

2017 7000

Personnel

**REACH Academy Charter School**

**NUMBER**

**STUDENT CONDUCT**

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**SUBJECT: LOSS OR DESTRUCTION OF SCHOOL PROPERTY OR RESOURCES**

The School is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the School; or
- b) Has knowingly entered or remained in a School building, and wrongfully taken, obtained or withheld personal property owned or maintained by the School.

In instances where the School has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars (\$500).

**False Reporting of an Incident and/or Placing a False Bomb**

A School is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the Charter School in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the Charter School shall file with the court, the County School Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-1 12  
Penal Law Sections 60.27, 240.50, 240.55, 240.60 and 240.61

Adoption Date

**SUBJECT: STUDENT DRESS CODE**

REACH Academy Charter School supports a uniform dress code to promote academic success.

**Boy and Girl Scholars:**

- a) Royal blue or Orange RACS logo polo short or long sleeve shirt ONLY.
- b) Khaki tan pants such as chinos, corduroys, or shorts.
- c) A Royal blue fleece with our RACS logo ONLY maybe worn.
- d) Sneakers or shoes must cover toes and heels. No sandals, flip flops or "Crocs" are allowed.
- e) Pants and skirts for all students must be secured at the waist with a belt.

**Girls:**

- a) Khaki tan skirt such as chino, corduroy, pleated/flat front, or skorts.
- b) Shorts, skirts, or skorts must be longer than finger-tip length down the leg when arms are at their side.

**Jewelry:**

- a) No neck chains or neck wear, bangles or bracelets are allowed.
- b) Scholars may wear a small pair of earrings, no bigger than the size of a dime that must not extend beyond the bottom of the earlobe. No dangling earrings are permitted.
- c) Scholars may wear a watch.

Parents who are unable to afford the uniform should contact the school to make alternate arrangement to cover the cost. Parents may also choose to pay for uniforms with a monthly payment plan. All uniforms will be available for purchase in the Main Office.

Adoption Date

## Students

**SUBJECT: SUSPENSION OF STUDENTS**

The Head of School and/or the Director may suspend the following scholars from required attendance upon instruction:

- a. A student who is insubordinate or disorderly; or
- b. A student who is violent or disruptive; or
- c. A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

**Suspension**

## Five (5) School Days or Less

The Head of School/in conjunction with any of the Directors of the school shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Head of School, the designated "Acting Head of School" may then suspend a student for a period of five (5) school days or less in conjunction with any of the Directors.

When the Head of School and the Director (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the scholar and their parent or guardian with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Director in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

(Continued)

## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the 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 after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Director or Head of School for a violation of the *Code of Conduct* and a minimum suspension period.

**More Than Five (5) School Days**

In situations where the Head of School determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is in whole or in part the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Head of School shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

**Minimum Periods of Suspension**

Pursuant to law, Commissioner's Regulations and the *Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Head of School has the authority to modify this suspension requirement on a case-by-case basis.
- b) A minimum suspension period for scholars who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.

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**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

**Suspension of Students with Disabilities**

Generally, should a scholar with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern, a manifestation determination must be made. The School determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

**Manifestation Determinations**

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Head of School to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Board, Head of School, or Building Director to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the School knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the School. The parent must receive written notice prior to

Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the School's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the School must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a Functional Behavioral Assessment, if one has not yet been conducted and implement or modify a behavioral intervention plan.

Functional Behavioral Assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. The FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral Intervention Plan (BIP) refers to a plan that is based on the results of a Functional Behavioral Assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the School agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied

(Continued)

## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the School's obligation to provide a free, appropriate public education to such student.

**Provision of Services Regardless of the Manifestation Determination**

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so it does not recur:

- a) For subsequent suspensions or removals for ten (10) consecutive school days or less that is the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement school personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed;
- b) For suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement the AES and services will be determined by the CSE.

**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the School; or

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Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- b) Where a scholar 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 School; or
- c) Where a scholar 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. Serious bodily harm has been defined in law to refer to one of the following:
  - 1. Substantial risk of death;
  - 2. Extreme physical pain; or
  - 3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

**In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

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## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)****Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the Head of School and/or Building Director to suspend a scholar from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Trustees prior to commencing an appeal to the Commissioner of Education.

**Procedure After Suspension**

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the scholar's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board of Trustees whenever it appears to be for the best interest of the school and the student to do so. The Board of Trustees may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446  
Section 61S (k)(I)] 18 United States Code (USC) Section 921  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 ct  
seq.  
20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind  
Act of 2001 34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 2801(1), 3214 and  
4402 Penal Law Section 265.01  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(1)(2), 200.4(d)(3)(i), 200.22  
and Pan 201

NOTE: Refer also to Policy #7360 -- Weapons in School and the Gun-Free Schools Act

Adoption Date:

Students

**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE  
PURPOSES**

The parent of a student who has violated any rule or code of conduct of the School and who was not intensified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

**Basis of Knowledge**

The School shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a) The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
- b) The parent of the student has requested an evaluation of the student in writing; or
- c) A teacher of the student, or other School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel.

**Exceptions**

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified about (i.e.; subheading "Basis of Knowledge")

- a) The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b) The parent of the student has refused services under law and/or regulations; or
- c) The student has been evaluated and it was determined that the student is not a student with a disability.

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**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES****Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability**

If it is claimed by the parent of the student or by the School personnel that the School had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Head of School or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

**Conditions That Apply if there is No Basis of Knowledge**

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measure as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such a nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the School shall provide special education and related service in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)]

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulation (CFR) Part 300

8 New York Code of Rules and Regulations (NYCRR) Section 201.5

NOTE: Refer also to Policy # 7313 – Suspension of Students

Adoption Date

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)**

The Board of Trustees recognizes that the misuse of alcohol, drugs, tobacco, and other illegal substances is a serious problem with legal, physical, emotional and social implications for our students, as well as the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored function, on school grounds and on school buses at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed.

**Non-medical Use of Prescription Drugs**

Non-medical use of prescription drugs among young people has become an increasing problem in the United States. Prescription drugs are easier to access because they can be taken from their home's medicine cabinet and young people may believe they are safer than illicit drugs because they are manufactured by a pharmaceutical company.

**Persons Entering School Grounds**

Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances. A school-sponsored function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

In accordance with Penal Law Section 220.00 for purposes of controlled substances offenses:

- a) "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of the school, or (b) Any area accessible to the public located within one thousand (1,000) feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand (1,000) feet of the real property boundary line comprising any school. An "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.
- b) "School bus" means every motor vehicle operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

(Continued)

Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)****Prevention and Intervention**

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

Primary Prevention

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by scholars shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances use/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials;
- c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

Intervention

School-based intervention services shall be made available to all students, grades 5 through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose;
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;

(Continued)

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)**

- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse;
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

**Disciplinary Measures**

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia.

**Staff Development**

There shall be ongoing training of staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, School policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the School's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

**Implementation, Dissemination and Monitoring**

It shall be the responsibility of the Head of School to implement this board policy in collaboration with school personnel, students, parents/guardians and the community at large.

Additionally, copies of Board policy shall be disseminated to School staff, parents/guardians and community members. The Head of School /designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001  
20 United States Code (USC) Section 7101 et seq.  
Education Law Section 2801(I)  
Penal Law Sections 70.70(2)(a)(i), 220.00(17) and 220.44(5)  
Vehicle and Traffic Law Section 142

(Continued)

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Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)**

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment  
#3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#8211 -- Prevention Instruction

Adoption Date



## Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS**

Students are protected by the Constitution from unreasonable searches and seizures. A scholar may be searched and contraband/prohibited items seized on school grounds or in a school building by an authorized School official (as designated below) only when the School official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the Code of Conduct).

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's school record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed;
- d) The probative value and reliability of the information used as a justification for the search;
- e) The school official's prior knowledge of and experience with the student; and
- f) The urgency to conduct the search without delay.

The Head of School, Directors, and School Nurse are authorized to conduct searches of scholars and their belongings if the authorized school official has reasonable suspicion to believe that the search will produce evidence that the student has violated or is violating the law and/or the Code of Conduct.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules. It is permissible for an authorized school official to search that scholar's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, will be present as a witness.

**Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Strip searches are intrusive in nature and are not permissible. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

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Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)****Searches and Seizure of School Property**

Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to scholars and without their consent.

**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of scholars by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Head of School /designee may also review the circumstances with School legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

(Continued)

Students

**SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)****Law Enforcement Officials**

It shall be the policy of the School that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school- sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

**Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the scholar's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

**Child Protective Services' Investigations**

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

Education Law Sections 1604(9), 1 604(30), 1709(2), 1 709(33) and 2801  
Family Court Act Section I024  
Social Services Law Sections 41 1-428  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)

Adoption Date

## Students

**SUBJECT: BUS RULES AND REGULATIONS**

The REACH Academy Charter School works in conjunction with local school districts to provide transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in the Code of Conduct.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Trustees, the Head of School and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the School shall work with the local school district to make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to their districts Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. The administration will work with local districts to develop rules that are acceptable to all.

Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Sections 1400-1485  
8 New York Code of Rules and Regulations (NYCRR) Section 156

AdoptionDate

## Students

**SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS****Corporal Punishment**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School.

Whenever a school employee uses physical force against a scholar, the school employee shall immediately report the situation to his/her Head of School/Director. The Head of School/Director shall within the same school day, make a report to the Board President describing in detail the circumstances and the nature of the action taken.

The Head of School shall submit a written report annually to the Commissioner of Education, September 1st of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the REACH Academy Charter School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

**Emergency Interventions**

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student shall be notified whenever an emergency intervention is utilized.

The School will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student:

(Continued)

Students

**SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)**

- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by School Director y personnel and, if necessary, by the school nurse or other medical personnel.

8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 100.2(1)(3), 200.1 S (f)(J) and 200.22(d)

NOTE: Refer also to Policies #7313 -- Suspension of Students

Adoption Date

Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT****Weapons in School**

The possession of a weapon on school property, in School vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the School regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Head of School or his/her designee.

Any and all determinations of what constitutes a "weapon" for the purposes of this policy shall be made in accordance with relevant provisions of the Penal Law of the State of New York.

**Specific Penalties Imposed by the Gun-Free Schools Act**

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, School vehicles, school settings and/or school sponsored activities under the control and supervision of the School regardless of location). For purposes of this policy, the term "firearm" includes 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; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

In accordance with the Gun-Free Schools Act and Education Law Section 3214(3)(d), any student who brings or possesses a dangerous weapon or firearm, as defined in federal law, on school property, will be referred by the Head of School to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Family Court Act Article 3 when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Head of School to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law. For purposes of this policy, the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, 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 one-half inches (2 1/2") in length.

In addition, any student attending a the school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Education Law Section 3214, shall be suspended for a period of not less than one (1) calendar year

(Continued)

## Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

and any student attending a program operated by the Charter School using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a school or on other premises used by the Charter School to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-school. Further, after the imposition of the one (1) year penalty has been determined, the Head of School of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the scholar's one (1) year suspension penalty, the Head of School may modify the penalty based on factors as set forth in Regulations of the Commissioner of Education Section 100.2 and in Commissioner's Decisions. The determination of the Head of School shall be subject to review by the Board of Trustees in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

Pursuant to Commissioner Regulations, a student with a disability who is determined to have brought a weapon (including a firearm) to school or possessed a weapon (including a firearm) at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and School can agree on a different placement. For more information regarding Interim Alternative Educational Settings (IAES), refer to Policy #7313 - Suspension of Students.

However, a scholar with a disability may be given a long term suspension pursuant to the Gun- Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the Individuals with Disabilities Education Act (IDEA), determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Head of School must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The School may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the scholar or to others.

(Continued)



Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

The School may also seek a court order to immediately remove a student with a disability from school if the School believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the School from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Trustees to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The School will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001  
18 United States Code (USC) Sections 921(a) and 930  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC)  
Sections 1400-1485 and 7151  
Criminal Procedure Law Section J .20(42)  
Education Law Sections 310, 809-a, 3214 and Article 89  
Family Court Act Article 3  
Penal Law Sections 265.01-265.06  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 200

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds

Adoption Date