**ATTACHMENT 4d: STUDENT DISCIPLINE POLICY**

**NEIGHBORHOOD CHARTER SCHOOL: BRONX**

**Introduction**

NCSH is committed to providing a safe, orderly and nurturing environment in which students can achieve academic excellence and flourish socially and emotionally. Having a firm, clear and consistently applied discipline policy allows students and teachers to maximize class time to promote student learning. We will use positive reinforcement to encourage good behavior in our students. However, students whose behavior does not meet the School community’s clearly defined standards will not be permitted to disrupt the educational experience of others. Therefore, infractions of School standards will have consequences. This is the basis of our student Code of Conduct.

**Definitions**

For purposes of the code, the following definitions apply:

1. “School” is The Neighborhood Charter School: Bronx.
2. “Parent” means a parent, guardian, or person in parental relation to the student.
3. “School premises” means on or within any building, structure, athletic playing field, means of transportation or playground used by the School.
4. “School function” means any school-sponsored extra-curricular event or activity.
5. “Weapons” include a firearm, razor, air gun, mock gun, knife, box cutter, sling shot, martial arts instruments, deadly or hazardous chemicals, mace, pepper spray or any other type of deadly or dangerous instrument.

**Prohibited Student Conduct**

NCSB holds students accountable for their behavior. Infractions are grouped into three levels based on their severity, each with a corresponding set of possible disciplinary responses.

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| Level 1 Infractions | Range of Possible Disciplinary Responses |
| * Unexcused absence from school * Violating the dress code * Arriving late to school or class * Arriving to class unprepared * Failing to complete homework * Cutting school, class, detention, or mandatory school events * Misbehaving on school-provided transportation * Misbehaving inside or outside of class * Disrupting class or preventing teaching * Being disrespectful toward a staff member or his/her designee * Failing to comply with the directive of staff member or his/her designee * Being disrespectful toward another student * Using abusive or profane language or treatment * Selling, using or possessing obscene material * Forgery * Making unreasonable noise * Gum, food and beverages during unauthorized times * Possession of inappropriate property * Defamation * Cheating, plagiarism, or copying’s other’s work, or allowing others to copy work * Gambling * Failing to comply with School imposed- consequences * Body art/tattoos | * Oral warning * Written warning * Written notification to parent/guardian * Conference with parent(s)/guardian(s) * Confiscation * Detention * In-school disciplinary action (e.g., exclusion and/or removal from a particular class or event) * Suspension from transportation * Short term in-school suspension |

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| Level 2 Infractions | Range of Possible Disciplinary Responses |
| * Theft, loss, or destruction of personal or School property * Mistreatment or inappropriate use of technology or School property * Violating the civil rights of others * Harassment/bullying and discrimination * Sexual harassment * Engaging in sexual activity or inappropriate touching * Lewd behavior * Hazing * Gang membership * Using or possessing drugs, alcohol, or tobacco products | * Conference with parent(s)/guardian(s) * Confiscation * Detention * In-school disciplinary action (e.g., exclusion and/or removal from a particular class or event) * Short term in-school suspension * Short term out-of-school suspension |

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| Level 3 Infractions | Range of Possible Disciplinary Responses |
| * Committing a physical or emotional act of violence on self or others * Fighting or unwanted physical contact * Play fighting, threatening, bullying, and/or intimidating * Possessing, displaying, using, or threatening to use a Weapon or dangerous object * Committing arson * Setting off a false alarm or making a threat | * Conference with parent(s)/guardian(s) * Confiscation * Detention * In-school disciplinary action (e.g., exclusion and/or removal from a particular class or event) * Short term in-school suspension * Short term out-of-school suspension * Long term out-of school suspension * Expulsion |

**Where and When the Discipline Code Applies**

The standards set forth in the Discipline Code apply to behavior

* In school during school hours;
* Before and after school, while on School premises;
* While traveling on vehicles funded by the NYC DOE;
* At all School functions;
* On other-than-School premises when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.

When misbehavior involves communication, gestures, or expressive behavior, the infraction applies to oral written or electronic communications, including but not limited to texting, emailing, and social networking.

**Suspensions and Expulsions**

**Short Term In-School Suspension: 10 Days or Less**

Because we believe that students can benefit from instruction in a school setting even when suspension is an appropriate disciplinary response, we provide alternative instruction for suspended students within the school. The alternative program will provide similar academic curriculum that students would receive if attending regular classes. Alternative instruction will be provided in an alternate classroom or office of the school.

**Short Term Out-of-School Suspension: 10 Days or Less**

If the student’s presence in the school causes a risk of continuing disruption or a risk of danger for the student or others, the Principal may direct that the alternative instruction be provided off-site.

**Long Term Suspension: 10 Days or More**

As with short-term suspension, alternative instruction may be provided in school or outside of school, depending on the facilities in the school and the severity of the conduct that led to the disciplinary proceeding.

**Expulsion**

Expulsion is reserved for extraordinary circumstances, including but not limited to circumstances where a student’s conduct posed or continues to pose a danger to the safety and well-being of other students, school personnel, or any other person lawfully on School premises, attending a school function, or on school-provided transportation. The procedure for expulsion shall be the same procedure set forth for long-term suspension.

**Discipline of Students with Special Needs**

The School recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problem behavior. The School also recognizes that students with disabilities have certain procedural protections when they are subject to discipline. The School is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. In the event that a student with a disability is suspended for more than 10 school days, the student is entitled to a Manifestation Determination Review at the Committee on Special Education.

**Manifestation Determination Review**

A student with a disability who is subject to a disciplinary change in placement must receive a manifestation determination review to determine if the behavior is due to the student’s disability and/or a failure to implement the IEP. A disciplinary change of placement occurs if the student will be removed from his/her regular program for: (1) more than 10 consecutive school days as a result of a out-of-school suspension, (2) more than 10 cumulative school days in a 40-school-day period as a result of three or more disciplinary actions (e.g., removal from the classroom, in-school suspension, and/or out-of-school suspension); or (3) more than 10 cumulative school days in a school year as a result of disciplinary actions that the Principal determines constitute a pattern of removals.

**Appeals Process for Disciplinary Consequence**

The following protocol has been established should a Parent wish to appeal a disciplinary consequence:

* **Level 1**: Appeal the decision with the staff member that assigned the disciplinary action
* **Level 2**: Appeal the decision with the Principal
* **Level 3**: Appeal the decision with the Board of Trustees in accordance with Complaints Policy found in the Parent Handbook.
* **Level 4:** Appeal the decision to the School’s Authorizer, the New York State Education Department in accordance with the Complaints Policy found in the Parent Handbook**.**

**Notification of Suspension**

In the event that it becomes necessary to suspend a student, a Parent will be called and notified in writing of the disciplinary infraction that resulted in the suspension. Additionally, before a child is returned to class, a Parent will be required to attend a post-suspension conference with the Principal or his designee.

**Student Searches**

The School authorizes the Principal, Assistant Principals, Director of Operations, Director of School Culture, or their designee to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the School’s Code of Conduct or otherwise constituted a threat to the health, safety, welfare or morals of the School, other students, school personnel, or any other person lawfully on School premises or attending a school function.

An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than the School’s employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. School employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the school code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

Students have no reasonable expectation of privacy rights in school lockers, cubbies, desks, or other school storage places. The School exercises overriding control over such School property, which may be opened and subjected to inspection at any time by school officials.

**Bullying**

NSCH promotes a nurturing school culture that has respect for diversity among students and between students and staff.

School employees who witness harassment, bullying or discrimination, or receive oral or written reports of such acts, must promptly orally notify the Principal no later than one school day after the employee witness or receives such acts. The Principal or their designee will lead or supervise a thorough investigation of all reports of harassment, bullying and discrimination, and ensure the investigation is completed in a timely manner.

When an investigation verifies a material incident of harassment/bullying or discrimination, the Principal or designee will take prompt action reasonably calculated to end the harassment/bullying or discrimination, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed. The Principal or designee will promptly notify the appropriate local law enforcement agency when it is believed that any harassment/bullying or discrimination constitutes criminal conduct.

Retaliation by any school employee or student is prohibited against any individual who, in good faith, reports or assists in the investigation of harassment/bullying or discrimination.