

CODE OF CONDUCT

Our Mission

It is the mission of Eugenio María de Hostos Charter School to create a safe and nurturing community of learners where students earn the Seal of Biliteracy (English and Spanish), learn to advocate for social justice, and are prepared to enjoy and access what the world has to offer.

Our Vision

If a child cannot learn the way we teach, then we will learn to teach the way the child can learn.



All of the EMHCS policies and procedures in this manual are adopted by all of the EMHCS 21st Century Community Learning Centers Program.

Board Approved February 2023

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I. SCHOOL VALUES AND PHILOSOPHY

Eugenio María de Hostos Charter School ("EMHCS" or the "School") believes in creating a safe and nurturing community of learners. Students are held to high expectations of student character. Enforcement of expectations and rules is fair, equitable, and consistent. Disciplinary practices are intended to help students learn appropriate behavior, equip them with strategies for managing their emotions, teach them problem-solving skills, and help them to understand that our actions have consequences (positive or negative). Consequences for infractions of rules are reasonable, logical, and restorative.

Students are expected to act respectfully towards all students and staff. They are expected to attend school daily and punctually, participate in all classes, and work productively at all times. Finally, students are expected to conduct themselves using our core values of PRIDE whenever on or off-campus and at any school function. **PRIDE** demonstrates how individuals should conduct themselves and relate to each other. As a school, we are obligated to protect all students and create a safe, respectful, and productive environment that enhances the school's mission.

PRIDE represents **Perseverance, Respect, Integrity, Dedication, and Excellence.**

Perseverance: Defines the individual's ability to never give up on anyone or anything, including themselves.

Respect: Defines how individuals treat each other and, in turn, the way they would like to be treated.

Integrity: Honesty is a characteristic that leads to positive results and in teaching students to "Do the Right Thing."

Dedication: Hard work and dedication to one's own learning is key to their own achievement. When individuals dedicate themselves to their academic and social/emotional growth, they have positioned themselves for greater results during their educational experiences.

Excellence: When students take pride in the quality of their work and in setting goals for achieving academic success, they continue to grow intellectually and demonstrate confidence in other aspects of their school life.

I AM SOMEBODY



I AM SOMEBODY.
I was **somebody** when I came.
I'll be a **better somebody**
WHEN I LEAVE.
I am powerful, and I am strong.
I **deserve** the education that I get here.

**I HAVE THINGS TO DO,
PEOPLE TO IMPRESS,
AND PLACES TO GO.**

SOY ALGUIEN.
Yo era **alguien** cuando llegué.
Seré **alguien mejor**
CUANDO ME VAYA.
Soy poderoso y fuerte.
Merezco la educación que recibo aquí.

**TENGO COSAS QUE HACER,
PERSONAS QUE IMPRESIONAR,
Y LUGARES A DONDE IR.**

II. ATTENDANCE POLICY

All children are required to attend school every day that school is in session. Not only is it important to your child's education, but it is also a New York State Law. Refer to the Attendance Policy on the school website at <http://www.emhcharter.org>.

Parents must call the school when their child is absent. If we do not hear from you, the Home School Community Liaison will call to ascertain the reason for the absence.

Excuses for Absences

Attendance affects your child's academic performance. The reasons for a legal absence are a student's illness, family illness, a death in the family, a religious holiday, or a doctor's appointment. Other reasons result in an unexcused school absence (i.e., vacation, no transportation).

When your child is absent from school, it is required by law that you send in a written notice stating the reason they were not in school. This note needs to be sent upon the child's return. Please notify the school if your child will be absent for several days.

Calendar

The school calendar is given out early so students do not miss valuable instructional time. Please schedule your vacations around the school's designated vacation time; this way, your child will stay on track and not lose valuable instruction. The school calendar is available via the EMHCS website at www.emhcharter.org

Tardiness

In addition to absences, arriving late regularly will result in your child missing valuable instructional time. It also disrupts the academic learning process in the classroom, and excessive tardiness can become a habit.

III. STUDENT RESPONSIBILITIES

The School staff is committed to establishing and maintaining a safe and nurturing community of learners.

Students

Cooperate and collaborate with others

- Keep personal space between yourself and others
- Share materials and work together
- Listen to others
- Wait patiently
- Have a positive attitude and help others

Demonstrate respect

- Keep hands and feet to yourself
- Walk quietly and do not play fight in the halls
- Respect others' privacy and needs
- Ask before touching others' belongings
- Use appropriate language and voice level

Be responsible

- Attend school daily and on time, and be prepared to learn
- Wear your uniform at all times
- Complete assignments and homework on time

- Follow instructional and safety directions
- Use materials and equipment appropriately
- Adhere to the guidelines for electronic devices, internet safety, and social media use
- Maintain a clean school environment

Solve problems peacefully

- Be honest
- Listen to others and tell your side
- Walk away from conflicts
- Ask for help from adults
- Agree to solve problems peacefully

IV. STUDENT DRESS CODE

All Students of EMHCS must follow the school's uniform policy and wear the appropriate school uniform daily; this is not an option. All students should be ready each day for school in clean, appropriate school uniforms, ready to learn.

The EMCHS uniform consists of the following:

Bottoms in solid black or navy blue:

- Jumpers at knee length
- Skirts at knee length with shorts or solid school uniform color tights underneath
- Pants
- Shorts at knee length
- Sweatpants with school logo only

Tops in solid colors with the school logo in black, royal blue, navy blue, charcoal grey

- Polo Shirts
- Sweaters (No school logo needed)

Shoes:

- Dress shoes
- Sneakers
- Tied Sandals (Velcro or fastened with a buckle)
- Crocs are allowed, but straps **MUST BE** worn on the back

Not acceptable:

- Hoodies
- Jeans
- Jogging suits
- Leggings
- Pants with stripes
- Flip flops
- High heels

Headwear may be worn for religious purposes only.

Dress Code Violations

All students **should be ready** each day for school, arriving in their clean, appropriate school uniform and ready to learn. If we teach our students responsibility now, it will enhance their academic success in the years to come.

The **first** time students violate the School's Dress Code, a reminder is given to the student/parents with a copy of the uniform policy. A call home is made to the parent requesting the parent to bring the appropriate uniform. The student will be given temporary clothing, if available, and the parent cannot bring in the correct uniform.

The **second** time a student violates the School's Dress Code, parents will be called to bring the appropriate clothing. The student will remain in the office or reflection room until the proper attire is delivered.

The **third** time or more student violates the School's Dress Code, they will be referred to the administration for disciplinary actions. A call home is made to the parent requiring the parent to bring in the correct uniform. A meeting is scheduled with the parent, assistant principal, social worker, and home school community liaison to discuss an action plan for the student moving forward.

Dress Code violations may also be subject to other disciplinary actions described in this Code of Conduct.

Please **remember** uniforms are not an option. We are a uniform school. This policy **must** be followed. Thank you very much for your continued support and cooperation.

V. PROHIBITED STUDENT CONDUCT

The School expects all students to conduct themselves appropriately and civilly, with proper regard for the rights and welfare of other students, school personnel, and other members of the school community, and the care of school facilities and equipment. Students may be subject to disciplinary action whether at school and/or on school grounds; participating in a school-sponsored activity or a school-sponsored event; walking to or from, waiting for or riding on school-provided transportation, or walking to or from, waiting for, or riding on public transport to and from school or a school-sponsored activity for misconduct that includes, **but is not limited to**, the following:

1. Arriving to Class Unprepared: Students must have all the necessary materials (books, paper, pen, pencil, etc.) at the beginning of class.

2. Arriving late to class: Students' tardiness to class disrupts instruction and often results in academic difficulties. Students may not be late for class.

3. Skipping school, class, detention, mandatory school events, or leaving school grounds without permission: Students are required to attend all academic and enrichment classes, assigned detention, assigned tutoring, and mandatory school events. EMHCS has a closed campus policy; therefore, students are not permitted to leave the school building, school grounds, or class without permission.

4. Misbehaving inside or outside of class: The School can fulfill its mission only if classrooms are safe and teaching is happening. Misbehavior inside or outside of class is not permitted. Students may not engage in any willful act that disrupts the normal operation of the school community.

5. Being Disrespectful toward a Staff Member, Student, or Visitor: Students may not disrespect, threaten, and/or intimidate a staff member, peer, or visitor. Integrity and respect are two core values

needed to build a community based on trust and respect. For the school to function properly, students must respect all adults and peers.

6. Failing to Comply with the Directive(s) of a Staff Member or Their Designee(s): Failing to comply with the directives of teachers, school administrators, other school employees, or their designee(s) is unacceptable.

7. Abusive/Profane Language or Gestures: The use of profane and/or obscene language, spoken or written, or transmitted through electronic means, is inappropriate and is therefore prohibited in the public transactions of EMHCS, except as a topic of academic study. Also prohibited is the language which constitutes a threat, hazing, abuse of others, impingement on the rights of others, any form of harassment, or any interference with the educational process or the Board of Trustees' ability to effectively meet its duties with respect to its management and control over the educational affairs. The Administration is authorized to take action in instances of language use that violate these requirements.

For interpersonal transactions in EMHCS, the Board requires all members of the school community and all visitors to employ language that reflects sensitivity and respect toward the feelings, values, humanity, and dignity of others in support of our school's mission. Though the appropriateness of specific language may vary from public to private contexts, the underlying principle of mutual respect should always be upheld.

These requirements and expectations are not intended to apply to the academic study of authorized curricular material, which may contain language considered to be objectionable. Students may not use abusive, threatening, lewd, vulgar, coarse, or degrading language or gestures (including racial epithets or sexist or homophobic remarks).

8. Possessing or Distributing Obscene Material: Students are prohibited from possessing, selling, using, or distributing obscene material.

9. Running in Hallways: Running in the school's hallways is dangerous and is prohibited.

10. Gum/Candy, Food, and Beverages: Students may not chew gum or eat candy at school. Students may not eat or drink at unauthorized times or places at school. Food should be healthy, and beverages should not be in glass containers.

11. Harassment and/or Bullying: Harassment and bullying include the creation of a hostile environment by conduct with or without physical contact and/or by verbal threats, intimidation, or abuse, including cyberbullying, that 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 wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

12. Trespassing: Students may not trespass onto any school property when school is not in session. Students are prohibited from entering unauthorized areas of the school buildings during the day and when school is not in session.

13. Defamation/Making False Allegations: Students may not defame others by making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them through any medium, whether on or off school grounds.

14. Academic Dishonesty, including Cheating, Plagiarism, or Copying the Work of Others, or Allowing Others to Copy Work: Cheating or copying the work of others (or allowing other students to copy work) is unacceptable.

15. Gambling: Gambling or betting is not tolerated on school property or at any school-promoted functions.

16. Failing to Comply with School-Imposed Consequences: Students must comply with school-imposed consequences, including but not limited to detention, school service, suspension from school, and/or temporary or permanent denial of school-provided transportation.

17. Theft, Loss, or Destruction of Personal or School Property: Students may not steal, lose, vandalize, or damage the school's property, other students, school personnel, or any other person lawfully on school property or attending a school function. In addition to facing other consequences for violations of this rule, students are expected to return the property to its rightful owner in its original condition or to reimburse the owner and/or school for lost, damaged, or stolen property.

18. Mistreatment of Inappropriate Use of Technology of School Property: Students must treat computers, printers, and other technology carefully. The school does not tolerate attempts to access the school's files or other inappropriate technology or internet use. Students do not have the right to use school computers to access chat rooms or email or to access websites or files that contain profanity, sexually explicit language or pictures, excessively violent themes, and/or other material inappropriate for minors. Students are prohibited from using school telephones. In an emergency, students may be allowed to use school telephones, but only at the discretion of school staff members. Students must not mistreat other school property.

19. Inappropriate Use of Social Media: Students may not be involved in online activities that have a detrimental impact on the school, its faculty, or its students, consequently disrupting the educational process and that violates the school's values.

20. Cell phone misuse: It is a policy of EMHCS that students may **NOT** carry cell phones or electronic devices on them at any point during the school day. If a student chooses to bring a cell phone or other electronic devices, they must adhere to the following:

Grades K-4: Students must leave all electronic devices in their backpacks in the closet or lockers during the school day.

Grades 5-6: Students must keep their phones in the Yondr Pouches. See the Grade 5-6 Cell Phone Policy on the website at www.emhcharter.org or on page 9.

Grades 7-8: Students must keep their phones in the Yondr Pouches. See the Middle School Cell Phone Policy on the website at www.emhcharter.org or on page 10.

Grades 9-12: Students must keep their phones in the Yondr Pouches. See the High School Cell Phone Policy on the website at www.emhcharter.org or on page 11.

Zimbrich Elementary School- Grades 5 & 6

EMHCS STUDENT PHONE PROCEDURES & GUIDELINES

At EMHCS, instructional time is considered valuable, and distractions are removed. Therefore, **Phones are not to be used during school.** Every student is assigned a personal Yondr Pouch. The YONDR pouch is school property and will not leave school grounds.

DAILY PROCESS

As students **arrive at school**, they will:

1. Turn their phone off.
2. Place their phone, smartwatch, and earbuds inside their Pouch and secure them in front of the school staff.
3. Store their Pouch in their class bin.

At the end of the day, students will open their Pouch, remove their phone, close it, and put it back in their class bin. Students will not remove Pouch from school grounds.

*Students arriving late or leaving early will pouch/unpouch their phones at the security desk.

VIOLATIONS

Pouch Damage / Lost Pouch / Using Phone During School

- If a student has their cell phone outside of the Pouch at any point during the school day, the **student's phone will be confiscated**, and the **parent will be notified to come to the school to pick up the student's cell phone.**
- If a student damages their Pouch, the **student's Pouch and the phone will be confiscated**, and the **parent will be notified to come to the school to pick up the student's cell phone.** There will be a **\$10 fee for a replacement pouch.**

Examples of damage:



- Ripped
- Cut
- Torn
- Pen/pencil marks
- Bent/cut pin
- Signs of forced to black button on the flap

Joseph Middle School Campus

EMHCS STUDENT PHONE PROCEDURES & GUIDELINES

At EMHCS, instructional time is considered valuable, and distractions are removed. Therefore, **Phones are not to be used during school.** Every student is assigned a personal Yondr Pouch. While the Yondr Pouch is considered school property, it is each student's responsibility to bring their Pouch with them to school every day and keep it in good working condition.

DAILY PROCESS

As students **arrive at School**, they will:

1. Turn their phone off.
2. Place their phone, smartwatch, and earbuds inside their Pouch and secure it in front of the school staff.
3. Store their Pouch in their backpack for the day.

At the end of the day, students will open their Pouch, remove their phone, close it, and put it in their backpacks. Students must bring their Pouch to school with them each day.

*Students arriving late or leaving early will pouch/unpouch their phones at the security desk.

VIOLATIONS

Pouch Damage / Lost Pouch / Using Phone During School

- If a student has their cell phone outside of the Pouch at any point during the school day, the **student's phone will be confiscated**, and the **parent will be notified to come to the school to pick up the student's cell phone.**
- If a student damages their Pouch, the **student's Pouch and the phone will be confiscated**, and the **parent will be notified to come to the school to pick up the student's cell phone.** There will be a **\$10 fee for a replacement pouch.**

Examples of damage:



- Ripped
- Cut
- Torn
- Pen/pencil marks
- Bent/cut pin
- Signs of forced to black button on the flap

Forgotten Pouch

If a student forgets their Pouch, **their phone will be collected**, and **Admin will call home to remind the parent of the policy.** The phone will be returned to the student at dismissal.

- **Repeated violations of this policy will result in further disciplinary action.**

Kodak High School Campus

EMHCS STUDENT PHONE POLICY & GUIDELINES

At EMHCS, Instructional Time is considered valuable, and distractions are removed. Therefore, **Phones are not to be used during school.** Every student is assigned a personal Yondr Pouch. While the Yondr Pouch is considered school property, each student must bring their Pouch to school daily and keep it in good working condition.

DAILY PROCESS

As students **arrive at school**, they will:

1. Turn their phone off.
2. Place their phone inside their Pouch and secure it in front of the school staff.
3. Store their Pouch in their backpack for the day.
4. If students bring in a smartwatch or earbuds, they will also be required to go into the Pouch.

At the end of the day, students will unlock and open their Pouch, remove their phones, close their Pouch, and put it in their backpacks. Students must bring their Pouch to school with them each day.

*Students arriving late or leaving early will pouch/unpouch their phones at the security desk.

VIOLATIONS

Pouch Damage / Lost Pouch / Using Phone During School

- If a student damages their Pouch or is caught on their phone, Administration will collect the phone/Pouch and call home for a **Parent Pickup and a \$10 fee for a replacement Pouch.**

Examples of damage:



- Ripped
- Cut
- Torn
- Pen/pencil marks
- Bent/cut pin
- Signs of forced to black button on the flap

Forgotten Pouch

If a student forgets their Pouch, **their phone will be collected, and Admin will call home to remind the parent of the policy.** The phone will be returned to the student at dismissal.

- **Repeated violations of this policy will result in further disciplinary action.**

Consequences:

- If a staff member sees an electronic device, it will be confiscated and brought to the office immediately.
- **First offense:** a conversation between student and administration/possible phone call to parent for cell phone pick up (depending on student's cooperation during matter) and/or cellphone returned to student at dismissal.
- **Second offense:** the student will receive a warning; the electronic device **MUST BE PICKED UP BY** the parent/guardian.
- **Third offense:** Parent meeting to discuss student's lack of compliance with the school policies and protocols, possible suspension, or other consequences at the discretion of the Assistant Principal.

Please be advised that EMHCS is **NOT** responsible for any electronic device's loss, damage, or theft. If those, as mentioned earlier, should occur, it is the principals' discretion as to what investigation and attention will be placed on the matter.

21. Condoning or encouraging a violation of the Code of Conduct: To condone is to disregard or overlook acts that jeopardize school safety and security. It encourages behavior that violates our Code of Conduct.

22. Littering or loitering: All students must clean up after themselves. Littering can be defined as not placing garbage in the appropriate place (trash can, wastebasket, recycle bin). Upon request, a student will pick up the litter that they caused.

23. Actions that substantially disrupt the educational program's daily operation: Students may not make any written or verbal threats to disrupt the educational process. Students may not make a disruptive threat, including but not limited to bomb threats, intentionally setting off an emergency alarm, calling 911, or discharging a fire extinguisher.

24. Using or Possessing Drugs or Alcohol: Students may not use or possess any nonprescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, substances commonly referred to as "designer drugs," or other intoxicants of any kind. Prescribed and over-the-counter drugs must be delivered to the Nurse or Office Manager by a parent/guardian with a doctor-signed Medication Authorization Form. Students may not be in possession of prescribed or over-the-counter drugs.

25. Selling, Transferring, Using, or Possessing Drugs, Alcohol, or Tobacco products: Students may not sell, distribute, or possess with intent to sell or distribute a prescribed or non-prescribed controlled substance. The use of tobacco and cannabis products is prohibited. Students may not use or possess cigarettes, e-cigarettes, cigars, chewing tobacco, or other tobacco or cannabis products. Students may not use or possess electronic smoking devices, including, but not limited to, e-cigarettes, e-cigars, e-pipes, e-hookahs, vaporizers, vaporizer pens, or any other similar product or device.

26. Sexual Misconduct: Students may not make unwanted sexual advances toward or commit sexual harassment of any members of the school community. A student may not engage in sexual activity of any kind or touch themselves or others inappropriately. Students may not expose the private parts of the body.

27. Committing a Physical or Emotional Act of Violence: Students may not commit assault, including sexual assault, or assault and battery on other students, school personnel or their designee(s), or any other person on school property. Assault is an attempt or threat to harm another

person physically; assault does not require physical contact. The battery is any unlawful touching of another person. Students cannot engage in conduct that can result in violence on school property. Students can be disciplined for actions that threaten harm to others.

28. Play Fighting, Horseplay, Threatening, Bullying, and/or Intimidating: Under no circumstance is it tolerated to put hands on another individual and/or use threats or intimidation that threaten the safety of the school community. Students may not play fight and/or threaten, bully, or intimidate others.

VI. VIOLATIONS OF THE CRIMINAL CODE

This school is where other students, school personnel, and other members of the school community have a right to feel safe from verbal or physical attacks. Any violation of the criminal code, including, but not limited to, the following, may result in referral to the appropriate law enforcement agency:

- Threat to, or intimidation of, any staff members or students
- Sexual misconduct
- Gambling
- Extortion
- Forgery
- Arson
- Bomb Threat
- False reporting to 911
- Possession, sale, or use of a weapon
- Possession, sale, manufacture, or use of drugs or alcohol
- Possession, sale, or use of fireworks or other substances that endanger the health and safety of students and/or staff
- Assault on a staff member or student
- Vandalism (school will seek restitution)
- Inappropriate use of electronic devices that violates criminal code (harassment, inappropriate content, and/or intentional malicious damage to devices, etc.).

VII. DISCIPLINARY PROCEDURES AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to emphasize the student's ability to grow in self-discipline and self-awareness. The Dignity Act's underlying premise is that preventive and non-punitive intervention in response to incidents of discrimination and/or harassment is the best way to achieve school environments free from harassment and discrimination. Understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline. The goal is to prevent or deal with conflict before it escalates, build relationships, and empower community members to take responsibility for the well-being of others; increase the social skills of those who have harmed others; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; provide wrongdoers with opportunities to be accountable to those they have harmed, and enable them to repair the harm to the extent possible (restorative practices).

Zero Tolerance Policy

The School has a zero-tolerance policy regarding harmful physical contact. This is our most serious rule. Harmful and aggressive behavior is caused for immediate action by our school administrator. This could mean students may be disciplined up to and including suspension from school. Upon suspension, your parents must pick you up as soon as possible. After the investigation, the school will use its discipline procedures to determine whether further discipline is warranted, up to and including expulsion.

Administrative Responses

The School is where all members benefit from adherence to the rights, responsibilities, and rules outlined in the School's Code of Conduct. Failure to follow this Code could result in administrative responses, either alone or in combination, which could include (but are not limited to):

- Conference with the staff member(s) and the student.
- Conference with the staff member(s), student, and parent(s).
- Removal of student privileges.
 - Referral to Student Support Services Team for review, counseling, and/or intervention by appropriate support personnel.
 - Removal from school for the balance of the instructional day. The parent will be asked to pick up the student immediately.
 - A re-entry conference with the student and parent/guardian followed the out-of-school suspension/short-term suspension.
 - Long Term suspension and/or expulsion
 - Seeking alternative opportunities to allow for course/grade level completion.

A. Procedures

The School is where everyone has a right to feel safe in an environment of teaching and learning and a responsibility for their actions. Each school community member has equal worth and an opportunity to be heard by others. All school community members must support an environment that consistently upholds these rights and responsibilities.

Students who are to be given consequences beyond an oral warning, written warning, or written notification to their parents may be entitled to present their version of the facts to school personnel before a consequence is required. In all cases, regardless of the event and the consequence, the School personnel authorized to set and carry out the intervention must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct.

Possible consequences include, but are not limited to, the following:

- a. Individual transportation privileges are suspended.**
 - i. Students will not be allowed to arrive by bus, and parents should transport them.
 - ii. A student subjected to a suspension from transportation and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.
- b. Suspension from athletic participation/extracurricular activities or other privileges.**
 - i. A student subjected to a suspension from athletic participation, extracurricular activities, or other privileges and the student's parent will be provided with a reasonable opportunity for an informal conference with the school official imposing the suspension to discuss the conduct and the penalty involved.
- c. Teacher implementation of behavior management strategies. Such practices may include, but are not limited to:**
 - i. Implementation of a classroom management plan.
 - ii. Discussion at Grade Level team meetings to gain additional ideas to meet the needs of the student
 - iii. Referring a student to a social worker or guidance counselor

- iv. The teacher must complete a School Tool disciplinary referral if the teacher requests that a student be removed from class. The teacher must meet with the assistant principal as soon as possible to explain the circumstances of the referral.

d. Suspension from school.

- i. Persistent actions that result in continued negative effects on the school learning environment may lead to suspension from school and imposed only upon students who, through their actions, threaten and endanger the safety, morals, health, or welfare of others as described in the principles and rules of this Code of Conduct.
- ii. The Board retains its authority to suspend students but places primary responsibility for imposing suspensions on building principals.
- iii. Recommendations and referrals for suspension shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, documentation is to be prepared as soon as possible by the staff member recommending the suspension.
- iv. A student who commits any of the infractions listed on the Tiered Discipline and Intervention Guidelines shall be subject minimally to a short-term suspension unless the School Leader, CEO, or Board of Trustees determines that an exception should be made based on the level of severity of the incident and the ' student's disciplinary record.
- v. Depending on the nature of the misconduct, suspensions may be short-term (5 days or less) or long-term (6 days or more).

Other potential consequences for misconduct are outlined in the Tiered Discipline and Intervention Guidelines set forth further below.

Procedures for Short-Term Suspensions:

The Principal/Acting Principal (or Board of Trustees) may impose a short-term suspension (5 days or less). Before imposing a short-term suspension, the Principal/Acting Principal (or Board) shall verbally inform the student of the suspension, the reason(s) for it, and the nature of the evidence supporting the suspension. The student shall be given an opportunity to explain or deny the Evidence supporting the suspension. These prior notice procedures do not need to be provided when the student's presence endangers persons or property or threatens disruption to the academic process, thus justifying immediate removal from school. In cases of immediate removal, the student must be informed of the reason for the suspension, the nature of the evidence supporting the charge(s), and an opportunity to explain or deny the charge(s) as soon as practicable.

The Principal/Acting Principal or Board shall immediately notify the parent(s) or guardian(s) in writing that the student has been suspended from school. Written notice shall be provided either when the parent/guardian picks up the student from school at school or by personal delivery to the last known address. Where possible, the notification shall be provided by telephone if the school has provided a contact telephone number for the parent(s) or guardian(s). Written notice shall describe the incident or incidents which resulted in the suspension and shall offer the parent and student the opportunity for an informal conference within 24 hours of the imposed suspension with whoever has imposed the suspension. The notification and informal conference shall be in the dominant language used by the parent(s) or guardian(s).

The Principal's notification shall advise the parents that if they are not satisfied with the Principal's decision and wish to pursue the matter, they may file a written appeal to the CEO within five business days. The request will be submitted to wadames@emhcharter.org. The CEO's office will schedule a conference meeting to discuss the short-term suspension.

If, as a result of the appeal, the CEO determines to reduce or rescind the suspension, the student shall be readmitted, if necessary, and the record amended or expunged accordingly. The CEO's determination may be appealed to the Board of Trustees within **10** business days.

Procedures for Long-term Suspensions

The Long-Term Suspension Committee may impose a long-term suspension (6 days or more), including expulsion. Such a suspension may be imposed only after the student has been found guilty at a formal long-term suspension hearing. Such a hearing must be held within five (**5**) days of the start of the student's short-term suspension. When a principal determines that a suspension for more than five days may be warranted (including expulsion), they shall complete and submit a long-term suspension packet, alerting the CEO and Board President that consideration for suspending more than five days has been recommended and will request that a hearing be scheduled.

The CEO or Board shall immediately notify in writing the student's parent(s) or guardian(s) of the long-term suspension hearing, including the date, time, and location of the hearing. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours at the last known address. Written notice must be delivered at least three days before the scheduled hearing. Where possible, the notification shall be provided by telephone if the school has provided a contact telephone number for the parent(s) or guardian(s). Written notice of the long-term suspension hearing shall provide a description of the incident or incidents which resulted in the suspension and shall indicate that a formal hearing will be held on the matter, which may result in a long-term suspension (or expulsion). The notification shall provide that the student shall have the right at the hearing to be represented by counsel, question witnesses against them, and present evidence and witnesses on their behalf. The notification shall be in the dominant language used by the parent(s) or guardian(s).

The Long-Term Suspension Committee will preside over the hearing to include the CEO, a Board member, and other members identified by the CEO (e.g., principal, social worker, counselor, special education representative, etc.). The Long-Term Suspension Committee shall personally hear and determine the proceeding and draft a report of the Committee's determination. At the formal hearing, the student shall have the right to be represented by counsel, question witnesses against them, and present evidence and witnesses on their behalf.

Students with disabilities will be disciplined in accordance with applicable procedural protections as discussed in this Code.

A long-term suspension (or expulsion) determination may be appealed. Such appeals must be made first to the Board of Trustees within 30 days of the Long-Term Suspension Committee's determination. The Board of Trustees will review the appeal at its next regularly scheduled meeting and make a final determination, which will be provided to the parent/guardian in writing. The Board may uphold, reject, or modify the determination of the Long-Term Suspension Committee. If a parent/guardian disagrees with the Board's determination, the Board's decision may be appealed to the School's chartering entity, the Trustees of the State University of New York (i.e., the SUNY Charter Schools Institute), within 30 days of the Board's determination. Thereafter, appeals may be made to the New York State Board of Regents.

For more information on appeals to the SUNY Charter Schools Institute, please visit <https://www.newyorkcharters.org/contact-us/complaint-process-foil-requests>.

Expulsion

Expulsions are considered permanent suspensions and result in the student being removed from the school's register. Any infraction which might result in a long-term suspension may be grounds for expulsion; however, expulsion is generally reserved for extreme circumstances, such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel, or any other person lawfully on school property or attending a school function, or where the severity of the conduct, or the persistence of conduct, is determined to present a chronic risk to the health and safety of one or more persons, including the perpetrator, or the orderly conduct of the educational process. Moreover, a student who receives three or more long-term suspensions in one school year may be considered for expulsion.

Procedures for imposing an expulsion are the same as those described for a long-term suspension hearing. Students of compulsory school age who are expelled must register in either their public school district of residence or another school as identified by the school's parent or guardian.

Minimum Periods of Suspension

The school complies with the Gun-Free Schools Act. Accordingly, any student found guilty of bringing a weapon, as such term is defined by law, onto school property will be subject to suspension from school for at least one school year. Before being suspended, the student will have an opportunity for a hearing. The school's CEO has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the CEO may consider the following:

- The student's age
- The student's grade in school.
- The student's prior disciplinary record.
- The principal believes that other forms of discipline may be more effective.
- Input from parents, teachers, and/or others.
- Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law. The CEO's determination may be appealed to the Board of Trustees first and thereafter to the SUNY Charter Schools Institute.

Alternative Instruction

Students of compulsory school age who are suspended from school will receive alternative instruction according to applicable law and be allowed to make up for missing work within the same marking period.

Tiered Discipline and Interventions

The following charts set forth the ' 'School's Tiered Discipline and Intervention Guidelines:

LEVEL OF INTERVENTIONS AND RESPONSES	
LEVEL 1	Teachers are responsible for establishing trusting relationships with all students within their classrooms and teaching clear expectations that align with Perseverance, Respect, Integrity, Dedication, and Excellence. Students, therefore, are expected to behave accordingly. Interventions are put in place to support students as they learn to correct behaviors and become productive members of our school community. More than one response/intervention can be applied.

LEVEL 2	After multiple attempts have been made by the classroom teacher to address behavior(s) but there continues to be a negative effect on the learning environment, the teacher may involve outside supports (grade level team, behavior support staff, student support team, caregivers, counselors, social worker, community agency staff, etc.) to implement additional interventions. Some behaviors may require bypassing Level 1 (see matrix). Staff should progressively use these responses. More than one response/intervention can be applied.
LEVEL 3	Applicable when interventions have been in place, but the behavior continues to escalate (repeated behavior) or is assigned by an administrator. In some cases, a behavior may warrant a Level 3 consequence, bypassing Levels 1 & 2 (see matrix). Level 3 may include suspension of up to 5 school days.
LEVEL 4	An administrator is informed immediately. The student is escorted to the office, and the escorting adult informs the Administrator of the details of the incident. The student is removed from the school environment whenever possible due to the severity of the behavior(s) and to maintain safety and security in the school community. Level 4 interventions may include long-term out-of-school suspension (longer than 5 days) with a hearing resulting in additional days suspended or expulsion from school.

Grade K-6 Tiered Discipline and Potential Interventions

Please note that this is a reference guide. This is not all-inclusive.

	Behaviors Include, but are not limited to:	Interventions may include but are not limited to the following:
L e v e l 1	<ul style="list-style-type: none"> ● 5 Unexcused Absences ● Academic Dishonesty ● Cutting/Skipping Class - 1st infraction ● Classroom Disruption ● Defiance of Authority/Insubordination ● Inappropriate/disruptive behavior ● Uniform Infraction ● Play Fighting ● Hallway Misbehavior ● Harassment ● Inciting or participating in a disturbance (mild) ● Unintentional Physical Contact with School Personnel ● Minor Property Damage ● 1st Personal Electronic Infraction ● Using School Equipment w/o Permission ● Unexcused tardy from class (late to class) ● Technology Violation ● Unauthorized Sale or Distribution of items ● Verbal or Physical Threat to Student 	<ul style="list-style-type: none"> ● Infraction entered in School Tool Notes ● Establish relationships with students ● Contact family via telephone, email, or text message ● Detention ● Silent lunch (w/ teacher) ● Reteaching clear expectations, policies, procedures, and norms ● Mediation/meeting w/teacher ● Caregiver/Teacher conference ● The caregiver accompanies the student to school ● Daily progress sheet on behavior ● Written reflection or apology ● Seat change ● RtI Tier 1 Interventions (Provide classroom jobs, loss of classroom privileges, establish buddy teacher) ● Present to Grade Level Team for differentiation/ additional strategies
	Behaviors Include, but are not limited to:	Interventions may include but are not limited to the following:
L e	<ul style="list-style-type: none"> ● Persistent Level 1 Infractions ● 10 Unexcused Absences ● 15x Unexcused Tardies from class ● Academic Dishonesty ● Act of Aggression towards Student (no injury) 	<ul style="list-style-type: none"> ● Referral comment entered in School Tool and sent to Assistant Principal ● The teacher calls the family to describe behaviors that affected the learning environment ● Reflection and apology

V e l e v e l 2	<ul style="list-style-type: none"> ● Bullying - Cyber/Gang-related included ● Bus Violation ● Skipping class (2-4 infractions) ● Skipping Teacher Detention ● Classroom Disruption ● Defiance of Authority/Insubordination ● Inappropriate/disruptive behavior ● Uniform infraction (3+ times) ● Making False Claims ● Play Fighting ● Verbal Altercation leads to staff needing to physically separate students/disruptive to the learning environment or business of the school. ● Physical aggression (pushing/shoving) ● Gambling ● Hallway Misbehavior ● Harassment ● Inciting or participating in a disturbance ● Unintentional Physical Contact with School Personnel ● 2nd -3rd Personal Electronic Infraction ● Property Damage ● Using School Equipment w/o Permission ● Technology Violation ● Unauthorized Sale or Distribution of Items ● Theft ● Tobacco or Cannabis Possession ● Verbal or Physical Threat to Student 	<ul style="list-style-type: none"> ● Referral to school social worker ● Referral to a community agency ● School service (i.e., Clean lunchroom, assignment of work/project, etc.) ● Restorative Circle ● Community mediation ● Administrative detention ● Extended Detention ● Restitution ● Confiscation of items related to behavior ● RtI Interventions (i.e., CICO, Student Behavior Contract) ● Loss of privileges (after-school activities, extracurriculars, sports)
	Behaviors Include, but are not limited to:	Interventions may include but are not limited to the following:
L e v e l 3	<ul style="list-style-type: none"> ● Persistent Level 2 infractions ● Alcohol ● Act of aggression or attack on the student (injury) ● Bullying - Cyber/Gang-Related included ● Persistent skipping classes (15 min or more) ● Severe Defiance of Authority/Insubordination ● Severe Inappropriate/disruptive behavior ● Uniform infraction (routine) ● Drugs ● Coercion/Extortion ● False claims ● Fighting ● Gambling ● Harassment/Hate Crime ● Inciting or participating in a disturbance ● Leaving the building without permission ● Physical Contact with School Personnel ● Severe Property Damage ● Sexually-Based Infraction ● Technology Violation 	<ul style="list-style-type: none"> ● The referral was entered into School Tool, and Administrator was notified immediately ● Family is contacted by phone call (teacher and/or Administrator) ● Repair and restore harm to the community ● Restorative Conference <ul style="list-style-type: none"> ○ For non-physical Level 3 first offenders, students, and families will be allowed to participate in a restorative conference. ○ Students may be asked to stay home until the conference can be scheduled. ○ If the conference is scheduled and all involved create a mutually agreed-upon solution, the student record will only reflect the agreed-upon solution. ● Behavior Contract ● Attendance Meeting ● Referral to Substance abuse counseling ● Referral to a community organization ● Referral to Drug counseling ● RtI Intervention for Tier 3 (Behavior Plan)

	<ul style="list-style-type: none"> • Unauthorized Sale or Distribution of items • Theft • Tobacco or Cannabis Possession • Vaping • Verbal or Physical Threat to Student • Weapon 	<ul style="list-style-type: none"> • Removal from a specific class (3 days or less) • Loss of privileges (after-school activities, extracurriculars, sports) • The suspension (5 Days or Less) <p>*By law, Students may not be suspended for truancy</p>
	Behaviors Include, but are not limited to:	Interventions may include but are not limited to the following:
L e v e l 4	<ul style="list-style-type: none"> • 20+ Absences • Alcohol • Attack on a student • Bomb Threat • Severe bullying (including Cyberbullying) • Severe Defiance of authority and/or insubordination • Severely Inappropriate or Disruptive Behavior • Drugs • Extortion/Coercion • False Alarm/Activation of Fire Alarm • Fighting • Fire/Arson • Gambling • Harassment • Inciting or participating in a disturbance • Leaving School grounds without permission • Property Damage • Sexual Assault/Offense • Sexually-Based Infraction • Persistent or excessive Tardies • A threat against School Personnel • Theft • Trespassing • Unauthorized Sale or Distribution • Vaping or other inhalants • Weapons, Firearms, and Explosives 	<ul style="list-style-type: none"> • The referral was entered into School Tool, and Administrator was notified immediately • The Administrator will contact the family • Attendance Contract • Long Term Suspension (6 days or more) <p>*The Second fight in a calendar year will result in an automatic disciplinary hearing. *Violation of a Level 3 Behavior Contract is an automatic hearing. *By law, Students may not be suspended for truancy</p>

Grades 7-12 Tiered Discipline and Intervention Guidelines

Please note that this is a reference guide. This is not all-inclusive.

	Behaviors Include, but are not limited to:	Interventions may include but are not limited to the following:
L e v	<ul style="list-style-type: none"> • Unexcused Absences • Academic Dishonesty • Classroom Disruption • Defiance of Authority/Insubordination • Inappropriate/disruptive behavior • Uniform Infraction • Play Fighting • Hallway Misbehavior • Harassment 	<ul style="list-style-type: none"> • Infraction entered in School Tool Notes • Contact Crew Leader & family via telephone, email, or text message • Teacher Detention (before school, lunch, after school) • Reteaching clear expectations, policies, procedures, and norms • Crew Leader Mediation/meeting • Restorative Circle • Mediation

e 1 1	<ul style="list-style-type: none"> ● Unintentional Physical Contact with School Personnel ● Minor Property Damage ● 1st Personal Electronic Infraction ● Using School Equipment w/o Permission ● Tardiness - Unexcused (late to class) ● Technology Violation ● Unauthorized Sale or Distribution of items ● Verbal or Physical Threat to Student 	<ul style="list-style-type: none"> ● Community Service ● Written reflection or apology ● Seat change ● Reflection Room reset ● RtI Tier 1 Interventions ● Provide a classroom job ● Repair or restore harm to the community
	Behaviors Include, but are not limited to:	Interventions may include but are not limited to the following:
L e v e l 2	<p>Persistent Level 1 Infractions</p> <ul style="list-style-type: none"> ● Academic Dishonesty ● Act of Aggression or attack towards a student (no injury) ● Bullying - Cyber/Gang-related included ● Bus Violation ● Skipping class (15 min or more) ● Skipping Teacher Detention ● Classroom Disruption ● Defiance of Authority/Insubordination ● Inappropriate/disruptive behavior ● Uniform infraction (3+ times) ● Making False Claims ● Play Fighting ● Verbal Altercation leads to staff needing to physically separate students/disruptive to the learning environment or business of the school. ● Physical aggression (pushing/shoving) ● Gambling ● Hallway Misbehavior ● Harassment ● Inciting or participating in a disturbance ● Unintentional Physical Contact with School Personnel ● 2nd -3rd Personal Electronic Infraction ● Property Damage ● Using School Equipment w/o Permission ● Technology Violation ● Unauthorized Sale or Distribution of Items ● Theft ● Tobacco or Cannabis Possession ● Verbal or Physical Threat to Student 	<ul style="list-style-type: none"> ● Referral comment entered in School Tool and sent to Assistant Principal ● The teacher calls the family to describe behaviors that affected the learning environment ● Restorative Circle ● Repair and restore harm to the community ● Crew Leader notified ● Reflection Room reset ● Reflection and apology ● Referral to school social worker ● Referral to a community agency ● School service (i.e., Clean lunchroom, etc.) ● Community mediation ● Administrative detention ● Restitution ● Confiscation of items related to behavior ● RtI Intervention (i.e., CICO, Student Behavior Contract, Peer mentoring) ● Loss of privileges (after-school activities, extracurriculars, sports)
	Behaviors Include, but are not limited to:	Interventions may include but are not limited to the following:

<p style="text-align: center; font-size: 2em; font-weight: bold;">L e v e l 3</p>	<ul style="list-style-type: none"> ● Persistent Level 2 infractions ● Alcohol ● Act of aggression or attack on a student (injury) ● Bullying - Cyber/Gang-Related included ● Persistent skipping classes (15 min or more) ● Severe Defiance of Authority/Insubordination ● Severe Inappropriate/disruptive behavior ● Uniform infraction (routine) ● Drugs ● Coercion/Extortion ● False claims ● Fighting ● Gambling ● Harassment/Hate Crime ● Inciting or participating in a disturbance ● Leaving the building without permission ● Physical Contact with School Personnel ● Severe Property Damage ● Sexually-Based Infraction ● Technology Violation ● Unauthorized Sale or Distribution of items ● Theft ● Tobacco or Cannabis Possession ● Vaping ● Verbal or Physical Threat to Student ● Weapon 	<ul style="list-style-type: none"> ● The referral was entered into School Tool, and Administrator was notified immediately ● Family is contacted by phone call (teacher and/or Administrator) ● Crew Leader is notified ● Repair and restore harm to the community ● Restorative Conference/Circle ● Behavior Contract ● Attendance Meeting ● Referral to Substance abuse counseling ● Referral to a community organization ● Referral to Drug counseling ● RtI Intervention for Tier 3 (Behavior Plan) ● Removal from a specific class (3 days or less) ● Loss of privileges (after-school activities, extracurriculars, sports) ● A short-term suspension (5 days or less) <p>*By law, students may not be suspended for truancy</p>
	<p>Behaviors Include, but are not limited to:</p>	<p>Interventions may include but are not limited to the following:</p>
<p style="text-align: center; font-size: 2em; font-weight: bold;">L e v e l 4</p>	<ul style="list-style-type: none"> ● Habitual Truancy ● Alcohol ● Attack on a student ● Bomb Threat ● Severe bullying (including Cyberbullying) ● Severe Defiance of authority and/or insubordination ● Severely Inappropriate or Disruptive Behavior ● Drugs ● Extortion/Coercion ● False Alarm/Activation of Fire Alarm ● Fighting ● Fire/Arson ● Gambling ● Harassment ● Inciting or participating in a disturbance ● Leaving School grounds without permission ● Property Damage ● Sexual Assault/Offense ● Sexually-Based Infraction 	<ul style="list-style-type: none"> ● The referral was entered into School Tool, and Administrator was notified immediately ● The Administrator will contact the family ● Crew Leader is notified ● Attendance Contract ● Long Term Suspension (6 days or more) <p>*The Second fight in a calendar year will result in an automatic disciplinary hearing.</p> <p>*By law, students may not be suspended for truancy</p>

- | | | |
|--|---|--|
| | <ul style="list-style-type: none"> ● Persistent or excessive Tardies ● A threat against School Personnel ● Theft ● Trespassing ● Unauthorized Sale or Distribution ● Vaping or other inhalants ● Weapons, Firearms, and Explosives | |
|--|---|--|

VIII. ALTERNATIVE INSTRUCTION

When a student of compulsory attendance age is suspended from school, the School will take immediate steps to provide alternative means of instruction for the student. Students in kindergarten through sixth grade will receive a maximum of ten (10) hours of instruction a week, and students in grades seven through twelve will receive a maximum of fifteen (15) hours a week. Alternate site instruction will occur only on days when school is in session and may be provided at a pre-arranged public location or virtually when circumstances are appropriate and may be provided by a contracted provider.

IX. RESTORATIVE PRACTICES

Restorative justice is an evidence-based practice that effectively reduces suspensions, expulsions, and disciplinary referrals. Restorative justice focuses on righting a wrong committed and repairing harm done. The goal is to place value on relationships and focus on repairing relationships that have been injured. The victim and the wrongdoer have the opportunity to share how they were harmed as victims or how they will work to resolve the harm caused as wrongdoers.

Restorative Practices such as circles, conferences, and mediations provide a safe environment for people to express and exchange emotions. Through the mutual exchange of expressed affect, we build community, creating the emotional bonds that tie us together.

The use of Restorative Practices helps to:

- improve behavior
- strengthen civil society
- provide effective leadership
- reduce maladaptive behavior
- restore relationships
- repair harm

Reflection Room

The purpose of the Reflection Room is to provide an opportunity for students to reflect, help solve problems and learn new skills to believe, achieve and succeed.

- The Reflection Room provides a *restorative process* for students and encourages them to reflect on their behavior.
- The Reflection Room is used to encourage healthy coping skills and prosocial strategies to support their development.
- The Reflection Room should set an atmosphere of care and respect for the school community.
- The Reflection Room provides structure and support to students by holding students accountable for their actions and providing supportive guidance.

What Happens in the Reflection Room?

- The room is a neutral space.

- When students arrive in the Reflection Room, the student support specialist sets the expectations of the room and gives the student time to calm down and clear their minds.
- The student will fill out a reflection form to help them process the incident.

Referral Process for the Reflection Room:

- Classroom teachers/ or Administrators can refer students to the Reflection Room.
- The student is escorted to the Reflection room by designated staff and returned to the classroom after the Reflection Room process is complete. (One period of instruction per day)
- Referring classroom teachers will contact the parent by the end of the day to follow up regarding the incident and the missing work deadline and requirement.
- Frequent visits to the Reflection Room may warrant a Parent Conference meeting with the teacher and/or School Administrators.

X. STUDENT SEARCHES AND INTERROGATIONS:

The School authorizes the principal and the principal's designee(s) 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's Code of Conduct or otherwise constituted a threat to the health, safety, welfare, or morals of the school, other students, school personnel, or any other person lawfully on school property or attending a school function. In authorizing searches, the school acknowledges state and federal constitutional rights, which apply to personal searches of students and searches of their possessions.

An authorized school official may search a student or the student's belongings based on information received from a reliable informant. Individuals other than the school's employees will be considered reliable informants if they have previously supplied accurate and verified information, made an admission against their interest, provided the same information that is received independently from other sources, or appear to be credible. The information they are communicating relates to an immediate threat to safety. School employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Students may be subject to personal searches and searches of their possessions where reasonable individualized suspicion exists to conduct such a search. Reasonable individualized suspicion to conduct a search of a student or a student's possessions and the scope of the particular search shall be based upon, among other things, the student's age, the prevalence and seriousness of the problem to which the search is directed, the urgency necessitating an immediate search, and the probative value and reliability of the information used as justification for the search.

Student Lockers, Desks, and Other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks, and/or other school storage places. Students have no reasonable expectation of privacy with respect to such places. The school exercises overriding control over such school property, which may be opened and subjected to inspection at any time by School officials without prior notice to students and their consent.

Police Involvement in Searches and Interrogations of Students

School officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or

2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the principal or their designee shall first notify the student's parent to allow the parent to be present during the police questioning or search. If the student's parent cannot be contacted before the police question or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who police officials question on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

XI. COMMUNICATION WITH PARENTS

School staff will communicate with parents promptly by phone and, when necessary, in writing whenever there are concerns regarding student misconduct.

XII. DISCIPLINE OF STUDENTS WITH DISABILITIES

For purposes of this section of the Code, the following definitions apply:

A "**student with a disability**" means a student who falls within one of the classifications set forth in the Individuals with Disabilities Education Act (IDEA) and Section 200.1(zz) of the Commissioner of Education regulations, and who, because of such classification, needs special education or related services. This also includes students who qualify as a student with a disability pursuant to Section 504 of the Rehabilitation Act and who, because of such qualification, need a Section 504 Plan.

A "**student presumed to have a disability**" means a student who the School deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action. This includes the School having knowledge that such a student had a disability prior to the time the behavior occurred:

- a. The parent of such student expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student needs special education or a Section 504 Plan, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
- b. The parent of the student requested a Committee on Special Education (CSE) or Section 504 evaluation of the student; or
- c. A teacher of the student, or other personnel of the School, has expressed specific concerns about a pattern of behavior demonstrated by the student directly to supervisory personnel of the School.

A student is not presumed to have a disability when:

- a. The parent of the student has not allowed a CSE or Section 504 evaluation of the student;
- b. The parent of the student has refused CSE or Section 504 services; or
- c. It was determined that the student is not a student with a disability as defined by the CSE or Section 504 Team.

Students presumed to have a disability are entitled to the same disciplinary protections as students with disabilities.

A "**suspension**" means a suspension pursuant to this Code of Conduct.

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/herself or others or a change in placement to an IAES ordered by the Superintendent of the ' 'student's district of residence.

In addition to the disciplinary procedures applicable to all students, EMHCS recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problem behavior. EMHCS also recognizes that students with disabilities may be entitled to certain procedural protections before certain disciplinary measures are imposed upon them. EMHCS is committed to ensuring that the procedures followed for suspending, removing, or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by 34 CFR §§ 300.530-300.537. Such procedures also apply to students presumed to have a disability as defined above.

The School will implement student Individualized Education Programs (IEP) and any associated behavioral intervention plans (BIPs) with fidelity. If the IEP appears not to be effective or if there is a concern for the health and safety of the student or others, and IEP guidelines are being followed with respect to the specific infraction, the matter will be immediately referred to the Committee on Special Education (CSE) of the student's district of residence for consideration of a change in the guidelines. Note, however, that all students may be disciplined in accordance with this Code of Conduct, provided that students with disabilities receive protections as noted below.

The school may suspend a student with a disability for up to 10 consecutive school days, provided it does not result in a change of placement as identified below. A disciplinary change in placement means a suspension or removal from a ' 'student's current educational placement that is either:

1. For more than 10 consecutive school days; or
2. 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 nature of the conduct/behavior that resulted in suspension or removal, the length of each suspension or removal, the total amount of time the student is removed and/or the proximity of the suspensions or removals to one another.

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 (as described above, based on the nature of the conduct/behavior for each suspension/removal, the length of each suspension/removal, the total amount of time the student is removed, and the proximity of the suspensions or removals to one another) unless a manifestation determination review (MDR) is first conducted and no manifestation is found according to the procedures below.

The MDR for students with IEPs will be conducted by the CSE of the student's school district of residence. In considering the placement of students referred because of disciplinary problems, the CSE of the student's home district of residence is expected to follow its ordinary policies with respect to parental notification and involvement. During any subsequent removal that, combined with

previous removals, equals ten (10) or more days during a school year but does not constitute a change in placement, services will be provided to the extent determined necessary to enable the student to progress appropriately in the curriculum and toward their IEP goals. These service determinations will be made by school personnel in consultation with the student's special education teacher and may be referred to the CSE for further consideration.

If a student is placed in an interim alternative educational setting (IAES), such placement will be made in accordance with 34 CFR § 300.531. If a district of residence CSE recommends a full-time placement outside EMHCS, EMHCS will discharge the student to the school district of residence in compliance with the student's right to due process.

Students with Section 504 Plans are also entitled to an MDR, as described above. The school's Section 504 Team will conduct the MDR for students with Section 504 Plans.

If discipline that would constitute a change in placement is contemplated for any student covered by this section, the following steps will be taken:

No, later than the date on which the decision to take such action is made, the parent(s) or guardian of the student shall be notified of that decision and provided the procedural safeguard notice described in 34 CFR 300.504 (for students with IEPs) or the school's Section 504 procedural safeguards (for students with Section 504 Plans); and

1. As soon as possible, but in no event later than ten (10) school days after the date on which such a disciplinary decision is made, the MDR will convene to review the relationship between the student's disability and the behavior that is the subject of the disciplinary action. For students with IEPs, the MDR Team will be conducted by the student's district of residence and other qualified personnel, including an appropriate EMHCS representative. For students with Section 504 Plans, the school's Section 504 Team will meet in accordance with these procedures.
2. If upon review by the MDR, it is determined that the student's behavior was not a manifestation of their disability, then the student may be disciplined in the same manner as a student without a disability, except that the student will be provided services during any period of removal in accordance with 34 CFR § 300.530(d).
3. If, upon review by the MDR, it is determined that the student's behavior was a manifestation of the student's disability, then the student must be permitted to return to school immediately unless the home district CSE makes a different placement recommendation for the student.

A parent(s) or guardian(s) of a student with an IEP may request a hearing to challenge the manifestation determination. Generally, a student will remain in their current educational placement pending the determination of the hearing. However, if a parent or guardian requests a hearing or appeals challenging a decision resulting from a disciplinary action related to drugs, weapons, controlled substances, and/or serious bodily injury offenses, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or the until the expiration of the time period provided for in the disciplinary action, whichever occurs first, unless the parent or guardian and the school agree otherwise. Any due process proceeding brought to challenge a determination of the MDR, including an expedited hearing to contest a manifestation determination, will be conducted by the student's school district of residence.

A parent(s) or guardian(s) of a student with a Section 504 Plan may challenge an MDR determination in accordance with the school's Section 504 Procedural Safeguards/'Parents' Rights.

Communication with the home district CSE.

To keep the home district's CSE appropriately informed of the disciplinary actions taken, EMHCS will notify the CSE when a student's suspensions, viewed cumulatively, become close to reaching **10** non-consecutive days, and immediately if the School suspends a student for more than **10** days in a year, for the CSE to establish a behavioral intervention plan or modify such a plan or its implementation.

EMHCS will work with CSEs to ensure that the CSE meets within **7** days of notification of suspension.

XIII. 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.

The prohibition against corporal punishment does not prohibit the use of reasonable physical force to:

- Protect someone from hurting themselves.
- Protect oneself, another student, a teacher, or any person from physical injury.
- Protect the property of the school or others.
- When a student whose behavior interferes with the orderly exercise and performance of school functions, powers, and duties refuses to refrain from further disruptive acts or to leave the area when directed to do so.

The above exceptions are permissible only when alternative procedures and methods not involving physical force cannot be reasonably employed to achieve the same purpose.

The School will file all complaints about corporal punishment with the Commissioner of Education in accordance with the Commissioner's regulations.

XIV. ACADEMIC AND BEHAVIORAL ELIGIBILITY FOR ATHLETICS:

See Student Athletic Handbook and Team Rules/Expectations Parent/student-athlete contract.

XV. VISITORS TO THE SCHOOLS

The Board of Trustees encourages parents and other citizens of the community to visit the school. Visitors will report to the security desk. A visitor management system is in use at all three campuses. All visitors must present valid photo government-issued identification each time they visit a school. The visitor will be given a pass for the building that they must wear visibly at all times. Any visitor who is a registered sex offender must comply with the EMHCS Sex Offender Policy as well as follow any other conditions placed upon their presence on school property pursuant to that policy. Visitors will sign out when they return the visitor's pass.

Visitors will adhere to school policies and regulations and the rules for public conduct on school property contained in the EMHCS Code of Conduct. To keep instructional interruptions to a minimum, parents should leave items such as books, lunches, or other supplies in the parent center. There is a procedure in place for getting items to the students. Parents should not attempt to deliver items to the students in classrooms.

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 environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, "public" shall mean all persons when on school property or attending a school function, including students, teachers, and district personnel.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The school recognizes that free inquiry and free expression are indispensable to the objectives of the school. 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 on school property or attending a school function are expected to be attired appropriately for the purpose they are on school property.

A. Consequences for Prohibited Conduct Under this Code

Persons who violate this Code shall be subject to the following:

1. **Visitors.** Their authorization, if any, to remain on school grounds or at the school 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** shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. **Faculty members** shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights they may have.
4. **As the facts warrant, staff members shall be subject to immediate ejection and disciplinary action.** Or any other legal rights that they may have.

B. Implementation

The building principal or designee shall be responsible for requiring the conduct stipulated by this Code.

When the building principal or their designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the principal or their designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or designee 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 or designee 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 and stated in Section B above. In addition, the school reserves its right to pursue civil or criminal legal action against any person violating the Code.

XVI. THE DIGNITY FOR ALL STUDENTS ACT (DASA):

The school is committed to providing a safe, supportive environment for all students that is free from harassment, bullying, and discrimination, including such conduct that is based on a person's actual or perceived **race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender/gender identity** by school employees or students on school property, on a school bus, or at a school function.

EMHCS encourages the involvement of staff, students, parents, and community members in

implementing the Dignity for All Students Act ("DASA") and the expectation that all students should be treated with compassion and respect.

Students and/or Parents may make oral or written reports of bullying, harassment, and/or discrimination to teachers, administrators, or other school staff (e.g., counselors) and/or Dignity Act Coordinator.). The school social worker at each building serves as the Dignity Act Coordinator.

Hard copies of DASA forms are available in the Parent Center at each school building.

For additional information regarding DASA, please visit www.emhcharter.org.

The school strictly prohibits retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

XVII. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Review the Code of Conduct with all students at a general assembly held at the beginning of each school year.
2. The Code of Conduct will be shared with parents, students, and community members at the beginning of the school year and available online.
3. Inform all current teachers and other staff members that a copy of the Code of Conduct is available online.
4. Inform all new employees that the Code of Conduct is available online when hired.

B. Review of Code of Conduct

The school will review this Code of Conduct annually, update it as necessary, and present it to the Board of Trustees for approval.