

RIVERHEAD CHARTER SCHOOL

CODE OF CONDUCT

Riverhead Charter School

Code of Conduct

Table of Contents

	Page
INTRODUCTION	2
DEFINITIONS	3
STUDENT RIGHTS AND RESPONSIBILITIES	7
ESSENTIAL PARTNERS	8
THE DIGNITY FOR ALL STUDENTS ACT	10
INTERNET/NETWORK USE	12
PROHIBITED STUDENT CONDUCT	13
WEAPONS	18
REPORTING VIOLATIONS	19
DISCIPLINARY CONSEQUENCES, PROCEDURES AND REFERRALS	20
ALTERNATIVE INSTRUCTION	29
DISCIPLINE OF STUDENTS WITH DISABILITIES	30
CORPORAL PUNISHMENT	34
STUDENT SEARCHES AND INTERROGATIONS	35
VISITORS TO THE SCHOOLS	38
PUBLIC CONDUCT ON SCHOOL PROPERTY	39
DISSEMINATION AND REVIEW	41

Riverhead Charter School

Code of Conduct

INTRODUCTION

The Riverhead Charter School is committed to providing a safe and orderly educational environment where students receive and School personnel provide quality educational services without disruption or interference. The school is also committed to maintaining a climate of mutual respect and dignity to promote learning within a safe environment.

Responsible behavior by students, teachers, other school personnel, parents and other visitors is essential to achieving this goal.

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

RCS recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, RCS adopts this Code of Conduct (“Code”).

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

Riverhead Charter School

Code of Conduct

DEFINITIONS

For purposes of this code, the following definitions apply.

“Disruptive student” means an RCS student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

A substantial disruption of the educational process or a substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules. Therefore, any child whose behavior and/or actions interfere with the safety, education or basic rights of other individuals, or compromises their own safety or academic well-being through their own behaviors or actions will be considered a disruptive student.

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

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

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

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

1. Commits an act of violence including assault upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence including assault upon another student or any other person lawfully on school property or at a school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school property.

“Assault with Physical Injury” Intentionally or recklessly causing physical injury to another person, with or without a weapon. Pursuant to Penal Law §10.00(9), “physical injury means impairment of physical condition or substantial pain.” As a general rule, a physical injury is a minor injury, such as a scrape, minor cut, or minor bruising that does not involve a risk of death, disability, or disfigurement. Assaults involving injuries that are treated by the school nurse but

Riverhead Charter School

Code of Conduct

do not require further medical attention should be included in this category.

“Assault with Serious Physical Injury” Intentionally or recklessly causing serious physical injury to another person with or without a weapon. Pursuant to Penal Law §10.00(10), a “serious physical injury” means physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ, i.e. disability.” As a general rule, a serious physical injury is one that requires hospitalization or treatment in an emergency room or clinic or treatment by a licensed health professional outside of the school setting and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches, and any other injury involving risk of death or disfigurement.

A “Weapon” is defined as 1) a firearm as defined in §921 of Title 18, United States Code, for purposes of the Gun-Free Schools Act, 2) a corrosive substance, or 3) a device or substance (capable through its design or alteration) of inflicting physical harm, including but not limited to ammunition, knives, “stun” guns, pellet guns, laser pointers, pyrotechnics, explosives or incendiary bombs, or dangerous chemicals.

“Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”

“Harassment” Harassment refers to a wide variety of behavior which can violate both civil and criminal laws. Harassment generally entails targeting someone else with behavior meant to alarm, annoy, torment or terrorize, and creating reasonable fear in the victim for their safety or the safety of their family.

“Bullying” may be defined as the activity of repeated, aggressive behavior intended to hurt another person, physically or mentally. Bullying is characterized by an individual behaving in a certain way to gain power over another person. Bullying is the use of force or coercion to abuse or intimidate others. The behavior can be habitual and involve an imbalance of social or physical power. It can include verbal harassment or threat, physical assault or coercion and may be directed repeatedly towards particular victims, perhaps on grounds of class, race, religion, gender, sexuality, appearance, behavior, or ability. The victim of bullying has been referred to as a "target".

“Harassment/bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that

(a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental,

Riverhead Charter School

Code of Conduct

emotional or physical well-being; or

(b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or

(c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or

(d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law §11[7])

“Cyberbullying” means harassment/bullying, as defined above, through any form of electronic communication.

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived membership in the following groups including, but not limited to:

• race

• color

• weight

• national origin

• ethnic group

• religion

• religious practice

• disability

• sex

• sexual orientation

• gender (which includes a person’s actual or perceived sex, as well as gender identity and expression).

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).

“Discrimination” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to,

Riverhead Charter School

Code of Conduct

discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

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

“Employee” means any person receiving compensation from a school or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such School, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§ 11[4] and 1125[3]).

“Gender” means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

Riverhead Charter School

Code of Conduct

STUDENT RIGHTS AND RESPONSIBILITIES

All student interaction and communication among themselves, staff, and visitors on school property will be acceptable, civil and respectful.

A. Student Rights

RCS is committed to safeguarding the rights given to all students under State and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all RCS students have the right to:

1. Take part in all RCS activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to the appropriate school personnel in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. A bill of rights for and responsibilities of students, which focuses upon positive student behavior and a safe and supportive school climate, written in plain-language, and publicized and explained in an age-appropriate manner to all students on an annual basis.

B. Student Responsibilities

All RCS students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all RCS policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by all school staff in a respectful, positive manner.
6. Using direct resources, work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility and be accountable for their actions.
11. Conduct themselves as representatives of RCS when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Report safety threats to appropriate school personnel or to an adult regardless of one's impression that they may be pranks, idle threats, or bullying; for example, perceived acts of hazing, sexual harassment and intimidation.

Riverhead Charter School

Code of Conduct

ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and RCS.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Respond promptly to school personnel when requested to do so.

B. Teachers

All RCS teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement and educational progress.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and, as needed, to parents, at an appropriate time;
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
6. Communicate as needed with parents and other teachers concerning student growth and achievement.
7. Immediately report and refer a violent pupil to the principal.

Riverhead Charter School

Code of Conduct

C. Student Support Service Personnel

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student conferences and parent/teacher/student conferences, as necessary, as a way to resolve problems.
3. Regularly review students' educational progress and, as needed, career plans.
4. Provide information to assist students with post-secondary planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

D. Building Administration

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

E. Board of Education

1. Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, school personnel and visitors on school property and at school functions.
2. Adopt and review, at least annually, the schools code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
4. Report in writing to the building principal any knowledge of child abuse.

Riverhead Charter School

Code of Conduct

THE DIGNITY FOR ALL STUDENTS ACT

New York State's Dignity for All Students Act (The Dignity Act) seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function.

The Dignity Act is an amendment to section 801-a of the New York State Educational Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity to include: an awareness and sensitivity in the relations of people, including but not limited to, different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender identity, and sexes. The Dignity Act further amended Section 2801 of the Education Law by requiring Boards of Education to include language addressing The Dignity Act in their codes of conduct.

The Dean, or any other person(s) designated by the principal shall and will be responsible for collecting and reporting data regarding material incidents of discrimination and harassment.

The Dignity Act emphasizes the creation and maintenance of a positive learning environment for all students. In addition, the amended Dignity Act requires the development of measured, balanced, progressive, and age-appropriate responses to discrimination, harassment, and bullying of students by students and/or employees. Remedial responses should be included in the Code of Conduct and place the focus of discipline on discerning and correcting the reasons why discrimination, harassment, and bullying occurred. The remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- peer support groups;
- assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day;
- corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience;
- engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed;
- supportive intervention and/or mediation where constructive conflict resolution is modeled;
- behavioral assessment or evaluation;
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored;

Riverhead Charter School

Code of Conduct

- student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

Riverhead Charter School

Code of Conduct

INTERNET/NETWORK USE

Riverhead Charter School desires to have students and staff use modern technology to meet the information needs of their work and assignments. As a result, RCS will provide students and staff with access to the Internet/network. Access to the Internet/network will enable students and staff to explore thousands of libraries and databases. Internet/network access from school computers and through the RCS network is reserved solely for educational purposes. RCS reserves the right to monitor all Internet/network access in order to maintain educational goals.

RCS will provide guidance to students as they utilize Internet/network resources to conduct research and other studies related to the RCS curriculum. No student or staff member may alter the configuration of RCS's network, workstations, or Internet access. Because the Internet is a global network, it is impossible to control all materials accessed through the Internet/network or transmitted by users. However, RCS shall take precautions to control access to materials which: 1) promote violence or advocate destruction of property including, but not limited to, access to information concerning the manufacture of destructive devices such as explosives, fireworks, smoke bombs, incendiary devices or the like; 2) promote pornography or other sexually oriented material; 3) advocate or promote violence or hatred against particular individuals or groups of individuals or advocate or promote the superiority of one racial, ethnic, or religious group over another; and 4) advocate and promote violence, or drug or alcohol use; 5) promote or advocate cyber bullying.

The Principal shall establish regulations governing the use and security of RCS's computer network. All users of the RCS's computer network and equipment shall comply with this policy and those regulations. Failure to comply may result in disciplinary action and/or revocation of computer access privileges.

Users have no expectation of privacy for any materials created, copied, downloaded, or accessed by the user on the workstation including hard copies of such materials.

Inappropriate use of the Internet/Network System is prohibited and is subject to discipline, including written reprimand and cessation of access privileges.

Riverhead Charter School

Code of Conduct

PROHIBITED STUDENT CONDUCT

RCS expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, RCS personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. RCS personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

RCS recognizes the need to be clear and specific in expressing its expectations for student conduct while on school property or engaged in a school function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they take any of the following actions on school grounds, at a school event, or off school grounds if such action disrupts the educational process in the schools.

A. Engage in conduct that is disorderly.

Examples of disorderly conduct include, but shall not be limited to:

1. Running in hallways.
2. Making unreasonable noise
3. Using language or gestures that are profane, lewd, vulgar or abusive.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Misusing computer/electronic communications devices, including any unauthorized use of computers, software, or Internet/Intranet account; accessing inappropriate websites.
7. The use of cell phones and other unauthorized electronic devices (i.e. recording devices, cell phones, cameras) are not permitted during class time and during any testing. The use of recording devices, of any kind, is not permitted on school property and district transportation without the permission of the building principal/designee.

B. Engage in conduct that is insubordinate.

Examples of insubordinate conduct include, but shall not be limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Unexcused lateness or cutting classes, truancy, missing or leaving school without

Riverhead Charter School

Code of Conduct

permission.

3. Failure to report to assigned detention or in-school suspension.

C. Engage in conduct that is disruptive.

Examples of disruptive conduct include, but shall not be limited to:

1. Failing to comply with the directions or requests of teachers, school administrators, or other school personnel in charge of students.
2. Verbal, written, or graphic statements, communications, expressions, or illustrations that are threatening to person or property.

D. Engage in conduct that is violent and/or rises to the level of assault as defined herein.

Examples of violent conduct include, but shall not be limited to:

1. Committing an act of violence (such as hitting, kicking, spitting, biting, punching, scratching or throwing of objects) upon a teacher, administrator or other school employee, or attempting to do so.
2. Committing an act of violence including assault (such as hitting, kicking, spitting, biting, punching, scratching or throwing of objects) upon another student or any other person lawfully on school property, or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Using a weapon.
7. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other school employee or any person lawfully on school property, including graffiti or arson.
8. Intentionally damaging or destroying school property, including graffiti or arson.

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

Examples of such conduct include, but shall not be limited to:

1. Lying to school personnel.
2. Stealing school property, the property of other students, school personnel, or any other person lawfully on school property or attending a school function,
3. Using vulgar or abusive language, cursing or swearing.
4. Defamation, which includes making false 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.
5. Harassment, bullying, threats, or intimidation directed at an identifiable individual or

Riverhead Charter School

Code of Conduct

- group which are intended to be, or which a reasonable person would perceive as ridiculing, demeaning, or threatening.
6. Intimidation, threats, or bullying, including engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort.
 7. Discrimination and harassment against any student by employees or students, on school property or at a school function that creates a hostile environment by conduct which, with or without physical contact, and/or by verbal threats, intimidation or abuse, is of so severe a nature that it: (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or (2) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Prohibited conduct includes, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex.
 8. Cyber bullying that causes a disruption to the educational environment.
 9. Any form of electronic messaging that causes disruption to the educational environment (e.g. sexting, tweeting, instant messaging).
 10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team. Hazing related to any non-school related activity is also forbidden.
 11. Harassment, including overt or subtle behaviors and comments of a racial, religious, and ethnic nature that are offensive, unwelcome, interfere with another's work or academic performance, or create an intimidating, hostile or offensive working or educational environment.
 12. Inappropriate touching and/or indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 13. Sexual harassment, including overt or subtle behaviors and comments that are offensive, unwelcome, interfere with another's work or academic performance, or create an intimidating, hostile, or offensive working or educational environment.
 14. Selling, using or possessing obscene material.
 15. Smoking a cigarette, cigar, pipe, or using chewing or smokeless tobacco.
 16. Possessing, consuming, selling, distributing or exchanging tobacco products, alcoholic beverages or illegal substances, or being under the influence of either or being in possession of drug paraphernalia. Inappropriately using or sharing prescription and over-the-counter drugs. "Illegal substances" shall include, but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substance commonly referred to as "designer drugs" or synthetic drugs, such as synthetic cannabinoids.
 17. Possessing aerosol sprays (deodorants, body sprays, AXE) on school property. Aerosol sprays may pose a serious health risk to our students and staff. Spraying aerosols on campus is not permitted. Aerosol containers will be confiscated.
 18. Consuming, buying, or selling energy drinks on school property. Energy drinks shall mean a beverage that is not strictly regulated by the Food and Drug Administration and

Riverhead Charter School

Code of Conduct

that contains 75 or more milligrams of caffeine per 8 fluid ounces and generally includes a combination of other supplements such as methylxanthines, B vitamins, herbal ingredients, and other ingredients which are advertised as being specifically designed to provide or increase energy.

19. Gambling

20. Initiating a report warning of fire, bomb or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

F. Engage in misconduct while on a school bus.

It is crucial for students to behave appropriately while riding on District buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Unsafe behaviors such as but not limited to excessive noise, use of expletives, throwing items out of the window, vandalism, bullying, pushing, shoving, jumping, standing, and fighting will not be tolerated.

G. Engage in any form of academic misconduct.

Examples of misconduct include, but shall not be limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

H. Code of Academic Integrity

The core purpose of public education is to maximize the success of each student's learning and personal development so s/he becomes a successful part of our democratic, multi-ethnic society. To fulfill these expectations, students must be prepared to accept responsibility for their actions and the impact they may have on others. To promote these values, the foregoing Academic Code of Conduct has been established.

Academic Dishonesty

The following constitute examples of academic dishonesty. This list is not meant to be all-inclusive:

- Copying: Obtaining information pertaining to any work to be submitted for evaluation by deliberately observing the work of another.
- Plagiarism: Representing the work(s) or idea(s) of another, not necessarily those of a student, as one's own through the deliberate omission of acknowledgement or reference.

Riverhead Charter School

Code of Conduct

- Cribbing: The use or attempted use of prohibited material, information, or study aids in any work submitted for evaluation.
- Fraud: The alteration of any documentation relating to the grading process including tampering with an instructor's grade book (including electronic grade book).
- Fabrication: The unauthorized falsification or invention of any information in a work submitted for evaluation, including the use of a purchased term/research paper.
- Sabotage: The intentional or reckless destruction of another student's work to be submitted for evaluation.
- Complicity: The intentional performance of an act with knowledge that it will assist another to commit an act of academic dishonesty as that term is defined in the Code.

Teachers, administrators and any other member of the RCS staff shall promptly report any suspected violations of this Code to the Principal or his/her designee.

Consequences of Academic Dishonesty

Any alleged act of academic dishonesty by a student, as defined above, shall be evaluated on a case-by-case basis by **the Principal** or his/her designee.

The Principal or his/her designee may take any or all of the following disciplinary actions when a student is found to have engaged in academic misconduct:

- Parental notification
- Oral reprimand
- Written reprimand
- No public recognition of academic honors
- The student shall receive a "zero" on the assignment or test
- The student may receive a grade of 55 in the course and be dismissed from the course for the remainder of the semester/year with no credit

In addition to the above sanctions, any student removed from a course with a grade of 55, or any student that engages in academic misconduct, may not be eligible to receive any RCS sponsored award, recognition, or hold any student leadership position.

Disciplinary sanctions beyond those listed here, including detention, in-school suspension and out-of-school suspension, may be issued by **the Principal** in addition to the academic sanctions listed above.

Riverhead Charter School

Code of Conduct

Any student believed to have engaged in academic misconduct shall have the right to an informal conference with **the Principal** to present his/her version of the events prior to the imposition of the above-listed sanctions.

WEAPONS

With the exception of Police Officers and New York State Peace Officers, no person shall have a weapon in their possession while on RCS property, or when participating in RCS activities regardless of location, or in a place or vehicle under district jurisdiction. A weapon is defined as 1) a firearm, as defined in §921 of Title 18, United States Code, for purposes of the Gun-Free Schools Act, 2) a corrosive substance, or 3) a device or substance capable (through its design or alteration) of inflicting physical harm, including but not limited to ammunition, knives, guns, “stun” guns, pellet guns, bb guns, laser pointers, pyrotechnics, explosives or incendiary bombs, or dangerous chemicals, 4) or any device made to resemble a weapon of any kind.

A student who brings a weapon to school shall be promptly referred to the appropriate criminal justice or juvenile delinquency authorities.

Except as otherwise provided by law or this policy, a student found guilty of bringing a weapon onto school property, following a hearing pursuant to Section §3214 of the Education Law, shall be suspended from school for one year. The Principal of RCS shall review the circumstances surrounding the offense and, on a case-by-case basis, may modify the penalty.

An exception to the prohibition in the first paragraph may be made by prior written permission of the principal in instances where a weapon is to be part of a dramatic or music performance or is to be used as an artifact in an instructional unit. As a prerequisite to such permission, all such weapons shall be rendered inoperative to the extent necessary to avoid and avert possible accidents or injury due to any use, handling, or misconduct, whether intentional or otherwise.

This policy shall not preclude the use of certain corrosive materials or sharp instruments by staff or medical personnel in the course of duty, shall not limit the rights of students classified disabled under the Individuals with Disabilities Act or Article 89 of the New York State Education Law, and shall not preclude RCS from offering courses for instruction in the safe use of firearms.

Riverhead Charter School

Code of Conduct

REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct to a teacher, Social Worker, or **the Principal** or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee.

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

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

The principal, or his/her designee, must notify the appropriate law enforcement agency of Code violations that constitute a crime and substantially affect the order or security of the school, as soon as practicable. These reports will be submitted to the Executive Director and filed with the New York State Education Department annually. The notification shall be made by telephone to 911, followed by a written police report.

- School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the **principal**, or their designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the **principal**, or their designee no later than two school days after making an oral report.
- **The principal, or the principal's** designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports.
- When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the principal, or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.

Riverhead Charter School

Code of Conduct

- **The principal, or their designee** shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

DISCIPLINARY CONSEQUENCES, 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 place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

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

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

A. Disciplinary Consequences

Students learn socially appropriate behavior by being allowed to experience both positive and negative consequences for their actions. In addressing student behaviors that may impede abilities, RCS uses a variety of:

Riverhead Charter School

Code of Conduct

- Positive supports, strategies and interventions to improve students' motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities;
- Environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior;
- Individual behavior management plans to improve students' abilities to understand the connections between their behavior and desired outcomes.

As a general practice, and whenever possible, these interventions are used in combination prior to imposing more severe disciplinary consequences.

Students who are found to have violated The Riverhead Charter School Code of Conduct may be subject to the following consequences, either alone or in combination, based on the severity of the infraction. Authorized school personnel may impose that consequence, consistent with the students' right to due process.

- Oral warning
- Written warning
- Oral communication to parent
- Written notification to parent
- Detention
- Suspension from transportation
- Suspension from social or extracurricular activities
- Suspension of other privileges
- In-school suspension
- Mediation
- Removal from classroom by teacher
- Short-term (five days or less) suspension from school
- Long-term (more than five days) suspension from school
- Permanent suspension from school
- Restitution
- Police referral
- Alternative placement

B. Procedures

The amount of due process a student is entitled to receive before a consequence is imposed

Riverhead Charter School

Code of Conduct

depends on the nature of the incident. In all cases, regardless of the consequence imposed, the authorized school personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Prior to imposing the disciplinary consequence, the authorized school personnel shall provide the student with an opportunity to present his or her version of the facts.

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

1. Lunch Detention

Teachers, the Dean and the Principal may use detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Teachers and administrators shall have the authority to detain students from participating in such activities as recess, play activities, field trips, and after-school activities and co-curricular events.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the school bus personnel are expected to bring such misconduct to the Principal's or his/her designee's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Dean or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, this will reflect on the student as an unexcused absence.

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

3. Suspension from extra-curricular activities and other privileges.

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

4. In-school Suspension/Support

The Riverhead Charter School recognizes the importance of school attendance. Therefore, suspension from school must be viewed as a last resort in dealing with student disciplinary infractions. The Board also recognizes the need to remove unruly or disruptive students from the regular class so that learning can take place in the classrooms.

In-school suspension/support shall be used as an alternative to suspension from school in order to provide more meaningful discipline and continuity of instruction. As such, the Board authorizes

Riverhead Charter School

Code of Conduct

Principal, and their designees to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension/support.” The in-school suspension/support staff will have New York State teaching certification.

A student subjected to in-school suspension/support is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the RCS official imposing the in-school suspension/support to discuss the conduct and the consequence involved.

5. Formal Removal of Disruptive Students by a Teacher

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: 1) short-term “time-out” in an elementary classroom or in an administrator’s office; 2) sending a student to the Principal’s office for the remainder of the class time only; or 3) sending a student to the Dean or **other staff member** for counseling.

Classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

- a. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class
- b. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

Riverhead Charter School

Code of Conduct

- c. The teacher must complete a RCS-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with another administrative designee and meet with the Principal or designee prior to the beginning of classes on the next school day.
- d. Within 24 hours after the student's removal by a teacher, the Principal or designee must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal. The parent has no right to legal representation.
- e. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.
- f. The Principal may require the teacher who ordered the removal to attend the informal conference if held during the teacher's normal workday.
- g. If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.
- h. The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one of the following:
 - The charges against the student are not supported by substantial evidence.
 - The student's removal is otherwise in violation of law, including the The Riverhead Charter Schools Code of Conduct.
 - The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

Riverhead Charter School

Code of Conduct

- i. The Principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48 hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.
- j. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.
- k. The Principal or his/her designee will keep a complete log (on a RCS provided form) for all cases of removal of students from classes.
- l. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from School

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

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

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

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

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

When the Dean or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law

Riverhead Charter School

Code of Conduct

§3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish. Parents have no right to legal representation at this informal conference.

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

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. **An Administrator** shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Executive Director within thirty (30) days, unless they can show extraordinary circumstances precluding them from doing so. The Executive Director shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the Executive Director's decision, they must file a written appeal to the Board within thirty (30) days of the date of the Executive Director's decision, unless they can show extraordinary circumstances precluding them from doing so. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision of the Board.

- b. Long-term (more than five days) suspension from school, permanent suspension, and removals or suspensions that constitute a disciplinary change of placement for students with disabilities (which could include an alternative special educational setting).

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

Riverhead Charter School

Code of Conduct

The Executive Director shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing office shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the principal. The report of the hearing officer shall be advisory only, and the Executive Director may accept all or any part thereof.

An appeal of the decision of the Executive **Director** may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted within thirty (30) days of the date of the Executive Director's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Executive Director. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision of the Board.

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

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

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The Executive Director's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

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

2. Students who commit violent acts other than bringing an illegal weapon to school.

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student

Riverhead Charter School

Code of Conduct

and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Executive Director has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Executive Director may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

D. Referrals

1. Counseling

The Social Worker shall handle all referrals of students to counseling.

2. PINS Petitions

The school may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

Riverhead Charter School

Code of Conduct

School authorities should work closely with the student's parents, to the extent possible, when filing a petition.

3. Juvenile Delinquents and Juvenile Offenders

The principal is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

ALTERNATIVE INSTRUCTION

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

Riverhead Charter School

Code of Conduct

Discipline and Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable federal and state laws and regulations. This code of conduct is not intended to afford students with disabilities greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. Insofar as any provision of this Code confers greater or lesser rights than those afforded by applicable federal and state law and regulations, the Code shall be read, interpreted and applied strictly in accordance with applicable law.

A. Definitions

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

A disciplinary change of placement is a removal from the child's current educational placement for more than ten consecutive school days in the course of a school year, or a series of removals that constitute a pattern, because they cumulate to more than ten school days in a school year and because of factors such as the length of each removal, the total amount of time the child is removed and the proximity of the removals to each other.

An illegal drug means a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or under any other authority under the Controlled Substances Act or under any other provision of federal law. "Controlled substance" means a drug or other substance as defined under certain schedules of the Controlled Substances Act.

Riverhead Charter School

Code of Conduct

An interim alternative educational setting or “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

A manifestation means where the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or if the conduct was a direct result of the school district’s failure to implement the IEP.

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

A serious bodily injury shall mean a bodily injury that involves a substantial risk of death; extreme physical pain; protracted or obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

A weapon is defined as a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than 2 1/2 inches in length.

B.

1. Suspensions or Removals

Students with disabilities shall be afforded the same procedural protections set forth in Education Law §3214 as non-disabled students.

2. Suspensions Up To 5 Days

A Dean, the Executive Director or the Board of Education may suspend a student from school for up to five (5) days, as long as the discipline imposed is consistent with the discipline imposed on non-disabled students under similar circumstances.

If a student with a disability is suspended from school, then the Dean, the Executive Director or the Board of Education will be required to follow the procedures outlined in Article IX (B)(2)(a).

If it is determined that the suspension will not result in a disciplinary change of placement, and then the suspension may be imposed without a manifestation determination.

Riverhead Charter School

Code of Conduct

Disciplinary Change of Placement & CSE Involvement^[1]_[SEP]

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the home school district's CSE has conducted a manifestation determination.

If a student is identified as a student with a disability such as a referral is pending with the home school district's CSE or the student is "deemed to be a student with a disability", which includes students in the following situations:

- The parent has expressed concern in writing to school personnel that the student is in need of special education and related services (or orally if the parent cannot write or has a disability which prevents the parent from putting it in writing);
- The behavior or performance of the student demonstrates the need for special education in accordance with the definition of "a student with a disability";
- The child's teacher or other school district personnel has expressed concern about the behavior or performance of the student to the chairperson, a teacher, the principal, or other school personnel in accordance with the Child Find or CSE referral system be scheduled immediately, but in no case later than 10 school days after the date on which a decision involving a disciplinary change of placement is made.
- if the CSE finds a manifestation, then no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs and is placed in an IAES).
- If the CSE does not find a manifestation, then discipline may be imposed in a manner similar that imposed on a non- disabled student.

3. Suspensions Over 5 Days

If an out of school suspension of more than five (5) days is sought, a superintendent's hearing must be held in accordance with Education Law §3214(3)(c) and Article IX (B)(2)(b) of this Code of conduct.

Notice Of Due Process Rights^[1]_[SEP] Parents are to be provided with written notice of their due process rights. Notice of procedural safeguards must be given not later than the day on which a decision to take disciplinary action which could result in a suspension of over ten (10) days is made. The notice must include a full explanation of procedural safeguards available, including those relating to procedures for students who are subject to placement in an interim alternative educational setting.

Disciplinary Change of Placement & CSE Involvement^[1]_[SEP]

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the home school district's CSE has conducted a

Riverhead Charter School

Code of Conduct

manifestation determination. A manifestation determination must be scheduled immediately, but in no case later than 10 school days after the date on which a decision involving a disciplinary change of placement is made.

If the CSE finds a manifestation, then no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs, or inflicting a serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district, and is placed in an IAES)

If the CSE does not find a manifestation, then discipline may be imposed in a manner similar that imposed on a non-disabled student. The CSE should be notified of any disciplinary action, which will be imposed so that it can meet within 10 days to develop/review the functional behavioral assessment and behavior intervention plan.

If the suspension to be imposed will not result in a disciplinary change of placement, then a manifestation determination will not have to be conducted.

4. IAES For Drugs/Weapons/Serious Bodily Injury ^[L]_[SEP] If a student with a disability has been found guilty of possessing weapons or drugs, or inflicting serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district, then school personnel may order the student to be placed in an interim alternative educational setting (“IAES”) for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days. ^[L]_[SEP] After a finding of guilt has been made at the superintendent’s hearing, but prior to placing a student with a disability in an IAES, the CSE must conduct a manifestation determination. If the CSE determines that the student’s behavior is a manifestation of his/her disability, the student may still be placed in an IAES for up to forty-five (45) days if he/she was found guilty of possessing weapons or drugs, or inflicting serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district. Under such circumstances, the Superintendent may order the student to be placed in an IAES, but the appropriate interim alternative educational setting must be determined by the CSE.

5. IAES For Dangerous Students ^[L]_[SEP] In addition, or in the alternative, if the student is dangerous, the district may request an expedited hearing before an impartial hearing officer, who can order that the student be placed in an IAES for up to forty-five (45) days and be removed from his/her current educational placement. The FAPE provided to such students shall meet the same requirements as an IAES. ^[L]_[SEP] If a suspension results in more than 10 cumulative days of suspension, but does not result in a disciplinary change of placement, the principal (or other designated school administrator) in consultation with the student’s special education teacher, must arrange for services “to the extent necessary to enable the student to ^[L]_[SEP] □ Progress appropriately in the general curriculum; and ^[L]_[SEP] appropriately advance toward achieving the goals in the student’s IEP.

Riverhead Charter School

Code of Conduct

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 Riverhead Charter School employee is strictly forbidden. In addition, the use of aversive interventions are strictly prohibited.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of RCS functions, powers and duties, if that student has refused to refrain from further disruptive acts.

Riverhead Charter School will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's Regulations.

Riverhead Charter School

Code of Conduct

STUDENT SEARCHES AND INTERROGATIONS

The Board is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or Riverhead Charter School Code of Conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Executive Director of RCS, **The Dean, and the school Nurse, 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 Riverhead Charter School Code of Conduct.

An authorized school official may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than the RCS employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. RCS employees will be considered reliable informants unless they are known to have previously

Riverhead Charter School

Code of Conduct

supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the Riverhead Charter School Code of Conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. 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 other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched
2. Reasons for the search
3. Name of any informant(s)
4. Purpose of search (that is, what item(s) were being sought)
5. Type and scope of search
6. Person conducting search and his or her title and position
7. Witnesses, if any, to the search
8. Time and location of search
- 9 Results of search (that is, what item(s) were found)
10. Disposition of items found
11. Time, manner and results of parental notification

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

C. Police Involvement in Searches and Interrogations of Students

RCS 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

Riverhead Charter School

Code of Conduct

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 his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to a police search, 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 are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school, as prescribed by law.

D. Child Protective Services Investigations

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

All requests by Child Protective Services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the Child Protective Services worker to verify the allegations, the school nurse or other school medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a Child Protective Services worker or school official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

Riverhead Charter School

Code of Conduct

VISITORS TO THE SCHOOLS

To promote effective communication between the citizens of the community and the school system, The Riverhead Charter School encourages parents and other citizens to visit their school periodically during the course of the school year. There are also occasions when parents or guardians desire to visit their child's classroom at other than regularly scheduled times. When such visitations occur by any visitors, they shall be made on the basis of a defined need and shall be made only with the approval of their child's teacher, staff member and/or Principal. Such visitors must report to the main office and shall not be permitted to interfere with the educational process.

Upon entering the school building all visitors must present a form of picture ID and state the purpose of their visit. They will sign the visitor's log, and be issued a visitor's pass, which must be displayed visibly.

All persons who are not students or staff who wish to visit a school shall report immediately to the school reception desk upon entering a school building. RCS recognizes that many visitations which occur are often regularly scheduled events, i.e., parent-teacher organization meetings, public gatherings, registering of pupils, etc.

Student visitors from other schools, unless they have a specific reason and prior approval of the Executive Director, or his/her designee, shall not be given permission to enter the school. Newly registered students may visit their perspective buildings by appointment.

Visits to RCS are to be in accordance with regulations posted in conspicuous places. A violation of the visitation policy shall be prosecuted pursuant to New York State Law. All

Riverhead Charter School

Code of Conduct

visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

Individual Board members shall have access to all facilities at such times as the facilities are open to the employees of the Riverhead Charter School. Such access shall not interfere with the conduct of the educational program.

PUBLIC CONDUCT ON SCHOOL PROPERTY

The Riverhead Charter School is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an 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 RCS 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 RCS recognizes that free inquiry and free expression are indispensable to the objectives of RCS. 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 properly attired for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school property or the personal property of a teacher, administrator, other RCS employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

Riverhead Charter School

Code of Conduct

5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
11. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school.
11. Loiter on or about school property.

12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. Penalties

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

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. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Faculty members. They shall be subject to disciplinary actions the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

E. Enforcement

The Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is

Riverhead Charter School

Code of Conduct

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. RCS shall initiate disciplinary action against any student or staff member consistent with the "Penalties" section above. In addition, RCS reserves its right to pursue a civil or criminal legal action against any person violating the code.

DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

The Executive Director or Designee will work to ensure that the community is aware of this Code of Conduct by:

1. Providing the Code of Conduct on the RCS website. Copies will be provided upon request.
2. Providing a plain-language summary of the code to all students at a general assembly held at the beginning of each school year.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
7. Making copies of the Code available for review by students, parents and other community members.

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

B. Review of Code of Conduct

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

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

Riverhead Charter School

Code of Conduct