

Discipline Policy

AMANI CODE OF CONDUCT

Our school will use a point system of merits and demerits to reward and correct behavior. Merits will be given for each positive behavior displayed and for demonstration of each core value. Demerits will be given for any Level 1 infraction (see Appendix A) consisting of noncompliance with rules, policies, and procedures set by the school, disregard of the core values, and any un-Scholarly behavior. Each merit/demerit is valued at 1 point. Amani achievers will begin every week with 25 automatic “A-Merits” for coming to school on time (none for days of unexcused absences) and can gain or lose points when displaying proper or improper behavior. All staff members at Amani will be able to reward/correct behavior as it is witnessed and points will be totaled on a weekly basis. Parents¹ will receive a weekly progress report, which will include information about their child’s “A-Merits.”

When a student does not meet behavioral expectations and an infraction of the school’s Code of Conduct has occurred, clear and consistent disciplinary action will ensue. Below is an overview of the Amani Code of Conduct, outlining the dimensions of our approach to student discipline.

Detention

Students who have committed a Level 2 infraction will serve a next day detention with the Dean of Scholars and Families. Once the detention has been assigned by the staff member, parents will be notified via telephone and email that their child will serve a detention that next day. It will be served from 4:30 pm - 5:30 pm and will consist of reflection, a writing assignment, and other appropriate tasks. Students are not allowed to complete any homework or reading assignments during detention.

In-School Suspension

Students who have committed a Level 3 infraction will serve an In-School Suspension (ISS) ranging from one to three days. The Dean will notify parents of an ISS by telephone and in writing. Students serving an ISS are expected to attend school in full uniform and comply with school procedures. During the days of ISS, the student will spend the day receiving instruction outside of his/her regular classroom. The student will eat lunch with the Dean of Scholars and will not participate in any non-instructional activities. A parent meeting is requested before the student is reintroduced into the classroom. After all days are served, the student can return to class.

Out-of-School Suspension and Expulsion

Students who have committed a Level 4 or Level 5 infraction may serve an Out-of-School Suspension (OSS) or may be expelled from Amani, depending on the severity of the infraction and the student’s disciplinary history. A short-term suspension refers to the removal of a student from school for disciplinary reasons for a period of one to five days. A long-term suspension refers to the removal of a student from school for disciplinary reasons for a period of six days or more. Expulsion refers to the permanent removal of a student from school.

¹ Whenever we use the term “Parents” in this Code of Conduct, we are referring not only to the parents of our students, but also to their guardians or whoever has permanent or temporary responsibility for their care.

A **Discipline Code** listing infractions that may be punishable by Demerits, Detention, In-school Suspension (ISS), Out of School Suspension (OSS) or Expulsion is included in **APPENDIX A** of this Code of Conduct. This **Discipline Code**, which is part of the Code of Conduct, applies in school during school hours, before and after school while on school property, while traveling on school buses, at school-sponsored events, and anywhere in the community when the behavior of a student violates Amani core values and negatively affects Amani students or teachers.

Procedures and Due Process

In-School Suspension (Up to 3 Days)

A teacher may report to the Dean that a student violated Amani's Code of Conduct by committing a Level 3 infraction (See Appendix A). The Dean will discuss the report with the student and give him/her an opportunity to respond. After hearing the student's side of the story, the Dean may decide that In-School Suspension is warranted. The Dean will inform parents by telephone and written note and will invite parents to come to school for an informal conference. It is expected that the conference will take place before the student returns to regular classes.

Short Term Suspension (Up to Five Days)

A short-term out-of-school suspension may be imposed for a Level 4 or Level 5 infraction. Before imposing a short term suspension, the Dean shall inform the student of the charges, and shall provide an explanation of the evidence. The Dean will also offer the student a chance to present his/her version of events. These procedures follow the due process requirements for short-term suspension set forth in the decision of the US Supreme Court in *Goss v. Lopez* (419 U.S. 565).

Before imposing a short-term suspension, the school shall immediately notify parents by telephone that the student may be suspended from school. Written notice of the decision to impose suspension shall also be provided within 24 hours by personal delivery or express mail delivery. Such notice shall provide a description of the student's conduct which led to the suspension and shall inform parents of the right to request an immediate informal conference with the Executive Director or the Director of School Culture. To the extent possible, such notice will be in the parent's dominant language or mode of communication.

The informal conference will 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. If School Leadership believes the suspension must be immediate, parents will be notified and asked to make prompt arrangements to pick up the student. If no one is available to pick up the child, s/he will remain with the Dean until dismissal.

If suspension is effective immediately, the informal conference will take place as soon as possible after the suspension.

Parents will be asked to meet with the Dean of Director of School Culture before the student returns to the building. Upon return, the student will be seated at a desk in front of the class for the first day back in the classroom.

The school's decision to impose a short-term suspension may be challenged by the parents in accordance with the charter school's complaint process.

Long Term Suspension (Six Days or More) or Expulsion

The school may impose a long-term suspension or may expel a student, if the Student is found guilty of a Level 5 Infraction at a suspension hearing before an impartial hearing officer. The hearing officer may be the Executive Director or her designee. The hearing will take place within five days of the initial suspension. If the family needs more time for any reason, the parent may request to reschedule the hearing, but the student will continue to receive alternative instruction until the hearing is completed.

Written notice of the scheduled hearing will provide parents with the details of the incident that gave rise to the suspension, the date and time of the suspension hearing, information about the student's right to have an attorney or advocate participate at the hearing, and information about the student's right to question witnesses and present evidence. The written notice will also include information about the alternative instruction the student will receive while suspended. To the extent possible, the notification shall be in the dominant language used by the parents.

At the hearing, the School will present evidence and witnesses to support the charges that are being reviewed and will also make a recommendation with respect to consequences. The student will also have an opportunity to present evidence and witnesses, to question the School's witnesses, and to provide a personal statement. The student's family may request a transcript or tape of the hearing record.

The hearing officer will first determine, based on the evidence presented, whether or not the student is guilty of a Level 4 or Level 5 violation of the Discipline Code. If the student is found guilty, the hearing officer will review the student's academic and disciplinary record, and parents and student will have an opportunity to present additional information relevant to the penalty. The hearing officer will make a recommendation regarding the penalty which may include long-term suspension or expulsion.

If the hearing is conducted by a designee of the Executive Director, the hearing officer's report shall be advisory only and the Executive Director may accept or reject all or part of it. The school's decision to impose a long-term suspension or expulsion may be challenged by parents in accordance with the charter school's complaint process

If the determination is appealed in accordance with the complaint process to the Board of Trustees, the Board will notify Parents of its final in writing. Such notice will include instructions regarding enrollment of the student in the City School District.

Appeal

If the Decision of the Trustees with respect to short-term suspension, long-term suspension or expulsion is not satisfactory to the family, Parents may appeal to the school's authorizer, NYSED, by emailing CharterSchools@nysed.gov or calling 518-474-1762.

Provision of Instruction during Removal

Amani will ensure that alternative educational services are provided to a child who has been suspended or removed. For a student who has been expelled, alternative instruction will be provided for up to ten days until the student enrolls in another school.

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, or a room at the school other than the regular classroom. 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 the student's teacher(s), a substitute teacher, an assistant teacher or a tutor hired for this purpose.

Additional services will be provided to students with disabilities, as described below.

Student Records

Amani 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.

Disciplinary Policy for Students with Disabilities

Students with disabilities have the same responsibilities as all other Amani students but they also have special protections in disciplinary matters. In order to assure these special protections, the school works closely with the Committee on Special Education (CSE) and the Section 504 Team of the Mount Vernon City School District.

If a student with an IEP or a Section 504 Plan is charged with a Level 5 infraction punishable by an OSS of more than ten days or a short-term suspension is considered which would bring the total number of suspension days to more than ten days during the school year, the School will refer the student to the CSE or the 504 Team for a Manifestation Determination Review (MDR). The MDR will take place after the suspension hearing (if the student is found responsible for the conduct which is the subject of the hearing) or before the tenth suspension day in a series of short term suspensions.

In order to ensure that a student with a disability is not removed from school on a series of short term suspensions for more than ten days during a school year, Amani will ask the CSE to review the IEP of any student who has had a series of short term suspensions totaling eight days over the school year. The CSE will be asked to conduct an MDR and, if the conduct is found to be a manifestation of the student's disability, to consider revising the student's behavior intervention plan or evaluating the student for a change of placement. In considering change of placement for a student referred because of disciplinary problems, the CSE will follow its ordinary policies with respect to parental notification and involvement

Consequences of the Manifestation Determination Review

If the MDR Team of the CSE or the Section 504 Team finds that there is a connection between the student's disability and the behavior that is the subject of the disciplinary proceeding, the School and the CSE or Section 504 Team will help Amani develop a plan to address the behavior, and the student will return to class.

If, however, the hearing officer who conducted the suspension hearing finds that the student violated the Discipline Code by bringing drugs or a weapon to school or by inflicting serious bodily injury on another person, the student may be removed from school for up to forty-five days, whether or not the conduct was related to the student's disability. The student will be provided with educational services in an interim (temporary) alternative educational setting (IAES) that is arranged by Amani in cooperation with the CSE.

If, the MDR team or the 504 Team determines that the student's conduct was not a result of his/her disability, the student may be disciplined in the same manner as a student without a disability.

Parents may request a hearing to challenge the manifestation determination or the IAES. The hearing will be conducted by an Impartial Hearing Officer appointed by the Mt. Vernon City School District. The student will remain in the current educational placement pending the determination of the hearing. If the student has been placed in an IAES for an offense relating to a weapon, drugs or a serious bodily injury, the child will stay in that 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 Amani agree otherwise.

The special protections, described in this section, may, under certain circumstances, be available for students who do not yet have an IEP or Section 504 Plan. Parents may ask for these protections if they or teachers at Amani requested a CSE evaluation or expressed concerns about a possibility of a disability before the misbehavior that resulted in the disciplinary action occurred. The protections will also be provided if an evaluation has been scheduled or a CSE review meeting is pending.

Students with disabilities have the following additional protections:

- If the student's IEP includes a Behavior Intervention Plan (BIP), the student will be disciplined in accordance with the BIP. If the BIP appears not to be effective, the School will refer the Student to the CSE for an updated functional behavioral assessment.
- If the CSE finds that behavior that is the subject of the disciplinary is a manifestation of the student's disability the School will work with the CSE to develop a plan for the student's immediate return to school and will conduct a new functional behavioral assessment for the purpose of revising the behavioral intervention plan;
- The School will also provide the parent of the student with a copy of the procedural safeguards notice and a notice of IDEA rights to students whose parents have expressed concern about possible disability.
- The School will work with the CSE to expedite evaluations of students who are suspected of having a disability.

- Alternative education provided during any suspension of a student with a disability will include any special services required by the Individualized Education Program (IEP) prepared by the Committee on Special Education (CSE).
- Alternative educational services during suspension will address the behaviors that led to the suspension and will be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and to achieve the goals of his or her IEP.

APPENDIX A
DISCIPLINE CODE

The following Discipline Code applies in school during school hours, on school property before and after school, while traveling on school buses, at all school-sponsored events, and anywhere in the community when the behavior of a student violates Amani core values and negatively affects Amani students or teachers.

Level 1: Off Task Behavior

1. Unprepared for class
2. Irrelevant topic of conversation during small-group discussion
3. Playing with supplies during instruction
4. Not tracking speaker
5. Head down or on hand
6. Not seated properly
7. Talking without permission during silent expectation
8. Non-Amani outerwear on during school day or shirt not tucked in
9. Gum chewing
10. Doodling

Level 2: Disruptive Behavior

1. Shaking desk or chair
2. Inappropriate voice level
3. Running in class or hallways
4. Electronics – electronic noises in classroom; use of electronics in classroom
5. Being in an unauthorized area
6. Leaving class without permission
7. Ignoring or refusing to respond to staff
8. High level blow up
9. Wearing inappropriate, insufficient, or disruptive clothing or attire, or violating the scholar dress code
10. Laughing at someone who is being disciplined
11. Conduct in violation of Amani values, including “double dipping,” doing work for another class while a lesson is being conducted, writing on board without permission

Level 3: Disrespect for Core Values

1. Vandalize school property causing minor damage
2. Engage in conduct which disrupts school or classroom activity or endangers or threatens to endanger the health, safety, welfare, or morals of other
3. Cheat on quizzes, exams, or commit plagiarism
4. 4. Steal, or attempt to steal, or possess property either known or suspected by the scholar to be stolen
5. Engage in gambling
6. Abuse school property or equipment
7. Use obscene or abusive language or gestures
8. Play fighting

Level 4: Disrespect to Others

1. Use of force or threats of force that reasonably place the victim in fear of imminent bodily injury
2. Engage in acts of verbal, physical, or sexual harassment
3. Hate Language: related to race, color, religion, religious practices, weight, disability, national origin, ethnic group, sexual orientation, sex, or gender (applicable to oral, written, or electronic communications, including texting, emailing and social networking)
4. Inappropriate touching
5. Bullying

Level 5: Dangerous or Violent Behavior

1. Possess tobacco, alcohol, or any illegal substance
2. Persistent harassment or bullying based on race, color, religion, religious practices, weight, disability, national origin, ethnic group, sexual orientation, sex, or gender (applies to oral, written or electronic communications as in 4.3).
3. Possess, use, attempt to use, or transfer of any firearm², knife, razor blade, explosive, mace, tear gas, or other object that can be used to inflict harm or threaten others
4. Commit, or attempt to commit arson on school property or intentionally create a risk of fire on school property
5. Intentionally assault any other scholar or staff member, whether or not a physical injury results
6. Assault of any other scholar or staff member causing serious bodily injury
7. Participate in a fight which is intended to cause injury to another or causes a significant risk of injury to another
8. Vandalize school property causing major damage
9. Make a false bomb threat or pull a false emergency alarm
10. Use or attempt to use tobacco, alcohol or any illegal substance in school, on school property, on buses or at any school function

² Firearm Violation: In the absence of special circumstances, Federal and New York law require 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. Amani may also expel a student for this offense. In addition, Amani will refer a student who has been determined to have brought a weapon or firearm to school to law enforcement for delinquency proceedings.