

# ECS Code of Conduct

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## 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

| ECS Core Values                   |                                                                                              |
|-----------------------------------|----------------------------------------------------------------------------------------------|
| Value                             | Definition                                                                                   |
| <b>Achievement &amp; Progress</b> | Demonstrating excellence and growth, academically, behaviorally, and social-emotionally.     |
| <b>Integrity</b>                  | Acting in ways that reflect strong moral principles and good character.                      |
| <b>Responsibility</b>             | Owning your actions and the expectations of your role - being accountable to your community. |
| <b>Self-Knowledge</b>             | Knowing your abilities, attitudes, and motives.                                              |



## **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. Equality has created the document [Responding to Immigration Authorities](#) as we are a public school open to all students residing in New York State.

## **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 from the scholar. 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, 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 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. See [Equality's Scholar Safety, Behavioral Supports, Timeout, and Physical Restraint Policy](#).

#### **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 of, and display of any electronics;
- 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 its 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-Discrimination, Harassment, and Bullying Policy**

Equality Charter School is committed to providing a safe, supportive, and inclusive environment for all scholars. — one that is free from discrimination, harassment, bullying, and retaliation. We enforce this commitment with fidelity under both the Dignity for All Students Act (DASA) and Title IX of the Education Amendments of 1972 (Title IX). While these laws have distinct areas of focus, they overlap in our shared goal of ensuring every scholar's right to learn in a safe, respectful environment.

### **II.5.A. Prohibited Behavior**

The following behaviors are prohibited on school property, on school transportation, at school functions, and through digital communications that impact the school environment:

- Discrimination or harassment based on race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.
- Sexual harassment, including unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature.
- Bullying, intimidation, or threats, including cyberbullying, that interfere with a student's ability to participate in or benefit from the school's educational programs.

### **II.5.B. Scope of Applicable Laws**

- DASA protects scholars from harassment, bullying, and discrimination based on actual or perceived characteristics such as race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

- Title IX prohibits discrimination and harassment on the basis of sex, including sexual harassment, gender-based harassment, and discrimination based on sexual orientation, gender identity, and pregnancy or related conditions, that limit or deny a scholar of equal access to educational programs or activities.

Regardless of category, all incidents of harassment, bullying, discrimination, or retaliation will be taken seriously, investigated thoroughly, and addressed promptly by school leadership. In every case, the appropriate procedures and Title IX will be followed as required.

## **II.6 Complaint Policy**

Any scholar, parent, or community member may file a complaint when they believe that school policy, student rights, or federal/state protections have been violated or to bring a concern to the school's attention. Complaints may be formal or informal and made verbally or in writing. This policy outlines both informal and formal complaint processes, each aligned to different types of concerns or alleged violations.

This complaint policy is designed to guide the resolution of:

- Formal Complaints
- Informal Complaints
- Complaints of bullying, harassment, or discrimination under DASA, and
- Complaints of sex-based harassment or discrimination under Title IX.

### **II.6.A. Complaint Categories**

- Formal Complaint: A written complaint alleging a violation of the School's charter, applicable laws, or policies.
- Informal Complaint: A complaint raised through verbal or written communication where the complainant elects not to pursue the formal process.
- DASA Complaint: A complaint or report of bullying, harassment, or discrimination based on actual or perceived race, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- Title IX Complaint: A complaint or report of discrimination or harassment on the basis of sex.

### **II.6.B. Informal Complaint Process**

The informal process is intended for complaints that do not involve a violation of the school's charter or applicable laws. The school encourages informal resolution of complaints whenever possible and legally permissible as it often leads to a more timely resolution. 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 ECS will facilitate.

Using the informal complaint process does not prevent a complainant from pursuing the formal complaint process later. If a complainant begins with the informal process for a matter that also qualifies for a formal complaint, they may stop the informal process at any time and move forward with a formal complaint process. Even when an issue involves a potential violation of the charter or law, complainants are welcome to use the informal complaint process before filing a formal complaint.

To make an informal complaint, the complainant shall submit their concerns, either verbally or in writing, to the Principal. Written complaints may be mailed or hand delivered to the specific school building, or emailed directly to the school Principal at their official school email address:

- i. ES: Amanda Mercado at [amanda.mercado@equalitycs.org](mailto:amanda.mercado@equalitycs.org)
- ii. MS: Gene Johnson at [gene.johnson@equalitycs.org](mailto:gene.johnson@equalitycs.org)
- iii. HS: Amrita Dennis at [amrita.dennis@equalitycs.org](mailto:amrita.dennis@equalitycs.org)

Upon receipt of the complaint, the Principal will acknowledge receipt of the complaint within a reasonable time frame and inform the complainant of the next steps in the investigation and resolution process. This includes, as appropriate, the name or role of the school personnel responsible for leading the investigation. The complainant will also be informed of their rights.

At the conclusion of the investigation, the Principal will inform the complainant of the findings of the investigation and explain their rights and procedures available if they are not satisfied with the outcome.

*If the Principal is the subject of the complaint,* the complainant must submit their concerns in writing to the Executive Director. Written complaints may be submitted by mail or hand-delivery to any of the school buildings, or an emailed directly to the Executive Director, Caitlin Franco, at [caitlin.franco@equalitycs.org](mailto:caitlin.franco@equalitycs.org)

Upon receipt of the complaint, the Executive Director will acknowledge receipt of the complaint within a reasonable time frame and inform the complainant of the next steps in the investigation and resolution process. This includes, as appropriate, the name or role of the school personnel responsible for leading the investigation. The complainant will also be informed of their rights.

At the conclusion of the investigation, the Executive Director will inform the complainant of the findings of the investigation and explain their rights and procedures available if they are not satisfied with the outcome.

### **II.6.C. Formal Complaint Process**

Formal complaints are appropriate when a complainant believes that the school has violated its charter, policies, or applicable law. Formal complaints will result in a formal investigation of the alleged conduct. All formal complaints must be submitted in writing and should include:

- A detailed statement of the complaint, including names, dates, times, locations, and actions involved
- The specific charter provision or law allegedly violated
- Any prior response from the school
- The resolution sought
- Complainant's name, address, and phone number

Complainants may file a formal complaint directly to the Executive Director via email at [caitlin.franco@equalitycs.org](mailto:caitlin.franco@equalitycs.org). Complainants may also file a formal complaint or by mail or/hand delivery to either of the following addresses:

- 4140 Hutchinson River Parkway East, Bronx, NY 10475
- 2141 Seward Avenue, Bronx, NY 10473

*If the complaint involves the Executive Director, or if the complainant is not satisfied with the Executive Director's response, the complaint may be submitted to the Chair of the Board of Trustees. The complainant may:*

- Email the complaint directly to the Chair of the Board of Trustees at [roberta.osorio@equalitycs.org](mailto:roberta.osorio@equalitycs.org), or
- mail or hand- deliver a written complaint addressed to the Chair of the Board of Trustees to any school address listed above.

The Executive Director or Board of Trustees will investigate and respond within a reasonable timeframe.

If the Complainant stakeholder is not satisfied with the Board's response, they may submit their complaint to the New York City Department of Education (NYCDOE) by completing the online form [here](#) and submitting it with attachments to:

- Office of School Design & Charter Partnerships  
100 Gold Street, Suite 3500, New York, NY 10038  
Email: [charterschools@schools.nyc.gov](mailto:charterschools@schools.nyc.gov)

If Complainant is not satisfied with the still unsatisfied after NYCDOE's response, the Complainant may submit their complaint to the New York State Board of Regents at [charterschools@mail.nysed.gov](mailto:charterschools@mail.nysed.gov) or by mail to:

- Charter School Office, Room 465 EBA  
NY State Education Department  
89 Washington Avenue, Albany, NY 12234  
Phone: 518-474-1762

## **II.6.D. DASA or Title IX Complaint**

Any scholar, parent, staff member, or community member may submit a complaint related to DASA or Title IX. Complaints may be made either verbally or in writing and should be made as soon as possible. Staff members who witness or become aware of a potential incident are

required to report it verbally within one school day, followed by a written report within two school days.

Complaints may be reported to:

- Any Staff member
- Each school's Dignity Act Coordinator (DAC)
  - ES: [Nazaret.Marte@equalitycs.org](mailto:Nazaret.Marte@equalitycs.org)
  - MS: [Brianna.McNeil@equalitycs.org](mailto:Brianna.McNeil@equalitycs.org)
  - HS: [Lashawna.Jones@equalitycs.org](mailto:Lashawna.Jones@equalitycs.org)
- The school's Title IX Coordinator
  - [Amrita.Dennis@equalitycs.org](mailto:Amrita.Dennis@equalitycs.org)
- The School Principal
  - ES: [Amanda.Mercado@equalitycs.org](mailto:Amanda.Mercado@equalitycs.org)
  - MS: [Gene.Johnson@equalitycs.org](mailto:Gene.Johnson@equalitycs.org)
  - HS: [Amrita.Dennis@equalitycs.org](mailto:Amrita.Dennis@equalitycs.org)
- The Executive Director
  - [Caitlin.Franco@equalitycs.org](mailto:Caitlin.Franco@equalitycs.org)

## **II.6.E. Investigation Process**

The Principal, DAC, or Title IX Coordinator will assign or lead the investigation based on the nature of the complaint. Investigations will include, as appropriate, interviews with the complainant, accused, witnesses, and relevant staff, along with the review of any documentation or evidence (including electronic communications).

All investigations will be conducted promptly and thoroughly, and in a manner that protects the dignity and legal rights of all parties, consistent with applicable laws and school policies. Confidentiality will be maintained to the extent permitted by State and Federal law.

### **Complaint Confidentiality and Retaliation**

All individuals who report discrimination, harassment, or bullying in good faith, and those who participate in an investigation of such a report will be free from retaliation of any kind. Retaliation is strictly prohibited and will result in disciplinary action.

### **Resolution of DASA and Title IX Complaints**

The school will take prompt and reasonably calculated, appropriate action to end the harassment, bullying, or discrimination, eliminate any hostile environment, prevent recurrence, and ensure the safety of the scholar(s) involved.

At the conclusion of the investigation, parties involved in the investigation will be informed of the decision-maker's findings and the school's response within a reasonable timeframe, in accordance with applicable law. Depending on the circumstances, outcomes may include disciplinary action, supportive interventions, mediation, reflective activities, mentoring, behavioral intervention plans, or counseling services.

### **II.6.F. Appeals Process**

If the complainant disagrees with the outcome of the investigation, they may submit a written appeal. Appeals will be directed to the appropriate appeals decision-maker, based on the nature of the complaint:

- For DASA-related matters, appeals may be submitted to the Principal for the relevant school. The Principal will review the appeal and provide a written response via email within 5 calendar days of receiving the appeal.
- For Title IX matters, appeals must be submitted in writing to the Executive Director within 5 days of receiving the investigation outcome. The Executive Director will review the appeal and provide a written response within 5 calendar days of receiving the appeal.

### **II.6.G. Commitment to Scholar Safety and Support**

Equality Charter School is dedicated to fostering an environment where all scholars feel safe, respected, and supported. We expect all community members — scholars, families, staff — to uphold these values and partner with us in ensuring a positive school climate.

## **II.7 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.8 General Disciplinary Process**

### **II.8.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.8.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.8.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.9 Penalties**

### **II.9.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. If a family is unable to pay the restitution, an alternative good faith measure will be used instead.

### **II.9.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.9.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.9.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.9.E. Short Term Out of School Suspension**

If the Assistant Principal or his or her designee decides to impose an immediate short-term suspension (10 days or less), 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. The written notice will include a description of the incident, the rules violated, and the length of the suspension. It will also inform the guardian of their

right to request an informal conference to discuss the matter. While the school will make every effort to hold this conference prior to the start of the suspension, there may be instances where this is not possible. In such cases, the informal conference will be scheduled and held as soon as possible following the incident.

- Where possible, the school will attempt to notify the scholar's legal guardian by telephone the day of the suspension. Such notice shall provide a description of the incident that resulted in the suspension and offer the opportunity for an informal conference. If possible, the scholar may be sent home with parent/guardian permission or the school may request that a parent/ guardian pick the student up so the suspension can begin immediately.
- 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.9.F. Long Term Suspension/Expulsion Procedures and Due Process**

### *Long Term Suspension/Expulsion*

Under certain circumstances, scholars may be subject to long-term suspension (more than 10 days) or expulsion (permanent removal from school) by the Executive Director, Chief Operating Officer, or their designee. Expulsion may result from extreme non-compliance with school or state regulations.

The following are examples of infractions that could warrant long-term suspension or expulsion if committed on school premises, at school-sponsored events (on- or off-site), or while traveling to or from school:

- Possession of a dangerous weapon (e.g., gun, knife)
- Possession of a controlled substance (e.g., illegal narcotics)
- Assault of any scholar, staff member, or member of the school community
- Sexual assault of any scholar, staff member, or member of the school community
- Repeated fundamental disregard of school policies and procedures
- Destruction or attempted destruction of school property, including arson
- Possession of alcohol

Repeated behavioral incidents leading to in-school or short-term suspensions may also result in long-term suspension or expulsion. Additionally, any breach of Federal or New York State law may be referred to the New York City Police Department.

### *Disciplinary Procedures and Due Process*

If a long-term suspension (over 10 days) or expulsion is being considered, the following procedures will be followed to ensure due process:

- The Principal shall verbally inform the scholar and their legal guardian that he or she is being suspended and is being considered for a long-term suspension or expulsion and state the reasons for such actions. The student shall be confronted with the charges and given an opportunity to tell their version of what happened.

- The school will issue a written notice to the legal guardian stating the reason for the suspension or expulsion and the specific Code of Conduct violations.
- The notice will be mailed within 24 hours to the guardian's last known address, with an attempt also made by telephone.
- The notice will provide a description of the incident that resulted in the suspension, the sections of the disciplinary code which the scholar is alleged to have violated and shall indicate that a hearing will be held on the matter, which may result in a long-term suspension. The notice will be in the dominant language of the scholar's legal guardian. The notice will explain the student's due process rights at the hearing, including:
  - The right to legal representation
  - The right to question witnesses presented by the school
  - The right to present evidence and call witnesses on the student's behalf
  - The right to an audio recording of the hearing upon request

The Executive Director, Chief Operating Officer, or their designee, as an objective hearing officer, will hear and determine the outcome of the hearing. The hearing will include:

- Presentation of evidence and witnesses by the school
- The student's opportunity to defend themselves, present evidence, and call witnesses
- Cross-examination of witnesses by both parties
- A maximum length of two hours, unless extended by the hearing officer
- An audio transcript of the proceedings

The hearing officer will issue a written decision within five school days of the hearing. Parents may challenge the decision by following the school's established appeal process.

## **II.9.G. Appealing Disciplinary Decisions**

### **Short-Term Suspension**

If a scholar wishes to appeal a short-term suspension, they must submit a written request for appeal to the Principal of the respective school within 5 calendar days of the date the suspension decision was issued. The Principal will respond via email with an outcome within 5 calendar days of receiving the appeal.

### **Long-Term Suspension / Expulsion**

If a scholar/parent wishes to appeal a long-term suspension or expulsion, they must submit a written request for appeal to the Chair of the Board of Trustees ([roberta.osorio@equalitycs.org](mailto:roberta.osorio@equalitycs.org)) within 5 calendar days of the disciplinary hearing decision.

Upon receiving the appeal request:

- A hearing will occur as soon as practicable.
- If neither the Executive Director nor the Chief Operating Officer (COO) participated in the investigation or original hearing, either may serve as the Appeal Hearing Officer.

- If both the Executive Director and COO were involved in the investigation or original hearing, a Board member not involved in the initial process will act as the Appeal Hearing Officer.

During the appeal hearing:

- Each party will have up to twenty minutes to present their statements.
- The length of the hearing may be adjusted at the discretion of the Appeal Hearing Officer.
- The scope of the appeal will be limited to the arguments and evidence presented during the original disciplinary hearing.
- The Appeal Hearing Officer may consult the record of the disciplinary hearing and any related evidence before making a decision.

The Appeal Hearing Officer will issue a written decision within five business days of the appeal hearing. If a scholar or family is not satisfied with the appeal decision — and if the matter involves an alleged violation of law or of the school's charter agreement — they may pursue further appeals as follows:

1. First, to the Department of Education (as the school's authorizer) at [charteroversight@schools.nyc.gov](mailto:charteroversight@schools.nyc.gov)
2. Then, if still not satisfied, to the Board of Regents through the New York State Education Department at [regentsoffice@nysed.gov](mailto:regentsoffice@nysed.gov)

## **II.9.H. Additional Expectations of Scholar and Scholar Rights While Suspended**

- Alternative instruction will be provided starting on the first day a scholar is removed from class due to suspension. This instruction may take place on school grounds, at a local library, or another location arranged by the Principal or their designee.
- Parents/guardians have the right to accept or decline the offer of alternative instruction.
- While on suspension, scholars are permitted to complete all assignments. To receive credit, assignments must be submitted to the appropriate teacher upon the scholar's return to school.
- Suspended scholars are not permitted to visit the school or participate in any school-related activities during the suspension period — this includes sports, field trips, clubs, and special programs — unless they are attending scheduled alternative instruction. Unauthorized presence on school grounds may result in further disciplinary action, including additional suspension.
- Scholars are expected to follow all school-wide expectations during alternative

instruction, including wearing the school uniform.

- At the conclusion of the suspension, scholars may be required to attend a reentry and resolution conference with their parent/guardian and the Principal or designee before returning to regular classes.

### **II.9.I. 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.10 Discipline Procedures for Scholars with Disabilities**

### **II.10.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.10.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.10.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.11 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.12 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: Building Safety & Security**

## **III.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.

### **III.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.

### **III.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 IV: General School Information**

## **IV.1 ECS Internet Enabled Device Ban Policy**

Scholars shall not use internet-enabled devices during the school day on school grounds unless such use is subject to an exception set forth in this policy. This policy allows the use of (i) non-internet-enabled devices; and (ii) internet-enabled devices supplied by the school for educational services that are used for an educational purpose as assigned by a staff member.

### **IV.1.A. The Law**

In May 2025, a new law was enacted that prohibits scholars from using non-school issued internet-enabled devices during the school day while on school grounds. The law applies to all school districts, Boards of Cooperative Educational Services, and charter schools.

### **IV.1.B. Why This Is Important to Us**

At Equality, we believe in the limitless potential of every scholar—and we hold high expectations for focus, effort, and growth. The bell-to-bell ban on internet-enabled devices isn't about restriction—it's about restoration.

We are restoring classrooms as places of deep learning, where every scholar is present, engaged, and challenged. We are restoring our hallways as spaces for real connection—not screen time. And we are reinforcing a culture where focus, discipline, and human interaction come first.

This is a community commitment. For staff, it means fewer disruptions and more meaningful teaching. For families, it affirms school as a place for learning. For scholars, it's a chance to build habits that align with their goals—and our shared belief in their excellence.

Together, we're not just setting rules. We're setting the bar high—and giving every scholar the environment they need to rise.

### **IV.1.C. Definitions**

For purposes of this policy, the following definitions apply:

Internet-enabled device(s): smartphone, tablet, smartwatch or other devices capable of connecting to the internet and enabling the use to access content on the internet, including social media applications, including, without limitation, computing devices such as laptops, iPad and tablets; portable music and entertainment devices such as iPod and gaming consoles.

Non-internet enabled device(s): any device not capable of connecting to the internet or enabling the scholar to access the internet.

School Day: The entirety of the instructional day (including all non-instructional time during the school day such as lunch, recess, study halls, and passing time). Generally, this means from the first instructional bell of the school day to the last instructional bell of the school day.

School Grounds: All building structures, athletic playing fields, playgrounds or land contained within the real property boundary line of the school.

#### **IV.1.D. Exceptions**

1. If authorized by a teacher, principal or school for a specific educational purpose;
2. Where necessary for the management of a scholar's healthcare;
3. In the event of an emergency;
4. For translation services if not available on a school issued device;
5. On a case-by-case basis, upon review and determination by a school psychologist, school social work or school counsel, for a scholar caregiver who is routinely responsible for the care and wellbeing of a family member;
6. Where required by law.

Scholars must be permitted to use an internet-enabled device where the use is documented on an: a) Individualized Education Program (IEP); or b) Section 504 Plan.

A parent or guardian may make a request under one of the above exceptions to the Building Principal. Any healthcare related exception must also include documentation from a healthcare professional affirming such need.

#### **IV.1.E. On-Site Storage of Internet-Enabled Devices Including Cell Phones**

If a scholar brings their internet enabled device to school, they must store it in a designated on-site storage area during the school day. Please see the links below for school specific storage and disciplinary policies.

- [Middle School](#)
- [High School](#)

Building Principals will communicate the procedures for storing and retrieving devices, ensuring that scholars understand their responsibilities in using the on-site storage facilities provided.

#### **IV.1.F. Methods for Parents/Guardians to Contact Scholars During the School Day**

To accommodate necessary communication from parents/guardians, they may use the following methods to contact their child during school hours while adhering to this policy:

- If a parent or guardian needs to contact their scholar for any reason, they should call the school's main office at 718-517-3169.
- Upon calling, families should select the appropriate option for either the Middle School or High School, based on the campus their scholar attends.
- Once connected, office personnel will determine the best course of action, which may include:
  - Relaying the message directly to the scholar,
  - Transferring the call to the classroom (when appropriate and non-disruptive), or
  - Arranging for the scholar to call back at the next available opportunity.

#### **IV.1.G. Scholar Discipline for Accessing Internet-Enabled Devices During the School Day**

Equality Charter School will not suspend a scholar solely for accessing internet-enabled devices in violation of this policy. Each school's Scholar Handbook will outline consequences and/or interventions for scholar violations of this policy. It can also be found in the storage policy. Some uses of internet-enabled devices will constitute a separate violation of the Code of Conduct, other ECS policies, or in some the most serious cases, the law. Equality Charter School will cooperate with law enforcement officials as appropriate.

#### **IV.1.H. Security of Devices**

Equality Charter School will exercise reasonable care to maintain the security of devices that are held by the School but cannot guarantee the devices will be secure. Equality Charter School shall not be responsible for any personal device that is lost, stolen or damaged during the School Day or at school-sponsored activities. Any lost, stolen or damaged personal device should be reported immediately to the Building Principal.

#### **IV.1.I. Posting and Translation of Policy**

As required by law, this policy will be available in a clearly visible and accessible location on Equality Charter School's website. Translations of the policy into the 12 most common non-English languages spoken by limited-English proficient individuals in the state will be provided upon request by a scholar or parent.

#### **IV.1.J. Reporting and Mitigation Action Plan**

Beginning September 1, 2026 and annually thereafter, Equality Charter School will publish an annual report on its website detailing enforcement of this policy during the prior school year.

This report will include non-identifiable demographic data of scholars who have faced disciplinary action for non-compliance and analysis of any demographic disparities in

enforcement of this policy. If a statistically significant disparate enforcement impact is identified, the report will include a mitigation action plan.

#### **IV.1.K. Other Electronic Devices**

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:

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

### **IV.2 Technology Policy**

#### **IV.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.

#### **IV.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.

#### **IV.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.

#### **IV.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.

### **IV.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.

### **IV.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.

## **IV.4 Confidentiality of Records**

### **IV.4.A. 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 scholars 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 V: Implementing the Code of Conduct

### **V.1 Dissemination**

The Board will publicize this Code by making it available in the School office for review by new staff, scholars, parents/guardians upon request and for all community members via the school Website.

### **VI.2 Changes to Code of Conduct**

This handbook may be modified at any time; any changes will be communicated to the staff, scholar, and parents via email and the new version will be posted on the website.