

## **AECI Network Student Discipline Policy and Code of Conduct**

### **Introduction: The AECI Network Approach to Student Discipline**

AECI Network believes that it is our duty as an institution of student learning to foster safe environments, conducive to the learning process. **Our goal is to create a rigorous, inclusive and safe learning environment for all students.** We believe that our students deserve such an environment and that all students have the potential to learn and succeed. That means, first and foremost, that our schools must be safe. We also must preserve a balance in creating schools that produce a culture of learning, while serving the needs of the whole child.

We believe that **school culture and climate** have a profound impact on students' behavior and academic progress along with their relationships with peers and adults. Students are the largest group of stakeholders in a school community and its greatest resource in creating and sustaining a safe and supportive school environment. AECI Network promotes a positive school culture that provides students with a supportive environment to grow both socially, emotionally and academically. We believe that overly punitive methods of discipline are not in the best interests of our students, fail to advance school safety, and can harm students' long-term potential. We believe that our students are better served by providing positive supports that teach them the social, emotional, and behavioral skills necessary to participate and learn in school and larger society.

We believe that **student engagement** is integral to creating a positive school culture that fosters students' social emotional growth and academic achievement, leading to decreases in disruptive behavior. When students feel accepted, valued, respected, and included, they build a positive connection to school and grow in resiliency. If we take a proactive role in nurturing students' positive social behavior, the need for disciplinary measures should effectively decrease. AECI Network provides students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults, which can help prevent negative behaviors. We create meaningful opportunities for students to share ideas and concerns and participate in supports and interventions so that students are aware and have the opportunity to make responsible decisions regarding their own behavior.

We believe that **building community among students, families, and staff members** is integral to creating a supportive and inclusive school culture. Parents/guardians and families play an important role in helping us achieve our goal of creating a rigorous, inclusive and safe learning environment for all students. Parents/guardians and school staff must work together to achieve this goal. We feel it is important for there to be a meaningful consultation and communication between the school and the home. Our school staff aim to keep parents/guardians informed of their child's behavior and engage parents/guardians as partners in addressing areas of concern

and how best to work with the school to support their child's social emotional as well as academic growth. Through our intervention and discipline methods, we engage parents/guardians to discuss with their child's teachers and other school staff any issues that may affect student behavior and strategies that might be effective in working with the student. In addition, we provide enhanced support to students with special needs or those suffering from trauma due to exposure to poverty or violence.

### **Core Values**

**At AECl, our core values** are what support our mission, shape our culture and reflect what it means to be a member of the AECl community. These values are the essence of our identity and guide the principles, beliefs or philosophy and core of the student experience at AECl.

As an AECl student...

- I understand that it is my obligation to behave in a manner that is always respectful of my peers, my teachers, and myself.
- My behavior, language, and appearance will always show respect for myself and for the rules and regulations of the school.
- I will at all times strive to behave and act in a manner that follows the Code of Conduct of AECl Network.
- My schoolwork will be my own.
- I accept responsibility for doing my work in a timely manner and completing all assignments in a way that ensures my academic success.
- I will uphold the AECl Core Values as defined below:
  - i. RESPECT- Respect means to show consideration and care for the feelings, beliefs, and values of ourselves and others.
  - ii. INTEGRITY- Integrity means making choices that show honesty and strong moral principles through one's actions.
  - iii. PERSEVERANCE- Perseverance means showing continued effort and determination when faced with adversities.
  - iv. ACHIEVEMENT- Achievement means reaching rigorous goals through discipline, effort, and courage.

### **Student Rights and Responsibilities**

## **Non-Discrimination**

AECI Network welcomes all students equally. All students will be treated as individuals. Different treatment based on race, color, national origin, disability status, sex, sexual orientation, religion or any other characteristic protected by local, state, or federal law will not be tolerated. Anyone who feels that they have been treated differently on any such basis should speak with a counselor, who will apprise the Principal of all reports. Anyone who raises any concerns of discrimination on any basis will be free from retaliation for raising such a concern.

## **Search and Seizure**

For the safety of students and everyone in the AECI Network community, school property that is assigned to students, including lockers, remains the property of the school. Students, therefore, have no expectation of privacy in these areas. School authorities will make an individual search of a student's bag, backpack, cell phone, desk, lockers and person only when there is reasonable suspicion to believe that a student is in possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process. Searches will be conducted under the authorization of the Principal or his/her designee. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from students' desks, bags, backpacks, lockers and persons by school authorities. Under no circumstances shall a strip search of a student be conducted.

## **Dignity for all Students Act (DASA) Policy**

AECI Network is committed to providing a safe and productive learning environment in which all students are treated with respect and dignity. In accordance with New York State's "Dignity for All Students Act" ("DASA"), AECI Network will promptly address incidents of harassment and/or discrimination of or by any student enrolled at either school. This includes bullying, taunting, or intimidation in all their myriad forms.

### Policy Definitions:

"*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, as defined in section 142 of the vehicle and traffic law.

"*School function*" means a school-sponsored extracurricular event or activity.

"*Harassment*" and "*Bullying*" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, 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. Acts of harassment and bullying shall include, but not be limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

"*Cyberbullying*" shall mean harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

Student Rights: No student shall be subjected to harassment or bullying, including cyberbullying, by employees or students on school property or at a school function. Additionally, no student shall be subjected to discrimination based on the student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, by school employees or students on school property or at a school function.

AECI Network's Code of Conduct prohibits harassment and bullying, and students who engage in such behavior will be disciplined as set forth in the Code of Conduct. Further, each school reserves the right to discipline students, consistent with the Code of Conduct, who engage in harassment or bullying of students off school property under circumstances where such off-campus conduct:

1. affects the educative process;
2. endangers the health and safety of AECI Network students within the educational system; or
3. is reasonably believed to pose a danger to the health and safety of school students within the educational system.

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.

Dignity Act Coordinator (DAC): AECI Network has designated the Social Worker at each school to serve as the Dignity Act Coordinator (DAC) for that school. The DAC is 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 names and contact information for the DACs are posted on each school's website ([aecicharterhs.org](http://aecicharterhs.org) / [aecicharterhs2.org](http://aecicharterhs2.org)) and are as follows:

AECI 1- Social Worker, Joseph Martonyi - [jmartonyi@aecicharterhs.org](mailto:jmartonyi@aecicharterhs.org)

AECI 2 - Guidance Counselor, Avril Guzman- [aguzman@aecicharterhs.org](mailto:aguzman@aecicharterhs.org)

The DAC will be accessible to students and other employees for consultation and advice.

AECI Network and DASA Education: AECI schools promote positive interpersonal relations and respect for diversity among students and between students and staff. Our schools aim to provide all students with a supportive and safe environment in which to grow and thrive academically and socially because we understand that the ability of students to learn and meet high academic standards and our community's ability to educate its students are compromised when students experience discrimination, or harassment, bullying, or intimidating behavior.

Our schools aim to prevent bullying behavior by ensuring that everyone in our school community—teachers, administrators, support staff, safety agents, cafeteria, custodial staff, school counselors, student support staff, students, and parents—is provided with an understanding of what bullying is by: (1) clarifying schoolwide rules that prohibit bullying and discrimination; (2) promoting fundamental life skills that help students recognize and manage their own emotions, develop caring and concern for others, establish positive relationships, make responsible decisions, and handle challenging situations constructively and ethically; (3) offering resources for parents, students, and school staff that include guidance documents and tip sheets on understanding the difference between bullying and conflict, along with lessons, book lists, and other instructional materials for school staff; (4) infusing bullying prevention, including cyberbullying, and respect for diversity lessons and other activities into the instructional program; and (5) communicating and modeling the behavioral expectations at all times.

Reporting and Investigating: All AECI Network staff members are responsible for reporting harassment, bullying or discrimination of which they have been made aware to their immediate supervisor. Any student who believes that s/he is being subjected to harassment, bullying, or discrimination, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, bullying or discrimination, shall report the harassment, bullying or discrimination to any staff member, the DAC, or to the Principal. A staff member who witnesses harassment, bullying or discrimination or who receives an oral or written report of harassment, bullying or discrimination shall promptly orally notify the Principal not later than one (1) school day after witnessing, or receiving a report of, such acts and shall file a written report with the Principal not later than two (2) school days after making such oral report.

The Principal shall promptly investigate the complaint and take appropriate action, including as necessary, referral to the next level of supervisory authority (e.g., the Chief Executive Officer) and/or other official designated by the Board of Trustees to investigate allegations of harassment, bullying or discrimination. When an investigation reveals any such verified harassment, bullying or discrimination, the school will take prompt actions that are reasonably calculated to: end the harassment, bullying or discrimination; eliminate any hostile environment; create a more positive school culture and climate; and prevent recurrence of the behavior. Any such actions shall be consistent with AECI Network's Code of Conduct, which follows a progressive discipline model, utilizing supports and interventions to respond to most behavioral infractions, including bullying and harassment, prior to imposing discipline. Follow-up inquiries

and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that the harassment, bullying or discrimination has not resumed and that those involved in the investigation of allegations of harassment, bullying or discrimination 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.

The Principal shall promptly notify law enforcement authorities when the Principal believes that any harassment, bullying or discrimination constitutes criminal conduct.

No Retaliation: AECI Network prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of harassment, bullying or discrimination. All complainants and those who participate in the investigation of a complaint in conformity with state law and school policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Distribution of Policy: AECI Network shall distribute a written or electronic copy of this Policy to all employees, students, and parents/guardians at least once during every school year.

### **Progressive Discipline**<sup>1</sup>

Understanding discipline as a "teachable moment" is fundamental to our positive approach to discipline. **Our progressive discipline approach** uses supports and interventions to address inappropriate behavior with the goal of teaching improved social behavior. Our progressive system of discipline does not seek punishment as a first measure, whenever possible. Instead, our system seeks accountability and positive behavioral change. The goal is to prevent a recurrence of negative behavior by helping students learn from their mistakes.

Assisting students who have engaged in negative behavior is essential to implementing a progressive system of discipline. The goals are for students to:

- ❖ Understand why the behavior is not aligned with AECI core values
- ❖ Promote reflection to understand what actions could be done differently
- ❖ Take responsibility for their actions
- ❖ Be given the opportunity to learn social strategies and skills to use in the future
- ❖ Understand the progression of more stringent responses if the behavior reoccurs

We make all reasonable efforts to correct student behavior through social-emotional learning, counseling and other school- based interventions.

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<sup>1</sup> Adapted from NYC DOE Citywide Behavioral Expectations to Support Student Learning Grades 6-12, effective September 2019.

Our progressive discipline approach incorporates **restorative practices**, which are used to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs. Restorative practices include collaborative negotiation, peer mediation, conflict resolution, and formal restorative conferencing.

### **Progressive Responses to Student Behavior**

AECI Network takes a whole school approach to promoting positive student behavior. Social emotional learning is infused into the curriculum. School staff meet regularly to ensure that there is a comprehensive student support program in place that includes counseling services, guidance, opportunities for social emotional learning, student engagement opportunities, and prevention and intervention behavioral supports to encourage and foster positive social student behavior, foster resiliency, and build students' positive connection to the school community.

When a student engages in misconduct, supports are provided to address the student's inappropriate behavior and/or underlying needs, in conjunction with a disciplinary response, if appropriate. The goal is to foster social emotional growth and positive social behavior and prevent future misbehavior.

The progressive supports and disciplinary responses below illustrate a measured approach to inappropriate behavior and how the responses *build upon themselves at varying stages*. Student misbehavior is handled on a case-by-case basis. In all cases, implementation of appropriate interventions and disciplinary responses consider a number of factors, including the nature and severity of the misconduct. In certain cases, student supports, and interventions may be used in lieu of or in tandem with in-school disciplinary responses. In some cases, a student's misconduct may require or be most appropriately addressed by a targeted or significant disciplinary response, with or without supports and interventions, as determined in concert by appropriate school staff.

In the Classroom. The first point of contact for a student who is experiencing difficulty or engaging in difficult or inappropriate behavior usually is the classroom teacher and/or the staff member leading their current experience. The teacher and/or staff member's first attempt to address the misbehavior is to inform the student as to the misconduct observed, make them aware of the misalignment to school expectations and direct the student to not repeat behavior again. If the student repeats the offense, the student(s) is then referred to the Dean's office as the first option to determine the level and severity of misbehavior. The Dean or Principal's designee will discuss the incident with the student. If the student understands that their behavior was inappropriate, the student is returned to the classroom in tandem understanding with the teacher. If applicable, a teacher, in consultation with the Dean, will determine the need for and

engage in a student/teacher conference to discuss the targeted behavior and ways to improve.

Dean's Office. If there is a further need depending on the nature and severity of the behavior and the age and maturity level of the student, the Dean's office takes steps to initiate one or more of our supports / interventions (see below) to determine a next appropriate step. Parents/guardians are notified of their student's behavior and the steps taken to remedy the situation. Additionally, it is determined on a case-by-case basis if communication with the Principal's office is appropriate and applicable for further intervention. Our goal is to have a student recognize and remedy their misbehavior in a timely manner and return to class in a safe, expedient manner. Utilization of restorative practices in tandem with social emotional learning techniques are embedded into our supports and interventions intended to produce a long-range student understanding of how to self-correct misbehaviors.

Students will be brought back to class as soon as possible and are given the opportunity to complete any work that is missed.

### **AECI Network Supports, Interventions and Restorative Practices**

Social Emotional Learning - Equipping students with skills to manage emotions, set positive goals, show empathy for others, and establish positive relationships, social emotional learning helps students make responsible and constructive decisions.

Parent/Guardian Communication & Outreach - School staff keep parents/guardians informed of their child's behavior and enlist parents/guardians as partners in addressing areas of concern. Outreach to parents/guardians will be by means of a phone call and/or written communication by text, email or mailed letter.

Student-Teacher Conference - A one-on-one meeting between a student and a teacher. Both the student and the teacher identify strengths and areas of growth during their discussion and then collaboratively select specific strategies aimed at supporting longer term understanding of student behavior and recognition of its impact on the student's progress.

Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm-doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired.

Development of Individual Behavior Plan - The student meets with a team that may include teachers, dean, counselor, and/or administrator, to create a written plan that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The plan is signed by the student and teacher and, where appropriate, by the parent/guardian.

Conflict Resolution utilizing Collaborative Problem Solving - Conflict resolution facilitates resolutions between two or more disputants. When a student engages in challenging behavior, a designated school staff member can use the collaborative problem-solving process to identify the specific issues that are precipitating the behavior, articulate the adult concerns about the behavior, and engage the student in a collaborative process to address the underlying reasons for the behavior and decide upon a plan of action that is both realistic and mutually acceptable to both. Students actively listen and talk through an issue or conflict directly with those with whom they disagree to arrive at a mutually satisfactory resolution with the support and guidance of designated school staff members.

Guidance Conference - Guidance conferences attended by the Principal or other school administrator, a school counselor, the student's parent or guardian, and one or more of the student's teachers, as well as the student, when appropriate, are an effective means of encouraging family input and are offered as an impactful intervention for student misbehavior. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal, and social issues that might have caused or contributed to the behavior.

Individual/Group Counseling - Individual counseling provides students with an outlet to privately share issues that may be negatively impacting their attendance, behavior, and/or academic success. Small-group counseling can address needs such as stress management, anger management, and conflict resolution and/or communication skills. Students discuss and formulate goals and learn problem-solving strategies that will enable them to address a variety of personal challenges. Counselors should conference with parents on a regular basis to discuss the student's academic and personal progress.

Mentoring - Students are matched with a school-based mentor/coach. Additionally, coaching is provided to students in particular circumstances from an externally contracted mentoring program and/or community-based organization (CBO) that focuses on student mentoring.

Peer Mediation - A student who has been trained to serve as a peer mediator facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs.

Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized by another (for example, in cases of harassment or bullying), due to an imbalance of power.

Community Service - Community service allows students to develop skills and engage in real-life solutions to help communities. It holds students accountable for their behavior and allows them to make positive amends to the community in order to counter their earlier misconduct. Community service in the short term involves beautification and maintenance of student-centered resources, for example, helping to maintain rooms, reorganize computer carts, etc. Over the long term, community service would involve support of community needs in collaboration with community-based organizations (CBOs).

Referral to Appropriate Substance Abuse Counseling Services - In the case where a student is presenting problems with substance abuse, including the use, possession, or distribution of illegal drugs, drug paraphernalia, and/or alcohol, the school will support the student and their parent/guardian by identifying appropriate school-based counseling services or external agency or partner community-based organizations that provide relevant services, and will assist with referrals.

Referral to a Community-Based Organization (CBO) - Students may be referred to a community-based organization for a wide range of services including, but not limited to, after-school programming, individual or group counseling, leadership development, mentoring, conflict resolution, and academic tutoring.

Referral to Counseling Services for Bullying, Intimidation, or Harassment, including Bias-Based Bullying, Intimidation, or Harassment - When a student or group of students engages in bullying, including cyberbullying, intimidation, or bias-based harassment, of another student or group of students, both the target of the behavior and the student who engages in this behavior should be referred to separate appropriate counseling, support, and education services provided by school staff or a partner community-based agency.

Welcome-Back Circle: A welcome-back circle is a process designed to formally welcome the returning student back into the school community and to establish a support system for the student (such as, key relationships and resources). The returning student and other circle participants (for instance, school staff and parents) make commitments about how to foster a smooth return and address individual or community circumstances that contributed to the suspension event. The Circle provides a space for students to express themselves, actively listen to one another's perspectives, and build a sense of community. This practice helps build a strong school culture that students, staff, and those in the community can rely on and return to in times of need.

## **Additional Response(s) to Misconduct; Disciplinary Consequences**

AECI Network provides a range of supports and interventions to students who engage in misconduct. AECI Network also imposes disciplinary consequences beyond supports and interventions. In order for AECI to maintain safe school environments, students must comply with all school-imposed consequences. Consequences may vary based on the age or grade level of the student, severity of the action and frequency of the incident, but may include the following:

- *Parent/guardian conference* with teacher or school administrator
- *Detention* (lunch, afterschool, Saturday School): afterschool, lunch detention, and Saturday School are all forms of school detention and will incorporate a component of social skills instruction. Detention is determined on a case by case basis. An authorized school official (Dean, Assistant Principal and/or Principal in tandem) after consultation with the student's teacher, set after-school detention, which is served from 3-4 pm each weekday. Parents are notified of the referral via phone call either in advance of or during the detention. During detention, students work on school assignments or a group lesson is taught by the Dean of School Culture, who utilizes a social emotional approach toward detention to increase student awareness of the impact misbehavior places on school culture and academics. Saturday detention is assigned in the event that a student is unable to attend weekday detention or requires an additional detention series that may not be satisfied during the week. Parents are notified via phone call in advance. Saturday detention is in session from 10am-1pm unless otherwise stated.
- *Loss of privileges* (e.g., field trips, dances) or *extracurricular activities* (clubs, sports, afterschool programs): parents/guardians are notified via phone call.
- *Short-term in-school or out-of-school suspension* (up to 10 days): procedures are set forth below.
- *Long-term out-of-school suspension* (more than 10 days): procedures are set forth below.
- *Expulsion*: procedures are set forth below.

AECI schools make every effort to limit the use of suspension and strive to create a climate of school safety while also ensuring a positive school culture that focuses on our mission. A parent/guardian will be asked to meet with an administrator prior to a student's return to school.

If a disciplinary incident is not resolved or occurs again, further disciplinary action is taken.

## **Code of Conduct**

At AECI Network, we want to ensure that there is a fair and consistent Code of Conduct ("Code") to guide the academic and social well-being of students at all AECI schools. It is important that students know what is expected of them at all times. We have developed a school-based discipline system that ensures appropriate disciplinary action is taken when students do not adhere to the Code.

Student disciplinary offenses are those actions or inactions that violate the Code or interfere with the delivery of educational services, jeopardize the health, safety, and well-being of any member of the school community, or threaten the integrity and stability of the school itself.

- A disciplinary offense may occur while the student is:
  - at school and/or on school grounds;
  - participating in a school-sponsored activity;
  - walking to or from school or a school-sponsored event;
  - walking to or from, waiting for, or riding on school-provided or district-provided transportation; or
  - walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored activity conducted off school grounds.
- School-related disciplinary offenses may also include misconduct outside the school, such as activity on social media communicating in a way that reasonably could affect the school or learning environment.

School administration will use their professional judgment in determining which disciplinary action(s) will be most effective in dealing with the student's misconduct, taking into account the following:

- The student's age and maturity level;
- The nature and seriousness of the infraction and the circumstances which led to the infraction;
- The student's previous disciplinary record;
- The effectiveness of other forms of discipline;
- Information from parents or guardians, teachers and/or others, as appropriate;
- The student's attitude; and
- Other relevant factors.

When a student does not meet behavioral expectations and a violation of the Code has occurred, clear and consistent disciplinary action will ensue as further described below.

Failure to Comply with School-Imposed Consequences: Students must comply with school-imposed consequences. Failure to do so may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

Repeated Violations of the Code of Conduct: Progressively more serious disciplinary consequences will be imposed upon any student who repeatedly commits one or more disciplinary offenses.

When appropriate, school administration will contact law enforcement authorities.

**Code of Conduct Progressive Infractions Level Descriptions**

Infractions are grouped into five levels based on the severity of the infraction. Each level of infractions provides a set of possible supports and interventions as well as a range of possible disciplinary responses that may be imposed by a Dean, Assistant Principal or Principal in cooperation with teachers and staff recommendations.

Each level represents progressively more serious offenses. **Level 1** offenses are the least serious and **Level 5** offenses are the most serious. Potential discipline for each offense becomes more severe the higher the offense level.

**Level 1** — Uncooperative/Noncompliant Behavior

**Level 2** — Disorderly Behavior

**Level 3** — Disruptive Behavior

**Level 4** — Aggressive or Injurious/Harmful Behavior

**Level 5** — Seriously Dangerous or Violent Behavior

**The following grid of infractions is not exhaustive but provides examples of violations of the Code of Conduct that may result in disciplinary consequences. The list may be modified from time to time and/or supplemented by AECI Network with advance notice to students and families.**

Level	Non-Compliant Behaviors	Supports, Interventions & Restorative Practices	Disciplinary Responses
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1	<p><b>1.1</b> Failing to wear the required school uniform</p> <p><b>1.2</b> Unexcused absence from school or class</p> <p><b>1.3</b> Being late for school or class</p> <p><b>1.4</b> Failing to be in one's assigned place on school premises</p> <p><b>1.5</b> Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, hallway, or office)</p> <p><b>1.6</b> Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the school environment.</p> <p><b>1.7</b> Posting or distributing unapproved material on school premises.</p> <p><b>1.8</b> Failing to provide school officials with required identification</p> <p><b>1.9</b> Using school computers, fax machines, telephones, or other electronic equipment or devices without appropriate permission</p>	<ul style="list-style-type: none"> <li>• Parent/guardian communication &amp; outreach</li> <li>• Student/Teacher conference</li> <li>• Restorative Conference</li> <li>• Development of Individual behavior plan</li> <li>• Guidance conference</li> <li>• Mentoring</li> <li>• Peer Mediation</li> <li>• Community Service</li> </ul>	<ul style="list-style-type: none"> <li>• Parent/guardian conference</li> <li>• Detention</li> <li>• Loss of Privileges and/or Extra-Curricular Activities</li> </ul>
<b>Level</b>	<b>Disorderly &amp; Academically Dishonest Behaviors</b>	<b>Supports, Interventions &amp; Restorative Practices</b>	<b>Disciplinary Responses</b>

<p><b>2</b></p>	<p><b>2.1</b> Gambling</p> <p><b>2.2</b> Using profane, obscene, vulgar, or lewd language, gestures, or behavior in person or through electronic means</p> <p><b>2.3</b> Lying to, giving false information to, and/or misleading school personnel</p> <p><b>2.4</b> Engaging in or causing disruptive behavior on the school bus</p> <p><b>2.5</b> Academic dishonesty which includes but is not limited to cheating, plagiarism, colluding and violating AECI Network internet use policy. *See student handbook for policy details</p> <p><b>2.6</b> Leaving class without permission of supervising school personnel</p> <p><b>2.7</b> inappropriate use of electronic technology (e.g., unauthorized audio/video recording, sending unauthorized or inappropriate email.)</p> <p><b>2.8</b> Leaving class without permission of supervising school personnel</p> <p><b>2.9</b> Posting or distributing libelous material or literature, including posting such</p>	<ul style="list-style-type: none"> <li>• Parent /guardian communication &amp; outreach</li> <li>• Student/Teacher conference</li> <li>• Restorative Conference</li> <li>• Conflict resolution Utilizing Collaborative Problem Solving</li> <li>• Development of Individual behavior plan</li> <li>• Guidance conference</li> <li>• Individual/group counseling</li> <li>• Mentoring</li> <li>• Peer Mediation</li> <li>• Community Service</li> </ul>	<ul style="list-style-type: none"> <li>• Parent/guardian conference</li> <li>• Detention</li> <li>• Loss of Privileges and/or Extra-Curricular Activities</li> <li>• Short-term suspension</li> </ul>
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	material on the Internet		
<b>Level</b>	<b>Disruptive Behaviors</b>	<b>Supports, Interventions &amp; Restorative Practices</b>	<b>Disciplinary Responses</b>
<b>3</b>	<p><b>3.1</b> Defying or disobeying the lawful authority or directive of school personnel in a way that substantially disrupts the educational process and/or poses a danger to the school community</p> <p><b>3.2</b> Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship / immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability</p> <p><b>3.3</b> Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior toward students or school personnel (e.g., pushing past another person).</p> <p><b>3.4</b> Unwanted verbal or physical behavior with sexual connotations that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation, or</p>	<ul style="list-style-type: none"> <li>• Parent/guardian communication &amp; outreach</li> <li>• Student/Teacher conference</li> <li>• Restorative Conference</li> <li>• Conflict resolution Utilizing Collaborative Problem Solving</li> <li>• Development of Individual behavior plan</li> <li>• Guidance conference</li> <li>• Individual/group counseling</li> <li>• Mentoring</li> <li>• Peer Mediation</li> <li>• Community Service</li> <li>• Referral to a Community-Based Organization</li> <li>• Referral to Counseling Services for Bullying, Intimidation, or Harassment, including Bias-Based Bullying, Intimidation, or Harassment</li> </ul>	<ul style="list-style-type: none"> <li>• Parent/guardian conference</li> <li>• Detention</li> <li>• Loss of Privileges and/or Extra-Curricular Activities</li> <li>• Short-term suspension</li> <li>• Long-term suspension</li> </ul>

	<p>unreasonably interferes with a student's school performance or participation.</p> <p><b>3.5</b> The taking, possessing, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise</p> <p><b>3.6</b> Bullying - Engaging in harassing, intimidating, and/or behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass</p>		
<b>Level</b>	<b>Dangerous Behaviors to persons or property</b>	<b>Supports, Interventions &amp; Restorative Practices</b>	<b>Disciplinary Responses</b>

<p><b>4</b></p>	<p><b>4.1</b> Engaging in sexual conduct on school premises or at school-related functions</p> <p><b>4.2</b> Intentional destruction of school property</p> <p><b>4.3</b> Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function</p> <p><b>4.4</b> Engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images)</p> <p><b>4.4</b> Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco, including vapes</p> <p><b>4.5</b> Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including but not limited to posting such material on the Internet</p> <p><b>4.6</b> Causing a serious injury by either</p>	<ul style="list-style-type: none"> <li>• Parent/guardian communication &amp; outreach</li> <li>• Student/Teacher conference</li> <li>• Restorative Conference</li> <li>• Individual/group counseling</li> <li>• Community Service</li> <li>• Referral to a Community-Based Organization</li> <li>• Referral to Counseling Services for Bullying, Intimidation, or Harassment, including Bias-Based Bullying, Intimidation, or Harassment</li> <li>• Referral to Appropriate Substance Abuse Counseling Services</li> </ul>	<ul style="list-style-type: none"> <li>• Parent/guardian conference</li> <li>• Detention</li> <li>• Loss of Privileges and/or Extra-Curricular Activities</li> <li>• Short-term suspension</li> <li>• Long-term suspension</li> <li>• Expulsion</li> </ul>
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	recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury  <b>4.7</b> Coercing, threatening, planning, inciting or instigating an act of violence, riot, injury, or harm to others		
<b>Level</b>	<b>Seriously Dangerous / Violent behaviors</b>	<b>Supports, Interventions &amp; Restorative Practices</b>	<b>Disciplinary Responses</b>
<b>5</b>	<p><b>5.1</b> Starting or contributing to the start of a fire; Initiating a report or warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher</p> <p><b>5.2</b> Using force against, or inflicting, or attempting to inflict serious injury against students, school personnel or others in the school community</p> <p><b>5.4</b> Engaging in dangerous or violent behavior that is gang-related; in determining whether the behavior is gang related, school officials will consult with the NYPD's Gang Prevention and Intervention Unit (GPIU).</p> <p><b>5.5</b> Sexual misconduct: including engaging in physical sexual aggression / compelling or forcing</p>	<ul style="list-style-type: none"> <li>• Parent/guardian communication &amp; outreach</li> <li>• Student/Teacher conference</li> <li>• Restorative Conference</li> <li>• Individual/group counseling</li> <li>• Community Service</li> <li>• Referral to a Community-Based Organization</li> <li>• Referral to Appropriate Substance Abuse Counseling Services</li> <li>• Welcome Back Circle</li> </ul>	<ul style="list-style-type: none"> <li>• Parent/guardian conference</li> <li>• Detention</li> <li>• Loss of Privileges and/or Extra-Curricular Activities</li> <li>• Short-term suspension</li> <li>• Long-term suspension</li> <li>• Expulsion</li> </ul>

<p>another to engage in sexual activity.</p> <p><b>5.6</b> Possessing, consuming, selling, distributing or exchanging tobacco or alcoholic beverages or illegal substances of all kinds, or being under the influence of said products. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs" and synthetic cannabinoids which are produced, distributed, marketed and sold as legal alternatives to marijuana and often carry a label stating "not for human consumption" and are sold as incense, herbal mixtures, potpourri or bath salts</p> <p><b>5.7</b> Possessing, selling, or using any weapon or item that may be used as a weapon to cause threat and harm to any individual</p> <p><b>5.8</b> Subjecting an individual to lewd sexual gestures, sexual activity, or exposing private body parts in a lewd manner.</p>		
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**Gun Free Schools Act Policy**

Federal and State laws 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 the Principal 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).

Any such expulsion must comply with the Individuals with Disabilities Education Act and its implementing regulations, for a student with or presumed to have disabilities.

"Firearm" as used in this law is defined by 18 USC § 921(a), and includes firearms and explosives.

The Principal shall refer to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to the school. "Weapon" as used in this context shall mean any device, instrument, material, or substance 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 two and half inches in length.

### **Procedures and Due Process for Short-Term Suspension**

A short-term suspension refers to the removal of a student from school for disciplinary reasons for a period of up to ten (10) days. This includes in-school suspension.

The Principal may impose a short-term suspension and shall follow due process procedures consistent with applicable federal case law. Before imposing a short-term suspension, the Principal shall notify the student orally of the charges against him or her. If the student denies the misconduct, the Principal must provide an explanation of the evidence against the student. The student shall be given an opportunity to deny or explain the charges against him/her that led to the suspension. The Principal shall immediately notify the student's parent(s) or guardian(s) in writing that the student may be suspended from school. The written notice shall be provided by personal delivery or express mail delivery within 24 hours of the decision to impose suspension at the last known address(es) of the parent(s) or guardian(s). Notification also shall be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parent(s) or guardian(s).

The notice shall provide a description of the incident for which suspension is proposed and shall inform the parent(s) or guardian(s) of their right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent(s) or guardian(s). At the conference, the parent(s) or guardian(s) of the student and the student shall have the opportunity to present the student's version of the incident and to ask questions of complaining witnesses under such procedures as the Principal may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to

the academic process, in which case the notice and opportunity for an informal conference shall take place as soon as possible after the suspension as is reasonably practicable.

An appeal of the decision of the Principal may be made to the AECI Network Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within ten (10) calendar days of the date of the Principal's decision, unless the parent(s) or guardian(s) can show that extraordinary circumstances preclude them from doing so. The Board of Trustees will issue a written decision within ten (10) business days of receiving the appeal. Final decisions of the Board of Trustees may be appealed to the School's authorizer:

New York State Education Department  
Charter School Office  
89 Washington Avenue  
Room 5N Mezzanine  
Albany, NY 12234  
(518) 474-1762

### **Procedures and Due Process for Long-Term Suspension or Expulsion**

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

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

- The student shall immediately be removed from the class or the school, as needed.
- The student shall be informed of the charges and the evidence for those charges; where applicable, the student will have the opportunity to explain his or her side of the events.
- The Principal shall immediately notify the parent(s) or guardian(s) of the student, in person or on the phone.
- The Principal shall provide a written notice to the student and his or her parent(s) or guardian(s), as soon as possible, by personal delivery or express mail delivery to the last known address of the parent(s) or guardian(s), stating that the school is going to commence a disciplinary hearing. Such notice shall provide a description of the incident which resulted in the suspension and shall state that a formal hearing will be held on the matter which may result in a long-term suspension or expulsion.
  - The notification provided shall be in the dominant language used by the parent(s) or guardian(s) if it is known to be other than English.
  - The notice will state that at the formal hearing, the student shall have the right to be represented by counsel, present and question witnesses, and present evidence.

- The School will set a date, time, and place for the formal hearing, which shall be set forth in the written notice described above.
- An audio transcript of the formal hearing will be created and made available to all parties upon request.

The Principal, or his/her designee, shall serve as hearing officer and preside over the hearing. When the Principal does not serve as hearing officer, the designated hearing officer shall provide a report to the Principal with the hearing officer's recommendation, which shall be advisory only, and the Principal may accept or reject all or part of it. The Principal shall issue a written decision to the student and his/her parent(s) or guardian(s) within five (5) school days after the formal hearing.

An appeal from the written decision may be made to the AECI Network Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within ten (10) calendar days of the date of the written decision, unless the parent(s) or guardian(s) can show that extraordinary circumstances preclude them from doing so. The Board of Trustees will issue a written decision within ten (10) business days of receiving the appeal. Final decisions of the Board of Trustees may be appealed to the school's authorizer:

New York State Education Department  
Charter School Office  
89 Washington Avenue  
Room 5N Mezzanine  
Albany, NY 12234  
(518) 474-1762

### **Provision of Instruction During Removal**

AECI Network will ensure that alternative educational services are provided to a student who has been suspended or removed to help that student progress in the school's general curriculum. Alternative instruction for suspended students will be of sufficient duration 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 24 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.

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 take place on school premises in a location dedicated to serve students who are serving school suspensions, exclusively. The lead teacher is the Dean of School

Culture. The Dean of School Culture and an assigned pedagogical staff member will provide support for students to complete assignments. Please note that whoever administers this instruction will meet all certification requirements as set forth in Section 2854(3)(a-1) of the New York State Education Law.

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

#### **General**

In addition to the discipline procedures applicable to all students, the following procedures are applicable to students with disabilities. A student not specifically identified as having a disability but whose school district of residence or charter school, prior to the behavior which is the subject of the disciplinary action, has a basis of knowledge – in accordance with 34 CFR 300.534 – that a disability exists, shall also be disciplined in accordance with these provisions. The school shall comply with sections 300.530 through 300.536 of the Code of Federal Regulations 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.

AECI Network shall maintain written records of all suspensions and expulsions of students with a disability 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 IEP includes 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 any consideration of changes.

A student identified as having a disability shall not be suspended 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 may be 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 notification and involvement of the parent or guardian.

AECI Network will ensure that the Special Education coordinator, school counselor and/or the general classroom teacher will attend all meetings regarding their students initiated by the CSE of the student's district of residence. These meetings could be relating to the development and implementation of behavioral intervention plans, initial referrals, change in service, or annual reviews, Manifestation Determination Reviews (MDRs), among other things.

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

The school will 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 all classroom assignments and 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 such suspension. The school also shall provide alternative instruction to assist the student, so that the student is given full opportunity to complete assignments and master curriculum, including additional instructions, phone assistance, computer 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 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 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 appropriately progress in the general curriculum and in achieving the goals of his or her 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 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.

### **Additional Due Process**

If discipline that would constitute a change in placement is contemplated for any student with a disability, the following steps shall be taken: (1) no later than the date on which the decision to take such action is made, the parent or guardians 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) 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 conduct an MDR in order to review the relationship between the child's disability and the behavior subject to the disciplinary action.

If, upon review, it is determined that the student's behavior was not a manifestation of his or her 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.

A student's parent(s) or guardian(s) may request a hearing to challenge the manifestation determination. Except as provided below, the student will remain in his or her current educational placement pending the determination of the hearing.

If a parent or guardian requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary action relating to drugs, weapons, controlled substances 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 provided for in the disciplinary action, whichever occurs first, unless the parent or guardian and school agree otherwise.

### **Students with a 504 Plan and “Deemed to Know” Students**

With regard to disciplinary actions, including suspension or expulsion, the Section 504 rights of charter school students with disabilities are the same as other students with disabilities.

When addressing discipline for students with disabilities, including students with 504 plans or those who are “presumed to have a disability,” AECI Network will comply with applicable legal requirements governing the discipline of a student for misconduct.

### **Compliance with the Child Find Requirements of IDEA**

AECI Network will comply with the federal Child Find requirements (34 CFR §300.111), which require schools to have in place a process for identifying, locating and evaluating students with disabilities. Students enrolling for the first time in a New York public school will be screened by a team of teachers (including both regular and special education teachers) to identify any possible indication that the child may need a specialized or Individualized Education Program, or referral to the CSE of the student's district of residence. Other students will be brought to the attention of the team if they are demonstrating any problems within the regular classroom environment. Strategies will then be implemented to address any identified special needs of the student. Should the problems persist, and a disability is suspected, the student will be referred to the CSE of the student's district of residence for an evaluation.