



An International Baccalaureate World School
The First Franklin Covey Leader in Me Lighthouse Charter School in New York State

2022-2023

“Where Leaders Grow Up.”

CODE OF COOPERATION (Discipline Code)

Introduction

Pursuant to the Charter Schools Act, all charter schools in New York are required to develop rules and procedures by which students will be disciplined, including the circumstances under which students can be suspended or expelled. It is inevitable that schools will deal with student discipline, and CAACS wants to be transparent with our families about our school's discipline policies. While CAACS has the autonomy to create our discipline policies, there are certain due process procedures that all schools must follow. Charter schools are required to meet the same health and safety, civil rights, and student assessment requirements applicable to other public schools. Student discipline does not generally fall into one of these categories and therefore charter schools do not need to follow other sections of the Education Law regarding state discipline procedures or the Department of Education Chancellor's regulations on discipline.

Cultural Arts Academy Charter School is committed to ensuring that our school is a safe, secure, and supportive learning environment for all students and staff. All school community members— teachers, students, administrators, parents, counselors, social workers, safety personnel, related service providers, cafeteria, custodial, and bus staff— have a shared responsibility to treat one another with mutual respect. During virtual, blended learning, or in-person learning, the **CAACS Code of Cooperation (Discipline Policy)** will generally remain the same. However, **due to COVID-19 health guidance to socially distance**, principal's suspension conferences will be conducted remotely through any secure video conferencing platform.

Right to a High-Quality Education

All students in Cultural Arts Academy Charter School at Spring Creek have a right to a high-quality education. CAACS places an emphasis on maintain a safe and supportive school community, because when we keep students in the classroom instead of relying on suspensions, they will succeed academically. As such, we will endeavor to keep students in their classroom, minimizing the interruption of instruction due to suspensions. Our disciplinary measures will not be used to exclude students from school or otherwise deprive them of such an education, ***unless it is necessary to preserve the health, safety and welfare of students and staff.***

General Principles

The goal of student discipline is to teach students to behave in ways that contribute to academic achievement and school success, and to support a school environment where students and staff are responsible and respectful. The standards set forth in the Cultural Arts Academy Charter School Code of Cooperation apply to behavior in school during school hours, before and after school, while on school property, while traveling on vehicles funded by Cultural Arts Academy Charter School, at all school-sponsored events and on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or

welfare of the school community. When misbehavior involves communication, gesture or expressive behavior, the infraction applies to oral, written or electronic communications.

Minor Infractions and Reasonable Consequences

Cultural Arts Academy Charter School at Spring Creek will make every reasonable effort to correct student misbehavior through school-based resources at the classroom level, and to support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior. **Teachers should address the vast majority of disciplinary issues at the classroom level.** In all instances, school discipline should be reasonable, timely, fair, age-appropriate, and should match the severity of the student's misbehavior. Minor infractions can be just as disruptive to learning as severe infractions. In the classroom and in other places, teachers and staff must consistently address student behavior that interferes with learning and safety. The outcome of any consequence for misbehavior should be to reinforce for that child the parameters of acceptable behavior and to help him/her develop a better sense of how negative behavior impacts the group and himself/herself, and the effectiveness of school programs.

Minor Infractions

Minor Infractions that do not qualify for in-school and out-of-school suspensions, but are determined by appropriate school staff to warrant disciplinary action, include, but not limited to:

- Teasing or taunting others
- Interruptions/calling out in class
- Inappropriately copying the work of others
- Refusing to complete classwork
- Lying to staff
- Bringing electronic items to school without permission that detract from learning
- Not completing homework
- Eating food, gum or candy at inappropriate times or without permission
- Swearing or cursing
- Play fighting
- Ignoring instructions from an adult
- Bringing violent or pornographic material to school

Reasonable Consequences

Reasonable consequences for these behaviors may include, but are not limited to:

- Warning from teacher or other staff member
- Loss of recess/project time
- Student/teacher conversation
- Loss of choice
- Call home to parents

- Making written or verbal apologies
- Making amends through service to school
- Missing special activities or school trips
- Removal from class for a period of time to reflect/cool down in another room
- Student Support /student conversation
- Student Support /student/family conversation
- Development of a behavior contract

REMOVAL FROM SCHOOL:

In and Out-of-School Suspensions, Expulsions, and Referrals to Alternative Schools

The Supreme Court held in the landmark case *Goss v. Lopez*, 419 U.S. 565 (1975) that anytime a student is removed from school, certain constitutional due process protections attach depending on the number of days the school has suspended the student.

SHORT TERM SUSPENSION

Due process provides that when a school suspends any student for a period of 10 school days or less (“short term suspension”), the school must provide the student and parent with oral or written notice of the charged misconduct and an informal hearing where the school explains the charges against the student and the student has an opportunity to deny the charge.

If the student denies the charges, the school must explain the evidence it has against the student and provide the student an opportunity to present his or her version of the event. This informal hearing must take place prior to the suspension of the student unless the student’s presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the student’s notice and opportunity for an informal conference should take place as soon after the suspension is practicable. This informal hearing must take place prior to the suspension of the student unless the student’s presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the student’s notice and opportunity for an informal conference should take place as soon after the suspension is practicable. **The number of days that constitute a short-term suspension cannot be more than ten (10) days.**

The use of measures such as out-of-school suspensions, expulsions, and referrals to alternative schools that exclude students from school will be minimized, and may be reserved for infractions that cannot be appropriately addressed through other interventions and disciplinary responses. Disproportionate use of out-of-school suspensions, expulsions, and referrals to alternative instruction shall be cause for corrective action by the Cultural Arts Academy Charter School at Spring Creek Principal and Board of Trustees.

Removal for In-School Suspensions

A student who is determined to have committed any of the infractions listed below may be subject to removal from class or an Out-of-School Suspension.

Disciplinary Infractions that warrant an out-of-school suspension include:

- Attempt to assault, or an actual assault of any student or staff member
- Vandalize school property causing minor damage
- Endanger the physical safety of another by the use of force or threats of force that reasonably places the victim in fear of imminent bodily injury
- Engage in conduct which disrupts school or classroom activity or endanger or threaten to endanger the health, safety, welfare, or morals of others
- Use of forged notes or excuses
- Steal, or attempt to steal, or possess property known by the student to be stolen
- Commit extortion
- Engage in gambling
- Abuse school property or equipment
- Use obscene or abusive language or gestures
- Engage in acts of verbal or physical sexual harassment
- Make a false bomb threat or pull a false emergency alarm
- Possess tobacco or alcohol
- *Commit any other act which school officials reasonably conclude disrupts the learning environment of the school*
- Repeatedly commit minor behavioral infractions which, in aggregate, may be considered an infraction subject to formal disciplinary action

POLICIES AGAINST HARASSMENT, BULLYING, AND DISCRIMINATION

Under New York State's Dignity for All Students Act (DASA) and the resulting charter school regulations, CAACS' policies include the following provisions regarding harassment, bullying, and discrimination required for charters authorized by the New York City DOE. CAACS prohibits harassment, bullying, and discrimination against any student by any employees or student that creates a hostile environment by conduct, threats, intimidation, or abuse (including cyber-bullying).

Policy Statement

The Board of Trustees (the "Board") for the Cultural Arts Academy Charter School (the "School") recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act (the "DASA"), the CAACS Board of Trustees will endeavor to create an environment free of bullying, cyber-bullying, discrimination and/or harassment and will foster civility in CAACS to prevent and prohibit conduct which is inconsistent with our

school's mission statement. This policy will be strictly enforced.

Bullying Prohibited

The CAACS Board of Trustees condemns and prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other protected characteristic. This restriction applies to school employees, students, parents, school contractors, or visitors on School Property and at CAACS functions, events, and programs. In addition, any act of bullying, cyber-bullying, discrimination and/or harassment at School Functions, which can reasonably be expected to disrupt the education process or a student's education materially and substantially, is strictly prohibited.

Definitions

For purposes of this policy, the following terms will be defined as follows:

1. "**CAACS School property**" means in or within (1) any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of CAACS and (2) a school bus.
2. "**CAACS School function, event or program**" shall mean a CAACS school-sponsored extra-curricular event or activity, including but not limited to school concerts, sporting events, or any event where speakers are invited to speak with students. Included in this definition are events that take place off school property, such as competitions in other schools.
3. "**Sexual orientation**" shall mean actual or perceived heterosexuality, homosexuality, or bisexuality.
4. "**Gender**" shall mean actual or perceived sex and shall include a person's gender identity or expression. This means that discrimination or harassment against transgendered, gay, or lesbian students is prohibited
5. "**Harassment**" and "**bullying**" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber-bullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach School property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
6. "**Cyber-bullying**" shall mean harassment or bullying that occurs through any form of electronic communication, such as home computers, i-Pads, cell phones, or

other electronic devices. For example, harassing messages sent through Facebook may constitute cyber-bullying.

7. **Threats, intimidation, or abuse** shall include verbal and non-verbal actions.
8. **“School Bus”** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.
9. **“Disability”** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
10. **“Discrimination”** means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
11. **“Emotional harm”** that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to interfere with a student’s education unreasonably and substantially.
12. **“Employee”** means any person receiving compensation from the school or employee of a contracted service provider or worker placed within the school.

Dignity Act Coordinator

The Director of Student Support is the school’s Dignity Act Coordinator. The Dignity Act Coordinator will be trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), sex, and any other characteristic protected by law. CAACS will share the coordinator’s name by a) Listing such information in the Family Handbook and updates posted on the school website; b) Including such information in the Family Handbook provided to all persons in parental relation to students before the beginning of each school year; c) Providing such information to parents and persons of parental relation in at least one School mailing; and d) Posting such information in highly visible areas of the School.

The Dignity Act Coordinator will: (a) Serve as the lead person responsible for facilitating implementation of the Act; (b) Participate in required training in order to respond to

human relations in the areas of (including but not limited to) actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other characteristic protected by law; (c) Be accessible to students and other staff for consultation and guidance as needed relative to the Act; (d) Accept reports (either written or verbal) regarding potential violations of the Act; (e) Investigate reports of the Act; (f) report to the Board of Trustees about any findings of a violation of the Act; and (g) facilitate resolution of any claims or incidents of violations of the Act.

Training and Awareness

CAACS will establish guidelines for training all staff about the requirements of the Act. Training will be provided each school year to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on CAACS School Property or at a CAACS School Function, program or event. Training will include ways to promote a supportive school environment that is free from bullying, cyber-bullying, discrimination and/or harassment, emphasize positive relationships. Any training or education about the Act will include demonstrations on prevention and intervention techniques to assist employees in recognizing and responding to bullying, cyber-bullying, discrimination and/or harassment as well as ensuring the safety of the victims, and reducing and addressing problems of exclusion, bias, and aggression in CAACS.

- Upon incidents of bullying, CAACS may hold additional training or disseminate educational material concerning the Act.
- Teachers and students are encouraged to suggest to the Dignity Act Coordinator other methods and procedures for training and raising awareness about the Act.
- CAACS technology may be employed to disseminate awareness of the Act.
- Rules against bullying, discrimination and/or harassment will be included in the Family Handbook, publicized CAACS school-wide and disseminated to all staff and parents.
- An age-appropriate summary of the DASA shall be distributed to all students at the beginning of each school year.
- The CAACS' policy concerning the DASA will be disseminated to employees at least once per year.
- CAACS will annually review its Family Handbook and update it if necessary, taking into consideration the effectiveness of its provisions and consistency and fairness of its administration.

Teaching Students about Bullying

CAACS instruction (The Leader-in-Me 7-Habits Program and the IB-PYP Learner Profile) will include a component on civility, citizenship, and character education. Such components shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits that will enhance the quality of their experiences in, and contributions to,

the community. CAACS will also incorporate instruction designed to reduce any instances of harassment, discrimination, or bullying into extracurricular or school-sponsored programs and activities. Instruction will also be provided during the school year in the safe, responsible use of the Internet and electronic communications, which will be designed to reduce instances of bullying and cyber-bullying.

Reports and Investigations of Bullying, Discrimination and/or Harassment

Any person who has been a victim or who knows of a potential incident of bullying, discrimination, or harassment is required to report it to the DASA Coordinator. CAACS School employees who witness harassment, bullying, or discrimination, or receive a report of such harassment, bullying, or discrimination must verbally notify the DASA Coordinator or the Director of Business, Accountability and Compliance no later than one school day after the employee witnesses or receives a report of harassment, bullying or discrimination. CAACS School employees must also file a written report with the DASA Coordinator and the Director of Business, Accountability and Compliance no later than two school days after making the oral report. The content of the written report should be sufficient to allow the school or the DASA Coordinator to investigate the allegation or report of violations of the Act.

All school employees are expected to participate in the investigation of any allegation of violations of the DASA. Students may make reports of harassment, bullying, or discrimination to the coordinator in person, by e-mail, or confidentially through other means.

After receiving a report of potential violation of the DASA, the CAACS Principal will promptly investigate all complaints of bullying, either formal or informal, and take prompt corrective measures, as necessary. If, after an appropriate investigation, CAACS finds that this policy has been violated, prompt corrective action will be taken to end the harassment, bullying or discrimination, and eliminate any hostile environment. CAACS may also implement other remedial measures to ensure the existence of a positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the students. Measured, balanced, and age-appropriate responses to incidents of harassment, bullying or discrimination by students will be implemented and may vary in method according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, if any.

The CAACS Principal will promptly notify the appropriate local law enforcement agency if any harassment, bullying, or discrimination constitutes criminal conduct.

CAACS will annually report material incidents of bullying, discrimination and/or harassment that occurred during the school year to the New York State Education Department. Such report shall be submitted in a manner prescribed by the Commissioner, on date as determined by the Commissioner.

Reporting

The CAACS Principal will regularly report on data and trends related to harassment,

bullying and discrimination to the CAACS Board of Trustees.

Prohibition on Retaliation

Any person who has reasonable cause to suspect that a student has been subjected to bullying, discrimination and/or harassment by an employee or student, on school grounds or at a school function, program, or event, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report.

The CAACS Board of Trustees prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participate in the investigation of a complaint of bullying, discrimination and/or harassment.

Procedures and Due Process for In-School Suspensions

During an In-School Suspension, students may be temporarily removed from the classroom and placed in another area of the school where the student will receive their pre-packaged classroom assignments. The student and his or her parent(s) or guardian(s) will be given a reasonable opportunity for an informal conference regarding such suspension. Students will be afforded due process protections consistent with law. CAACS will notify the student's parent(s) or guardian(s) orally via phone, or in writing via email. Such notice shall provide a description of the incident or incidents, which resulted in the suspension. Teachers will provide appropriate class work for students receiving In-School Suspensions similar to that which they would receive in their regular classrooms.

Out-of-School Suspensions

Out-of-School Suspensions shall refer to the removal of a student from school for disciplinary reasons for any length of time. A student who is determined to have committed any of the infractions listed below may be subject to an out-of-school suspension, unless the Leadership team or the Board of Trustees determine that an exception should be made based on the circumstance of the incident and the student's disciplinary record. Such a student may also be subject to referral to law enforcement authorities and/or expulsion.

Gun-Free Schools Act

Charter schools must adhere to the Gun-Free Schools Act, which requires a student who is determined to have brought a firearm to school, or possessed a firearm at school, to be suspended for no less than one year. The school/board may modify such suspension requirement on a case-by-case basis. CAACS will comply with the Gun-Free Schools Act, meaning that the school will suspend a student for at least one full calendar year if it is determined, following a due process hearing, that the student was in possession of a firearm at school (firearm is defined in 18 U.S.C. § 921(a)). CAACS can modify the term of the suspension on a case-by-case basis.

Disciplinary Infractions that warrant out-of school suspension include:

- Possession, use, attempt to use, or transfer of any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object
- Committing, or attempt to commit arson on school property
- Assaulting any other student or staff member
- Intentionally cause physical injury to another person, except when student's actions are reasonably necessary to protect him or herself from injury
- Vandalizing school property causing major damage
- Committing any act, which school officials reasonably conclude warrants an Out-of-School suspension

In addition, a student who commits any of the acts previously described as causes for In-School Suspension may, instead or in addition, be subject to an Out-of-School suspension at the discretion of the Principal, Director of Student Support or Dean of Student discretion, as set forth herein.

Procedures and Due Process for Out-of-School Suspension

In consultation with the Principal, or the Director of Student Support may impose an Out-of-School suspension. Such a suspension may be imposed only after the student has been found guilty at a formal suspension hearing. In extreme circumstances, the Board of Trustees may expel the student from school. Upon determining that a student's action warrants a possible Out-of-School suspension, the Director of Student Support shall verbally inform the student that he or she is being suspended and is being considered for an Out-of-School suspension (or expulsion) and state the reasons for such actions.

The Director of Student Support also shall immediately notify the student's parent(s) or guardian(s) orally via phone, and/or in writing via email. Where possible, notification will be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall provide a description of the incident or incidents, which resulted in the suspension and shall indicate that a formal hearing will be held on the matter, which may result in an Out-of-School suspension (or expulsion). The notification provided shall be in the dominant language used by the parent(s) or guardian(s). For parental notification the school will make all attempts to contact parents within 24 hours, using mail, personal delivery, phone, or email.

INFORMAL HEARING

Prior to suspension being instituted, student will have opportunity to attend an informal hearing with the school leader where:

- Student will have the opportunity to deny or explain his or her version of the events and
- Student will be given an explanation of the school's evidence against the student.

The informal hearing should occur prior to suspension as long as the student's behavior does not pose an ongoing threat to the safety of students and staff, if not, the informal hearing must take place as soon as practicable. Although there is no requirement, parents will be invited to be part of the informal hearing.

LONG TERM SUSPENSION AND EXPULSION

Due process provides that when a school suspends a student for a period longer than 10 days ("long term suspension") or expulsion, the school must provide the student (and parent) written notice of the charges against him/her. To institute a long term suspension or expulsion, the student must be afforded a hearing, including the opportunity to secure counsel, confront and cross examine witnesses and call his or her own witnesses to verify his or her version of the incident. Charter schools are free to define short-term suspension as less than ten days (e.g. 5 days) and therefore treat all suspensions over five days as long-term suspensions as long as they provide the minimum due process protections.

Students (parents) will be informed in writing about the charges against him/her and the date of the suspension hearing. At the formal hearing, the student shall have the right to be represented by counsel, question witnesses, and present evidence. If the Principal or Director of Student Support initiates the suspension proceeding, he or she shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer's report shall be advisory only and the Principal, Director of Student Support or Dean of students may accept or reject all or part of it.

A record of the hearing will be maintained and information on how the parent may appeal the decision. Note that parents have the option to bring a complaint (alleging a violation of law) to the Board of Trustees and then to the authorizer, pursuant to Education Law Section 2855(4).

Provision of Instruction During Removal

Charter schools are required to provide alternative instruction in accordance with New York's compulsory education law when students are removed from school. This alternative instruction should be arranged as soon as practicable. **Students must receive substantially equivalent education, which the State Education Department has opined is, at minimum, one hour of alternative instruction a day for elementary students.** Cultural Arts Academy Charter School will ensure that alternative educational services are provided to a child who has been suspended or removed in accordance with state law.

ALTERNATIVE INSTRUCTION

For a student who has been suspended, alternative instruction will be provided to the extent required by applicable law. For a student who has been expelled, alternative

instruction will be provided in a like manner as a suspended student until the student enrolls in another school or until the end of the school year whichever occurs first. Alternative instruction will be provided to students suspended or expelled in a way that best suits the needs of the student on a case-by-case basis and is the extent possible equivalent to that which they would have received in their regular classrooms. Instruction for such students shall be sufficient to enable the student to make adequate academic progress, and shall provide them the opportunity to complete the assignments, learn the curriculum, and participate in assessments.

Alternative instruction will be provided for students that are suspended (short or long term). Alternative instruction will begin on the first day of the student's suspension or as soon as practicable. The number of hours that students will receive alternative instruction on every day of the suspension (must be for a minimum of one hour for students in elementary grades (K-5).

Instruction will take place in one of the following locations: the child's home, a contracted facility (e.g., in the school district of location), or a suspension room at the school. During any removal for drug or weapon offenses, additional services such as counseling shall include strategies designed to prevent such behavior from recurring. Instruction will be provided by one or more of the following individuals in consultation with the student's teacher(s): teacher aides or trained volunteers; individuals within a contracted facility; or a tutor hired for this purpose.

Participation in School Activities

All students have the right to have the opportunity to take part in all school activities on an equal basis regardless of race, sex, national origin, sexual orientation, creed, or disability. Similarly, all students are bound by the same rules for exclusion from school activities and public address.

Freedom of Expression

Students are entitled to express their personal opinions verbally, in writing, or by symbolic speech. The expression of such opinions, however, shall not interfere with the freedom of others to express their selves; and, the author must sign written expression of opinions. Any form of expression that involves libel, slander, the use of obscenity, or personal attacks, or that that otherwise disrupts the educational process, is prohibited.

All forms of expression also must be in compliance with the Code of Cooperation (Discipline Code), violations of which are punishable as stated in the Disciplinary Code. Student participation in the publication of school-sponsored student newsletters, yearbooks, literary magazines and similar publications is encouraged as a learning and educational experience. These publications, if any, shall be supervised by qualified faculty advisors and shall strive to meet high standards of journalism.

In order to maintain consistency with the school's basic educational mission; the

content of such publications is controlled by school authorities. No person shall distribute any printed or written materials on school property without the prior permission of the Principal or Directors. The Principal or Directors may regulate the content of materials to be distributed on school property to the extent necessary to avoid material and substantial interference with the requirements of appropriate discipline in the operation of the school. The Principal or Directors may also regulate the time, place, manner and duration of such distribution.

Search and Seizure

A student and/or the student's belongings may be searched by a school official if the official has a reasonable suspicion to believe that a search of that student will result in evidence that the student violated the law or a school rule. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from the student by school authorities. Student cubbies, lockers and desks remain the property of the school, though the school is not responsible for books, clothing, or valuables left in cubbies, lockers or desks. A student shall not place or keep in a cubby, locker or desk any article or material which is of a non-school nature and may cause or tend to cause the disruption of the mission of the school.

The following rules shall apply to the search of school property assigned to a specific student and the seizure of illegal items found therein:

- School authorities will make an individual search of a student's desk, locker or cubby only when there is reasonable suspicion to believe that a student is in the possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process.
- Searches shall be conducted under the authorization of the Principal or her designee.
- Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from student desks, lockers or cubbies by school authorities.

Off-Campus Events

Students at school-sponsored off-campus events or extended learning experiences (ELE's) shall be governed by all the guidelines of the school and are subject to the authority of school officials. Failure to obey the lawful instructions of school officials shall result in a loss of eligibility to attend school sponsored off-campus events or ELE's and may result in additional disciplinary measures in accordance with the Code of Cooperation (Discipline Code).

Due Process

All students and families have a right to due process and to make formal grievances to the Cultural Arts Academy Charter School at Spring Creek Board of Trustees in accordance with the proper procedures. All students will be afforded due process prior to any action that could result in their removal or exclusion from regular classroom

instruction or from other school activities. Such students will be entitled to a fair hearing prior to any such exclusion, except in cases of emergency where removal is necessary for the safety of the student, of other students or of other members of the school community.

Right to Appeal

The Principal's or designee's decision after the formal hearing to impose a suspension, expulsion or other action may be appealed to the School's Board of Trustees. If a parent is dissatisfied following the Board of Trustees' decision regarding the appeal, the parent may appeal the decision to the charter school authorizer.

Appeal to the school's board of trustees: If a parent or guardian is not satisfied with the outcome or decision pertaining to the incident, the parent may appeal to the school's Board of Trustees. Parents are encouraged to contact the board to schedule a meeting with the committee that deals with such matters. Board of Trustees, Shirley A. Glasgow, Parent Engagement - Email: sglasgow@caa-ny.org

Appeal to the school's authorizer: If after your appeal you are not satisfied with the Board of Trustees' decision, and if your complaint involves a violation of either the school's policies or its charter, you may submit a formal complaint to the school's authorizer. If the school is not an NYC DOE-authorized school, please contact your school's authorizer for more information. For NYCDOE-authorized schools, contact (212) 374-5419 and fill out the NYC DOE-Authorized Charter School Complaint Form at the end of this document.

NOTE: *It is very important that before you escalate your complaint to the school's authorizer level you determine it constitutes a formal complaint involving a violation of the school's charter or of state charter law. Informal complaints that do not violate either the school's charter or state charter law should be resolved between the parent and the school's leadership.*

Student Records

Cultural Arts Academy Charter School at Spring Creek maintains written records of all suspensions and expulsions including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

Firearm Violations

Federal and State law require the expulsion from school for a period of not less than one year of a student who is determined to have brought a firearm to the school, or to have possessed a firearm at school, except that the Principal may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended). "Weapon," as used in this law means a "firearm," as defined by 18 USC§8921, and includes firearms

and explosives. (New York Education Law §3214(3)(d) effectuates this federal law.) The Principal shall refer a student under the age of sixteen who has been determined to have brought a weapon or firearm to school to an agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42).

Maintenance of Public Order

The following proposed rules shall govern the conduct of students, teachers, staff, licensees, invitees, and other persons, whether or not their presence is authorized, on all property or facilities operated under the auspices of Cultural Arts Academy Charter School at Spring Creek. These rules and penalties are not to be considered exclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal, state or local law, rule, regulation, or ordinance, or the imposition of a fine or penalty provided therein. Additionally, these rules and regulations should not be construed to limit, but rather exist in conjunction with any other codes of conduct established for the school, such as disciplinary code and/or a bill of student rights and responsibilities.

Prohibited Conduct

No person, either singly or in concert, shall:

- Willfully cause physical injury to any other person, or threaten to use force, which would result in such injury.
- Physically restrain or detain any other person, nor remove such person from any place where he or she is authorized to remain, except as necessary to maintain the established educational process.
- Willfully damage or destroy school property, nor remove or use such property without authorization.
- Without permission, express or implied, enter into any private office or classroom of an administrative officer, teacher, or staff member.
- Enter or remain in any building or facility for any purpose other than its authorized use or in such a manner as to obstruct its authorized use by others.
- Without authorization, remain in any building or facility after it is normally closed, nor without permission enter any building or facility prior to its normal opening.
- Refuse to leave any building or facility after being required to do so requested by the principal or an authorized administrative officer or his or her designee.
- Willfully obstruct or interfere with the free movement of persons and vehicles.
- Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interfere with the freedom of any person to express his or her views, unless such disruption is necessary to maintain order.
- Possess on school property any rifle, slingshot, zip gun, shotgun, pistol, revolver, knife, chain, club or other weapon, whether or not the person has a license to possess such weapon. Further, it is the duty of the Principal to inform the police

- of the presence or use of any such weapon or implements used as weapons on school property.
- Commit acts that threaten the safety and welfare of persons on school property.
 - Violate any federal or State statute or regulation, local ordinance or school policy.
 - Possess, use or distribute alcohol, drugs or drug paraphernalia.
 - Harass or coerce any person.
 - Refuse or fail to comply with a lawful order or direction of a school official in the performance of his or her duty.
 - Distribute or post on school property any written material, pamphlets or posters without the prior approval of the school leadership, except those submitted to a teacher for classroom purposes.

Penalties and Enforcement

Staff members are required to report known violations of these rules to the Principal or Directors and to make reasonable efforts to stop the prohibited conduct. The Principal and Directors are responsible for the enforcement of these rules. Penalties for violations of these rules include, but are not limited to:

- The withdrawal of authorization to remain upon school property;
- Ejection;
- Arrest;
- For students, suspension or other disciplinary action; and
- For school employees, dismissal or other disciplinary action.

Student Discipline Policy for Students with Disabilities

Charter schools are required to provide “methods and strategies for serving students with disabilities in compliance with all federal laws and regulations relating thereto.” CAACS expects that all students, including students with disabilities, follow our code of student conduct; and, violations of the code are subject to the school’s discipline procedures. However, there are specific federal policies and regulations that apply when suspending students with disabilities and these must be adhered to in addition to the due process rights required for all students. Specifically, charter schools must comply with the requirements of the Individuals with Disabilities Education Act (IDEA) and the discipline procedures set forth in 34 CFR Sections 300.530- 300.537. These protections apply to students who have Individualized Education Plans (IEPs) and students for whom the school is deemed to have knowledge of a disability (sometimes referred to as “deemed to know” students). Due process provides that if a school seeks to suspend a student with a disability, or a student known to the school as having a disability, then the following must be provided:

If the student is being suspended for less than or equal to 10 consecutive or cumulative days the student is subject to the same due process requirements as short-term removal (*see above*).

If the student is being suspended for more than 10 cumulative days throughout the school year the school must determine if a pattern of removal exists that constitute a change of placement. If the school determines there is a pattern of removal, a Manifestation Determination Review is required.

If the student is being suspended for more than 10 consecutive days, a Manifestation Determination Review is required.

Because the New York City Department of Education is the Local Education Agency (LEA) for special education students in charter schools, a representative from the Committee of Special Education (CSE) will be involved if a student with a disability is being suspended for more than 10 cumulative or consecutive days.

- Cultural Arts Academy Charter School at Spring Creek shall comply with sections 300.519- 300.529 of the Code of Federal Regulations (CFR) and the following procedures, except that in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations shall govern.
- Cultural Arts Academy Charter School at Spring Creek shall maintain written records of all suspensions and expulsions of students with a disability including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

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

If a student identified as having a disability is suspended during the course of the school year for a total of eight days, such student will immediately be referred to the CSE of the student's district of residence for reconsideration of the student's educational placement. Such a student shall not be suspended for a total of more than ten days during the school year without the specific involvement of the CSE of the student's district of residence prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement.

In considering the placement of students referred because of disciplinary problems, the CSE of the student's district of residence is expected to follow its ordinary policies with respect to parental notification and involvement. Cultural Arts Academy Charter School at Spring Creek shall work with the district to ensure that the CSE of the student's district of residence meets within seven days of notification of any of the following:

- The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days
- The commission of any fraction resulting from the student's disability
- The commission of any infraction by a disabled student, regardless of whether the student has previously been suspended during the school year if, had such infraction been committed by a non- disabled student, the head of school would seek to impose a suspension in excess of five days.

Cultural Arts Academy Charter School at Spring Creek shall ensure that when the suspension or removal of a student with a disability will constitute a disciplinary charge of placement, the CSE will be immediately notified so that the CSE can meet its required obligations to:

- Convene a CSE meeting within ten school days to make a manifestation determination.
- Convene a CSE meeting within ten business days to develop a plan to conduct a functional behavioral assessment or review an existing functional behavioral assessment or behavioral intervention plan
- Provide the student's parent with a copy of their procedural due process rights
- Work closely with the CSE of the student's district of residence in determining educational services or the interim alternative educational setting that would ensure the provision of the requirements of a free and appropriate public education (FAPE).

Provision of Services During Removal

For those students removed for a period fewer than ten days Cultural Arts Academy Charter School at Spring Creek shall ensure that each effected student receives all classroom assignments and a schedule to complete such assignments during the time of his or her suspension. Provisions will be made to permit a suspended student to make up assignments or tests missed as a result of such suspension. CAACS shall also provide additional alternative instruction with the reasonable promptness and by appropriate means to assist the student, so that the student is given full opportunity to complete assignments and master curriculum, including additional instructions, phone assistance, computer instruction and/or home visits and one-on-one tutoring.

- During the school year, any subsequent removal that, combined with previous removals equals ten or more school days during the school year, but does not constitute a change in placement, services must be provided to the extent determined necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. In these cases, school personnel, in consultation with the child's special education teacher, shall make the service determination.
- During any removal for drug or weapon offenses [pursuant to 34 CFR

§300.520(a)(2)] services will be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. These service determinations will be made by the CSE of the student's district of residence. CAACS will place students in interim alternative educational settings as appropriate and mandated by 34 CFR §300.520(a)(2).

- During any subsequent removal that does constitute a change in placement, but where the behavior is not a manifestation of the disability, the services must be provided to the extent necessary to enable the student to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. The CSE of the student's district of residence will make the service determination.

CSE Meetings

Meetings of the CSE of the student's district of residence to either develop a behavioral assessment plan or, if the child has one, to review such plan are required when:

- The child is first removed from his or her current placement for more than ten school days in a school year; and
- When commencing a removal which constitutes a change in placement.

Subsequently, if other removals occur which do not constitute a change in placement, Cultural Arts Academy Charter School at Spring Creek will work with the CSE of the student's district of residence to review the child's assessment plan and its implementation to determine if modifications are necessary. If one or more members of the CSE of the student's district of residence believe that modifications are needed, then the CSE is expected to meet to modify the plan and/or its implementation.

Due Process

If discipline, which would constitute a change in placement, is contemplated for any student, the following steps shall be taken:

- Not later than the date on which the decision to take such action is made, the parents of the student with a disability shall be notified of that decision and provided the procedural safeguards notice described in 34 CFR §300.504; and
- Immediately, if possible, but in no case later than ten school days after the date on which such decision is made, the CSE of the student's district of residence and other qualified personnel shall meet and review the relationship between the child's disability and the behavior subject to the disciplinary action.

If, upon review, it is determined that the child's behavior was not a manifestation of his or her disability, then the child may be disciplined in the same manner as a child without a disability, except as provided in 34 CFR §300.121(d), which relates to the provision of services to students with disabilities during periods of removal.

Parents may request a hearing to challenge the manifestation determination. Except as provided below, the child will remain in his or her current educational placement pending the determination of the hearing. If a parent requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary action relating to weapons or drugs, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in the disciplinary action, whichever occurs first, unless the parent and Cultural Arts Academy Charter School at Spring Creek agree otherwise.

Limited Role of Law Enforcement

Cultural Arts Academy Charter School at Spring Creek seeks to avoid the unnecessary criminalization of our students; as such, police involvement should be limited to situations when it is necessary to protect the physical safety of students and staff or appropriate to address criminal behavior of persons other than students. Police involvement should not be requested in a situation that can be safely and appropriately handled by the school's internal disciplinary procedures. Disproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the Cultural Arts Academy Charter School at Spring Creek Board of Trustees. Additionally, law enforcement personnel working on school grounds should exercise their authority to arrest in a manner that is consistent with the goals and requirements of the Cultural Arts Academy Charter School at Spring Creek Code of Cooperation (Discipline Code).

Staff Training

Cultural Arts Academy Charter School at Spring Creek shall make an annual allocation of their professional development time to these subjects of discipline and behavior in order to ensure that the disciplinary program in this school is effective and that relevant policies and procedures are equitably applied.

Community Involvement

Meaningful parent, student, and community involvement in the creation and application of school policy is essential for building an effective school with a positive and inclusive learning environment and school culture.

Distribution of Policy

Cultural Arts Academy Charter School at Spring Creek shall distribute a copy of this policy to all students and their parents/guardians, in a language they can understand. It shall also be posted on the school web site and in an easily visible place within the school.

Disciplinary Interventions

There are three types of intervention strategies that are available to teachers and administrators in Cultural Arts Academy Charter School at Spring Creek: *Administrative, Restorative, and Skill-based/Guidance-Therapeutic.*

Administrative Strategies are statutory, rule-based, or contract-based interventions done “to” the offender, such as detention or suspension.

Restorative Strategies are problem-solving interventions done “with” the offender.

These strategies focus on the harm caused and how it will be repaired. Examples may include:

- Family group conferencing
- Character Education curriculum activities
- Mentoring
- Victim-Offender Mediation and Negotiation
- Classroom peace circles

Therapeutic/Resource Strategies are done “by” the offender and require intrinsic motivational behavior change. Such interventions include:

- Guidance counseling intervention
- Referrals Mental health counseling provided by community-based organizations
- Anger management classes
- Informal mentoring and behavior coaching

Strategies in Using Interventions

Teachers and administrators of Cultural Arts Academy Charter School at Spring Creek will utilize different types of strategies, or multiple strategies simultaneously, to deal with misbehavior, especially for 2nd or 3rd instances of the same disruptive or inappropriate behavior. For example, in compliance with the Cultural Arts Academy Charter School Discipline Policy, the three types of interventions may be used in the following ways:

- Independently (e.g., 1-day after-school detention);
- As alternatives to each other (e.g., choice of peer mediation or 1-day detention); or
- In conjunction with each other (e.g., 2-day in-school suspension along with mediation).

Relevant Factors in Making Discipline Decisions

When choosing consequences for students’ misbehavior, teachers, administrators, and staff of Cultural Arts Academy Charter School at Spring Creek must consider the following factors:

- Age, health, and disability or special education status of the student;
- Appropriateness of student’s academic placement;
- Student’s prior conduct and record of behavior;
- Student’s attitude;
- Student’s willingness to correct the harm;
- Seriousness of the offense and the degree of harm caused; and impact of the

incident on the overall school community.

Data Collection and Monitoring

Cultural Arts Academy Charter School at Spring Creek will collect and analyze school discipline data on a quarterly basis to identify those students and teachers who need assistance with discipline. Based on the review, schools will: identify areas of concern; provide targeted professional development, supports, and services; initiate appropriate corrective action; and revise school procedures as needed.

Annual Review and Report

The CAACS Board of Trustees and the Cultural Arts Academy Charter School at Spring Creek will evaluate and monitor the effectiveness of the school's discipline practices on an annual basis. The school leader will review the school climate and discipline data and then submit a written report in a form to be prescribed to the Cultural Arts Academy at Spring Creek Board of Trustees. The review will include the following:

- Prevention and intervention strategies in use;
- The number of in-school suspensions, out-of-school suspensions, expulsions, referrals to alternative schools, arrests, and referrals to law enforcement, disaggregated by age, grade, gender, race/ethnicity, English language learner status, disability, school, teacher, offense, and punishment or alternative used;
- Differences in referrals among staff members; and
- The extent to which disciplinary actions are consistently applied to all students.

Based on the review, school leadership and the Cultural Arts Academy at Spring Creek Board of Trustees will: identify areas of concern; provide targeted professional development, supports, and services; initiate appropriate corrective action; and revise school procedures as needed. All reports will be made publicly available.

Glossary of Disciplinary Interventions or Responses

1. *Behavioral Intervention Plan*: A proactive plan designed by school staff to correct inappropriate or disruptive student behavior through positive behavioral interventions, strategies, and supports. This plan is appropriate for both students with and without disabilities.
2. *Conference*: Conferences can involve students, teachers, administrators, and parents/ guardians in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.
3. *Functional Behavior Assessment*: Involves gathering information about a student's inappropriate or disruptive behavior and determining approaches school staff should take to correct or manage the student's behavior.
4. *Mentoring Program*: A student is paired with a mentor (a counselor, teacher, student, or community member) who helps the student in personal, academic, and social development.

5. *Parent/Guardian Outreach:* Parent/guardian outreach requires school staff to inform parents/guardians of their child's behavior and seek the parents'/guardians' assistance with correcting inappropriate or disruptive behavior.
6. *Peer Mediation:* Peer mediation is a form of conflict resolution in which students help other students deal with, and develop solutions to conflicts.
7. *Referral to Substance Abuse Treatment Services:* Students with behavior related to substance abuse and/or when there is reason to believe substance abuse counseling is needed, may be referred to school-based or community-based services.
8. *Referral to Community-Based Organizations:* Students can be referred to community-based organizations for a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.
9. *Referral to School-Based Health and Mental Health Clinics:* These services provide counseling and assessments to students who are in need. Students are allowed to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success. In counseling sessions, students discuss goals and learn techniques that help them overcome personal challenges. Parents/guardians are to be regularly informed of student progress during counseling sessions and at school. Sessions can also involve family members or can be done in groups.
10. *Restorative Justice Strategies:* There are many examples of restorative justice practices, ranging from simple conversations with students who misbehave to more intensive interventions involving multiple actors. Below are some examples that may be used by communities seeking alternatives to out-of-school suspensions, expulsions, referrals to law enforcement, and arrests.
11. *Community Accountability Panels* are meant to hold the offender accountable for the offense by imposing mutually agreed upon consequences to address harm or damage caused. The key participants in this model are the community panel members, the offender, and sometimes the victim, where appropriate.
12. *Family Group Conferencing/Conferencing* brings together those involved in and affected by the offense to allow the offender to take responsibility, the victim to voice the impact of the offense, and community members to assist in the resolution of the offense. The facilitator acts as a guide for the dialogue between the victim and the offender to take place.
13. *Victim-Offender Mediation* provides a forum for victims and offenders to meet in a safe and respectful environment with the assistance of a facilitator. The purpose of the meeting is to explore and discuss the effects of an offense, and the ways in which healing can take place.
14. *Sentencing Circles* are community meetings designed to address both family and community circumstances that are underlying causes of misbehavior. They are meant to rebuild relationships, develop rehabilitative plans, and respond to

victims' needs. They involve the offender(s), victim(s), the friends and families of each, community members, and spiritual advisors.

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