

Equality Code of Conduct

Updated August 2023



Contents

Section I: Introduction	4
I.1 Introduction	4
I.2 Definitions	4
I.3 Organizational Values and Expectations	5
I.4 Multi-Tiered System of Support	5
Section II: Rights and Responsibilities	7
II.1 Scholar Rights and Responsibilities	7
II.2 Inclusive Environment	7
II.3 Search, Seizure and Detainment	8
II.4 Prohibition	9
II.4.A Drug, Alcohol, and Other Illegal Substances	9
II.4.B. Smoking and Possession of Tobacco Products	9
II.4.C. Weapons, Firearms and Dangerous Objects	10
II.4.D. Staff Conduct	10
II.4.E. Scholar Conduct	11
II.5 Anti-Bullying & Harassment, DASA Policy, and Title IX Policy	12
II.5.A Dignity Act for All Students (DASA)	13
II.5.B Dignity Act Coordinator (“DAC”)	13
II.5.C Reports and Investigations of Discrimination and Harassment	14
II.5.D Title IX	14
II.5.E Complaint Process and Investigation	14
II.6 Zero Tolerance of School-Related Crimes	15
II.7 General Disciplinary Process	16
II.7.A. Introduction	16
II.7.B. Due Process	16
II.7.C. Levels of Discipline	16
II.8 Penalties	18
II.8.A. Restitution	18
II.8.B. Detention	18
II.8.C. Reassignment from Extracurricular Activities, Recess, Athletic Participation, or Field Trips	18
II.8.D. In-School Suspension (ISS)	18
II.8.E. Short Term Out of School Suspension	18
II.8.F. Long Term Suspension and Expulsion Procedures	19
II.8.G. Due Process for Long-Term Suspensions and/or Expulsions	20
II.8.H. Appealing Disciplinary Decisions	20
II.8.I. Additional Expectations of Scholar and Scholar Rights While Suspended	21
II.8.J. Discipline Files	21

II.8.K. Complaint/Appeal Process	21
II.9 Discipline Procedures for Scholars with Disabilities	22
II.9.A. General	22
II.9.B Manifestation Determination Hearing and Findings	23
II.9.C Provision of Services during Removal	24
II.10 Scholar Conduct While on School Bus	24
II.11 Reporting Violations of the Code and Crimes	25
Section III: General School Policies	25
III.1 Attendance Policy	25
III.2 Weather Related Closings	26
III.3 Lateness Policy	26
III.4 Early Dismissal Policy	27
III.5 Scholar Dress Code	27
III.6 Pregnancy and Parenting Students	27
III.7 Total Access to Menstrual Products Act Policy	27
Section IV: Building Safety & Security	28
IV.1 Public Conduct on School Property and at School Functions	28
IV.2 Visitor Policy	29
IV.3 Fire Safety and Evacuation Procedures	29
Section V: General School Information	29
V.1 Scholar Phone Use & Electronic Devices	29
V.2 Technology Policy	30
V.2.A. Acceptable Use	30
V.2.B. Unacceptable Use	30
V.2.C Violations Of The Technology Policy and Technology Loan Agreement	32
V.2.D. GoGuardian	32
V.3 Health Services	33
V.3.A Using universal safety precautions	33
V.4 Confidentiality of Records	34
Annual Notice of Rights & Policy under the Family Educational Rights and Privacy Act (FERPA)	34
Section VI: Code of Conduct	36
VI.1 Role of School Employees	36
VI.2 Role of Parents	37
VI.3 Role of Board of Trustees	37
VI.4 Dissemination	38
VI.5 Changes to Code of Conduct	38

Section I: Introduction

I.1 Introduction

The Board of Trustees of Equality Charter School is committed to creating and maintaining a positive learning environment that encourages cooperation, fosters creativity, and nurtures scholars in taking the risks involved in learning. This type of environment is safe, orderly, and conducive to learning for all members of the community. The Board of Trustees recognizes the need to clearly define the expectations for scholarly conduct, detail how these expectations will be taught and reinforced, identify the possible consequences for unacceptable conduct, and to ensure that, when necessary, discipline is administered promptly and fairly. Accordingly, the Board adopts this Code of Conduct. The Board acknowledges that the administration has considerable discretion on disciplinary matters in order to support and maintain a safe and orderly environment.

We believe in teaching scholars that their behavior directly impacts the learning environment and that they make a difference in the school climate by upholding this Code of Conduct. It establishes clear operating principles to help scholars understand expected behaviors. Staff will consistently teach and uphold these expectations by explaining their meaning, modeling how they look, and emphasizing their importance to scholars so that they will choose to behave in an appropriate manner.

I.2 Definitions

For the purposes of the Code of Conduct, the following definitions apply:

- “Board” means the Board of Trustees of Equality Charter School-
- “Code” means this Code of Conduct.
- “Equality” means Equality Charter School-
- “Harassment/bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that:
 - has or would have the effect of unreasonably and substantially interfering with a scholar’s educational performance, opportunities, or benefits, or mental, emotional or physical well-being; or
 - reasonably causes or would reasonably be expected to cause a scholar to fear for his or her physical safety; or
 - reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a scholar and; or
 - 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.
- “*Cyberbullying*” means harassment/bullying, as defined above, through any form of electronic communication;
- “MTSS” means Multi-Tiered System of Support;
- “Parent” means the parent, guardian, or person in parental relationship to a scholar;

- “PBIS” means Positive Behavioral Intervention & Supports;
- “RTI” means Response to Intervention;
- “School district of residence” means the public school district in which a student resides;
- “School function” means any school-sponsored or school-affiliated event or activity, whether held on school property or elsewhere; and
- “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 the school, at the school bus stops located around the school property, or on a school bus, and in or at any school function, whether on school grounds or off.

I.3 Organizational Values and Expectations

Organization Wide	
Achievement and Progress	
Middle School	High School
Respect	Integrity
Responsibility	Professionalism
Cooperation	Maturity

I.4 Multi-Tiered System of Support

MTSS blends the prevention-based, team-driven, data informed decision-making practices of Response to Intervention (RTI) and Positive Behavior Interventions and Supports (PBIS), which explicitly require a multi-tier approach. Emphasis is on schoolwide, differentiated universal core instruction at Tier 1; Tiers 2 and 3 provide intensive and increasingly individualized interventions. MTSS is a systemic, continuous improvement framework in which data-based problem solving and decisions are used across all areas of the school for supporting the success of all students. MTSS is “a way of doing business,” which has at its center high quality evidence-based instruction and intervention and assessment practices that are designed to meet student needs so that each student receives the appropriate level of support. By blending RTI and PBIS systems, Equality will maximize the use of time to make decisions for students that are the most effective. Research has shown that schools implementing PBIS with fidelity have increased student academic performance and graduation rate. RTI goes

hand in hand through the development of data-based interventions for students who require academic support.

The Essential Components

1. Team-Driven Shared Leadership
2. Data-Based Problem Solving and Decision-Making
3. Layered Continuum of Supports
4. Evidence-Based Practices
5. Family, School and Community Partnering

Equality's behavior management foundation is based on the philosophy of Positive Behavioral Interventions and Supports. PBIS includes research based proactive strategies for defining, teaching, and supporting appropriate scholar behaviors to create positive school environments. It uses systematic and individualized strategies for achieving important social and learning outcomes while proactively working to prevent problem behaviors.

Specifically, PBIS:

- defines behavioral values, expectations, and norms throughout the school.
- teaches scholars from the start of the year about the values, expectations, and norms and continues that instruction throughout the year.
- provides instruction in self-control and social skill strategies for all scholars.
- designs a reward system that uses creative and individualized rewards.
- gives immediate feedback on inappropriate behavior and creates limits that make challenging behavior unproductive for scholars. The program doesn't do away with consequences; it just emphasizes them less than it does positive behavior.
- recognizes that about 5% of scholars have chronic challenging behavior. These scholars, when identified, will have a positive behavioral support plan devised for them that includes a functional assessment and continuous monitoring for effectiveness.
- identifies problems by using data and restructures problem setting and procedures based on this data.
- involves ALL staff.

Research shows that a school-wide approach using PBIS stimulates appropriate behaviors by all scholars. It is essential to acknowledge that success does not happen overnight. Research estimates that it takes 3-4 years for significant improvement in some of the most challenging scholars. To accomplish this improvement, PBIS is a systems approach that relies on all staff promoting its use. If scholars are given the appropriate amount of time to demonstrate consistent changes, the time will be well worth the wait. At Equality, PBIS can ensure a free appropriate-public education in the least restrictive environment that is safe and conducive to learning by all scholars. Equality is committed to providing equal access to a high quality education for *all* scholars and PBIS is a means to achieving this.

Section II: Rights and Responsibilities

II.1 Scholar Rights and Responsibilities

Equality is committed to safeguarding the rights of all scholars. All scholars have the right to:

- have equal access to high quality education;
- take part in all school activities;
- be free from discrimination;
- present their version of events relating to disciplinary matters;
- voice their concerns, at an appropriate time, if they do not agree with a request or decision;
- due process of law in instances of disciplinary action for alleged violations of school regulations for which they may be suspended or expelled; and
- be informed of school rules and expectations.

All scholars are expected to:

- respect all staff members and other adults connected to the school at all times;
- behave respectfully and cooperate without arguing when a staff member gives direction or makes a request;
- respect fellow scholars;
- respect school property and that of fellow scholars, staff members, and neighbors;
- use acceptable language at all times;
- cooperate in keeping the school building neat and premises clean;
- adhere to school rules and regulations;
- dress in full Equality Charter School uniform in a manner becoming of an Equality scholar;
- be on time and in attendance each school day;
- be prepared with required materials and assignments for all classes;
- arrive at school well-rested and ready to learn; and
- maintain acceptable conduct while on the school bus, during field trips, and at school bus stops located around school property.

II.2 Inclusive Environment

Equality is committed to providing an inclusive, welcoming environment for all scholars and ensuring that educational decisions are based on individuals' abilities and qualifications. Consistent with this principle and applicable laws, it is therefore the school's policy not to discriminate in offering access to its educational programs and activities on the basis of race, color, gender, national origin, age, religion, creed, disability, veteran's status, sexual orientation, gender identity or gender expression. Such a policy ensures that only relevant factors are considered and that equitable and consistent standards of conduct and performance are applied.

II.3 Search, Seizure and Detainment

Equality Charter School is committed to safeguarding the rights of all staff and scholars. The following procedures will be adhered to at all times:

- School property assigned to scholars and staff by the school, including, but not limited to lockers, desks, chairs, bookcases, computers, phones, file cabinets and other storage places, remains the property of the school. Scholars and staff have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. Scholar and staff lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice and without the scholar or staff member's consent. No person, including any staff member, has any right to privacy with respect to these items or locations.
- School equipment and instructional materials should not be used for any personal business without prior approval from the Principal. Scholars and staff also have no expectation of privacy with respect to all communications, including but not limited to telephone, voicemail, e-mail, and Internet use. School equipment and instructional materials should not be used for any personal business without prior approval from the Principal.
- Any instructional or administrative staff member is authorized to temporarily detain and question a scholar under circumstances which reasonably indicate that the scholar has committed, is committing, or is about to commit a violation of the Federal or State law or regulations or School policy or procedures or the Code of Conduct. No scholar will be temporarily detained longer than is reasonably necessary.
- The Board authorizes the Principal or his/her designee to conduct searches of scholars and their belongings if there is reasonable suspicion that the search will result in evidence that the scholar violated the law, School policy or the Code of Conduct.
- Before searching a scholar or the scholar's belongings, the authorized School official should question that scholar as to whether s/he possess physical evidence indicating that s/he violated the law, School policy, or the Code, and attempt to obtain a voluntary consent to search. If consent is not obtained, but reasonable suspicion exists, the search may proceed. Searches will be limited to the extent necessary to locate the evidence sought. In the event the search reveals evidence giving rise to reasonable suspicion of other violation(s), the search may proceed both with respect to the original violation and with respect to the other violation(s).
- The Principal or his/her designee may conduct a search of a scholar's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.
- Whenever practical, searches will be conducted in the privacy of administrative offices and scholars will be present when their possessions are being searched. Although not a prior requirement, school staff will notify parents regarding such

searches. The attempt at such notification and its results will be documented through a referral and kept on file.

- Stolen or illegal property may be given to law enforcement authorities, when appropriate.
- Scholars who have participated in illegal acts may be suspended from school and be referred to the law enforcement authorities.
- Metal detectors and trained dogs may be used for prohibited weapons and substances.
- The Board, Executive Director and Principals shall review and update this policy annually.
- Scholars will be annually notified of the School's search and seizure policy, including their rights and responsibilities therein, via the scholar Code of Conduct.

II.4 Prohibition

II.4.A Drug, Alcohol, and Other Illegal Substances

The use, possession, sale, transfer or distribution of alcohol, drugs and illegal substances or drug paraphernalia is strictly prohibited, except in accordance with provisions of this Section concerning medications.

The terms “drugs” and “other illegal substances” shall include, but not be limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any of those substances commonly referred to as designer drugs. The term also includes prescription and non-prescription drugs.

Use or possession of prescription and nonprescription drugs on school property is not permitted except that medication, prescription and nonprescription, may be given to the school nurse along with a written physician’s direction and also written parental authorization to administer medication to the scholar. Scholars are forbidden to take or administer any medication on school property. Scholars who use inhalers must provide a doctor’s note to the principal which indicates that the scholar is required to carry the inhaler in his/her possession at all times. Appropriate law enforcement officials may be notified of any violations of this prohibition.

II.4.B. Smoking and Possession of Tobacco Products

Smoking or chewing tobacco on school property or at school functions is strictly prohibited. The use, sale, transfer, or distribution of tobacco and/or smoking paraphernalia (including pipes, vape pens and e-cigarettes) on school property or at school functions is strictly prohibited. In addition, scholars are strictly prohibited from possessing tobacco and/or smoking paraphernalia on school property or at school functions.

II.4.C. Weapons, Firearms and Dangerous Objects

No person shall bring, possess, carry or use any weapon, firearm or dangerous object on school property or at a school function. Scholars found guilty of a violation of this prohibition will be subject to the penalties contained in Section II.7 of the Code.

The Gun Free Schools Act (GFSA) requires the suspension for at least one year of a scholar who has brought a weapon to school. For the purposes of the GFSA, a "weapon" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device; any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and, any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled. New York law has expanded the definition of a weapon to include any blade that is more than one and a half inches long.

The administration may refer any scholar under the age of 17 who has been determined to have brought a weapon to school, to the appropriate authorities for a juvenile delinquency proceeding or to the appropriate authority for scholars fourteen or fifteen who qualify for juvenile offender status. The administration may refer other violations of this prohibition to the law enforcement authorities as appropriate.

II.4.D. Staff Conduct

Equality Charter School maintains a strict Code of Conduct and clear disciplinary procedures. These procedures prohibit corporal punishment and include a clear set of expectations and consequences including *detentions*, *loss of privileges*, *suspensions*, and *expulsions*. Teachers and school staff are strictly prohibited from administering corporal punishment. Corporal punishment is defined as physically handling a scholar in any way to inflict punishment. Prohibition of corporal punishment does not prohibit the reasonable use of physical force to:

- protect oneself from physical injury;
- protect another pupil, teacher or other person from physical injury;
- protect the property of the school or others; and
- protect the pupil from injuring himself/herself.

Any scholar who believes that a staff member has used physical force in violation of the Code shall immediately report the incident to the Principal. An investigation of the alleged misconduct will be immediately launched with a written report completed at the conclusion of the investigation.

II.4.E. Scholar Conduct

In the interests of safety and the good of the school community, the following behaviors are prohibited and scholars may be subject to disciplinary action, up to and including written referral, detention, calls home, suspensions, and expulsion from school. The behaviors are prohibited at school, on school property, as well as at school functions. See II.7.C. Levels of Discipline for more information. This list includes the following but is not limited to:

- physical aggression;
- running in the hallways;
- unauthorized exit of school building;
- misuse of the hall pass;
- insubordination;
- using language or gestures, or making drawings that are profane, lewd, vulgar, obscene or abusive;
- gambling;
- unexcused absences from classes, lunchroom, study hall, homeroom and/or school building;
- tardiness and/or failure to sign in at the office when tardy;
- use, possession and display of any electronic equipment such as phones, media players, video games etc.;
- violation of the Technology Policy and or Technology Loan Agreement;
- cyber bullying on or off school grounds;
- sexting;
- threats of violence;
- making false accusations;
- misuse of school equipment and/or materials
- defamation;
- failure to report for detention;
- failure to report to the office as directed;
- acting in a disrespectful manner toward scholars or staff;
- creating a hazardous or offensive condition;
- engaging in any willful act disruptive to the normal operation of the school;
- fighting/battery;
- aggravated or inappropriate horseplay;
- instigating (verbal or physical) that leads to any prohibited behavior;
- trespassing;
- throwing objects and/or tipping over furniture;
- vandalism or destruction of property;
- stealing;
- hazing;
- selling, using, or possessing obscene materials;
- engaging in sexual activity on school property;
- committing forgery;
- committing plagiarism;
- making verbal or physical threats;

- racial, religious, and/or sexual harassment;
- indecent exposure;
- extortion, coercion or blackmail;
- interference with or intimidation of School personnel; and
- wearing gang insignia/colors, using gang signs, recruiting for gangs.

School-related disciplinary offenses may also include misconduct outside the school, such as those taking place on social media that can reasonably affect the school or learning environment. School administration will use professional judgment in determining which disciplinary action(s) will be most effective in dealing with the scholar's misconduct. See II.7.C. Levels of Discipline for more information.

II.5 Anti-Bullying & Harassment, DASA Policy, and Title IX Policy

Equality strictly prohibits discrimination, harassment, and bullying of scholars by scholars and/or employees. To ensure that all scholars enjoy the benefit of a quality education in an environment free of discrimination, harassment, bullying, and cyberbullying, the following disciplinary and remedial consequences/measures will be taken when there is evidence or suspicion of any of the aforementioned behaviors. They include but are not limited to:

- a thorough and immediate investigation will be conducted;
- peer support groups;
- assignment of an adult mentor at school that the scholar checks in with at the beginning and end of each school day (check in / check out);
- corrective instruction that reemphasizes behavioral expectations or other relevant learning and or community services.
- engagement of scholar in a reflective activity, when focuses on the misbehavior, its impact on others, how the scholar might handle the situation differently in the future make amends to those who have been harmed;
- supportive intervention and/or mediation where constructive conflict resolution is modeled;
- behavioral assessment or evaluation;
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored; and/or
- scholar counseling and parent conferences that focus on involving the Parent/Family.

Equality Charter School seeks to give all its scholars access to a safe and supportive environment free from discrimination, intimidation, taunting, harassment and bullying on school property, a school bus and/or at a school function. As such, Equality enforces with fidelity the Dignity for All Scholars Act by adhering to the following guidelines and requirements:

- Equality ensures that all scholars are protected from discrimination, bullying, cyberbullying, and harassment by other scholars or staff.
- Any staff member who witnesses or receives a report must notify the Principal,

Executive Director or their designee within one school day after witnessing the incident or receiving the report and must file a written report within two school days thereafter.

- The Principal, Executive Director, or their designee receives all reports of discrimination, harassment, bullying or cyberbullying.
- The school will take prompt actions reasonably calculated to end the discrimination, harassment, bullying or cyberbullying, eliminate any hostile environment, and ensure the safety of the scholar(s) toward whom discrimination, harassment, bullying or cyberbullying was directed.
- The Principal, Executive Director, or their designee will lead or supervise the prompt and thorough investigation of all reports of discrimination, harassment, bullying or cyberbullying.
- The principal, Executive Director, or their designee will notify appropriate local law enforcement when they believe any discrimination, harassment, bullying or cyberbullying constitutes criminal conduct.
- Provide instruction that supports the development of a school environment free of discrimination and harassment.
- Amend its Code of Conduct to include provisions prohibiting discrimination and harassment against any scholar by employees or scholars, and provisions for responding to such acts.
- Increase staff awareness and sensitivity to potential acts of discrimination and/or harassment and to enable them to prevent and respond to incidents of discrimination and harassment.
- Report material incidents of discrimination and/or harassment on school grounds or at school functions to NYSED annually.
- Designate and train a staff member to handle human relations in the areas of: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex (Dignity Act coordinator).

II.5.A Dignity Act for All Students (DASA)

New York State's Dignity for All Students Act (the Dignity Act) seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function. Equality embraces and follows the Dignity Act.

II.5.B Dignity Act Coordinator ("DAC")

Each campus will have an official Dignity Act Coordinators. The DAC will be trained to handle human relations in the areas addressed by the Dignity Act (race, color, weight, national origin, ethnic group, religion, religious practice, disability, economic status, sexual orientation, gender, and sex). The DAC serves as the point person for all Dignity Act issues at Equality and works to ensure that all students are provided with a safe, supportive, and positive school climate free from harassment or discrimination on any of the bases described above and generally. Any

incident of harassment or bullying may be reported to the DAC, the Executive Director or to the Principal. Reports should be made at the earliest possible time. Staff members who witness or become aware of any incidents of harassment or bullying must report it to the Principal within one day.

II.5.C Reports and Investigations of Discrimination and Harassment

Students should report violations of the Code of Conduct and Dignity Act Policy immediately to the Executive Director, Principal or DAC. This is true whether the student is a victim of bullying, cyberbullying, harassment, coercion, isolation, or intimidation. The school will investigate all complaints of harassment and discrimination and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the school finds that this policy has been violated, corrective action will be taken in accordance with school policies and regulations, the Discipline Code, and applicable laws and regulation.

The school will not retaliate against any person who reports or participates in an investigation into inappropriate, prohibited conduct or violations of the Dignity Act Policy.

II.5.D 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.

II.5.E Complaint Process and Investigation

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 Equality should report the behavior to the Title IX Coordinator Favrol Philemy at favrol.philemy@equalitycs.org or ext 4020. 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.

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 the School 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 the School's 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 Equality;
- 2) Whether Equality 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 Equality.

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.

II.6 Zero Tolerance of School-Related Crimes

The Board of Trustees has zero tolerance for crimes, violence, weapons, and drugs. This policy includes the reporting of delinquent acts and crimes occurring whenever and wherever scholars are under the jurisdiction of the school. When appropriate, local law enforcement authorities shall be notified when a crime is committed on school property or at a school function. If the offense involves a scholar victim, school officials shall notify the victim and the victim's parents of the offense and that victim may have a right to press charges against the offender.

Scholars who commit any of the following offenses on school property or at a school function shall be considered for the most severe consequences provided by this Code and/or applicable law. This list includes but is not limited to:

- aggravated battery;
- armed robbery;
- arson;
- battery or aggravated battery on a teacher or other school personnel;
- murder or manslaughter;
- kidnapping or abduction;
- false alarms/bomb threats;
- possession, use, or sale of an explosive device;
- possession, use or sale of any weapon, including a firearm or knife; and
- sexual battery.

II.7 General Disciplinary Process

II.7.A. Introduction

Our school culture encourages Scholars to act positively. Some actions, however, need a different type of intervention. In all cases, scholars must be informed of the misconduct the scholar is alleged to have committed. Staff will investigate, to the extent necessary, the facts surrounding the alleged conduct.

II.7.B. Due Process

Scholars who are found to have violated the school's Code of Conduct may be subject to the following penalties, either singularly or in combination. All staff members have the authority to impose penalties, consistent with the scholar's right to due process, and in consultation with school administration. Due process provisions assure that a Scholar has the right to due process and to be treated fairly according to their rights as detailed in this Code of Conduct. Scholars have the right to:

- be provided with the Code of Conduct and rules and regulations of the school;
- know what the Equality Charter School PBIS expectations are and which behaviors may result in disciplinary actions;
- be counseled by staff in matters related to their behavior as it affects their education and welfare within the school;
- know possible dispositions and outcomes for specific offenses, including for out-of-school suspension and expulsion;
- receive written notice of the reasons for disciplinary action taken against them in a timely fashion;
- due process of law in instances of disciplinary action for alleged violations of school regulations for which they may be suspended or removed from class by their teachers;
- know the procedures for appealing the actions and decisions of Equality school officials with respect to their rights and responsibilities as set forth in the Code of Conduct;
- be accompanied by a parent/adult in parental relationship and/or representative at conferences and hearings;
- the presence of Equality school staff in situations where there may be police involvement;
- challenge and explain in writing any material entered in their scholar records.

Due process rights adhering to serious infractions such as out-of-school suspensions and infractions include those above and those detailed under II.7 Penalties.

II.7.C. Levels of Discipline

Level 1: Classroom/Staff Managed Minor Incident: Minor behavioral incidents, such as speaking out, talking to a neighbor during instruction, or getting out of one's seat without

permission, usually result in the staff redirecting the scholar. The staff may talk to the scholar in class or step out in the hallway while maintaining a visual of the entire class. The purpose of these staff-to-scholar interventions is to keep the scholar in class so as not to miss important instruction. As necessary, a referral is filled out. It is the responsibility of the staff member who observed the behavior to notify the family of the infraction.

Level 2: Classroom/Staff Managed Repeated Minor or Major Incident: If the same minor behavioral incident or a more serious incident occurs that the staff is not able to redirect a deeper conversation will occur with the scholar to try to determine the root cause of the behavior and help the scholar to identify an appropriate replacement behavior. This conversation is used to change the behavior of the scholar. In addition, a logical consequence for this action and consequence (s) will be issued by an assigned staff member. Referral is filled out the day the incident occurs. It is the responsibility of the staff member who observed the behavior to notify the family of the infraction.

Level 3: Office Managed– Major Incident: If a more serious act of misconduct occurs or the minor behaviors continue after Level 2 interventions, the Dean will use his/her judgment to either speak to school administration, contact parents, or work with scholars during a removal from class. The purpose of this conversation is for the scholar to eventually return to class in order to not miss important instruction. It should be a rare occurrence for a scholar to be out of class for a lengthy amount of time. An “office managed” referral form is filled out by staff members who observed the behavior. The Dean AND the staff who observed the behavior should collaborate about who should notify the parent.

Level 4: Short-Term Suspension: If the conversation and interventions attempted by the Dean, or school administration do not work, or a major act of misconduct occurs, the Principal or designee may place the scholar on either In-School or Out of School Suspension, not to exceed 10 days. (See section on Short-Term Suspensions). Appropriate due process protections will be followed.

Level 5: Long-Term Suspension/Expulsion: If all the action taken at Levels 1-4 have not corrected the inappropriate behavior or if the act of misconduct is so extreme that it threatens the safety of others (e.g., inflicting serious bodily injury or bringing a weapon to school), the Executive Director, Principal, or their designee, may recommend to suspend the scholar from school on a long-term suspension or expulsion. A disciplinary hearing will be held to determine the appropriateness of consequences beyond a ten (10) day suspension. (See section on Long-Term Suspension and Expulsion). In such a case, due process requirements will be followed in accordance with the Long-Term Suspension and Expulsion requirements.

II.8 Penalties

II.8.A. Restitution

Restitution may be imposed for scholars who have damaged, lost, ruined, or destroyed scholar, staff, or school property. Parents will be notified by the Executive Director, Principal, or their designee regarding the damage caused and the amount of the restitution.

II.8.B. Detention

Scholars may be required to serve detention if they fail to meet school expectations; this includes being out of uniform or being late. If a scholar refuses to attend the designated detention session, further consequences will be explored.

II.8.C. Reassignment from Extracurricular Activities, Recess, Athletic Participation, or Field Trips

Scholars can be withheld from participation in daily activities such as recess and other extracurricular activities such as athletic events, field trips, non-academic afterschool programs/activities without prior notification to parents. Every effort will be made to inform parents of the circumstances that lead to their child being withheld from such activities in a timely fashion. Upon request, a scholar or parent will be provided an opportunity for an informal conference with the Executive Director, Principal and/or designee to discuss the conduct and penalty.

II.8.D. In-School Suspension (ISS)

Scholars involved in misconduct that does not pose a danger to staff, scholars, or severely disturbs the learning environment may be assigned to short-term in-school suspension. It involves placement of the scholar in another area of the school building where the scholar will receive substantially equivalent alternative instruction. Scholars assigned ISS are suspended from all school sponsored extracurricular activities (e.g., sports practices and games, recess, field trips, clubs, special programs, etc.) during their time in ISS. An informal conference to discuss the misconduct and penalty with the Principal and/or designee may be requested by a scholar or parents/guardians.

II.8.E. Short Term Out of School Suspension

If the Assistant Principal or his or her designee decides to impose an immediate short-term suspension (less than 10 days), s/he will follow the following procedures:

- Students will be confronted with the charge(s) against them and given an opportunity to give their version of what happened before any suspension.
- A written notice will be sent to the legal guardian within 24 hours of the suspension. There will also be an attempt to notify by telephone the day of the suspension and, if possible, send the scholar home with parent permission or ask for a parent to pick the scholar up to begin the suspension immediately.
- The notice will describe the incident, the rules violated and will inform how long

the scholar will be suspended. It will explain that the guardian can request an informal conference. Every attempt will be made to have a discussion with the parent before the suspension begins. However, this may not always be possible and, if not, the conference will take place as soon as possible after the incident.

- After the suspension, a parent/guardian is required to have a resolution conference with the AP and/or designee about the incident, in person or via phone.

II.8.F. Long Term Suspension and Expulsion Procedures

Under certain circumstances, scholars may be subject to long term suspension and/or expulsion by the Executive Director. Expulsion is defined as permanent removal of a scholar from school due to extreme non-compliance with school or state rules. The following is a list of examples of the sorts of infractions that could lead to long term suspension and/or expulsion if scholars:

- are found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance, including, but not limited to, illegal narcotics of any kind;
- assault any staff on school premises or at school-sponsored or school-related events, including athletic games;
- have a repeated fundamental disregard of school policies and procedures/ commit assault against fellow scholars or other members of the school community who are not considered educational personnel;
- destruct or attempt to destruct school property including arson;
- possess alcohol on school premises, or at a school-sponsored, or school-related events;
- sexually assaults staff or a fellow scholar.

Repeated instances of behavior that leads to in-school or short term out of school suspensions may result in more serious consequences such as long term suspension or expulsion. In addition, to any of the preceding infractions, any breaches of applicable Federal law or New York State law may be referred to the New York City Police Department.

If it is determined that a suspension of 10 days or more is warranted, then the following procedures will be followed:

- A written notice will be provided to the legal guardian, stating that the scholar is to be suspended from school pending a hearing. Within 24 hours, a notice will be mailed to the last known address. There will also be an attempt to notify the guardian by telephone.
- The notice will describe the reason for the suspension and the alleged violation(s) of the Code of Conduct. In addition, the notice will give and describe the due process rights that the scholar has in connection with the hearing, including the

right of representation by counsel, the right to question witnesses against the scholar and to present witnesses and other evidence on behalf of the scholar and to a recording of the hearing.

- The Executive Director, Principal or their designee will serve as the hearing officer.
- You may challenge the decision by following the appeal process.

II.8.G. Due Process for Long-Term Suspensions and/or Expulsions

Where the school seeks to impose a disciplinary consequence of long-term suspension of ten day or more or expulsion, it shall provide written notice to the student and his or her parent(s)/guardian as described above. The Executive Director, Principal, or their designee shall serve as the hearing officer for the hearing. The school shall make the case for suspension or expulsion, introducing evidence and calling witnesses on its behalf. The student is entitled to be represented by counsel and shall have an opportunity to defend him or herself against the charges brought by the school. The student may introduce evidence and call witnesses on his or her behalf. Both parties may cross-examine witnesses called by the other party. The hearing shall not exceed two hours in length, unless the hearing officer elects to extend that limit. An audio transcript shall be made of the proceedings and a copy of that recording shall be made available to the student upon request.

The hearing officer shall provide to the student a decision in writing within five school days.

II.8.H. Appealing Disciplinary Decisions

- **Short term suspension** - Should a student seek to appeal a **short term suspension** he/she may do so by submitting a written request for appeal to the Principal of the respective school within 5 calendar days of the issuance date of the suspension decision.
- **Long term suspension/expulsion** - Should a student seek to appeal a **long term suspension or expulsion disciplinary ruling**, he or she may do so by submitting to the school's Board of Trustees a written request for appeal within 5 calendar days of the disciplinary hearing decision. Upon receipt of such a request, the Executive Director or the Principal can hear the appeal if they were not involved in the investigation or the hearing. If the Executive Director and Principal were involved in the investigation or original hearing then, a board member who was not involved in the initial hearing will hear the appeal and serve as the appeal Hearing Officer. Each party will have up to twenty minutes in which to make a statement. The length of the hearing may be modified at the discretion of the appeal Hearing Officer. The scope of the appeal will be limited to positions and the record established during the original disciplinary hearing. In rendering its decision, the appeal Hearing Officer may consult the record of the disciplinary hearing and any evidence submitted in connection with it. The appeal Hearing Officer will provide a written ruling within five business days. If you are not satisfied with this appeal ruling, and the matter alleges a violation of law or of the School's charter agreement, appeals of decisions may be made first to the Department

of Education (charteroversight@schools.nyc.gov) as the school's authorizer, and then if not satisfied, to the Board of Regents through the New York State Education Department (regentsoffice@nysed.gov).

II.8.I. Additional Expectations of Scholar and Scholar Rights While Suspended

- Alternative instruction will be provided on the first day a scholar is removed from class for a suspension. Scholars suspended from school will be offered alternative instruction. The alternative instruction will occur on school grounds, at a local library, or at another location as arranged by the Principal or his or her designee.
- A parent/guardian has the right to accept or decline the provision of alternative instruction.
- Scholars are allowed to complete all assignments while on suspension. In order to receive credit for them, scholars must submit the assignments to their teacher upon readmission to the school.
- Scholars suspended from school are not allowed to visit the school or attend any school-related activities during the period of suspension, except to attend alternative instruction (e.g., sports practice and games, field trips, clubs, special programs, etc.). If a suspended scholar comes on school grounds without permission, the consequence may be an additional suspension.
- Scholars must follow all school-wide expectations when receiving their alternative instruction, including, but not limited to, wearing a uniform during this time.
- Scholars suspended from school may be required to have their parent/guardian come to the school with them at the conclusion of their suspension for a reentry and resolution conference with the Principal or designee.

II.8.J. Discipline Files

At the discretion of the Executive Director or Principal, out-of-school suspension reports, discipline forms, and/or corrective action plans can be removed from a scholar's permanent file at the end of the school year if that scholar showed improvement in behavior after the disciplinary action plan was implemented.

II.8.K. Complaint/Appeal Process

Complaints:

Equality encourages there to be open dialogue between parents and staff. Should you have a concern or complaint regarding your student's educational process, please reach out to your student's teacher or staff member to discuss the concerns.

If you believe there is a violation of law or the School's charter agreement, please submit your complaint, in writing, to the School's Board of Trustees at Roberta.Osorio@equalitycs.org.

The school and the Board will work together to hear and resolve complaints. The process below should be followed to resolve a complaint against a staff member or the school:

- The Parent should address the complaint in writing directly to the staff member(s) involved and attempt to address the problem.
- If unhappy with the discussion and/or proposed resolution, the parent should schedule a meeting with either the staff member's supervisor, or the Principal to discuss the written complaint.
- If unhappy with the decision of the Principal, the parent may appeal, in writing, the decision to the Executive Director, and then the Board if a satisfactory resolution has not been reached.

All complaints will be reviewed and an initial response indicating the receipt of the complaint will be made within 2 business days of receiving the complaint. The complaint will then be investigated and a response regarding the findings of the investigation will be provided to the parent within 5-7 business days.

Board Email Address: Roberta.Osorio@equalitycs.org

If you are not satisfied with the Board's response, and the matter alleges a violation of law or of the School's charter agreement, the individual complaining may submit the claim first to the Department of Education as the school's authorizer (charteroversight@schools.nyc.gov), and then if not satisfied, to the Board of Regents through the New York State Education Department (RegentsOffice@nysed.gov).

II.9 Discipline Procedures for Scholars with Disabilities

II.9.A. General

Equality is committed to ensuring that the rights of students with disabilities are protected in accordance with applicable federal and state law and regulations. The school 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.

Generally, a student with or suspected of having a disability may be disciplined in the same manner as his/her non-disabled peers as set forth above. A student not specifically identified as having a disability but about whom the charter school has a basis of knowledge—in accordance with 34 CFR 300.534—that a disability exists, may request to be disciplined in accordance with these provisions. When a student with disabilities is suspended for more than ten days, or on multiple occasions that in the aggregate amount to more than ten days during a given school year, additional procedures apply. In the event that the following procedures are inconsistent with applicable federal or state law and regulations, the

applicable law and regulations shall govern. The school will maintain written records of all suspensions and expulsions of students with a disability in the same manner as for students without disabilities as described above.

A student with a disability will not be suspended for a more than ten days at one time or for more than ten days in the aggregate in a given school year without first referring the student to his or her Committee on Special Education (the CSE) for a manifestation determination review (MDR) to assess whether the alleged conduct is a manifestation of the student's disability(ies). When a student is suspended for more than a ten day period, it is considered a change in educational placement.

The CSE is controlled not by Equality, but by the local district. In the event of a proposed suspension requiring an MDR, the school will notify the appropriate CSE and ensure that school staff with knowledge of the incident(s) and the child's behavior are available to participate in the MDR. The CSE is responsible for assembling a MDR team consisting of:

- Someone from the child's CSE who is knowledgeable about the child and can interpret information about child's behavior generally;
- The parent/guardian;
- Other relevant members of the child's CSE (as determined by the parent and CSE).

The CSE's MDR team is required to convene immediately if possible, but no later than ten days after the decision to change the student's placements in order to determine whether the conduct was a manifestation of the child's disability. The parent must be given written notice prior to any meeting of the manifestation team in order to ensure that the parent has an opportunity to attend. The notice must state the purpose of the meeting, the names of the expected attendees, and indicate the parent's right to have relevant CSE members attend. The MDR team must review the child's IEP, together with all relevant information within the student's file, and any information provided by the parent.

II.9.B Manifestation Determination Hearing and Findings

If the MDR team concludes that the child's behavior is linked to his/her disability, it must conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) to address the behaviors giving rise to the conduct, unless an FBA or BIP was made prior to the student's violation of school rules giving rise to the suspension, in which case each should be reviewed and revised, if necessary, to address the behavior.

Moreover, the child must also be returned to his or her original placement (i.e., the placement from which he/she was removed), unless:

- the parent and district agree to another placement as part of the newly created or revised BIP, or
- in cases where the child:

- Carries or possesses a weapon to or at school, on school premises, or to or at a function under the jurisdiction of the state educational agency or the school;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the state educational agency or the school, or;
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school.

If the child exhibits any one or more of the above three behaviors, the CSE shall determine an appropriate Interim Alternative Educational Setting (IAES), which shall not exceed forty-five days.

If the MDR team determines that the behavior was not tied to the child's disability, the student may be disciplined without regard to his or her disability status, except that care must be taken to provide the student with educational services during removal (see below).

II.9.C Provision of Services during Removal

During any period of removal of a student with a disability, services must be provided to the extent determined necessary to enable the child to appropriately progress in the general curriculum and to achieve the goals of his or her IEP. In these cases, school personnel, in consultation with the child's special education teacher and CSE, shall make a determination of the services to be provided to the student.

During any removal for drug/control substances or weapon offenses, services will be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. These service determinations will be made by the CSE of the student's district of residence. The school will place students in interim alternative educational settings as appropriate and in accordance with federal law and regulation.

Equality will ensure that each suspended scholar receives all classroom assignments and a schedule to complete such assignments during the time of his or her suspensions. Provisions will be made to permit a suspended scholar to make up assignments or tests missed as a result of such suspension. The school will also provide additional alternative instruction that may be offered at the school during non-school hours, at the school during school hours, or off-site, taught by either a general education or special education teacher.

II.10 Scholar Conduct While on School Bus

All scholars are expected to maintain proper conduct while on the school bus. Misconduct that occurs on the bus may be subject to penalties contained in Section II.7 (General Discipline Process). Violations of this Code will be reported by the bus driver to the school. A scholar accused of violating this Code will be given the opportunity to explain his or her side

of the situation. Parents will be notified by the Principal prior to their scholar losing his or her privilege of bus transportation.

All scholars are expected to:

- respect all instructions given by the bus driver and/or school staff;
- notify the bus driver of any problems with other scholars while on the bus;
- sit according to any applicable seating chart;
- remain seated while the bus is in motion;
- not eat, drink or use any illegal items;
- not extend arms, legs, head, or other body parts out of the bus windows;
- refrain from yelling, pushing, shoving, or fighting; and,
- always pass in front of the bus when the bus is stopped.

II.11 Reporting Violations of the Code and Crimes

Teachers shall inform the Principal and/or designee of serious and/or persistent discipline problems. Instances of severely disruptive and/or unmanageable behavior shall be immediately referred to the Principal and/or designee.

All teachers must immediately report and refer a violent scholar to the Principal and/or designee for a violation of the Code. A Behavior Referral Form is to be prepared as soon as possible by the referring staff member. The Principal and/or designee, upon receiving the referral or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary. The Principal and/or designee must notify the appropriate law enforcement agency of those Code violations that may constitute a crime and substantially affect the order or security of the school as soon as practical.

Section III: General School Policies

III.1 Attendance Policy

Parents and scholars have an obligation to make sure the scholar attends school on a regular and consistent basis. The school will make every effort to assist families if attendance is an issue. However, when a scholar has been absent without medical notice for either ten consecutive days or ten days in a semester, the school may conduct a home visit or may notify Administration for Children's Services (ACS) of possible educational neglect. Scholars who do not attend school regularly run the risk of not meeting Equality's academic standards, failing classes and therefore not being promoted.

Parents and guardians are expected to call the school as early as possible if their child will not be attending school for any reason. Calls should be made as far in advance as possible and can be left on the school's main voicemail if necessary. If a scholar is absent and the school has not been notified that he or she will be absent, his or her parents or guardian will be called at home through a telephone blast or personal call. In phone calls, voice mails,

and notes, please leave or list your child's name, your relationship to the child, and the reason for and date(s) of the child's absence.

An absence is considered to be excused when the scholar's family has contacted the school regarding a scholar's illness, a family emergency, or religious observance ahead of the absence and follows up with a written note from a doctor or appropriate official when the scholar returns to school. All other absences will be considered unexcused, including but not limited to: family vacations, attendance at entertainment events, or when the family has not contacted the school with a satisfactory reason. During any absence, all completed class work and homework will receive credit, and all missed quizzes and tests may be completed by making appropriate arrangements with the respective classroom teacher.

If prior notification has not already been provided, upon the scholar's return to school from an absence, whether it is the next day or on some day after, the scholar is required to bring a signed note from his or her parent or guardian explaining in detail the reason for the absence unexcused. If a scholar made a medical visit, a note from his or her doctor is required in lieu of the parent note.

Under state law, if a scholar is absent for at least 20 consecutive days during the school without successful contact between the family and the school to explain his or her absences, that scholar will be considered to have withdrawn from Equality Charter School and will be considered unenrolled from the school.

Scholars who are absent from school cannot attend or participate in school sporting events, dances, or any other school-sponsored activities occurring on the day of the absence, unless the school has given advance permission.

III.2 Weather Related Closings

In the event of poor weather conditions, such as heavy snow, please listen to your local television or radio stations for relevant information regarding school cancellations. If New York City Public schools are closed, so is Equality Charter School. In addition, Equality sometimes closes school even when the NYCDOE is open. There will be times when Equality will have a late start on days with poor weather conditions. Parents are notified of these closings and late starts via the Equality Web site and through a phone blast to all Equality families. Scholars should not come to school before the delayed start time on these days. Please remember to keep your phone number updated in Powerschool.

III.3 Lateness Policy

If scholars arrive at school after the official start time, they are late and will need to sign in with the designated office staff member. If the scholar is late for school due to circumstances beyond his/her control, the parent may call the school. However, this does not excuse the scholar from tardiness.

III.4 Early Dismissal Policy

We ask all parents/guardians to contact the school in advance of a scholar's early dismissal and provide a signed note to the school explaining the situation. On rare instances, a scholar will be dismissed early from school when a parent has called via telephone and provided proof that he/she is the parent. In order to minimize disruptions to class, we ask that notification regarding early dismissals be made as far in advance as possible. We also ask that doctor and dentist appointments be limited to non-school hours to avoid scholars missing class time. Families are encouraged to consider the class period start and ending times when determining early dismissal requests.

III.5 Scholar Dress Code

In order to improve Equality Charter School's educational environment, promote a more effective climate for learning, foster school unity and pride, and allow scholars to focus solely on learning and not on attire, the school has a dress policy for scholars that applies to all school days and school-sponsored events. There is a school-wide policy on uniforms. It is very important to establish a team culture at Equality so that scholars show up on a daily basis in uniform to show that they are part of the Equality team. Please refer to the Scholar and Parent Handbooks for the school-specific uniforms.

III.6 Pregnancy and Parenting Students

Equality follows the following policy regarding pregnant students and those that are parents:

- The scholar has the right to participate fully in school
- Equality has a duty to ensure coursework is provided so the scholar can stay on track for graduation
- The scholar has the right to remain at the school. If the scholar chooses to leave Equality, the school has a duty to help the scholar explore district educational options for successful completion of graduation requirements.
- Right to privacy—the scholar has right to privacy, any staff who becomes aware of pregnancy (or any other health/ safety concern) must report it to the Principal or Guidance Counselor (or the Principal's designee)--but should not discuss this with anyone else.

III.7 Total Access to Menstrual Products Act Policy

All elementary and secondary public schools in the state serving students in any grade from grade six through grade twelve shall provide feminine hygiene products in the restrooms of such school building or buildings. Such products shall be provided at no charge to students.

Section IV: Building Safety & Security

IV.1 Public Conduct on School Property and at School Functions

Equality Charter School is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner.

No person, either alone or with others, shall:

- intentionally injure any person or threaten to do so;
- intentionally damage or destroy school property or the personal property of a teacher, administrator, other school employee or any person lawfully on school property, including graffiti or arson;
- distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, or obstruct the rights of others;
- disrupt classes, school programs or other school activities;
- intimidate or harass any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, or disability;
- enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
- obstruct free movement of any person in any place to which the Code applies;
- violate the traffic laws, parking regulations or other restrictions on vehicles;
- violate the prohibition on alcohol, drugs, and other illegal substances;
- violate the prohibition on tobacco and smoking;
- violate the prohibition on weapons, firearms and dangerous objects;
- loiter on school property;
- gamble on school property or at school functions;
- refuse to comply with any reasonable order of school officials performing their duties;
- willfully incite others to commit any of the acts prohibited by the Code;
- violate any federal or state statute, local ordinance, or Board policy while on school property or at a school function

Scholars who violate this Code shall be subject to penalties contained in this Code. A visitor's authorization, if any, to remain on school property or at a school function may be withdrawn and they may be directed to leave the premises. If they refuse to leave, they will be subject to ejection. The Executive Director, Principal or a designee is responsible for enforcing the conduct required by this section of the Code.

IV.2 Visitor Policy

Equality Charter School encourages parents and other interested persons in the community to visit the school and classrooms to observe the work of scholars, teachers and other staff. Since schools are a place of work and teaching, however, certain limits must be set for such visits:

- Anyone who is not a regular staff member or current scholar of the school will be considered a visitor;
- All visitors to the school must follow the visitor policy & procedures as detailed in the Safety Plan;
- Failure to comply with these policies and procedures, will result in limited access to the school and/or school functions.

IV.3 Fire Safety and Evacuation Procedures

In case of an emergency, if a scholar or staff member sees fire or smells smoke, he/she should close the door and pull the fire alarm located in the hallway. Upon hearing the alarm, school staff will assemble scholars and proceed out of the building according to the fire evacuation plan posted in each room and the Equality Safety Plan that all staff members have access to. Scholars should follow the direction of staff members who will verify the safety of the stairwells and lead scholars outside the building to the designated locations, where school staff will line up scholars by class and take attendance. A copy of the School's Safety Plan is available from the Principal upon written request.

Because of the importance of fire drills, scholars are required to be silent during this time. Any scholar that talks, moves out of line, does not follow a staff member's direction, or does not follow any other school-wide expectation, will be subject to disciplinary actions. Parents will be notified of such infractions and resulting disciplinary response.

Section V: General School Information

V.1 Scholar Phone Use & Electronic Devices

Scholars may only use the Main Office phone during the school day for emergencies. The phones may not be used by scholars to arrange for delivery of any items, including signed progress reports, signed report cards, or missing homework assignments. Any phone other than the Main Offices' phone is prohibited for scholar use. If scholars have cell phones for purposes of contacting their parents, then these cell phones must not be used in school and must remain out of sight at all times unless given permission by a staff member to have out (use of calculator, digital books, etc.). If a scholar uses a cell phone or other electronic device in school without permission, staff members are instructed to confiscate the cell phone or electronic device, and turn it into the appropriate personnel. The device may be held and returned only to a Parent at the school's discretion. Further violation of this policy will result in disciplinary actions.

All electronic devices other than calculators are prohibited to be used or taken out at any time while on school grounds unless given permission by a staff member. Additionally, Equality is not responsible for the loss, damage, or theft of any personal electronic devices. This includes, but is not limited to:

- cell phones,
- ipods and mp3 players,
- laptops, computer, or IPAD
- personal game players,
- cd players,
- headphones.

V.2 Technology Policy

V.2.A. Acceptable Use

While the Internet is a tremendous resource for information, it has the potential for abuse. Equality makes no guarantees, implied or otherwise, regarding the factual reliability of data available over the Internet. Users of Equality's Internet service assume full responsibility for any costs, liabilities, or damages arising from the way they choose to use their access to the Internet. Equality has installed special filtering software in an effort to block access to material that is not appropriate for children.

The Internet also allows for easy communication between individuals and groups, and therefore allows for quick and efficient communication between school and home. Please note that inappropriate conduct while on the internet, including but not limited to e-mail communication, is subject to disciplinary action.

Equality Charter School reserves the right to, at will, access and disclose as necessary all messages sent over its systems, without regard to content, without permission. Therefore, all parents, staff and scholars should not assume that messages are confidential.

Users may access a computer, portable device, or network account only by using their own assigned network username/password. Personally owned devices are allowed on the network only with approval from administration and/or technology staff.

V.2.B. Unacceptable Use

The following is a list of prohibited behaviors. This list is not exhaustive, but illustrates unacceptable uses of Equality Charter School's internet service by scholars:

- *While on the school network, unauthorized use of chat clients, social networking sites, and personal web-based email correspondences*
- accessing Web sites during class other than those identified by the teacher as appropriate for class; and when using the network or school computers

students (specifically) must follow the directions of school teachers/staff and adhere to school policies.

- disclosing, using or disseminating personal identification information about self or others;
- accessing, sending, or forwarding materials or communication that are defamatory, pornographic, obscene, sexually explicit, threatening, harassing, or illegal;
- using the internet service for any illegal activities such as gaining unauthorized access to other systems, arranging for the sale or purchase of drugs or alcohol, participating in criminal gang activity, threatening others, transferring obscene material, or attempting to do any of the above;
- using the internet service/ network or school property to engage in cyberbullying. Cyberbullying involves the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others.
- using the internet service/ network to receive or send information relating to dangerous instruments such as bombs or other explosive devices, automatic weapons or other firearms, or other weaponry;
- vandalizing school computers by causing physical damage, reconfiguring the computer system, attempting to disrupt the computer system, or destroying data by spreading computer viruses or by any other means
- intentionally seek information or modify files, data, or passwords belonging to other users, or misrepresent other users on the computer/network.
- plagiarizing materials obtained from the Internet. Any material obtained from the Internet and included in one's own work must be cited and credited by name or by electronic address or path on the Internet. (Information obtained through E-mail or news sources must also be credited as to sources);
- ignoring copyright laws around all media including text, images, programs, music, and video. Scholars should not download, share, or post online any illegally obtained media.
- using the Internet service for commercial purposes;
- downloading or installing any commercial software, shareware, freeware, or similar types of material onto network drives or disks without prior permission;
- users may not access the network or school property to engage in illegal activities such as software pirating, peer to peer file sharing, and/or intellectual property violations.
- Users may not bypass or attempt to bypass the district's technology protection measures and filtering software. Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.
- Users may not access the network or school property to engage in "hacking", defined as malicious use of the network or school property to develop programs intended to infiltrate a computer or computer system to cause damage to the

computing system or network. Users may not access the network or school property to disrupt its use by others.

- Transmission of any material in violation of any state, federal law, or regulation or board policy is prohibited.
- Unauthorized use of games, videos, movies, while on the network or using school property is prohibited.

V.2.C Violations Of The Technology Policy and Technology Loan Agreement

The principal or designee may deny, revoke or suspend access to the Network/Internet to individuals who violate Equality's Internet, Technology Policy and Technology Loan Agreement and related Guidelines, and take such other disciplinary action as is appropriate pursuant to the Scholar and Parent Handbook and Equality Code of Conduct.

Violations of these policies may result in one of the following but not limited to these disciplinary actions:

- Restitution (money paid in compensation for theft, loss, or damage)
- Student/Parent Conference with school administrator/principal or other school official
- Removal of unauthorized files and folders
- Restriction of Internet and Chromebook privileges*
- Detention, suspension, alternative school placement or expulsion
- Police referral

*If a student's Internet privileges are restricted, this means that for the period of the restriction, the student may only access the Google Drive offline and will not be permitted to access the Internet without strict teacher supervision.

V.2.D. GoGuardian

GoGuardian is a Chromebook Management Software for Schools (<https://www.goguardian.com/>) which is currently active at Equality Charter School. It conducts web filtering, activity monitoring, and geolocation features for locating missing devices.

Filtering - We have now updated our settings to filter all school issued Chromebook devices at school AND at home. This means that if a site is blocked at school, it is blocked at home as well. Currently, the devices are blocking any sites that are not educationally based, however, we are constantly working to fine tune the filters so that additional inappropriate material will be filtered as well. It should be noted that there is no perfect system to filter everything on the Internet and that close supervision is still the best method. We are working to find the perfect balance between not making the filters too restrictive and not allowing our students to be

exposed to inappropriate content. Additional sites can be added through teacher recommendations for educational purposes, pending approval by their supervisor.

- Should a scholar be flagged for inappropriate use the parent will be contacted
- Continued misuse of the Chromebook will result in restricted access only for sites issued by teachers for classes

Monitoring - GoGuardian is currently monitoring the Chromebooks 24/7. With GoGuardian's Chromebook monitoring, we can monitor which sites are accessed, what searches are performed, and what documents are opened.

Geolocation Services - GoGuardian has the ability to track the location of all devices at all times. We will not be using this feature on a regular basis, however, we can use the location services in the event that a device is lost or stolen.

We encourage you to discuss rules for appropriate internet usage with your child, and to reinforce lessons of digital citizenship and safety with him or her. We also highly encourage you to report any potential cyberbullying or other sensitive issues to us.

V.3 Health Services

New York State law requires all scholars enrolling in a new school to have a physical examination before entering the school. Before a scholar can enroll in the school, the school must have on file a health examination form and immunization records.

The school's nurse or an appropriate designee will be at the school to administer medication to scholars who require it during the school day, and to provide counseling as-needed on health-related issues, first aid to injured scholars, and care to ill scholars. Selected staff members are certified in Red Cross Standard First Aid and/or CPR, as detailed in Equality's Safety Plan.

If a scholar requires medication while in school, the school must have on file an Authorization to Dispense Medication form filled out by the scholar's physician. No scholar is allowed to bring medication to school without the nurse's full knowledge. Scholars who have provided the school with medication dispensation authorization forms should bring the medication to the school or contact the school to make other arrangements. Also, written parental authorization is required to administer medication to the scholar.

V.3.A Using universal safety precautions

Minor accidents, cuts, scrapes, and bruises will generally be treated at the school by the school nurse or by selected teachers and administrators. The school is not equipped to handle medical services beyond basic first aid. Injuries requiring more extensive treatment will be taken care of at the closest medical facility. In the event that a child requires emergency medical care, a parent or guardian will be notified as soon as possible. If a parent,

guardian, or other emergency contact cannot be reached, the school may need to initiate medical treatment. Thus, it is essential that we have this information on file for each scholar to provide up-to-date contact information for parents and guardians, and to give the school permission to initiate emergency medical treatment if a parent or guardian cannot be reached.

The school requests that children do not come to school if they are contagiously ill. If school staff believes that a child needs to see a doctor, is contagious, increases the risk of illness to other children, or requires prolonged individual staff attention that interferes with the safety and regular functioning of the classroom, the school will contact families and ask them to pick up and take their child home. Parents will be contacted if a child has a moderate to high fever; is experiencing vomiting or diarrhea; shows signs of contagious diseases; and/or has an illness that prevents the child from participating in activities.

V.4 Confidentiality of Records

Annual Notice of Rights & Policy under the Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of personally identifiable information from scholar education records. The law applies to all schools, including Equality Charter School that receive funds under an applicable program of the U.S. Department of Education. Equality recognizes the need to safeguard the confidentiality of personally identifiable information regarding its eligible, thought to be eligible, and protected handicapped scholars (if not protected by the Individuals with Disabilities Education Act (IDEA) in accordance with FERPA and implementing regulations as well as IDEA and its implementing regulations.

Education records are records that are directly related to the scholar, including computer media and videotape, which are maintained by an educational agency or by a party acting for the agency. "Educational agency", for purposes of this notice, means the School. "Parent(s)" for purposes of this notice means a parent of a scholar and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent in the absence of a parent or guardian.

For all scholars, the educational agency maintains education records that include but are not limited to:

- Personally identifiable information is confidential information that includes but is not limited to the scholars' name, name of Parents and other family members, the address of the scholar or scholar's family, and personal information or personal characteristics which would make the scholar's identity easily traceable.
- Directory information is information contained in an education record of a scholar which would not generally be considered harmful or an invasion of privacy if

disclosed. It includes but is not limited to, the scholar's name, address, telephone number, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time), participation in officially recognized activities and sports, sports activity sheets showing weight and height of members of athletic teams, dates of attendance, degrees, honor roll, recognition lists, awards received, and the most recent previous educational agency or institution attended.

FERPA affords parents and scholars over 18 years of age ("eligible scholars") certain rights with respect to the scholar's education records. They are: Parents have the right to inspect and review a child's education record. Equality will comply with a request to inspect and review education records without unnecessary delay and before any meeting regarding an Individualized Education Plan "IEP" or any due process hearing, but in no case more than forty-five days after the request has been made. Requests should be submitted in writing, indicating the records the Parents wish to inspect, to the School Principal or Assistant Principal. Parents have the right to a response from the School to reasonable requests for explanations and interpretations of the records. Parents have the right to request copies of the records. While the School cannot charge a fee to search for or to retrieve information, it may charge a copying fee as long as it does not effectively prevent the Parents from exercising their right to inspect and review the records. Parents have the right to appoint a representative to inspect and review their child's records. The School must receive a signed, dated and written consent from a Parent that specifically states a representative may inspect and review their child's records. Such release must be sent to the Principal or Assistant Principal and must specify the records that may be disclosed, the purpose of the disclosure and the party or class of parties to whom the disclosure may be made and the time period that the release is in effect. If any education record contains information on more than one child, Parents have the right only to inspect and review the information relating to their child. For your convenience, Equality has a FERPA Consent Form to be completed should you want to provide a release of educational records. Please see the Principal or Assistant Principal for a copy of this Consent Form.

If Parents think information in an education record is inaccurate, misleading or violates the privacy or other rights of their child, they may request amendment of the record. Requests should be in writing and clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. Equality will decide whether to amend the record and will notify the Parents in writing of its decision.

If the school refuses to amend a record, it will notify the Parents of their right to a hearing to challenge the disputed information. Additional information regarding the hearing procedures will be provided to the Parents or eligible scholar when notified of the right to a hearing.

Parents have the right to consent or refuse to consent to disclosure of personally identifiable information contained in the scholar's education records, except to the extent that FERPA authorizes disclosure without consent. "Consent" means: the parent (s) have

been fully informed regarding the activity requiring consent, in their native language or other mode of communication; they understand and agree in writing to the activity; and they understand that consent is voluntary and may be revoked at any time.

Information may be disclosed without consent to school officials with legitimate educational interests. A school official is a person employed by the school, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); state agency representative, person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or scholar serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Directory information may be released without parental consent. Parents have the right to refuse to let an agency designate any or all of the above information as directory information. Parents are required to submit written notification to the Principal or Assistant Principal, by September 30th or within two weeks after enrolling at the school if later than September 30th, if they do not want the charter school to release Directory information. Upon written request, the school discloses education records without consent to officials of another school district in which a scholar seeks or intends to enroll.

In addition, the school discloses education records without consent in health and safety emergencies if there is a rational basis that knowledge of this information may be necessary to protect the health or safety of another individual based on the school's understanding of the totality of the circumstances at the time.

Parents have a right to file a complaint with the U.S. Department of Education concerning alleged failures by the charter school to comply with the requirements of FERPA. Complaints may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

Parents are also encouraged to contact the Principal or Assistant Principal to discuss any concerns regarding FERPA.

Section VI: Code of Conduct

VI.1 Role of School Employees

All staff members are expected to support a successful learning environment by modeling the following behaviors, consistent with Equality's expectations, policies, and performance standards:

- promote mutual respect between scholars and adults;
- develop and use Positive Behavior Interventions and Supports (PBIS) for reinforcing

- the expected behavior;
- promote a sense of pride and community by contributing to an open and friendly environment, by supporting and maintaining school spirit while promoting service in the school community; and,
- establish and maintain strong home to school communications, including communication with parents/guardians of misconduct in violation of the Code.

Teachers shall manage their classroom and the supervision of scholars on school grounds in a manner consistent with Equality's expectations for the learning environment and the specific expectations set forth in the Code.

When a discipline problem occurs, the teacher should exhaust all reasonable possibilities and resources available to resolve the problem. If these strategies are unsuccessful, the teacher should seek further assistance from the Guidance Counselor, Dean, Assistant Principal, or Principal. All problems are to be dealt with in a firm, fair, legal, and timely manner.

VI.2 Role of Parents

Parents are expected to participate in their child's education in the following ways:

- communicate routinely and as necessary with their child's teacher(s);
- participate in developing their child's educational program at scheduled conferences;
- keep informed about Equality's policies and their child's academic expectations, including homework;
- ensure that their child attends school regularly, arrives on time and is prepared for school; and,
- alert Equality to specific problems or difficulties that may impede the child's learning or well-being.

VI.3 Role of Board of Trustees

The Board is expected to participate in ensuring that Equality Charter School staff follow the Code by:

- reviewing this Code, at least annually, to evaluate its effectiveness, fairness, and the consistency of its application and shall modify this Code as necessary. In so doing, the Board will consider comments from the school community concerning this Code;
- disseminating this policy in accordance with the procedures set forth below; and,
- conducting themselves in accordance with the expectations for conduct set forth in this Code and will act as role models at all times.

VI.4 Dissemination

The Board will publicize this Code by:

- providing copies of the Code to all scholars at the beginning of the school year;
- providing current teachers and other staff members with a copy of the Code;
- making the Code available in the School office for review by new staff, scholars, parents/guardians and other community members via the school Web site.

VI.5 Changes to Code of Conduct

This handbook may be modified at any time; any changes will be communicated to the staff, scholar, and parents.