



**FUTURE LEADERS INSTITUTE**  
**CHARTER SCHOOL**

Student Safety and Discipline Handbook  
2019-20 School Year

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## INTRODUCTION

Future Leaders Institute Charter School (“FLI” or “FLI Charter School”) is, above all else, a community of learning. Enthusiastic discovery, innovation, teamwork, and progress are everyday occurrences for students, faculty, and staff alike. In order to facilitate this free discourse and meaningful collective insight we must create an open and respectful environment equally conducive to both diligence and imagination. To this end, our safety and discipline policies for the community, including our Dignity Act for All Students policy, begin with how community members, including students, staff, and faculty, should behave towards each other rather than simply cataloging the range of possible infractions and providing the consequent due process.

This Student Safety and Discipline Handbook (the “Handbook”) sets forth FLI’s policies for how students are expected to behave when participating in school and school-related activities, both on and off FLI grounds, and how the school will respond when students fail to behave in accordance with these rules. Depending on the severity of the infraction, disciplinary responses may include, but are not limited to, teacher removals, exclusion from extracurricular activities, suspension (short or long term), and expulsion. Students are expected to be good representatives of FLI at all times, conducting themselves according to the highest standards of behavior in consideration of, and with respect for, the rights, diversity, and needs of others. In all disciplinary matters, students will be given notice and will have the opportunity to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to the staff member imposing such sanctions. Where appropriate or necessary, school officials will contact law enforcement and applicable regulatory agencies.

## DEFINITIONS

For the purposes of this Handbook, the following definitions shall apply:

- “Discipline Code” refers to the provisions and policies as specified in the FLI Charter School Student Safety and Discipline Handbook.
- “Disruptive student” means any student who substantially disrupts or interferes with the educational process, or substantially interferes with the authority of the teacher, administrator, or other school personnel.
- “Expulsion” refers to the permanent removal of a student from FLI Charter School for disciplinary reasons.
- “Long Term Suspension” refers to the removal of a student from FLI Charter School for disciplinary reasons for a period of ten or more days.
- “Parent” means a biological or adoptive parent, legal guardian or person in parental relation to a student.
- “School property” means any tangible property, including, but not limited to furniture, computer hardware, software, internet, intranet, and e-mail accounts, as well as any building, structure, playground, land or real property of any kind owned or leased by FLI Charter School.
- “School personnel” means staff employed by FLI Charter School and, for purposes of this policy, includes, but is not limited to, independent contractors and other consultants to the school.
- “Short Term Suspension” refers to the removal of a student from FLI Charter School for disciplinary reasons for a period of less than ten days.
- “Violent student” means a student who commits one of the following acts:
  - Violence upon another student, school personnel, or any other person, or attempts, threatens, directs or persuades another to do so.

- Possesses a weapon, while on school property or at a school-related function.
  - Threatens to use a weapon while on school property or at a school-related function, or in a way that causes disruption to the school or school community (e.g., by using the internet or e-mail while off campus).
  - Knowingly and intentionally damages or destroys the personal property of any school employee, student, or any person lawfully on school property or at a school-related function.
  - Knowingly and intentionally damages or destroys school property.
- “Weapon” refers to a device, instrument, material, or substance that can cause physical injury.

## **Student Records**

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

## **FLI’s Dignity Act for All Students Policy including Anti-Harassment, Anti-Intimidation, and Anti-Bullying/Cyberbullying Policies**

FLI will not tolerate harassment, intimidation, coercion, bullying, or cyberbullying. This includes behavior that: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Acts of harassment, 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. FLI considers isolating another student on the basis of 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 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 (“DAC”)*

FLI’s Lower School and Middle School Counselors serve as our official Dignity Act Coordinators. Specific contact information for the counselors can be found online at [futureleadersinstitute.org](http://futureleadersinstitute.org). The DAC will be trained to handle human relations in the areas addressed by the Dignity Act (race, color, weight, national origin, ethnic group, religion, religious practice, disability, economic status, sexual orientation,

gender, and sex). The DAC serves as the point person for all Dignity Act issues at FLI and works to ensure that all students are provided with a safe, supportive, and positive school climate free from harassment or discrimination on any of the bases described above and generally. Any incident of harassment or bullying may be reported to the DAC or to the Principal. Reports should be made at the earliest possible time. Staff members who witness or become aware of any incidents of harassment or bullying must report it to the Principal within one day.

#### *Reports and Investigations of Discrimination and Harassment*

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

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

## **Violations of Safety and Human Rights**

#### *Physical Violence*

There may be disputes, differences and even heated disagreements from time to time. However, these must be handled in a non-violent and non-threatening way. No physical fights of any sort will be permitted and all parties who contribute to the Cycle of Violence will be considered at fault. The Cycle of Violence consists of hitting, hitting back, inciting a fight, encouraging or daring a fight, approaching, staying, or celebrating at the scene of a fight. Strong disciplinary action including suspension will be taken against students who contribute to the Cycle of Violence. There is to be no “play fighting” and no threatening of physical violence. Bullying and physical, verbal, and non-verbal behavior that makes another student feel threatened is strictly prohibited. Such behavior will also result in swift disciplinary action.

#### *Gun Free Schools Act and Possession of Weapons*

There is zero tolerance for possession of firearms and/or other weapons. Students found with weapons or firearms will be subject to severe discipline up to and including expulsion.

Federal and New York law require the expulsion from school for a period of not less than one year of a student who is determined to have brought a firearm to the school, or to have possessed a firearm at school, except that the Principal may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended). “Weapon,” as used in this law means a “firearm,” as defined by 18 USC § 921, and includes firearms and explosives. (New York Education Law §3214 effectuates this federal law.)

The following are included within this definition:

- Any device, instrument, material, or substance that is used for or is readily capable of causing death or serious bodily injury. Knives with a blade of two and half inches or more in length fall within this definition.
- 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 any weapon described above.
- Any firearm muffler or firearm silencer.
- Any destructible device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device.
- Any weapon which will, or may readily be converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter.
- Any combination of parts either designed or intended for use in converting any device into any destructive device in the two immediately preceding examples, and from which a destructive device may be readily assembled.

Unless required to do so by law or regulation, the school may, in its sole discretion, report any incident of weapon possession to local, state, and/or federal law enforcement agencies.

## **Discipline Program**

The FLI Discipline Program contains several components:

- Information for students and parents regarding expectations, rules, and consequences for misbehavior, including the school's Code of Conduct
- Special assistance for students desiring help in solving their problems, such as the Holistic Student Support Team
- Individual teacher and/or administrative responses to student infractions
- Implementing Behavior Plans so that students may learn how to modify their behavior
- Progressive consequences for repeated infractions, subject to the Administration's discretion
- Due process procedures for short-term suspensions
- A formal hearing for long-term suspensions or expulsions

Every attempt will be made to communicate and cooperate closely with parents concerning their child. The Student Affairs Associate or his/her designee will notify parents by telephone and in writing of disciplinary events, and will provide, upon request, copies of disciplinary referrals made by teachers where such copies exist. As detailed below, appeals of disciplinary action following a formal hearing, may be brought to the Board of Trustees.

## **Code of Conduct**

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

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

A disciplinary offense may occur while the student is: at school and/or on school grounds; participating in a school-sponsored activity; walking to or from school or a school-sponsored event; walking to or from, waiting for, or riding on school-provided transportation; or walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored activity conducted off school grounds. It also applies to use of social media and electronic communications that negatively impact the school environment.

School-related disciplinary offenses may also include misconduct outside the school, such as via social media that reasonably could affect the school or learning environment. School administration will use their professional judgment in determining which disciplinary action(s) will be most effective in dealing with the student's misconduct, taking into account the following factors:

- The student's age and maturity level;
- The nature and seriousness of the infraction and the circumstances which led to the infraction;
- The student's previous disciplinary record;
- The effectiveness of other forms of discipline;
- Information from parents, teachers and/or others, as appropriate;
- The student's attitude; and other relevant factors

### *Off Campus Discipline Policy*

At FLI, the discipline policy will be the same off of campus behavior that impacts the school environment as it is on campus, including on the school bus or any other means of student transportation, and is applicable to all off-site trips as well as to stores that student's may visit on the way to or from school. In that way, FLI will maintain a "door-to-door" discipline policy, which begins when students leave their home to come to school, and ends when they reach home or their final destination after school. These policies extend to acceptable use for social media sites, including, but not limited to Facebook, Twitter, Instagram, Snapchat, Tumblr, Vine, Wanelo, Kik Messenger, Oovoo, YouTube, Google+, and Flickr. Students are also responsible for following the school's Code of Conduct when engaged in off-campus activities that impact the educational environment, such as through social media websites. Consequences for cyber bullying, for example, will be similar to those for bullying on campus.

### *List of Certain Actionable Offenses*

The following list of actionable infractions and Levels is not exhaustive but provides examples of violations of the Code that may result in disciplinary action in addition to consequences as defined above. The list may be modified from time to time and/or supplemented by FLI staff with notice to students.

#### LEVEL 1 (MINOR)

Consequences:

- First Offense: Parental contact by teacher, teacher consequences, teacher-student conferences
- Second Offense: Parental contact by Student Affairs Associate, student conference, Community Service

- Third Offense: Consult with the Holistic Team, detention, and parent conference

Examples of Such Behavior:

- Sleeping in class
- Gum chewing
- Not completing homework or classwork
- Not following teacher/staff directions
- Uniform infraction

LEVEL 2 INFRACTION (MAJOR)

Consequences:

- First Offense: Parent Contact
- Second Offense: Detention and parent contact
- Third Offense: Parent conference, Half - day removal, Community Service, Meeting with Student Affairs Associate
- Fourth Offense: Short-Term In-School Suspension, Parent meeting with Principal and behavioral plan

Examples of Such Behavior:

- Profane language
- Threatening
- Throwing items with no intent to harm
- Teasing
- Lying or willfully misleading
- Loitering
- Destroying school property
- Horseplay
- Academic Dishonesty
- Intentional class disruption
- Improper use of computer, internet, or other electronic technology
- Failure to serve detention
- Visible cell phone

LEVEL 3 INFRACTION (SERIOUS)

Consequences:

- First Offense: Half-day removal, Notify HSST, and Parental meeting with Student Affairs Associate/Teacher
- Second Offense: In-school suspension, Meeting with Principal, and Behavior Plan
- Third Offense: Out of School Short or Long-Term Suspension, Meeting with Principal

Examples of Such Behavior:

- Leaving school premises without permission during school hours
- Disrespect to adults
- Throwing items; could harm

## LEVEL 4 INFRACTION (EGREGIOUS)

### Consequences:

- First Offense: Possible Short-Term or Long-Term; Suspension, Parent meeting with the Student Affairs Associate and Principal
- Second Offense: Possible Long-Term Suspension or Expulsion

### Examples of Such Behavior:

- Possessing a weapon or an instrument that imitates a weapon as determined by school officials
- Using or possessing illegal drugs, alcohol, or cigarettes (including unauthorized prescription drugs)
- Theft
- Assaulting / extreme threatening that leads others to fear for their safety
- Bomb, threat or other violent action to facility including but not limited to pulling a fire alarm
- Bullying, including but not limited to cyber-bullying
- Sexual harassment
- Gross defiance or disrespect toward school personnel
- Fighting

Repeated Violations of the Code: Progressively more serious disciplinary consequences shall be imposed upon any student who repeatedly commits one or more disciplinary infractions.

## Disciplinary Procedures

### *School Day Consequences*

A student whose behavior disrupts or interferes with the educational process may be removed from class. Removed students are sent to the Student Affairs Office for a determined amount of time. Students may be temporarily placed in an administrative office. Students are given an opportunity to speak with the Student Affairs Associate, or his/her designee, and may receive consequences in line with the Code of Conduct or as otherwise determined to be warranted by FLI school leadership. Efforts will be made to return students to their classrooms as quickly as possible. If a child's behavior becomes too disruptive or egregious to be returned to class, parents will be called to pick them up and/or disciplinary procedures will result.

### *Reentry Conference*

A reentry conference refers to the conference that may take place between parents, a student, and the Student Affairs Associate or his/her designee before a student returns to a classroom.

### *Short-Term Suspension (In-School)*

Students given an in-school short-term suspension for Code of Conduct violations will be assigned to an office or other, supervised location within the School and given alternative instruction.

### *Short-Term Suspension (Out-of- School)*

An out-of-school short-term suspension refers to the removal of a student from school for disciplinary reasons for a period of less than ten (10) days. Short-term suspensions may be imposed by the Principal or the Principal's designee when serious behaviors occur, or when frequent, patterned behaviors are repeated over time. The student will not be permitted to attend any classes, extracurricular activities or athletics during the period of suspension. However, alternative academic instruction will be offered.

*Procedures and Due Process for Short-Term Suspension.*

Short-term suspensions shall follow due process procedures consistent with federal case law pursuant to *Goss v. Lopez* (419 U.S. 565). Before imposing a short-term suspension, or other removal from instruction, the Principal or designee shall provide notice to inform the student of the charges against him or her and provide an opportunity for the student to provide their version of events. Before imposing a short-term suspension, the Principal, or designee, shall immediately notify the parents or guardian in writing that the student may be suspended from school. Written notice shall be provided by personal delivery or express mail delivery within 24 hours of the decision to impose suspension at the last known address(es) of the parents or guardians. Where possible, notification also shall be provided by telephone. Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the parents or guardian of their right to request an immediate informal conference with the Principal or designee. Such notice and informal conference shall be in the dominant language or mode of communication used by the parents or guardian. The Principal or designee's decision to impose a short-term suspension may be challenged by the parent(s) or guardian in accordance with the formal complaint process of the School.

*Long-Term Suspension/Expulsion*

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

*Procedures and Due Process for Long-Term Suspension or Expulsion*

Where the School seeks to impose a disciplinary consequence of long-term suspension (ten (10) days or more) or expulsion, it shall provide written notice to the student and his or her parent(s)/guardian as described above. The Principal, FLI Board member, or their designee, shall serve as the hearing officer for the hearing. The School shall make the case for suspension or expulsion, introducing evidence and calling witnesses on its behalf. The student is entitled to be represented by counsel and shall have an opportunity to defend him or herself against the charges brought by the school. The student may introduce evidence and call witnesses on his or her behalf. Both parties may cross-examine witnesses called by the other party. The hearing shall not exceed two hours in length, unless the hearing officer elects to extend that limit. An audio transcript shall be made of the proceedings and a copy of that recording shall be made available to the student upon request.

The hearing officer shall provide to the student a decision in writing within five (5) school days. Should the student seek to appeal the ruling, he or she may do so by submitting to the FLI Board of Trustees a written request for appeal within three (3) school days. Upon receipt of such a request, a committee comprised of no less than three trustees who were not involved in the initial hearing will promptly hear the appeal. Each party will have twenty minutes in which to make a statement. The scope of the appeal will be limited to positions and the record established during the first disciplinary hearing. In rendering

its decision, the committee may consult the transcript of the disciplinary hearing and any evidence submitted in connection with it. The committee will provide a written ruling within five (5) school days.

#### *Provision of Instruction during Removals and Suspensions*

FLI will ensure that alternative instruction is provided pursuant to applicable law to a child who has been suspended, expelled, or removed from the classroom setting. For a student who has been expelled, alternative instruction will be provided until the student has been accepted into another school, or for such period that FLI is required to do so by law, whichever period is shorter. Alternative instruction will be provided to students suspended or expelled in a way that best suits the needs of the student on a case-by-case basis. Instruction for such students shall be sufficient to enable the student to make adequate academic progress, and shall provide them the opportunity to complete assignments, learn the curriculum, and participate in assessments. Instruction will take place in one of the following locations: the child's home, a contracted facility (e.g., in the school district of location), a suspension room at the school, or other location at the Principal's discretion. Instruction will be provided for at least two hours per day, or such period required by applicable law. Students receiving alternative instruction will be given their classroom assignments, a schedule to complete such assignments during the period of suspension/expulsion.

### **Disciplinary Procedures for Students with Disabilities**

FLI is committed to ensuring that the rights of students with disabilities are protected in accordance with applicable federal and state law and regulations. The School shall comply with sections 300.530-300.536 of the Code of Federal Regulations and the following procedures, except that in the event that the following procedures are inconsistent with federal law and regulations, such federal law and regulations shall govern.

Generally, a student with or suspected of having a disability may be disciplined in the same manner as his/her non-disabled peers as set forth above. A student not specifically identified as having a disability but about whom the charter school has a basis of knowledge—in accordance with 34 CFR 300.534—that a disability exists, may request to be disciplined in accordance with these provisions. When a student with disabilities is suspended for more than ten (10) days, or on multiple occasions that in the aggregate amount to more than ten (10) days during a given school year, additional procedures apply. In the event that the following procedures are inconsistent with applicable federal or state law and regulations, the applicable law and regulations shall govern. FLI will maintain written records of all suspensions and expulsions of students with a disability in the same manner as for students without disabilities as described above.

A student with a disability will not be suspended for a more than ten (10) days at one time or for more than ten (10) days in the aggregate in a given school year without first referring the student to his or her Committee on Special Education (the "CSE") for a manifestation determination review ("MDR") to assess whether the alleged conduct is a manifestation of the student's disability(ies). When a student is suspended for more than a ten (10) day period, it is considered a change in educational placement.

The CSE is controlled not by FLI, but by the local district. In the event of a proposed suspension requiring an MDR, FLI will notify the appropriate CSE and ensure that school staff with knowledge of the

incident(s) and the child's behavior are available to participate in the MDR. The CSE is responsible for assembling a MDR team consisting of:

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

The CSE's MDR team is required to convene immediately if possible, but no later than ten (10) days after the decision to change the student's placements in order to determine whether the conduct was a manifestation of the child's disability. The parent must be given written notice prior to any meeting of the manifestation team in order to ensure that the parent has an opportunity to attend. The notice must state the purpose of the meeting, the names of the expected attendees, and indicate the parent's right to have relevant CSE members attend. The MDR team must review the child's IEP, together with all relevant information within the student's file, and any information provided by the parent.

#### *Manifestation Determination Hearing and Findings*

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

Moreover, the child must also be returned to his or her original placement (i.e., the placement from which he/she was removed), unless: (1) the parent and district agree to another placement as part of the newly created or revised BIP, or (2) in cases where the child:

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

If the child exhibits any one or more of the above three behaviors, the CSE shall determine an appropriate Interim Alternative Educational Setting (IAES), which shall not exceed forty-five (45) days.

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

#### *Alternative Instruction - Provision of Services during Removal*

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

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