



Discipline Policy

In-School Disciplinary Responses

Our first disciplinary response for holding students accountable for inappropriate behavior that does not involve removal from the classroom, school, or assignment to an alternate instructional site is to use our tiered support options.

If a student commits an offense that calls for a short-term suspension (fewer than ten days), the student is afforded the due process rights required by *Goss v. Lopez* (419 U.S. 565, 1975). Such students are subject to the following actions:

- a. The student is entitled to respond to the charges against them and give their version of what happened.
- b. The student is immediately removed from the class and/or school.
- c. In consultation with the Chief Student Services Officer, a school administrator or their designee addresses the conduct and assigns an appropriate consequence.
- d. The caregiver is notified by the Chief Student Services Officer or their designee via phone and written notification.
- e. A parent or guardian may choose to or be required to meet with a school administrator, including the Chief Executive Officer or their designee(s), regarding the infraction.

Procedures and Due Process for Disciplinary Action: Long-Term Suspension or Expulsion:

Expulsions and long-term suspensions (ten days or more) may only be imposed by the Chief Executive Officer, the Chief Student Services Officer, or their designees, after written authorization from the hearing officer or their designees and after a student has been found guilty during a formal hearing conducted by the Director of Student Experience and Community Engagement or their designee.

If a student commits an offense that calls for long-term suspension (ten days or more) or expulsion, the following steps are taken:

1. The student is entitled to respond to the charges against them and give their version of what happened.
2. If it is determined that the student poses a danger to themselves or others, the student will be immediately removed from class and/or school.
3. The caregiver is notified by the Chief Executive Officer or their designees. Notification will be in both verbal and written forms, including electronic mail and certified or express mailing in the caregivers preferred language.



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4. After consulting with the Chief Executive Officer or another School Management Team Member, the Chief Student Services Officer sets a hearing date and identifies a designee to serve as hearing officer. The student and/or their caregiver are notified in writing of the:
 - a. Description of the incident that occurred;
 - b. Sections of the student code the student is charged with violating;
 - c. Date, time, and place of the hearing (in-person or virtual); and
 - d. Notice of the right at a hearing to be represented by legal counsel (at the student's/caregiver's own expense), to present evidence in their defense, and to question any and all witnesses and other evidence presented by the school.
5. After hearing the case, the hearing officer issues a written decision to be sent to the student, the caregiver, and the student's permanent record.
6. Any student who is expelled or given a long-term suspension has the right to appeal the decision in writing to the Board of Trustees. The letter must include the reason(s) for the request and any special or extenuating circumstances that may support the reversal of the recommended penalty. Notifications must be sent to the Board of Trustees:

E-mail: board@northsidechs.org

7. A panel of Board of Trustees members will promptly hear the appeal (in-person or virtually) and issue a written determination within ten business days. The parties will have no more than 20 minutes to present whatever they wish the Board to consider in the appeal. The decision of the Board of Trustees may be appealed to the School's authorizer, the New York State Board of Regents, through the New York State Education Department (NYSED), whose ruling shall be final. Instructions and guidance on filing an appeal to the School's authorizer can be found at <http://www.counsel.nysed.gov/appeals/instruction>. Additionally, the NYSED Charter Schools Office can be contacted at (518) 474-1762 or CharterSchools@nysed.gov.

Provision of Instruction During Removal:

In all cases of suspension or expulsion, NCHS will provide alternative instruction. Alternative instruction will consist of at least 3 hours of actual instruction for the duration of the suspension and for a reasonable period after expulsion (until the student is enrolled in a new school or until the end of the school year, whichever comes first, pursuant to compulsory education laws). NCHS will contact caregivers to arrange the time and location for alternative instruction.



Caregiver/Parent Engagement:

As with all college preparatory high schools, Northside Charter High School requires students to stretch themselves beyond their comfort zones and the status quo; therefore, a lot is required of both students and caregivers. The homework load is high, and the content is challenging; the tradeoff is that students will develop the necessary skills required to excel in college and beyond. We ask that both students and their caregivers commit to this academic investment and to the long-term goal of college completion in four years. We depend on caregivers to diligently do their part. We know that without full caregiver investment, full effort, and communication with teachers and leadership, this goal will be difficult to reach.

Our expectations for caregivers include the following:

- Student Behavior and Accountability: Ensure that students uphold NCHS's Discipline Policy.
- School Culture: Ensure that students are ready to learn each school day, including being on time and in full uniform.
- Independent Work: Ensure that students complete all nightly and weekly assignments, as well as study for all exams.
- Read and Respond: Engage with all NCHS communications within 72 business hours.
- Meetings: Meet with teachers within three instructional days if needs arise.

Provision of Instruction During Removal:

NCHS will ensure that alternative educational services are provided to a student who has been suspended or expelled to help that student progress in the general curriculum of the School. Alternative instruction for suspended students will be of sufficient duration (a minimum of three hours per day) to enable a student to cover all class material, take all tests and quizzes, keep pace with other students, and progress to the next grade level. All suspended students are entitled to receive alternative instruction commencing within twenty-four hours of the suspension or expulsion. Alternative instruction dates and times will be listed on the student's suspension letter. All students will be provided with a minimum of two hours per day of alternative instruction. Caregivers are responsible for arranging pickup post alternative instruction.

For a student who has been expelled, alternative instruction will be provided in the same manner as a suspended student until the student enrolls in another school or until the end of the school year, whichever comes first.

Instruction will take place in one of the following locations: the student's home, a contracted facility (within the school district), or a suspension room or other room at the



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School. One or more of the following individuals will provide instruction: a teacher, teacher aide, or tutor hired for this purpose. Please note that whoever administers this instruction will meet all certification requirements as stipulated in Section 2854(3)(a-1) of the New York State Education Law.

Disciplinary Procedures for Students with Disabilities:

In addition to the disciplinary procedures applicable to all students, the following procedures are applicable to students with disabilities. NCHS will comply with sections 300.519-300.529 of the Code of Federal Regulations (CFR) and the following procedures, except that, in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations shall govern. These procedures will also be followed for students not specifically identified as having a disability but about whom the School, prior to the behavior giving rise to the disciplinary action, has a basis of knowledge about a potential disability, in accordance with 34 CFR 300.527(b).

The School shall maintain written records of all suspensions and expulsions of students with disabilities, including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

Students whose IEPs include a Behavior Intervention Plan (BIP) will be disciplined in accordance with the BIP. If the BIP appears not to be effective, or if there is a concern for the health and safety of the student or others if the BIP is followed with respect to the infraction, the matter will immediately be referred to the appropriate Committee on Special Education (CSE) for the Manifestation of Disability Review (MDR).

If a student identified as having a disability is suspended during the course of the academic year for a total of eight or more days, such student will be immediately referred to the CSE of the student's district of residence for the MDR. The student shall not be suspended for a total of more than ten days during the academic year without the specific involvement of the CSE of the student's district of residence prior to the eleventh day of suspension, because such suspensions may be considered a change in placement.

In considering the MDR of students referred because of disciplinary problems, the CSE of the student's district of residence is expected to follow its ordinary policies with respect to caregiver notification and involvement regarding:

- The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days.
- The commission of any infraction resulting from the student's disability.



Provision of Services During Removal:

The School will engage with the CSE to place students in an interim alternative educational setting as appropriate and mandated by 34 C.F.R. § 300. 531.

Students removed for a period of fewer than ten cumulative days during the school year will receive alternative instruction and classroom assignments with a schedule to complete such assignments during the time of their suspension. Provisions will be made to permit a suspended student to make up assignments or tests missed as a result of their suspension. The School shall also provide additional alternative instruction to assist the student, so that the student is given full opportunity to complete assignments and master the curriculum, including additional instructions, phone assistance, virtual instruction, and/or home visits and one-on-one tutoring.

During any subsequent removal that, combined with previous removals, equals ten or more school days during the school year, but does not constitute a change in placement, services must be provided to the extent determined necessary to enable the child to progress appropriately in the general curriculum and achieve the goals of their Individualized Education Program (IEP). In these cases, school personnel, in consultation with the child’s special education teacher, shall make the service determination.

During any subsequent removal that does constitute a change in placement, but where the behavior is not a manifestation of the disability, the services must be provided to the extent necessary to enable the student to progress appropriately in the general curriculum and in achieving the goals of their IEP. The CSE of the student’s district of residence will make the service determination.

During any removal for drug, weapon, controlled substance, and/or serious bodily injury offenses pursuant to 34 CFR §300.530(g), services will be provided to the extent necessary to enable the child to progress appropriately in the general curriculum and in achieving the goals of their IEP. These service determinations will be made by the CSE of the student’s district of residence.

Due Process for Students with Disabilities – Manifestation Determination Review (MDR):

If discipline which would constitute a change in placement for more than ten days in a school year is contemplated for any student with a disability, the following steps will be taken:



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1. Not later than the date on which the decision to take such action is made, the caregiver of the student with a disability will be notified by the School of that decision and provided the procedural safeguards notice described in 34 CFR §300.504; and
2. Immediately, if possible, but in no case later than ten days after the date on which such decision is made, the CSE of the student's district of residence and other qualified personnel shall meet and review the relationship between the student's disability and the behavior subject to the disciplinary action (subject to the CSE's availability).

If, upon review, it is determined by the CSE that the student's behavior was not a manifestation of their disability, then the student may be disciplined in the same manner as a student without a disability, except as provided in 34 CFR §300.530(d), which relates to the provision of services to students with disabilities during periods of removal. If the behavior is found to be a manifestation of the student's disability, the student will be permitted to return to the School immediately.

A student's caregivers may request a hearing to challenge the manifestation determination. Except as provided below, the student will remain in their current educational placement pending the determination of the hearing officer.

If a caregiver requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary action relating to dangerousness, weapons or drugs, or serious bodily injury, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period (no longer than 45 days) provided for in the disciplinary action, whichever occurs first, unless the caregiver and School agree otherwise.

If discipline which would constitute a change in placement is contemplated for any student with an IEP, the following steps shall be taken:

1. Not later than the date on which the decision to take such action is made, the caregivers of the student with a disability shall be notified by the School of that decision and provided the procedural safeguards notice described in 34 CFR §300.504; and
2. The CSE and other qualified personnel shall meet and review the relationship between the child's disability and the behavior subject to the disciplinary action (subject to the CSE's availability).

If, upon review, it is determined that the child's behavior was not a manifestation of his



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or her disability, then the child may be disciplined in the same manner as a child without a disability, except as provided in 34 CFR §300.530(d), which relates to the provision of services to students with disabilities during periods of removal.

Caregivers may request a hearing to challenge the manifestation determination. Except as provided above, the child will remain in his or her current educational placement pending the determination of the hearing.

Facility Security:

- Students are permitted to utilize NCHS spaces at 424 Leonard Street, including portions of the first, third, and fourth floors, and all campus shared spaces.
- Students who pose an immediate danger to the School community will be removed from the classroom or school grounds according to the severity and specifics of the infraction.
- Actions may be taken with or without warning. (Note: This policy does not preempt a student's right to a hearing, appeal, or any other element of due process.)

Off-Campus Events and Remote Behavior:

- Students at school-sponsored off-campus events shall be governed by all guidelines of the School and are subject to the authority of school officials.
- Failure to obey the lawful instructions of school officials may result in loss of eligibility to attend school-sponsored events and additional disciplinary measures in accordance with the school's discipline policy.

Search and Seizure:

- Desks, lockers and other School fixtures to which students are given access remain property of NCHS and students have no reasonable expectation of privacy relating to them. A student and/or the student's belongings may be searched by a school administrator if the official has a reasonable suspicion to believe that the student is in possession of an item(s) which would violate school policy and/or the law.
- Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be confiscated by school authorities.
- The School is not responsible for books, clothing, or valuables left in closets, desks, or any location on or off school grounds.

Student Safety and Accommodations:

The Board of Trustees acknowledges that, notwithstanding actions taken by NCHS, intervention might require a specific, coordinated approach if a student does not feel



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safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of incidents of harassment, bullying, and/or discrimination, should determine whether accommodations are needed to help ensure the student's safety and bring this to the attention of the Chief Student Services Officer, their designee, or other staff as determined by the Chief Academic Officer. The Chief Student Services Officer or designated staff, the student, and the person in parental relation to the student shall work together to define and implement any needed accommodations.

NCHS recognizes that there is a need to balance accommodations that enhance student safety against the potential of further stigmatizing the targeted student. Therefore, each case shall be handled individually, and the student, person in parental relation, and school administration shall collaborate to establish safety provisions that best meet the needs of the student. Follow-up discussions and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be added, changed, or discontinued.

Training:

The Board of Trustees recognizes that professional development is needed to implement an effective harassment, bullying, and discrimination prevention and intervention program. The Superintendent and the District Professional Development Team shall incorporate training to support this program in the annual professional development plan and provide additional training as needed. Training opportunities shall be provided to all employees, including, but not limited to, teachers, administrators, monitors, aides, bus drivers, coaches, custodians, cafeteria staff, and hall monitors. Such training shall:

- Raise awareness of and sensitivity to potential acts of harassment, bullying, and discrimination directed at students.
- Address the social patterns of harassment, bullying, and discrimination, the identification and mitigation of such acts, and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.
- Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination.
- Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination of students.
- Ensure the effective implementation of school policies on conduct and discipline.
- Include safe and supportive school climate concepts in curriculum and classroom management.



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In compliance with Education Law §13(3), at least one licensed and/or certified staff member at NCHS is thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, gender identity, and expression), and sex. This staff member is referred to as the Dignity Act Coordinator ("DAC").

Dignity Act Coordinator

The School designates the Grade Level Dean as the Dignity Act Coordinator ("DAC"). The DAC is trained and supported by the Chief Student Services Officer to use best practices to promote an inclusive and safe learning environment. Following organizations procedures, the Dignity Act Coordinators respond to reported incidents of bullying, bias, harassment and/or discrimination with effective intervention, data management, use of restorative practices, and disciplinary recommendations. The Dignity Act Coordinator will be accessible to students, families and other employees for consultation and advice in the areas of diversity, equity and inclusion. The Respect for All Liaison also serves as their school's Title IX Coordinator.

Title IX – Sexual Harassment

The federal law Title IX, which prohibits gender-based discrimination and sexual harassment in schools, is included in our DASA policies and practices. Northside Charter High School does not tolerate sexual harassment by any of its students or staff, either in school or online. Sexual harassment is defined as any unwanted and unwelcome sexual behavior that significantly interferes with a student's access to educational opportunities.

Student Disciplinary Consequences/Remediation

While the primary focus of this policy is on prevention, acts of harassment, bullying, and/or discrimination may still occur. When such acts occur, student offenders will be given a clear message that their actions are inappropriate, will not be tolerated, and are inconsistent with the concepts of tolerance, respect for

others, and the fostering of civility in public schools in order to provide a safe and supportive school environment for all students. In accordance with a progressive model of discipline embodied in the disciplinary rules and procedures, student offenders shall further be advised that their behavior must improve. Student offenders will receive in-school guidance on making positive choices in their relationships with others. If appropriate, disciplinary action shall be taken by the administration in accordance with NCHS's disciplinary rules and procedures. If the behavior rises to the level of a criminal act, law enforcement shall be contacted promptly by the Chief Student Services Officer or their designee.



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This policy is meant to promote progressive discipline and intervention, as opposed to a “zero tolerance” approach. The response to a student’s violations of the policy shall be age-appropriate and include both consequences and appropriate remedial responses. Consequences for a student who commits an act or acts of harassment, bullying, and/or discrimination shall be unique to the individual incident and shall vary in method and severity according to the nature of the behavior, the developmental age of the student, the student’s previous disciplinary record, *and* other extenuating circumstances and must be consistent with NCHS’s disciplinary rules and procedures.

Investigating and Responding to Allegations of Staff-to-Student Harassment, Bullying, and/or Discrimination

In the case of a report of alleged staff-to-student bullying, reporting, investigation, and response will follow all applicable NCHS policies and procedures, including contractual provisions and due process obligations related to staff-to-student misconduct.

Non-Retaliation

Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by a student and/or an employee who, acting reasonably and in good faith, either reports such information to School officials, to the Commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating, or assisting in such formal or informal proceedings.

Districts, BOCES, and charter schools and their respective employees are prohibited from taking, requesting, or causing a retaliatory action against any such person, who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates, or assists in such formal or informal proceedings (Education Law §16).

Complaint Process and Investigation

In addition to tracking harassment, bullying, and/or discrimination incidents for purposes of district-wide analysis and annual statewide reporting, the DAC will report incident data to the CEO periodically throughout the school year, on a schedule to be determined by the CEO.

The Board of Trustees shall receive the annual Violent and Disruptive Incident Report (“VADIR”), as well as other relevant data, for each school and for the district as a whole, with particular attention to the trends in incidents of harassment, bullying, and/or discrimination. Based on the review of the data, the Board of Trustees may consider further action, including, but not limited to, modification of this policy and additional training. The School must ensure that they report such information to the public in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (“FERPA”).



Students' Rights

No student shall be subjected to harassment by employees or students on School property or at a School function. Nor shall any student be subjected to discrimination based on the student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual identity, gender, or sex by School employees or students on School property or at a School function.

In addition, the School reserves the right to discipline students, consistent with our Discipline Policy, who engage in harassment of students off School property under circumstances where such off-campus conduct: 1) affects the educative process; 2) actually endangers the health and safety of School students within the educational system; or 3) is reasonably believed to pose a danger to the health and safety of our students. This includes written and/or verbal harassment which materially and substantially disrupts the work and discipline of the School and/or which School officials reasonably forecast as being likely to materially and substantially disrupt the work and discipline of the School.

Reporting and Investigating

Personnel at all levels are responsible for reporting harassment of which they have been made aware to their immediate supervisors. Any students who believe they are being subjected to harassment, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, shall report the harassment to any staff member or to the CAO. A staff member who witnesses harassment or who receives a report of harassment shall inform the CAO. The CAO shall promptly investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the School to investigate allegations of harassment. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that harassment has not resumed and that those involved in the investigation of allegations of harassment have not suffered retaliation. Material incidents of discrimination and harassment on School grounds or at a School function will be reported to the State Education Department as required by law.

Mandated Reporting

NCHS cares deeply about the health, safety, and well-being of our students, caregivers, and community. Under New York law, all School employees are required to report suspected child abuse, maltreatment, or neglect when they have a reasonable belief that such abuse is occurring or has occurred.