

## **The Renaissance Charter School 2 Student Discipline Policy**

The Renaissance Charter School 2 (“TRCS2”) is a village and, as such, can prosper only when everyone takes full responsibility for its safety and well-being. Everyone, regardless of his or her age, has certain rights and responsibilities, and it is mutual respect for all that holds the community together. In that regard, TRCS2 believes that student behavior shall reflect the standards of good citizenship expected of members of a democratic society. High personal standards of courtesy, decency, proper language, honesty, respect for others, and morality shall be maintained. Further, pursuant to the New York State Dignity for All Students Act (“Dignity Act”) and its regulations, TRCS is committed to providing an educational environment that promotes respect, dignity and equality. Acts of discrimination and harassment, including bullying, cyber-bullying, taunting and intimidation, are detrimental to student learning and achievement. TRCS expects all of its community (students, parents, teachers, staff and the administration) to foster civility and to prevent and prohibit conduct that is inconsistent with the expectation of respect, dignity and equality for all.

TRCS2 has, at its philosophical core, the belief that any disciplinary action is meant to educate the student to understand why his or her conduct was inappropriate and to guide the student in a way that will help him or her avoid committing future infractions. Discipline is not a punitive response, but rather, intended to promote self-reflection and responsibility for one’s actions.

## **DIGNITY ACT POLICY**

TRCS2 will not tolerate harassment, bullying, or cyber-bullying that: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment; or (e) where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying include, but are not 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.

Gender means the actual or perceived sex of an individual and includes a person’s gender identity or expression. Sexual orientation means the actual or perceived heterosexuality, homosexuality or bisexuality of a student. Cyber-bullying means harassment or bullying that occurs through any form of electronic communication or information technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and all forms of social media and websites.

### **Dignity Act Coordinator (DAC)**

TRCS2 has a Dignity Act Coordinator (DAC). The DAC's name and contact information will be available to students and families through a posting on our website at:

<http://www.renaissancecharter.org/parents.html/studentsupport.html>

The DAC will be trained to handle issues and relations in the areas addressed by the Dignity Act (race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex). The DAC serves as the point person for all Dignity Act issues at TRCS2 and works to ensure that all students are provided with a safe, supportive and positive school climate, free from harassment or discrimination, based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.

Any incident of harassment or bullying may be reported to the DAC or to the Principal. Reports should be made at the earliest possible time. Staff members who witness or become aware of any incidents of harassment or bullying must report it to the Principal within one day.

## **GUN FREE POLICY**

Students are prohibited from bringing a firearm to, or possessing a firearm at, school or any school-related function or activity, on or off campus. Any student who is determined to have brought a firearm to, or possessed a firearm at, school or any school-related function or activity on or off campus, shall be suspended from school for a period of at least one year, and may be expelled. In addition, TRCS2 shall refer any student found to have brought or

possessed a firearm while at school or any school-related function or activity to the proper law enforcement authorities.

The ELC shall allow a student found to have brought or possessed a firearm while at school or any school-related function or activity to apply in writing for a modification of the suspension requirement or expulsion, or of the term of such student's suspension or expulsion. Any modifications made by the ELC shall be done on a case-by-case basis with an explanation for such modifications issued in writing.

For purposes of this policy, "school" shall mean any setting that is located on school owned, leased, controlled, or supervised property or within a distance of 1,000 feet from school property that is owned, leased, controlled, or supervised by the school, whether such property is owned, leased, controlled or supervised wholly or in part, for the purpose of school activities, even if such activities are located off of school property, including but not limited to, inter-school athletic events, extracurricular activities, school trips, and fundraisers.

For purposes of this policy, the term "firearm" has the same meaning given such term in section 921(a) of title 18, United States Code, which defines the term as follows: "(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device."

## **INAPPROPRIATE AND PROHIBITED CONDUCT**

TRCS2 recognizes that it may become necessary from time-to-time to discipline a student for his or her conduct and behavior, and that such discipline may result in suspension, removal of a student from the educational setting, or some other disciplinary measure, including in extreme cases, expulsion. In recognition of the constitutional and legal rights of TRCS2 students, and in order to ensure compliance with those rights, this policy and procedure document outlines: (1) examples of inappropriate and prohibited conduct; (2) the general range of penalties; (3) what steps must be taken before a student may be disciplined; (4) the protections provided a suspended student to ensure that his or her right to public education is not infringed; (5) additional protections afforded students with disabilities to ensure compliance with federal and state laws; and (6) the appeals process. The following conduct is inappropriate and prohibited. The list is NOT exhaustive, and is intended only to provide examples and guidance to the school community with respect to the type of conduct TRCS2 deems inappropriate and prohibited in school, at school-sponsored events, and during transportation to and from school and school-related events. TRCS2 also reserves its rights to impose discipline for off-campus and out-of-school conduct consistent with applicable law.

1. Unexcused absences from school and/or class
2. Unexcused lateness to school and/or class
3. Unauthorized/unapproved use of telephone, elevator or other school property
4. Not returning school property

5. Non-payment for school meals
6. Violating TRCS2's cafeteria and food/beverage policies
7. Unapproved/inappropriate use of the school's computers, Local Area Network or Internet
8. Unapproved use of computers, laptops, fax, cell phones, beepers, smart phones, iPads, and tablets, iPods, gaming, and similar devices
9. Failure to turn off all phones and devices. Electronic devices may not be used in school, after school, or at school-sponsored events. They must be turned off and put away at all times.
10. Failing to turn over cell phones or other devices listed in # 9 when requested by a TRCS2 staff member
11. Engaging in verbally rude or disrespectful behavior
12. Smoking
13. Lying
14. Engaging in scholastic dishonesty, including, but not limited to, cheating and plagiarizing
15. Falsifying records or signatures, including, but not limited to, parent notes and report cards
16. Disrupting the learning environment or orderly process of the school

17. Destruction of school property, including, but not limited to, graffiti
18. Unauthorized entry or presence on school property or in unsupervised areas of the school
19. Insubordination; defying or disobeying school employees, including, but not limited to, lunchroom staff, custodial staff, medical room staff, safety agents or other persons involved in the school's educational and extracurricular programs
20. Fighting or engaging in physically aggressive or threatening behavior
21. Engaging in inappropriate or unwanted physical contact of any kind
22. Stealing or taking the property of others without permission
23. Sexual harassment
24. Sexual acts on school property or at school sponsored events
25. Bullying, harassment or cyber-bullying, or otherwise violating TRCS2's Dignity Act policy
26. Intimidation
27. Hazing
28. Discriminating in any way based on another person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual



orientation, gender or sex

29. Retaliating against another person for bringing a complaint of inappropriate or prohibited conduct, including, but limited to, conduct described under TRCS2's Dignity Act policy, or for serving as a witness or otherwise participating in an investigation of inappropriate or prohibited conduct
30. Engaging in behavior which creates a substantial risk of, or results in injury
31. Engaging in threatening, dangerous or violent behavior
32. Conspiring to and/or participating in an incident of group violence or gang-related violence
33. Using force against or inflicting or attempting to inflict injury against another student, school personnel, parents or other personnel involved in the school's educational program
34. Being under the influence, using, selling or distributing illegal drugs or controlled substances including, but not limited to, alcohol, tobacco, and nicotine in any form, including, but not limited to, "vaping" and "juuling".
36. Possessing any weapon including a firearm
37. Using an item as a weapon
38. Acting in any way that may endanger the health, welfare and safety of the school and neighborhood community.



## **PENALTIES**

Penalties for violations of these standards of acceptable behavior shall include, but are not limited to the following:

1. Verbal and written warnings to the student and or parents
2. Probation
3. Reprimand
4. Peer mediation
5. Adult facilitated mediation
6. Referral to counseling
7. Educational assignments
8. Learning and behavioral contracts between the school, parents and student
9. Detention during or outside of class/school hours
10. Restoration to the Community/Community Service<sup>[L]</sup><sub>[SEP]</sub>
11. Suspension from athletic, social, extracurricular activities, and other privileges
12. In-school suspensions<sup>[L]</sup><sub>[SEP]</sub>
13. Out-of-school suspensions<sup>[L]</sup><sub>[SEP]</sub>

14. In extreme cases, expulsion.

## **OUT OF SCHOOL SUSPENSIONS**

### **I. Suspensions of Ten Days or Less**

#### **A. Due process procedures.**

1. When TRCS2 proposes suspension of a student, the Dean of Student Support (“Dean”) must notify the student verbally by the end of the school day, to the extent possible. In doing so, the Dean must explain the reason for the proposed suspension.
2. The Dean also shall e-mail notice of the proposed suspension to the student’s parent within 24 hours of the decision to suspend the student.
3. The written notice shall: Describe the basis for the suspension; advise the parent of the student’s and parent’s right to attend an informal conference with the Dean to discuss the incident giving rise to the discipline; and inform the parent of his or her right to question witnesses against the student. The notice and opportunity for an informal conference shall take place as soon as possible and, in any event, before the student is suspended, unless TRCS2 determines, in its sole discretion, that the student’s presence in school poses a threat to the health, welfare or safety of the school community or property, or a threat of disruption to the academic process, in which case TRCS2 may implement the suspension before the informal conference takes place. If the

- student's presence does pose such a danger or threat of disruption, the opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. The parent/student may not bring an attorney to the informal conference. An informal conference may take place by telephone.
4. Informal conference. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Dean may establish. If the parent chooses to ask questions of the complaining witness(es), the parent must advise the school two days in advance of the conference date so that the school can make the witness(es) available; provided, however, that if the conference is scheduled less than two days from the date of the incident or conduct suspension for which suspension is proposed, the parent must advise the school of the desire to question the complaining witness(es) as soon as practicable and in advance of the conference. If the student's parent intends to question a complaining witness who is a minor student, such witness must attend the informal conference for questioning. In that scenario, TRCS2 shall notify the parent(s) of the complaining witness(es) at least one day prior to the day of the informal conference that his or her child may be questioned by the parent of the accused student, or the accused student, at the informal conference. The witness's parent may attend the informal conference as an observer only; such parent may not participate in the informal conference in any way.
  5. Decision and Appeal. After the conference, the Dean shall

advise the parents in writing of his or her decision. An appeal of the Dean’s decision may be made to the Principal, who will make his or her decision based solely upon the record before him or her. All appeals to the Principal must be in writing and submitted to the Principal within ten calendar days after the Dean’s decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Principal may affirm or reverse the Dean’s decision in whole or in part.

An appeal of the decision of the Principal may be made to the Executive Leadership Committee (“ELC”), in writing to the ELC, within five calendar days of the Principal’s decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The ELC will make its decision based solely upon the record before it. The ELC may adopt in whole or in part the decision of the Principal.

A decision of the ELC may be made to the Board of Trustees. An appeal to the Board of Trustees must be made in writing to the Board Chair or Secretary within five calendar days of the ELC’s decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board will make its final decision solely upon the record before it. The Board may adopt the decision of the ELC in whole or in part. Final decisions of the Board may be appealed to TRCS’s authorizer pursuant to Education Law § 2855(4).

## **II. Suspensions of More than Ten Days and Expulsion**

### **A. Due Process Procedures.**

1. The parent of a student who is considered for a suspension of more than ten days or expulsion shall receive written notification of the proposed suspension prior to its implementation and in accordance with the process described above at section I(A)(1) and (2).
2. The written notice shall:
  - a. Describe the basis for the suspension or expulsion;
  - b. Advise the parent of the student's right to a hearing before the Dean; and
  - c. State the student's right to bring a lawyer to the hearing; question witnesses against him or her; and bring witnesses in his or her own defense to the hearing.
3. Formal Hearing.
  - a. A formal hearing before the Dean will be held as soon as practicable, after the parent receives notice of the proposed suspension or expulsion. As stated above, the student may be represented by counsel and may cross-examine any witnesses against him or her. The student may also present witnesses in his or her defense, testify on his or her own behalf, and present any other evidence they want the Dean to consider.
  - b. The Dean shall hear and determine the proceeding or may, at his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be

authorized to administer oaths and, through TRCS2's legal counsel, be authorized 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. An audio recording shall be deemed a satisfactory record. If the Dean designates a hearing officer to conduct the hearing, the hearing officer shall make written findings of fact and recommendations to the Dean as to the student's guilt or innocence, and the appropriate measure of discipline. The report of the hearing officer shall be advisory only, and the Dean may accept all, part or none of it.

## 5. Decision and Appeal.

After the hearing, the Dean shall advise the parents, in writing, of his or her decision.

- a. An appeal of the decision of the Dean may be made to the Principal. The Principal will make his or her decision based solely upon the record before him or her. All appeals to the Principal must be in writing and submitted to the Principal within ten calendar days of the date of the Dean's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Principal may adopt in whole or in part the Dean's decision.
- b. An appeal of the decision of the Principal may be

made to the ELC in writing to the within five calendar days of the Principal's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The ELC will make its decision based solely upon the record before it. The ELC may adopt in whole or in part the decision of the Principal.

- c. A decision of the ELC may be made to the Board of Trustees. An appeal to the ELC must be made in writing to the Board Chair or Secretary within five calendar days of the ELC's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board will make its final decision solely upon the record before it. The Board may adopt the decision of the ELC in whole or in part.
- d. Final decisions of the Board may be appealed to TRCS2's authorizer pursuant to Education Law § 2855(4).

### **III. Service of Suspensions**

- A. Students receiving suspensions will be assigned to an appropriate setting in school or off campus, as determined by TRCS2, for direct instruction during the entire period of suspension. For out of school suspensions, video-



conferencing may be used, as appropriate, and at the discretion of TRCS2. The student's classroom teachers will assign the student regularly scheduled class work and homework, which will be taught by qualified staff to be determined and assigned at the sole discretion of TRCS2 ("Suspension Teacher"). The Suspension Teacher will ensure that all assignments are performed, reviewed, and delivered to the student's teachers in a timely fashion.

1. A suspended elementary school student shall be assigned for one hour per day of direct instruction from the Suspension Teacher. A suspended middle or high school student shall be assigned for two hours per day of direct instruction from the Suspension Teacher.
2. If the student presents a continuing danger to the health, welfare or safety to the TRCS2 community, or in other circumstances where TRCS2 determines it to be appropriate, TRCS2 may arrange for alternate instruction to be provided by a qualified teacher or teachers outside the employ of TRCS2, at a site to be determined by TRCS2, or by some other appropriate method (e.g., video-conferencing).

B. The student may also be assigned to the school's Social Worker and/or Guidance Counselor to review and discuss the issues and behaviors that gave rise to the suspension.

C. Whenever appropriate, and at the discretion of the Principal, a suspended student may be issued an additional assignment(s) pertaining to the issues, behaviors, acts, and/or

conduct that precipitated the suspension, in an effort to prevent, through learning, similar future behaviors, acts, and/or conduct by the student.

## **SPECIAL PROCEDURES FOR DISCIPLINING STUDENTS WITH DISABILITIES**

TRCS2 is committed to ensuring that the rights of students with disabilities are protected in accordance with applicable federal and state law and regulations. TRCS2 recognizes it may become necessary from time-to-time to discipline students with or suspected of having disabilities for their conduct and behavior, and that such discipline may result in the suspension or removal of a student from the educational setting, or some other disciplinary measure. In order to protect the rights of TRCS2 students, the following specific procedures must be taken when students with or suspected of having a disability are disciplined.

Generally, a student with or suspected of having a disability may be suspended in the same manner as his or her non-disabled peers as set forth above. However, when a child is suspended for more than ten days, or on multiple occasions that, in the aggregate, amount to more than ten days, additional safeguards take effect to ensure that the child's behavior was not tied to, or a "manifestation" of, his or her disability.

Specifically, as described above, when a student's educational program is changed for more than a ten day period, a manifestation team consisting of relevant members of the student's Committee on Special Education ("CSE"), including the parent, shall convene immediately if possible, but in no event later than

ten days after the decision to change placements, to determine whether the conduct was a manifestation of the child’s disability. To the maximum extent possible, because the manifestation determination may moot the need for a student discipline hearing, the manifestation determination review meeting shall be conducted before the student discipline hearing.

Moreover, the manifestation determination review process is established and conducted by the CSE, not TRCS2, pursuant to applicable law and regulation.

The parent must be given written notice prior to any manifestation determination meeting taking place in order to ensure that the parent has an opportunity to attend. The notice must state the purpose of the meeting, the names of the expected attendees, and indicate the parent’s right to have relevant CSE members attend.

The manifestation team must review the child’s IEP together with all relevant information within the student’s file and any information provided by the parent.

### **Manifestation Findings**

If the manifestation team concludes that the child’s behavior resulted from his or her disability, then the student may not be disciplined and the manifestation team must conduct a functional behavioral assessment (“FBA”) and implement a behavioral intervention plan (“BIP”) to address the behaviors giving rise to the conduct, unless an FBA or BIP was made prior to the student’s violation of school rules giving rise to the suspension, in which case each should be reviewed and revised, if necessary, to address the behavior.

Moreover, the child must also be returned to his or her original placement (i.e., the placement from which he or she was removed), except: (1) when the parent and district agree to another placement as part of the newly created or revised IEP and/or BIP; (2) where TRCS2 believes, in its sole discretion, that returning the student to his or her original placement would threaten the health, welfare, or safety of the school community; or (3) in cases where the student, after a student discipline hearing, was determined to have:

- a. carried or possesses a weapon to or at school, on school premises, or to or at a function under the jurisdiction of the State or local educational agency;
- b. knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises, or at an off-campus school function;
- c. inflicted serious bodily injury upon another person while at school, on school premises, or at an off-campus school function.

TRCS reserves the right to move forward with a student disciplinary hearing notwithstanding a manifestation finding, if the student is accused of conduct enumerated immediately above at (3)(a)-(c). If the student is found guilty of such conduct, the CSE shall determine an appropriate Interim Alternative Educational Setting (IAES), which shall not exceed 45 days per offense.

If the behavior was not tied to the student's disability, TRCS may proceed with the student discipline hearing. If the Principal determines that the student is guilty of the alleged conduct giving rise to the proposed suspension, the student may be disciplined in the same manner as would be his or her nondisabled peers.

## **Alternative Instruction**

If the suspension is upheld, the student, at TRCS2' sole discretion, may be required to remain at home during the pendency of the suspension, but not for a period of time greater than the amount of time a non-disabled student would be subject to suspension for the same behavior. Moreover, the alternative instruction procedures explained above shall also apply to students with disabilities except as otherwise provided below or by applicable law or regulation.

The students' teachers will develop alternative instruction that will enable the student to complete required coursework and make sure that he or she can make progress toward his or her IEP goals. If TRCS believes it is unable to accommodate the provisions of the student's IEP, it will immediately contact the CSE to convene a meeting to remedy the situation.

A suspension teacher will ensure that all assignments are taught, reviewed, and submitted to the student's teachers in a timely fashion.

In addition, when appropriate, the student will be assigned a project designed to address the behavior that gave rise to the suspension.

A multidisciplinary team approach shall be implemented to support suspended students with disabilities upon their return to class after suspensions are served. Specifically, staff will discuss student suspensions at their regularly scheduled meetings to ensure appropriate support is available and implemented, as appropriate.

If TRCS2 believes it is appropriate, a student with a disability

will also be assigned to meet with the school's Social Worker and/or Guidance Counselor to review the issues that gave rise to the student's suspension.

If the student presents a continuing danger to the health, welfare or safety to the TRCS2 community, or in other circumstances where TRCS2 determines it to be appropriate, TRCS2 may arrange for alternate instruction to be provided by a qualified teacher or teachers outside the employ of TRCS2, at a site to be determined by TRCS2.