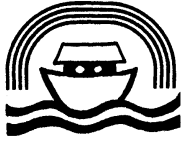




Ark Community Charter School
762 River Street
Troy NY 12180

Code of Conduct



Ark Community Charter School

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Mary Theresa Streck, Principal/Director

Note to parents and guardians:

It is important for the parents and guardians of ACCS students to read and understand this Code of Conduct. We count on you to work as partners with us to educate students in a safe, hospitable and challenging environment.

This Code of Conduct has been drafted to meet the requirements of Education Law §§2801 and 3214, and section 100.2(1) of the Commissioner's Regulations. Unless otherwise noted, all statutory references in the ACCS Code of Conduct refer to the Education Law of the State of New York.

The ACCS board has the exclusive authority to adopt and amend the code of conduct. However, the Education Law requires that the code be developed in collaboration with student, teachers, administrator and parent organizations, school safety personnel and other school personnel (§ 2801 (3)).

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1. Introduction

The ACCS board of trustees and staff are committed to providing a safe and orderly school community where students can receive a quality education without disruptions or interference. We can achieve this goal through active cooperation between students, teachers, ACCS staff and administration, parents/guardians and others in supporting classroom and school wide expectations

These expectations are based on the values of community, mutual respect and co-responsibility, fairness, tolerance, honesty and integrity.

ACCS recognizes the need to clearly define these expectations, to identify the possible consequences of unacceptable conduct and to ensure that discipline when necessary is administered promptly and fairly. To this end the board has adopted this Code of Conduct.

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

2. Definitions

For purposes of this code, the following definitions apply:

“Disruptive Student” means any student who attends ACCS who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

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

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of ACCS, or in or on the school bus as defined in Vehicle and Traffic Law §142.

“School function” means any school-sponsored extracurricular event or activity on or off school grounds.

“Harassment or bullying” is any derogatory behavior, whether a written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. Internet, cell phone, personal digital assistant (PDA), or wireless hand held device). This includes not only derogatory behavior regarding an individual, but also that which is reasonably perceived as being motivated either by any actual or perceived group characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing group characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school sponsored vehicle, or any school bus.

“Harassment” is conduct that meets all of the following criteria:

- is directed at one or more students;
- substantially interferes with educational opportunities, benefits, or programs of one or more students;
- adversely affects the ability of a student to participate in or benefit from the school’s educational programs or activities because the conduct, as reasonably perceived by the student, is so severe, pervasive, and objectively offensive as to have this effect; and,
- is based on a student’s actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

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“Bullying” is systematically or chronically inflicting physical hurt or psychological distress on one or more students or employees. At ACCS, student behavior must meet three criteria to be considered bullying:

1. The behavior must be repeated. If a behavior occurs only once, it may constitute harassment, but it is not bullying.
2. The behavior must be unwanted, offensive, threatening, insulting, humiliating, or causes the target to feel so stressed, injured or threatened that it interferes with his/her educational performance.
3. There must be an imbalance of power between the victim and the aggressor.

Bullying may involve but is not limited to:

1. unwanted teasing
2. threatening/intimidating behavior
3. stalking or cyberstalking
4. cyberbullying
5. physical violence
6. theft or destruction of school or personal property
7. sexual, religious, or racial harassment
8. public humiliation
9. social exclusion, including incitement and or coercion
10. rumor or spreading of falsehoods

“Violent student” means an ACCS student who:

1. commits or attempts to commit an act of violence upon a teacher, administrator or other school employee;
2. commits or attempts to commit, while on school property or at a school function, an act of violence upon another student or any other person lawfully upon said property or at said function;
3. possesses, while on school property or at a school function, a weapon;
4. displays, while on school property or at a school function, what appears to be a weapon;
5. threatens, while on school property or at a school function, to use any instrument that appears capable of causing physical injury or death;
6. knowingly and intentionally damages or destroys the personal property of a teacher, administrator or other school employee or any person lawfully upon school property or at a school function;
7. knowingly and intentionally damages or destroys school property

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means **any** other gun (simulated or real), BB gun, pistol, revolver, shotgun, rifle, machine gun, and disguised gun, dagger, dirk, razor, stiletto, pocket knife, switchblade, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, black powder, explosive powder, explosive or incendiary bomb, ammunition or simulated (or real) fireworks, or other devices, instrument, material or substances that can cause physical injury or death.

*******Any bomb threat now made in New York State is a felony and will be treated accordingly*******

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3. Student Rights and Responsibilities

A. Student rights

ACCS is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and cordial school community, all ACCS students have a right to:

1. Take part in all school activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disabling condition.
2. Present an explanation of mitigating circumstances or unique point of view to a member of the administrative team who will listen respectfully and respond fairly and thoughtfully.
3. Have access to and explanations of school wide and classroom expectations.

B. Student responsibilities

ACCS students are expected to behave in line with classroom and school wide expectations. All students are responsible for:

1. Contributing to and maintaining a safe, kind and orderly school environment which is conducive to learning and is characterized by respect for all persons and proper use of school property.
2. Being familiar with and abiding by school policies, expectations and regulations dealing with student conduct.
3. Attending school every day unless legally excused; being present in class on time and prepared to learn.
4. Working to the best of their ability in all academic and extra curricular pursuits and striving toward their highest level of achievement possible.
5. Responding to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Working to develop mechanisms to manage or otherwise appropriately express their anger.
7. Asking questions when they do not understand directions or classroom instruction.
8. Seeking help in solving problems that might lead to outright conflicts or physical confrontations.
9. Dressing appropriately for school and school functions.
10. Accepting responsibility for their own actions.
11. Conducting themselves with dignity, cooperation and responsibility as representatives of the school when participating in or attending school-sponsored extracurricular events, and holding themselves to the highest standards of conduct and demeanor.

4. Essential Partners

A. Parents/Guardians

It is important that parents/guardians take responsibility along with ACCS for the quality of their children's education. When children know from their families that education is a respected priority, they are more likely to do their best at school. ACCS expects that parents/guardians will be our partners and that they will:

1. Recognize that the education of their children is the joint responsibility of the home and the school community.
2. Send their children to school ready to participate and learn.

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3. Ensure that their children attend school regularly and on time.
4. Ensure that their children's absences are excused.
5. Ensure that their children are dressed and groomed in a manner consistent with the Student Dress Code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, fair and orderly community.
7. Know school expectations and help their children understand them.
8. Build good relationships with teachers, other parents and their children's friends.
9. Help their children deal creatively and effectively with peer pressure and other social pressures.
10. Inform school officials of changes in the home situation that may affect students conduct or academic performance.
11. Provide a place for study and ensure homework assignments are completed.

B. Teachers

All ACCS teachers are expected to:

1. Maintain a climate of mutual respect which encourages students to learn and invites excellence from everyone.
2. Come to school each day prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and expectations, and enforce them in a fair and consistent manner.
5. Communicate clearly to student and parents:
 - a. Class expectations, objectives and requirements
 - b. Assessment procedures
 - c. Assignment requirements and deadlines
 - d. Student progress and needs

C. Counselor

The school counselor provides comprehensive services to all students, which include but are not limited to:

1. Helping students to cope with peer pressure and personal, social and emotional problems.
2. Initiating teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary to resolve problems.
3. Regularly reviewing with students their behavioral contracts, when appropriate or necessary.
4. Encouraging students to benefit from the curriculum and available extracurricular programs.

D. Director

The Director, as head of school, ensures that all ACCS staff, students and visitors align themselves with school wide expectations to guarantee that each student is provided with a safe environment that is conducive to learning and personal development. The Director will:

1. Convene a Leadership Team (Assistant Directors, Curriculum Coordinators and Counselor) to assist in school management.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Ensure that students and staff have the opportunity to communicate regularly with the Director.
4. Evaluate all instructional programs on a regular basis.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Work to create an instructional program that minimizes problems of misconduct and is sensitive to student and teacher needs.

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7. Work with the members of the leadership team to reinforce the code of conduct and ensure that all cases are resolved promptly and fairly, with the right to grievance.
8. Communicate with the board regularly and comprehensively about school issues and concerns.

5. School wide Expectations

Overall school code:

- We are kind.
- We are respectful.
- We are responsible.
- We have **zero tolerance for violence**.

School wide signal for attention: raised hand and/or bell sound. When the bell is sounded or the teacher raises her/his hand calling for quiet, the expectation is:

- Immediate quiet,
- Raise your hand,
- Look at the person calling for quiet.

Line expectations in common areas of the school:

- Students form a line whenever going as a group to another area of the school.
- Students are not talking – greet silently with wave.
- Students keep their hands to themselves and their bodies calm.
- Students walk only.
- The line forms and stays to the right.
- The teacher assigns a line leader to the front of the line.
- When walking on the stairs, students hold railing with right hand and walk one step at a time.
- Students obtain a hall pass from the teacher.

Lunchroom

- Students use indoor voices only.
- Students are assigned tables for each grade group.
- Students enter the cafeteria and immediately go to their assigned tables, sit down, and wait for permission from their teacher to proceed to the lunch line.
- Students stay in their seats and request permission to get up. Students are taught signals for requesting seconds, using the bathroom.
- Students clean up after themselves, push their chairs in, and dispose of their dishes as demonstrated.
- Students leave the lunchroom with an adult's permission.
- The entire class leaves the lunchroom together with the responsible adult.

Bathroom

- Students obtain a hall pass from the teacher.
- One boy and one girl leave at a time.

Recess

- Students stay within the boundaries of the playground area.
- Students are respectful of playground area and equipment.
- Each classroom is responsible for its own set of playground equipment.
- When playground is wet, students stay inside for recess.

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- Students may not leave the playground without an adult's permission.
- Students are expected to be outdoors with the group unless the weather is inclement.
- Students are encouraged to play cooperative games and will be taught those games in gym class.
- When recess is over, students follow the signal to line up and:
 - As soon as the signal is given, students stop playing and make a quiet circle or line as directed by the adult.
 - Playground equipment is gathered as directed by the adult.
 - When all students are gathered, the adult will lead the students back into the building as a group.

Bus Behavior (Bus transportation is a privilege and can be revoked when a student does not follow the bus rules.)

- Observe classroom conduct
- Be courteous, use no profane language
- Do not eat or drink on the bus.
- Keep the bus clean.
- Cooperate with the driver
- Do not smoke
- Do not damage bus or equipment
- Stay in your seat and buckle seat belt
- Keep head, hands and feet inside bus.
- Do not fight, push or shove.
- Do not tamper with bus equipment
- Do not bring pets on the bus.
- Do not bring flammable material on the bus.
- The driver is authorized to assign seats.

Morning Arrival

School starts at 7:45 a.m. Students arriving before 7:40 a.m. will remain outside until the doors are opened. Buses arriving early will not dismiss students from their buses until 7:40. Once the doors are opened, students go directly to their classrooms.

Dismissal

- Students are dismissed by their classroom teacher promptly at 3:10 p.m.
- Unless there is a known bus delay, no announcement will be made about dismissal.
- The K/1/2 students will be put on their buses at 3:05 p.m.
- At 3:05 p.m., students in grades 3-6 proceed to the to walker area in gym or to the buses.
- Students who walk home are dismissed from the side of the gym (between school and church).
- Bus drivers will not be asked to wait for students to run upstairs to get a missing item. If on time, buses should leave by 3:15 p.m. A signal will be given to the bus driver by a designated adult that they may leave at or before 3:15 p.m.

6. Student Dress Code

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ACCS students are required to wear uniforms each school day. The uniforms are functional and designed for all school activities. They consist of the following items:

- ACCS logo polo shirt: long or short sleeve, in a choice of the following solid colors: white, green, purple or black. You may substitute a WHITE ONLY, PLAIN polo shirt or button-down, collared blouse or dress shirt. Shirts should be worn tucked in or no longer than hip-length. NO T-SHIRTS OR DECORATIONS. All undershirts should be white.
- PLAIN BLACK or KHAKI DRESS pants, capris, shorts, skirts, jumpers or skorts. Pants and shorts should not be over-sized or should be worn with a belt at waist level. Girls may choose to wear a skirt or jumper; however they should wear pants, shorts or skorts on gym days. Skirts, skorts and shorts need to be at least mid-thigh length. NO JEANS OR DECORATIONS.
- ACCS logo black button-down sweater. You may substitute a plain white or black cardigan sweater. NO SWEATSHIRTS, HOODIES, JACKETS OR DECORATIONS.
- Closed-toed, black or white shoes. Sneakers are allowable and expected on gym days. No sandals, flip-flops heels or open-toed shoes. Tights or socks must be plain white or black with no lace or decorations.
- No hats, caps, do rags, scarves or bandanas.

School clothes should be neat, clean and in good repair. Please plan laundry days ahead and purchase sufficient quantities to ensure that your child comes to school each day clean and appropriately dressed.

7. Prohibited Student Conduct

Serious and/or flagrant violations of this code of conduct can result in an immediate hearing with the Director or Board of Trustees. A student may be suspended from school or subjected to other disciplinary action when such student:

1. Engages in conduct which is:
 - a. Disorderly, i.e. fighting or engaging in violent behavior, threatening another with bodily harm, intimidation of students or school personnel, making unreasonable noise, using abusive language, profanity, or gestures, including racial or ethnic remarks which are improper; or is forbidden;
 - b. Insubordinate, i.e. failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of the student, or missing or leaving school without permission; or
 - c. Conduct, which endangers the safety, morals, health or welfare of others.
2. Engages in any of the following forms of academic misconduct:
 - a. Tardiness
 - b. Missing or leaving school without permission, and/or
 - c. Plagiarism.
3. Engages in conduct which violates the Board's rules and regulations for the maintenance of public order on school property, i.e. vandalism or graffiti, arson, theft, truancy, possession/use/sale of drugs or alcohol, possession of a weapon, smoking, and bringing fireworks onto school grounds.

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4. Violates student dress standards as enumerated in Section VI of this booklet.

5. Pages, Beepers, Phones and Electronic Devices (without permission): Possesses a pager, beeper, cellular phone and electronic devices during school hours (PDA is excluded). If a student has a pager/beeper/phone/electronic device during school hours, it will be confiscated. The parent will be notified and a meeting with the parent and/or guardian and the Director or his/her designees will be required.

*****Chronic cases of truancy shall necessitate a Person in Need of Supervision (PINS) petition*****

8. Reporting Violations

All students and parents are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Director or his/her designees. Any student or parent observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building Director, the Director's designees.

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

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

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

9. Student Discipline

The Board of Trustees believes that each student can reasonably be expected to be responsible for his/her own behavior. The school administration shall develop and disseminate rules of conduct, focusing on personal safety and respect for the rights and property of others, to be consistently applied in the classrooms and throughout the school. Students who fail to meet this expected degree of responsibility and violate school rules may be subject to appropriate disciplinary action and more regulated supervision.

Discipline is the positive direction of behavior toward established standards of conduct, fully understood, and based on reason, judgment, and the rights of others. The school, community and parents share the responsibility for helping the student develop self-discipline. If self-discipline fails, disciplinary actions must be imposed to protect the student and to ensure the rights of others.

Discipline is most effective when it deals directly with a problem at the time and place it occurs, and in a way the student views that as fair and impartial. Therefore, before seeking outside assistance, teachers will first use their best efforts to create a change of behavior in the classroom.

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Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior.

Early Identification and Resolution of Student Discipline Problems

Student service personnel, administrators, teachers and others, will report students to the Director when they believe such students present a discipline problem. He/She will conduct an investigation of the reports, which may include conferences with the complainant, student, parents, teachers, other student service personnel or others, as he/she deems appropriate for the early identification and resolution of the suspected problem. If he/she suspects that the problem may be a manifestation of a disability, he/she will refer the matter to the Committee on Special Education in the manner prescribed by §200.4 of the Commissioner's Regulations.

The Director will develop forms necessary for the implementation of this policy.

Discipline Policy for Students with Disabilities

Students with disabilities should not be disciplined for the inability to conform to the school's code of conduct due to their disability. If there is a question as to whether a student's behavior is related to that disability, the case should be referred by the Director to the Committee on Special Education (CSE). The CSE will decide if counseling or disciplinary action will be taken and/or if a change of placement is appropriate.

[If the behavior of such student might endanger the health and safety of himself/herself or others, the school will follow the procedures outlined in 5313.3-R, Suspension and Expulsion-Regulation.]

In-Service Programs for Staff

ACCS will provide the following types of materials and activities to assist staff with their concerns for disciplinary problems:

1. Related literature in the professional library;
2. Workshops on conference days;
3. In-service classes to train staff in present trends and research; and
4. Consultants to those members of the staff needing specific techniques in maintaining control in the learning environment.

Disciplinary Penalties, Procedures and Referrals

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.

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:

1. The student's age.
2. The nature of the offense and the circumstances, which led to the offense.
3. The student's prior disciplinary record.

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4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

A. Penalties

Students who are found to have violated this code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process:

1. Oral warning - any member of the staff;
2. Written warning - bus drivers, hall and lunch monitors, coaches, counselors, teachers, assistant Directors, Director, Board members;
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, assistant Directors, Director, Board members;
4. Detention - teachers, assistant Directors, Director, Board members;
5. Suspension from transportation - Director of transportation, Director and his/her designees, Board members;
6. Suspension from athletic participation - coaches, Director and his/her designees,, Board members;
7. Suspension from social or extracurricular activities - activity Director, Director and his/her designees, Board members;
8. Suspension of other privileges - Director and his/her designees, Board members;
9. In-school suspension - Director and his/her designees, Board members;
10. Removal from classroom by teacher - teachers, assistant Directors, Director;
11. Short-term (five days or less) suspension from school - Director, Board members;
12. Long-term (more than five days) suspension from school - Director, Board members;
13. Permanent suspension from school - Director, Board members.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below:

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1. Detention

Director and Board members, leadership team and teachers may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified.

2. Suspension from transportation

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

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference, with the Director or the Director's designees to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra-curricular activities and other privileges

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

4. In-school suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes the Director to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension". In-school suspension will most likely take place in another classroom under the direction of a certified teacher.

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

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self-control in an alternative setting.

Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to an administrator's office for the remainder of the class time only; or, (4) sending a student to a guidance

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counselor or other staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may recommend the removal of a disruptive student from class. The removal from class applies to the class of the removing teacher only.

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

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

The teacher must complete a school-established disciplinary removal form and meet with the Director or his/her designees as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Director or designees are not available by the end of the same day, the teacher must leave the form with the secretary and meet with the Director or designees prior to the beginning of classes on the next school day.

If a student's removal from class results in an in-school suspension, the Director or his/her designee must notify the student's parents in writing within 24 hours, that the student has been removed from class and why. (Attachment A) The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Director or the Director's designees to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

If at the informal meeting the student denies the charges, the Director or the Director's designees must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Director.

The Director or the Director's designees may overturn the removal of the student from class if the parent finds any one of the following:

1. The charges against the student are not supported by substantial evidence.

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2. The student's removal is otherwise in violation of law, including the code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The Director or his/her designees may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48 hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Director makes a final determination, or the period of removal expires, whichever is less.

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

Each teacher must keep a complete log (on a school provided form) for all cases of removal of students from his/her class. The Director must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his/her class until he or she has verified with the Director or the person from the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from school

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

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

Any staff member may recommend to the Director that a student be suspended. All staff members must immediately report and refer a violent student to the Director for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

a. **Short-term (5 days or less) suspension from school**

When the Director or a Board member (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school (Attachment A). The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice

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should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice of an opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Director shall promptly advise the parents in writing of his/her decision. The Director shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Board within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Board shall issue a written decision regarding the appeal within 10 business days of receiving the appeal.

b. Long-term (more than 5 days) suspension from school

When the Director or a Board member determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel. The right to question witnesses against him or her and the right to present witnesses and other evidence on his/her behalf.

The suspending party shall personally hear and determine the proceeding or may, in his/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 recommendations as to the appropriate measure of discipline to the suspending party. The report of the hearing officer shall be advisory only, and the suspending party may accept all or any part thereof.

An appeal of the decision of the Director may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within 10 business days of the date of the Director's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Director.

c. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

C. Minimum Periods of Suspension

1. Students who bring a weapon to school:

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Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Director has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Director may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Director's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

2. Students who commit violent acts other than bring a weapon to school:

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

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom:

Any student who repeatedly is substantially disruptive of the education process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For the purposes of this code of conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Director has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Director may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling
The Director shall handle all referrals of students to counseling.
2. PINS Petitions
ACCS may file a PINS (person in need of Supervision) petition in Family court on a student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

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- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
 - b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
 - c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.
3. Juvenile Delinquents and Juvenile Offenders.
The Director is required to refer the following students to the county Attorney for a juvenile delinquency proceeding before the Family Court:
- a. Any student under the age of 16 who is found to have brought a weapon to school, or
 - b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).

The Director is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

10. Alternative Instruction

When a student of any age is removed from class by a teacher, or if a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, ACCS will take immediate steps to provide alternative means of instruction for the student.

11. Discipline of Students with Disabilities

Students with disabilities have the same rights and responsibilities that all students have. However, the Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior (in many cases, ACCS's active, engaging, and accurately targeted instructional program may reduce the frequency of behavior episodes seen in other educational settings). The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

A. Authorized Suspensions or Removals of Students with Disabilities

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

A "suspension" means a suspension pursuant to Education Law §3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES. Such placement enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's

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current individualized education program (IEP). Services and modifications will also address the behavior which precipitated the IAES placement that is designed to prevent the behavior from recurring.

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

a. The Director or the Assistant Director of Operations may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

b. The Director may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Director determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. The Director may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The Director 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 days, if the student possesses or carries a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except ...{for} a pocket knife with a blade less than 2 1/2 inches in length".
- 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substance Act specified in both federal and state law and regulations applicable to this policy.
- 3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substance Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his/her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

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

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- a. For more than 10 consecutive school days; or
- b. For a period of 10 consecutive school days or less if the student is subject to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

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

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

1. The Troy Central School District's Committee on Special Education shall:

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

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

If one or more members of the CSE believe that modifications are needed, the school shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because retaining the student in his current educational setting poses a risk of harm to the student or others or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parent(s) of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if in accordance with federal and state statutory and regulatory criteria, the school is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the school is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

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a. The Director, Assistant Director of Operations or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

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

- 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
- 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the school, which can include suspension.

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

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

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for informal conference available to parents of non-disabled students under the Education Law.

5. Director hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be divided into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into the code.

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

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

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1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

a. The school 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 maintain that it is dangerous for the student to be in his/her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his/her current educational placement during such proceedings.

b. The parent 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 placement, including but not limited to any decision to place the student in an IAES

- 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, 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 and the district agree otherwise.
- 2) If school personnel proposes 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.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the school and the parents within five 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.

E. Referral to law enforcement and judicial authorities

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

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

2. The Director shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities.

12. Corporal Punishment

ACCS believes that corporal punishment is not a desirable method of enforcing decorum, order or discipline. ACCS prohibits the use of corporal punishment by employees.

- A. No teacher, administrator, officer, employee or agent shall use corporal punishment against a student.
- B. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a student, except as otherwise provided in subdivision "C" below.

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- C. In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:
1. to protect oneself from physical injury;
 2. to protect another student or teacher or any other person from physical injury;
 3. to protect ACCS property or the property of others;
 4. to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of the ACCS functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts.
- D. The parent/guardian of a student involved in any situation listed in “C” above will receive notification from the Director via certified mail (return receipt requested) postmarked within one day of the occurrence. Such notification will be sent to the student’s legal address on record.

Investigation of Complaints

Any complaint about the use of corporal punishment shall be submitted in writing to the Director. This written complaint will be forwarded to the school attorney within 7 (seven) days. The Director shall investigate the complaint to determine whether an incident actually took place, and if so, to determine the identity of the person or persons who administered the punishment, the identity of the student or students punished, reasons for the action and any other relevant facts or circumstances. Results of this investigation will be forwarded to the school attorney upon completion of the investigation.

Report to Commissioner of Education

Reports shall be submitted to the Commissioner of Education on or before January 15th and July 15th of each year concerning complaints about the use of corporal punishment during the six-month report period. Such reports shall set forth the substance of each complaint, the results of the investigation and the action, if any, by the district.

13. Student Searches and Interrogations

In recognition of certain societal problems which present themselves from time to time in our schools, the Board of Trustees authorizes the Director and assistant Director(s) to conduct searches of students and their possessions for illegal matter or matter which otherwise constitutes a threat of health, safety, welfare or morals of students attending our schools.

In authorizing such searches, the Board acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions (e.g. pocket contents, book bags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

School officials will exercise every safeguard to:

- Protect each student’s constitutional right to personal privacy and protection from coercion;
- Protect each student's constitutional right to personal privacy and protection from coercion;
- Emphasize that schools are educational rather than penal institutions; and
- Resolve any doubts in the student's favor.

Realizing the intrusive nature of a search, which requires a student to remove any and/or all clothing, the Board authorizes these searches following a review of the facts by the school attorney or the Director or

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his/her designees in the absence of the school attorney. Such searches are to be conducted only in situations where an emergency exists or necessity of searching a particular student without delay exists. Prior to engaging in such search, the school will take into account the nature of the crime, the student's age, student's record, need for such a search, and a demonstration of individualized suspicion.

Interrogation of Students by Police

It is the policy of this school to cooperate with law enforcement agencies. While police do not have a general power to interview children in schools, or to use school facilities in connection with police department work, the police may enter the school if a crime has been committed on school property, if they have a warrant for arrest or search, or if they have been invited by school officials.

When police have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney and must be protected from coercion and illegal restraint. Within the framework of their legal rights, students have the responsibility to cooperate with the police.

Searches and Interrogations Regulations

- a. Pursuant to Board policy, students may be subject to personal searches and searches of their possessions where reasonable individualized suspicion exists to conduct such search.
- b. Searches may be conducted by the Director, an assistant Director or school nurse.
- c. A search based upon the reasonable belief that the health or safety of those in schools is seriously and immediately threatened may be conducted with as much speed as is required to protect persons and property.
- d. Reasonable individualized suspicion to conduct a search of a student or a student's possessions and the scope of the particular search shall be based upon: the student's age; the student's history and record in school; the prevalence and seriousness of the problem to which the search is directed; the urgency necessitating an immediate search; and the probative value and reliability of information used as justification for the search.
- e. The request for a search of a student or student's possession shall be directed to the Director or Assistant Director of Operations, who shall attempt to obtain an admission from the student of possession of the illegal matter or a voluntary consent to the search.
- f. Whenever practicable, the search should be conducted in the privacy of administrative offices and the student should be present when his/her possessions are being searched.
- g. If school officials conclude that a more intrusive search is needed (i.e., a search which requires a student to remove any or all clothing, (with the exception of a search of outer coats and jackets)), they shall attempt to notify the parents of the students involved by telephone, or in writing after the fact if the parents could not be reached by telephone. Such searches will be conducted by school officials only after consultation with the school attorney and/or the Superintendent or another school official designated by the Superintendent, unless there is reasonable cause to believe that an emergency situation may exist (e.g., a dangerous weapon is being concealed by a student). Such searches shall be conducted by an administrator or nurse of the same gender as the student in the presence of another school employee who is also of the same gender.
- h. The Director or Assistant Director of Operations shall be responsible for the prompt recording in writing of each student search. Such writing should include the reasons for the search, information received that established the need for the search, and, where appropriate, the name of any informant(s) from whom information was received (informants other than school employees will be considered reliable if they have previously supplied information which was accurate and verified, if they make an admission against their own penal interest or if the same information is received independently from several informants). The written record of the student's search shall also contain

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the names of those persons who were present when the search was conducted, any substance or objects discovered, and the disposition of such matter.

- i. The Director or Assistant Director of Operations shall be responsible for the custody, control and disposition of any illegal or dangerous matter taken from a student. He or she will remain in control of such substance or objects unless the same are delivered to police authorities whereupon it shall be the responsibility of said building Director to personally deliver such matter to police authorities.
- j. Students have no reasonable expectation of privacy rights in school lockers, cubbies, desks or other school storage places, and the school exercises overriding control over such school property. The Director shall give notice to all students that lockers, desks and other school storage places may be subject to inspection at any time by school officials.
- k. No police officer may enter the schools of the district for the purposes of interrogating, searching or conducting formal investigations of students unless he/she has a warrant for arrest or search, unless a crime has been committed on school property, or if he/she has been invited by school officials.
- l. No police officer shall be allowed to perform a student search unless authorized by a search warrant or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises. In the case of a police officer presenting a search warrant, the Director shall first attempt to inform the parent or guardian of the police demand to search in order to afford the parent or guardian an opportunity to be present at the search. In the event that the parent or guardian cannot be contacted prior to a police search, the parent or guardian shall be informed of the search in writing by the Director as soon thereafter as is practicable.
- m. When police have properly entered the school and desire to interrogate a student, the Director shall first attempt to notify the parent or guardian of the student involved by telephone prior to any such interrogation or by telephone or in writing after the fact if the parent or guardian could not be reached beforehand. The student's parent or guardian should be present, if appropriate. The Director or other designated administrator, as appropriate, should also be present during any interrogation of a student by police on school property.

Documentation of Searches

The following factors should be considered in order to determine whether reasonable individualized suspicion exists with regard to a search of a student's person or his/her effects:

1. Eyewitness accounts

Note: by whom
date/time
place
detailed description of events/ items witnessed

2. Information from a "reliable source"

Note: from whom
time received
how information was received
who received information
complete summary of information

3. Suspicious behavior; describe behavior and explain suspicions.

If a search is conducted, the following should be documented:

- a. Time and location of search
- b. Age of student
- c. Circumstances contributing to exigency of search
- d. Purpose of search: what item(s) were being searched for?
- e. Type of search and scope thereof

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- f. Person conducting search and his/her title/position
- g. Witnesses of search
- h. Results of search; material(s) found, disposition of such material(s)
- i. Results of parental notification

Child Protective Services' Investigations

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

Regulations Pertaining to Child Protective Services' Investigations

The following guidelines apply to all such interviews:

- a. This regulation shall apply to all interviews requested by the Department of Social Services, Child Protective Services, as it pertains to that agency's investigations involving a student. Such investigation shall include, but shall not be limited to, suspected child abuse, suspected child neglect and custody investigation.
- b. All requests by Child Protective Services to interview a student of the district on school property shall be made directly to the Director.
- c. The time and place of such interview shall be designated by the Director in his/her absolute discretion.
- d. Any such interview conducted by the Child Protective Services shall be made in the presence of the Director, or, in the event that the Director cannot be present, in the presence of a staff person designated by the Director for that purpose. In the event that the Director is not present within the school, then such interview shall not take place unless it is in the presence of the school nurse.
- e. This regulation is for the protection and benefit of the students of the school and every reasonable effort shall be made to accommodate the request of the Department of Social Services, Child Protective Services, as it relates to the aforementioned investigations.

14. Visitors to the School

Visitors to ACCS will be governed by the following rules:

- 1. The Director must be contacted by the person or group wishing to visit, and prior approval must be obtained for the visit.
- 3. Parents or guardians wishing to speak with a specific teacher concerning the progress of a child must make an appointment with the teacher, in addition to obtaining the permission of the Director.
- 4. All visitors must report to the main office, sign-in and may be issued a visitor's permit. The permit must be returned to the main office and the visitor must sign out at the conclusion of the visit.
- 5. Registration shall not be required for school functions open to the public; whether or not admission is to be charged.
- 6. Parents are encouraged to visit guidance counselors, school nurses, school psychologists and other support personnel, by appointment, in order to discuss any problems or concerns the parent may have regarding the student, whether school related or not.
- 7. Any visitor wishing to inspect school records or interview students on school premises must comply with all applicable Board rules, regulations and policy. In questionable cases, the visitor shall be directed to the Director's office to obtain written permission for such a visit.
- 8. The Director is authorized to take any action necessary to secure the safety of students and school personnel. Unauthorized visitors shall be requested to leave school premises immediately, and will be subject to arrest and prosecution for trespassing if they refuse.

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15. Public Conduct on School Property

The Board of Trustees recognizes that the primary purpose of ACCS is to provide a superior atmosphere for learning and education. Any action by an individual or group which disrupts, interferes with, or delays the educational process or having such effect, is hereby declared to be in violation of Board policy. The Board shall approve rules and regulations to effect this policy as required by Education Law §2801.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of any person or persons who willfully damage school property.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

Public Conduct on School Property Regulation

Governing Policies

1. All policies must be interpreted and understood in light of the paramount rule of public order, that for every right exercised there is a corresponding duty to refrain from disruption of orderly classes, to refrain from willful interference with the lawful and authorized activity of others, to refrain from physical injury and damage to property, and to refrain from use or entry for other than authorized use.
2. All students, teachers and staff are guaranteed the constitutional right of free speech, peaceful assembly and just procedures for redress of grievance.
3. The right of peaceful demonstration of a non-disruptive nature is recognized as being within the constitutional privilege of freedom of speech.
4. Bigotry and racial discrimination have no place on school property.
5. The school is not a sanctuary from the law.

Prohibited Conduct

In accordance with its responsibilities under the law, the Board of Trustees declares that the conduct set forth below is prohibited conduct for all students, teachers, and other staff as well as visitors, licensees and invitees, acting either singly or in concert with others, on all school property, including buildings and grounds, except where otherwise stated:

1. No one shall willfully cause physical injury to any other person, nor threaten, harass or obstruct another for the purpose of compelling or inducing any other person to performing any act.
2. No one shall willfully damage or destroy property of the school or property under its jurisdiction nor, remove or use such property without authorization.
3. No one shall engage in theft of or damage to or defacement of any property of the school or any other person.

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4. No one shall disrupt the orderly conduct of classes, the orderly movement of students between classes, the orderly conduct of cafeteria periods, the orderly conduct of other school activities or authorized extra-curricular activities, or the orderly coming and going of students to and from school property for daily classes.
5. No one shall disrupt or threaten to disrupt or interfere with the orderly functioning of the school (functioning means academic activity, administrative activity, and operation and maintenance of the physical plant and grounds).
6. No one shall willfully interfere with the lawful authorized activities of others on school property.
7. No one shall enter upon and remain in any building, facility, office or room for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others.
8. No one shall enter into a locked school building or gate or room without prior authorization.
9. No one shall, without authorization, remain in any building facility after it is normally closed.
10. No one shall refuse to leave any building or facility after being requested to do so by any person responsible for the maintenance of order in a building or facility.
11. No one shall loiter in school buildings or on school grounds (under §240.35 of the State Penal Law: a person is guilty of loitering when he/she loiters or remains in or about a school building or grounds, not having any reason or relationship involving custody of, or responsibility for a student or any other specific legitimate reason for being there and not having written permission from anyone authorized to grant the same).
12. No visitor shall visit or carry out any purpose on school property without first obtaining permission from the Director, unless such visitor already has specific authorization for a specific purpose.
13. No one shall have access to or use school records without authorization.
14. No one shall willfully set fire to school district property, tamper with or obstruct any safety measures such as fire extinguishers, alarm systems, posted fire regulations, water sprinklers, fire doors, fail to conform to fire drill procedure, or tamper with any communications, heating, lighting, or power system.
15. No one shall make or cause to be made bomb threats, false alarms or false reports of school closings or cancellations of school events.
16. No one except law enforcement officers shall possess any firearms on school property, nor possess nor activate any firecrackers, blanks or caps, nor possess any cap gun or toy gun.
17. No one shall tamper with school telephones, nor remove authorized posters.
18. No one shall use any profane or obscene language.
19. No one shall commit dishonesty or fraud on school property, including theft of public or personal property.
20. No one shall gamble on school property.
21. No one shall use, possess, sell or transfer alcohol or controlled substances on school property (this should not be interpreted to prohibit the taking of medicinal drugs pursuant to a doctor's prescription for medicinal purposes only; such prescription shall be turned over to the Director, Assistant Director of Operations or school nurse upon arrival on school grounds and shall be kept in the custody of the Director, Assistant Director of Operations or nurse until the user is in route off school grounds).
22. No one shall violate school rules and regulations concerning the use of motor vehicles on school district property and school parking regulations.
23. No one shall cause disruption on or interfere with the operation of school buses.
24. No one shall fail to comply with directions of school officials acting in the performance of their duties.
25. No one shall willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.
26. No one from a community group having authorization to use school property for a specific purpose shall be exempt from the full equal application and enforcement of these regulations.
27. No one shall participate in action leading to a riotous disturbance. Inciting or encouraging action of a riotous nature by presence or leadership or by provocation either before or during the event shall be considered participation.

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Demonstrating groups must adhere to the following guidelines, which are reasonably calculated to prevent riots:

1. Participants must not be rude in any class, must not induce another student to must not disrupt nor threaten to disrupt any class or authorized.
2. Demonstrators may not have any object which could be used as a weapon, and the demonstration must be orderly, peaceful and physically confined to public areas on the grounds outside school buildings, except if, at the discretion of the Director, it is permitted to take place in a designated area inside a school building. In such case, access to and exit from any office or building must be continuously maintained, and streets kept open for vehicular traffic.
3. Demonstrators must respect and allow for the privacy of non-demonstrators and non-participants, and must respect the rights of opposing demonstrators if any.
4. Physical harassment and verbal abuse are to be absolutely avoided.
5. Leaders of such demonstrations shall confer in advance with the Director to assure no rules will be broken, and to secure police attendance for safety supervision if deemed necessary.

Program of Enforcement

1. Discovery of violation shall be by direct observation by the Director or other person reporting such violation to the Director, or shall be by reasonable evidence reported by any person to the Director or his/her designees. The violation shall also be reported to the Board of Trustees, depending on the nature and severity of the violation.
2. The Director has been delegated by the Board, pursuant to §3214 of the Education Law, as the authority to suspend a minor student for a period not to exceed five school days without an advance hearing.
3. A person who shall violate any of the provisions of these rules and regulations shall:
 - a. If a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant including suspension, exclusion from extracurricular activities, reprimand or suspension proceedings shall be conducted in accordance with the requirements of §3214 of the Education Law.
 - b. If a licensee or invitee, have authorization to remain upon the school grounds revoked, and he/she shall be subject to ejection.
 - c. If a tenured teacher or professional staff member, be charged with conduct provided in §3020-a of the Education Law.
 - d. If a staff member in the classified service of the civil service, described in §75 of the Civil Service Law, be charged with misconduct, and be subject to the penalties prescribed in said section.
 - e. If a non-tenured teacher or professional staff member, or a staff member other than one described in subdivisions (c) and (d) above, be subject to dismissal, suspension without pay, fine or reprimand subject to any applicable law, rule, or regulation.
 - f. If a trespasser or visitor without specific license or invitation, be subject to ejection.

Procedure

1. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in 5313.3, Suspension and Expulsion.
2. The Director or his/her designees shall inform any licensee or invitee who shall violate any provisions of these rules that the license or invitation is withdrawn and shall direct him/her to leave the school property. In the event of failure or refusal to do so, such officer shall cause his/her ejection from such property.

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3. In the case of a tenured teacher, charges of misconduct in violation of these rules shall be made, heard and determined in accordance with §3020-a of the Education Law.
4. In case of any staff member who holds a position in the classified civil service, described in §75 of the Civil Service Law, charges of misconduct in violation of these rules shall be made, heard, and determined as prescribed in that section.
5. Any other employee, staff member, or administrator, who shall violate any provision of these rules shall be dismissed, suspended, fined or reprimanded by the Director subject to any applicable law, rule, or regulation.
6. In the case of any other violator, who is neither a student nor teacher, other professional staff member, or other staff member, the Director or his/her designees shall inform the violator that he/she is not authorized to remain on the property of the school and direct him/her to leave such premises. In the event of failure or refusal to do so, such officer shall cause ejection of the violator from such property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation nor to affect liability to prosecution for trespass or loitering as prescribed in the Penal Law.

Responsibilities

1. The Director shall be responsible for the enforcement of these rules and shall designate the other administrative officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. It is not intended by any provision herein to curtail the right of students, teachers, or staff to be heard upon any matter affecting them in their relations with the school. In case of any apparent violation of these rules by such persons, which, in the judgment of the Director or his/her designees does not pose any immediate threat of injury to person or property, such office may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so, such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any school premises where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Director or his/her designees shall cause the ejection of the violator from any premises which he/she occupies in such violation and shall initiate disciplinary action as hereinbefore provided.
4. The Director or his/her designees may apply to the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules and may request the school attorney to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such rules.

Criminal Charges

Many of the acts prohibited by these rules and regulations also constitute violations of the Penal Law: In such cases, the Director and his/her designees may initiate criminal charges in addition to initiating the disciplinary procedures provided for herein or in place of such disciplinary procedure. All school

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personnel shall cooperate with police authorities, public officials and the courts in the prosecution of offenders.

At the discretion of the Director, immediate court action may be taken to obtain an appropriate court order or injunction.

16. Dissemination and Review

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents, and other community members.

The Board will sponsor an in-service education program for all staff members to ensure the effective implementation of the code of conduct. The Director may solicit the recommendations of the staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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

The Board may appoint an advisory committee to assist in reviewing the code and the school's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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

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

Attachment A



Ark Community Charter School

762 River Street • Troy, New York 12180

Phone:(518) 274-6312 Fax:(518) 274-3615 Email:accs@arkcharter.org

Website:www.arkcharter.org

Mary Theresa Streck, Principal/Director

SCHOOL SUSPENSION LETTER

According to our School's revised Code of Conduct, a parent must be informed in writing when their child is given a suspension from school. Please see attached incident report from an ACCS Staff member. Your child may return to school following a conference with you and the principal. Threats and acts of violence are reported to the State Education Department.

Student: _____ Grade: _____

Parent: _____

Address: _____

Date of Incident: _____

Reason for suspension: see attached incident report

Type of suspension: _____In-School Suspension _____Out-of-School Suspension

Date(s) of school suspension: _____

Number of days: _____

Student will return to his/her classroom on: _____
following a conference with the principal.

School Official authorizing school suspension: Mary Theresa Streck, Principal

Signature: _____

Date: _____

Followup: _____

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