



Brilla Public Charter Schools Discipline Policy and Code of Conduct

Mission Statement

Brilla Public Charter Schools, K-8 schools in the Classical tradition, help students to grow intellectually, socially and physically into young men and women of good character and spirit, and to be prepared for excellence in high school, college and beyond.

Overview

Brilla Public Charter Schools are committed to maintaining a safe, supportive, and orderly environment for all students to foster student well-being, growth and academic success. Together, all members of the school community create and sustain a culture that conduces to student success and wellbeing. Accordingly, Brilla Public Charter Schools' Discipline Policy and Code of Conduct provides a description of conduct that meets the standard of behavior expected from all Brilla community members. It includes ranges of support, intervention and possible disciplinary actions that schools may use to address misconduct.

The expectations, responses and procedures outlined in this document apply to all Brilla Public Charter Schools.



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Introduction

Brilla Public Charter Schools are committed to preparing students “for excellence in high school, college and beyond.” Brilla’s curriculum and instructional philosophy are rooted in cultivating in students a deep appreciation for virtue. Brilla has high expectations for student behavior and academic work and maintains a school environment where students are encouraged to embrace virtue within a safe, structured environment. Accordingly, Brilla Schools take a proactive approach to classroom management and responsiveness, prioritizing and upholding the dignity of all members of the school community. This nurtures a school environment that honors collegiality, friendship, respect, and shared responsibility -- encouraging good choices, minimizing impediments to learning, and diminishing the necessity for punitive action. This structure encourages active student engagement with learning, provides intrinsic motivation, and establishes foundations for enduring change in student behavior and reflection.

Brilla’s approach to classroom management fosters a culture where students feel safe and welcomed. Clear and engaging content, tight systems and procedures, strong relationships between staff and students, and clear expectations contribute to student and classroom success. When students make poor choices, clear and logical consequences provide them with the opportunity to learn from their mistakes. Staff are expected to be fair, consistent, and dignified when addressing students’ poor choices or harmful behavior in order to encourage these important lessons.

Family Partnership

Brilla recognizes the unique role families play as the first educators of their children; their partnership in the formation of virtue and good character in students is critical to the success of Brilla’s educational mission. Together with faculty and staff, families directly contribute to maintaining a safe and orderly learning environment. School staff maintain direct and open communication with families about their children’s performance, including behavior. Families are expected to work in cooperation with the school to help address behavioral concerns. Parents are encouraged to communicate with the school about any concerns that may affect their children’s behavior, and help school staff to develop targeted strategies that may be helpful for their children.

Communication with families may include phone calls, written communication, or in-person or virtual meetings. All staff members are provided with a Brilla email and phone number to be shared with families and are expected to return communication to families within one business day. To support active family engagement, the school will provide translation services when appropriate. Families who would like to discuss support for their students should contact their children’s teacher or a member of the school leadership team.

Promotion of Positive Student Behavior

Brilla Public Charter Schools support students' development of virtue and social-emotional regulation. Students are consistently and warmly welcomed into the building and classrooms by adults. Each day begins with a school-wide morning meeting, including routines such as the Cardinal virtues chant, other chants or songs, and activities to recognize the achievements of members of the community. Principals and teachers have a system of explicit routines and procedures so that students know what to expect and do throughout the day.

Brilla incorporates a robust Character Initiatives program into the daily routine, including daily community and social-emotional learning (SEL). Social-emotional learning helps students to 1) recognize and manage their emotions, 2) build relationships with their peers, 3) make responsible decisions, and 4) demonstrate resilience when handling challenging situations.

A Multi-Tiered System of Support (MTSS) program provides additional support to assist students to develop a sense of responsibility to their community. These systems may include, but are not limited to, the following:

- **Recognition and celebrations** - *to celebrate student achievement and progress*
- **Rituals and Traditions** - *to foster a sense of community and belonging*
- **Character Initiatives programming** - *to develop understanding of virtue and SEL*
- **SEL-Informed Report Card Components** - *to allow for families to monitor student growth*
- **Observation of students** - *to determine antecedents and functions of behavior*
- **Individualized Behavior Plans** - *to target specific student goals*
- **Counseling Referral** - *to encourage students identified as "at-risk"*
- **Special Education Referral** - *to provide conditions for academic success and satisfaction*

Behavioral Interventions and Consequences

Brilla Public Charter Schools embrace community, restorative practices, and reconciliation. Each person is responsible for their actions and the impact on self and others. When there is a violation of behavioral expectations or the Code of Conduct, reactive strategies are applied. Consequences are designed to help students recognize harmful behavior, teach them alternative choices, promote positive behavioral choice, and protect themselves or other members of the community from disruptions or danger. Whenever possible, disciplinary responses provide opportunities for reflection and reconciliation and seek to sustain the work of learning. Students who misbehave are encouraged to understand the impact of their actions, provided with opportunities to be heard and understood, guided to repair harm done, and welcomed back (restored) to the community.

The school has a range of behavioral interventions and disciplinary responses that are available when a student acts inappropriately. These responses are explained in the Levels of Disciplinary



Responses within this document. Behavioral Interventions and Disciplinary Responses are defined on pages 7-9.

Brilla Schools Code of Conduct

Brilla Public Charter Schools' Code of Conduct ("Code") provides clear behavioral expectations for students. Brilla's discipline system recognizes students for positive behavior, while ensuring that appropriate disciplinary action is taken when students do not abide by the Code.

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

- A disciplinary offense may occur:
 - at school, whether remote or in person, and/or on school grounds;
 - in a school-sponsored activity, whether remotely or in person;
 - walking to or from school or a school-sponsored event;
 - walking to or from, waiting for, or riding on school-provided or district-provided transportation; or
 - walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored activity conducted off school grounds.
- School-related disciplinary offenses may include misconduct outside the school, including texting, e-mailing and/or activity on social media, when such behavior can be demonstrated to be detrimental to the school learning environment or to endanger any member of the school community.

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

- The student's age and maturity level;
- The nature and seriousness of the behavior and the circumstances/context in which the behavior occurred;
- The student's disciplinary record;
- The effectiveness of other forms of discipline;
- Information from parents/guardians, teachers and/or others, as appropriate;
- The student's Individualized Education Plan (IEP), Behavioral Intervention Plan (BIP), and/or 504 Plan, if applicable;
- The student's attitude; and
- Other relevant considerations.

When a student does not meet behavioral expectations and violates the Code of Conduct, clear disciplinary action will be taken as further described below.

When required, school administration will contact law enforcement authorities.

Levels of Behavior and Range of Consequences

The following chart of infractions is not exhaustive but provides examples of violations of the Code that may result in disciplinary action. The chart may be modified or supplemented by Brilla Public Charter Schools with notice to students and families.

LEVEL	INFRACTION	RESPONSES/CONSEQUENCES
Level 1	<p>UNCOOPERATIVE/NONCOMPLIANT BEHAVIOR</p> <ul style="list-style-type: none"> ● Non-cooperation/refusing to follow directions ● Refusing to complete assigned work ● Off task/Talking/Singing/Joking/Calling Out in class; creating disruption that interrupts instruction ● Dress Code violation ● Defying authority or disobeying directive of school personnel ● Leaving seat without permission ● Abuse of hall pass (water fountain, bathroom, main office, nurse) ● Inappropriate language (cursing) not directed at someone 	<ul style="list-style-type: none"> ● Detention/Missed recess ● Confiscation of distracting items (to be returned at end of day) ● Loss of privileges ● Community Service within school ● Family Contact from a teacher
Level 2	<p>DISORDERLY BEHAVIOR</p> <ul style="list-style-type: none"> ● Engaging in rude, disrespectful, or lewd behavior/gestures/expressions ● Horse play/rough housing in class, hallway, or bathroom ● Using school computers, fax machines, telephones, or other electronic equipment or devices without appropriate permission or not in accordance with school policy ● Lying to, giving false information to, and/or misleading school personnel ● Petty theft ● Academic dishonesty of any type, including cheating, copying or sharing work/homework or plagiarism 	<ul style="list-style-type: none"> ● Parent/Teacher Conference ● Family Contact from a school leader ● Loss of privilege ● Loss of recess ● Detention ● Buddy classroom assignment ● Separate lunch seat (if infraction occurs at lunch)

	<ul style="list-style-type: none"> ● Engaging in vandalism, graffiti, or other intentional damage to school property or property belonging to staff, students, or others ● Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability ● Skipping class ● <u>Repeated Level 1 infractions</u> 	<ul style="list-style-type: none"> ● Community Service within school ● Short-Term In-School Suspension ● Short-Term Out-of-School Suspension ● Long-Term Out-of-School Suspension
<p>Level 3</p>	<p>INJURIOUS/HARMFUL/DANGEROUS BEHAVIOR</p> <ul style="list-style-type: none"> ● Making a violent threat toward student or staff ● Bullying, harassment, cyberbullying ● Bringing items that can be construed as weapons to school or school-related event; using items that can be construed as weapons on school grounds or at school related events. ● Creating a substantial risk of serious injury or causing injury by either recklessly engaging in behavior, and/or use of an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer) ● The possession, use, or sale of any drugs, alcohol, nicotine, or any associated paraphernalia (e.g., a vape or rolling papers) ● The possession, use, or sale of controlled substances or prescription medications without appropriate authorization ● Engaging in gang-related hand gestures, phrases, paraphernalia, dangerous or violent behavior ● Engaging in physically aggressive or threatening behavior ● Engaging in Sexual harassment (verbal or gestured); physical sexual aggression/compelling or forcing another to engage in sexual activity ● Engaging in sexual conduct or making sexually suggestive comments, or engaging in nonverbal or physical conduct of a sexual nature ● Gambling ● Starting a fire ● Falsely activating a fire alarm or other disaster alarm ● Using force to take or attempt to take property belonging to another 	<ul style="list-style-type: none"> ● Parent/Teacher Conference ● Family/Leader Meeting ● Family Contact from a leader ● Community Service within school ● Short-Term In-School Suspension ● Short-Term Out-of-School Suspension ● Long-Term Out-of-School Suspension ● Expulsion

	<ul style="list-style-type: none"> ● Using force against, inflicting, or attempting to inflict serious injury against school personnel, students, or others ● Possessing, displaying, or selling any weapon ● Instigating, or participating with another or others, in an incident of group violence ● Using any weapon to threaten or to attempt to inflict injury upon school personnel, students, or others ● <u>Repeated Level 2 infractions</u> 	
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Glossary of Behavioral Interventions and Disciplinary Responses

Behavioral Interventions

- **Collaborative and Proactive Solutions (CPS):** Dr. Ross Greene’s CPS is a student-driven, problem solving approach. During these meetings, staff and students collaborate to discuss a student’s challenges and brainstorm potential solutions. Any staff member trained in CPS may lead this meeting. CPS meetings can be scheduled as needed.
- **Observation/Feedback:** In addition to observations and feedback from campus-based leadership, teachers may request targeted feedback from other teachers or the student services staff. Observations by student services staff may include a Functional Behavioral Analysis (FBA), and/or an informal academic evaluation.
- **Behavior Intervention Plan (BIP):** An individualized support plan for a student that builds students’ self-regulation skills by targeting a specific behavior and incrementally rewarding students’ progress toward their goal.
- **Counseling Referral:** Counseling can occur for non-mandated students on an at-risk basis. Teachers may refer a student to the counselor for such services by submitting a counseling referral form. Families may also initiate a counseling referral.
- **Special Education Referral:** A student who presents with academic challenges or gaps in logical understanding or self-regulation that impede their ability to successfully navigate academic components of school may be referred to the Committee on Special Education. Teachers may reach out to the Student Services Leader if they believe a referral is necessary.

Disciplinary Consequences and Interventions

- **Verbal Warning:** Students are informed that their conduct is not conducive to individual or community learning and are warned not to continue the conduct. Continuing the conduct will result in more severe consequences. Students should receive multiple verbal and non-verbal redirections for support as needed.
- **Cool-down:** Used primarily in the elementary grades, students take a “break” by going to a designated part of the room or to another classroom to complete their assigned work

and reflect on their actions. The length of a cool down varies from grade to grade and is also based on the context preceding it.

- **Parent Contact:** Teachers or leaders will call family members to inform them of the incident, including precipitating events, the student's behavior, attempted interventions, and potential future strategies to support the student at school and at home.
- **Reparations:** In order to reinforce the idea that harmful behavior affects others, students may be asked to compensate those affected by their harmful behavior, or otherwise redress the situation. For example, a student may be required to clean or paint over vandalism, clean soiled areas, replace damaged property, or perform community service.
- **Withdrawal from Classroom:** If a student repeatedly disrupts the learning environment, the student may be removed from class at the discretion of the school leadership until the student is able to participate in the classroom activity. The student will be sent to another classroom, until instructed to return to class. Contact with different staff members provides the student with the opportunity to stop harmful behavior, reflect on actions, and return to class ready to be a productive member of the learning community.
- **Parent Conference/Conversations:** Parents or guardians are integral partners in supporting a child who is struggling in school socially or academically. By coordinating strategies to support students, the likelihood of successful disciplinary action is increased and confusion avoided. Teachers and staff members will communicate via phone, email, or by meeting to coordinate, cooperate, and keep families informed of student behavioral progress.
- **Behavior Contract:** A behavior contract may be developed for students who regularly violate behavioral expectations and require consistent monitoring to modify their behavior. The behavior contract will clearly describe expected behaviors for the student and a parent or guardian will be required to sign the document. Students will keep the contract with them each day and have it signed by their teachers during the day. The contract will be reviewed on a regular basis to determine whether it is still necessary.
- **Loss of Privileges:** Students who continue to exhibit harmful behaviors may face the loss of privileges, including access to extracurricular programs, special events, and ceremonies. Examples may include: missing Roosting Rally, missing electives, assigned classroom seating, or transitions with a teacher. Students will not be punitively removed from intentional learning experiences, such as field trips, experiments, recess, and FAA unless a documented safety concern requires it and an equivalent learning experience is provided.
- **Short-Term In-School Suspension:** A short-term suspension (in-school or out-of-school) refers to the removal of a student from the Brilla school community for disciplinary reasons for a period of ten (10) days or less. During an in-school suspension, a student will remain in school for the entire day but will receive instruction in a separate location. Procedures for short-term suspensions are set forth below.
- **Short-Term Out-of-School Suspension:** A short-term suspension (in-school or out-of-school) refers to the removal of a student from the Brilla school community for disciplinary reasons for a period of ten (10) days or less. All students serving an

out-of-school suspension of any length will receive alternative instruction, as described below. Procedures for short-term suspensions as set forth below.

- **Long-Term Out-of-School Suspension:** A long-term suspension refers to the removal of a student from the Brilla school community for disciplinary reasons for a period of more than ten (10) days. During a long-term out-of-school suspension, a student will receive alternative instruction, as described below. Procedures for long-term out-of-school suspensions are set forth below.
- **Expulsion:** Expulsion refers to the permanent removal of a student from Brilla Schools for disciplinary reasons. Alternative instruction will be provided to a student who is expelled as described below. Procedures for expulsion are set forth below.

Procedures and Due Process for Short-Term Suspension

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

The Principal may impose a short-term suspension and shall follow due process procedures consistent with applicable federal case law. In instances where the suspension is from 5-10 days, the Principal must seek approval from the Assistant Superintendent. In cases where the student has an IEP or a 504 Plan or for whom the school has knowledge of a disability, the Principal must get approval from the Director of Student Services prior to issuing a suspension.

Before imposing a short-term suspension, the Principal shall notify the student orally of the charges against him or her. The Principal will provide an explanation of the evidence against the student. The student shall be given an opportunity to deny or explain the charges. If the Principal decides to proceed with the short-term suspension, he or she will notify the parent(s) or guardian(s) that the student is being suspended from school and will ask to meet with them to explain the cause for suspension. The written notice of suspension shall be provided by personal delivery or express mail delivery within 24 hours of the suspension decision, to the last known address(es) of the parent(s) or guardian(s). Notification also shall be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parent(s) or guardian(s).

The short-term suspension notice shall provide a description of the incident for which suspension is proposed. Both the notice and conference shall be in the dominant language or mode of communication used by the parent(s) or guardian(s). At the conference, the parent(s) or guardian(s) of the student shall have the opportunity to present objections to the disciplinary action and to ask questions under such procedures as the Principal may establish.

An appeal of the decision of the Principal to impose a short-term suspension may be made by following Brilla's grievance process (see below).

Procedures and Due Process for Long-Term Suspensions or Expulsion

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

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

- The student shall be removed from the class or the school, as needed.
- The student shall be informed of the charges and the evidence for those charges and the student will have the opportunity to explain his or her side of the events.
- The Principal shall immediately notify the parent(s) or guardian(s) of the student, in person or on the phone.
- The Principal shall provide written notice, by personal delivery or express mail, to the student and his or her parent(s) or guardian(s), that the school is going to commence a disciplinary hearing, as soon as feasible, to the last known address of the parent(s) or guardian(s). Such notice shall provide a description of the incident which resulted in the suspension and shall state that a formal hearing will be held on the matter which may result in a long-term suspension or expulsion. The notification provided shall be in the dominant language used by the parent(s) or guardian(s) if it is known to be other than English. The notice will state that at the formal hearing, the student shall have the right to be represented by counsel, present and question witnesses, and present and challenge evidence.
- The School will set a date, time, and place for the formal hearing, which shall be set forth in the written notice described above.
- An audio recording of the formal hearing will be created and made available to all parties upon request.

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

An appeal from the written decision may be made to the Brilla Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board within ten (5) calendar days of the date of the written decision, unless the parent(s) or guardian(s) can show that extraordinary circumstances



prevented them from doing so. Appeals may be submitted via email to brillaboard@brillaschools.org or by letter sent to:

ATTN: Brilla Board of Directors
Brilla Schools Network
441 E. 148th Street
Bronx, NY 10455

The Board of Trustees will issue a written decision within ten (5) business days of receiving the appeal. Final decisions of the Board of Trustees may be appealed to the School's authorizer:

Appeals must be submitted in writing and include a written copy of the school board's decision along with the complaint. The SUNY Formal Complaint Form should be completed and emailed along with the school board's decision to Charters@suny.edu or by U.S. Postal Service to the SUNY Charter Schools Institute at:

H. Carl McCall SUNY Building
353 Broadway
Albany, NY 12246

Provision of Instruction During Removal

Brilla Public Charter Schools will ensure that alternative educational services are provided to a student who has been suspended or removed to help that student progress in the general curriculum of Brilla Public Charter Schools. Alternative instruction for suspended students will be of sufficient duration to enable a student to cover all class material, take all tests and quizzes, keep pace with other students, and progress to the next grade level. All suspended students are entitled to receive alternative instruction commencing within 24 hours of the suspension or expulsion. Alternative instruction dates and times will be listed on the student's suspension letter. All students will be provided with a minimum of two hours per day of alternative instruction.

For a student who has been expelled, alternative instruction will be provided in like manner as a suspended student until the student enrolls in another school or until the end of the school year, whichever comes first.

Instruction will take place at the school, in a small group pull out space/classroom or office. One or more of the following will provide instruction: teacher, leader, teacher aide, or a tutor hired for this purpose. Please note that whoever administers this instruction will meet all certification requirements as stipulated in Section 2854(3)(a-1) of the New York State Education Law.

Discipline for Students with Disabilities

In addition to the disciplinary procedures applicable to all students, the following procedures are applicable to students with disabilities. A student not specifically identified as having a disability but about whom the charter school, prior to the behavior that is the subject of the disciplinary action, has a basis of knowledge – in accordance with 34 C.F.R. § 300.534 – that a disability exists shall also be disciplined in accordance with these provisions. Brilla Public Charter Schools shall comply with Sections 300.530-300.536 of the Code of Federal Regulations and the following procedures, except that in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations shall govern.

Brilla Public Charter Schools shall maintain written records of all suspensions and expulsions of students with disabilities including the name of the student, a description of the relevant behavior, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

Students whose IEP includes a Behavioral Intervention Plan (BIP) will be disciplined in accordance with the BIP. If the BIP appears not to be effective or if there is a concern for the health and safety of the student or others if the BIP is followed with respect to the infraction, the matter will immediately be referred to the appropriate Committee on Special Education (CSE) for any consideration of changes.

A student identified as having a disability shall not be suspended for a total of more than ten days during the school year without the specific involvement of the CSE of the student's district of residence prior to the eleventh day of suspension; 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.

Brilla Public Charter Schools will ensure that the special education teacher and/or Assistant Principal - Student Services will attend all meetings regarding their students initiated by the CSE of the student's district of residence. These meetings could be relating to the development and implementation of behavioral intervention plans, initial referrals, change in service, annual reviews, or Manifestation Determination Reviews (MDRs), among other things.

Provision of Services During Removal

Brilla Public Charter Schools will place students in an interim alternative educational setting as appropriate and mandated by 34 C.F.R. §§ 300.530 and 300.531.

Students removed for a period of ten or fewer cumulative days during the school year will receive all classroom assignments and a schedule to complete such assignments during the time of their suspension. Provisions will be made to permit a suspended student to make up

assignments or tests missed as a result of such suspension. The School also shall provide alternative instruction to assist the student, so that he or she is given full opportunity to complete assignments, including additional instruction, 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, according to the CSE, constitute a change in placement, instructional services must be provided to the extent determined necessary to enable the student to progress appropriately in the general curriculum and in achieving the goals of his or her IEP. In these cases, school personnel, in consultation with the student's special education teacher, shall make the service determination.

During any subsequent removal that, according to the CSE, 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 progress appropriately in the general curriculum and in achieving the goals of his or her IEP. The CSE of the student's district of residence will make the service determination.

During any removal for drug, weapon, controlled substance, and/or seriously bodily injury offenses pursuant to 34 C.F.R. § 300.530(g), services will be provided to the extent necessary to enable the student to progress appropriately in the general curriculum and in achieving the goals of his or her IEP. These service determinations will be made by the CSE of the student's district of residence.

Additional Due Process (MDR)

If discipline that would constitute a change in placement is contemplated for any student with a disability, the following steps shall be taken: (1) no later than the date on which the decision to take such action is made, the parent(s) or guardian of the student with a disability shall be notified of that decision and provided the procedural safeguards notice described in 34 C.F.R. § 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 student's disability and the behavior that is the subject of the disciplinary action.

If, upon review, it is determined that the student's behavior was a manifestation of the disability, the student will be permitted to return to school immediately, in lieu of beginning or completing the period of suspension, except as provided in 34 C.F.R. § 300.530(g); a functional behavioral assessment (FBA) must be conducted (unless an FBA was conducted before the behavior that resulted in the change of placement occurred) and a BIP must be implemented for the student, or the existing BIP must be reviewed and modified as necessary to address the behavior. If it is determined that the student's behavior was not a manifestation of disability,

then the student may be disciplined in the same manner as a student without a disability, except as provided in 34 C.F.R. § 300.530(d), which relates to the provision of services to students with disabilities during periods of removal.

A student's parent(s) or guardian(s) may request a hearing to challenge an interim alternative educational setting or a manifestation determination by appealing the decision. If a parent or guardian requests a hearing to challenge an interim alternative educational setting or a manifestation determination, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in the disciplinary action resulting in a disciplinary change in placement that would exceed ten (10) consecutive school days, including a disciplinary change in placement relating to drug, weapon, controlled substance, and/or serious bodily injury offenses, whichever occurs first, unless the parent or guardian and the School agree otherwise.

“Deemed to Know” Students and Students with a Section 504 Plan

A student who has not been determined to be eligible for special education and related services is entitled to all of the protections provided under federal law for students with disabilities if, before the incident that led to the disciplinary action occurred, the school is “deemed to have knowledge” that the student was a student with a disability, in accordance with 34 C.F.R. § 300.534.

With regard to disciplinary actions, including suspension or expulsion, the rights of charter school students with disabilities under Section 504 of the Rehabilitation Act of 1973 (Section 504) are essentially the same as the rights of charter school students with disabilities under the Individuals with Disabilities Education Act, as described above, with minor differences in procedures depending upon the governing law and regulations. However, for a student who receives Section 504 accommodations, the School's Section 504 team, rather than the CSE of the student's district of residence, is responsible for conducting the manifestation determination review in connection with any significant disciplinary change in placement, in accordance with the requirements of Section 504.

When addressing discipline for students with disabilities, including students with Section 504 plans or those students for whom the School is “deemed to have knowledge,” Brilla Public Charter Schools will comply with applicable legal requirements governing the discipline of a student for misconduct.

Compliance with the Child Find Requirements of IDEA

Brilla Public Charter Schools will comply with the federal Child Find requirements (34 CFR §300.111), which require schools to have in place a process for identifying, locating, and evaluating students with disabilities. Students enrolling for the first time in a New York public school will be screened by a team of teachers (including both regular and special education

teachers) to identify any possible indication that the child may need a specialized or Individualized Education Program, or referral to the CSE of the student's district of residence. Other students will be brought to the attention of the team if they are demonstrating any problems within the regular classroom environment. Strategies will then be implemented to address any identified special needs of the student. Should the problems persist and a disability is suspected, the student will be referred to the CSE of the student's district of residence for an evaluation.

Non-Discrimination

Brilla Public Charter Schools welcome all students equally and discriminatory treatment based on race, color, national origin, disability status, sex, sexual orientation, religion, or any other characteristic protected by local, state, or federal law will not be tolerated. Anyone who feels that he or she has been treated differently on any such basis should speak with a social worker, who will apprise the Principal of all reports. Anyone who raises any concerns of discrimination on any basis will be free from retaliation for raising such a concern.

Dignity for all Students Act Policy

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

Policy Definitions:

"School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section 142 of the vehicle and traffic law.

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

"Harassment" and *"Bullying"* shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm

to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, or sex. For the purposes of this definition the term "threats, intimidation, or abuse" shall include verbal and non-verbal actions.

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

Students' Rights

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

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

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

This includes written and/or verbal harassment or bullying which materially and substantially disrupts the work and discipline of the school and/or which school officials reasonably forecast as being likely to materially and substantially disrupt the work and discipline of the school.

Dignity Act Coordinator (DAC)

Brilla Charter School Network has designated the Operation Coordinator at each of our Brilla Charter School Network schools to serve as the Dignity Act Coordinator (DAC) for that campus. The DAC is



trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

The names and contact information for the DACs are posted on the school's website and are as follows.

Brilla Caritas – Andrew Morris/ andrew.morris@brillacaritas.org / (646) 342-4056
Brilla College Prep Elementary – Ivelisse Sosa/ Ivelisse.Sosa@brillacollegeprep.org / (646) 581-1090
Brilla College Prep Middle – Mayra Torres Cruz/ mayra.torres@brillacollegeprep.org / (347) 867-5339
Brilla Pax – Ismael Guadalupe/ Ismael.guadalupe@brillapax.org / (929) 423-6377
Brilla Veritas Elementary – Andrew Richards/ Andrew.richards@brillaveritas.org / (929) 989-5400
Brilla Veritas Middle – Gisell Sierra/ gisell.sierra@brillaveritas.org / (917) 923-1413

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

Reporting and Investigating

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

The Principal shall promptly investigate the complaint and take appropriate action, including as necessary, referral to the next level of supervisory authority (e.g., the Assistant Superintendent, Head of School, or the Board of Trustees) and/or other official designated by the Board to investigate allegations of harassment, bullying, or discrimination. When an investigation reveals any such verified harassment, bullying, or discrimination, the School will take prompt actions that are reasonably calculated to: end the harassment, bullying, or discrimination; eliminate any hostile environment; create a more positive school culture and climate; and prevent recurrence of the behavior. Any such actions shall be consistent with Brilla's Code of Conduct. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that the harassment, bullying, or discrimination has not resumed and that those involved in the investigation of allegations of harassment, bullying, or discrimination have not suffered retaliation.



The Principal shall provide a report on data and trends related to harassment, bullying, and/or discrimination to the Head of Schools at least once during each school year.

Material incidents of harassment, bullying, and/or discrimination will be reported to the State Education Department as required by law.

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

No Retaliation

Brilla Public Charter Schools prohibit any retaliatory behavior directed against complainants, victims, witnesses, and/or any other persons who participate in the investigation of allegations of harassment, bullying, or discrimination. All complainants and those who participate in the investigation of a complaint in conformity with state law and School policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Distribution of Policy

Brilla Public Charter Schools shall distribute a written or electronic copy of this Policy to all employees, students, and parents/guardians at least once during every school year.

Inquiries, Searches, and Seizures

Student Interview and Searches

School staff may question or interview students and/or take statements from students regarding violations or potential violations of the Code of Conduct without the consent or presence of parents or legal guardians, unless otherwise required by law.

Searches of School Property

The School exercises overriding control over all school property, including school lockers, cubbies, desks, or other school storage places, which may be opened and subjected to inspection at any time by school officials.

Searches of the Person

The School authorizes the Instructional Leader and/or Operations Leader 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 property or attending a School Function. An authorized school official may search a student or the student's belongings based upon reasonable suspicion, in the official's sole discretion.

When possible, before searching a student or the student's belongings, the authorized school official shall ask the student if he or she is in possession of physical evidence that they violated the law or the school Code; they may request the student to consent to the search. Searches will be limited in scope to that which is necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices with more than one witness present, and students will be present when their possessions are being searched.

DEFINITIONS

For purposes of the Code, the following definitions apply:

- 1) "Parent" means the parent, guardian, or person in a parental relationship to a student.
- 2) "School Property" means on or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public school, or in or on a School Bus.
- 3) "School Bus" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers, and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers, and other persons acting in a supervisory capacity to or from school or school activities..
- 4) "School Function" means any school-sponsored curricular or extracurricular event or activity, whether on School Property or elsewhere.

Gun Free Schools Act Policy

Federal and state laws require the expulsion from School for a period of not less than one year of a student who is determined to have brought a firearm to the School, or to have possessed a firearm at school. The Executive Director may modify such expulsion requirements for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended).



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

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

The Executive Director shall refer to the criminal justice or juvenile delinquency system any student who brings a firearm or weapon to the school. “Weapon” as used in this context shall mean any weapon, device, instrument, material, or substance that is used for or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and half inches in length.