

Student Code of Conduct



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INTRODUCTION

Why do we have a code of conduct?

Students need to be supported and engaged in school in order to promote strong character and appropriate conduct. It is also essential that students are able to take age-appropriate responsibility for their own behavior.

Student engagement is developed when students are provided with multiple opportunities to participate in a wide range of positive social activities while interacting with caring, supportive adults. This helps to ensure that students are better able to:

- recognize and manage emotions;
- develop caring and concern for others;
- establish positive relationships;
- make responsible decisions; and
- handle challenging situations constructively and ethically.

Effective and engaging instruction and positive behavioral supports are the foundations of a positive school climate. School teachers, administrators, and other staff are encouraged to set high expectations for student success, build positive relationships with students, as well as teach and model appropriate behaviors for success. Modeling respectful, positive behavior is especially critical during disciplinary interventions.

All adults, teachers, principals, administrators, school staff, parents, and the larger community have an obligation to help students become good citizens and lead productive lives by modeling desired behaviors and cultivating those behaviors in students.

Appropriate conduct and strong character are reflected in a civil, respectful, healthy and caring environment.

Student discipline and support policies and practices will be implemented in a manner which is caring and equitable, respectful and based on trust among administration, staff, students, and families and holds all individuals accountable, but is restorative and solutions oriented, rather than punitive. This will help students:

- learn from their mistakes;
- understand why their behavior was unacceptable;
- acknowledge the harm they caused or the negative impact of their actions;
- understand what they could have done differently;
- take responsibility for their actions;
- learn pro-social strategies and skills to use in the future; and
- understand that further consequences and/ or interventions will be implemented if their unacceptable behavior persists.

Niagara Charter School will continuously monitor results in an effort to determine strategies for improvement

Statement from the Niagara Charter School Board of Trustees

The Board is committed to providing a safe and orderly school environment where students may receive and School personnel may deliver quality educational services without disruption or interference. The School is committed to:

- ensuring each student is healthy, safe, engaged, supported, and challenged;
- helping students develop self-discipline and social and emotional growth; and
- guiding students in improvement and corrections of inappropriate, unacceptable and unsafe behaviors.

Responsible behavior by students, teachers, other school personnel, parents and other visitors is expected, as it is essential to achieving this goal. For this to happen, everyone in the school community must demonstrate and offer respect to others.

With the recognition that all children make mistakes and that this is part of growing up, schools must help all students learn to grow from their mistakes. School discipline policies should support students and teachers and ensure that everyone is treated with dignity and respect.

Student engagement is also integral to creating a positive school climate and culture that effectively fosters students' academic achievement and social/emotional growth. Providing students with multiple opportunities to participate in a wide range of pro-social activities and at the same time to develop a bond with caring, supportive adults reduces negative behavior. Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of student's achievements in a range of academic and co-curricular areas; using corrective feedback; and developing school-wide positive behavior systems.

The School has a long-standing set of expectations for conduct on school property, at school functions, and school buses. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible developmentally appropriate, graduated consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly, keeping in mind the goal is not to penalize, but to teach students there are consequences to actions and choices. To this end, the Board adopts this Code of Conduct ("Code"), which is based upon education laws, regulations, and Board policies.

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

DEFINITIONS

For purposes of this code, the following definitions apply:

“Behavior” is the way in which one acts or conducts oneself, especially towards others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with the Code of Conduct.

“Board Member” means a Trustee elected by the Niagara Charter School Board of Trustees in accordance with the By-Laws and approved by the New York State Education Department.

“Bullying/Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including but not limited to cyberbullying, that: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Color” means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

“Cyberbullying” means any harassment or bullying that occurs through or by any form of electronic communication. Cyberbullying includes but is not limited to instant messaging, text messaging, e-mail, digital photographs or images, social networking, or website postings (blogs, chat rooms, etc.), when such use of technology interferes with the operation of the school, or infringes upon the general health, safety or welfare of students or employees. Cyberbullying includes but is not limited to any use of technology that constitutes harassment, teasing, intimidation, threatening, or terrorizing of another individual.

Examples of cyberbullying include but are not limited to:

- Sending to others or posting any inappropriate, hurtful, rude, or derogatory e-mails or other electronic messages, instant messages, text messages, digital pictures or images, or website postings (including but not limited to blogs).
- Spreading rumors or lies about others by text message or e-mail or posting on any social networking sites.
- Creating or sharing pictures, websites, videos or social media profiles, including fake profiles that embarrass, humiliate, or make fun of others.

Cyber bullying is different from face-to-face bullying because messages, videos, pictures and/or images can, among other things, be:

- Sent 24 hours a day, 7 days a week, 365 days a year.
- Distributed quickly to a very wide audience.
- Sent anonymously.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

“Discrimination” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Disruptive student” means a student, under the age of 21, who disrupts the educational process or interferes with the teacher’s authority over the classroom.

“Emotional harm” that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

“Employee” means any person receiving compensation from the school or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such school, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

“Ethnic Group” means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and/or ideology that stresses ancestry.

“Gender” means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (masculine and feminine denote “gender”)

“Gender Expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Gender Identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

“Hazing” means any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. Acts constituting hazing may range in severity from teasing or embarrassing a student to various forms of physical, emotional, and/or sexual abuse. Hazing behaviors include, but are not limited to:

- a) Humiliation: socially offensive, isolating, or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol, or illegal drugs.
- c) Other dangerous actions: hurtful, aggressive, destructive, and disruptive behaviors.

“National Origin” means a person’s country of birth or ancestor’s country of birth.

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

“Plagiarism” means the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources even with minor alterations.

“Race” means a group of persons related by a common descent or heredity. For purposes of enumeration, the U.S. Census Bureau uses terms such as: “White/Caucasian”, “Black/African American/African-descent”, “Asian”, “Biracial”, “Hispanics/Latinos”, etc. to describe and classify the inhabitants of the United States.

“Relationships” are the way in which two or more people regard and behave toward each other.

“Religion” means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

“Religious Practice” means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

“Respect” is an act of treating everyone in the school community with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts and opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one’s hands to one’s self and not violating others’ personal space.

“Restorative Practices” are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between parties.

“School bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

“School grounds” means any building, structure, and surrounding outdoor grounds contained within the school’s legally defined property boundaries as registered in the Niagara County Clerk’s Office.

“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 a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law 142.

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

“Sex” means the biological and physiological characteristics that define men and women. (male and female denote “sex”).

“Sexual Orientation” means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

“Violent student” means a student under the age of 21 who:

- Commits an act of violence upon a school employee
- Commits, while on school property or at a school function, an act of violence upon another student or any other person on school property or at the school function
- Possesses, or displays while on school property or at a school function, a weapon
- Displays while on school property or at a school function, what appears to be a weapon
- Threatens, while on school property or at a school function, to use a weapon
- Damages or destroys school property or the personal property of any school employee or any person lawfully on school property or at a school function.

“Visitor” means any person who is not either a regular staff member, a student of the school, or a Board Member.

“Weapon” means a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

“**Weight**” means aside from the obvious meaning in the physical sciences, the word is used in reference to a person’s “size”.

STUDENT RIGHTS AND RESPONSIBILITIES

A. STUDENT RIGHTS

Niagara Charter School is committed to safeguarding the rights given to all students under state and federal law, which include:

1. A safe, healthy, orderly and civil school environment;
2. Taking part in all school activities on an equal basis regardless of age, weight, ethnic group, religious practice, race, gender, religion, color, national origin, sex, sexual orientation, political affiliation, use of a recognized guide dog, hearing dog or service dog, disability or any other classification protected by law;
3. Presenting their version of the relevant events to school personnel authorized to impose a disciplinary consequence;
4. Accessing school rules and, when necessary, receiving an explanation of those rules from school personnel;
5. The protection of students from threats and inappropriate content accessible through the school network through the use of internet filters and monitoring.

B. STUDENT RESPONSIBILITIES

All Niagara Charter School students have the responsibility of:

1. Contributing to maintaining a safe and orderly school by following Niagara Charter School’s Code of Conduct;
2. Attending school every day, on time, and prepared to learn;
3. Working to the best of their ability in all academic and extracurricular pursuits;
4. Reacting positively and responsibly to direction given by all school personnel;
5. Working to develop mechanisms that control their anger;
6. Seeking help in solving problems through participation in restorative practices;
7. Asking questions when they do not understand;
8. Dressing appropriately, in accordance with the school’s dress code;
9. Accepting responsibility for their actions and seek reconciliation as appropriate;
10. Conducting themselves as representatives of the school when participating in, or attending school sponsored extracurricular events;
11. Securing their personal belongings (money, jewelry, technology, etc.);

12. Using school technology and other resources for academic and school related activities, respecting and not destroying or altering technology hardware and software.

ESSENTIAL PARTNERS

A. PARENTS

The Code of Conduct is a guide for understanding the personal, social, and academic behaviors which are expected from your child while at school and school functions. This Code also guides how school staff will work with you and your child to help demonstrate positive behaviors and enjoy academic success.

To achieve this goal, parents will be encouraged to promote participation in restorative practices to resolve incident and conflict and to support their child in receiving the maximum benefit from a restorative justice approach.

To achieve this goal, all parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community, and collaborate with the School to optimize their child's educational opportunities.
2. Ensure that their children attend school as scheduled, ready to participate and learn, and provide written notification of any absences.
3. Help their children understand that appropriate rules are required to maintain a safe, orderly environment as per the code.
4. Know school rules and help their children understand them.
5. Convey to their children a supportive attitude toward education and the school.
6. Help their children deal with peer pressure in accordance with the code.
7. Inform school officials of changes in the home situation that may affect student conduct or performance.
8. Build positive, constructive relationships with teachers, other parents, and their children's friends.
9. Tell school officials about any concerns or complaints in a respectful and timely manner,
10. Be respectful and courteous to staff, other parents/guardians and students while on school premises.
11. Model and monitor the use of electronic devices and social media with children to ensure their safety and promote acceptable behavior.
12. Provide a place for study and ensure homework assignments are completed.

13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or any other classification protected by law which will strengthen the child's confidence and promote learning in accordance with Dignity for All Students Act.

14. Be open to active participation in resolving conflicts through a restorative process.

B. STAFF

The Code of Conduct is a guide for supporting positive student behavior at school. IT is intended to help staff prevent student misconduct through the use of effective strategies and systems. It will provide guidance for intervening effectively and appropriately if students do not meet expected standards of behavior or violate school rules and policies. Concerns about safety and school climate should be brought to administration so staff can work together to maintain a safe and orderly learning environment.

All staff are expected to understand that students may come to school having experienced trauma in their lives, which can impact their behavior in school.

Teachers

To achieve this goal, all teachers at Niagara Charter School are expected to:

1. Maintain and model a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or any other classification protected by law with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

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

3. Communicate to students, parents, and administration (concerns of any kind shall always first be addressed with the parent directly prior to making a school referral):

a. Class learning targets and requirements

b. Grading procedures

c. Assignment deadlines

d. Expectations for students

e. Classroom discipline plan

f. Routines and procedures (these shall be taught and practiced regularly)

4. Communicate regularly with students, parents and other school staff concerning growth and achievement.

5. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity for all Students Act Coordinator in a timely manner.
8. Be prohibited, in any circumstances, from dating, or engaging in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have consented to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a students unrelated to class work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. "Frequent personal communication with a student unrelated to class work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites.
9. Actively participate in training sessions or workshops as offered or available.
10. Be open to active participation in resolving conflicts through a restorative process.

Support Staff

All support staff are expected to:

1. Maintain and model a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or any other classification protected by law with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Support educational and academic goals.
3. Communicate to students, parents, and administration (concerns of any kind shall always first be addressed with the parent directly prior to making a school referral)
4. Maintain confidentiality in accordance with state and federal law.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.

6. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity for all Students Act Coordinator in a timely manner.
9. Be prohibited, in any circumstances, from dating, or engaging in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have consented to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a students unrelated to class work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. "Frequent personal communication with a student unrelated to class work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites.
10. Actively participate in training sessions or workshops as offered or available.
11. Be open to active participation in resolving conflicts through a restorative process.

Counselors

All school counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Encourage students to benefit from the curriculum and extracurricular programs.
5. Make known to students and families the resources in the community that are available to meet their needs.
6. Maintain confidentiality in accordance with federal and state law.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or any other classification protected by

law with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity for All Students Coordinator in a timely manner.

9. Be prohibited, in any circumstances, from dating, or engaging in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have consented to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a students unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. "Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites.

10. Actively participate in training sessions or workshops as offered or available.

11. Be open to active participation in resolving conflicts through a restorative process.

Principals/Administrators

All school principals are expected to:

1. Inform all students and their parents of the Code of Conduct at the beginning of the school year.

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

3. Ensure their accessibility to students, staff, and parents;

4. Evaluate on a regular basis all instructional programs;

5. Support the development of student participation in appropriate extracurricular activities;

6. Be responsible for enforcing the code and ensuring that all cases are resolved promptly and fairly;

7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or any other classification protected by law with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn;

8. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the principal's attention in a timely manner in collaboration with the Dignity for All Students Act Coordinator;
9. Comply with all reporting requirements as directed by the State Education Department.
10. Be prohibited, in any circumstances, from dating, or engaging in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have consented to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a students unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. "Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites;
11. Actively participate in training sessions or workshops as offered or available
12. Appoint a Dignity for All Students Coordinator. The coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, gender expression and sex. The coordinator will be accessible to students and other staff members for consultation and advice as needed.
13. Promote a trauma-informed approach to addressing student behavior by supporting professional development, providing a safe work environment, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
14. Be open to active participation in resolving conflicts through a restorative process.

Board of Trustees

It is the job of the Board to:

1. Collaborate with student, teacher, administrator, parent organizations, school safety personnel and other school personnel to develop a code that clearly defines expectations for the conduct of students, school personnel and visitors on school property and school authorized functions;
2. Adopt and review the code at least once a year to evaluate its effectiveness and the fairness and consistency of its implementation.
3. Be open to active participation in resolving conflicts through a restorative process.

DIGNITY FOR ALL STUDENTS ACT (DASA) COORDINATOR

Niagara Charter School's Dignity for All Students Act Coordinator can be reached via phone at (716)297-4520, extension 7702.

ATTENDANCE

Student attendance is one of the most important factors relating to the success of every child. Niagara Charter School's expectation is that all students be in attendance for a minimum of 90% of all instructional time throughout the school year (that's 18 or less absences per school year). Both excused and unexcused absences, as well as tardiness, will be closely monitored.

STUDENT DRESS CODE

Uniforms instill a sense of community and alleviate peer pressure regarding clothing choices. All students will be expected to be in uniform at all times. Students' appearance should be clean and neat, and should not be a distraction to other members of the school community, nor a safety or health risk to the student or others.

Uniform

- Gray or navy polo shirt, short or long sleeved, embroidered with the Niagara Charter School logo. Shirts must be tucked in.
- Gray fleece embroidered with the Niagara Charter School logo.
- Classic cut navy shorts, pants, skirt, capri pants, or skorts. Skirts and skorts should be just above the knee.

Dress Code

- Headgear should not be worn in the building or classroom except for medical or religious purposes.
- Footwear must be worn at all times. Hazardous footwear (flip-flops, slippers, shoes with heels, backless or open-toe shoes) are not permitted.
- All underwear must be completely covered with outer clothing and all apparel should be fastened appropriately and worn as designed.
- Clothing/outerwear that depicts discriminatory or obscene words or images, or that promotes weapons, drugs, alcohol, tobacco, drug paraphernalia, and violence or gang symbols is prohibited.
- During the school day, all coats, hats, jackets, scarves, purses, and backpacks are to be kept in lockers.

Parents of students requiring accommodations for religious beliefs, disability, or other just cause must contact administration.

Students who violate the uniform and/or dress code policy may be required to modify their appearance by covering or removing the offending item or may face disciplinary measures. Any student who repeatedly fails to comply with the policy shall be subject to further discipline, up to and including suspension from school.

PROHIBITED STUDENT CONDUCT

School personnel, who interact with students, are expected to use disciplinary action when necessary and regularly reinforce the students' ability to grow in self-discipline. Students who will not accept responsibility for their own behavior and who violate these school rules, will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school, when they:

A. Engage in conduct that is disruptive, insubordinate or disorderly.

Examples of this conduct include but are not limited to:

- Running in hallways
- Making unreasonable noise
- Obstructing vehicular or pedestrian traffic
- Engaging in any willful act which disrupts the normal operation of school
- Failing to comply with the directions of teachers, administrators or other school employees in charge of students, or otherwise demonstrating disrespect
- Lateness for or leaving school without permission
- Skipping detention
- Cyberbullying
- Violating the Acceptable Use Policy for Technology
- Proper etiquette is expected when using electronic devices. Unauthorized or secretive use of personal electronic devices is prohibited. The use of electronic devices during instruction and the administration of assessments is prohibited except when authorized. The use of personal electronic devices is prohibited in areas where personal privacy is expected (areas such as restrooms and locker rooms). Personal electronic devices include, but are not limited to, cell phones, picture phones, headphones, cameras, camcorders, pagers, iPods, iPads, etc. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass, discriminate against or threaten others.
- The use of technology to record, document, and/or disseminate information about an individual without their consent is prohibited. Niagara Charter School will, however, continue to use technology to investigate inappropriate use of technology and shall report cyber-crime and cooperate with authorities to support investigations related to improper use of personal and/or school technology.
- Any act that attempts to bypass school security, firewalls, or access protected information through the use of technology or otherwise, or any attempt to introduce any unauthorized computer program to the network such as a computer virus

*Chronic acts of disruptive behavior by any student should result in the development of a Functional Behavioral Assessment and/or Behavioral Intervention Plan and may result in a formal hearing.

B. Engage in conduct that is violent, as defined in the NYS SSEC Reporting.

Examples of violent conduct include but are not limited to:

- Committing an act such as hitting, kicking, punching, spitting, biting, stabbing, and scratching upon any school employee, student or upon other persons lawfully on school property
- Possessing a weapon as defined by the code
- Displaying what appears to be a weapon.
- Threatening to use any weapon
- Intentionally damaging or destroying the personal property of any school employee or any person on school property
- Intentionally damaging or destroying school property
- Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.

*Repeated acts of physical or verbal aggression by any students should result in the development of a Functional Behavioral Assessment and/or Behavioral Intervention Plan and may result in a formal hearing.

C. Engage in conduct that discriminates/harasses or bullies as defined in the Dignity for All Students Act.

Such examples include but are NOT limited to:

- Name calling
- Telling an inappropriate joke in class
- Making ethnic and/or racial slurs

D. Engage in any conduct that endangers the safety, morals, health or welfare of any others.

Examples of such misconduct include but are not limited to:

- Harassment/bullying
- Hazing
- The inappropriate use of school and personal technology (including, but not limited to, cyberbullying) which is disruptive to the learning environment or violates the Acceptable Use Policy, or applies to any of the following misconducts
- Lying to school personnel
- Stealing the property of other students, school personnel or other persons lawfully on school property
- Selling, using or possessing obscene material
- Possessing or smoking a cigarette, cigar, pipe, cigarillo, bidi, clove cigarette, spit/spitless tobacco or using/possessing chewing or smokeless tobacco

- Possessing or smoking e-cigarettes, vaporizers and any other products containing nicotine, including current FDA-approved smoking cessation products.
- Possessing, consuming, selling, distributing or exchanging alcohol in any form or illegal substances, or being under the influence of either
- Possessing, using, or sharing prescription and/or over-the-counter drugs without expressed permission from a school authority. All orders for prescription and/or over-the-counter medication must be administered through the health office by a school official.
- Defamation, which includes making false statements that, harms the reputation of that person/group
- Discrimination, which includes the use of race, color, age, creed, national origin, ethnic group, religious practices, sex, gender identity, religion, gender, sexual orientation, disability, and any other classification protected by law as a basis for treating another in a negative manner
- Acts of sexual harassment
- Individual and/or gang related bullying, harassment, intimidation, or cyber bullying, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at a person or group that are intended to be ridiculing or demeaning and/or which includes engaging in actions or statements that put an individual in fear of bodily harm. Using vulgar or abusive language or gestures, cursing or swearing, or displaying gang related insignia.
- Indecent exposure of private parts
- Initiating a report of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire alarm or fire extinguisher
- Gambling and gaming (including, but not limited to, gambling or gaming via the Internet)
- Signs of physical affection that is inappropriate for school; kissing, handholding

E. Engage in misconduct while on a school bus.

It is crucial for students to behave appropriately while riding on school buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting, harassment, cyberbullying and discrimination will not be tolerated. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the school's code. The school will comply with all reporting requirements outlined in the DASA regulations.

F. Engage in any form of academic misconduct.

Plagiarism, cheating and dishonesty violate academic integrity and defeat the purpose for learning. There is no distinction between parties either offering or accepting improper assistance. This includes homework, in-class assignments, testing, and research papers. This may include, but is NOT limited to:

- Use of cell phones

- Text messaging
- Electronic cut and paste
- Crib notes
- Sharing answers
- Use of iPods, MP3 players, and/or other electronic devices
- Talking during testing
- Use of stray or smudge marks on tests
- Nonverbal signals
- Misuse of calculators and/or other technology
- Obtaining answers from instructors

Any students who plagiarize, cheat, and are dishonest will be subject to consequences at the discretion of the teacher and/or administrator.

REPORTING VIOLATIONS

Any person aware of a violation of the Code of Conduct, Acceptable Use Policy, and any Niagara Charter School policies and procedures should notify the appropriate internal personnel immediately as an expectation of this Code of Conduct. The school will not tolerate any retaliation against an individual, who, in good faith, reports or assists in the investigation of harassment, bullying, or discrimination.

INVESTIGATIONS OF HARASSMENT, BULLYING, AND/OR DISCRIMINATION

The Chief Academic Officer or designee will lead and/or supervise a thorough investigation of all reports of harassment, bullying, and/or discrimination, and ensure that such investigations are completed promptly after receipt of any reports. All investigations will be conducted in accordance with law, the *Code of Conduct*, and applicable School policy and procedure.

In the event any investigation reveals harassment, bullying, and/or discrimination, the School will take prompt action reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying, and/or discrimination was directed. These actions will be taken consistent with applicable laws and regulations, School policies and administrative regulations, and collective bargaining agreements, as well as the School's *Code of Conduct* and any and all applicable guidelines approved by the Board.

The Chief Academic Officer, or his/her designee will notify the appropriate local law enforcement agency when it is believed that any incident of harassment, bullying, and/or discrimination constitutes criminal conduct.

DISCIPLINARY PHILOSOPHY, PROCEDURES, INTERVENTIONS, AND CONSEQUENCES

Historically, the discipline of students in school's has focused on handing out punishments based on specific actions. These punishments include reprimands, loss of privileges, office referrals, detentions, and suspensions.

However, understanding discipline as a “teachable moment” is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the board authorizes restorative practices to be employed, where appropriate, use conflict resolution, restitution to those harmed, and group, classroom, community, and readmission process to address misbehaviors with the ultimate goal of teaching pro-social behavior. This approach seeks concurrent accountability and behavioral change.

Restorative practices include valuing and restoring relationships, repairing the harm done to affected parties, respecting others' opinions, and reintegrating into the school community.

Under the model, we ask:

- Who has been hurt?
- What are their needs?
- Whose obligations are these?

Essential to the implementation of restorative practices is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it caused;
- Understand what could have been done differently in the same situation;
- Take responsibility for their actions;
- Make reparation and/or restitution to repair the harm done;
- Be given the opportunity to learn pro-social strategies/skills to use in the future, and
- Understand the progression of more increasingly punitive consequences may be imposed if the behavior reoccurs.

While there may be more traditional punishments in conjunction with teaching behavior expectations and treating disciplinary matters as teachable moments, this is a more effective approach than merely reacting to specific events unless the student behaviors pose an immediate or ongoing threat to the safety of other students and staff.

The Board directs staff and administration to utilize restorative practices or traditional discipline at their discretion when addressing student disciplinary issues.

In the application of restorative principles, the process is always voluntary for the students. Any parent can request to go to the traditional disciplinary route and not participate in the restorative process. This may happen at any time during the process, or if a student is unwilling to accept responsibility for their actions and is not demonstrating willingness to make amends.

Action, when necessary, will be fair and consistent in order to be the most effective in changing student behavior. In determining the appropriate action, authorized school personnel will consider the following:

- The student's age
- The nature of the offense and the circumstances which led to the offense
- The student's prior disciplinary record or other pertinent school records
- The effectiveness of other forms of discipline
- Information from parents, teachers, and others as appropriate
- The student's disability (if applicable)
- Other extenuating circumstances

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. However, school staff are empowered to utilize the consequences most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

Remediation Ideas: The Dignity for all Students Act emphasizes the creation and maintenance of a positive learning environment for all students. In addition, the act requires the development of measured, balanced, progressive, and age-appropriate responses to discrimination, harassment, and bullying of students by students and/or employees. Remedial responses should place the focus of discipline on discerning and correcting the reasons why discrimination, harassment, and bullying occurred. The remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

Appropriate remedial measures may include, but are not limited to:

- Peer support groups
- Assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day
- Corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience
- Engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed
- Supportive intervention and/or mediation where constructive conflict resolution is modeled
- Behavioral assessment or evaluation
- Behavioral management plans or behavior contracts, with benchmarks that are closely monitored
- Student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

LOGICAL CONSEQUENCES

Students who have engaged in misconduct shall be subject to the following actions either alone or in combination with one another.

- Referral to an in school or outside of school support
- Verbal warning
- Written warning
- Accountability project-a research-based project that provides the student with a greater understanding of how his/her actions and behaviors affect others. The project will also give the student an opportunity to take responsibility and take action to repair the harm and prevent it from happening again.
- Detention
- Suspension from transportation
- Suspension from social or extracurricular activities
- Suspension of other privileges
- Removal from classroom
- Short-term suspension (five days or less)
- Long-term suspension (more than five days)
- Permanent suspension from school
- Other applicable consequences not listed above

SUSPENSION

A. Five School Days or Less

The Chief Academic Officer will have the power to suspend a student for a period not to exceed five school days. In the absence of the Chief Academic Officer, the designated "Acting Principal" may then suspend a student for a period of five school days or less.

When the Chief Academic Officer (the "suspending authority") proposes to suspend a student for five school days or less, the suspending authority will provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority will provide an explanation of the basis for the suspension.

When suspension of a student for a period of five school days or less is proposed, administration will also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice will provide a description of the incident(s) for which suspension is proposed and will inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Chief Academic Officer in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference will be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation

will be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference will take place prior to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference will take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Chief Academic Officer for a violation of the *Code of Conduct* and a minimum suspension period.

B. More Than Five School Days

In situations where the Chief Academic Officer determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, will have had an opportunity for a fair hearing. At the hearing, the student will have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Chief Academic Officer will not be barred from considering the admissibility of the weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of the weapon, instrument or appliance was the result of an unlawful search or seizure.

C. Minimum Periods of Suspension

Pursuant to law, and the *Code of Conduct*, minimum periods of suspension will be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises will be suspended for a period of not less than one (1) calendar year. However, the Chief Academic Officer has the authority to modify this suspension requirement on a case-by-case basis.
- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or

substantially interferes with the teacher's authority" will be determined in accordance with Commissioner's regulations.

- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law.

ALTERNATIVE INSTRUCTION

When a student of compulsory age is suspended from school pursuant to Education Law 3214, the school will take immediate steps to provide alternative means of instruction for the student.

DISCIPLINE OF STUDENTS WITH DISABILITIES

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" (Interim Alternative Educational Setting) means a temporary educational placement for a period of up to 45 school days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting to continue to receive those services and modifications, including those described on the student's current Individualized Education Plan (IEP), that will include services and modifications (Functional Behavioral Assessment and/or Behavioral Intervention Plan) to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- a. The board or building principal 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 building principal may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determined 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 building principal may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The building principal may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or for behavior involving serious bodily injury.

3. Subject to specified conditions required by both federal and state law regulations, an impartial hearing officer may order the placement of a student with a disability in the IAES setting for up to 45 days at a time, if maintaining the student in her or 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: a. for more than 10 consecutive school days; or b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the 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 Committee on Special Education of a student's home district shall: Conduct Functional Behavioral Assessments (provided that the school district had not conducted such assessment prior) to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district 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 a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subsequently 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 district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

2. The school will conduct a 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, serious bodily injury, or illegal drugs or controlled substances or because maintaining 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.

3. The parent 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 district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have the disability for discipline purposes.

a. The building principal 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 district 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; or 3) the parent of the student has not allowed an evaluation of the student; or 4) the parent of the student has refused services

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;

b) The parent of the student has refused services under law and/or regulations; or

c) The student has been evaluated and it was determined that the student is not a student with a disability.

If it is claimed by the parent of the student or by School personnel that the School had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it will be the

responsibility of the Chief Academic Officer or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

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. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the School will provide special education and related services in accordance with law and/or regulations.

4. 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 safeguard notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

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

6. Formal 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 consequence phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

7. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of nondisabled 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.

8. 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

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 or her current educational placement, or during the due process hearings where school personnel maintain that it is dangerous for the student to be in his or 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 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 proposed to change the student's placement after expiration of an IAES placement, during any proceeding to challenge the proposed change in 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 a 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 (Individual Disabilities Education Act) and its implementing regulations:

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

EXHAUSTION OF ADMINISTRATIVE REMEDIES

If a parent/person in parental relation wishes to appeal the decision of the Chief Academic Officer to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Trustees prior to commencing an appeal to the Commissioner.

PROCEDURE AFTER SUSPENSION

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board of Trustees whenever it appears to be for the best interest of the school and the student to do so. The Board of Trustees may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

CORPORAL PUNISHMENT

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

STUDENT SEARCHES AND INTERROGATION

The Board of Trustees is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence on a student may question a student about an alleged violation of law or the school code. Students are not entitled to any sort of warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student.

In addition, the board authorizes the building principals to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the school code.

An authorized school official may conduct a search of a student's belongings when it is minimally intrusive, such as touching the outside of a book bag, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search the student's belongings based upon information received from a reliable informant.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practical, searches will be conducted in the privacy of administrative offices and the student will be present when their possessions are being searched.

Additionally, building-wide searches may be conducted periodically. These searches may be unannounced and may involve the entire student body. The purpose of this type of search is preventative in nature.

School officials, whenever possible, will seek the least intrusive means to conduct a search to safeguard the privacy interests of students in their person and property.

A. Student Lockers, Desks and other School Storage Places

The rules in this code regarding searches of students and their belongings do apply to student lockers, desks, and other school storage places including computer files. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. However, a student's personal belongings contained within a locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.

B. Parent Notification

The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found in the student's locker, vehicle, or other property or possessions, or on the student's person, as a result of a search conducted in accordance with this policy.

C. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording all appropriate information about each search including, but not limited to, the reasons for the search, the purpose of the search, the type and scope of the search, and the results of the search.

The building principal/designee shall be responsible for the custody, control and disposition of any illegal or dangerous items taken from the student. The principal/designee shall clearly label each item taken from the student and retain control of the item(s), until the items are turned over to the police. They will also be responsible for personally delivering dangerous or illegal items to police authorities.

D. Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private outside the presence of other students by the appropriate school administrator(s). The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

E. Police Involvement in Searches and Interrogations of Students

School officials are committed to cooperating with law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have: 1. A search warrant, arrest warrant, or any other authorizing court order; or 2. Probable cause to believe a crime has been committed on school property or function; or 3. A request from school officials as it relates to a school incident

The building principal/designee shall try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. The principal/designee will also be present during any police questioning or search of a student on school property or function.

F. Child Protective Services Investigation

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

All requests by Child Protective Services to interview a student on school property shall be made directly to the building principal/designee. The principal/designee shall set the time and place of the interview. CPS will decide if it is necessary and appropriate for a school official to be present during the interview.

VISITORS TO THE SCHOOLS

Since schools are a place of work and learning, certain limits must be set for visiting the school and classrooms. The building principal/designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the school:

1. Anyone who is not a regular staff member, student of the school, or a Board Member will be considered a visitor.
2. All visitors to the school must enter the building through the main door and check in at the front office to state their business. After checking in, the front office personnel will determine whether the visitor may proceed to the requested destination with or without an escort. Visitors will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the ID badge to the front office before leaving the building.
3. In order to ensure that instruction is not interrupted, we ask that anyone dropping off or picking up students wait in the front lobby.
4. Parents or guardians requesting to speak with a staff member or a member of the administrative team must make an appointment. Meetings will not take place without an appointment.
5. Parents or guardians will not be permitted to meet with a teacher during instructional hours.
6. Board Members, when they visit the school, shall be subject to the restrictions of all as if they are a visitor to the school.
7. Any unauthorized person on school property will be reported to the principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in the code.

PUBLIC CONDUCT ON SCHOOL PROPERTY

The school is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions. For the purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function, including students, teachers, school personnel, and visitors. The purpose of this code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons are expected to be properly attired for the purpose that they are on school property.

A. Prohibited Conduct

No person shall:

1. Intentionally injure any person or threaten to do so
2. Intentionally damage or destroy school property or the personal property of a school employee or any person lawfully on school property, including graffiti or arson
3. Disrupt the orderly conduct of classes, school programs or other school activities

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, political affiliation, use of a recognized guide dog, hearing dog or service dog, disability, or any other classification covered by law
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed
7. Obstruct the free movement of any person in any place to which this code applies
8. Violate the traffic laws, parking regulations or other restrictions on vehicles
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school
11. Loiter on or about school property
12. Gamble on school property or at school functions
13. Refuse to comply with any reasonable order of identifiable school officials performing their duties
14. Use aggressive, profane, or obscene language
15. Willfully incite others to commit any of the acts prohibited by the code
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function
17. No person shall smoke, use tobacco or e-cigs on school property
18. Possess, share, show, or distribute inappropriate electronic images

B. Consequences

Persons who violate this code shall be subject to the following consequences:

1. Visitors. Their authorization, if any, to remain on school grounds or at the function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 3020-a or any other legal rights that they may have.

4. Staff members in the classified civil service are entitled to the protection of applicable provisions of the Civil Service Law. They shall be subject to immediate ejection and to disciplinary actions as the facts may warrant in accordance with Civil Service Law or any other legal and/or contractual rights that they may have.

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

C. Enforcement

The building principal/designee shall be responsible for enforcing the conduct by this code.

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

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

DISSEMINATION AND REVIEW

A. Dissemination of the Code of Conduct

The board will work to ensure that the community is aware of this code, by:

1. Providing copies of a summary of the code to all students in age appropriate plain language 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 written in plain language to all parents of Niagara Charter School 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 access to the current code when they are first hired;
6. Making copies of the code available for review by students and parents;
7. Acknowledge receipt and review of the Code of Conduct by parent and student;

APPLICATION

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Note: The Code of Conduct will be reviewed annually and updated as necessary.