

Appendix A

**BROOKLYN
URBAN GARDEN
CHARTER SCHOOL**
A MIDDLE SCHOOL FOR GRADES 6-8

**STUDENT CODE OF CONDUCT
2022-2023**

NYSED approved 9/9/22

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Section 1 - INTRODUCTION

"When the school introduces and trains each child of society into membership within such a little community, saturating him [them] with the spirit of service, and providing him [them] with instruments of effective self-direction, we shall have the deepest and best guarantee of a larger society which is worthy, lovely and harmonious."

- John Dewey The School and Society

A. Right to a High-Quality Education for all Students

The Brooklyn Urban Garden Charter School (BUGS) seeks to provide a safe and inclusive learning opportunity for each of its students, regardless of ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, age, or disability. Therefore, BUGS has established the following Code of Conduct that students are expected to adhere to and personnel will model, monitor and enforce in a fair and consistent manner.

B. General Principles

BUGS believes that every student deserves a safe, caring, and supportive environment in which to learn, grow and prosper. BUGS also believes that the school community is a microcosm of the larger community, and in providing our students and staff with the tools to grow and redirect for the greater good, we help shape a better tomorrow in the broader society.

In order for our school to be a safe and supportive environment, everyone within our community must demonstrate and offer respect. The code of conduct serves as a guide for our community to promote positive behavior and help students understand expectations which are based on the BUGS CARES values of Community, Awareness, Reach, Exploration, Student Voice and Sustainability. Students are expected to conduct themselves in an appropriate and civil manner, with regard for the rights and welfare of other students, school staff, and members of the school community at large. Students should also demonstrate care of our school facility and shared resources, often referred to at BUGS and in a sustainable system as "Caring for the Commons."

BUGS is a place for whole-child development. We recognize that adolescence is a time of great social, physical, emotional, and cognitive changes which are a dynamic part of the academic environment. These adolescent changes can create confusion and distractions, and also opportunities to harness students' social emotional development, personal and collective voice, self awareness and accountability. We are sensitive and responsive to these changes, while also establishing rules within our academic environment that create the stability necessary for a solid academic background. When a member of the BUGS community acts in a manner inconsistent with our culture or creates an uncomfortable or unsafe learning environment for other students, we will support the student in recognizing their mistakes in order to learn and grow, and to work to make amends. This growth-based and restorative approach will be coupled with consequences so that troublesome behaviors are not repeated later in life when consequences are more severe. At BUGS, discipline is about empowering students to build healthy relationships and to communicate and collaborate with each other in positive ways, while creating a positive microcosm for the larger world.

We want to empower all BUGS students with an understanding of why disciplinary decisions are made and create learning opportunities from mistakes. Successful school discipline is guided by the following principles:

- Effective and engaging instruction and classroom management are the foundation of positive student behavior and effective discipline: If students are not having their academic needs met, behavioral issues can result or be amplified.
- Staff must seek to understand the student and the source of their misbehavior, in order to effectively work with the student to correct it.
- School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions and restorative measures after it occurs.
- School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning.
- School staff should promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently correcting misbehavior as necessary.

- School discipline that is paired with meaningful instruction and guidance, offers students an opportunity to learn from their mistakes and contribute to the school community and is more likely to result in getting the student re-engaged in learning.
- Effective school discipline maximizes the time students spend learning by minimizing time spent handling misbehavior.

C. Reasonable Consequences

BUGS will make every reasonable effort to correct student misbehavior through school-based resources at the lowest possible level and to support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior. Teachers will address the vast majority of disciplinary issues at the classroom level. In all instances, BUGS strives for school discipline that is reasonable, timely, fair, age-appropriate, and matches the severity of the student’s misbehavior.

D. Minimal Use of Suspensions and Expulsions

BUGS will make every effort to minimize the use of measures such as suspensions and expulsions that exclude students from the BUGS learning environment. These punitive measures will be reserved for infractions that cannot appropriately be addressed through other interventions and disciplinary responses.

E. Discipline of Students with Special Needs

Any disciplinary consequences will be decided in accordance with a student’s individualized education program (IEP), behavior intervention plans (BIP), and 504 plan (if applicable). At times, it may be necessary to suspend or remove students with disabilities from the academic environment to preserve the integrity or safety of the school. In the event that discipline that would constitute a change in placement is contemplated for any student with a disability, a Manifestation Determination Review (MDR) will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, as applicable. BUGS will adhere to all laws to ensure due process and the provision of mandated procedural safeguards.

F. Non-Discrimination

School staff responsible for implementing this Policy shall do so without discrimination. BUGS welcomes all students equally. All students will be treated as individuals and different treatment based on real or perceived ethnicity, race, color, religion, national origin, ancestry, gender, sex, sexual orientation, disability status, pregnancy, gender identity and expression, citizenship status, predisposing genetic characteristics, or any other characteristic protected by local, state, or federal law will not be tolerated. Anyone who feels that he or she has been treated differently on any such basis should speak with a Dean of School Culture, who will apprise the Executive Director of all reports. Anyone who raises any concerns of discrimination on any basis will be free from retaliation for raising such a concern.

G. Dignity for All Students Act Policy

BUGS is committed to providing a safe and productive learning environment in which all students are treated with respect and dignity. In accordance with the New York Dignity for All Students Act (DASA), BUGS will promptly address all incidents of harassment and/or discrimination of or by any student enrolled at the School, including any form of bullying, taunting, or intimidation.

Policy Definitions:

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

“*School function*” means a school-sponsored extracurricular event or activity.

“*Harassment*” and “*bullying*” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would

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

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

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

The BUGS Student Code of Conduct prohibits harassing and bullying behaviors, and students who engage in such behaviors will be disciplined as set forth in the Code of Conduct. Further, BUGS reserves the right to discipline students who engage in harassment or bullying of students off school property under circumstances where such off-campus conduct:

1. affects the educational process;
2. actually endangers the health and safety of BUGS students within the educational system; or
3. is reasonably believed to pose a danger to the health and safety of our students.

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

Dignity Act Coordinator. BUGS has designated the Dean of School Culture to be the Dignity Act Coordinator ("DAC" or "DASA Coordinator"), as required by DASA. The DAC is trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, and sex. The name and contact information for the DAC is posted on the school's website and is as follows:

Dameon Muhammad

Dameon.Muhammad@BUGSbrooklyn.org

General Phone Number: (718)280-9556 **Direct Number:** (347) 684-0994

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

DASA at BUGS

BUGS staff and students receive training during orientation at the beginning of each school year. Students and staff receive additional training during Advisory lessons, schoolwide themes such as "Kindness Month," and assemblies throughout the year. These trainings, assemblies, and advisory lessons include positive behavior and school wide culture expectations, and understanding harassment, bullying, discrimination and how to be an "upstander" not a bystander, and review of the Code of Conduct.

Reporting and Investigating. All BUGS staff members are responsible for reporting harassment, bullying or discrimination of which they have been made aware to their immediate supervisor. Any student who believes that they are being subjected to harassment, bullying or discrimination, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, bullying or discrimination, shall report the harassment, bullying or discrimination to the DAC, their teacher or counselor or any other staff member, or to the Executive Director. A staff member who witnesses harassment, bullying or discrimination or who receives an oral or written report of harassment, bullying or discrimination shall inform the Executive Director not later than one school day after witnessing, or receiving a report of, such acts and shall file a written report with the Executive Director not later than two school days after making such oral report.

The Executive Director shall promptly investigate the complaint and take appropriate action to include, as necessary, referral to the next level of a supervisory authority (e.g., the Board of Trustees) and/or other official designated by the Board to investigate allegations of harassment, bullying or discrimination. When an investigation reveals any such verified harassment, bullying or

discrimination, the School will take prompt actions that are reasonably calculated to: end the harassment, bullying or discrimination; eliminate any hostile environment; create a more positive school culture and climate; and prevent recurrence of the behavior. Any such actions shall be consistent with the BUGS restorative approach to discipline, which is about empowering students to build healthy relationships and to communicate and collaborate with each other in positive ways, and with the BUGS Code of Conduct, which follows a progressive discipline model, utilizing supports and interventions to respond to most behavioral infractions, including bullying and harassment, prior to imposing discipline. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that the harassment, bullying or discrimination has not resumed and that those involved in the investigation of allegations of harassment, bullying or discrimination have not suffered retaliation.

The Principal shall provide a report on data and trends related to harassment, bullying and discrimination to the Executive Director at least once during each school year. Material incidents of harassment, bullying and/or discrimination will be reported to the State Education Department as required by law.

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

No Retaliation. BUGS prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of harassment, bullying or discrimination. All complainants and those who participate in the investigation of a complaint in conformity with state law and School policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

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

H. Staff Training

In order to avoid over-reliance on punitive disciplinary measures, teachers and administrators will be provided with sufficient training in classroom management, conflict resolution, and restorative approaches to discipline.

I. Distribution of Policy

This Policy will be posted on the school website and in an easily visible place within the school's Main Office. BUGS will also present these guidelines to all students at the beginning of the year to ensure that they understand the school's code of conduct.

Section 2 - RESTORATIVE JUSTICE APPROACH AND PROGRESSIVE DISCIPLINE

BUGS uses a Restorative Justice approach and progressive discipline. Progressive discipline is a method of discipline that uses graduated steps for dealing with problems related to a student's conduct. Restorative justice practices are interventions designed to hold students accountable for any harm and wrongdoing while addressing the needs of all affected – students, staff, and the school community. The restorative practice may be defined as a way of thinking and responding to conflict or a student's negative behavior, by including stakeholders to collectively explore a resolution. This approach is in line with our BUGS Sustainability Competencies of Stakeholder Engagement and Systems Thinking.

Some examples of restorative practices include family meetings with the school, classroom circles, activities that work to repair harm (for example, fixing something that was broken, writing a letter of apology), and therapeutic/resource strategies (for example, mental health treatment, anger management, and/or behavior coaching).

In determining how to best address inappropriate or unacceptable behaviors, it is necessary to evaluate all of the circumstances surrounding the behavior. School leaders will refer to this Code of Conduct when determining which restorative strategies, interventions, and disciplinary consequences to impose while ensuring the wellbeing of everyone involved. Practices that allow our educators to address behavior concerns as opportunities for learning instead of

punishment are often more successful in changing a student's behavior than imposing exclusively punitive measures. However, when appropriate, loss of privileges, referral to the Dean or other School administrator, or other disciplinary consequences may accompany, or replace, a restorative approach.

Section 3 - GLOSSARY OF DISCIPLINARY INTERVENTIONS OR RESPONSES

Behavioral Intervention Plan: A proactive plan designed by school staff to correct inappropriate or disruptive student behavior through positive behavioral interventions, strategies, and supports. This plan is appropriate for both students with and without disabilities.

Conference: Conferences can involve students, teachers, administrators, and parents/ guardians in a discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.

Functional Behavior Assessment: Involves gathering information about a student's inappropriate or disruptive behavior and determining approaches school staff should take to correct or manage the student's behavior.

Lunchtime/After School Reflection: Reflection is time students owe during lunchtime or after school to have a conference about unwanted behavior, make a plan or contract to restore the community, learn a new skill, practice or rehearse desired behaviors, tackle specific learning gaps, or complete, revise, or redo student work missed due to misbehavior during class. Parent/Guardian is notified.

Mentoring Program: A student is paired with a mentor (a counselor, teacher, student, or community member) who helps the student in personal, academic, and social development.

Phone Call Home: School staff will make a phone call home to inform parents/guardians of their child's behavior and seek the parents'/guardians' assistance with correcting inappropriate or disruptive behavior.

Peer Mediation: Peer mediation is a form of conflict resolution in which students help other students deal with and develop solutions to conflicts.

Quiet Time / Meditation Tune-Up: Students may be referred to a staff member who can assist them in practicing self regulation techniques, such as meditation, breathing, or other techniques.

Referral to Substance Abuse Treatment Services: Students with behavior related to substance abuse and/or when there is reason to believe substance abuse counseling is needed may be referred to school-based or community-based services.

Referral to Community-Based Organizations: Students can be referred to community-based organizations for a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.

Referral to the Dean: Students are referred to the Office of Student Affairs to discuss the matter at hand, explore solutions, take accountability, and receive support. Parent/guardian is notified. Students will be brought back to class as soon as possible and are given the opportunity to complete any work that is missed.

Referral to School Counselor or Mental Health Clinics: These services provide counseling and assessments to students who are in need. Students are allowed to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success. In counseling sessions, students discuss goals and learn techniques that help them overcome personal challenges. Parents/guardians are to be regularly informed of student progress during counseling sessions and at school. Sessions can also involve family members or can be done in groups.

Restorative Justice Strategies: Some examples of restorative practices at BUGS include:

- **Family Restorative Circle** - brings together those affected by the student's misbehavior for the student to take responsibility and for community members to express the impact of the student's actions. The family and other community members assist in the resolution.
- **Classroom Restorative Circle**- brings together those affected by the student's misbehavior, but without family members present. Students can come to understand the effect of their offense and its impact on the community. Attendees assist in the resolution.
- **Community Service**- can be any activity in which the student works to repair harm or improve the school community (e.g., fixing something that was broken, cleaning up).

Student-Staff Mediation: A member of the Office of Student Affairs or other staff member mediates between a Student and Staff member around a conflict between them.

For **Harassment and Bullying** Definitions, please see the DASA section above.

Section 4 - BEHAVIORAL EXPECTATIONS FOR STUDENTS

This section describes the specific behaviors that students are expected to exhibit consistent with the BUGS Values Statement -BUGS CARES about Sustainability and Growth.

All adults will actively model and reinforce these behaviors throughout the year and respectfully correct students in need of support.

IN THE CLASSROOM YOU WILL BE EXPECTED TO:
Follow directions and safety procedures
Follow the uniform dress code
Be on time for school and to each class
Manage your voice level
Be ready to work immediately when you enter the room
Accept responsibility for your actions
Eat & drink only when allowed by teacher
Use only pre-approved electronics. Students are allowed to keep their phone with them but it must be turned off and silenced.
Participate in the learning process
Complete work on time
Keep hands and feet to yourself
Clean up after yourself and your group
Use kind words and a respectful tone
Seek permission/consent before using or touching items that belong to others
IN THE NEIGHBORHOOD AND ON FIELD TRIPS YOU WILL BE EXPECTED TO:
Set a positive example on the way to and from school
Walk on the sidewalk
Properly dispose of waste in waste bins
Avoid inappropriate language and hand gestures
Treat BUGS and community members with respect
IN THE RESTROOM YOU WILL BE EXPECTED TO:
Keep water in the sink
Wash your hands

Put used paper towels in the trash can
Flush toilets
Clean up after yourself
Use the restroom only at the appropriate times
Report any incidents of equipment malfunction or vandalism

IN THE COMMONS YOU WILL BE EXPECTED TO:
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Walk in the cafeteria
Use moderate voices
Clean up after yourself
Report major spills to the supervising adult
Stand on the floor only (no standing on tables, chairs, and benches)
Bring all personal items with you when you come in from recess
Use appropriate voice level and words
Allow anyone to sit next to you
Wait in line; no cutting
Keep hands and feet to yourself
Seek permission/consent before using or touching items that belong to others

IN THE HALLWAYS YOU WILL BE EXPECTED TO:

Remain in BUGS area of the building
Walk
Manage your voice level
Use water fountains appropriately
Move purposefully to your destination
Keep hands and feet to yourself

DURING ENTRANCE AND DISMISSAL YOU WILL BE EXPECTED TO:

Greet each other respectfully
Walk and/or ride bikes safely
Walk purposefully to your destination

DURING ASSEMBLIES YOU WILL BE EXPECTED TO:

Sit properly in chairs
Sit quietly during presentations
Listen and wait for instructions
Applaud appropriately and avoid sounds or gestures that are unwelcomed
Listen to presenter

Section 5 - INAPPROPRIATE OR DISRUPTIVE BEHAVIORS

Overview

At BUGS, we want to ensure that there is a fair and consistent Code of Conduct (“Code”) so that students know what is expected of them at all times. We have developed a school-wide discipline system that recognizes students for positive behavior while ensuring that appropriate disciplinary action is taken when students do not adhere to the Code.

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

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

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

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

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

When required, school administration will contact law enforcement authorities.

Behaviors Matrix

The following chart of infractions is not exhaustive but provides examples of violations of the Code that may result in disciplinary or other consequences. The chart may be modified from time to time or supplemented by BUGS upon advance notice to students and families

LEVEL 1 - MINOR INFRACTIONS		
INFRACTIONS	Teacher Moves, Interventions, Restorations, and Support	Consequences
<ul style="list-style-type: none"> • Calling out • Food and beverages (consuming at times other than school meals), chewing gum at any time • Late to Class • Inappropriate voice level • Running in the hall, skipping stairs, and other playfully careless behavior • Uniform Violation • Littering/ leaving the Commons without cleaning and waste managing 	<ul style="list-style-type: none"> • Student is reminded of appropriate behavior and the task at hand • Student is reminded of what he/she is like at his/her best and of past good behavior • Student is reminded of past poor decisions and provided with productive alternatives/choices that should be made • Student is given a non-verbal warning • Student is given a verbal warning • Staff calls home to parent/guardian • Student makes verbal apology to the class/community • Student is referred to Quiet Time/Meditation Tune-Up • Student engages in a restorative activity/Community Service project or lesson that requires the student to reflect on behavior in writing or verbally 	<ul style="list-style-type: none"> • Electronic device confiscated • Lunchtime/Afterschool Reflection • Administrative Phone Call Home • Referral to the Dean
LEVEL 2 - ESCALATING INFRACTIONS		
INFRACTIONS	Teacher Moves, Interventions, Restorations, and Support	Consequences
<ul style="list-style-type: none"> • Committing a Level 1 Infraction after intervention • Disrespecting a staff member (e.g., being rude, rolling eyes) • Disruptive behavior (e.g., playfully throwing objects, tapping on desks) • Refusal to social distance, wear a mask or other proper health guidelines per BUGS policy • Electronic devices: use of cell phone or non-instructional devices during school hours 	<ul style="list-style-type: none"> • Student is reminded of appropriate behavior and the task at hand • Student is reminded of what he/she is like at his/her best and of past good behavior • Student is reminded of past poor decisions and provided with productive alternatives/choices that should be made • Student is given a non-verbal warning • Student is given a verbal warning 	<ul style="list-style-type: none"> • Electronic device confiscated • Lunchtime/Afterschool Reflection • Administrative Phone Call Home • Referral to the Dean • Loss of classroom/school privileges • Short-term in-school or out-of-school suspension

<p>(with the exception of recess and lunch) against school policy</p> <ul style="list-style-type: none"> Leaving classroom without permission, running away from school personnel, misuse of hall pass, being in a location without permission Playing with an object as if it is a weapon, or drawing a picture of a weapon aimed at someone 	<ul style="list-style-type: none"> Staff calls home to parent/guardian Student makes verbal apology to the class/community Student is referred to Quiet Time/Meditation Tune-Up Student-Teacher-Family conference Student-Family-Administrator Conference Student completes a written reflection Student is assigned a student or staff "buddy"/mentor Student is given de-escalating coping mechanisms (ex: asking the teacher for a break, taking 10 deep breaths) Peer Mediation Student-Staff Mediation Check in with Counselor Student engages in a restorative activity/Community Service project or lesson that requires the student to reflect on behavior in writing or verbally Restorative Circle (with or without Family) 	
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LEVEL 3 - SERIOUS INFRACTIONS

INFRACTIONS	Teacher Moves, Interventions, Restorations, and Support	Consequences
<ul style="list-style-type: none"> Committing a Level 2 Infraction after intervention Defiance of school authority Disrespect of peers (teasing, name-calling, being rude, etc.) Unwanted or aggressive physical contact with a peer (e.g., pushing, play-fighting) Dishonesty (e.g., plagiarism, copying another student's work, forgery, lying) Disrespect of peers using profane language or gestures Verbal fighting with a peer Disrespect of staff using profane language or gestures Gambling 	<ul style="list-style-type: none"> Student is reminded of appropriate behavior and the task at hand Student is reminded of what he/she is like at his/her best and of past good behavior Student is reminded of past poor decisions and provided with productive alternatives/choices that should be made Student is given a non-verbal warning Student is given a verbal warning Staff calls home to parent/guardian Student makes verbal apology to the class/community Student is referred to Quiet Time/Meditation Tune-Up Student-Teacher-Family conference 	<ul style="list-style-type: none"> Electronic device confiscated Lunchtime/Afterschool Reflection Administrative Phone Call Home Referral to the Dean Loss of classroom/school privileges Short-term In-school or out-of-school suspension Long-term out-of-school suspension

<ul style="list-style-type: none"> • Inappropriate touching, includes but not limited to unwelcomed physical contact of any sort, or any sexual touching (welcomed or not). • Misuse of computer resources or electronic devices (e.g., violation of internet policies, violating copyright law.) • Posting or distributing inappropriate materials (which includes, but is not limited to, unauthorized materials, defamatory or harmful materials, or threatening materials) • Theft, or knowingly possessing property belonging to another person without permission • Using profane, obscene, or lewd language. • Harassment or bullying, including using abusive, or discriminatory language or gestures in any context (which includes, but is not limited to, slurs based upon actual or perceived race, ethnic group, color, weight, national origin, religion, religious practice, gender, sex, sexual orientation, or disability) • Vandalism/graffiti • Falsely claiming to possess a weapon 	<ul style="list-style-type: none"> • Student-Family-Administrator conference • Student completes a written reflection • Student is assigned a student or staff "buddy"/mentor • Student is given de-escalating coping mechanisms (ex: asking the teacher for a break, taking 10 deep breaths) • Peer Mediation • Student-Staff Mediation • Student is referred to Quiet Time /Meditation Tune-Up Check in with Counselor • Student engages in a restorative activity/Community Service project or lesson that requires the student to reflect on behavior in writing or verbally • Restorative Circle (with or without Family) • Recommendation for External Counseling • Referral to Community-Based Organizations 	
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LEVEL 4 - EGREGIOUS INFRACTIONS

INFRACTIONS	Teacher Moves, Interventions, Restorations, and Support	Consequences
<ul style="list-style-type: none"> • Committing a Level 3 Infraction after intervention • Fighting (or other action) resulting in, or with the intention of, causing injury to a peer • Sexual harassment • Threat of physical violence (empty or real) • Harassment, intimidation, or extreme bullying behavior • Use or possession of tobacco/nicotine or vape products • Use or possession of weapon-like object • Aggressive physical contact with school personnel • Fire alarm, tampering with apparatus • Leaving school grounds without permission 	<ul style="list-style-type: none"> • Student is reminded of appropriate behavior and the task at hand • Student is reminded of what he/she is like at his/her best and of past good behavior • Student is reminded of past poor decisions and provided with productive alternatives/choices that should be made • Student is given a non-verbal warning • Student is given a verbal warning • Staff calls home to parent/guardian • Student makes verbal apology to the class/community • Student is referred to Quiet Time/Meditation Tune-up • Student-Teacher-Family conference • Student-Family-Administrator Conference 	<ul style="list-style-type: none"> • Electronic device confiscated • Lunchtime/Afterschool Reflection • Administrative Phone Call Home • Referral to the Dean • Loss of classroom/school privileges • Short-term in-school or out-of-school suspension • Long-term out-of-school suspension • Expulsion

<ul style="list-style-type: none"> Misuse of computer resources or electronic devices (hacking, impersonating someone, making threats or damaging equipment, etc.) 	<ul style="list-style-type: none"> Student completes a written reflection Student is assigned a student or staff "buddy"/mentor Student is given de-escalating coping mechanisms (ex: asking the teacher for a break, taking 10 deep breaths) Peer Mediation Student-Staff Mediation Check in with Counselor Student engages in a restorative activity/Community Service project or lesson that requires the student to reflect on behavior in writing or verbally Restorative Circle (with or without Family) Recommendation for External Counseling Referral to Community-Based Organizations Referral to Substance Abuse Treatment Services 	
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LEVEL 5 - HIGHLY EGREGIOUS INFRACTIONS

INFRACTIONS	Teacher Moves, Interventions, Restorations, and Support	Consequences
<ul style="list-style-type: none"> Committing a Level 4 infraction after intervention Starting a fire Fighting (or other action) resulting in, or with the intention of, causing injury to an employee. Includes intimidation. Bomb threat or other threat to school safety Drugs or alcohol: selling, using, possessing Sexual assault Use or possession of a weapon 	<ul style="list-style-type: none"> Student-Family-Administrator Conference Student engages in a restorative activity/Community Service project or lesson that requires the student to reflect on behavior in writing or verbally Recommendation for External Counseling Referral to Community-Based Organizations Referral to Substance Abuse Treatment Services 	<ul style="list-style-type: none"> Short-term in-school or out-of-school suspension Long-term out-of-school suspension Expulsion

Gun-Free Schools Act Policy

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

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

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

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

Search and Seizure Policy

A student and/or the student’s belongings may be searched by the Principal or her designee if the Principal has a reasonable suspicion to believe that a student is in possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process. Items that are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from the student’s bag, backpack or person by school authorities.

Student lockers and desks remain the property of the school, though the school is not responsible for books, clothing, or valuables left in lockers or desks. A student shall not place or keep in a locker or desk any article or material which is of a non-school nature and may cause or tend to cause the disruption of the school.

The following rules shall apply to the search of school property assigned to a specific student and the seizure of prohibited items found therein:

- School administration will make an individual search of a student’s locker or desk only when there is reasonable suspicion to believe that a student is in the possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process.
- Searches shall be conducted under the authorization of the Principal or her designee.
- Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from student lockers or desks by school authorities.

Section 6 - PROCEDURES AND DUE PROCESS FOR SHORT-TERM SUSPENSIONS, AND LONG-TERM SUSPENSIONS AND EXPULSIONS

Procedures and due process for suspensions and expulsions follow here.

A. Short-Term Suspension

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

The Principal or the Executive Director, upon the recommendation of the Dean of Students, may impose a short-term suspension and shall follow due process procedures consistent with applicable federal case law. Before a short-term suspension is imposed, the Dean shall notify the student orally of the charges against him or her, and if the student denies the charges, the Dean shall provide

an explanation of the evidence against the student. The student shall be given an opportunity to deny or explain the charges against him/her that led to the suspension. The Principal or the Executive Director must immediately notify the parents/guardians in writing that the student may be suspended from school. Written notice shall be provided by personal delivery or express mail delivery within 24 hours of the decision to impose the suspension at the last known address or addresses of the parents or guardian. The notification also shall be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents/guardians.

The notice shall provide a description of the incident for which suspension is proposed and shall inform the parents or guardian of their right to request an immediate informal conference with the Dean. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents or guardians. At the conference, the parents or guardians of the student and the student shall have the opportunity to present the student's version of the incident and to ask questions of the complaining witnesses under such procedures as the Dean may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon as possible after the suspension as is reasonably practicable.

An appeal of the Principal's or the Executive Director's decision to impose a short-term suspension may be made to the BUGS Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board by letter addressed to the Board of Trustees and sent via email to board@BUGSbrooklyn.org or sent to the School by mail:

Brooklyn Urban Garden Charter School
Attention: BUGS Board of Trustees,
500 19th Street
Brooklyn, NY
11215

The Board of Trustees will issue a written decision no later than thirty (30) days after receipt of the appeal. Final decisions of the Board may be appealed to the School's authorizer:

New York State Education Department
Charter School Office
89 Washington Avenue
Room 5N Mezzanine
Albany, NY 12234
(518) 474-1762

B. Long-Term Suspension or Expulsion

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

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

- The student shall immediately be removed from the class or the school if the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process .
- The student shall be informed of the charges and the evidence for those charges; where applicable, the student will have the opportunity to explain his or her side of the events.
- The Principal shall immediately notify a parent or guardian of the student, in person or on the phone.
- The Principal shall provide written notice that the school is going to commence a disciplinary hearing to the student and his or her parent(s) or guardian(s), by personal delivery or express mail delivery as soon as possible to the last known address(es) of the parent(s)/guardian(s). Such notice shall provide a description of the incident that resulted in the suspension and shall indicate that a

formal hearing will be held on the matter which may result in a long-term suspension (or expulsion). The notification provided shall be in the dominant language used by the parent(s) or guardian(s) if it is known to be other than English. The notice will state that at the formal hearing, the student shall have the right to be represented by counsel, present and question witnesses, and present evidence.

- The School will set a date, time, and place for the formal hearing, which shall be set forth in the written notice described above.
- An audio recording of the proceedings will be created and made available to all parties upon request.

The Executive Director, or his/her designee, shall serve as hearing officer and preside over the hearing. When the Executive Director does not serve as the hearing officer, the designated hearing officer shall provide a report to the Executive Director which shall be advisory only, and the Executive Director may accept or reject all or part of it. A written decision shall be issued to the student and his/her parent(s) or guardian(s) no later than five school days after the hearing.

An appeal from the written decision may be made to the BUGS Board of Trustees, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the Board by letter addressed to the Board of Trustees and sent via email to board@BUGSbrooklyn.org or sent to the School by mail:

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Albany, NY 12234
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C. Provision of Instruction During Removal

BUGS will ensure that alternative educational services are provided to a student who has been suspended or removed to help that child progress in the general curriculum of BUGS. Alternative instruction for suspended students will be of sufficient duration to enable a student to cover all class material, take all tests and quizzes, keep pace with other students, and progress to the next grade level. All suspended students are entitled to receive alternative instruction commencing within 24 hours of the suspension or expulsion. Alternative instruction dates and times will be listed on the student's suspension letter. All students will be provided with a minimum of two hours per day of alternative instruction. For a student who has been expelled, alternative instruction will be provided in like manner as a suspended student until the student enrolls in another school or until the end of the school year, whichever comes first.

Alternative instruction usually takes place on site at BUGS during the school day, however it may take place in one of the following locations: the child's home, or a contracted facility. One or more of the following individuals will provide instruction: teacher, teacher aide, or a tutor hired for this purpose. Please note that whoever administers this instruction will meet all certification requirements as stipulated in Section 2854(3)(a-1) of the New York State Education Law.

D. Discipline of Students with Disabilities

General

In addition to the disciplinary procedures applicable to all students, the following procedures are applicable to students with disabilities. A student not specifically identified as having a disability but whose school district of residence or charter school, prior to the behavior which is the subject of the disciplinary action, has a basis of knowledge – in accordance with 34 CFR § 300.534 –

that a disability exists shall also be disciplined in accordance with these provisions. BUGS 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.

The School shall maintain written records of all suspensions and expulsions of students with a disability including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons.

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

A student identified as having a disability shall not be suspended for a total of more than ten days during the school year without the specific involvement of the CSE of the student's district of residence prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement.

In considering the placement of students referred because of disciplinary problems, the CSE of the student's district of residence is expected to follow its ordinary policies with respect to notification and involvement of the parent or guardian.

BUGS will ensure that the Director of Inclusion or special education teacher and/or the general classroom teacher will attend all meetings regarding their students initiated by the CSE of the student's district of residence. These meetings could be relating to the development and implementation of BIPs, initial referrals, change in service, annual reviews, or Manifestation Determination Reviews (MDRs), among other things.

Provision of Services During Removal

BUGS will place students in an interim alternative educational setting as appropriate and mandated by 34 CFR §§ 300.530 and 300.531.

Those students removed for a period of fewer than ten cumulative days during the school year will receive all classroom assignments and a schedule to complete such assignments during the time of their suspension. Provisions will be made to permit a suspended student to make up assignments or tests missed as a result of such suspension. The School also shall provide additional alternative instruction to assist the student, so that the student is given full opportunity to complete assignments and master curriculum, including additional instructions, phone assistance, computer instruction and/or home visits, and one-on-one tutoring.

During any subsequent removal that, combined with previous removals equals ten or more school days during the school year, but does not constitute a change in placement, services must be provided to the extent determined necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. In these cases, school personnel, in consultation with the child's special education teacher, shall make the service determination.

During any subsequent removal that does constitute a change in placement, but where the behavior is not a manifestation of the disability, the services must be provided to the extent necessary to enable the student to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. The CSE of the student's district of residence will make the service determination.

During any removal for drug, weapon, controlled substance and/or serious bodily injury offenses pursuant to 34 CFR §300.530(g), 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.

Additional Due Process (MDR)

If discipline that would constitute a change in placement is contemplated for any student with a disability, the following steps shall be taken: (1) not later than the date on which the decision to take such action is made, the parents or guardians of the student with a disability shall be notified by the School of that decision and provided the procedural safeguards notice described in 34 CFR §300.504; and (2) immediately, if possible, but in no case later than ten school days after the date on which such decision is made, the CSE of the student's district of residence and other qualified personnel shall meet and review the relationship between the student's disability and the behavior subject to the disciplinary action.

If upon review, it is determined that the student's behavior was a manifestation of his or her disability, the student will be permitted to return to school immediately, in lieu of beginning or completing the period of suspension, except as provided in 34 CFR § 300.530(g); a functional behavioral assessment (FBA) must be conducted (unless an FBA was conducted before the behavior that resulted in the change of placement occurred) and a BIP must be implemented for the student, or the existing BIP must be reviewed and modified as necessary to address the behavior. If it is determined that the student's behavior was not a manifestation of his or her disability, then the student may be disciplined in the same manner as a student without a disability, except as provided in 34 CFR §300.530(d), which relates to the provision of services to students with disabilities during periods of removal.

Parents or guardians may request a hearing to challenge the manifestation determination. Except as provided below, the child will remain in his or her current educational placement pending the determination of the hearing.

If a parent or guardian requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination relating to a disciplinary change in placement, including a disciplinary change in placement relating to drugs, weapons, controlled substance and/or serious bodily injury offenses, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in the disciplinary action, whichever occurs first, unless the parent or guardian and the School agree otherwise.

Students with a Section 504 Plan and "Deemed to Know" Students

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

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

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

Compliance with the Child Find Requirements of IDEA

BUGS will comply with the federal Child Find requirements (34 CFR §300.111), which require schools to have in place a process for identifying, locating, and evaluating students with disabilities. Students enrolling for the first time in a New York public school will be screened by a team of teachers (including both regular and special education teachers) to identify any possible indication that the child may need a specialized or Individualized Education Program or referral to the CSE of the student's district of residence. Other students will be brought to the attention of the team if they are demonstrating any problems within the regular classroom environment. Strategies will then be implemented to address any identified special needs of the student. Should the problems persist and a disability is suspected, the student will be referred to the CSE of the student's district of residence for an evaluation.

Section 7 - DATA COLLECTION AND MONITORING

A. Quarterly Review of Data

BUGS will collect and analyze school discipline data on a quarterly basis to identify those students and teachers who need assistance with discipline. Based on the review, BUGS will: identify areas of concern; provide targeted professional development, supports, and services; initiate appropriate corrective action; and revise school procedures as needed.

B. Annual Review and Report

BUGS will evaluate and monitor the effectiveness of the school discipline practices on an annual basis. BUGS will review the school climate and discipline data and then submit a written report to the BUGS Board of Trustees. The review will include the following:

- Prevention and intervention strategies in use;
- The number of in-school suspensions, out-of-school suspensions, expulsions, arrests, and referrals to law enforcement, disaggregated by age, grade, gender, race/ethnicity, English language learner status, disability, offense, and punishment or alternative used;
- Differences in referrals among staff members; and
- The extent to which disciplinary actions are consistently applied to all students.

Based on the review, the school will: identify areas of concern; provide targeted professional development, supports, and services; initiate appropriate corrective action; and revise school procedures as needed.

All reports will be made publicly available.

C. School Climate and Discipline Oversight Council

BUGS may convene a School Climate Council, composed of school personnel, parents/guardians, and students. School discipline and attendance data will be provided to the committees on a quarterly basis. The purpose of the council will be to monitor school climate and develop, monitor, and evaluate school discipline policies and practices.

The council shall submit their findings and any recommendations to the principal on at least an annual basis.

For more information, see:

www.safersanerschools.org | www.restorativejustice.org | <http://www.iirp.org>

BUGS C.A.R.E.S. about Sustainability

Community, Awareness, Reach, Exploration, Student Voice

www.BUGSbrooklyn.org