



CODE OF CONDUCT

Our Mission

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

Our Vision

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

TABLE OF CONTENTS

I. SCHOOL VALUES AND PHILOSOPHY.....	3
II. DEFINITIONS.....	4
III. RESPONSIBILITIES.....	7
IV. STUDENT DRESS CODE.....	9
V. PROHIBITED STUDENT CONDUCT.....	10
VI. VIOLATIONS OF THE CRIMINAL CODE.....	14
VII. RESTORATIVE PRACTICES.....	14
VIII. DISCIPLINARY PROCEDURES AND REFERRALS.....	15
IX. STUDENT SEARCHES AND INTERROGATIONS.....	19
X. COMMUNICATION WITH PARENTS.....	19
XI. ALTERNATIVE INSTRUCTION.....	20
XII. DISCIPLINE OF STUDENTS WITH DISABILITIES.....	20
XIII. CORPORAL PUNISHMENT.....	21
XIV. ACADEMIC AND BEHAVIORAL ELIGIBILITY FOR ATHLETICS.....	21
XV. VISITORS TO THE SCHOOLS.....	23
XVI. THE DIGNITY FOR ALL STUDENTS ACT (DASA).....	23
XVII. DISSEMINATION AND REVIEW.....	24

I. SCHOOL VALUES AND PHILOSOPHY

Eugenio María de Hostos Charter School (EMHCS) believes in creating a safe and nurturing community of learners. Students are held to high expectations of student character. Enforcement of expectations and rules are fair, equitable and consistent. Disciplinary practices are not punitive. They are focused on helping students learn appropriate behavior, equip them with strategies for managing their emotions, teaching them problem-solving skills and helping them to understand that our actions have consequences (positive or negative). Consequences for infractions of rules are reasonable, logical, and restorative.

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

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

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

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

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

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

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

II. DEFINITIONS

Bullying: described as an unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or at locations such as on a playground or on a school bus while a student is traveling to or from school, or on the Internet. According to the United States Department of Education bullying generally involves the following characteristics: An imbalance of power, the intent to cause harm and repetition.

Consequence: the results of a previous action that breaks the rules. Those responsible for administering a consequence take into account, the behavior, the situation, the individual involved, and the best means for helping that individual.

Cyberbullying: bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else.

Designee: an employee assigned by the administration that will help facilitate/support the work of another individual.

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 shall 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. (N.Y. Executive Law § 292.21)

Discrimination: the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

Disruptive: a student under the age of 21 who substantially interferes with the educational process or with the teacher's authority over the classroom (§3214(2-a) (b)).

Emotional harm: is behavior that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through the 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 district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (N.Y. Education Law § 1125.3)

Fair: doing what is reasonable and in the best interest of the individual and/or group.

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

Gender Identity and expression: means having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sexual orientation assigned to that person at birth. (N.Y. AB 5039/SB 2873 (2011) "GENDA")

Harassment: the creation of a hostile environment by conduct or by threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being.

Hazing: any intentional, knowing, or reckless act directed at a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization, club, or athletic team whose members are or include other students.

Illegal Substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs or synthetic drugs, and look-alikes (including synthetic cannabinoids) and prescription or over-the-counter drugs when possession is unauthorized or such are inappropriately used or shared with others.

Intervention: the modification of an event by school personnel to promote a safe physical and psychological environment for all members of the school community.

Loitering: when students are on school grounds before or after school in an unsupervised setting. Loitering causes disruption to student safety.

Parent: parent, guardian, or person in a legally recognized parental relation to a student. Stepparents can obtain access to their stepchild's educational records under two circumstances: (1) if the stepparent is married to a non-custodial parent and the non-custodial parent provides written consent; or (2) without written consent if the stepparent resides with the custodial parent and the child on a day to day basis. a. Written consent must include: (1) which records are sought, (2) why the records are sought, and (3) who the records will be released to.

Precluded: prevention or the holding back of progress for achievement

Reasonable Suspicion is to believe the student is in violation of the law or the Code of Conduct.

Rules: based on the principles (core values), they identify acceptable and unacceptable behavior that is observable, clear, specific, and enforceable.

School Function: any school-sponsored curricular or extracurricular event or activity, including activities that occur off school property (§2801(1)).

School Property: in or within any building, structure, vehicle, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary, secondary school, in or on a school bus, as defined in Vehicle and Traffic Law §142 (§2801(1)). School grounds refer to any property owned by the public and entrusted to Eugenio Maria de Hostos Charter School.

School transportation: every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or b) privately owned and operated-for-compensation for the transportation of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

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

Tobacco Products: cigarettes, cigars, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products, e-cigarettes, vapes, cloves, bidis, and kreteks. Items associated with tobacco use are also considered "Tobacco Products" and are strictly forbidden and may include but are not limited to cups for spitting, matches, and lighters.

Violent Student: a student under the age of 21 who commits an act of violence as listed on the NYS Violence and Disruptive Incident Report Form and/or who:

1. Commits an act of violence upon a school employee or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence 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 district property.

Violent student behavior: behavior occurring on or around school property, before, during or after the school day that endangers self, others or property

Weapon: a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckles knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun guns, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death (§3214(2-a)(3) and when used to cause physical injury or death, or any instrument that appears capable of causing physical injury or death (§3214(6)).

III. RESPONSIBILITIES

School Staff

Establish and maintain a safe and nurturing learning environment

- Follow and enforce school rules and expectations
- Provide opportunities for students and parents to communicate with school personnel
- Maintain a clean school environment and display high-quality student work

Demonstrate respect

- Be a positive role model
- Treat others with respect
- Maintain a climate of mutual respect and dignity for all

Be responsible

- Arrive on time and be prepared to teach
- Reflect on your practice
- Adjust your teaching to meet your students instructional needs
- Teach, model, and adhere to acceptable use for electronic devices, internet safety, and social media policies and regulations
- Enforce the Code of Conduct

Solve problems peacefully

- Be honest
- Tell your side
- Listen to the other side
- Agree to solve problems peacefully

Students**Cooperate and collaborate with others**

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

Demonstrate respect

- Keep hands and feet to yourself
- Walk quietly in the halls
- Respect others privacy and needs
- Ask before touching others belongings
- Use appropriate language and voice level

Be responsible

- Attend school daily and on time and be prepared to learn
- Wear your uniform at all times
- Complete assignments and homework on time
- Follow instructional and safety directions
- Use materials and equipment appropriately
- Adhere to the guidelines for electronic devices, internet safety and social media use
- Maintain a clean school environment

Solve problems peacefully

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

Parents

Demonstrate respect

- Model for your child a supportive and positive attitude
- Treat others the way you want to be treated

Be a partner in your child's education

- Ensure your child attends school regularly and on time
- Communicate regularly with teachers
- Reinforce school expectations
- Notify teachers and school of any changes at home or in information immediately
- Participate in school functions, parent/teacher conferences, and become involved in parent/teacher organization (PTO)
- Teach and model acceptable use for electronic devices, internet safety, and social media

Establish and maintain a safe, loving and structured environment at home

- Establish a daily routine
- Send children to school on time and ready to learn
- Be sure assignments and homework are completed
- Be sure children bring necessary supplies and materials to school every day
- Teach your child respect and dignity for themselves

Solve problems peacefully

- Be honest
- Tell your side
- Listen to the other side
- Agree to solve problems peacefully

IV. STUDENT DRESS CODE

The responsibility for the dress and appearance of all students supports the school's uniform policy. All Students of Eugenio Maria de Hostos Charter School are required to follow the school's uniform policy and wear the appropriate school uniform. This is not an option. The uniform consists of:

Bottoms in solid black or navy blue:

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

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

- Polo Shirts
- Sweaters (No school logo needed)

Shoes:

- Dress shoes
- Sneakers
- Tied Sandals (velcroed or fastened with a buckle) No flip flops or crocs

Not acceptable:

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

V. PROHIBITED STUDENT CONDUCT

Eugenio Maria de Hostos expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, school personnel and other members of the school community, and for the care of school facilities and equipment. Students may be subject to disciplinary action, up to and including suspension and/or expulsion whether at school and/or on school grounds; participating in a school-sponsored activity or a school-sponsored event; walking to or from, waiting for, or riding on school-provided transportation, or walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored activity for the following:

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

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

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

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

5. Being Disrespectful toward a Staff Member, Student, or Visitor: Students may not disrespect, threaten, and/or intimidate a staff member, peer or visitor. Integrity and respect are two of our core values and are needed to build a community based on trust and respect. In order for the school to function properly, it is important that students respect all adults and peers.

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

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

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

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

8. Selling, Using or Possessing Obscene Material: It is prohibited for students to sell, use, or possess obscene material.

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

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

11. Creating a Hazardous or Offensive Environment: Students may not create a hazardous or offensive condition that interferes with the social, physical and emotional well-being of others.

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

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

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

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

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

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

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

19. Inappropriate Use of Social Media: Students may not be involved in online activities that have a detrimental impact on the school, its faculty or its students consequently creating a disruption to the educational process.

20. Cell phones: Cell phones and electronic devices are not to be used during the instructional day or on school property.

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

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

23. Actions that create a substantial disruption to the daily operation of the educational program: Students may not make any written or oral threats to cause disruption to the educational process. Students may not make a disruptive threat, including but not limited to bomb threats, intentionally set off an emergency alarm, calling 911, or discharging a fire extinguisher.

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

25. Selling, Transferring, Using, or Possessing Drugs, Alcohol, or Tobacco products: Students may not sell, distribute, or possess with intent to sell or distribute a prescribed or non-prescribed controlled substance. The use of tobacco is banned. Students may not use or possess cigarettes, e-cigarettes, cigars, chewing tobacco, or other tobacco products. Students may not use or possess electronic smoking devices. Students may not use or possess e-cigarettes, e-cigars, epipes, e-hookahs, or vaporizers or vaporizer pens, or under any other product name or descriptor.

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

27. Committing a Physical or Emotional Act of Violence: Students may not commit assault, including sexual assault, or assault and battery on other students, school personnel or their designee(s), or any other person on school property. Assault is an attempt or threat to physically harm another person; assault does not require physical contact. Battery is any unlawful touching of another person. Students cannot engage in conduct that has the potential of resulting in violence on school property. Students can be disciplined for actions that threaten harm to others.

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

VI. VIOLATIONS OF THE CRIMINAL CODE

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

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

VII. RESTORATIVE PRACTICES

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

Restorative Practices such as circles and conferences provide a safe environment for people to express and exchange emotions. It is through the mutual exchange of expressed affect that we build community, creating the emotional bonds that tie us all together. The use of Restorative Practices helps to:

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

Reflection Room

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

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

What Happens in the Reflection Room:

- The room is a neutral space.
- When students arrive in the Reflection Room, the student support specialist clearly sets the expectations of the room and gives the student time to calm down and clear their mind.
- The student will fill out a reflection form that will help him/her process the incident.
- The Reflection Room student support specialist will go through a specific, one-page document with the student when they are ready (IESCAPE).

Referral Process for the Reflection Room:

- Students are referred to the Reflection Room by the principal, assistant principal or his/her designee.
- The administrator that picked up the student should return/walk the students back to the classroom to assure restorative action is completed and the student is integrated back into the classroom.
- The Reflection Room student support specialist works with students, teachers, families, and administration to communicate a summary of the incident and share the plan of action for the next steps.

VIII. DISCIPLINARY PROCEDURES AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs and in a way that students view as fair and impartial. School personnel who interact

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

A. Administrative Responses

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

- Conference with staff member(s) and student.
- Conference with staff member(s), student and parent(s).
- Removal from school for balance of instructional day.
- Removal of student privileges.
- Out-of-school suspension followed by re-entry conference with student and parent/guardian.
- Referral to Student Support Services Team for review, counseling and/or intervention by appropriate support personnel.
- Change of student daily schedule.
- Seeking alternative opportunities to allow for course/grade level completion.
- Recommendation for placement in an alternative educational program.

B. Procedures

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

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

a. Individual riding privileges suspended.

- i. Will not be allowed to arrive by bus and parents should transport.
- ii. A student subjected to a suspension from transportation and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

b. Suspension from athletic participation/extracurricular activities or other privileges.

- i. A student subjected to a suspension from athletic participation, extracurricular activities or other privileges and the student's parent will be provided with a reasonable opportunity for an informal conference with the school official imposing the suspension to discuss the conduct and the penalty involved.

c. Teacher use of behavior management strategies. Such practices may include, but are not limited to:

- i. Implementing short-term "time out" in the classroom, another classroom or in an administrator's office.
- ii. Referring a student to the assistant principal's office.
- iii. Referring a student to a social worker or guidance counselor for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.
- iv. The teacher must complete a disciplinary referral and meet with the assistant principal as soon as possible, to explain the circumstances of the referral.

d. Suspension from school.

- i. A severe penalty, which may be imposed only upon students who through their actions, threaten and endanger the safety, morals, health or welfare of others as described in the principles and rules of this Code of Conduct.
- ii. The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the executive director and the building principals.
- iii. Recommendations and referrals for suspension shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, documentation is to be prepared as soon as possible by the staff member recommending the suspension.
- iv. Suspensions may be characterized as:
 1. **Short-term** (5 days or less) suspension from school.
When the principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §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 or the designee must notify the student's parents by phone within one school day of the decision to propose suspension via the telephone number(s) provided for the purpose of contacting the parents. The suspending authority or the designee must also notify the student's parents in writing. The written notice must be provided by first class mail and shall be sent within one school day of the decision to impose suspension.

The notice shall provide a description of the events that resulted in this action and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and 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.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal 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 five business days, unless they can show extraordinary circumstances precluding them from doing so. The executive director shall issue a written decision regarding the appeal within 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 of Trustees within 10 business days of the date of the executive director's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

2. **Long-term** (more than 5 days) suspension from school.

When the 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. The building principal will notify the executive director and the board chair that a suspension of more than five days is warranted and will schedule a meeting date. 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.

Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

3. **Expulsion.**

Expulsion is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

IX. STUDENT SEARCHES AND INTERROGATIONS:

The School authorizes the Principal and the Principal's designee(s) to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the School's Code of Conduct or otherwise constituted a threat to the health, safety, welfare, or morals of the School, other students, school personnel, or any other person lawfully on school property or attending a school function. In authorizing searches, the School acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions.

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 School's employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, 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. School employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

Students have no reasonable expectation of privacy rights in school lockers, cubbies, desks, or other school storage places. The School exercises overriding control over such school property, which may be opened and subjected to inspection at any time by school officials.

X. COMMUNICATION WITH PARENTS

School staff will communicate with parents by phone call and in writing whenever there are concerns regarding discipline, in a timely and efficient manner.

XI. ALTERNATIVE INSTRUCTION

When a student is suspended from school pursuant to Education Law §3214, the school will take immediate steps to provide alternative means of instruction for the student by making arrangements for the student to receive the required minutes of instruction from a tutor or to attend a tutoring center (i.e. Sylvan Learning).

XII. DISCIPLINE OF STUDENTS WITH DISABILITIES

In addition to the discipline procedures applicable to all students, the following procedures are applicable to students with disabilities. EMHCS recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problem behavior. EMHCS also recognizes that students with disabilities have certain procedural protections whenever school authorities intend to impose discipline upon them. EMHCS is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. In the event that a student with a disability is suspended for more than ten (10) school days, the student is entitled to a Manifestation Determination Review at the Committee on Special Education.

A. Students with an IEP with specific disciplinary guidelines

Students with an Individualized Education Program (IEP) which includes specific disciplinary guidelines will be disciplined in accordance with those guidelines. If the disciplinary guidelines appear not to be effective or if there is concern for the health and safety of the student or others, and IEP guidelines are being followed with respect to the specific infraction, the matter will be immediately referred to the Committee on Special Education (CSE) of the student's district of residence for consideration of a change in the guidelines.

B. Students with an IEP with no specific disciplinary guidelines

Students for whom the IEP does not include specific disciplinary guidelines, student may be disciplined in accordance with standard school policy relating to each infraction. If there is any reason to believe that the infraction is a result of the student's disability, no penalty may be imposed, and the school will work with the CSE to consider a possible program modification. If a student identified as having a disability is suspended during the course of the school year for a total of ten days, such student will immediately be referred to the CSE of the student's home district of residence for reconsideration of the student's educational placement. Such a student shall not be suspended for a total of more than 10 days during the school year without the specific involvement of the district's CSE prior to the 11th day of suspension or removal, because such suspensions or removals may be considered to be a change in placement. In considering the placement of students referred because of disciplinary problems, the CSE of the student's home district of residence is expected to follow its ordinary policies with respect to parental notification and involvement.

C. Communication with the home district CSE

In order to keep the home district's CSE appropriately informed of the disciplinary actions taken, EMHCS will notify CSE for the following when suspension is close to reaching 10 days and immediately if it's more than 10 days in a year for the CSE to establish a behavioral intervention plan or modify such a plan or its implementation.

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

D. Protection for Children Not Yet Eligible for Special Education and Related Services

A student not specifically identified as having a disability but EMHCS has a basis of knowledge that a disability exists prior to the behavior which is the subject of the disciplinary action may assert protections provided for students with disabilities if the school had knowledge, or had a basis for knowledge, that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The administrator imposing a suspension shall be responsible for determining whether the student is a student presumed to have a disability for discipline purposes.

If the EMHCS is not "deemed to have knowledge" of the student's disability prior to taking disciplinary measures against the student, the student may be disciplined in accordance with the Code of Conduct in the same manner as a student without a disability.

XIII. CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student and is strictly forbidden by any school employee. However, New York State Law states situations where alternative procedures and methods have been unsuccessful when the use of reasonable therapeutic physical intervention would not be considered corporal punishment. These circumstances include:

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

Note: The school will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

XIV. ACADEMIC AND BEHAVIORAL ELIGIBILITY FOR ATHLETICS:

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

XV. VISITORS TO THE SCHOOLS

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

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

Public Conduct on School Property

The school is committed to providing an orderly, respectful environment that is conducive to learning.

To create and maintain this 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 district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The school recognizes that free inquiry and free expression are indispensable to the objectives of the school. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

A. Consequences for Prohibited Conduct Under this Code

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

1. **Visitors.** Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. **Students** shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

3. **Faculty members** shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. **Staff members** shall be subject to immediate ejection and to disciplinary action as the facts may warrant. or any other legal rights that they may have.

B. Implementation

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

When the building 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 his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her 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 his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

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

Eugenio Maria de Hostos Charter School (EMHCS) is committed to providing a safe, supportive environment free from harassment, bullying, and discrimination for all students. EMHCS encourages the involvement of staff, students, parents and community members in the implementation of the Dignity for All Students Act ("DASA") and the expectation that all students should be treated with compassion and respect.

Each school employs social workers that act as Dignity Act Coordinators. Please reach out to the social worker at each location regarding any questions or concerns.

For additional information regarding DASA, please visit:

<https://www.emhcharter.org/documentation/>

Hard copies of the DASA forms are available in the Parent Coordinator Office in each of the three school locations.

XVIII. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Reviewing summary of the code with all students at a general assembly held at the beginning of each school year.
2. Including a notice in the annual back to school newsletter that a copy of the Code of Conduct is available online for review by parents, students, and community members.
3. Inform all current teachers and other staff members that a copy of the Code of Conduct is available online.
4. Inform all new employees when hired, that the Code of Conduct is available online.

B. Review of Code of Conduct

The school will review this Code of Conduct every year, update it as necessary and present to the board of trustees for approval.