



## The Genesee Community Charter School *Student Discipline Policy and Code of Conduct*

Building a classroom community and creating a safe learning environment are crucial components to the culture of our school. We use the *Responsive Classroom* approach as the basis for our social curriculum.

The *Responsive Classroom* model focuses on seven guiding principles:

- The social curriculum is as important as the academic curriculum.
- How children learn and what they learn is equally important.
- The greatest cognitive growth occurs through social interaction.
- To be successful academically and socially, children need a set of social skills: cooperation, assertion, responsibility, empathy, and self-control.
- Knowing the children we teach is as important as knowing the content we teach.
- Knowing the families of the children we teach and working with them as partners is essential to children's education.
- How the staff work together is as important as each staff member's individual skills

GCCS uses the ten classroom practices that are the basis for the *Responsive Classroom* approach.

- Morning Meeting is a class gathering each morning where students and teachers greet one another, share news, and warm up with an activity.
- During Rule Creation, teachers help students create classroom rules to ensure an environment that allows all class members to meet their learning goals.
- Interactive Modeling teaches children to notice and internalize expected behaviors using a specific modeling technique.
- Positive Teacher Language encourages teachers to use respectful words and tone as a tool to promote children's active learning, sense of community, and self-discipline.
- Logical Consequences is the method for responding to misbehavior in a way that allows children to fix and learn from their mistakes while preserving their dignity.
- Guided Discovery is used when teachers are introducing classroom materials. This format encourages independence, creativity, and responsibility.
- Academic Choice is a designated time where students and teachers create structured choices in their work.
- Classroom Organization encourages a classroom to be physically arranged in ways that encourage students' independence, cooperation, and productivity.

- Working with Families emphasizes teachers to communicate with parents, listen to their insights and help them understand the school's teaching approaches.
- Collaborative Problem Solving implements the use of conferencing, role-playing, and other strategies to resolve problems with students.

Using the *Responsive Classroom* approach, much of our discipline policy is based on prevention. We believe this means not setting rigid rules, but developing a community that fosters positive decision-making and creative problem solving. Our definition of such a community is taken from Alfie Kohn's (1996) work in *Beyond Discipline: From Compliance to Community*.

...a place in which students feel cared about and are encouraged to care about each other. They experience a sense of being valued and respected; the children matter to one another and to the teacher. They have come to think in the plural: they feel connected to each other; they are part of an "us." And, as a result of all this, they feel safe in their classes, not only physically but emotionally (p. 101-102).

Thus, GCCS's discipline plan is named The Caring Community Plan. Every child and parent who is part of GCCS must sign The Caring Community Commitment. Our plan is focused on developing a caring, supportive school community in which students participate fully in solving problems, including problems of behavior. We believe that students' growth toward kindness, respect and critical problem solving depends on becoming active members of a caring community. Rather than constitute rules to enact on children, we involve students as partners in resolving problems. We further believe that it is the experience with decision-making and problem solving that enables children to handle conflicts that arise. All GCCS members continually work toward developing a sense of community where students feel safe by consistently being encouraged to make judgments, express opinions, and work cooperatively toward solutions. For this to occur the teachers accept the obligation to provide a classroom which fosters such a community.

The Staff:

- Gives each student personal attention fostering mutual respect and trust
- Ensures that each student experiences genuine success in learning
- Provides an engaging curriculum
- Involves students in decision-making, e.g. "What do you think we could do to solve this problem?"
- Responds consistently to solve behavior situations
- Makes every effort to know the student beyond school grounds
- Respects cultural differences in values and behaviors
- Consistently provides time for class meetings and individual conflict resolution

This list is a combination of suggestions from Alfie Kohn’s work and the American Academy of Pediatrics.

Therefore, our general discipline procedures are as follows:

- Classroom and school meetings are held consistently to discuss discipline issues;
- Conflict resolution and problem-solving skills are taught;
- Causes for misbehavior are sought to facilitate prevention of further misbehavior;
- Alternative approaches are based on the analysis of causes;
- Any action is monitored, evaluated and revised as necessary.

The steps in “disciplining” could include:

- 1) Private consultation between student and teacher
- 2) Class meeting
- 3) School meeting
- 4) Teacher-student conflict resolution
- 5) Student-student conflict resolution
- 6) Family-student-teacher conflict resolution
- 7) Removal from the classroom (into teacher partner room)
- 8) Suspension
- 9) Expulsion

We have found that when students become engaged in learning expeditions, behavior disruptions decrease. If they are stimulated, challenged, and held to the school community’s norms of behavior, students are less likely to disturb the class. EL Education’s dual focus on character and academics helps us address behavior problems more comprehensively than conventional behavior management plans.

Only in extreme cases would the latter half of the above list be enacted. Those cases would involve the health and safety of oneself or others, or continuous misbehavior which disrupts the educational program, when all other strategies have been exhausted.

### **Additional Disciplinary Measures**

The disciplinary measures listed below may be imposed in addition to short-term or long-term suspensions or, in place of such suspension, if an exception has been made by the School Leader or Board of Trustees. Behavior not listed above, but determined by appropriate school staff to warrant disciplinary action, including but not limited to missing classes without permission and arriving late to class without a reasonable excuse, also may be subject to the additional disciplinary measures noted below.

Suspensions or expulsions from program may be imposed only by the School Leader. All other disciplinary measures may be imposed by the School Leader or a teacher, who must inform the School Leader of such action before the end of the school day.

*Behavioral Contract.* School staff may design written agreements with students subject to punishment under this code to identify target behaviors, define expectations, and describe consequences, provided that the student and his or her parent(s) or guardian(s) are informed that the decision to enter into such a contract is voluntary.

*Detention.* After notice to the student and parent(s) or guardian(s), and provided that there is no objection from the parent(s) or guardian(s) and the student has appropriate transportation home, a student may be detained after school in detention.

*Loss of School Privileges.* After notice to the student and parent(s) or guardian(s), a student may be suspended from participation in extracurricular activities, including athletics. The student and parent(s) or guardian(s) shall be given an opportunity to meet informally with the School Leader or teacher involved. If possible, the School Leader or teacher involved shall hold any requested meeting prior to imposing the suspension from participation in extracurricular activities.

*Suspension From School Transportation.* As the result of misconduct occurring on a bus or other means of student transportation and after notice to the student and his or her parent(s) or guardian(s), a student may be suspended from school transportation. In such case, parents are responsible for arranging alternate transportation during the period of suspension from transportation. When such suspension amounts to a suspension from attending school because of the distance between home and school and the absence of alternative public or private means of transportation, students will be provided alternate instruction by GCCS immediately upon suspension, as is reasonable under the circumstances.

## **Suspension and Expulsion**

In extreme situations in which all other means have been exhausted, students may be suspended or expelled from school. In all disciplinary matters, students will be given notice and will have the opportunity to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to the staff member imposing such sanctions.

For purposes of this discipline policy, short-term suspension refers to the removal of a student from school for disciplinary reasons for a period of five or fewer days; long-term suspension refers to the removal of a student from school for disciplinary reasons for a period of more than five days; and expulsion refers to the permanent removal of a student from school for disciplinary reasons.

## **Short-term Suspensions**

A student who commits any of the infractions listed below shall be subject minimally to a short-term suspension, unless the School Leader or Board of Trustees determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record. The student may also be subject to other disciplinary measures depending on the severity of the infraction. A long-term suspension also may be imposed and referrals to law enforcement authorities may be made.

Disciplinary infractions may include:

- Attempt to assault any student or staff member.
- Vandalize school property causing minor damage.
- Endanger the physical safety of another by the use of force or threats of force which reasonably places the victim in fear of imminent bodily injury.
- Engage in conduct which disrupts school or classroom activity or endangers or threatens to endanger the health, safety, welfare, or morals of others.
- Engage in insubordination.
- Use forged notes or excuses.
- Steal, attempt to steal, or possess property known by the student to be stolen.
- Commit extortion.
- Engage in gambling.
- Trespass on school property.
- Abuse school property or equipment.
- Use obscene or abusive language or gestures.
- Engage in acts of sexual harassment, including but not limited to sexually related physical contact or offensive sexual comments.
- Make a false bomb threat or pull a false emergency alarm.
- Possess tobacco or alcohol.
- Refuse to identify himself or herself to school personnel.
- Continuous misbehavior which disrupts the educational program, when all other strategies have been exhausted.
- Commit any other act which school officials reasonably conclude warrants a disciplinary response.

#### *Procedures for Short-Term Suspensions*

The School Leader may impose a short-term suspension. Before imposing a short-term suspension, the School Leader shall verbally inform the student of the suspension, and the reason or reasons for it, as

well as the nature of the evidence supporting the charge(s). The student shall be given an opportunity to deny or explain the charges, and where appropriate, confront witnesses.

The School Leader also shall immediately notify the parent(s) or guardian(s) in writing that a decision has been made to suspend the student from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the decision to impose suspension at the last known address. Where possible, notification also shall be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall provide a description of the incident(s) which resulted in the suspension and shall offer the opportunity for an immediate informal conference with the School Leader. In the event that the attendance of the parent(s) of the student is, in the sole discretion of the School Leader, impractical, the conference will be scheduled as soon as practicable thereafter, and in any event prior to 5:00 p.m. of the next school day. The notification and informal conference shall be in the dominant language used by the parent(s) or guardian(s). The Suspension shall not be implemented until after the informal conference, or the parents' waiver of, or refusal to participate in, the conference, unless the School Leader determines that delay in implementation would pose an undue threat to school order and/or the safety and well-being of the student or others. If, as a result of this deferred conference, the School Leader determines to reduce or retract the suspension, the student shall be readmitted, if necessary, and the record amended, or expunged, accordingly.

Immediately upon suspension, the school will take steps to provide alternate instruction. In the case of a one-day suspension, the student will be provided time with the teacher in school the following day to make up missed assignments and lessons. In the case of a suspension lasting two or more days, a certified teacher will arrange to come to the student's home or another location mutually agreed upon by the teacher and parent to provide tutoring related to missed assignments or lessons. The School will maintain documentation of the alternate instruction provided, including teacher's name, date, time, location, content and skills taught, and assignments completed.

#### *Appeal to the Board of Trustees*

The decision of the School Leader to impose a short term suspension shall be subject to appeal to the Board of Trustees, solely on the basis that the School Leader's decision was arbitrary and capricious, and constituted an abuse of discretion and/or that the School Leader failed to accord the student the informal conference as provided above. Unless authorized by the School Leader, there shall be no stay of the suspension. Such appeal must be requested, in writing, by the student/parent(s) within fifteen days of the commencement of the suspension, filed with the School Leader. Upon receipt of a request for appeal, the School Leader shall, within three school days thereafter, prepare a written summary of the proceedings to date, including a detailed statement of the charges, the nature of evidence considered, pro and con, and

the process followed. This summary shall be immediately delivered or mailed to the student and parent(s) and to the Discipline Committee of the Board of Trustees. The student and parent(s) shall be entitled to file a written statement in support of the appeal within five school days following receipt of the School Leader's written summary, and/or to request, if they so desire, an opportunity to present, to the Discipline Committee, an oral statement in addition to, or in lieu of, a written statement. In the event the parents present an oral statement, the School Leader may request an opportunity for rebuttal which shall be at the discretion of the Discipline Committee.

The Discipline Committee shall thereafter convene, as soon as practicable, to consider and determine the appeal, which determination shall be final.

### **Long-Term Suspensions**

A student who is determined to have committed any of the infractions listed below shall be subject minimally to a long-term suspension, unless the School Leader or Board of Trustees determines that an exception should be made based on the circumstances of the incident and the student's disciplinary record. The student may also be subject to other disciplinary measures, including expulsion, depending on the severity of the infraction. Referrals to law enforcement authorities may be made. Disciplinary infractions may include:

- Possess, use, attempt to use, or transfer any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the student at school. [The Federal Gun-Free Schools Act of 1994, which applies to public schools, states that a student who is determined to have brought a weapon to school must be suspended for at least one calendar year. This suspension requirement may be modified by the School Leader, however, on a case-by-case basis. Weapon as used in this law means a "firearm," as defined by 18 USC §8921, and includes firearms and explosives. New York Education Law §3214(3)(d) effectuates this federal law.]
- Commit or attempt to commit arson on school property.
- Possess, sell, distribute or use any alcoholic beverage, controlled substance, imitation controlled substance, or marijuana on school property or at school sponsored events.
- Assault any other student or staff member.
- Intentionally cause physical injury to another person, except when the student's actions are reasonably necessary to protect himself or herself from injury.
- Vandalize school property causing major damage.
- Continuous misbehavior which disrupts the educational program, when all other strategies have been exhausted.
- Commit any act which school officials reasonably conclude warrants a long-term suspension.

In addition, a student who commits any of the acts listed in Part II which would ordinarily result in a short-term suspension may, instead or in addition, be subject to a long-term suspension at the School Leader's or Board of Trustees' discretion.

#### *Procedures for Long-Term Suspensions*

The School Leader may recommend a suspension of more than five days subject to the review and approval of the Board of Trustees. Upon determining that a student's action warrants a possible long-term suspension or the School Leader shall verbally inform the student that he or she is being suspended and is being considered for a long-term suspension and state the reasons for such actions.

The School Leader shall immediately notify the student's parent(s) or guardian(s) in writing. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. Where possible, notification also shall be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall provide a description of the incident(s) which resulted in the suspension and shall indicate that a hearing will be held on the matter which may result in a long-term suspension. The notification provided shall be in the dominant language used by the parent(s) or guardian(s). The notice shall:

- Include a clear and concise statement of the charges.
- Advise the student and parent(s) that a formal hearing will be conducted by the School Leader or designee to make a determination as to a long term suspension.
- Specify the date and time of such hearing.
- Advise students and parents that they have the right to be represented by legal counsel or advocate of their choice, and that they have the right to confront and question witnesses and to have relevant and competent witnesses subpoenaed if they so require.
- Advise parent(s) that the hearing will be conducted in two parts, that the students' anecdotal record may be considered, a record of the hearing shall be made, and that such record will be the sole basis for any appeal.

If the suspension proceeding has been initiated by the School Leader, the School Leader shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. Hearings will be conducted in two parts, in the following order:

- The School Leader or hearing officer shall ascertain whether the student admits guilt as to the charge. If the student does admit guilt, the School Leader or hearing officer shall proceed with Part Two to determine the degree of penalty.



- If the student does not admit guilt, the School Leader or hearing officer shall proceed to call witnesses and review relevant documents.
- The student and parent(s) or their advocate will be entitled to cross examine any witnesses and to challenge the relevancy of documents. The student and parent(s) will also be permitted to call witnesses and offer documentary evidence.
- Following the presentation of the case for the defense, the School Leader or hearing officer may call additional witnesses or consider additional evidence, solely in rebuttal.
- Upon the conclusion of Part One, the School Leader or hearing officer shall deliberate and find the student either guilty or not guilty. If the student is found not guilty, the proceedings shall close and the student shall be immediately readmitted to school and the record expunged. If the student is found guilty, the School Leader or hearing officer shall proceed to Part Two.
- Part Two shall proceed the same as Part One. Within 48 hours of the conclusion of the hearing, the School Leader shall render a written decision confirming the finding as to guilt and specifying the length of suspension. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. The notice will also advise parent(s) of the right to appeal to the Board of Trustees.

Immediately upon suspension, the school will take steps to provide alternate instruction. A certified teacher will arrange to come to the student's home or to such other location as may be mutually acceptable to the School and the parents, to provide tutoring related to missed assignments or lessons for the duration of the suspension. The School will maintain documentation of the alternate instruction provided, including teacher's name, date, time, location, content and skills taught, and assignments completed.

### **Expulsions**

Expulsions are considered permanent suspension from the school resulting in the student's being removed from the register of students to be re-enrolled in the student's home school district. Any infraction which might result in a long term suspension may be grounds for expulsion where the severity of the conduct, or the persistence of conduct, is determined to present a chronic risk to the health and safety of one or more persons, including the perpetrator, or to the orderly conduct of the educational process.

The Board of Trustees, upon the recommendation of the School Leader, endorsed by the Discipline Committee, shall have the authority to expel a student. Upon the occurrence of three short-term suspensions, or in other cases of severe conduct, the School Leader may refer the student to the

Discipline Committee of the Board of Trustees, together with a recommendation by the School Leader that the student be expelled. The student shall be deemed suspended until such time as the recommendation has been decided by the Board of Trustees.

The Discipline Committee shall, within five days of such referral, conduct a hearing, upon notice to the student and parents, to consider the recommendation for expulsion. The Discipline Committee shall designate a member who shall preside over such hearing. The School Leader shall have the burden of calling such witnesses, and producing such other proof, as is relevant in support of the recommendation. The student and parents shall have the right to be represented as such hearing, and the parents, or their representative, shall have the right to cross examine witnesses and otherwise challenge such evidence as may be presented in support of the recommendation. The student and parents shall thereupon be afforded the opportunity to offer witnesses and evidence in opposition to the recommendation, subject to the School Leader's right to cross examine and otherwise challenge such evidence. Each side shall be afforded an opportunity to make a closing statement to the Discipline Committee, with the School Leader first and the student and parents thereafter. A record of such hearing shall be maintained in the same manner as for a formal suspension hearing.

Upon the close of the hearing, the Discipline Committee shall determine, by majority vote, whether to endorse the recommendation for expulsion or overrule such recommendation and impose, in lieu thereof, a suspension for such duration as the Committee may specify. A decision to overrule the recommendation shall not be subject to appeal.

In the event that the Discipline Committee votes to endorse the recommendation for expulsion, that recommendation shall be reported to the Board of Trustees at its next regularly scheduled meeting, or at a special meeting called for such purpose. Upon resolution of the majority of members, the Board of Trustees will consider the entire record of the hearing before the Discipline Committee. In the absence of such a resolution, the Board of Trustees shall proceed solely upon the report of the Discipline Committee. By majority vote, the Board of Trustees shall sustain or overrule the recommendation for expulsion. The Board may impose a suspension for such duration as it may determine. Parent(s) may appeal the decision to the State Education Board of Regents.

In the event that the Board sustains the recommendation for expulsion, the student's home district will be contacted within 24 hours. Copies of student records will be immediately sent to the home district. Parents will be sent a letter strongly reminding them of their obligation to enroll the student forthwith and that their failure to do so may result in an educational neglect referral to Child Protective Services. Alternate education will continue to be provided by GCCS until such time as the student is enrolled elsewhere or until the end of the school year.

### *Time Periods*

It is expected that the time periods specified shall be applied, as nearly as is practicable. Such periods may be extended by the party conducting the hearing or considering the appeal. The failure to adhere to any such time period shall not, in and of itself, be grounds for reversal, dismissal, or reconsideration, absent a demonstration that such failure resulted in prejudice to the complaining party.

### **Discipline for Students with Disabilities**

Any student classified as disabled under the Individuals with Disabilities Education Act, the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, or a student presumed to have a disability (who has not yet been identified as a student with a disability but who may be eligible for protection) that the School Leader has recommended for long term suspension or for whom any additional suspension would be deemed a change in placement, shall be accorded such additional due process as is required under Sections 300.519 through 300.529 of the Federal Regulations, and in accordance with Part 201 of the Regulations of the Commissioner of Education.

1. Any such student found guilty following Part 1 of a disciplinary hearing, or for whom any additional suspension may result in a change in placement, shall be referred to a Manifestation Team to determine if the behavior in question is a manifestation of such student's disability. In making such determination the Team must determine a) if the conduct in question was caused by or had a direct and substantial relationship to the child's disability or b) if the conduct in question was the direct result of the School's failure to implement the student's individualized educational program.
2. Upon a determination that the behavior in question is not a manifestation of the student's disability, the disciplinary process shall continue as provided above for Short or Long Term Suspension, as the case may be. Related services shall be continued for any student classified under the Individuals with Disabilities Education Act for the duration of any resulting suspension.
3. Upon a determination that the behavior is a manifestation of the student's disability, the disciplinary hearing shall be discontinued and the matter shall be referred to the appropriate parties for the development or amendment of a Functional Behavioral Assessment, Behavioral Intervention Plan and/or a change in placement.

In the case of a disabled student charged with behavior involving serious bodily injury, weapons, illegal drugs or controlled substance, the School Leader shall be authorized to take any and all steps for which a Superintendent of School is authorized under Section 201.7(e) of the Regulations of the Commissioner of Education.