

KCCS Student Discipline Code

KCCS understands that ensuring good conduct is essential to improved student learning and achievement. All school staff are responsible to encourage good behavior and to correct unacceptable behavior by consistently enforcing this code. All students are required to follow the two KCCS rules at all times:

Follow Directions
Use Caring Words & Actions

The following code of conduct applies to behaviors in all school settings, including working in class, participating in an audience, eating in the cafeteria, traveling on the bus, participating in field trips, using school technology, performing community service, congregating, or playing on school grounds, and playing school sports.

Short-term suspension:

A short-term suspension refers to an in-school removal or out-of-school removal of a student for disciplinary reasons for a period of five or fewer days. Students may also be removed from the school's transportation system for disciplinary infractions. A student who has committed any of the infractions listed below shall be subject minimally to a short-term suspension, unless the Principal and/or the Dean of Students determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record. The Principal and/or the Dean of Students reserve the right to adjust the punishment for each infraction per his or her judgment.

Disciplinary Infractions:

- Attempt to assault any student or staff member;
- Engage in fighting or physical aggression;
- Vandalize school property causing minor damage;
- Endanger the physical safety of another KCCS community member by the use of force, of threats, or force that reasonably places the victim in fear of imminent bodily injury;
- Threatening/harass/intimidate/bully/discriminate students or staff verbally, in text, or cyber; Use of derogatory, racial, or ethnic slurs;
- Engage in play-fighting;
- Engage in conduct which disrupts school or classroom activity or endanger or threaten to endanger the health, safety, welfare, or morals of others;
- Engage in insubordination/noncompliance;
- Fails to complete assignments, carry out directions, or comply with disciplinary sanctions;
- Cheat on quizzes, exams, or commit plagiarism;
- Use forged notes or excuses;
- Steal, or attempt to steal, or possess property known by the student to be stolen;
- Commit extortion;
- Trespassing on school property;
- Engage in gambling;
- Flee school property without permission; intentionally skip classes;
- Abuse school property or equipment;
- Use obscene or abusive language or gestures;
- Engage in acts of verbal or physical sexual harassment;
- Make a false bomb threat or pull a false emergency alarm;
- Possess weapons (toy or harmful);

- Possess tobacco (legal, illegal, or electronic) or alcohol;
- Possess matches/lighters;
- Possess illegal drugs (prescription or other);
- Possess inappropriate or offensive material (text, email, print, or other);
- Possess cell phones/electronic items not being used for instructional purposes;
- Wear inappropriate, insufficient, or disruptive clothing or attire, or violate the student dress code;
- Displays of inappropriate physical/sexual affection;
- Misuse computer technology, including viewing or downloading inappropriate material not germane to schoolwork.
- Commit any other act which school officials reasonably conclude disrupts the learning culture of the school;
- Repeatedly commit minor behavioral infractions, which, in aggregate, may be considered an infraction subject to formal disciplinary action.

Procedures and Due Process for Short Term Suspension:

The Principal and/or the Dean of Students may impose a short-term suspension and shall follow due process procedures consistent with all Federal and State laws including the Commissioner of Education's Regulations. Before imposing a short-term suspension, or other, less serious discipline, the school shall provide notice to inform the student of the charges against him or her, and if the student denies the charges, the school shall provide an explanation of the evidence against the student. A chance to present the student's version of events shall also be provided.

Before imposing a short-term suspension, the Principal and/or the Dean of Students shall notify the parents or guardian in writing that the student may be suspended from school. 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. Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the parents or guardian of their right to request an immediate informal conference with the principal. Such notice and informal conference shall be in the dominant language of mode of communication used by the parent(s) or guardian.

The parent(s) or guardian of the student and the student shall have the opportunity to present the student's version of the incident and to ask questions of the Principal and/or the Dean of Students. Such notice and opportunity for an informal conference shall take place prior to the suspension of the student unless the student's presence in the 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.

The Principal and/or the Dean of Student's decision to impose a short-term suspension may be challenged by the parent(s) or guardian in accordance with the School's complaint process, which includes an appeal to the Board of Trustees in accordance with the School's Charter. The Board President will arbitrate this hearing.

Long-term suspension/expulsion:

A long-term suspension refers to the removal of a student from school for disciplinary reasons for a period of more than five days. Expulsion refers to the permanent removal of a student from school for disciplinary reasons. A student who is determined to have committed any of the infractions listed below

shall be subject minimally to a long-term suspension or expulsion, unless the Principal and/or the Dean of Students determines that an exception should be made based on the circumstance of the incident and the student's disciplinary record. Such a student may also be subject to any of the disciplinary measures outlined elsewhere in this document including a referral to the appropriate law enforcement authorities.

Disciplinary Infractions:

- Possess, use, attempt to use, or transfer of any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the student in school;
- Commit, or attempt to commit arson on school property;
- Assault any student or staff member;
- Threats of violence, threaten to assault or intimidate any student or staff member in school or electronically;
- Bullying;
- Intentionally cause physical injury to another person, except when the student's actions are reasonably necessary to protect him or herself from injury;
- Possess, sell, purchase, distribute, or use of any alcoholic beverages, controlled substances, imitation of controlled substances, marijuana, or any illegal substance on school property or at any school events;
- Vandalize school property causing major damage;
- Improper conduct that significantly disrupts or threatens to disrupt the education of other students;
- Commit any act, which could constitute a crime or is a more egregious infraction described under "short-term suspension", which school officials reasonably conclude warrants a long-term suspension/expulsion.
- A student who commits any of the acts previously described as causes for short term-suspension may, instead or in addition, be subject to a long-term suspension/expulsion at the school's discretion only if the student has committed the act at least three times in the academic year.

Procedures and Due Process for Long Term Suspension:

The Principal and/or the Dean of Students may also impose a long-term suspension. In extreme circumstances, the Principal may expel the student from school. Upon determining that a student's action warrants a possible long-term suspension, the Principal and/or the Dean of Students shall verbally inform the student that he or she is being suspended and is being considered for a long-term suspension (or expulsion) and state the reasons for such actions. The Principal and/or the Dean of Students shall immediately notify the student's parent(s) or guardian(s) in writing including a factual summary. 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. Students who have received a long-term suspension will only be allowed to reenter the school after the parent or guardian, the student, and the school's leadership team have held a formal meeting and created a plan, which may include and require outside remediation, to ensure that the student will become a safe and productive member of the KCCS community.

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. Such notice shall provide a description of the incident, or incidents, which resulted in the suspension and shall indicate that a formal meeting or impartial hearing will be required for the student to successfully reenter the school. The notification provided shall be in the dominant language used by the parent(s) or guardian. At the formal hearing, the student shall have the right to be represented by counsel, question witnesses, and present evidence.

The Principal's decision to impose a long-term suspension or expulsion may be challenged by the parent or guardian in accordance with KCCS's complaint process which includes an appeal to the Board of Trustees in accordance with the School's Charter. The Board President will arbitrate this hearing.

Firearms Violation:

Federal and New York 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 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). "Weapon," as used in this law means a "firearm," as defined by 18 USC § 921, and includes firearms and explosives. See, New York Education Law §3214.

The Principal shall refer a student under the age of sixteen who has been determined to have brought a weapon or firearm to school to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42). The Principal shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42), who has been determined to have brought a weapon or firearm to school to the appropriate law enforcement officials.

Provision of Instruction during removal:

KCCS will ensure that alternative educational services are provided within 24 hours to a child of compulsory age who has been suspended (in or out of school), to help that child progress in the school's general curriculum. For a student who has been suspended, alternative instruction will be provided to the extent required by applicable law. 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 thereafter or until the end of the school year.

Instruction for suspended 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 or other room at the school. During any removal for drug or weapon offenses, additional services shall include strategies designed to prevent such behavior from recurring. Instruction will be provided by one or more of the following individuals who shall be certified or qualified in accordance with § 2854(3) (a-1) of the Education Law and the federal *No Child Left Behind* Act: the student's teacher(s), aides, or individuals within a contracted facility, and/or a tutor hired for this purpose.

Student Records:

KCCS will maintain written records of all suspensions and expulsions 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 with Disabilities:

Please refer to the *KCCS Special Education Policies and Procedures – Discipline Policy*.

Bus Suspension Policy

KCCS strives to provide safe and reliable transportation to all of its students. At times, students may receive a bus write up from the driver for various actions. Please note the following policy in terms of student consequences for transportation privileges.

- First Bus Write up - warning letter to the student/family that the behavior is inappropriate.
- Second Bus Write up - Student will be suspended off the bus for one day. School will contact parents about suspension.
- Third Bus Write up - Student will be suspended off the bus for two days. School will contact parents about suspension.
- Fourth Bus Write up - Student will be suspended off the bus for three days. School will contact parents about suspension.
- Fifth Bus Write up - Student will be suspended off the bus for four days. School will contact parents about suspension and parents will be required to come in for a conference.
- Sixth Bus Write up-Student will be suspended off the bus for five days. School will contact parents about suspension.
- Seventh Bus Write up-Student will be suspended off the bus for six days. School will contact parents about suspension.
- Eighth Bus Write up- Student will be suspended off the bus for seven days. School will contact parents about suspension.
- Ninth Bus Write up- Student will be suspended off the bus for eight days. School will contact parents about suspension.
- Ten Bus Write up- Student will be expelled from transportation. Parents will be required to come in for a formal meeting.

Fighting, Violence and other unsafe actions may cause immediate suspension or more severe consequences.

Students are required to come to school on any day they are suspended from the bus.