

Evergreen Charter School

STUDENT DISCIPLINE CODE

<i>Level 1 Infractions – Insubordinate Behavior</i>	<i>Level 1 – Range of Possible Disciplinary Responses</i>
<ol style="list-style-type: none">1. Being late for school2. Bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper)3. Failing to be in one's assigned place on school premises4. Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)5. Engaging in verbally rude or disrespectful behavior6. Wearing clothing or other items that are unsafe or disruptive to the educational process7. Posting or distributing material on school premises in violation of written Evergreen Charter School rules, New York State Education Department regulations or city, state or federal laws8. Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission	<ol style="list-style-type: none">A. Admonishment by school staffB. Student/teacher conferenceC. Reprimand by appropriate supervisor (e.g., assistant principal, principal)D. Parent conferenceE. In-school disciplinary action (e.g., exclusion from extracurricular activities, recess or communal lunchtime)F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester Principal's suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher)

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<i>Level 2 – Infractions – Disorderly Disruptive Behaviors</i>	<i>Level 2 – Range of Possible Disciplinary Responses</i>
<ol style="list-style-type: none"> 1. Smoking 2. Gambling 3. Using profane, obscene, vulgar, lewd, or abusive, language or gestures 4. Lying or giving false information to school personnel 5. Misusing property belonging to others 6. Engaging in or causing disruptive behavior on the school bus 7. Leaving class or school premises without permission of supervising school personnel 8. Engaging in inappropriate or unwanted physical contact (grades K-3 only; see infraction 3.7 for grades 4-5) 9. Violating the rules regarding use of the internet at the Evergreen Charter School (e.g., use of the schools system for non-educational purposes, security/privacy violations) 10. Engaging in scholastic dishonesty which includes but is not limited to: a) Cheating (e.g., copying from another’s test paper; using 	<ol style="list-style-type: none"> A. Admonishment by school staff B. Student/teacher conference C. Reprimand by appropriate supervisor (e.g., assistant principal, principal) D. Parent conference E. In-school disciplinary action (e.g., exclusion from extracurricular activities, recess or communal lunchtime) F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester a Principal’s suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher) G. Suspension

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material during a test which is not authorized by the person giving the test; b) collaborating with another student during the test without authorization; c) knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an un-administered test; d) substituting for another student or permitting another student to substitute for one's self to take a test; e) bribing another person to obtain a test that is to be administered; or f) securing copies of the test or answers to the test in advance of the test)

11. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution)

12. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)

13. Engaging in a pattern of persistent Level 1 behavior (whenever possible and appropriate, prior to imposing a Level 2 disciplinary response, school officials should have exhausted the disciplinary responses in Level 1 infractions are limited to Level 2 disciplinary responses.)

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<i>Level 3 Infractions – Seriously Disruptive or Dangerous Behavior</i>	<i>Level 3 – Range of Possible Disciplinary Responses</i>
<ol style="list-style-type: none"> 1. Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety agents 2. Biased based harassment, intimidation, coercion or bullying behavior, violation of Evergreen Charter School’s Dignity for All Students Act policy. This may also rise to a Level 4 Infraction. 3. Fighting/engaging in physically aggressive behavior 4. Bringing unauthorized visitors to school or allowing unauthorized visitors to enter school in violation of written school rules 5. Engaging in theft or knowingly possessing property belonging to another without authorization 6. Tampering with, changing, or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means 7. Engaging in inappropriate or unwanted physical contact * (grades 4-5 only; see infraction 2.8 for grades K-3) 	<ol style="list-style-type: none"> A. Admonishment by school staff B. Student/teacher conference C. Reprimand by appropriate supervisor (e.g., assistant principal, principal) D. Parent Conference E. In-school disciplinary action (e.g., exclusion from extracurricular activities, recess or communal lunchtime) F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher three times during a semester a Principal’s suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher) G. Short Term Suspension H. Long Term Suspension

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8. Posting or distributing libelous or defamatory material or literature or material containing a threat of violence, injury or harm (C-H only)
9. Engaging in vandalism or other intentional damage to school property or property belonging to staff, students or others (C-H only)
10. Falsely activating a fire alarm or other disaster alarm or making a bomb threat (C-H only)
11. Engaging in gang-related behavior (e.g., wearing gang apparel, writing graffiti, making gestures or signs) (grades 4-5 only) (D-H only)
12. Engaging in a pattern of persistent Level 2 behavior ** (Whenever possible and appropriate, prior to imposing a Level 3 disciplinary response, school officials should have exhausted the disciplinary responses in Level 2. Further, repeated Level 2 infractions are limited to Level 3 disciplinary responses.) (D-H only)

* The school should offer appropriate counseling and referrals for counseling to students who engage in this behavior.

**This infraction applies only to infractions 1 – 8 in Level 2, grades K-5

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<i>Level 4 Infractions – Dangerous or Violent Behavior</i>	<i>Level 4 – Range of Possible Disciplinary Responses</i>
<ol style="list-style-type: none"> 1. Engaging in intimidation, coercion or extortion or threatening violence, injury or harm to another or others 2. Engaging in behavior which creates a substantial risk of or results in injury 3. Biased based harassment, intimidation, coercion or bullying behavior in which there is a risk or threat or actual violence, violation of Evergreen Charter School’s Dignity for All Students Act policy Engaging in sexual harassment* (e.g., sexually suggestive comments, innuendoes, propositions or inappropriate physical contact of a sexual nature such as touching, patting, pinching) (for grades 4-5 only) 4. Possessing illegal drugs, alcohol or controlled substances without appropriate authorization** 5. Engaging in threatening, dangerous or violent behavior which is gang- related (grades 4-5 only) 	<ol style="list-style-type: none"> D. Parent Conference E. In-school disciplinary actions (e.g., exclusion from extracurricular activities, recess or communal lunchtime) F. Removal from classroom by any teacher (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a principal’s suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher) G. Short Term Suspension (1 – 5 days) H. Long Term Suspension (>6 days) I. Expulsion

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6. Participating in an incident of group violence
7. Threatening, while on school property, to use any instrument that appears capable of causing physical injury
8. Engaging in behavior on the school bus which creates a substantial risk of or results in injury
9. Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity*(grades 4-5 only)
10. Committing arson
11. Inciting/causing a riot
12. Possessing any weapon as defined in category II***
13. Using illegal drugs, alcohol or controlled substances without appropriate authorization*
14. Engaging in a pattern of persistent Level 3 behavior (Whenever possible and appropriate, prior to imposing a Level 4 disciplinary response, school officials should have exhausted the disciplinary responses in Level 3. Further, repeated Level 3 infractions are limited to Level 4 disciplinary responses.

* The school should offer appropriate counseling and referrals for counseling to students who engage in this behavior.

*** Before requesting a suspension for possession of an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are

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	<p>mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance and weight.</p>
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<i>Level 5 Infractions – Seriously Dangerous or Violent Behavior</i>	<i>Level 5 – Range of Possible Disciplinary Options</i>
<ol style="list-style-type: none"> 1. Using force against or inflicting or attempting to inflict serious injury against school personnel or school safety agents 2. Using extreme force against or inflicting or attempting to inflict serious injury upon students or others 3. Selling or distributing illegal drugs or controlled substances* 4. Possessing any weapon, other than a firearm, as defined in Category I below 5. Using any weapon as defined in Category II to attempt to inflict injury upon school personal, students, or others 6. Using any weapon, other than a firearm, as defined in Category I or Category II to inflict injury or Category I to attempt to inflict injury upon school personnel, students, or others 7. Possessing or using a firearm (I only)** <p>*The school should offer appropriate counseling and referrals for counseling for students who engage in this behavior.</p>	<ol style="list-style-type: none"> G. Short Term Suspension (1 – 5 days) H. Long Term Suspension (>6 days) I. Expulsion

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** This disciplinary measure may be modified on a case-by-case basis.	
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Prohibited Weapons – Category I	Prohibited Weapons – Category II
<ul style="list-style-type: none">• Firearm, including pistol and handgun, silencers, electronic dart, and stun gun;• Shotgun, rifle, machine gun, or any other weapon which simulates or is adaptable for use as a machine gun;• Air gun, spring gun, or other instrument or weapon in which the propelling force is a spring or air, and any weapon in which any loaded or blank cartridge may be used (such as a BB gun)• Switchblade knife, gravity knife, pilum ballistic knife and cane sword (a cane that conceals a knife or sword);• Dagger, stiletto, dirk, razor, box cutter, utility knife and other dangerous knives;• Billy club, blackjack, bludgeon, chukka stick, and metal knuckles;• Taser or taser-like device;	<ul style="list-style-type: none">• Acid or deadly or dangerous chemicals;• Imitation gun;• Loaded or blank cartridges and other ammunition;• Stink bombs• Stun pens• Any deadly, dangerous, or sharp pointed instrument which can be used or is intended for use as a weapon (such as scissors, nail file, broken glass, chains, wire, laser beam pointers).

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| <ul style="list-style-type: none">• Sandbag and sandclub;• Sling shot (small, heavy weights attached to or propelled by a thong) and slung shot;• Martial arts objects including kung fu stars, nun-chucks and shirkens;• Explosives, including bombs, fire crackers and bombshells. | |
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Evergreen Charter School is committed to ensuring that our school is a safe, secure and orderly environment in which teaching and learning take place each day. A safe, supportive school environment depends on a well-developed Disciplinary Code of Conduct, on the cooperation of students, staff and parents in promoting the expectations for student behavior and the provisions of the Code, and a climate of mutual respect among all parties.

STANDARDS OF BEHAVIOR: ACCOUNTABILITY AND SUPPORT

All members of the school community — students, staff and parents — must know and understand the standards of behavior which all students are expected to live up to and the consequences if these standards are not met. Principal, teachers, school staff, students and parents need to know the disciplinary measures that can be taken when a student misbehaves or interferes with the learning environment or other school-related activities. This Disciplinary Code of Conduct (“Code”) provides a comprehensive description of unacceptable behavior. The Code includes the range of permissible disciplinary and intervention measures the school may use to address student behavior. The Code applies to all students, including those with disabilities.

In providing a range of permissible disciplinary measures, the Code is intended to ensure both consistency and equitable treatment for all students and enable the administration to exercise its discretion and educational judgment. Guidance interventions are included because inappropriate behavior or violations of the Code may be symptomatic of more serious problems. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

The standards set forth in the Code apply to behavior in school during school hours, before and after school, while on school property, at all school-sponsored events, during school-related transportation and on other-than-school property when such behavior may negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.

PREVENTION AND INTERVENTION

School personnel are responsible for developing and using strategies that promote optimal learning and positive behavior throughout a student’s school experience and encourage adherence to the code. They are also responsible for addressing behaviors which disrupt learning. Administrators, teachers, counselors and other school staff are expected to engage students, including students with disabilities, in intervention and prevention strategies that address a student’s behavioral issues and discuss these strategies with the student and his/her parent. Intervention and prevention approaches may include guidance support and services to address personal and family circumstances; social/emotional learning, such as conflict resolution/peer mediation/negotiation, anger management, and/or

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communication skills acquisition; the use of alternate instructional materials and/or methods; enrichment services; alternate class placement; and/or development or review of functional behavioral assessments and behavioral intervention plans which should be developed and/or reviewed as an early intervention strategy. If, at any time, the School suspects that a student's difficulties may be the result of a disability which may require special education services, the student should be referred immediately to the Committee on Special Education for the district of the student's residence.

PARENTS AS PARTNERS

Students, parents and school personnel all have a role in making schools safe and must cooperate with one another to achieve this goal. School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or a written communication. As role models, parents and school staff should exhibit the behaviors which they would like to see students emulate. To ensure that parents become active and involved partners in promoting a safe and supportive school environment, parents must be familiar with the Code. Educators are responsible for timely informing parents about their child's behavior and for nurturing the skills students need to succeed in school and in society. Parents are encouraged to discuss with their child's teacher and other school staff issues that may affect student behavior. It is important that there be maximum consultation and communication between the school and the home. Guidance conferences attended by the principal or his/her designee, the student's parent, and one or more of the student's teachers are an effective means of encouraging parental input and should be held with students where appropriate. Parents who want to discuss guidance interventions in response to student behavior should contact the school.

ATTENDANCE

School personnel must ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that manifest themselves as truancy or patterns of unexcused absence or educational neglect. In cases of truancy, school personnel must meet with the student and parent in order to determine an appropriate course of action which should include, but not be limited to: guidance intervention, referral for counseling, referral to after-school programs, the filing of a Person in Need of Supervision (PINS) Petition in Family Court and referral to the child protective services agencies. The school should review cases of truancy and should involve teachers and other school staff in facilitating a resolution to address the pattern of truancy. Cases of suspected educational neglect must be called into the New York State Central Register.

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STUDENT RIGHTS:

All Evergreen Charter School Students are entitled to:

1. Be in a safe and supportive learning environment, free from discrimination, harassment, bullying, and bigotry, and to file a complaint if they feel that they are subject to, or witness this behavior;
2. Receive courtesy and respect from others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, citizenship/immigration status, sexual orientation, physical and/or emotional condition, weight, disability, marital status, economic status and political beliefs;
3. Receive a written copy of the school's policies and procedures, including the Discipline Code;
4. Receive professional instruction;
5. Be informed of educational progress and receive periodic evaluations both informally and through formal progress reports;
6. Be notified in a timely manner of the possibility of being held over in the grade or of failing a course; parent/adult in parental relationship and eligible student); and
7. Be counseled by members of the professional staff in matters related to their behavior as it affects their education and welfare within the school.

STUDENT RESPONSIBILITIES

All Evergreen Charter School Students are responsible for:

1. Attending school regularly and punctually and make every effort to achieve in all areas of their education;
2. Being prepared for class with appropriate materials and properly maintain textbooks and other school equipment;
3. Following school regulations regarding entering and leaving the classroom and school building;
4. Helping maintain a school environment free of weapons, illegal drugs, controlled substances and alcohol;
5. Behaving in a manner that contributes to a safe learning environment and which does not violate other students' right to learn;
6. Sharing information with school officials regarding matters which may endanger the health and welfare of members of the school community;
7. Respecting the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others;
8. Showing respect for school property and respect the property of others, both private and public;
9. Being polite, courteous and respectful toward others;
10. Behaving in a polite, truthful and cooperative manner toward students, teachers and other school staff;

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11. Promoting good human relations and build bridges of understanding among the members of the school community;
12. Using non-confrontational methods to resolve conflicts;
13. Participating and voting in student government elections;
14. Providing positive leadership by making student government a meaningful forum to encourage maximum involvement;
15. Working with school staff in developing broad extracurricular programs in order to represent the range of physical, social and cultural interests and needs of students;
16. Observing ethical codes of responsible journalism;
17. Refraining from obscene and defamatory communication in speech, writing and other modes of expression in their interactions with the school community;
18. Expressing themselves in a manner which promotes cooperation and does not interfere with the educational process;
19. Assembling in a peaceful manner and respect the decision of students who do not wish to participate;
20. Bringing to school only those personal possessions which are safe and do not interfere with the learning environment;
21. Adhering to the guidelines established for dress and activities in the school gymnasium, physical education classes, laboratories and shops;
22. Being familiar with the Code and abiding by school rules and regulations;
23. Providing leadership to encourage fellow students to follow established school policies and practices;
24. Keeping parents informed of school-related matters, including progress in school, social and educational events, and ensuring that parents receive communications that are provided by school staff to students for transmittal to their parents.

DIGNITY ACT POLICY:

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

Acts of harassment, intimidation, coercion 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, economic status, sexual orientation,

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gender or sex. Evergreen considers isolating another student on the basis of any of these actual or perceived statuses to be a form of harassment and bullying.

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. Cyberbullying means coercion, intimidation, 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):

Evergreen has a DAC. The DAC's name and contact information will be available to students through posting on the Linden Avenue Entrance Bulletin Board. The DAC will be trained to handle human relations in the areas addressed by the Dignity Act (race, color, weight, national origin, ethnic group, religion, religious practice, disability, economic status, sexual orientation, gender and sex). The DAC serves as the point person for all Dignity Act issues at Evergreen and works to ensure that all students are provided with a safe, supportive and positive school climate free from harassment or discrimination on any of the bases described above and generally. 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.

Reports and Investigations of Discrimination and Harassment

Students should report violations of the Code and Dignity Act Policy immediately to the Principal or DAC. This is true whether the student is a victim of or witness to bullying, cyberbullying, harassment, coercion, isolation or intimidation. The school will investigate all complaints of harassment and discrimination and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the school finds that this policy has been violated, corrective action will be taken in accordance with school policies and regulations, the Code, and applicable laws and regulation.

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The school will not retaliate against any person who reports or participates in an investigation into inappropriate, prohibited conduct or violations of the Dignity Act Policy.

INFRACTIONS AND POSSIBLE DISCIPLINARY RESPONSES

Evergreen recognizes that it may become necessary to discipline a student for the student's conduct and behavior, and that such discipline may result in suspension, (in some extreme cases) expulsion, or any discipline that may result in the removal of the student from the educational setting. In recognition of the constitutional and legal rights of Evergreen 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 the 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.

Students are prohibited from engaging in the following conduct while traveling to/from school, during the school day and at all Evergreen functions whether on or off school grounds. Students may be subjected to discipline for engaging in prohibited conduct even if it takes place off school grounds if it may endanger the health or safety of pupils within the school or adversely affect the educational process or orderly administration of the school:

- Willfully causing physical injury to any other person, or threatening to use force that could result in or risks injury, assault another person, fighting or engaging in physically aggressive or threatening behavior, or engaging in inappropriate or unwanted physical contact of any kind.
- Conspiring to or participating in an incident of group violence or gang-related activity or violence
- Willfully damaging, defacing or destroying school property, including graffiti, or removing or use of such property without express authorization, including, but not limited to, computers, phones, copy machines and elevators.
- Stealing, or taking the property of another without permission.

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- Sexually harassing another or committing sexual acts on school property or at school sponsored events.
- Bullying, intimidating, coercing or hazing another person or otherwise discriminating against another person based on his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identification, sex, or economic status, or violate the School's Dignity Act policy.
- Retaliating against another person for bringing a complaint of inappropriate or prohibited conduct, including under the School's Dignity Act policy, for serving as a witness, or participating in an investigation of inappropriate or prohibited conduct.
- Entering into any private office or classroom of an administrative officer, teacher, or staff member without permission express authorization.
- Entering or remaining on school property without express authorization.
- Remaining in any building or facility after it is normally closed, or entering any building or facility prior to its normal opening, without express authorization.
- Refusing to leave any building or facility after being requested to do so by school administration or staff.
- Willfully obstructing or interfering with the free movement of persons and vehicles.
- Deliberately disrupting or preventing the peaceful and orderly conduct of classes, lectures, after-school activities, or deliberately interfering with the freedom of meetings or deliberately preventing any person from expressing his or her views, unless such disruption is necessary to maintain order of the educational process.
- Possessing on school property any rifle, shotgun, pistol, revolver, knife, chain, club or other weapon of any type, whether or not the person has a license to possess such weapon.
- Committing acts that threaten the safety and welfare of any person.
- Violating any federal or State statute or regulation, local ordinance or school policy.

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- Possessing, using, being under the influence of or distributing alcohol, drugs or drug paraphernalia, or tobacco products.
- Refusing or failing to comply with a lawful order or direction of a school official in the performance of his or her duty.
- Distributing or posting on school property any written material, pamphlets or posters without the prior express approval of the Principal or his/her designee.
- Unexcused absences.
- Lateness to school or class.
- Failure to return school property.
- Unapproved use of computers, fax, cell phones, beepers, computer games, personal devices for music, communication or games.
- Rude or disrespectful behavior towards another person, including, but not limited to, swearing or inappropriate language.
- Lying or dishonesty.
- Scholastic dishonesty including, but not limited to, cheating and plagiarizing.
- Falsifying records or signatures including, but not limited to, parents notes and report cards.
- Insubordination, defying or disobeying school employees, kitchen staff, custodial staff, medical staff, safety agents or other persons involved in the school's educational program.

School officials must consult the Discipline Code when determining which disciplinary measure to impose. **In addition to consulting the Discipline Code, prior to determining the appropriate disciplinary and/or intervention measures, the following will be considered:** the student's age, maturity, and previous disciplinary record (including the nature of the prior misconduct, the number of prior instances of misconduct, and the disciplinary measure imposed for each); the circumstances surrounding the incident leading to the discipline; and the student's IEP, BIP and 504 Accommodation Plan, if applicable.

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The enumerated infractions above are not all-inclusive. Students who engage in misconduct not listed above are subject to appropriate disciplinary measures by the teacher or the administration based on violation of school rules and expectation for appropriate behavior.

Potential Consequences

Depending on the severity of the infraction, disciplinary responses may include, but are not limited to:

- Verbal and written warnings to the student and notice to parents/guardians
- Removal from class or reassignment to another class
- Before or after-school detention
- Reprimand
- Peer mediation
- Learning and behavioral contracts between or among the school, parent/guardian and student
- Exclusion or suspension from athletic, social, extra-curricular activities or other privileges
- In-school suspension
- Out-of-school suspension
- Expulsion

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For minor infractions, Evergreen aims to determine an appropriate in-school course of action in consultation with the teacher, parent/guardian and administration. Students displaying inappropriate or disruptive behavior may be asked to participate in a conference with the teacher, parent/guardian and principal. The intent and purpose of such conference will be to modify the behavior, avoid further infractions, and imposition of more severe discipline.

The list of potential penalties, while detailed, is not exhaustive, nor does it preclude in any way the referral to law enforcement personnel of any matter believed to violate federal, state or local law or where the conduct is required by applicable law or regulation to be reported to law enforcement agencies, including, but not limited to, the Gun Free Schools Act or applicable State law.

DISCIPLINARY PROCEDURES AND DUE PROCESS

Short-Term Suspensions (5 Days or Less)

A short-term suspension is defined as an in-school or out-of-school suspension of five (5) days or less. When the school proposes suspending a student, the parent/guardian will be notified immediately or as soon as practicable by telephone. If the school has the parent/guardian's email address, notification will be provided by email. The parent/guardian will also be notified by overnight mail service or other method to his/her last known address within 24 hours of the school's decision to propose a short-term suspension. The written notice will include the reason(s) for the proposed suspension, the proposed duration of the suspension and whether the proposed suspension will be in-school or out-of-school. The written notice will also advise the parent/guardian that he/she will have the opportunity to request an informal conference with the Principal of the school or his/her designee. At an informal conference, the student and parent/guardian will be given an opportunity to deny or explain the charges, to present his/her own evidence and question the complaining witness(es). Student witness(es) have the right to have a parent/guardian present during any questioning. A written decision will be issued after the informal conference. The written notice and informal conference shall be in the parent/guardian's dominant language or translation will be made.

Alternative instruction will be provided during the period of suspension. The school may choose to deliver alternative instruction at the school, in the student's home, or at another location, within its sole discretion in accordance with applicable rules and regulations. The specifics of alternative instruction, including the amount of time of the instruction to be provided, are within the school's sole discretion. Students on suspension are required and expected to complete all school work. In addition, when appropriate, the student may be assigned a project designed to address the conduct that gave rise to the suspension.

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Long-Term Suspensions (More than 5 Days)

A long-term suspension is defined as an in-school or out-of-school suspension of more than five (5) days. When the school proposes suspending a student, the parent/guardian will be notified immediately or as soon as practicable by telephone. If the school has the parent/guardian's email address, notification will be provided by email. The parent/guardian will also be notified by overnight mail service or other method to his/her last known address within 24 hours of the school's decision to propose a long-term suspension. The written notice will include the reason(s) for the proposed suspension, the proposed duration of the suspension and whether the proposed suspension will be in-school or out-of-school. The written notice will also advise the parent/guardian that he/she and the student of the student's right to a formal hearing at which he/she may be represented by counsel, cross-examine the witness(es) against him/her, and present witnesses and evidence of his/her own. Student witness(es) have the right to have a parent/guardian present during any questioning. The written notice and hearing shall be in the parent/guardian's dominant language or a translation will be made.

The formal hearing will be conducted by the Principal or his/her designee ("Hearing Officer"). The hearing will be recorded. If the student or his/her parent/guardian will be represented by counsel at the hearing, notice by overnight mail must be provided to the Hearing Officer no less than two (2) days before the hearing is scheduled. A written decision will be issued after the formal hearing.

Alternative instruction will be provided during the period of suspension. The school may choose to deliver alternative instruction at the school, in the student's home, or at another location, within its sole discretion in accordance with applicable rules and regulations. The specifics of alternative instruction, including the amount of time of the instruction to be provided, are within the school's sole discretion. Students on suspension are required and expected to complete all school work. In addition, when appropriate, the student may be assigned a project designed to address the conduct that gave rise to the suspension.

For suspensions of ten (10) days or longer, the school will provide alternative instruction, with a greater emphasis on tutoring as necessary. The services provided will be designed in order to ensure that the student is given the opportunity to master the school

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curriculum and take such assessment tests as the school would otherwise provide. The school may also seek to place the student during the term of the suspension in any alternate education program that is operated by the student's school district of residence.

Expulsion from Evergreen Charter School

An expulsion is the permanent removal of a student from the school. In the case of conduct which in the school's judgment warrants expulsion, the student may be subjected to a short or long-term suspension first. The procedures to be followed where expulsion is proposed are the same as for a Long-Term Suspension described above.

If, after a formal hearing, the school expels a student, the school will cooperate with any school to which the student seeks to enroll, including providing the receiving school with all relevant information regarding the student's academic performance and student records, upon request of the school or parent/guardian. An expelled student will be provided with alternative instruction. The means and manner of alternative instruction will be the same as for a student who has been suspended. Alternative instruction will be provided until the student is enrolled at another accredited school, or otherwise participating in an accredited program, including any alternative education program operated by the student's school district of residence, to the extent the provision of such services is required by law. As above, the school may seek, where appropriate, to place the student in an alternative education program operated by the student's school district of residence either through agreement with the school district or by operation of law.

Appeals

An appeal from written decision imposing a short-term suspension, long-term suspension or expulsion may be made, in writing, to the Evergreen Charter School Board of Trustees, no later than ten (10) calendar days from the date of the written decision. The Board of Trustees may adopt in whole, or in part, the original decision imposing the discipline. Final decisions of the Board of Trustees may be appealed to the school's authorizer pursuant to Education Law §2855(4).

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DISCIPLINARY PROCEDURES FOR STUDENTS WITH DISABILITIES

The school's disciplinary policy, as regards any student with a disability, will be consistent with the Individuals with Disabilities Act ("IDEA"), and its implementing regulations including (34 CFR, Part 300 *et seq.*) as well as applicable New York State law respecting students with disabilities. The school will cooperate with the Committee on Special Education ("CSE") of the student's school district of residence as necessary to ensure compliance with applicable law and regulation.

Generally, a student with a disability may be disciplined in the same manner as his/her non-disabled peers as set forth above. However, when a student is suspended for more than ten (10) days, or on multiple occasions that, in the aggregate, amount to more than ten (10) days in a school year, additional safeguards are in place to ensure that the student's behavior was not tied to, or was a "manifestation" of his/her disability. An exclusion from school for a period greater than ten (10) days, as described in this paragraph, is considered a change in placement.

Specifically, when a change of placement of greater than ten (10) days is proposed, a manifestation team consisting of: (a) someone from the CSE who is knowledgeable about the student and can interpret information about the student's behavior generally; (b) the parent/guardian; and (c) relevant members of the student's CSE's IEP team (as determined by the parent and CSE) shall convene immediately if possible, but in no event later than ten (10) days after the decision to change placement, to determine whether the conduct was a manifestation of the student's disability.

A student whose IEP includes specific disciplinary guidelines will be disciplined in accordance with those guidelines. If the disciplinary guidelines appear not to be effective or if there is concern for the health and safety of the student or others if those guidelines are followed with respect to a specific infraction, the CSE may consider a change in the guidelines.

In the event of a proposed short-term or long-term suspension, or expulsion of a student with disabilities, the school will follow the notice procedures described above for students without disabilities. The notice to the parent/guardian will advise that the CSE has been notified. The notice will state the purpose of the CSE meeting and the names of the expected attendees, and indicate the parent/guardian's right to have relevant CSE members attend.

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

Manifestation Hearing

If the manifestation team concludes that the child's behavior resulted from his disability, 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 student must also be returned to his or her original placement (i.e., the placement from which he/she was removed), unless: (a) the parent and district agree to another placement as part of the newly created or revised BIP, or (b) in cases where the child:

- (i) carries 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;
- (ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the State or local educational agency; or
- (iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or local educational agency;

the Committee on Special Education shall determine an appropriate Interim Alternative Educational Setting ("IAES"), which shall not exceed forty-five (45) days.

Suspensions of More Than Five (5) Days

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Hearings regarding suspensions of more than 5 days must be bifurcated into a guilt phase and a penalty phase. If the student is found to be guilty, the hearing officer shall make a threshold determination whether a suspension or removal of greater than 10 days is warranted. If the answer is “no”, the hearing may proceed to the guilt phase; provided, however, that the student will be entitled to special education services necessary to ensure a free and appropriate public education (“FAPE”) during the removal period. If, however, the hearing officer intends to remove the student for more than 10 days, a manifestation meeting must be commenced before the student is removed, except when the student is guilty of behavior relating to serious bodily injury, drugs and alcohol, or weapons as set forth above under the section entitled “Manifestation Hearings”. If the behavior is determined to be a manifestation of the student’s disability, the hearing shall be dismissed, unless the behavior involved serious bodily injury, drugs and alcohol, or weapons. If the behavior is determined not to be tied to the student’s disability, the hearing may proceed to the penalty phase.

If a student is found guilty of conduct involving serious bodily injury, drugs and alcohol, or weapons, he/she may be removed to an IAES for up to 45 days, regardless of whether the behavior was a manifestation of his/her disability. Those circumstances are the only circumstances when a student with a disability may be disciplined regardless of whether the conduct is related to the student’s disability.

Alternative Instruction

If the suspension is upheld, the student, at the school’s sole discretion, he/she may be placed in alternative instruction, or 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.

A suspended elementary school student will be assigned to alternative instruction for direct instruction for a minimum of one hour per day and a secondary school student will be assigned for a minimum of two hours of direct instruction per day. The school will assign staff to develop alternative instruction that will enable the student to complete required coursework and make sure that the student progresses toward his/her IEP goals. If the school 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. The school will coordinate with the student’s general education teachers to ensure that the coursework and homework is gathered and provided to the student. During alternative instruction, the school will insure all assignments are taught, reviewed, and submitted to the general education teacher in a timely fashion. In addition, when appropriate, the student may be assigned a project designed to address the behavior that gave rise to the suspension.

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APPEALS

The appeal process for students with disabilities is the same as for students in general education. Please see the section on Appeals above.

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Student Rights and Responsibilities (continued)

Educational Records

Charter Schools are subject the federal Family Education Rights and Privacy Act of 1974 (FERPA), which gives parents of students under 18 years old certain privacy rights in their children’s educational records. The school will not disclose a student's educational records except in limited circumstances as authorized pursuant to FERPA or on the parent/guardian’s prior written consent Evergreen Charter School may release personally identifiable information that is considered “Directory Information” under the law, without parental consent. Directory information may include, but not be limited to, name, address, email address, telephone number, grade, dates of attendance at Evergreen, and extracurricular activities. Parents of Evergreen students may grant written consent to third parties to access their child’s educational records by submitting a written request to the Principal.

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Student Rights and Responsibilities (continued)

Search and Seizure

A student and/or the student's belongings may be searched by a school official if the official has a reasonable suspicion to believe that a search of that student will result in evidence that the student violated the law or a school rule. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from the student by school authorities.

Student lockers and desks remain the property of the school, though the school is not responsible for books, clothing, or valuables left in lockers or desks. A student shall not place or keep in a locker or desk any article or material which is of a non-school nature and may cause or tend to cause the disruption of the mission of the school.

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

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