



Brilla Public Charter Schools Code of Conduct

Overview

Brilla Public Charter Schools is committed to maintaining a safe, supportive and orderly environment for all students to ensure students' well-being, growth and academic success. Full participation of all members of the school community - staff, administrators, students and families - is necessary to ensure such an environment is created. Each member of the school community must know and understand the standards of behavior expected of them in school and the resulting response when expectations are not met. Brilla Public Charter School's Code of Conduct provides a description of conduct that meets the standard of behavior expected from all Brilla community members, and it outlines conduct that does not meet those standards. 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 ensuring students are “prepared for excellence in high school, college and beyond.” Brilla’s curriculum and instructional philosophy is rooted in cultivating a deep appreciation for good virtue in our students. As such, the school has very high expectations for students’ behavior and academic work. Brilla fosters an environment where students act appropriately at all times and are always within a safe, structured environment to ensure that students grow academically and socially. The school takes a preventive and proactive approach to classroom management and responsiveness, to ensure the dignity of all students is upheld and prioritized. This facilitates a school environment grounded in strong relationships, respect, and co-responsibility -- all of which increase the likelihood of good choices, limit obstacles to learning, and diminish the necessity of consequences or punitive actions. This structure is intended to put the thinking on students, to make them owners of their learning and choices, to ensure students are intrinsically motivated, and to bring about lasting change in student behavior and reflection.

Brilla Schools’ approach to culture, includes an approach to classroom management and responsiveness that fosters a culture where all students feel safe and welcomed. Clear and engaging content, tight systems and procedures, strong relationships between staff and students, clear expectations, and teacher taxonomies are used proactively to ensure student and classroom community success. When students make a choice misaligned with Brilla’s expectations, logical consequences are enacted to ensure the student is aware of and has the opportunity to learn from the impact of their choices.

All school faculty and staff affirm clear and consistent expectations for student behavior to ensure an environment that is orderly, safe and respectful. Staff are expected to be fair, consistent and dignified when addressing students' poor choices or harmful behavior to ensure that students learn from their mistakes and the behavior is mitigated.

Family Partnership

Brilla recognizes the unique role families play as the first educator of their child and the critical nature of their partnership in the formation of virtue and good character in students. Together with school staff and students, families help to ensure a safe and orderly learning environment for all students. School staff are expected to be in communication with families about their child’s progress, including behavior. Families are expected to work in partnership with the school to help address the student’s behavior. Parents are encouraged to discuss with the school any concerns or issues that they may have that may be affecting their child’s behavior, as well as strategies that may be effective with their child.

Outreach to families may include phone calls, written communication or an in-person or virtual meeting. 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 ensure that families are actively engaged and supported in their partnership, the school will



provide translation services to communicate with a family in their preferred language. Families who would like to discuss support for their student should first contact their child's teacher or, if necessary, a member of the school-based leadership team.

Families should familiarize themselves with Brilla Public Charter School's Code of Conduct. In the event a student violates the Code of Conduct, the principal or principal's designee must inform the family. When a student is believed to have committed a crime, the principal or principal designee must contact both the police and family.

Proactive Measures to Promote Positive Student Behavior:

Brilla Public Charter Schools proactively 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 students and adults. Principals and teachers have a system of explicit routines and procedures so that students know what to expect and do at every point in the day.

Brilla incorporates a robust Character Initiatives program throughout the school day, including daily community and social-emotional learning (SEL), to support students. 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 a challenging situation. A Multi-Tiered System of Support (MTSS) program is also used when additional support is needed for students to feel responsible 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 targeted toward specific student goals**
- **Counseling Referral** - *for students identified as "at-risk"*
- **Special Education Referral**

Description of School's Disciplinary Policy

Brilla Public Charter Schools believe deeply in community, restorative practices and reconciliation. Each person is responsible for their actions and the impact on self and others. When a violation of expectations or Code of Conduct occurs, 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. Regardless of the type of infractions, all



consequences will include opportunities for reflection and reconciliation to maintain connections with learning and the school community. The person(s) who caused harm has a chance to truly understand the impact of their actions, to be heard and understood themselves, to repair the harm, and to be welcomed back (restored) to the community.

The school has a range of disciplinary responses that can be used when a student demonstrates inappropriate behavior. These responses are explained in the Levels of Disciplinary Responses within this document. Behavioral Interventions and Responses are defined on pages 7-9.

Code of Conduct

Brilla Public Charter Schools' Code of Conduct ("Code") ensures that students know what is expected of them at all times. Brilla has developed a school-wide discipline system that recognizes students for positive behavior, while ensuring that appropriate disciplinary action is taken when students do not adhere to 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 itself.

- A disciplinary offense may occur while the student is:
 - at school, whether remote or in person, and/or on school grounds;
 - participating 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 also include misconduct outside the school, including texting, e-mailing and/or activity on social media, when such behavior can be demonstrated to negatively affect the school learning environment or to endanger any member of the school community or the school community itself.

School administration will use their professional judgment in determining which disciplinary action(s) will be most effective in dealing with the student's misconduct, taking into account the following factors:

- 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 previous 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 factors.

When a student does not meet behavioral expectations and a violation of the School's Code has occurred, clear and consistent disciplinary action will ensue, and other consequences as further described below.

When required, school administration will contact law enforcement authorities.

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 extra-curricular event or activity, whether on School Property or elsewhere.

Levels of Disciplinary Response

The following chart of infractions is not exhaustive but provides examples of violations of the Code that may result in disciplinary consequences.

LEVEL	INFRACTION	POTENTIAL RESPONSE/CONSEQUENCE
Level 1	<p>UNCOOPERATIVE/NONCOMPLIANT BEHAVIOR</p> <p>Examples:</p> <ul style="list-style-type: none"> ● Refusing to follow directions ● Refusing to complete assigned work ● Off task/Talking/Singing/Joking/Calling Out in class that creates disruption that interrupts instruction ● Dress code violation ● Defying or disobeying the lawful authority or directive of school personnel ● Out of seat without permission ● Abuse of hall pass (water fountain, bathroom, main office, nurse) ● Inappropriate language (cursing) not directed at someone 	<p><u>Possible Consequence(s):</u></p> <ul style="list-style-type: none"> ● Detention/Missed recess*¹ ● 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> <p>Examples:</p> <ul style="list-style-type: none"> ● Engaging in verbally rude, disrespectful, lewd behavior or gestures ● 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 to school policy ● Lying to, giving false information to, and/or misleading school personnel ● Academic dishonesty of any type, including cheating, copying or sharing work/homework or plagiarism ● Engaging in vandalism, graffiti, or other intentional damage to school property or property belonging to staff, students, or others 	<p><u>Possible Consequence(s):</u></p> <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)

¹ "A student shall not be denied recess for any reason, except as a consequence of a violation of the district's code of student conduct, including a harassment, intimidation, or bullying investigation pursuant to P.L.2002, c.83 (C.18A:37-13 et seq.). If a student is denied recess, except under conditions set forth in subsection b. of this section, the student shall be provided restorative justice activities during the recess period. A student may not be denied recess more than twice per week."

	<ul style="list-style-type: none"> ● 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, etc. ● Elopement from class ● <u>*Repeated Level 1 infractions</u> 	<ul style="list-style-type: none"> ● Community Service within school ● In School Suspension ● Out of School Suspension
<p>Level 3</p>	<p>AGGRESSIVE OR INJURIOUS/HARMFUL BEHAVIOR AND/OR SERIOUSLY DANGEROUS OR VIOLENT BEHAVIOR</p> <p>Examples:</p> <ul style="list-style-type: none"> ● Making a threat toward student or staff ● Bullying (in person or online) ● Bringing items to school or using items on school grounds or on school related events that are in violation of school policy. Any items that can be construed as a weapon. ● 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 other controlled substance or any associated paraphernalia, such as a vape, rolling papers, etc. ● 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 behavior ● Engaging in Sexual harassment (behavior or gestures), 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 on school premises or at school-related functions ● 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 	<p><u>Possible Consequence(s):</u></p> <ul style="list-style-type: none"> ● Parent/Teacher Conference ● Family/Leader Meeting ● Family Contact from a leader ● Community Service within school ● In School Suspension ● Out of School Suspension ● Expulsion

	<ul style="list-style-type: none"> ● Using force against, or 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 Actions

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 Child Study Team. Teachers may reach out to the Student Services Leader if they believe a referral is necessary.

Disciplinary Actions

- **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 the antecedent, 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 “fix” the situation. For example, a student may be required to clean or paint over vandalism, clean an area that was destroyed, replace damaged property that he/she caused or perform community service.
- **Classroom Removal:** If a student repeatedly disrupts the learning environment, the student may be removed from class at the discretion of the campus-based leadership. The student will be sent to another classroom, until such time as he/she is instructed to return to class. This contact with different staff provides the student with the chance to stop harmful behavior, reflect on his/her actions and return to class ready to be productive members of the learning community.
- **Parent Conference/Conversations:** Parents or guardians are integral partners in helping us support a child who is struggling in school either socially or academically. By coordinating strategies to support students in understanding appropriate behavior, we increase the likelihood of success and avoid confusion and mixed messages. Teachers will be communicating on a regular basis via phone, email or by meeting to make sure that all parties are aware of issues and are working together. Administrators are also key in working with families to develop productive solutions.
- **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, isolated seat in classroom, or transitions with a teacher. Students cannot be punitively removed from intentional learning experiences, such as field trips, experiments, recess, and FAA unless there is a documented safety concern (i.e. elopement) **and** an equivalent learning experience is offered.
- **In-School Suspension:** Brilla Schools may require students to serve an in-school suspension during which they are not allowed to spend the day as members of their class communities. In-school suspensions are determined by the school administration and are used only for serious or persistent infractions of school rules. Students who have received an in-school suspension must spend the school day supervised by a staff member in one of the school offices or in another classroom doing their schoolwork.
- **Out of School Suspension:** Brilla Schools will suspend students from school for serious breaches of Brilla’s behavioral expectations. In all cases, parents or guardians will be informed and must attend a conference with administration. Suspensions will be filed in

students' records. In the event that a child is suspended, an alternative instructional setting will be established as soon as possible and no later than the day after the suspension or expulsion is effective. Long term suspensions require a hearing as outlined below. **Note:** A student enrolled in grades kindergarten through two shall not receive an out-of-school suspension, except when the conduct for the suspension is that of a violent or sexual nature that endangers others

- **Expulsion:** A student may be expelled from Brilla Schools for egregious conduct or violations of school policy or state/Federal law. The student will no longer be permitted to attend Brilla Public Charter Schools. An expulsion requires the hearing process outlined below. **Note:** Students in grades kindergarten through two may not be expelled unless the student violates New Jersey's "Zero Tolerance for Guns Act."

Procedures and Due Process for Short-Term Suspension

A short-term suspension refers to the removal of a student from the Brilla Public Charter 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 for whom the school should be aware that the student is at risk for having 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. In the informal hearing, the Principal (or principal's designee) must provide an explanation of the evidence against the student. The student shall be given an opportunity to deny or explain the charges against him/her and present their version of events regarding the actions leading to the short-term suspension. The informal hearing and notice may take place at the same time.

The Principal shall immediately notify the parent(s) or guardian(s) in writing that the student may be suspended from school. The school must provide oral or written notification to the student's parents prior to the end of the school day on which the administrator decided to suspend the student. The notification must consist of an explanation of: (1) the specific charges (2) the facts on which the charges are based (3) the provisions of the code of student conduct the student is accused of violating (4) the student's due process rights pursuant to NJAC 6A:16-7.1(c)(3) and (5) the terms and conditions of the suspension.

The written notice shall be provided by personal delivery or express mail delivery at 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 notice shall also request the parent(s) or guardian(s) attend an immediate formal re-entry conference with the Principal the day following the suspension. 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 and the student shall have the opportunity to present the student's version of the incident and to ask questions under such procedures as the Principal may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in 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.

A student may appeal a school's decision affecting the student's educational program shall be made to the Commissioner in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A: 3-1.3 through 1.7.

Procedures and Due Process for Long-Term Suspensions or Expulsion

A long-term suspension refers to the removal of a student from the Brilla Public Charter School community for disciplinary reasons for a period of more than ten (10) days. This includes in-school and out-of-school suspension. 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 within 24 hours, by personal delivery or express mail, and electronic mail (if available) 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, but no longer than 5 school days, 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.

- In coordination with the parent(s) or guardian(s), the School will set a date, time, and place for the formal hearing, which shall be set forth in the written notice described above.
- A transcript of the formal hearing will be created and made available to all parties upon request.
- A list of witnesses and their statements or affidavits, if any, must be provided to the student no later than five days prior to the formal hearing.
- The student must have the opportunity to confront and cross-examine witnesses and present the student's own defense.
- The formal hearing must occur no later than 30 calendar days following the day the student is suspended.
- A decision shall be based, at a minimum, on the preponderance of competent and credible evidence.

See N.J.A.C. 6A:17-7.3

The [Executive Director/Principal], or his/her designee, shall serve as hearing officer and preside over the hearing. 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).

The written decision must include at a minimum:

- A summary of the documentary or testimonial evidence from both the student and administration
- Factual findings relative to each charge and the district's determination for each charge
- The terms and conditions of the suspension
- The right to appeal to the Commissioner in accordance with NJSA 18A:37-2.4 and NJAC 6A:3-1.3 through 1.17.

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 (10) calendar days of the date of the written decision, unless the parent(s) or guardian(s) can show that extraordinary circumstances preclude them from doing so.

The Board of Trustees will issue a written decision within ten (10) business days of receiving the appeal. Decisions of the Board of Trustees may be appealed to the School's authorizer, The New Jersey Department of Education (NJDOE).

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 in a small group pull out space/classroom or office. One or more of the following individuals 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 by New Jersey 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 Child Study Team for any consideration of changes. New Jersey permits the school to consider, on a case by case basis, any unique circumstances when determining whether or not to impose a disciplinary sanction or order a change of place for a student with a disability who violates the code of conduct

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 CST prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement.

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 and master the curriculum, 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 CST, constitute a change in placement, 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 CST, 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.

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.

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 CST 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 their 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 his or her 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 drugs, weapons, 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 behavior 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, 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 Jersey public school will be screened by the Child Study Team. 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 CST residence for an evaluation.

Non-Discrimination

Brilla Public Charter Schools welcomes all students equally. All students will be treated as individuals and different 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.

Title IX

Title IX of the Educational Amendments of 1972 (“Title IX”) states, “No person in the United State shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” These protections extend to sex and gender based discrimination that deprives a student of their right to the educational process.

Complaint Process and Investigation

Reporting an Incident of Sex and/or Gender-Based Discrimination/Harassment

Students who believe they or another scholar have been the target of sex or gender-based discrimination or harassment by a student, staff member, employee, or agent of Brilla should report the behavior to the Title IX Coordinator Kelly O’Brien at Kelly.OBrien@brillapaterson.org. Confidentiality will be maintained to the extent permissible, and no retaliation will be allowed to occur as a result of a good faith report of sex or gender-based discrimination.



Informal Complaint vs. Formal Complaint

An informal complaint may occur when the complaint is received through oral or written communication. If the complaint is received in written format, the complainant must elect for the complaint to be treated as an informal complaint. The complainant may choose to resolve the complaint through informal channels, including mediation, restorative justice, etc., which Brilla will facilitate. Should the complainant elect to proceed informally, this does not preclude them from submitting a formal complaint and going through the formal complaint process outlined below.

A formal complaint must be submitted in writing by the complainant or by the Title IX coordinator. Upon receiving a formal complaint, the Title IX coordinator will appoint an investigator, who may be a member of Brilla staff or the School's legal counsel. Formal complaints will result in a formal investigation of the alleged behaviors to determine the following:

- 1) Whether the alleged behaviors have deprived the student of their educational process at Brilla;
- 2) Whether Brilla has jurisdiction of the individual alleged to have engaged in the discriminatory/harassing behavior;
- 3) Whether it is more likely than not that the alleged behaviors directly caused the deprivation of the student's educational process at Brilla.

At the conclusion of the investigation, the complainant will be informed of the decision-maker's findings of the investigation. Should the complainant disagree with the findings of the investigation, the complainant may appeal the decision to the Title IX Coordinator, via written appeal. The Title IX Coordinator will allow the respondent 7 days to respond, via written statement. At which time both statements will be considered by the appeals decision-maker and a final ruling will be made.

Harassment, Intimidation and Bullying (HIB)

Brilla prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. "Harassment, intimidation, or bullying" means any gesture, any



written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents.

All Board members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged acts of harassment, intimidation, or bullying to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident. They shall also submit a New Jersey Department of Education-approved HIB 338 Form to the Principal within two school days of the verbal report. Failure to make the required report(s) may result in disciplinary action.

If a parent makes a verbal allegation of harassment, intimidation, or bullying to a school staff member, but does not complete and submit the HIB 338 Form, the staff member or a designee must complete and submit the HIB 338 Form.

The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation. A thorough and complete investigation will be conducted for each report of an alleged incident of harassment, intimidation, or bullying.

The investigation shall be initiated by the Principal or designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school anti-bullying specialist appointed by the Principal. The investigation shall be completed, and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the alleged incident. The Principal shall submit the report to the Lead Person within two school days of the completion of the investigation.

The results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent.

Parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of HIB or whether discipline as imposed or services provided to address the incident of HIB. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board.



A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendation for discipline or services, and any programs instituted to reduce such incidents.

At the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than the 90 days after the issuance of the board's decision. A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of HIB based on membership in a protected group

[HIB 338 Form Harassment, Intimidation, or Bullying \(HIB\) Reporting Form To Be Completed by Families / Caregivers \(2023/24\)](#)

[HIB 338 Form Harassment, Intimidation, or Bullying \(HIB\) Mandatory Reporting Form To Be Completed by Designated Local Educational Agency \(LEA\) Personnel \(2022/23\)](#)

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 Property

Students have no reasonable expectation of privacy rights in school lockers, cubbies, desks, or other school storage places. The School exercises overriding control over the aforementioned school property and any other school property, 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, with minimal suspicion, may also conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag for a security check so long as the school official has a legitimate reason for the very limited search, including investigative purposes.

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

Before searching a student or the student's belongings, the authorized school official should seek an admission from the student that he or she possesses physical evidence that they violated the law or the school code or request the student to voluntarily 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.

Gun Free Schools Act Policy

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a case-by-case basis by the chief school administrator.

Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available. The provisions herein shall be construed in a manner consistent with 20 U.S.C. s.1400 et seq. Nothing herein shall be construed as prohibiting the expulsion of a pupil. See NJSA 18A:37-8.



Additional Protections

New Jersey requires the following protections for students:

Protections pursuant to 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; P.L.104-191, Health Insurance Portability and Accountability Act; 45 CFR 160, General Administrative Requirements; 20 U.S.C. § 7165, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Substance Use Disorder Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupil, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as other existing Federal and State laws and rules pertaining to student protections. See N.J.A.C 6A:16-7.1(c)(3)(vii).