

# Harlem Link Charter School

## Discipline Rules for General Education Students

### Introduction and Rationale

The first priority of any school is to ensure the safety of its constituents. To that end, Harlem Link has developed a framework for appropriate student behavior and maintenance of order within the school community, the Harlem Link *Discipline Code*. In addition to providing a safe environment, it will ensure that teaching and learning can flourish and that the school is achieving its mission-centered goal of creating Articulate Scholars and Active Citizens. It will also serve as a foundation for staff to create more specific policies for behavior during the planning year and revise them during operating years.

At the root of the *Discipline Code* is a set of Core Values, which adults will model at all times as an expression of appropriate behavior. The *Harlem Link Values Statement*, shown below, is a set of core Virtues (Integrity, Kindness, Responsibility, Patience, Wonder, and Courage) with associated Practices and Outcomes. Practices are concrete ways in which children and adults can exhibit the Virtues. Outcomes are statements about what kind of persons Harlem Link students will become by staying true to these Virtues and Practices.

<b>Virtues</b>	<b>Practices</b>	<b>Outcomes</b>
<b>Integrity</b>	<b>Be honest</b> = I own my actions and words, and can admit when I am wrong.	<b>You are an individual that the Harlem Link community can depend upon and trust.</b>
<b>Kindness</b>	<b>Respect</b> = I show that I care for myself and others by using helpful words and actions.	<b>You are perceived as a humble and respectful person who understands others' feelings and needs.</b>
<b>Responsibility</b>	<b>Act</b> = I work to make myself better and my community better.	<b>You are a good citizen who cares about his/her community and strives for everyone to be treated fairly.</b>
<b>Patience</b>	<b>Persevere</b> = I am not satisfied until I have done my best work, even when it gets difficult.	<b>You show people that you see things to the end, even when things get difficult or take a long time, and as a result you know what it feels like to succeed.</b>
<b>Wonder</b>	<b>Question</b> = I seek out answers about the questions I have about the world around me.	<b>You are a role model by being a constant learner throughout life and even beyond school.</b>
<b>Courage</b>	<b>Take risks</b> = I always try, even if I am afraid or others might disagree. I will learn from my mistakes.	<b>You learn from even the most difficult situations, including ones you never thought you would be able to face.</b>

Harlem Link will teach and model the Core Values and use clear and consistent positive and negative consequences to emphasize their importance. These values will be an ongoing subject of discussion in the school, specifically in morning meetings and whole school assemblies. Through practicing all six Virtues, students develop good character but in particular Integrity, Kindness and Responsibility, if practiced, will lead to a safe environment where

academic learning can flourish. Therefore, when imposing negative consequences, teachers and other adults at Harlem Link will focus on students' actions that fail to meet those three virtues.

Staff will reinforce positive and negative consequences as detailed below in the *Discipline Code*, which will serve as a framework from which they will develop specific school-wide systems for demonstrating and commending appropriate student behavior and admonishing inappropriate behavior. The Dean of Students, Families and Community in concert with the Co-Director for Instruction will assist teachers in creating these systems within the Discipline Code framework prior to the opening of the school. These parties will maintain ongoing dialogue about positive consequences and reinforcement of values and revisit individual classroom rules and the schoolwide consequences as needed.

#### Home-School Communication: Values and Discipline

Harlem Link will ensure that parents and students are well informed of the *Values Statement* and *Discipline Code* both before enrollment and at the time students sign up for entry into the school. As such, students will know what type of behavior is expected from them, and parents will be clear about the type of classroom environment that will be maintained at Harlem Link.

Harlem Link recognizes the diversity of values among the many communities and families that will interact with the school. It is possible that there will be tension between Harlem Link's values and the values inherent in the families and communities to which the students belong. While validating this diversity, Harlem Link staff members will undertake a primary responsibility for maintaining and enforcing the Core Values, which are non-negotiable during school hours. Harlem Link staff and children will view this tension as an opportunity for discussion and learning. To that end, school staff will engage each family that joins the Harlem Link community with a discussion not only about the school's Values Statement but the family's values as well.

**Harlem Link Discipline Code**

**A. DISCIPLINE IN THE CLASSROOM**

Behavioral Expectations

Harlem Link's system for discipline is based on Assertive Discipline, the clear set of expectations and reinforcements designed by Lee Canter. This system requires that adults have very clear expectations for behavior and very clear consequences— both positive and negative— for children's choices. By clearly putting the onus on the child, students see that their choices matter, one of the key ideas of Active Citizenship.

The following are examples of values-based expectations for behavior and actions that could disrupt the flow of classroom activities, together with teacher-assigned positive and negative consequences.

<b>Virtues</b>	<b>Practices</b>	<b>Breaches of Virtue</b>	<b>Sample positive reinforcements</b>	<b>Sample negative reinforcements</b>
<b>Integrity</b>	<b>Be honest</b> = I own my actions and words, and can admit when I am wrong.	Lie to teachers, staff members, or students.  Cheat on exams.	Positive note home  Commendation in front of classmates and in school assemblies	Warning  Time out or loss of privilege
<b>Kindness</b>	<b>Respect</b> = I show that I care for myself and others by using helpful words and actions.	Disrupt class.  Tease or taunt others.  Use inappropriate language.	Special lunches with teacher, Dean, CDI, CDO	Parent phone call  Conference between teacher and parent  Conference with student, teacher, parent, Co-Director for Instruction, Dean of Students, Families and Community
<b>Responsibility</b>	<b>Act</b> = I work to make myself better and my community better.	Come to school late, unprepared, and/or out of uniform.  Fail to follow instructions.  Bring electronic items to school that detract from learning (e.g. cellphone, video game) without permission.		

## **B. IN-SCHOOL SUSPENSIONS**

*In-School Suspension* shall refer to the premeditated removal of a student from his or her regular classroom for disciplinary reasons for any length of time.

A student who is determined to have committed any of the infractions listed below shall be subject minimally to an In-School Suspension, unless one of the Co-Directors determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record. An Out-of-School Suspension also may be imposed.

### **Disciplinary Infractions**

#### General

- Repeatedly commit minor behavioral infractions that, in the aggregate, may be considered an infraction subject to formal disciplinary action.
- Commit any other act that school officials reasonably conclude warrants a disciplinary response.

#### Breach of Integrity

- Cheat on exams or quizzes, or commit plagiarism.
- Use forged notes or excuses.
- Steal, attempt to steal, or possess property known by the student to be stolen.
- Commit extortion.
- Engage in gambling.
- Trespass on school property after school hours.
- Possess tobacco or alcohol.

#### Breach of Kindness

- Attempt to assault any student or staff member.
- Vandalize or abuse school property or equipment.
- Endanger the physical safety of another by the use of force or threats of force that reasonably places the victim in fear of imminent bodily injury.
- Engage in conduct that disrupts school or classroom activity or endanger or threaten to endanger the health, safety, welfare, or morals of others.
- Engage in acts of sexual harassment, including but not limited to sexually related physical contact or offensive sexual comments.

#### Breach of Responsibility

- Make a false bomb threat or pull a false emergency alarm.
- Refuse to identify himself or herself to school personnel.

### **Procedures and Due Process for In-School Suspensions**

During an In-School Suspension, students may be temporarily removed from the classroom and placed in another area of the school where the student will receive substantially equivalent education. The student and his or her parent(s) or guardian(s) will be given a reasonable opportunity for an informal conference regarding such suspension with whoever was involved in imposing the suspension. Students will be afforded due process protections consistent with *Goss v. Lopez*.

Teachers will provide appropriate classwork for students receiving In-School Suspensions.

### **C. OUT-OF-SCHOOL SUSPENSIONS**

*Out-of-School Suspension* shall refer to the removal of a student from school for disciplinary reasons for any length of time. A student who is determined to have committed any of the infractions listed below shall be subject minimally to a Out-of-School Suspension, unless the Co-Directors or Board of Trustees determines that an exception should be made based on the circumstances of the incident and the student's disciplinary record. Such student may also be subject to referral to law enforcement authorities and/or to Expulsion.

#### **Disciplinary Infractions**

- Possess, use, attempt to use, or transfer any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the student at school.
- Commit or attempt to commit arson on school property.
- Possess, sell, distribute or use any alcoholic beverage, controlled substance, imitation controlled substance, or marijuana on school property or at school-sponsored events.
- Assault any other student or staff member.
- Intentionally cause physical injury to another person, except when the student's actions are reasonably necessary to protect himself or herself from injury.
- Vandalize school property causing major damage.
- Commit any act that school officials reasonably conclude warrants an Out-of-School Suspension.

In addition, a student who commits any of the acts that would ordinarily result in an In-School Suspension may, instead or in addition, be subject to an Out-of-School Suspension at the Co-Directors' discretion.

Federal and State law require the expulsion from school for a period of not less than one year of a student who is determined to have brought a firearm to the school, or to have possessed a firearm at school, except that either Co-Director may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended). "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.)

#### **Procedures and Due Process for Out-of-School Suspensions**

The Co-Directors may impose an Out-of-School-Suspension. Such a suspension may be imposed only after the student has been found guilty at a formal suspension hearing. In extreme circumstances, the Co-Directors may expel the student from school. Upon determining that a student's action warrants a possible Out-of-School Suspension, the Co-Director shall verbally inform the student that he or she is being suspended and is being considered for an Out-of-School Suspension (or expulsion) and state the reasons for such actions. The Co-Director also shall immediately notify the student's parent(s) or guardian(s) in writing. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. Where

possible, notification also shall be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall provide a description of the incident or incidents that resulted in the suspension and shall indicate that a formal hearing will be held on the matter that may result in an Out-of-School Suspension (or expulsion). The notification provided shall be in the dominant language used by the parent(s) or guardian(s). At the formal hearing, the student shall have the right to be represented by counsel, question witnesses, and present evidence.

One of the Co-Directors shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer's report shall be advisory only and the Co-Director may accept or reject all or part of it. The Co-Director's decision after the formal hearing to impose an Out-of-School Suspension or Expulsion may be appealed to the Board of Trustees.

### **Provision of Services During Removal**

The school will ensure that alternative educational services are provided to a child who has been suspended or removed to help that child progress in the school's general curriculum. For a student who has been given an Out-of-School Suspension, alternative instruction will be provided to the extent provided by law and as consistent with the practice of Community School District 5 during the period of suspension; for a student who has been expelled, alternative instruction will be provided in like manner as a suspended student until the student enrolls in another school or until the end of the school year, whichever comes first.

Alternative instruction will be provided to students suspended or expelled in a way that best suits the needs of the student and the school on a case-by-case basis. Instruction for such students shall be sufficient to enable the student to make adequate academic progress, and shall provide them the opportunity to complete the assignments, learn the curriculum and participate in assessments. Instruction will take place in one of the following locations: the child's home, a contracted facility (e.g., in the school district of location), or a suspension room on the grounds of Harlem Link. Instruction will be provided by one or more of the following individuals in consultation with the student's teachers: teacher aides or trained volunteers, individuals within a contracted facility, a tutor hired for this purpose.

## **F. DISCIPLINARY PROCEDURES FOR STUDENTS WITH DISABILITIES**

Harlem Link will comply with Code of Federal Regulations §300.519 to §300.529.

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, will be in accordance with the following:

1. Students for whom the 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 CSE of the student's district of residence for consideration of a change in the guidelines.

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. The CSE of the student's district of residence shall be notified immediately of any suspension from classes, and the school shall work with the CSE to arrange appropriate alternate instruction.

If there is any reason to believe that the infraction is a result of the student's disability, the student will immediately be referred to the CSE of the student's district of residence. If a connection is found, no penalty may be imposed, and the school will work with the CSE to consider a possible program modification.

If a student identified as having a disability is given Out-of-School suspensions during the course of the school year for a total of eight days, such student will immediately be referred to the CSE of the student's district of residence for reconsideration of the student's educational placement. Such a student shall not be suspended out of school for a total of more than ten days during the school 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 are considered to be a change in placement.

In considering the placement 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 parental notification and involvement.

The school shall work with the district to ensure that the CSE of the student's district of residence meets within seven school days of notification of any of the following, for the purpose of considering a change in placement for the student involved:

- a. The commission of an infraction by a student with a disability who has previously been suspended out of school for the maximum allowable number of days.
- b. The commission of any act resulting from the student's disability.
- c. The commission of any infraction by a disabled student, regardless of whether the student has previously been suspended during the school year if, had such infraction been committed by a non-disabled student, the Co-Director for Instruction would seek to impose a suspension in excess of five days.

### **Disciplinary Procedures for Students Not Yet Formally Identified as Disabled**

A student not specifically identified as having a disability but whose school district of residence or charter school has a basis of knowledge (in accordance with 34 CFR §300.527(b)) that a disability exists prior to the behavior which is the subject of the disciplinary action may request to be disciplined in accordance with these provisions.

### **Provision of Services During Removal**

For those students removed for a period of less than ten days Harlem Link shall ensure that each affected student receives all classroom assignments and a schedule to complete such assignments during the time of his or her suspension. Provisions will be made to permit a suspended student to make up assignments or tests missed as a result of such suspension. The school also shall provide additional alternative instruction with the reasonable promptness and by appropriate means to assist the student, so that the student is given full opportunity to complete

assignments and master the curriculum, including additional instructions, phone assistance, computer instruction and/or home visits and one-on-one tutoring.

During the school year, any subsequent removal that combined with previous removals equals ten or more school days but does not constitute a change in placement, services must be provided to the extent determined necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. In these cases, school personnel, in consultation with the child's special education teacher, shall make the service determination. During any removal for drug or weapon offenses [pursuant to 34 CFR §300.520(a)(2)] services will be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. These service determinations will be made by the CSE of the student's district of residence. The school will place students in interim alternative educational settings as appropriate and mandated by 34 CFR §300.520(a)(2).

During any subsequent removal that does constitute a change in placement but where the behavior is not a manifestation of the disability, the CSE of the student's district of residence will make the service determination.

### **CSE Meetings**

Meetings of the CSE of the student's district of residence to either develop a behavioral assessment plan or, if the child has one, to review such plan are required when: (1) the child is first removed from his or her current placement for more than ten school days in a school year; and (2) when commencing a removal which constitutes a change in placement.

Subsequently, if other removals occur which do not constitute a change in placement, the school will work with the CSE of the student's district of residence to review the child's assessment plan and its implementation to determine if modifications are necessary. If one or more members of the CSE of the student's district of residence believe that modifications are needed, then the CSE is expected to meet to modify the plan and/or its implementation.

### **Due Process**

If discipline which would constitute a change in placement is contemplated for any student, the following steps shall be taken: (1) not later than the date on which the decision to take such action is made, the parents of the student with a disability shall be notified 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 school 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 connection between the child's disability and the behavior subject to the disciplinary action.

If, upon review, it is determined that the child's behavior was not a manifestation of his 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 §300.121(d), which relates to the provision of services to students with disabilities during periods of removal.

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

If a parent requests a hearing or an appeal regarding a disciplinary action relating to weapons or drugs to challenge the interim alternative educational setting or the manifestation

determination , the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in the disciplinary action, whichever occurs first, unless the parent and Harlem Link agree otherwise.