results of an evaluation of a child during the time period in which the child is subjected to suspension or removal; except that, during the pendency of the review, the child shall remain in the educational placement determined by the supervising authority;
- The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel believe that if maintenance of the current educational placement creates risk of injury to the student or others; or
- The parent or guardian requests such a hearing from a determination that the student’s behavior was not a manifestation of the student’s disability, or relating to any decision regarding the disciplinary placement.

During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, controlled substances, or infliction of serious bodily injury, or on grounds of dangerousness, or regarding a

determination that the behavior is not a manifestation of the student's disability, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents or guardians and the district agree otherwise.

If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

The timeline for an expedited due process hearing conducted by the school district of the student's residence is 15 business days of receipt of the request for a hearing. The impartial hearing officer may grant specific extensions of such time period, but he or she must mail a written decision to the district and the parents or guardians within five (5) business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

## **XI. Referrals to Law Enforcement and Judicial Authorities**

The Leadership Team will refer matters which in their judgement substantially affect the order or security of the school to the appropriate law enforcement agency and/or to the Family Court.

## **XII. Corporal Punishment**

No UCCS employee or agent of UCCS shall use corporal punishment against a student. Corporal punishment is any act of physical force upon a student for the purpose of punishing that student.

However, in situations where alternative procedures and methods cannot reasonably be used, restraint involving 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; or
- remove a student whose behavior interferes with the orderly exercise and performance of school functions, powers and duties, if that student has refused to refrain from further disruptive acts.

Whenever a school employee restrains a student, the employee shall, within the same school day, make a report to the Leadership Team describing in detail the circumstances and the nature of the action taken.

### **XIII. Visitors to the School**

The school is committed to providing an orderly, respectful environment that is conducive to learning. The maintenance of public order on school property and at school functions is the responsibility of all members of the school community. All visitors on school property or at school functions are expected at all times to conduct themselves in a manner which reflects proper respect for public property and the rights of others. A visitor is defined as anyone who is not a student or staff member of the Urban Choice Charter School, including parents, guardians and family members.

The school reserves the right to request any visitor to leave the school's campus and buildings for violations of this Code or any other act that endangers the safety, morals, health or welfare of others. Moreover, the school reserves the right to treat any unauthorized entry in violation of a request to leave as a criminal trespass, and to pursue any available civil or criminal remedies.

#### **A. Sign-In Procedures**

The receptionist will watch the person enter the building and come to the office by watching the indoor camera. There is a sign just inside the door communicating same.

- All visitors must ring the monitor. The door is always locked.
- The receptionist sees the visitor in the camera and asks them, "Who is it?"
- The visitor must state their name or they will not be allowed in.

- Once the person states their name, the receptionist will let them enter if the person is expected and if the person is known.
- If the person is unknown, the receptionist will ask, "Who are you here to see?"
- The person may or may not be allowed in at this time.
- The receptionist area is visible as visitors approach.
- All visitors must sign the Visitors Sign-In book, and may be asked to show photo I.D. The sign-in sheet includes name, time of visit, and the reason for their visit.
- Visitors are given visitor tags that attach to their pockets, etc.
- If visitors have not been previously announced, the staff member is notified of the visitor.
- Visitors may be walked to the destination or someone may greet them. *Visitors are not allowed to walk alone to the destination unless they are a parent or guardian.*
- All visitors must sign out indicating the time they left. The receptionist will buzz them out. Visitor tags should be returned to the receptionist at this time.

## **B. Prohibited Conduct**

No person, either alone or with others, shall:

- Disrupt the orderly conduct of classes or school programs and activities.
- Intentionally injure any person or threaten/attempt to do so.
- Use profane, lewd, vulgar, or abusive language or gestures.
- Intimidate, harass or discriminate against any person, on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, age, gender, sexual orientation, sex or disability.
- Possess or use weapons, display what appears to be a weapon, or threaten to use a weapon in or on school property or at any school function, except in the case of law enforcement officers.
- Possess, consume, sell, distribute, exchange or be under the influence of alcoholic beverages or controlled substances on school property or at a school function.
- Intentionally damage, destroy or attempt to damage or destroy school property or the personal property of a school employee or student, which is lawfully on school property.

- Distribute or wear materials on school property or at school functions that are obscene, advocate illegal activity, obstruct the rights of others or are disruptive to the educational program.
- Enter any portion of the school building without proper authorization or remain in any school building or facility after it is closed, or loiter on or about school property.
- Incite or encourage others to commit any acts which are prohibited in the Code.
- Refuse to comply with any directive of identifiable UCCS official.
- Gamble on school property or at school functions.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Violate any federal or state statute, local ordinance or school policy while on school property or at a school function (e.g. smoking, indecent exposure, etc.).

### **C. Consequences**

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

- Visitors will have their authorization to remain on school grounds and/or at school functions withdrawn and they will be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. Authorization for their attendance at future school functions may also be rescinded.
- UCCS employees may be subject to disciplinary actions as the facts may warrant, in accordance with their legal or contractual rights.

## **XIV. Dissemination and Review**

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

- Having copies of the Code of Conduct available upon request from the school office.
- Having the Code of Conduct on the school website.
- Providing all current teachers and other staff members with a copy of the Code of Conduct, 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 of Conduct when they

are first hired.

- Mailing copies of the Code of Conduct available for review by students, parents and guardians, and other community members, upon request.

The Leadership Team will sponsor an in-service education program for all staff members to ensure the effective implementation of the Code of Conduct. The CEO may solicit the recommendations of UCCS staff, particularly teachers and Leadership Team members, regarding in-service programs pertaining to the management and discipline of students.

The Board of Trustees 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 student, teacher, building 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. Any provisions to the Code of Conduct are subject to the approval of the New York State Education Department.