

Search and Seizure

For the safety of students and everyone in the Richmond Prep community, school property that is assigned to students, including but not limited to laptops and desks, remain the property of the school. Students, therefore, have no expectation of privacy in these areas. School authorities will make an individual search of a student's bag, backpack or desk only when there is reasonable suspicion to believe that a student is in the possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process. Searches will be conducted under the authorization of the Principal or his/her designee. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from students' desks, bag, backpack, and person by school authorities.

Dignity for All Students Act Policy (DASA)

Richmond Prep 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"), Richmond Prep will promptly address all incidents of harassment and/or discrimination of or by any student enrolled at the school. This includes bullying, taunting or intimidation in all their myriad forms.

Policy Definitions:

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

"School function" means a school-sponsored extra-curricular event or activity.

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

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

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

The Richmond Prep Code of Conduct prohibits harassment and bullying, and students who engage in such behavior will be disciplined as set forth in the Code of Conduct. Further, the School reserves the right to discipline students, consistent with our Code of Conduct, who engage in harassment or bullying of students off school property under circumstances where such off-campus conduct:

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

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

Dignity Act Coordinator (DAC)

Richmond Prep has designated a staff member to serve 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 practice, disability, sexual orientation, gender and sex. The name and contact information for the DAC is posted on the school's website under "Parent Resources" and is as follows:

Michele Ciechalski - mciechalski@richmondprepcharter.org

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

DASA at Richmond Prep

Beginning with their first week of school and subsequently reinforced thereafter in the wellness curriculum, students are advised of the school's DASA policy, reminded that bullying and harassment are violations of the Code of Conduct, and informed of how they can access the Dignity Act Coordinator (DAC).

Reporting and Investigating

All Richmond Prep staff members are responsible for reporting harassment, bullying or discrimination of which they have been made aware to their immediate supervisor. Any student who believes that 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 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 President of ICS) and/or other official designated by the ICS Board of Trustees to investigate allegations of harassment, bullying or discrimination. When an investigation reveals any such verified harassment, bullying or discrimination, the School will take prompt actions that are reasonably calculated to: end the harassment, bullying or discrimination; eliminate any hostile environment; create a more positive school culture and climate; and prevent recurrence of the behavior. Any such actions shall be consistent with the Richmond Prep Code of Conduct, which follows a progressive discipline model, utilizing supports and interventions to respond to most behavioral infractions, including bullying and harassment, prior to imposing discipline. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that the harassment, bullying or discrimination has not resumed and that those involved in the investigation of allegations of harassment, bullying or discrimination have not suffered retaliation.

Material incidents of discrimination and harassment 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 the Principal believes that any harassment, bullying or discrimination constitutes criminal conduct.

No Retaliation

Richmond Prep prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of harassment, bullying or discrimination. All complainants and those who participate in the investigation of a complaint in conformity with state law and school policies and who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Distribution of Policy

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

Serious Violations

Each student is a unique individual with unique personal, social, and educational needs. As a result, every disciplinary situation is unique in nature. Consequences for misbehavior provide the best learning value when matched to the unique student and the unique situation. The needs of all students differ and it is expected that the Principal will, relying upon professional experience, take into account the needs of individuals as well as the overall effective functioning of the school in making judgements regarding all behavioral consequences.

We recognize that some behaviors threaten the learning environment for all students and will address these through a system of suspensions and, if necessary, expulsion.

Any disciplinary consequences will be decided in accordance with a student's individualized education program (IEP), behavior intervention plans, and/or 504 plan, if applicable. At times, it may be necessary to suspend or remove students with disabilities from the academic environment. In the event that a student is removed from school for more than 10 consecutive or cumulative days, a Manifestation Determination Review (MDR) will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, as applicable. We adhere to all applicable laws to ensure due process and the provision of mandated procedural safeguards.

First Richmond Prep suspensions will normally be for one day. Subsequent suspensions will increase by a day if the incident is a repeated behavior. In the case of students with disabilities, the Principal will determine if a pattern of removal exists.

All violations of law will be reported to law enforcement agencies.

Progressive Infraction Levels	
Level 1	Uncooperative/Noncompliant Behavior
Level 2	Disorderly/Disruptive Behavior
Level 3	Aggressive or Injurious/Harmful Behavior

Level 4	Seriously Dangerous or Violent Behavior
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- Consequence for first offense will continue being a Seminar, depending on the severity of the case, at Principal's discretion
 - Each level will incur an individualized consequence/set of consequences based on the chart below
 - Seminar is available for all levels of offense
- Multiple infractions with the same offense will result in a higher consequence at the discretion of the Principal.
- Each student's discipline record will be reviewed prior to receiving consequences and actions

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
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<p>D</p> <ul style="list-style-type: none"> - Meeting with teacher - Parent/Guardian Conference - Seminar - RCL - Reflection <p><u>Behaviors are:</u></p> <ul style="list-style-type: none"> · Violation of the Uniform Policy · Out of class, no pass · Cheating · Running in hall · Inappropriate use of cell phones / technology · Violation of internet acceptable use policy · Minor damage to school property · Using obscene, profane or vulgar language, gestures or behavior · Verbal altercation 	<ul style="list-style-type: none"> - Meeting with teacher - Parent/Guardian Conference - Seminar - Short term Suspension - RCL - Reflection <p><u>Behaviors are:</u></p> <ul style="list-style-type: none"> · Disorderly conduct during fire drill/lockdown · Play fighting · Threatening or intimidating another person · Major damage to school property · Smoking or use of electronic cigarettes · Plagiarizing · Verbal altercation which create a dangerous situation · Possession or use of Hazardous material, pepper spray or mace 	<ul style="list-style-type: none"> - Privilege Probation/restricted activities - Parent/Guardian Conference - Seminar - Short term Suspension - RCL <p><u>Behaviors are:</u></p> <ul style="list-style-type: none"> · Bullying – inflicting physical hurt or psychological distress on one or more students or employees; includes cyberbullying · Fighting – Participating in use of force or physical violence against another person that may or may not result in injury · Theft · Engaging in Gang related behavior · Inappropriate touching · Falsely activating an emergency alarm · Sexual Misconduct: includes engaging in sexual conduct on school premises or at school-related functions; sexually aggressive behavior; forced sexual behavior 	<ul style="list-style-type: none"> - Privilege Probation/restricted activities - Parent/Guardian Conference - Seminar - Short term Suspension - Long term Suspension - Expulsion <p><u>Behaviors are:</u></p> <ul style="list-style-type: none"> · Harassment-verbal or physical behavior creating a hostile, intimidating or offensive environment; includes sexual harassment · Possession or use of a weapon or dangerous object · Possession or use of illegal substance · Possession or use of alcohol · Serious harm to staff or student · Making a bomb threat · Threat of mass violence · Using force against or attempting to inflict serious injury against school personnel · Starting a fire/Arson
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Other Considerations

- Based on the severity of the infraction, students will be provided with varying levels of interventions or consequences such as: Seminars, parent conferences, loss of earned end of the year activity privileges.
 - The school makes every effort to limit the use of suspensions and expulsions.
 - School personnel may use reasonable physical restraint, if necessary, to protect a person or property from physical injury or damage or to remove a violent or disruptive student, if the student has refused to comply with a request to refrain from further disruptive acts and alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve these purposes.

Gun Free Schools Act

Federal and State laws require the expulsion from School for a period of not less than one year of a student who is determined to have brought a firearm to the School, or to have possessed a firearm at school, except that the 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).

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

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

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

Disciplinary Procedures

Overview

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

- A disciplinary offense may occur while the student is:

- at school 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.
- School-related disciplinary offenses may also include misconduct outside the school, such as 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.

Procedures and Due Process for Short-Term Suspensions

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

The Principal may impose a short-term suspension and shall follow due process procedures consistent with applicable federal case law. Before imposing a short-term suspension, the Principal shall notify the student orally of the charges against him or her. If the student denies the misconduct, the Principal must provide an explanation of the evidence against the student. The student shall be given an opportunity to deny or explain the charges against him/her that led to the suspension. The Principal shall immediately notify the parent(s) or guardian(s) in writing that the student may be suspended from school. The written notice shall be provided by personal delivery or express mail delivery within 24 hours of the decision to impose suspension.