

**The New American Academy
Charter School**

**Discipline Policy and Code of Conduct
Kindergarten-Grade 5**



www.tnaacs.org

TNAACS Behavioral Expectations are based on our HEARTS Values. We expect all students to conduct themselves in a manner consistent with these values at all times. Students are expected to:

- Think before they speak.
- Be a good listener.
- Ask for help when they need it.
- Be willing to try new things
- Always give their best effort and work hard
- Instead of pointing a finger, lend a hand.
- Encourage other community members
- Learn from their mistakes.
- Listen to others when they speak and be open to other points of view.
- Be a leader and allow others to lead
- Look out for number two instead of number one.
- Show respect for themselves and others
- Demonstrate care for the people around them.
- Be sensitive to others' feelings.
- Protect our school environment and the world around them.

The standards outlined in the Behavioral Expectations and the TNAACS Discipline Code apply to behavior:

- In school during school hours,
- Before and after school, while on school property,
- While traveling on vehicles funded by TNAACS
- At all school-sponsored events
- On other-than-school property when such behavior can be demonstrated to affect the educational process negatively or to endanger the health, safety, morals, or welfare of the school community.
- When misbehavior involves communication, gestures, or expressive behavior, the infraction applies to oral, written, or electronic communications, including but not limited to texting, emailing, and social networking.

While a positive school culture and engaging academic program help minimize negative behavior, they are sometimes not enough, and a disciplinary process is needed. In particular, behaviors that disrupt learning or cause harm either to the student or others will not be tolerated. Our guiding policy is fair, firm, and consistent in applying discipline for inappropriate behavior. To be fair, consequences will “fit the crime” and be developmentally appropriate. We have several tiers of disciplinary action:

Tier I—Teacher Directed: Each teacher team has a classroom management system. While open for adjustment, this system will be used throughout each 3-year looping cycle to ensure consistency. While they may differ from team to team, each system will include a series of consequences a teacher may employ if a student misbehaves.

Tier II- Director of Student Support Directed: If a more severe consequence is needed, the matter will be referred to the Director of Student Support. Examples of a Director of Student Support directed consequence include but are not limited to:

- Communication with parent/guardian about Discipline Code infractions
- Removal from class/in-house suspension
- Parent/guardian conferences
- Verbal or written apology to the community
- Detention

Tier III- Principal Directed: the matter can be referred to the Principal for the most severe cases. Examples of a Principal directed consequence include but are not limited to

- Parent/guardian conferences
- Principal Suspension (out of school)
- Board of Directors suspension
- Expulsion

Violations of the Behavioral Expectations and their subsequent consequences are subject to the discretion of the Principal and may be adjusted accordingly. Finally, any state or federal law breaches may be handled in cooperation with New York City Police.

Disciplinary Procedures and Due Process: Parents will be notified of all consequences that involve removing students from class, activities, or the school. Students will be told of all charges against them and be allowed to describe their side of the story. The Principal or other school official shall consider this explanation before taking disciplinary action. Parents may be merely notified of minor infractions, and/or a meeting or conference call may be requested to assist in resolving the situation. For more serious issues that involve the removal of the student from participation in school or school activities, parents will always be notified by phone or via email and have opportunities to discuss the infraction. In cases where the student has committed a crime or violation of local, state, or federal law, law enforcement authorities will be notified.

Short-Term Suspension: A short-term suspension is defined as an in-school or out-of-school suspension of five days or less. When the school proposes suspending a student, the parent/guardian will be notified immediately or as soon as practicable by telephone. If the school has the parent/guardian's email address, notification will be provided by email. The written notice will include the reason(s) for the proposed suspension, the proposed duration of the suspension, and whether the proposed suspension will be in-school or out-of-school. The written notice will also advise the parent/guardian that he/she will have the opportunity to request an

informal conference with the Principal of the school or his/her designee. At an informal conference, the student and parent/guardian will be given an opportunity to deny or explain the charges, present his/her own evidence, and question the complaining witness(es). Student witness(es) have the right to have a parent/guardian present during any questioning. A written decision will be issued after the informal conference. The written notice and informal conference shall be in the parent/guardian's dominant language or translation will be made.

Long-Term Suspension: A long-term suspension is defined as an out-of-school suspension of more than 5 days. The Principal may impose a long suspension for serious infractions of the Discipline Code. When the school proposes suspending a student, the parent/guardian will be notified immediately or as soon as practicable by telephone. If the school has the parent/guardian's email address, an email will provide notification. The written notice will include the reason(s) for the proposed suspension, the proposed duration, and whether the proposed suspension will be in or out of school. The written notice will also advise the parent/guardian and the student of the student's right to a formal conference about the incident. The written notice and formal conference shall be in the parent/guardian's dominant language, or a translation will be made. The Principal or a delegate will preside over the formal conference, and all staff members who witnessed the alleged discipline violation are required to participate. If counsel will represent the student or his/her parent/guardian at the hearing, notice must be provided to the Principal no less than 2 days before the hearing is scheduled. A decision by the Principal or a delegate will be the final decision regarding the student's long-term suspension status. However, the student's family can appeal to the Board of Trustees. A written decision will be issued after the formal hearing.

Alternative Instruction: TNAACS will ensure that alternative educational services are provided to a student suspended or removed from class. All suspended students are entitled to receive alternative instruction commencing within 24 hours of the suspension or expulsion. The school may choose to deliver alternative instruction at the school, in the student's home, or at another location, within its sole discretion in accordance with applicable rules and regulations. The student's suspension letter will list alternative instruction dates and times. All students will receive 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. TNAACS will also ensure that the parent or guardian has access to enrollment information for other schools.

Expulsion: An expulsion is the permanent removal of a student from the school. In the case of conduct that warrants expulsion in the school's judgment, the student may first be subjected to a short or long-term suspension. If the Principal decides a persistent pattern of serious infractions warrants expulsion, the Principal will present this to the TNAACS Board of Directors, along with supporting documentation and evidence, during an Executive Session of the board. If the board agrees an expulsion is warranted, a formal hearing with the parent, the Principal, and the board's Chairman will occur.

When the school proposes the expulsion of a student, the parent/guardian will be notified immediately or as soon as practicable by telephone. If the school has the parent/guardian's email address, an email will provide notification. The parent/guardian will also be notified by overnight mail service or other method to his/her last known address within 24 hours of the school's decision to propose an expulsion. The written notice will include the reason(s) for the proposed expulsion and will also advise the parent/guardian and the

student of the student's right to a formal hearing. The written notice and formal hearing shall be in the parent/guardian's dominant language, or a translation will be made. The Chairman of the Board and the Principal will preside over the formal hearing, and all staff members who witnessed the alleged discipline violations are required to participate. If counsel will represent the student or his/her parent/guardian at the hearing, notice must be provided to the Principal no less than 2 days before the hearing is scheduled. A decision by the Chairman of the Board and the Principal will be the final decision regarding whether or not the student is expelled. However, the student's family can appeal to the Board of Trustees. A written decision will be issued after the formal hearing.

If the school expels a student, the school will cooperate with any school to which the student seeks to enroll, including providing the receiving school with all relevant information regarding the student's academic performance and student records upon request of the school or parent/guardian.

Reasons For Expulsion: The following infractions are subject to expulsion from TNAACS:

- **Level 4 Infractions: Aggressive or Injurious/Harmful Behavior:** Persistent Level 4 infractions may result in expulsion from TNAACS.
- **Level 5 Infractions: Seriously Dangerous or Violent Behavior:** Persistent Level 5 infractions will result in expulsion from TNAACS.

Students with Disabilities: The school's disciplinary policy regarding any student with a disability will be consistent with the *Individuals with Disabilities Act (IDEA)*, its implementing regulations, and applicable New York State law respecting students with disabilities. The school will cooperate with the Committee on Special Education ("CSE") of the student's district of residence as necessary to ensure compliance with all applicable laws and regulations.

Generally, a student with or suspected of having a disability may be disciplined in the same manner as his/her non-disabled peers as set forth above. However, when a student is suspended for more than ten days or on multiple occasions, that, in the aggregate, amount to more than ten days in a school year, additional safeguards are in place to ensure that the student's behavior was not tied to or was a manifestation of his/her disability. An exclusion from school for a period greater than 10 days, as described in this paragraph, is considered a change in placement. A student whose Individualized Education Program (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 an infraction, the matter will be immediately referred to the Committee on Special Education (CSE) for consideration of a change in the guidelines. If a student identified as having a disability is suspended during the course of the school year for a total of ten days, the school will contact the CSE for reconsideration of the student's educational placement. Such a student shall not be suspended for more than ten days during the school year without the specific involvement of the CSE of the student's district of residence before the eleventh day of suspension because such suspensions may be considered a change in placement. TNAACS will work with the CSE to ensure that it meets within seven days of notification of any of the following:

- The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days;

- The commission of any infraction resulting from the student's disability;
- The commission of any infraction by a student with a disability, regardless of whether the student has previously been suspended during the school year, that if a non-disabled student committed such an infraction, the Principal would seek to suspend in excess of ten days.

Alternative Instruction For Students With Disabilities: TNAACS will ensure that alternative educational services are provided to a student with disabilities suspended or removed from class. All suspended students are entitled to receive alternative instruction commencing within 24 hours of the suspension or expulsion. The school may choose to deliver alternative instruction at the school, in the student's home, or at another location, within its sole discretion in accordance with applicable rules and regulations. The student's suspension letter will list alternative instruction dates and times. All students will receive a minimum of two hours per day of alternative instruction.

When a TNAACS student with a disability has been suspended for 10 days or more, or a new suspension will result in the student being suspended for 10 days or more, TNAACS will work with the CSE and contracted service providers to ensure that the student receives the IEP services necessary to progress in the general education curriculum and their IEP goals.

TNAACS students with a disability suspended for 10 days or more will receive, as appropriate, a functional behavioral assessment (MDR). If the MDR reveals that the student's behavior results from their disability, the student will immediately be allowed to return to school.

Compliance with the Child Find Requirements of IDEA: TNAACS 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 Student Support Team (SST) if they demonstrate problems within the regular classroom environment. Strategies will then be implemented to address any student's identified special needs. 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.

Gun-Free Schools: Federal and State Laws require expulsion from school for a period of not less than one year for a student who is determined to have brought a firearm to the school or to have possessed a firearm at school, except that the Principal may modify such expulsion requirement for a student on a case-by-case basis. "Weapon," as used in this law, includes firearms and explosives. The Headmaster shall refer a student under the age of sixteen who has been determined to have brought a weapon or firearm to school to a presentment agency for a juvenile delinquency proceeding. Any action taken by criminal justice or juvenile agencies will be in addition to and independent of discipline imposed by a school.

Attendance: School personnel must ensure that appropriate outreach, intervention, and support are provided for students who

exhibit attendance problems that manifest as truancy or patterns of unexcused absence or educational neglect. In cases of truancy, school personnel must meet with the student and parent to determine an appropriate course of action, which should include but not be limited to guidance intervention, referral for counseling, referral to after-school programs, the filing of a Person in Need of Supervision (PINS) Petition in Family Court and referral to the Administration for Children's Services (ACS). The school should review truancy cases and involve teachers and other school staff in facilitating a resolution to address the pattern of truancy. Cases of suspected educational neglect must be called into the New York State Central Register.

Students Rights: All TNAACS Charter School Students and their families are entitled to:

- Be in a safe and supportive learning environment, free from discrimination, harassment, bullying, and bigotry, and file a complaint if they feel that they are subject to or witness this behavior;
- Receive courtesy and respect from others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, citizenship/immigration status, sexual orientation, physical and/or emotional condition, disability, marital status, economic status, and political beliefs;
- Receive a written copy of the school's policies and procedures, including the Discipline Code; Receive professional instruction;
- Be informed of educational progress and receive periodic evaluations both informally and through formal progress reports;
- Be notified promptly of the possibility of being held over in the grade or of failing a course; parent/adult in the parental relationship and eligible student);
- Be provided with the Discipline Code and rules and regulations of the school;
- Be counseled by professional staff members in matters related to their behavior as it affects their education and welfare within the school.

Dignity For All Students Act Policy: TNAACS is committed to providing a safe and productive learning environment in which all students are treated with respect and dignity. In accordance with New York State's Dignity for All Students Act (DASA), the School 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. TNAACS will not tolerate harassment, intimidation, coercion, bullying, or cyberbullying that:

- 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 ;
- reasonably causes or would reasonably be expected to cause a student to fear for his/ her physical safety; or;
- 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, intimidation, coercion, and bullying include, but are not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, economic status, sexual orientation, gender or sex. TNAACS considers isolating another student based on any of these actual or

perceived statuses to be a form of harassment and bullying. Gender means the actual or perceived sex of an individual and includes a person's gender identity or expression. Sexual Orientation means the actual or perceived heterosexuality, homosexuality, or bisexuality. Cyberbullying means coercion, intimidation, harassment, or bullying that occurs through any form of electronic communication or information technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems, and all forms of social media and websites.

Dignity Act Coordinator: TNAACS has designated the Supervising Student Support Counselor, Ms. Ginelle Gonzalez, as the Dignity Act Coordinator (DAC). 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 DAC will be accessible to students and other employees for consultation and advice. Ms. Gonzalez can be reached at ggonzalez@thenewamericanacademy.org or 718-385-1709.

Reporting and Investigating: All TNAACS staff members are responsible for reporting harassment, bullying, or discrimination, of which they were made aware of by their immediate supervisor. Any student who believes that s/he is 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 immediately report the harassment, bullying or discrimination to any staff member, the DAC, or the Principal. A staff member who witnesses harassment, bullying or discrimination or who receives an oral or written report of harassment, bullying or discrimination shall promptly orally notify the Principal not later than one school day after witnessing, or receiving a report of such acts and shall file a written report with the Principal not later than two school days after making such oral report.

The Principal shall promptly investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority (e.g., the Chairman of the Board or the Board of Trustees) and/or other official designated by the Board of Trustees to investigate allegations of harassment, bullying or discrimination. 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 investigating allegations of harassment, bullying or discrimination have not suffered retaliation.

School Response to Violations of this Policy: When an investigation reveals any such verified harassment, bullying or discrimination, TNAACS 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. Factors to be considered may include: the nature of the behavior; the frequency of the behavior; the relationship between the parties; the context in which the behavior occurred; and what action is most likely to end ongoing harassment, bullying or discrimination and deter future harassment, bullying or discrimination. Any such actions shall be consistent with the TNAACS Discipline Policy and Code of Conduct relies upon interventions and supports to support student growth and achievement. The School recognizes that false accusations of harassment, bullying or discrimination can cause serious harm to innocent persons. If an investigation results in a finding that the complainant knowingly falsely accused another person of harassment, bullying or discrimination, the complainant will be subject to disciplinary action, in accordance with the Code of Conduct.

Record Keeping/Reporting: TNAACS will maintain records of complaints of harassment, bullying, and discrimination, as well as records of subsequent investigations of such matters. Material incidents of harassment, bullying and/or discrimination on school grounds or at a school function will be reported to the State Education Department as required by law. The Principal shall promptly notify law enforcement authorities when they believe that any harassment, bullying or discrimination constitutes criminal conduct.

No Retaliation: TNAACS prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who investigate 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: TNAACS shall distribute a written or electronic copy of its DASA Policy to all employees, students, and parent/guardians at least once during every school year. A copy of this policy is also included at the end of this document.

Behavioral Infractions: Infractions of TNAACS Behavioral Expectations are broken down into five categories with corresponding consequences. These categories are as follows:

Progressive Infraction Levels	
Level 1	<i>Uncooperative/Non-Compliant Behavior</i>
Level 2	<i>Disorderly Behavior</i>
Level 3	<i>Disruptive Behavior</i>
Level 4	<i>Aggressive or Injurious/Harmful Behavior</i>
Level 5	<i>Seriously Dangerous or Violent Behavior</i>

The enumerated infractions are not all-inclusive. Students who engage in misconduct that is not listed are subject to appropriate disciplinary measures by the Teacher, Director of Teaching and Learning, Principal, Assistant Principal, Director of Student Support, or TNAACS Board. The Discipline Code provides graduated accountability measures for students who engage in repeated misbehavior despite prior interventions and/or prior imposition of appropriate disciplinary measures. More severe accountability measures will be imposed on those students who engage in a pattern of persistent misconduct.

LEVEL 1 INFRACTIONS: Uncooperative or Non-Compliant Behavior

Level 1 Infractions	Possible Disciplinary Actions
<ul style="list-style-type: none"> ❖ Unexcused absence from school ❖ Failing to wear the required school uniform ❖ Being late for school ❖ Bringing prohibited equipment or items to school without authorization (e.g., cell phone or other electronic communication/entertainment device) ❖ Failing to be in one's assigned place on school premises ❖ Behaving in a manner that disrupts the educational process (e.g., making excessive noise in a classroom, library, or hallway) ❖ Engaging in verbally rude or disrespectful behavior ❖ Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process ❖ Using school computers, fax machines, telephones, or other electronic equipment or devices without appropriate permission 	<ul style="list-style-type: none"> ● Admonishment by school staff ● Student/Teacher conference ● Reprimand by the Director of Teaching and Learning, Director of Student Support, Assistant Principal, or Principal ● Parent conference with a teacher, the Director of Teaching and Learning, the Director of Student Support, the Assistant Principal, or the Principal ● In-school disciplinary action (e.g., exclusion from extracurricular activities or communal lunchtime) ● Removal from the classroom (After a student has been removed twice during a 30-day period, the Assistant Principal may impose an in-house suspension. Repeated removals after this will result in a Principal/ Assistant Principal out of school suspension) <p>*Please Note: persistent Level 1 behavior will result in a Principal/ Assistant Principal suspension</p>

LEVEL 2 INFRACTIONS: Disorderly Behavior

Level 2 Infractions	Possible Disciplinary Actions
<ul style="list-style-type: none"> ❖ The possession of matches or lighters ❖ Using profane, obscene, vulgar, or lewd language, gestures, or behavior ❖ Lying to, giving false information to, and/or misleading school personnel ❖ Disrupting the educational process of others ❖ Misusing property belonging to others ❖ Engaging in or causing disruptive behavior on the school bus ❖ Leaving the class or school premises without the permission of the supervising school personnel ❖ Engaging in inappropriate or unwanted physical contact or touching someone in a private part of the body (Grades K-1) ❖ Engaging in scholastic dishonesty, which includes, but is not limited to: <ul style="list-style-type: none"> ➢ Cheating ➢ Collaborating with another student during a test without authorization ➢ Substituting for another student or permitting another student to substitute for one's self to take a test ➢ Plagiarizing ➢ Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit) ❖ Inappropriate use of electronic technology (e.g., unauthorized audio/video recording) 	<ul style="list-style-type: none"> ● Admonishment by school staff ● Student/Teacher conference ● Reprimand by the Director of Teaching and Learning, Director of Student Support, Assistant Principal, or Principal ● Parent conference with a teacher, the Director of Teaching and Learning, the Director of Student Support, the Assistant Principal, or the Principal ● In-school disciplinary action (e.g., exclusion from extracurricular activities or communal lunchtime) ● Removal from the classroom (After a student has been removed twice during a 30-day period, the Assistant Principal may impose an in-house suspension. Repeated removals after this will result in a Principal/ Assistant Principal out of school suspension) ● In-house suspension (After a student has received an in-house suspension once during a 30-day period, further infractions will result in a Principal/ Assistant Principal out-of-school suspension) <p>Persistent Level 2 behavior will result in a Principal/ Assistant Principal suspension</p>

LEVEL 3 INFRACTIONS: Disruptive Behavior

Level 3 Infractions	Possible Disciplinary Actions
<ul style="list-style-type: none"> ❖ Defying or disobeying the lawful authority or directive of the school personnel or the school safety agents in a way that substantially disrupts the educational process ❖ Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability ❖ Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students or school personnel (e.g., pushing past another person), throwing an object (e.g., chalk), or spitting at another person ❖ Bringing unauthorized persons to school or allowing unauthorized visitors to enter the school in violation of written school rules ❖ Knowingly possessing property belonging to another without authorization ❖ Tampering with, changing, or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means ❖ Engaging in inappropriate or unwanted physical contact or touching someone in a private part of the body (Grades 2-5) ❖ Engaging in gang-related behavior ❖ Engaging in vandalism, graffiti, or other intentional damage to the school property or property belonging to staff, students, or others ❖ Posting or distributing libelous material or literature, including posting such material on the Internet 	<ul style="list-style-type: none"> ● Admonishment by school staff ● Student/Teacher conference ● Reprimand by the Director of Teaching and Learning, Director of Student Support, Assistant Principal, or Principal ● Parent conference with a teacher, the Director of Teaching and Learning, the Director of Student Support, the Assistant Principal, or the Principal ● In-school disciplinary action (e.g., exclusion from extracurricular activities or communal lunchtime) ● Removal from the classroom (After a student has been removed twice during a 30-day period, the Assistant Principal may impose an in-house suspension. Repeated removals after this will result in a Principal/ Assistant Principal out of school suspension) ● In-house suspension (After a student has received an in-house suspension once during a 30-day period, further infractions will result in a Principal/ Assistant Principal out-of-school suspension) ● Principal/ Assistant Principal suspension for 1-5 days ● Principal/ Assistant Principal suspension for a fixed period of 6-10 school days

LEVEL 4 INFRACTIONS: Aggressive or Injurious/Harmful Behavior

Level 4 Infractions	Possible Disciplinary Actions
<ul style="list-style-type: none"> ❖ Posting or distributing, displaying, or sharing literature or material containing a threat of violence, injury, or harm, or depicting violent actions against or obscene, vulgar, or lewd pictures of students or staff, including posting such material on the Internet and/or social media sites. ❖ Engaging in physically aggressive behavior other than minor altercations, which creates a substantial risk of or results in minor injury ❖ Engaging in an act of coercion or threatening or instigating violence, injury, or harm to another or others ❖ Engaging in behavior on the school bus that creates a substantial risk of or results in injury ❖ Engaging in harassing, intimidating, and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: <ul style="list-style-type: none"> ➢ Physical violence; ➢ Stalking; ➢ Verbal, written, or physical conduct that threatens another with harm; ➢ Seeking to coerce or compel a student or staff member to do something; ➢ Hazing; ➢ Taunting; ➢ Exclusion from peer groups designed to humiliate or isolate; ➢ Using derogatory language, making derogatory jokes, or name-calling to humiliate or harass 	<ul style="list-style-type: none"> ● Parent conference with a teacher, the Director of Teaching and Learning, the Director of Student Support, the Assistant Principal, or the Principal ● In-school disciplinary action (e.g., exclusion from extracurricular activities, or communal lunchtime) ● Removal from the classroom (After a student has been removed twice during a 30-day period, the Assistant Principal may impose an in-house suspension. Repeated removals after this will result in a Principal/ Assistant Principal out of school suspension) ● In-house suspension (After a student has received an in-house suspension once during a 30-day period, further infractions will result in a Principal/ Assistant Principal out-of-school suspension) ● Principal/ Assistant Principal suspension for 1-5 days ● Principal/ Assistant Principal suspension for a fixed period of 6-10 school days ● TNAACS Board suspension that results in extended suspension for 30 to 90 school days, with an automatic review for early reinstatement after 30 or 60 school days <p>Persistent Level 4 behavior may result in expulsion from TNAACS</p>

LEVEL 4 INFRACTIONS: Aggressive or Injurious/Harmful Behavior(continued page 2 of 2)

Level 4 Infractions	Possible Disciplinary Actions
<ul style="list-style-type: none"> ❖ Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images) (for grades 3-5 only) ❖ Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol ❖ Taking or attempting to take property belonging to another, or belonging to the school, without authorization, without using force or intimidating behavior ❖ Falsely activating a fire alarm or other disaster alarm ❖ Making a bomb threat ❖ Creating a substantial risk of serious injury by either recklessly engaging in behavior and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer) ❖ Inciting/causing a riot ❖ Possessing or using any weapon or any object that could be considered a potential weapon ❖ Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol 	<ul style="list-style-type: none"> ● Parent conference with a teacher, the Director of Teaching and Learning, the Director of Student Support, the Assistant Principal, or the Principal ● In-school disciplinary action (e.g., exclusion from extracurricular activities or communal lunchtime) ● Removal from the classroom (After a student has been removed twice during a 30-day period, the Assistant Principal may impose an in-house suspension. Repeated removals after this will result in a Principal/ Assistant Principal out of school suspension) ● In-house suspension (After a student has received an in-house suspension once during a 30-day period, further infractions will result in a Principal/ Assistant Principal out-of-school suspension) ● Principal/ Assistant Principal suspension for 1-5 days ● Principal/ Assistant Principal suspension for a fixed period of 6-10 school days ● TNAACS Board suspension that results in extended suspension for 30 to 90 school days, with an automatic review for early reinstatement after 30 or 60 school days <p style="text-align: center;">Persistent Level 4 behavior may result in expulsion from TNAACS</p>

LEVEL 5 INFRACTIONS: Seriously Dangerous or Violent Behavior

Level 5 Infractions	Possible Disciplinary Actions
<ul style="list-style-type: none"> ❖ Starting a fire ❖ Threatening to use or using force to take or attempt to take property belonging to another ❖ Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents ❖ Using extreme force against or inflicting or attempting to inflict serious injury upon students or others ❖ Planning, instigating, or participating with another or others in an incident of group violence ❖ Engaging in threatening, dangerous, or violent behavior that is gang-related ❖ Engaging in physical, sexual aggression/compelling or forcing another to engage in sexual activity (Grades 3-5) ❖ Selling or distributing illegal drugs or controlled substances, and/or alcohol (Grades 3-5) ❖ Possessing or selling any weapon other than a firearm. ❖ Using any weapon to threaten or attempt to inflict injury upon school personnel, students, or others ❖ Using any weapon other than a firearm to threaten or attempt to inflict injury upon school personnel, students, or others ❖ Using any weapon other than a firearm to inflict injury upon school personnel, students, or others ❖ Possessing or using a firearm 	<ul style="list-style-type: none"> ● Parent conference with a teacher, the Director of Teaching and Learning, the Director of Student Support, the Assistant Principal, or the Principal ● In-school disciplinary action (e.g., exclusion from extracurricular activities, or communal lunchtime) ● Removal from the classroom (After a student has been removed twice during a 30-day period, the Assistant Principal may impose an in-house suspension. Repeated removals after this will result in a Principal/ Assistant Principal out of school suspension) ● In-house suspension (After a student has received an in-house suspension once during a 30-day period, further infractions will result in a Principal/ Assistant Principal out-of-school suspension) ● Principal/ Assistant Principal suspension for 1-5 days ● Principal/ Assistant Principal suspension for a fixed period of 6-10 school days ● TNAACS Board suspension that results in extended suspension for 30 to 90 school days, with an automatic review for early reinstatement after 30 or 60 school days <p style="text-align: center;">Persistent Level 5 behavior will result in expulsion from TNAACS</p>

Attachment # 1 - TNAACS DASA Policy

TNAACS Dignity for All Students (DASA) Policy

The New American Academy Charter School (the “School”) creates a safe and supportive environment for all community members; we abide by the New York State Dignity for All Students Act. This law seeks to “provide students with a safe and supportive environment from discrimination, intimidation, taunting, harassment, and bullying (including cyber bullying) on school property, a school bus and/or at a school function.” Discrimination and harassment are prohibited by employees or students based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

Respect for All

All students have the right to attend schools that are safe, secure, and peaceful environments. The New American Academy Charter School’s Board of Trustees (the “Board”) recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the School to educate its students and disrupt the operation of the school. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

Bullying in schools has historically included actions shown to be motivated by a pupil’s actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, weight, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

The Board prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds which can be reasonably expected to materially and substantially interfere with the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

Definitions

Bullying

Bullying is understood to be a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror. To facilitate implementation of this policy and to provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term “harassment”) to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. Bullying is an unwanted aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the Definitions section, under Harassment, below).

Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Harassment

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board’s goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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 conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person’s actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,

- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression)

In some instances, bullying or harassment may constitute a violation of an individual's civil rights.

Prevention

The School setting provides an opportunity to teach our children, and emphasize among staff, that cooperation with and respect for others are key values of the School. Staff members and students will be sensitized, through professional development and instruction (when possible), to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur. The School Counselor will serve as the Dignity Act Coordinator (DAC). The DAC is thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, and gender identity and expression), and sex. The DAC will coordinate dissemination of information on anti-bullying, implement strategies to prevent bullying, and enforce this policy. In addition, the DAC will be responsible for receiving reports of observed or suspected acts of bullying, investigating, remedying, and tracking those allegations.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention should emphasize education and skill building. Successful intervention may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches. In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and applicable law.

Provisions for Students Who Don't Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed to help ensure the safety of the student and bring this to the attention of the Principal and Assistant Principal. The Principal and Assistant Principal, or other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations. The Board recognizes that the accommodations that enhance student safety must be weighed against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the

student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Principal, Assistant Principal and/or appointed staff member will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to staff that have contact with students. The DAC will be trained in accordance with State requirements and will continue their professional development so as to successfully support this policy and program.

Reporting and Investigation

Although it can be difficult to step forward, the Board cannot effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying the School's Employee Handbook. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. All incidents of bullying will be reported to the New York State Education Department on at least an annual basis, so that the state can evaluate the School's performance under the policy. Such incidents may be included in the Violent and Disruptive Incident Reporting (VADIR) system, as applicable. There shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe to the Principal and Assistant Principal or other member of the Educational Leadership Team who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware to the Principal or Assistant Principal or other member of the Educational Leadership Team or other person who supervises their employment. The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted. Consequences for a student who commits an act of bullying shall be unique to the individual incidents will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the

student's history of problem behaviors, and must be consistent with the School's Code of Conduct.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law, as well as the School's policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

False Claims

Anyone making false claims of harassment or bullying will be subject to disciplinary action as defined by this policy.

Dissemination, Monitoring, Review, and Reporting

This policy, or a plain language summary, shall be published in parent and employee handbooks. A bullying complaint form will be available upon request to the DAC. The School will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

To read the full Dignity for All Students Act, please visit <http://www.p12.nysed.gov/dignityact/>.

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