



### **Mission Statement**

Our mission is to provide a stimulating and engaging learning environment that recognizes student capability, fosters connectedness to immediate and broader communities, and offers ways to contribute to school life. EVCS believes that all children can and will learn at high levels when provided with the right learning conditions.

### **2021-2022 Student Code of Conduct**

Creating a positive and safe learning environment is a critical factor in student and school success. This responsibility is shared by students, parents, staff and administration. When everyone works cooperatively to prevent problems and promote success, the need for disciplinary action is reduced. Students at the Elmwood Village Charter Schools must adhere to the following Standards.

#### **EVCS Conduct Standards**

- Follow rules established in individual classes and in the school at large
- Demonstrate respect for other students
- Demonstrate respect for faculty, staff, guests, and administrators
- Ask for help politely and at appropriate times
- Act in a way that is safe and non-threatening
- Use language that is appropriate and does not offend others
- Behave in ways that will assist others in their learning
- Keep the classroom and school clean
- Come to school on time, and ready to learn
- Take responsibility for learning
- Dress appropriately to maximize learning

- Abide by the Code of Conduct when participating in EVCS-related activities including field trips, community service projects, and attending performances.

The Cooperative Discipline and Responsive Classroom approaches are used throughout the school, whether in person or in the event of remote instruction. These models are proactive approaches to establishing a positive student culture.

### **Student Discipline Within the Responsive Classroom and Cooperative Discipline Models**

All students are expected to adhere to the EVCS Code of Conduct regardless of the mode of instruction in which they participate (*e.g.*, virtual, in-person). We expect students to respect the rights and privileges of others and accept responsibility for their own actions and the consequences of their behavior. Our approach, first and foremost, is to be proactive:

- Establish a calm, peaceful, and orderly environment for learning.
- Give students the opportunity to be capable, connected, and contributing members of the school community (Cooperative Discipline).
- Teach and help children to develop self-control and self-discipline.
- Teach children to be responsible members of a democratic community.
- Promote and model respectful, kind, and healthy interactions.

When responding to misbehavior, we aim to:

- Help children become aware of their actions.
- Help children become aware of how their actions can bring positive and negative consequences to themselves and others.
- Use respectful strategies to stop misbehavior and restore positive behavior as quickly as possible.
- Preserve the dignity of every child.

Each class will make an agreed-upon list of the class rules regarding behavioral expectations, providing all students with a place to revisit and discuss them when needed. The class rules will include pictures/drawings for students not yet reading. Parents will receive a copy of the rules so they are aware of the behavioral norms—and values expected of each child. Teachers will also inform parents of the process the children went through to create the rules. Teachers will also teach the rules for the school community encompassing appropriate behavior when participating in field trips, community service projects, attending performances, and dealing with conflict. Classroom rules will echo the school-wide standards.

When students are attending school in-person, additional techniques to be used for creating an orderly learning environment in the classroom may include a “take-a-break” spot or a “buddy classroom,” when feasible. This will be a place where children go to reflect on behavior before returning to the group. It will provide the student having difficulty following rules with an opportunity to decompress, reflect, and rejoin the class. The teacher will assess the immediate needs of the child and take time to discuss issues and problem solve. The teacher will communicate with the parent(s)/guardian(s) if the child continually exhibits behaviors counter to the rule system of the classroom and schedule a conference with the parent(s)/guardian(s). A Wellness Room has been established regardless of the method of instruction used if a child needs a space other than the classroom to reflect on his/her behavior.

The Principal or Assistant Principal of the school will interact with students on a daily basis to assist teachers in reaching our goal of helping all children succeed. Informal visits to the Principal’s or Assistant Principal’s office for a conference, intervention, reminders or reprimands should not be interpreted as formal disciplinary action. Parent(s)/guardian(s) will be notified whenever formal disciplinary action is taken by an administrator.

### **Chronic Problems**

If disruptive behavior continues after initial interventions with the student, a teacher or administrator will contact parents/guardians. Suspension or a formal time-out may be required when a student’s attitude and conduct result in the need to temporarily remove the student from the classroom community. An administrator will conduct a re-entry meeting with the student prior to his/her return to school from suspension at which time the School’s behavioral expectations will be reviewed and reinforced.

In the case of students with significant behavioral concerns, the Student Support Team may be consulted. The Student Support Team consists of school professionals and the Principal. Together, they confer to offer the student’s teacher possible strategies or determine appropriate interventions to address the student’s behaviors. Such strategies might include developing a behavioral plan which incorporates principles of frequency, intensity and duration of target behaviors; determining antecedents, concurrent events and consequences that exacerbate problem behaviors; identifying skill deficits that contribute to the behavior(s). Such plan may also set forth a set of strategies to address the student’s conduct that may include: developing a contract with the student, and implementing an individual behavior management plan using

re-enforcers for positive behaviors. If this collaborative opportunity does not lead to student improvement, a more formal behavior intervention plan or other alternative measures may be necessary.

### **Short-Term Suspensions**

A short-term suspension, under applicable New York State Law and Regulations, is a suspension from school for 10 school days or less. A student who is determined to have committed any of the infractions listed below may be subject to a short-term suspension, unless the Principal determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record and depending on the severity of the infraction, a long-term suspension also may be imposed and referrals to law enforcement authorities may be made. The Principal has the authority to impose a short-term suspension.

### **Disciplinary Infractions That May Result in a Short-Term Suspension**

Acts of misconduct (in school or electronically out of school when there is a risk of substantial disruption within the school environment) that may warrant a short-term suspension include, but are not limited to the following:

- Attempt to physically assault, or physical assault of, any student or staff member
- Acts of physical aggression or fighting
- Vandalism of school or personal property resulting in minor damage
- Endanger the physical safety of another by the use of force or threats of force
- Engage in conduct that disrupts school or classroom activity or endangers or threatens to endanger the health, safety, welfare, or morals of others
- Engage in insubordination, defiance or disrespect
- Fails to complete assignments, carry out directions or comply with disciplinary sanctions
- Cheating on exams or quizzes, or commits plagiarism
- Use of forged notes or excuses
- Stealing, attempt to steal, or possession of property known or presumed by the student to be stolen

- Trespassing on school property
- Defacement, damage, abuse or mistreatment of school property or equipment
- Use of 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
- Use of derogatory racial or ethnic slurs
- \*Acts of bullying, harassment, intimidation, or threats of violence (see \*Bullying section below)
- Making a false bomb threat or pulling a false emergency alarm
- Possession of tobacco or tobacco products, including e-cigarettes, vaporizers, or vapes
- Possession, use, sale or being under the influence of alcohol
- \*\*Possession of cellular telephones or any electronic device not being used for instructional purposes (See \*\*Electronic Devices section below)
- \*\*\*Wearing inappropriate, unsafe, or disruptive clothing or attire, and/or attire which violates the student dress code (See \*\*\*Dress code section below)
- Inappropriate or unauthorized use of technology
- Committing any other act that school officials reasonably conclude warrants a disciplinary response

### **Dignity for All Students Act (“DASA”)**

The intent of the Dignity for All Students Act (the “Dignity Act” or “DASA”) is to provide all students with an environment free from harassment, bullying, cyberbullying, and discrimination, as well as to foster civility in school. The Dignity Act focuses on the prevention of discriminatory behaviors, including harassment/bullying, through the promotion of educational measures meant to positively impact school culture and climate.

EVCS prohibits and will immediately investigate and respond to acts of harassment, bullying, cyberbullying, and discrimination against students by students and/or by school employees on school property or at a school function. EVCS also prohibits off-campus conduct that creates or would foreseeably create a risk of substantial disruption within the school environment or where

it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Under the Dignity for All Students Act, the following terms are defined as follows:

- “*School Property*” means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law §11[1]).
- “*School Bus*” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).
- “*School Function*” means a school-sponsored extra-curricular event or activity (Education §11[2]).
- “*Discrimination*” means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- “*Emotional harm*” that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.
- “*Gender*” means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).
- “*Sexual Orientation*” means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
- “*Harassment/bullying*” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that

- a. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
- b. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- c. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- d. occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

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

- "*Cyberbullying*" means harassment/bullying, as defined above, through any form of electronic communication.

Prohibited acts of harassment and bullying include those acts based on a person's actual or perceived membership in the following groups including, but not limited to:

- race
- color
- weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sex
- sexual orientation
- gender (which includes a person's actual or perceived sex, as well as gender identity)

and expression).

To support every student's right to learn, DASA ensures that schools work with families, communities, and law enforcement to help prevent any form of discrimination and harassment, including cyber-bullying. DASA requires schools to develop and communicate disciplinary policies that address acts of harassment, intimidation, threats of violence, or discrimination that are communicated electronically on or off school premises where there is a foreseeable risk of substantial disruption within the school environment. Thus, EVCS will work closely with parents, our school counselor, and Law Enforcement to help prevent, investigate and address incidents of harassment, intimidation, discrimination and bullying, including cyber-bullying.

Parents/guardians are advised to do the following:

- Closely monitor your child's use of the Internet and texting devices, including iPads and cellular phones
- Monitor your child's use of social networking sites like Facebook
- Talk with your child about safe and responsible use of the Internet and texting devices
- Explain to your child the seriousness of cyber-bullying and how to recognize it
- Discuss with your child what he or she should do if he or she is the victim of cyber-bullying
- Report incidents of cyber-bullying, or other forms of bullying, harassment or discrimination, to school officials (provide evidence if possible)

EVCS will thoroughly investigate all allegations of harassment, intimidation, discrimination, and bullying, including cyber-bullying. Should allegations be found credible, disciplinary actions will be taken in the same manner as other prohibited conduct per our Code of Conduct or, in accordance with any relevant employee handbook, policy or collectively negotiated agreement, as applicable.

### **Scope of Cyber-Bullying**

Cyber-bullying may include, among other things, the use, both on and off school property, of electronic technology, including but not limited to e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems, and social media websites intended to deliberately harass or threaten others.

### **Dignity Act Coordinator (DAC)**

EVCS requires one staff member to be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex. The name and contact information of the DAC appointed by the Principal is as follows:

- ***Days Park Campus:***

***Ebony McMillan***

***(716) 886-4581***

***40 Days Park Buffalo, NY 14201***

- ***Hertel Campus:***

***Catrice D. Huff***

***(716) 424-0555***

***665 Hertel Ave. Buffalo, NY 14207***

### **Reporting Discrimination, Harassment and Bullying**

- Students are expected to report incidents of discrimination, harassment and bullying to a teacher, principal or other staff member.
- School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the Principal/designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the Principal/designee no later than two school days after making an oral report.
- The Principal/designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any complaint.
- When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Principal/designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.
- The Principal/designee shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes

criminal conduct.

- The DAC shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying, and/or discrimination to the Principal.
- Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.
- EVCS encourages all complaints to be made in writing using its bullying and harassment reporting form found at <http://www.evcsbuffalo.org/bully-alert/>. However, all complaints, regardless of the method that they are submitted, will be promptly investigated.

### **Disciplinary and Remedial Consequences**

EVCS will provide for remedial responses to acts of discrimination, harassment and bullying of students by students and/or employees, including, but not limited to:

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

## **Annual Reporting**

EVCS will keep and provide an annual report to New York State Education Department (SED) of material incidents of discrimination and/or harassment.

## **\*\*Electronic Devices**

Personal electronic devices such as cell phones, iPads, etc. are not permitted in school. In the event that a child may need to bring a cell phone to school, it must be given to the child's classroom teacher for safekeeping or turned off and kept in the student's locker until the end of the day. If a child is found to have a personal electronic device in class, it will be confiscated by staff and kept in the main office until a parent or guardian can claim the device. EVCS is not responsible for lost or stolen electronic devices, and it is strongly recommended that these devices remain at home.

## **\*\*\*Dress Code**

As a reminder, students should dress comfortably, modestly, and appropriately for school. For student safety, heels and flip-flops are not permitted. A student's manner of dress should not distract from or otherwise interfere with instruction. Printed shirts must be appropriate for elementary school and not promote values that are contrary to those of the EVCS community.

Hats and head coverings are not permitted to be worn in the building unless for religious observance or medical reasons. Once a student has arrived at school, he or she is not permitted to change outfits unless given express permission to do so by the Principal or designee.

On days when students have physical education or dance classes, they should wear sneakers with socks and loose fitting, comfortable clothing. There is no specific uniform for physical education classes, but students should not wear jewelry that may interfere with instruction on days when they have physical education or dance instruction.

The administration of the school makes the final determination on appropriate attire for school. Students who are not dressed appropriately for school will be removed from class until a parent or guardian can bring them an acceptable change of clothing.

## **Long-Term Suspensions**

A long-term suspension is an out-of-school (or out-of-class) suspension for more than ten (10) school days. A student who is determined to have committed any of the infractions listed below, or repeats an offense listed above, may be subject to a long-term suspension, unless the Principal determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record.

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

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

The Principal may impose a long-term suspension and shall issue a written decision informing the parent of the outcome. If the parent seeks to challenge the Principal's decision that individual must file a written appeal to the Board of Trustees within 30 days of the Principal's decision. If the parent seeks to appeal the Board of Trustees decision, the appeal must be filed with the Charter Authorizer within 30 days of the Board of Trustees decision.

## **Disciplinary Infractions That May Result in a Long-Term Suspension**

Acts of misconduct which may warrant a long-term suspension include, are not limited to, the following:

- Possession, use, attempt to use, or transfer of any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the

student at school

- Commits or attempts to commit arson on school property
- Possession, sale, purchase, distribution, or use of any alcoholic beverage
- Possession, sale, purchase, distribution of marijuana or marijuana substance
- Possession, sale, purchase, distribution of any illegal drug, controlled substance, imitation or lookalike on school property or at any school-sponsored event
- Assault of any other student or staff member
- Intentionally causing physical injury to another person, except when the student's actions are reasonably necessary to protect himself or herself from injury
- Vandalizing school or personal property resulting in major damage
- Threats of violence or acts of intimidation (in school or electronically)
- Bullying, including cyberbullying, discrimination, and/or harassment, including sexual harassment
- Improper conduct that significantly disrupts or threatens to disrupt the education of other students

The Federal Gun-Free School Act of 1994, which applies to public schools, including charter schools, states that a student who is determined to have brought a weapon to school must be suspended for at least one calendar year. School administrators, however, may modify this suspension requirement 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. Students with disabilities found to engage in such misconduct will be suspended in accordance with the requirements of New York State and Federal Law.

### **In-School Short Term Suspension**

Students may be temporarily removed from the classroom and placed in another area of the school where the student will receive instruction in an alternative location. The Principal or designee shall assign in-school short-term suspension and notify the parent/guardian of such decision.

### **Additional Disciplinary Measures**

The disciplinary measures listed below may be imposed in addition to short-term or long-term suspensions or, if an exception has been made by Principal to the imposition of a minimum suspension, in place of such suspension. Behavior not listed in this Code 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 reasonable excuse, also may be subject to the additional disciplinary measures noted below.

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

*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 Principal. If possible, the teacher, advisor or coach involved shall hold any requested meeting prior to imposing the suspension from participation in extracurricular activities.

*After School or Saturday Detention/Instruction.* Students may be required to serve an in-school detention after school or on Saturday mornings from 9:00 until 12:00. This measure is taken in instances of truancy or chronic misbehavior that result in disruption to instruction or lost instructional time. Under the supervision of a teacher and administrator, students are assigned work that may have been missed as a result of truancy or removal from the classroom. It is the responsibility of the student's parent/guardian to transport the student to and from Saturday detention.

*Referral to the School Counselor.* In cases of continuous behavioral problems; acts of aggression; harassment, intimidation, discrimination, or threats of violence; or threats to harm oneself or others, students may be referred to the school counselor. School officials or the school counselor will contact parents/guardians if long-term counseling is recommended or required.

*Involvement of Law Enforcement.* At times, School/Community Officers of the Buffalo Police Department who are assigned to work with students in schools meet with students informally for counseling purposes only. However, if a student is engaged in any illegal activity, including but not limited to possession of drugs, possession of a weapon, assault, threats of violence, theft, vandalism, or instances of cyber-bullying, Law Enforcement may become involved in an official capacity at the request of school officials. In such instances, a student's parent/guardian will be notified promptly.

### **Alternate Instruction**

During any suspension, the student must be provided with alternative instruction. Regardless of their entitlement to immediate alternative instruction, continuing educational services must be provided for students with disabilities who are suspended beyond ten (10) school days in a given school year; cumulative or consecutive.

### **Disciplinary Policies and Procedures for Students with Disabilities**

The following policies and procedures, along with the previously described disciplinary policies and procedures for the general population of students, will apply to students with disabilities. Students with disabilities have the same rights and responsibilities as other students, and may be disciplined for the same behavioral offenses. Discipline of a student identified as having a disability, however, is subject to additional rights and protections in accordance with federal and state law.

1. Students for whom the Individualized Education Plan ("IEP") includes specific disciplinary guidelines will be disciplined in accordance with those guidelines. If the disciplinary guidelines appear not to be effective or if there is concern for the health and safety of the student or others if those guidelines are followed with respect to a specific infraction, the matter will be immediately referred to the Committee on Special Education ("CSE") for consideration.
2. Students for whom the IEP does not include specific disciplinary guidelines may be disciplined in accordance with standard school policy relating to each infraction.
  - a. The Principal of the Charter School will keep a record of the number of days a student with a disability has been suspended or removed for disciplinary reasons.
  - b. The Principal of the Charter School has the authority to suspend or remove a

- student for discipline reasons.
- c. The Elmwood Village Charter Schools will arrange appropriate alternate instruction and continuation of special education related services, as necessary.
  - d. The parents and the student with disabilities will receive appropriate notification in writing regarding the proposed or immediate suspension or removal for disciplinary reasons.
  - e. The CSE will be notified of any suspension from classes.
  - f. Parents/guardians will receive a copy of the student's due process rights.

### **Additional Short-Term Suspension Procedures Applicable to Students with Disabilities**

- 1. Pattern Determination – Cumulative days of suspension.
  - a. Purpose of pattern determination.

If a student is subjected to a series of removals or suspensions which total ten (10) or more school days in a school year, it constitutes a “pattern” and is considered to be a disciplinary change in placement.
  - b. When pattern determination must be conducted.

When a student with a disability is suspended, a copy of the suspension notice, including documentation of the number of days suspended, must be logged in by the Building Leader.

When a student with a disability is suspended a total of six (6) days or more in a school year, a pattern determination will be conducted by the Building Leader, who will determine whether serial suspensions constitute a pattern of suspensions in that school year.
  - c. How pattern is to be determined.

The initial inquiry is whether the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in a series of removals.

Additional criteria to be analyzed in making a “pattern” determination include the length of each suspension, the proximity of the suspensions to each other, and the total amount of time the student is suspended from school. Any other relevant factors may also be considered, such as the reasons for the suspension (including the student's behavior); the setting; the number of suspensions; the pattern, if any, in the previous school year; and the IEP.

The Building Leader shall send written notice to the parent of such determination.

2. Referral to CSE.
  - a. If the Building Leader determines that suspensions which total six (6) days or more constitute a “pattern,” a written referral must be made immediately to the CSE of the school district of residence of the student so that the District can comply with its requirements under Federal and State Law. This includes conducting manifestation determinations, functional behavioral assessments, behavioral intervention plans and consideration of placement in interim alternative educational settings.
  - b. If the CSE of the school district of residence determines that a nexus or connection exists between the student’s misconduct and his/her disability, or is otherwise related to a series of suspensions or removals constituting a pattern in excess of ten (10) school days, the student must be returned to the original placement from which the student was removed; unless the parent or guardian agrees to a change in placement to an alternate setting.
  - c. If it is determined that the behavior was not a manifestation of the child’s disability, the child may be disciplined in accordance with the relevant disciplinary procedures applicable to children without disabilities, although it may be provided in an interim alternative educational setting (IAES) determined by the CSE of the school district of residence.

### **Long-Term Suspensions of Students with Disabilities**

1. If a student with a disability is determined as a result of a formal hearing, to be guilty of misconduct, and a recommendation of suspension from school in excess of ten (10) consecutive school days is being considered, the student must first be referred to the Manifestation Team of the school district of residence for purposes of conducting a manifestation determination. If, however, it is determined that a suspension or removal that would exceed ten (10) consecutive days should not be considered, and any additional days of suspension would not cumulatively amount to more than ten (10) school days, the hearing should proceed to the penalty phase (without referring the student for a manifestation determination).
2. In no event may a student with a disability be suspended beyond ten (10) consecutive school days (or beyond a series of removals which constitute a pattern of exclusion of

more than ten (10) school days in a school year) until a manifestation determination has been conducted by the school district of residence. In such case, the student shall remain in his/her current educational placement unless the parent and ECVS mutually agree to the student remaining in an alternate placement.

3. If the Manifestation Team of the school district of residence determines that there is a manifestation:
  - a. A suspension may not continue beyond ten (10) school days.
  - b. The student must be returned to the original placement from which the student was removed unless the parent or guardian agrees to a change in placement to an alternate setting.
  - c. The Manifestation Team of the school district of residence must conduct a functional behavioral assessment and implement a behavior intervention plan (BIP). . If the student already has a BIP, the Manifestation Team of the school district of residence is required to review and modify such plan as necessary to address the behavior.
4. If it is determined by the Manifestation Team of the school district of residence that the behavior was not a manifestation of the student's disability, the student may be disciplined in accordance with the relevant disciplinary procedures applicable to children without disabilities, although it may be provided in an IAES as determined by the school district of residence.

**Discipline of Students with Disabilities Possessing Weapons\* or Illegal Drugs or Inflicting Serious Bodily Injury\*\***

\* "*Weapons*" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

\*\* "*Serious Bodily Injury*" means bodily injury which involves a substantial risk of death, extreme physical impairment; protracted and obvious disfigurement; or protracted loss or impairment of a function of a bodily member or organ or mental faculty.

1. If, after a formal hearing, the hearing officer determines that a student with a disability is guilty of charges involving the possession of a "weapon" at school or at a

school function, or the student knowingly possessed or used “illegal drugs” or sold or solicited the sale of a “controlled substance” while at school or at a school function, or the student has inflicted serious bodily injury upon another while at school or at a school function, the following shall apply:

- a. The Principal may order a change in placement to an appropriate interim alternative educational setting for a period of not more than 45 school days, whether or not the behavior is determined to be a manifestation of the student’s disability.
  - b. The Principal (or his/her designee) shall refer such student to the CSE of the school district of residence.
  - c. The CSE shall determine the IAES necessary to provide the student with a free appropriate public education (FAPE) including: (1) services so as to enable the student to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP; (2) the alternative setting where the services will be provided; (3) the student’s need, as appropriate, for a functional behavioral assessment (FBA) and behavioral intervention services (BIS); and (4) modifications that are designed to address the behavior violation so that it does not recur.
2. If the Manifestation Team of the school district of residence determines that there is a manifestation or connection between the student’s misconduct and his/her disability, the student shall return to his/her previous educational placement at the expiration of the forty-five (45) school day interim placement, unless the parent and the school agree to a change of placement as part of the student’s modification of the behavioral intervention plan.
  3. If the Manifestation Team of the school district of residence determines that the behavior was not a manifestation of the student’s disability, and a change in placement is sought that would exceed the forty-five (45) school day interim placement, the relevant disciplinary procedures applicable to students with disabilities may be applied in the same manner and for the same duration as would apply to students without disabilities, although the educational services may be provided in an interim alternative educational setting. In that event, the student shall continue to receive a FAPE as determined by the Manifestation Team of the school district of residence.

## **Discipline of Dangerous Students with Disabilities**

If the Principal determines that maintaining a student with a disability in his/her current placement is substantially likely to result in an injury to the student or to others (whether or not a disciplinary proceeding is presently in progress relative to a specific charge of misconduct), the Principal can request an expedited hearing by the school district of residence seeking to change the student's placement to an appropriate interim educational setting for not more than forty-five (45) school days. Alternatively, EVCS may apply to a court to place the student elsewhere.

## **Attendance and Tardiness**

EVCS Attendance Goals:

- That each child attend school and participate in instruction every day
- That each child participates in instruction at the scheduled time(s)
- That early departures from instruction be kept to a minimum

There is a direct correlation between student attendance and student achievement. EVCS will work with parents/guardians to ensure that every child is in school and arriving on time every day.

Disruptions to the educational environment are very difficult on students already involved in an in-person or virtual lesson or morning meeting. The morning meeting is a vital part of our day and our philosophy. If children miss morning meeting because of tardiness, they are missing out on activities that build community and support a caring environment. Parents/guardians are asked to do the following:

- Emphasize the importance of good attendance and participation whether in-person or virtually
- During in-school instruction arrive to school by 8:00 AM every day
- Make every effort to schedule appointments after school hours
- Call or email the school or indicate absence with reason in School Dismissal Manager if your child will be absent from instruction due to illness
- If applicable, send a note to your child's teacher when the child returns to school in person after an absence. The school can accept notes for up to five consecutive days after your child returns to school.
- Send in a note from your child's physician if your child has been absent for three or more consecutive days
- Notify the school nurse of any health-related issues that may contribute to unusually

high absenteeism or tardiness.

The following shall be excused absences: student illness; medical, dental, or counseling appointments; court appearance; death in the family; religious observance; family emergency; and serious illness in the immediate family. NYS considers excessive absences and tardiness to be educational neglect, and schools are required to enforce an attendance policy and notify officials of chronic attendance problems. Charter schools are required to report student attendance to the State each year, and charter schools are held accountable for enforcing attendance policies.

EVCS will take the following steps to assist families in enabling their children to attend and participate in school instruction, whether by in-person or virtual means, as applicable, on time every day:

1. EVCS staff closely monitors student attendance.
2. Unless a parent calls about an absence beforehand, the school office or alert system will attempt to contact the parent/guardian the day of your child's absence.
3. Students will be marked tardy after the official start time. Chronic tardiness, seven (7) or more tardies, will result in a phone call from the school to discuss the circumstances contributing to the tardiness and offer assistance.
4. Once a child has ten (10) unexcused absences, the school will contact the parent/guardian to schedule a meeting to discuss circumstances contributing to the tardiness and offer assistance.
5. Once a child exceeds fifteen (15) days of absences, his/her parents/guardians will receive written notification from the school and will be required to meet with the Principal or designee to discuss the circumstances contributing to the absenteeism.
6. Once a child exceeds eighteen (18) days of absences, the school is required to file a report with Child Protective Services for further investigation into the causes of excessive absenteeism.

Parents/guardians can report each absence to the main office personnel by calling 716-886-4581 (Days Park) and 716-424-0555 (Hertel), or by reporting an absence with reason in School Dismissal Manager.

In addition to notifying school personnel by telephone, parents/guardians must submit a written explanation for an absence to the homeroom teacher within **five** days of the absence. If a written explanation is not received after **five** days, the absence will be recorded as an unexcused (illegal) absence.

### **Acceptable Use Policy**

Elmwood Village Charter Schools are proud to offer each student an opportunity to use our Internet networked computers. Students will be expected to abide by the Acceptable Use policy in order to maintain this privilege whether on or off campus.

EVCS employs Internet filtering software to restrict students' exposure to any inappropriate images and/or materials. Students are only allowed to use the Internet under the direction and supervision of an EVCS staff member or designee, and only for valid and approved educational purposes. Students who violate this policy will have their Internet privileges suspended for a specified period of time. If necessary, a meeting with parents or other disciplinary measures may also be implemented.

During in-person instruction and remote instruction (where applicable) students will:

- keep their body and chair at their own workstation,
- only use provided usernames and passwords,
- get permission to print,
- get permission to re-start, or modify the settings in any way (sound, font, etc.) before changing, adding or deleting programs, files, pictures, icons, etc.
- get permission to save file or URL to a computer or the network,
- get permission before sending or receiving,
- only visit websites determined by the instructor,
- not reveal their home address or phone number, or those of other students,
- not use the network in such a way that may disrupt the use of the network by others,
- be courteous and respectful in their messages to others and not use language that is considered offensive or threatening to persons,
- use the technology for its intended purpose.

**Any student who does not follow the Acceptable Use Policy will lose their computer/technology privilege and may be subject to additional consequences.**



**2021-2022 Student Code of Conduct Acknowledgement Form**

**Please read, sign, and return to school by Wednesday, September 8, 2021.**

**Please complete one form per student.**

I, \_\_\_\_\_, Parent/Guardian  
(write in parent/guardian name above)

of \_\_\_\_\_, acknowledge that I have received the  
(write in *one* student name above)

Elmwood Village Charter Schools' Code of Conduct, and have reviewed it with my child.

\_\_\_\_\_  
**Signature of Parent/Guardian**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Student of Elmwood Village Charter Schools**

\_\_\_\_\_  
**Grade**