Bronx Charter School for the Arts

DISCIPLINE POLICY & CODE OF CONDUCT

OUR CODE OF CONDUCT IS SIMPLE...
WEAR YOUR C.R.O.W.N.
EVERY SINGLE DAY!

PHILOSOPHY

We care deeply about maintaining a school environment where students feel safe and learn at a high level without disruption. We expect BCSA students to learn to make good decisions, exercise strong judgment, and develop the ability to self-regulate, and to wear their C.R.O.W.N. !

Key Beliefs:

- We believe in keeping a safe learning environment for all BCSA stakeholders.
- We believe in applying restorative practices when supporting student behavior.
- We believe that all students should be afforded the opportunity to correct behavior.
- We believe that it takes a village to teach our students how to socially navigate the world in a manner that is kind and respectful.
- We believe in following the code of conduct and applying consequences as outlined in this document.

Bronx Arts has adopted comprehensive systems and protocols to reduce student disruption and misconduct, adapted from the New York City Department of Education's Citywide Standards of Intervention and Discipline Measures. In fact, these systems and protocols support and reinforce positive behavior and enhance children's character development while helping them succeed.

A wide range of strategies have been implemented to reduce poor behavior and maintain a safe learning environment, including conflict resolution, restorative practices, counseling, and a structured system of positive reinforcement through our Code of Conduct system: C.R.O.W.N.. The inclusive practices are geared toward reducing the loss of instructional time, while exclusionary practices such as in-school suspension, out-of-school suspension, and expulsions are kept to a minimum.

The standards set forth in the Code of Conduct apply to behavior:

- In school during school hours;
- Before and after school, while on school property;
- While traveling to or from school or a school-sponsored event
- At all school-sponsored events and
- On other-than-school property when such behavior can be demonstrated to negatively affect the educational process or endanger the health, safety morals, or welfare of the school community
- When misbehavior involves communication, gestures or expressive behavior, the infraction applies to oral, written or electronic communications, including, but not limited to, texting, e-mailing, and social networking.

PROGRESSIVE DISCIPLINE

Understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline does not focus on punishment. Instead, the goal is to prevent a recurrence of negative behavior by helping students learn from their mistakes.

Every reasonable effort is made to correct student behavior through guidance interventions and other school-based resources. Guidance interventions, as described in detail in the next section, are essential because inappropriate behaviors or violations of the Code of Conduct may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses emphasize prevention and effective intervention, prevent disruption to education, and promote the development of a positive school culture.

For students with disabilities whose behavior impedes the student's participation in school, the school works with the Committee on Special Education (CSE) to provide support, which often includes conducting a functional behavioral assessment (FBA) to understand the causes of the student's behavior.

PARENTS AS PARTNERS

It is important that families collaborate with the school to help nurture the skills students need to succeed in school and in society. All members of the school's staff are responsible for keeping parents informed of their child's progress, and communicate both successes and concerns regularly. Outreach to parents include, but is not limited to, a phone call and/or a written communication.

Parents are asked to be familiar with the Student Discipline Policy and Code of Conduct to ensure they become active and involved partners in promoting a safe and supportive school environment. This includes meeting with their school officials (when requested), attending report card conferences, and participating in school community events.

DETERMINING THE DISCIPLINARY RESPONSE

School personnel consults with the Student Discipline Policy and Code of Conduct when determining which disciplinary measures to impose.

The following facts are taken into consideration prior to determining the appropriate disciplinary measures:

- The student's age and maturity;
- The student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and guidance intervention measures applied for each);
- The nature, severity and scope of the behavior;
- The circumstances/context in which the conduct occurred;
- The frequency and the duration of the behavior;
- The number of persons involved in the behavior;
- The students IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan) and 504 Accommodation Plan, if applicable

GUIDANCE INTERVENTIONS

To promote positive behavior, Bronx Charter School for the Arts provides a range of prevention and intervention strategies and support services for students during and after school hours throughout the school year. When a student engages in misconduct, the Student Discipline Policy and Code of Conduct provides a comprehensive list of guidance interventions that must be considered based on the type of behavior in which a student has engaged. When used consistently and appropriately, guidance interventions help improve student behavior, lower repeated misbehavior and contribute to a more positive school environment.

Guidance interventions are an integral part of a comprehensive response, and the school provides support services at all stages of the disciplinary process, including during suspension. Support services include any of the interventions or a combination of such services that best meet the needs of the individual student.

PROGRESSIVE INFRACTION LEVELS

To ensure that staff, students, and parents are aware of all expected standards of behavior, the school Student Discipline Policy and Code of Conduct provides graduated accountability measures for students who engage in repeated misbehavior despite prior interventions and/or prior impositions of appropriate disciplinary measures.

More severe accountability measures are imposed on those students who commit more serious infractions, or who engage in a pattern of persistent misconduct. Whenever possible, school officials use guidance interventions and/or the least severe appropriate discipline responses prior to imposing strict penalties.

Infractions are grouped into five levels. Each level contains possible guidance interventions as well as possible disciplinary responses that can be imposed by a teacher/administrator. The infractions listed in each category are examples of potential behavior; these listings are not meant to be comprehensive.

POSSIBLE SUPPORTS & INTERVENTIONS

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Seat or classroom change
- Functional Behavioral Assessment
- (FBA)/Behavioral Intervention Plan (BIP)
- Guidance conference
- Individual/group counseling
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Positive behavioral interventions and supports
- Restorative practices
- Short-term behavioral progress reports
- Peer Mediation
- Referral to counseling services
- Referral to counseling services for (bias based) bullying, intimidation, or harassment
- Referral to mental health support services

INFRACTIONS LEVELS

Level 1

UNCOOPERATIVE/NON-COMPLIANT BEHAVIOR

1. Unexcused absence
2. Out of Uniform
3. Late to School
4. Bringing prohibited items or equipment to school
5. Using school equipment or devices without permission
6. Disrupting learning
7. Off Task Behavior
8. Not following teacher/staff instructions
9. Engaging in verbally rude or disrespectful behavior
10. Not following established classroom norms and behavior expectations

Level 2

DISORDERLY BEHAVIOR

12. Using profane, obscene, vulgar, our lewd language or behavior
13. Disrespectful actions or words towards students/staff
14. Refusal to Follow Instructions/Expectations
15. Minor Theft or Misuse of Property
16. Leaving class without permission
17. Throwing objects
18. Horseplay/Play fighting
19. Possession and/or use of cigarettes, electronic cigarettes, matches, lighters, and/or vaping devices
20. Violating the school's dishonesty
21. Frequent or Repeated Level 1 Infractions

INFRACTIONS LEVELS

Level 3

DISRUPTIVE BEHAVIOR

22. Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process or the teacher's authority and/or poses a danger to the school community
23. Using slurs based upon actual or perceived race, ethnicity, color, creed, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability
24. Minor physical altercation
25. Tampering with or altering school records
26. Vandalism, graffiti, or other intentional damage to school or personal property of others
27. Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior toward students or school personnel
28. Using school equipment or devices inappropriately or without permission
29. Engaging in inappropriate or unwanted physical contact or touching someone in a private part of body.
30. Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules
31. Posting or distributing libelous material or literature (including posting such material on the Internet)
32. Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs)
33. Knowingly possessing property belonging to another without authorization
34. Frequent or Repeated Level 2 Infractions.

Level 4
Aggressive or Injurious/Harmful Behavior

35. Posting or distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff (including but not limited to posting such material on the Internet)

36. Engaging in physically aggressive behavior other than minor altercations as described under # 24, which creates a substantial risk of or results in minor injury

37. Coercing, threatening, planning, or instigating an act of violence, injury, or harm to other(s)

38. Engaging in behavior on the school bus which creates a substantial risk of or results in injury

39. Engaging in harassing, intimidating, and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass

40. Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying) based on an individual's actual or perceived race, color, creed, religion, religious practices, ethnicity, national origin, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, disability or weight; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass

41. Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)

42. Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol

43. Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior
44. Falsely activating a fire alarm or other disaster alarm
45. Making a bomb threat
46. Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella, or laser pointer)
47. Inciting/causing a riot
48. Possessing, displaying or selling any weapon
49. Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol

Level 5
Seriously Dangerous or Violent Behavior

50. Starting a fire

51. Using force to take or attempt to take property belonging to another (only where behavior is repeated and involves physical violence)

52. Using force against, or inflicting or attempting to inflict serious injury against school personnel, students, school safety agents, or others.

53. Instigating, or participating with another or others, in an incident of group violence (only where behavior is repeated and involves physical violence)

54. Engaging in dangerous or violent behavior that is gang-related

55. Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity

56. Selling or distributing illegal drugs or controlled substances and/or alcohol

57. Possessing or selling any weapon

58. Using any weapon to threaten or attempt to inflict injury

59. Possessing or using a firearm, bomb, or explosive

60. Frequent or repeated Level 4 infractions

DUE PROCESS

All students are entitled to due process for all disciplinary actions. In all disciplinary matters, students will be given notice and an explanation of why the action is being taken, and will have the opportunity to present their version of the facts and circumstances to the staff member investigating the incident or imposing discipline. In any situation that requires a referral, the child's parent or guardian will be notified of the incident.

SUSPENSION

Short term suspensions are for removals for up to 10 days. Long term suspensions are for removals of 10 days or more, and require the convening of a formal hearing that will determine if removal is warranted.

Out of school suspensions will be used in situations where the student's continued attendance poses a threat to his or her own welfare or to the learning or welfare of other school community members. Students who engage in Level 4 or 5 infractions may be subject to a long term suspension, depending on the circumstances. This policy is based on the belief that out-of- school suspension is often not effective as a discipline tool because it is not conceived of by students as a punishment, but rather as an opportunity to miss school. In addition, out- of-school suspension often results in a significant disruption of the educational process.

If a student does receive out of school suspension, he or she will receive out of class instruction provided by a teacher for two (2) hours per day during the period of the suspension.

n cases of suspension, the Principal or her designee shall inform the student verbally of the suspension, the reason or reasons for it, and whether it will be served in school or out of school. The student shall be given an opportunity to deny or explain the charges. The Principal or their designee shall also immediately notify the parent(s) or guardian(s) by phone and in writing that the student has been suspended from school.

Written notice shall be provided by personal delivery, message via Parent Square, express mail or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. Notification shall also be made 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 or incidents that resulted in the suspension and shall offer parents or guardians an opportunity for an immediate informal conference with the Principal or his/her designee. The notification and hearings shall be in the dominant language used by the parent(s) or guardian(s).

EXPULSION

Students may be expelled from Bronx Arts for the following reasons:

a. selling, using, or possessing weapons, fireworks, or other dangerous instruments
b. possessing, using, selling, or transferring cigarettes, alcohol, drugs, or other controlled substances or drug paraphernalia
c. assault or repeated incidents of threats, bullying, or use of force d. commission of a felony
d. conduct that poses an immediate or ongoing danger to the health and welfare of the students and/or faculty
e. sexual harassment or abuse
f. ongoing incidents of misconduct that persist even after repeated intervention by school staff and that represent a pattern and are damaging to the school community such as fighting, stealing, and vandalism
g. any other serious violation of the school's Student Discipline Policy and Code of Conduct which is so extreme that school officials determine reasonably warrants an expulsion

PROCEDURES AND DUE PROCESS FOR LONG-TERM SUSPENSIONS OR EXPULSION

A long-term suspension refers to the removal of a student from the school for disciplinary reasons for a period of more than ten (10) days. Expulsion refers to the permanent removal of a student for disciplinary reasons.

Upon determining that a student's action warrants a possible long-term suspension or expulsion, the following procedure, consistent with applicable federal case law, will be followed:

- If necessary to maintain safety, the student shall immediately be removed from class and/or school.
- The student shall verbally informed of how their actions violated the Student Discipline Policy and Code of Conduct and any associated evidence of those actions; where applicable, the student will have the opportunity to explain their side of the events.
- The school shall immediately notify the parent(s) or guardian(s) of the student, in person or on the phone.

- The school shall provide written notice that the school is going to commence a disciplinary hearing to the student and their parent(s) or guardian(s) by personal delivery or express mail delivery as soon as possible to the last known address of the parent(s) or guardian(s). Such notice shall provide a description of the incident or incidents and shall state that a formal hearing will be held on the matter which may result in a long-term suspension or expulsion. The notification provided shall be in the dominant language used by the parent(s) or guardian(s) if it is known by the school to be other than English. The notice will state that at the formal hearing, the student shall have the right to be represented by counsel (at the family's expense), present and question witnesses, and present evidence.
- The school will set a date, time, and place for the formal hearing, which shall be set forth in the written notice described above.
- The school will send the parent(s) or guardian(s) the evidence on which the school intends to rely and a list of witnesses it is considering calling. The parent(s) or guardian(s) should notify the school in a reasonable time in advance of the hearing if they seek any other potentially relevant documents. The school reserves the right to make changes to both its witness list and the evidence it introduces.
- An audio record of the formal hearing will be created and made available to all parties upon request.

For a long-term suspension hearing, the Executive Director or their designee shall serve as the hearing officer and preside over the hearing. A written decision will be issued within five (5) school days after the formal hearing to the student and their parent(s) or guardian(s).

An appeal from the written decision may be made to a panel of three (3) members of the school's Board of Trustees, which shall promptly meet to hear the appeal. Each party will be allowed twenty (20) minutes in which present their case. The panel will also consider the record of and evidence submitted at the school hearing. The Board of Trustees will issue a written decision within ten (10) business days of receiving the appeal. The decision of the panel may be appealed to the school's authorizer, the New York Board of Regents, through the New York State Education Department. The decision of the authorizer shall be final.

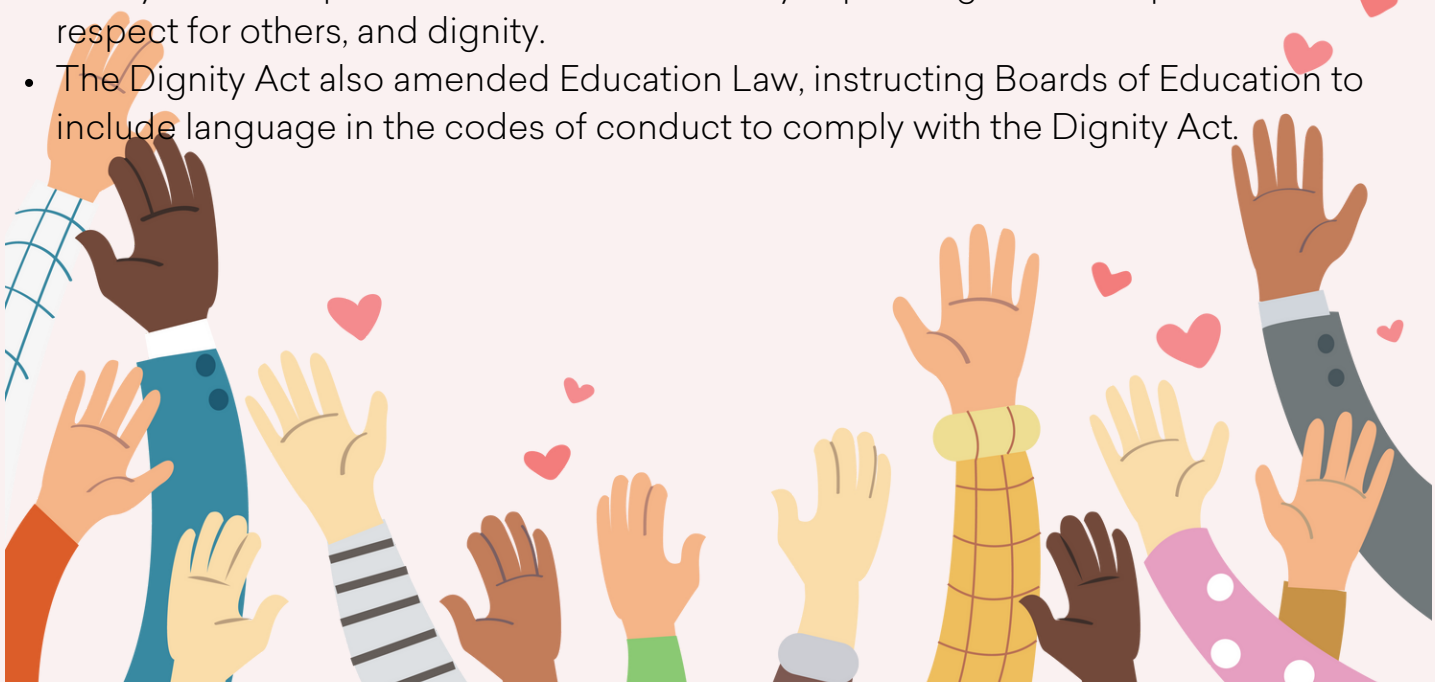
DISCIPLINE FOR SPECIAL EDUCATION STUDENTS

The school's discipline rules and procedures apply to students with disabilities to the extent that they are consistent with federal laws and regulations regarding the placement of students with disabilities. This includes procedures for parent and student notification and appeal.

Our disciplinary policy, with regards to any student with a disability, will be in accordance in all respects with the Individuals with Disabilities Education Act (IDEA), including but not limited to the requirements and procedures set forth at sections 121(d) and 519-529 of Part 300 of Title 34 of the Code of Federal Regulations. The school will cooperate with the CSE of the local district of residence of the student's
school district of residence to ensure compliance with Part 300 of the IDEA. In cases where the discipline policies described above violate the provisions of IDEA, the provisions of IDEA will take precedence.

THE NEW YORK STATE DIGNITY FOR ALL STUDENTS ACT (DIGNITY ACT)

Effective July 1, 2012, The New York State Dignity for All Students Act (Dignity Act) was signed into law on September 13, 2010. This legislation amended State Education Law by creating a new Article 2 –Dignity for All Students:

The Dignity Act states that NO student shall be subjected to harassment or discrimination by employees or students on school property or at a school function based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

- The Dignity Act amended New York State Education Law to include instruction in civility, citizenship and character education by expanding the concepts of tolerance, respect for others, and dignity.
- The Dignity Act also amended Education Law, instructing Boards of Education to include language in the codes of conduct to comply with the Dignity Act.