



Student Discipline Policy

To ensure that an environment is created where teaching and learning can thrive, Staten Island Hebrew Public (“SIHP” or the “School”) has developed a series of rules that address proper student behavior, maintenance of order within the School and while people are engaged in school activities, and a statement of student rights and responsibilities.

School staff will ensure that parents and students are well informed of these policies before enrollment, at the time that students’ sign up for entry into the School, and as changes are made throughout the school year. As such, students will not be surprised about what type of behavior is expected from them, and parents will be reassured about the type of classroom environment that will be maintained in SIHP.

It is critical that faculty and staff have a full understanding of the School’s discipline policy, are clear on recognizing situations in which students’ behavior is in proper accordance with the policy and when the policy has been violated, and are versed in the various procedures and policies surrounding varying degrees of infractions of the policy. All staff will be provided with professional development on school discipline issues, in particular implementing the discipline policy as well as implementing overall consistent and effective behavior management and discipline strategies in the classroom and in the greater School community. Staff will be provided with training in this area as close to the start of the school year as possible or shortly upon their engagement with the School, if they are hired during the school year. Follow-up training throughout the year will be provided if deemed necessary.

This policy sets forth the SIHP’s policy regarding how students are expected to behave when participating in School activities- on and off School grounds- and how the School will respond when students fail to behave in accordance with these rules.

In all disciplinary matters, students will be given notice and will have the opportunity to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to the staff member imposing such sanctions. Depending on the severity of the infraction, disciplinary responses include, but are not limited to, suspension (short or long term), detention, exclusion from extracurricular activities, and expulsion. Where appropriate, School officials also will contact law enforcement agencies.

I. Infractions and Range of Possible Disciplinary Responses

Level #1 Infractions (Insubordinate Behavior)	Range of Possible Disciplinary Responses
<ol style="list-style-type: none">1. Being late to school2. Bringing prohibited equipment to school without authorization (cell phones, mp3 players, toys, electronic devices)3. Failing to be in one's assigned place on school premises (staying within your classroom/ in your assigned spot).4. Behaving in a manner which disturbs the education process (e.g., making excessive noise verbally and physically, singing when inappropriate, interruptions, calling-out, humming, in the classroom and in the hallway, etc.)5. Engaging in verbally rude or disrespectful behavior (to both teachers and peers: talking back when given a direction, name-calling, mimicking, harassing, teasing,	<ol style="list-style-type: none">1. Admonishment by school staff2. Student/teacher conference3. Reprimand by appropriate supervisor (e.g., Head of School, teacher)4. Parent conference5. In-school disciplinary action (e.g., exclusion from extracurricular activities, recess, or communal lunchtime)6. Removal from classroom by teacher (After a student is removed from a classroom by any teacher three times during a semester, Head of School's suspension must be sought if the student engages in subsequent behavior that would otherwise result in removal by a teacher)

<p>taunting, etc.)</p> <ol style="list-style-type: none"> 6. Wearing clothing or other items that are unsafe or disruptive to the educational process (not wearing uniform, wearing non-school regulated street clothes, not wearing closed-toed shoes, etc.) 7. Posting or distributing material on school premises in violation of written Hebrew Language Academy's rules. 8. Using school computers, faxes, telephones, or other electronic equipment without permission. Using or touching other people property without permission (both teachers' and peers' property, belongings, equipment, supplies, etc.) 	
<p>Level #2 Infractions (Disorderly, Disruptive Behaviors)</p>	<p>Range of Possible Disciplinary Responses</p>
<ol style="list-style-type: none"> 1. Smoking 2. Gambling 3. Using profane, obscene, vulgar, lewd, or abusive, language or gestures 4. Lying, or giving false information to school personnel 5. Misusing property belonging to others (including breaking, destroying, ripping, etc.) 6. Engaging in or causing in disruptive behavior on the school bus, causing safety issues to the driver, students, and self. * 7. Leaving class or school premises with permission of supervising school personnel. 8. Engaging in inappropriate or unwanted physical contact (poking, pinching, tapping, throwing of objects, etc.). 9. Violating Hebrew Language Academy's Internet use policy, e.g., use of the school's system for no-educational purposes, security/privacy violations 10. Engaging in scholastic dishonesty which includes: cheating, plagiarizing, colluding, copying, etc. 11. Plagiarizing (appropriating someone's work and using it as one's own for credit without required citation and attribution.) 12. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit.) 13. Engaging in a pattern of persistent Level 1 behavior 	<ol style="list-style-type: none"> 1. Admonishment by school staff 2. Student/teacher conference 3. Reprimand by appropriate supervisor (e.g., Head of School, teacher) 4. Parent conference 5. In-school disciplinary action (e.g., exclusion from extracurricular activities, recess, or communal lunchtime) 6. Removal from classroom by teacher (After a student is removed from a classroom by any teacher three times during a semester, Head of School's suspension must be sought if the student engages in subsequent behavior that would otherwise result in removal by a teacher) 7. Short term suspension (1-5 days)

(whenever possible and appropriate, prior to imposing a Level 2 disciplinary response, school should have exhausted the disciplinary responses in Level 1 infractions)	
<p align="center">Level #3 Infractions (Seriously Disruptive or Dangerous Behaviors)</p>	<p align="center">Range of Possible Disciplinary Responses</p>
<ol style="list-style-type: none"> 1. Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety agents. 2. Using slurs based upon race, ethnicity, color, national origin, religion, gender, sexual orientation, or disability. 3. Fighting/ engaging in physical aggressive behavior (hitting, punching, spitting, kicking, hitting with an object, etc.). 4. Bringing unauthorized visitors to school or allowing unauthorized visitors to enter school in violation of written school rules. 5. Engaging in theft or knowingly possessing property belonging to another without authorization. 6. Engaging in inappropriate or unwanted physical contact* (grades 4-5 only; see level 2 infractions for grades K-3). 7. Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or any electronic means. 8. Posting or distributing libelous or defamatory material or literature or material containing a threat of violence, injury or harm. (Disciplinary responses 3-12 only) 9. Engaging in vandalism or other intentional damage to school property, staff property, or others; including student bathrooms. (Disciplinary responses 3-12 only) 10. Falsely activating a fire alarm or other disaster alarm or making a bomb threat. (Disciplinary responses 3-12 only) 11. Engaging in gang related behavior** (e.g., wearing gang apparel, writing graffiti, making gestures or signs) (grades 4-5 only) (Disciplinary responses 4-12 only) 12. Engaging in a pattern of persistent Level 2 behavior*** (Whenever possible and appropriate, prior to imposing a Level 3 disciplinary response, school officials should have exhausted the disciplinary responses in Level 2. Further, repeated Level 2 infractions are limited to Level 3 	<ol style="list-style-type: none"> 1. Admonishment by school staff 2. Student/teacher conference 3. Reprimand by appropriate supervisor (e.g., Head of School) 4. Parent conference 5. In-school disciplinary action (e.g., exclusion from extracurricular activities, recess or communal lunchtime) 6. Removal from classroom by teacher(After a student is removed from any classroom by any teacher three times during a semester, a Head of School’s suspension must be sought if the student engages in subsequent behavior that would otherwise result in removal by a teacher) 7. Short term suspension (1-5 days) 8. Long term suspension (6-30 days) <p>*The school will offer appropriate counseling to students engaging in this behavior</p> <p>**In determining whether the behavior is gang related, school officials may consult with the New York City’s Office of School Safety and Planning’s Gang Unit or the New York Police Department</p>

disciplinary responses.) (Disciplinary responses 4-12 only)	***This infraction applies only to infractions 1-8 in Level 2, grades K-5
Level #4 Infractions (Dangerous or Violent Behavior)	Range of Possible Disciplinary Responses
<ol style="list-style-type: none"> 1. Engaging in intimidation, coercion or extortion or threatening violence, injury, harm or retaliation to another or others. 2. Engaging in behavior that creates a substantial risk of or results in injury. 3. Engaging in intimidating and bullying behavior- threatening, stalking or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practice, gender, sexual orientation or disability. 4. Engaging in sexual harassment* (to peers or school staff). (Grades 4-5 only) 5. Possessing illegal drugs, alcohol of controlled substances without appropriate authorization.* 6. Engaging in threatening, dangerous or violent behavior that is gang-related. (grades 4-5 only) (Disciplinary responses 4-6 only) 7. Participating in an incident of group violence. (Disciplinary responses 4-6 only) 8. Threatening while on school property, to use any instrument that appears capable of causing physical injury. (Disciplinary responses 4-6 only) 9. Engaging in behavior on the school bus that creates a substantial risk of injury or results in injury. (Disciplinary responses 4-6 only) 10. Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity. *(grades 4-5 only)(Disciplinary responses 4-6 only) 11. Committing arson. (Disciplinary responses 4-6 only) 12. Inciting/causing a riot. (Disciplinary responses 4-6 only) 13. Possessing any weapon as defined in Category II.***(Disciplinary responses 4-6 only) 14. Using illegal drugs, alcohol or controlled substances 	<ol style="list-style-type: none"> 1. Parent conference 2. In-school disciplinary actions (e.g., exclusion for extracurricular activities, recess or communal lunchtime) 3. Removal from classroom by any teacher. (After a student is removed from any classroom by any teacher three times during a semester or twice in a trimester, a Head of School’s suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher.) 4. Short term suspension (1-5 days) 5. Long term suspension (6-30 days) 6. Expulsion <p>*The school should offer appropriate counseling to students who engage in this behavior ***Before requesting a suspension for possession of an article listed in Category II for which a purpose other than infliction of physical harm exists,</p>

<p>without appropriate authorization.*(Disciplinary responses 4-6 only)</p> <p>15. Engaging in a pattern of persistent Level 3 behavior*** (Whenever possible and appropriate, prior to imposing a Level 4 disciplinary response, school officials should have exhausted the disciplinary responses in Level 3. Further, repeated Level 3 infractions are limited to Level 4 disciplinary responses</p>	<p>e.g., a nail file, the Head of School must consider whether there are mitigating factors present. In addition, the Head of School must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance and weight.</p>
<p align="center">Level #5 Infractions (Seriously Dangerous or Violent Behavior)</p>	<p align="center">Range of Possible Disciplinary Responses</p>
<ol style="list-style-type: none"> 1. Using force against or inflicting or attempting to inflict serious injury against school personal or school safety agents. 2. Using extreme force against or inflicting or attempting to inflict serious injury upon students or others. 3. Selling or distributing illegal drugs or controlled substances. * 4. Possessing any weapon, other than a firearm, as defined in Category I. 5. Using any weapon as defined in Category II to attempt to inflict injury upon school personnel, students or others. 6. Using any weapon, other than a firearm, as defined in Category I or II to inflict injury or Category I to attempt to inflict injury upon school personnel, students or others. 7. Possessing or using a firearm (I only)** 	<ol style="list-style-type: none"> 1. Short term suspension (1-5 days) 2. Long term suspension (6-30 days) 3. Expulsion
<p align="center">Prohibited Weapons – Category I</p>	<p align="center">Prohibited Weapons – Category 2</p>
<ul style="list-style-type: none"> • Firearm, including pistol and handgun, silencers, electronic darts and stun gun; • Shotgun, rifle, machine gun, or any other weapon which simulates or is adaptable for use as a machine gun; • Air gun, spring gun, or other instrument or weapon in which the propelling force is a spring or air, and any weapon in which any loaded or blank cartridge may be used (such as a BB gun); • Switchblade knife, gravity knife, pilum ballistic 	<ul style="list-style-type: none"> • Acid or deadly or dangerous chemicals; • Imitation gun; • Loaded or blank cartridges and other ammunition; • Stink bombs; • Stun pens; • Any deadly, dangerous, or sharp pointed instrument that can be used or is intended for use as a weapon (such as scissors, nail file, broken glass, chains, wire, laser beam, pointers).

<p>knife; and cane sword (a cane that conceals a knife or sword);</p> <ul style="list-style-type: none"> • Dagger, stiletto, dirk, razor, box cutter, utility knife and other dangerous knives; • Billy club, blackjack, bludgeon, chucka stick, and metal knuckles; • Sandbag and sandclub; • Sling shot (small heavy weights attached to or propelled by a thong) and slung shot; • Martial arts objects including king fu stars, nunchucks, and shirkens; • Explosives, including bombs, firecrackers and bombshells. 	
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II. Levels of Suspension & Due Process Procedures

A. 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. A student who has committed any of the infractions listed below shall be subject minimally to a short-term suspension, unless the Head of School determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record. The Head of School reserves the right to adjust the punishment for each infraction per his or her judgment.

Disciplinary Infractions

- Attempt to assault any student or staff member;
- Vandalize school property causing minor damage;
- 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 which disrupts school or classroom activity or endanger or threaten to endanger the health, safety, welfare, or morals of others
- Engage in insubordination
- Fail to complete assignments, carry out directions, or comply with disciplinary sanctions;
- Cheat on quizzes, exams, or commit plagiarism;
- Used forged notes or excuses;
- Steal, or attempt to steal, or possess property known by the student to be stolen;
- Commit extortion;
- Engage in gambling;
- 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 tobacco or alcohol;
- Wear inappropriate, insufficient, or disruptive clothing or attire, or violate the student dress policy (*Except that, under no circumstances will a student be removed from class or school for violation of the dress code policy*);
- Commit any other act which school officials reasonably conclude disrupts the learning environment of the school;
- Repeatedly commit minor behavioral infractions that, in aggregate, may be considered an infraction subject to formal disciplinary action.

Procedures and Due Process for Short Term Suspension

The Head of School may impose a short-term suspension, and shall follow due process procedures consistent with federal case law pursuant to *Goss v. Lopez* (419 U.S. 565). Before imposing a short term suspension, or other, less serious discipline, the Head of School shall provide notice to inform the student of the charges against him or her, and if the student denies the charges, 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 Head of School shall immediately notify the parents or guardian in writing that the student may be suspended from school. Written notice of the decision to impose suspension shall be provided by personal delivery or express mail delivery within 24 hours at the last known address(es) of the parents or guardian. 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 Head of School. Such notice and informal conference shall be in the dominant language or mode of communication used by the parents or guardian. The parents 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 complaining witnesses. 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 Head of School's decision to impose a short-term suspension may be challenged by the parent(s) or guardian in accordance with SIHP's grievance policy.

B. 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 Head of School 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 other student or staff member;
- Intentionally cause physical injury to another person, except when student's actions are reasonably necessary to protect him or herself from injury;
- Vandalize school property causing major damage;
- Commit any act that 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.

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 at the Head of School's discretion only if the student has committed the act at least three (3) times in the academic year.

Procedures and Due Process for Long Term Suspension

The Head of School may impose a long-term suspension. Such a suspension may be imposed only after the student has been found guilty at a formal suspension hearing. In extreme circumstances, the Head of School may expel the student from school. Upon determining that a student's action warrants a possible long-term suspension, the Head of School 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 Head of School 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 a long-term 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.

If the Head of School initiates the suspension proceeding, he or she 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 Head of School may accept or reject all or part of it. The Head of School's decision to impose a long-term suspension or expulsion may be challenged by the parent or guardian through an appeal process to the Board of Trustees the details of which shall be determined. NOTE: In any instance where the Head of School is directly involved in the instance(s) at issue for a suspension or expulsion, the Head of School shall appoint a designee to handle any investigation, hearing and determination.

III. Firearm Violations

Federal and New York law require the suspension 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 Head of School 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 (as amended) (20 U.S. C. § 7961). "Firearm," as used in this law means a "firearm," or "destructive device" as defined by 18 USC § 921(a), and includes firearms and explosives. (New York Education Law § 3214 effectuates this federal law.) The following are included within this definition: (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (c) the frame or receiver of any weapon described above; (d) any firearm muffler or firearm silencer; (e) any destructible device, which is defined as any explosive,

incendiary, or poison gas, such as a bomb, grenade, rocket having a propellant charge of more than four (4) ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device; (f) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (g) any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique.

The Head of School shall refer a student under the age of sixteen who has been determined to have brought a 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 Head of School 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.

Special Education Provision: The provisions of the Gun-Free Schools Act shall be construed in a manner consistent with the Individuals with Disabilities Education Act. Therefore, the CSE will be consulted, even after a manifestation determination that the student's behavior was not a manifestation of the student's disability, regarding placement and services for such student.

IV. Provision of Instruction During Removal

SIHP 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 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 for a reasonable period thereafter or until the end of the school year.

Alternative instruction will be provided to students suspended or expelled in a way that best suits the needs of the student. 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 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 trained volunteers, individuals within a contracted facility, and/or a tutor hired for this purpose.

V. SEARCH AND SEIZURE

A student and/or the student's belongings may be searched by a school official if the official has a reasonable suspicion to believe that a search of that student will result in evidence that the student violated the law or a school rule. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from the student by school authorities and returned to parents at the school or turned over to law enforcement as appropriate.

All school-related property always remains under the control of the School and is subject to search at any time. School-related property includes but is not limited to computers, lockers, cabinets, desks, bookcases, buses and other vehicles and items controlled or directed by school officials in the support of educational-related programs or activities. The school is not responsible for books, clothing, or valuables left in lockers or desks. A student shall not place or keep in a locker, desk or other school-related property any article or material which is of a non-school nature and may cause or tend to cause the disruption of the mission of the school. The following rules will apply to the search of school property assigned to a specific student and the seizure of illegal items found therein:

- School authorities will make a reasonable search of a student's locker, desk, or other school-related property only when there is reasonable suspicion 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 shall 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 by school authorities
- Searches of an individual will be made on individual suspicion of wrongdoing. To the extent practicable, searches of an individual will be conducted in private by a school official of the same sex and with another witness present
- Searches of students and school property may be conducted on school grounds or whenever the student is involved with or attending a school sponsored or related function, whether it is on school grounds or not

VI. FREEDOM OF EXPRESSION

Students are entitled to express their personal opinions verbally, in writing, or by symbolic speech. The expression of such opinions, however, shall not interfere with the freedom of others to express themselves, and written expression of opinion must be signed by the author. Any form of expression that involves libel, slander, the use of obscenity, or personal attacks, or that otherwise disrupts the educational process, is prohibited. All forms of expression also must be in compliance with the student disciplinary policy and the school dress code, violations of which are punishable as stated in the disciplinary policy.

Student participation in the publication of school-sponsored student newsletters, yearbooks, literary magazines and similar publications is encouraged as a learning and educational experience. These publications, if any, shall be supervised by qualified faculty advisors and shall strive to meet high standards of journalism. In order to maintain consistency with the school's basic educational mission, the content of such publications is controlled by school authorities.

No person shall distribute any printed or written materials on school property without the prior permission of the Head of School. The Head of School may regulate the content of materials to be distributed on school property to the extent necessary to avoid material and substantial interference with the requirements of appropriate discipline in the operation of the school. The Head of School may also regulate the time, place, manner and duration of such distribution.

VII. OFF-CAMPUS EVENTS

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

VIII. STUDENT RECORDS

SIHP 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. SIHP will comply with NYSED's VADIR data collection requirements and disciplinary data and submit that information to NYSED by required deadlines.

Charter schools are subject to the federal Family Education Rights and Privacy Act of 1974 (FERPA) that requires a school to protect a student's privacy. SIHP will not disclose any information from the student's permanent records except as authorized pursuant to FERPA, or in response to a subpoena, as required by law. The parent(s) or guardian(s) of a student under 18 years of age, or a student 18 years of age or older, is entitled to access to the student's school records by submitting a written request to the Head of School. Further information concerning the disclosure of student information and limitations on such disclosure may be found in FERPA and the school's FERPA policy.

IX. DISCIPLINARY POLICY FOR STUDENTS WITH DISABILITIES

In addition to the discipline procedures applicable to all students, SIHP shall implement the following disciplinary policy procedures with respect 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 300.527(b)—that a disability exists may request to be disciplined in accordance with these provisions. SIHP shall comply with sections 300.519- 300.529 of the Code of Federal Regulations (CFR) and the following procedures, except that in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations shall govern.

If a student violates the School's discipline code and is being considered for a suspension or removal, the School must ensure the following due process protections are provided to the student and to the student's parent(s) in addition to those set forth in the regular education discipline code. For suspensions of five school days or less, the student's parent(s) or guardian must be provided with a written notice, and a follow up telephone call if possible, within 24 hours of the incident leading up to the suspension which describes the basis for the suspension and explains that the parent or guardian has the right to request an informal conference with the Head of School and appropriate staff to discuss the incident and question any complaining witness against the student. For suspensions in excess of five consecutive school days, the student's parent(s) or guardian must be provided with a written notice which indicates that the district proposes to suspend the student from school in excess of five consecutive school days, describes the basis for the proposed suspension, explains that the student has an opportunity for a fair hearing conducted by the Head of School or his or her designee at which the student will have a right to question any witnesses accusing him/her of committing the misconduct charge and to present witnesses on his/her behalf. Where possible, notification must also be provided by telephone. In addition, the School must provide alternative education to the student during the suspension as set forth below, including any special services required by the Individualized Education Program (IEP) prepared by the student's Committee on Special Education (CSE) of their district of residence. Final determination on a suspension or removal of a student, following due process, shall be made by the Head of School.

SIHP 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 for whom the 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 be immediately referred to the CSE of the student's district of residence for consideration of a change in the guidelines.

If a student identified as having a disability is suspended during the course of the school year for 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 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 parental notification and involvement.

SIHP shall work with the district to ensure that the CSE of the student's district of residence meets within 7 days of notification of any of the following: (1) The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days; (2) The commission of any infraction resulting from the student's disability; (3) 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 Head of School would seek to impose a suspension in excess of 5 days.

Also, SIHP will ensure that when the suspension or removal of a student with a disability will constitute a disciplinary change of placement, the CSE will be immediately notified so that the CSE can meet its required obligations to:

1. Convene a CSE meeting within 10 school days with the parent and IEP Team including school personnel to make a manifestation determination including a review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:
 - a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - b. If the conduct in question was the direct result of the district and charter school's failure to implement the IEP.
 - c. The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (a) or (b) immediately above was met.
 - d. If the CSE determines that the IEP was not implemented properly, the CSE must take immediate steps to remedy those deficiencies.
2. Convene a CSE meeting within 10 business days to develop a plan to conduct a functional behavioral assessment or review an existing functional behavioral assessment or behavioral intervention plan.
3. Provide the student's parent with a copy of their procedural due process rights.
4. Work closely with the CSE of the students' district of residence in determining education services or the interim alternative educational setting consistent with the FAPE requirements.

Provision of Services During Removal

Those students removed for a period fewer than ten days will receive 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. SIHP 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 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. The student should receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

During any removal to an interim alternative educational setting not to exceed 45 days for weapon, drug or infliction of serious bodily injury-related offenses pursuant to 34 CFR §300.530(g)(1), (2) and (3), respectively, 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 determined by the CSE. The student should receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

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.

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. The student's special education teacher (or coordinator) and the general classroom teacher will attend all meetings regarding the student initiated by the CSE from the student's home district.

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 relationship 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 to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary action relating to weapons or drugs, the child shall remain in any 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 the School agree otherwise.