

Achievement First  
**FAMILY HANDBOOK**  
2023-2024



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## Welcome!

Every day, we're grateful for the opportunity to work with your children. It is our charge to ensure they know they're safe, loved and learning at school, and we are committing to partnering with you to support their academic, social and emotional growth throughout the school year.

The family-school partnership is so important, and we've put together this Handbook as one expression of that partnership. In it, you'll find policies that will help us work together to best support your children. We look forward to working closely with you and your family, to the school year ahead, and to all that your children will do in this school year and beyond!

### **The Mission of Achievement First**

The mission of Achievement First is to deliver on the promise of equal educational opportunity for all of America's children. We believe that all children, regardless of race or economic status, can succeed if they have access to a great education.

Achievement First schools will provide all of our scholars with the academic and character skills they need to graduate from top colleges, to succeed in a competitive world, and to serve as the next generation of leaders for our communities.

### **Non-Discrimination Statement**

Achievement First prohibits discrimination or harassment based on an individual's race, religion, color, national origin, ancestry, citizenship, disability, genetic information, marital status, veteran status, sexual orientation, gender identity, gender expression, age, sex, or on any other classification protected by law, whether by students, employees, or individuals subject to AF control. For more information on policies regarding discrimination or if you wish to report a complaint, please contact your Director of School Operations.

### **Commitment to Inclusive Teaching**

Achievement First is committed to cultivating an inclusive and welcoming learning environment for all scholars. We intentionally work to select and include material that is reflective of the rich diversity of our communities, aligned with our network values. Scholars and families may not choose to opt out of engaging with any instructional materials other than those specifically permitted by state and federal law. (New York State Education Department Commissioner's Regulations § 135.3(2)(ii))

## Attendance

Attendance at school is the most basic requirement for learning. In order for scholars to reach their personal best, they must show up and make their strongest effort at school each and every day. We ask that families ensure that their child is in school. In order to meet the demands of our curriculum, we

strongly encourage scholars to be in school as much as possible. While we understand that life happens, and there are circumstances that are beyond your control, we believe that scholars should aim to complete the school year with fewer than 4 absences. Please note the following important attendance policies:

- ***We do not differentiate between “excused” and “unexcused” absences:*** We commit to structuring every minute of the school day in a way that will benefit your child academically and socially. Any time a student misses a day of school, it has a significant impact on their educational experience. For this reason, any day your child does not attend school will be marked an absence. Regardless of the reason, when a child misses school, the impact on their education is the same: a full day of instruction was missed. We know there will be rare circumstances when scholars will need to miss school due to a serious illness, a death in the family, an emergency beyond the family’s control, or a religious observance, but the child will still be marked absent for the day, although we do take extenuating circumstances into account when considering attendance as a factor in our decision-making. Additionally, for instances in which the school arranges alternative instruction at an alternate site, will not count as absences for the school’s purposes.
- ***Never miss school for appointments or vacation:*** We strongly encourage families to schedule vacations when school is not in session. We ask that appointments, including doctor visits, be scheduled outside of school time. In the case that a scholar has a medical appointment at a time when school is in session, we strongly encourage they start the day at school and return to school after the appointment, rather than missing the entire day of school.
- ***Suspensions count as absences unless the scholar attends alternative instruction:*** If a scholar is suspended from school, they are entitled to alternative instruction as soon as possible (one hour minimum per day at the elementary level, two hour minimum per day at the middle and high school levels). Contact the school as soon as possible upon learning of a suspension in order to schedule alternative instruction at a mutually agreeable time; it may take a full day or more to get alternative instruction logistics set up. If a scholar does not attend this alternative instruction, the suspension will be counted as an absence.
- ***Transportation and Attendance:*** Every scholar should have a back-up plan for getting to school if they miss the bus. Please call the school immediately if your scholar misses the bus so the school knows the situation and can help problem-solve.
- ***Excessive absences:*** If a scholar is absent for 10 consecutive days of school and there has been no successful contact between the family and the school to explain these absences, their seat may be filled with another scholar from the waitlist. The school will meet state requirements for reaching out to families to confirm mandatory school attendance and will follow state requirements for informing appropriate child services agency of excessive absences.
- ***Attendance at after-school events:*** Scholars who are absent from school cannot attend school events, dances, or other school-sponsored activities on the day of the absence, unless the school has given advance permission. Scholars must have attended the classes to be able to attend school events.

- ***The school will track and follow up on scholar absences:*** The school will take attendance daily and will maintain records of all scholar absences. We want a strong and consistent partnership with our families. This means your scholar's school will maintain reasonable communication with you, should your scholar's absences exceed 7 days. You can expect to be asked to discuss and problem solve barriers with your scholar's school team until their attendance improves.
- ***Exams and Quizzes:*** If a scholar is absent, they must make up any exams, quizzes, interim assessments, or other tests the day they return.

## Tardies & Early Dismissals

Getting to school on time and remaining in school for the entire school day are keys to each child's success – at school and in life. At our schools, learning begins from the moment scholars walk in the door.

### **Tardiness**

Scholars arriving after the start of classes are considered tardy. In cases when a school bus arrives late, those scholars arriving on that bus will not be considered tardy. Five tardies in a year will be counted as one absence.

### **Early Dismissal**

Scholars are expected to stay in school until the end of the day. To maximize learning time and to avoid unnecessary disruptions, we ask that scholars remain in class until dismissal, unless there are exceptional circumstances requiring an early dismissal. If an early dismissal is pre-planned, please notify the school as early as possible. Five early dismissals will be counted as one absence.

### **Make-Up Work After Absence**

After returning from an absence, scholars are expected to complete any missed assignments. Any missed work must be completed in order to receive credit. The time generally allowed to complete this work will be the number of days the scholar was absent, except in the case of an extended illness. For example, if a scholar was absent for one day, then they will have one day to make up for any missed work.

In the event of a planned absence (one that you know about in advance), please notify teachers and the Main Office in advance so they can prepare a packet of work for scholars to complete during the absence.

## Homework

Homework is an essential part of the Achievement First educational program: it is designed to reinforce skills taught in the classroom, to help scholars develop a deeper understanding of concepts, and to promote good study habits. **When homework is assigned, it must be completed in full and in accordance with Achievement First's standards for quality work and presentation.**

If a scholar's homework is late, missing, incomplete, or of poor quality, the scholar may earn consequences. For example, the scholar may be required to make up the work after school, or the scholar may be required to complete additional assignments. Parents/guardians may receive a phone call

if their child has missed several assignments. **Making sure that your scholar completes their homework is one of the most important ways you can support your child's success!**

## After-School Times

It can sometimes be beneficial to a scholar to remain after school, whether for disciplinary purposes, extra help with schoolwork, assistance with a school program, or other reasons. Teachers may request that a scholar stay after school whenever they believe that it will benefit the scholar.

### Required After-School Times

Scholars may be required to go to extension, homework support, or academic intervention services after school hours.

Additional after-school or Saturday enrichment programs are privileges, and scholars who do not consistently follow school rules during the regular school day or during after school times may not be allowed to attend moving forward.

The exact times of these programs may change slightly during the school year, and we would notify parents and scholars in the event of such changes. Schools will notify families at least 24 hours in advance of keeping students after school.

## Discipline

At Achievement First, our mission is to provide our scholars with both the academic and character skills needed to succeed in college and beyond. As such, school culture and discipline are an important part of what we do every day. We have high expectations for scholar behavior because we believe high standards create a safe, positive, and productive environment for our scholars. To that end, our scholars are expected to adhere to the Achievement First Code of Conduct, which can be found in the **Appendix D**.

Teachers build strong relationships with scholars to challenge them to be their best selves. We use tactics to engage all scholars. We bring joy to the classroom. Teachers celebrate both the academic and character excellence of all scholars throughout the day. This is the basis of a warm-demanding classroom.

At Achievement First, much of the strength of our culture is rooted in the clarity, consistency and rationale guiding our high expectations. Behavior expectations are the same from classroom to classroom.

The path to college starts from Day 1 of Kindergarten. We take pride in sharing the life skills and core values we embody with our scholars. We, and all scholars, also take pride in being our best selves every day. To that end, we will all hold each other accountable to being our best selves.

As necessary, we will make thoughtful modifications and provide additional supports so that our scholars receiving special services have the support (consistent with their IEPs and 504 plans) they need to be successful. Scholars with disabilities, scholars with behavior support plans, and scholars with behavior interventions may have specific adjustments made to ensure these scholars do not receive consequences as a result of their disability.

Using proactive, preventative strategies, we aim to keep all our students in class all day, every day. While we believe deeply in the power of positive reinforcement, we also believe consequences can play an important part in encouraging scholars to make more positive choices. Moreover, consequences also help us ensure the safety of each individual child as well as the entire school community.

If scholars make poor choices, we employ developmentally appropriate consequences such as loss of privileges (e.g., attendance on a field lesson) or required attendance at after-school Extension. During Extension, scholars may receive additional academic help, practice building skills in the areas in which they struggled to make appropriate choices, write apology letters, talk to a teacher or administrator, or research and/or plan a solution to remedy the impact their behavior had on the school community. Scholars/families are responsible for transportation to/from home.

In the rare instance in which a scholar's behavior requires a suspension, Achievement First staff will work with the scholar, family, and teachers to support this scholar's return to the classroom or the school. Scholars who are suspended are asked to show learning from their actions as part of showing an understanding of the seriousness of their actions and of being welcomed back into the community. Suspended scholars will also be responsible for making up all missed work within an agreed upon timetable.

### **Extension**

Families and scholars should understand that making up work or serving consequences after dismissal on weekdays is part of the regular program of the school, and the school requests cooperation from all parents/ guardians to ensure that each scholar gets the help they need to succeed. During extension, scholars may receive additional academic help, practice building skills in the areas in which they struggled to make appropriate choices, write apology letters, talk to a teacher or administrator, or research and/or plan a solution to remedy the impact their behavior had on the school community. Scholars/families are responsible for transportation to/from home.

## **Disciplinary Procedures and Due Process Rights**

The discipline policy of Achievement First is an important part of how we build a learning-focused, safe, and positive school environment. However, it is important that we implement these policies in a fair and transparent way. Scholars and their families deserve and are entitled to the due process protections outlined below.

**NOTE:** *Students who have previously been identified as having one or more disabilities under the IDEA (Individuals with Disabilities Education Act) and/or Section 504 of the Rehabilitation Act may require alternative and/or additional procedures related to discipline. Specific procedures regarding disciplinary action for those students are set forth more fully below in Discipline of Scholars with Special Needs.*

### **Classroom Removals**

A removal occurs when a scholar is removed from the classroom to a designated area as a consequence for severely disrupting learning. Removals can last no more than four (4) hours. Although the goal is to keep scholars in the classroom learning as much as possible, a teacher, staff member, or school leader has the authority to remove a scholar from the classroom when the scholar's behavior poses a continuing danger to scholars or staff or an ongoing threat of disruption to the academic process. When

a scholar has engaged in a behavior that could warrant a classroom removal, the following steps must take place:

- When a scholar is removed, the teacher must notify the Dean of Students or the Dean's designee at once and send the scholar to a designated area.
- As soon as the child can have a calm conversation, the scholar will have the opportunity for an informal hearing with the Dean or Dean's designee to hear the reasons for the removal and have an opportunity to informally present the scholar's version of the relevant events before the staff member decides whether to assign additional consequences. We think it is good practice to have an informal hearing, to the greatest extent possible, in connection with each removal.
- The overall goal is to get the scholar back on track and back in class as quickly as possible. In most cases, the scholar will be able to return to class in twenty (20) to sixty (60) minutes. In order to return to class, the scholar may have to complete a reflection form, not be disruptive in the removal area or other classrooms or offices, demonstrate that they are calm and ready to return to class, practice building skills in the areas in which they struggled to make appropriate choices, and have a satisfactory conversation with the Dean or Dean's designee about the behavior and how the scholar is to behave the rest of the day and in the future. In addition, the scholar may be required to have a discussion with and apologize to the relevant teacher or staff member before returning to class.
- The Dean, Principal, or designee will record the amount of time lost from class.
- In cases of major or egregious behavior, the Principal or Dean may decide that the behavior warrants additional consequences that would keep the scholar from returning to class.

### **In-School Suspensions**

An in-school suspension (ISS) involves the scholar attending school but not attending regular classes and can last between four (4) hours and ten (10) school days. The Principal or a Dean of students, as a designee of the principal, has the authority to issue in-school suspensions (ISS). When a scholar has engaged in a behavior that could warrant an in-school suspension, the following steps must take place:

1. The Principal, or a designee such as the Dean, reviews the evidence and ensures that the incident giving rise to the suspension is properly documented.
2. Except in cases where a scholar's behavior poses an immediate threat to the safety of scholars or staff, the Principal or Dean will conduct an informal hearing with the scholar. In this informal hearing, the scholar will hear the reasons for the removal from class and have an opportunity to informally present the scholar's version of the relevant events before the principal or dean decides whether to assign in-school suspension.
3. After the informal hearing, the Principal or Dean will determine the appropriate consequence and, if they determine an in-school suspension, the length of suspension. In determining the length of the in-school suspension, the Principal or Dean may receive and consider evidence of past disciplinary problems which have led to previous disciplinary actions and the scholar's understanding of the seriousness of their actions. The decision of the Principal or Dean regarding disciplinary actions up to and including in-school suspensions shall be final.
4. The Principal, Dean, or a designee will make reasonable attempts by telephone to immediately notify the parent/guardian of the in-school suspension, stating the cause(s) leading to the discipline, the length of in-school suspension, and what the scholar must do to return to the school community.

5. Within twenty-four (24) hours of issuing the suspension, the Principal, Dean, or a designee will send written notification of the in-school suspension to the parent/guardian to the last address reported on school records (or to a newer address know to the Principal, Dean, or designee) stating the cause(s) leading to the suspension, the length of suspension, and what steps the scholar needs to complete for a successful return to the school community.

Misbehavior during an in-school suspension can lead to additional consequences consistent with the school's disciplinary policies and procedures. Additionally, if a scholar has a history of not being able to successfully serve an in-school suspension, including by significantly disrupting the learning of others and/or repeatedly failing to cooperate with directions, the school may seek an out-of-school suspension consistent with the school's disciplinary policies and procedures. As necessary and appropriate, the school may require that the in-school suspension be served at a different Achievement First school.

### **Short-Term Out-of-School Suspensions**

A short-term out-of-school suspension is a removal from the school building for at least four (4) hours but no more than ten (10) school days. The Principal or a Dean of Students, as a designee of the Principal, has the authority to issue a short-term out-of-school suspension.

When a scholar has engaged in a behavior that could warrant such a suspension, the following steps must take place:

1. The Principal or Dean will review the evidence and ensure that the incident giving rise to the suspension is properly documented.
2. Except in cases where a scholar's behavior poses an immediate threat to the safety of scholars or staff, the Principal or Dean will conduct an informal hearing with the scholar. In this informal hearing, the scholar will hear the reasons for the removal from class and have an opportunity to informally present the scholar's version of the relevant events before the principal or dean decides whether to assign additional consequences, including an out-of-school suspension.
3. After the informal hearing, the Principal or Dean will determine the appropriate consequence and if they determine out-of-school suspension, the length of suspension. In determining the length of the suspension, the Principal or Dean may receive and consider evidence of past disciplinary problems which have led to previous disciplinary actions. The decision of the Principal or Dean regarding disciplinary actions up to and including short-term suspensions shall be final.
4. The Principal, Dean, or their designee will make reasonable attempts by telephone to immediately notify the parent/guardian of the suspension, stating the cause(s) leading to the suspension, the length of suspension, and what the scholar must do to return to the school community.
5. The Principal, Dean or their designee will send written notification of the short-term out-of-school suspension to the parent/guardian to the last address reported on school records (or to a newer address know to the Principal, Dean, or designee) stating the cause(s) leading to the suspension, the length of suspension, the time and place for alternate education (or plans to identify such time and place), and what the scholar will be asked to do to return to the school community, and the parent's right to request an informal conference with the principal.

### **Informal Hearing Regarding Short-Term Out-of-School Suspension Decisions**

When notified of a short-term out-of-school suspension decision, a parent has the right to request an informal conference with the Principal and to present the scholar's version of the incident and question the complaining witnesses against the scholar. The school may limit or prohibit questioning of other scholars if there is good reason to do so (*e.g.*, bullying, harassment, or any other situation that might impact the social, emotional, or physical well-being of a scholar). This informal hearing will be scheduled as soon as possible and normally within one (1) day. The short-term out-of-school suspension will stand while the hearing is taking place, although it will be removed from the child's record if the hearing reveals that the suspension decision was made in error.

### **Work Completion During Suspension**

Scholars are responsible for completing academic work missed during in-school and out-of-school suspensions. During the suspension and to the extent required by law, scholars have the right to substantially equivalent education and Individualized Education Program (IEP) services, if applicable. Families must contact the Director of School Operations (DSO) as soon as possible to set up alternative education during a suspension. When possible, the school will let the parent/guardian know the time and location for the alternative education in the initial phone call to the parent/guardian and in the suspension letter. It may take a full day or more to finalize alternative instruction logistics, particularly if there are safety concerns based on the conduct of the scholar. Please note that scholars will not be considered "present" for attendance purposes if they do not attend alternative education. The completed work will receive full credit if it is submitted by the deadlines in accordance with the school make-up policy. If a scholar does not complete this work, the scholar may face standard academic consequences (*e.g.*, Homework Extension or no academic credit).

### **Return from In-School Suspension or Short-Term Out-of-School Suspension**

We ask all scholars who are suspended to take the following steps before they return to the school or classroom. We believe that the following practices are essential to set up the scholar for success:

- The scholar and parent meet with the Principal, Dean, or designee.
- The scholar writes a letter of apology of acceptable quality (as determined by the Principal or Dean) based on the child's academic level.
- The scholar presents this letter to Achievement First staff and/or scholars.
- Depending on the child's academic level, scholars who are suspended two (2) or more times may be asked to submit a reasonable and realistic plan for improvement (based on a template/guidance given by the school). This plan must be of acceptable quality, as determined by the Principal or Dean.
- The scholar may be asked to meet additional conditions if school staff believe these conditions will improve the likelihood of the scholar returning to school or the classroom successfully.

## Recommendation for Long-Term Out-of-School Suspension

A long-term out-of-school suspension is a removal from school for more than ten (10) school days and up to one (1) school year. A long-term suspension may be recommended by the principal; however, it can only be ordered by a Presiding Officer – the Board of Trustees, a Regional Superintendent or a Hearing Officer designated by the Board – after a formal hearing following the procedures set forth in the Hearing Procedures section below. A scholar may appeal a long-term out-of-school suspension decision to the Board of Trustees, and thereafter to the school’s charter authorizer, the SUNY Charter Schools Institute.

## Recommendation for Expulsion

Expulsion is defined as the permanent exclusion from the school. Expulsion is an appropriate consequence when a student engages in an alarming disregard of the safety of others, and/or where it is necessary to safeguard the well-being of other students.

When an egregious offense occurs or a sustained pattern of serious, major, and/or egregious events occurs, expulsion is an appropriate consequence when in the principal’s judgment, the safety of the school community is significantly compromised. Achievement First’s first responsibility is to ensure the safety of our scholars.

## Hearing Procedures

Except in an emergency situation, prior to long-term discipline of a scholar, a hearing shall be conducted by a Presiding Officer (which could be the Board of Trustees, a Regional Superintendent, or a designated Hearing Officer), and governed by the procedures outlined below. Whenever an emergency exists, the hearing provided for above shall be held as soon as possible within the time limits set forth by law.

Written notice of the hearing must be given within a reasonable time prior to that hearing to the scholar, or if a minor, to their parent/guardian or person legally responsible for the scholar. The written notice will be in the parent/guardian’s spoken language. **Specifically, the school shall provide written notice to the Parent or Guardian within forty-eight (48) hours of the incident of the date and time of a formal hearing, which shall occur no less than three (3) school days after the incident in question, but within ten (10) school days of the incident.** This timeline is subject to change in certain instances (*e.g.*, the scholar responsible for an egregious offense is not identified until after days of investigation or the hearing would occur during school vacation), but in all instances, notice shall be provided as soon as practicable and consistent with requirements set forth by law.

A parent may request to postpone the hearing beyond ten (10) days for a reasonable period of time to allow the parent and scholar to prepare their case. If the school consents, the scholar must remain out of school while awaiting the hearing; alternative instruction will be provided by the school while the hearing is pending.

A scholar may be represented by any third party of their choice, including an attorney, at their own expense or at the expense of their parents/guardians. A scholar may be entitled to free or reduced legal services through various agencies. A parent may request information about such services from the Principal or Dean of Students.

A scholar is entitled to the services of a translator or interpreter, to be provided by the School or the Board, whenever the scholar or their parent/guardian do not speak the English language or has a disability that impacts their ability to participate in the hearing.

The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel where applicable, and swear in any witnesses called by the school administration or the scholar. A verbatim record of the hearing will be made either by a recording or by a stenographer.

The charges will be introduced into the record by the principal/designee. Formal rules of evidence will not be followed. The Presiding Officer has the right to accept hearsay and other evidence if they deem that evidence relevant or material to its determination.

Each witness for the administration will be called and sworn. After a witness has finished testifying, they will be subject to cross-examination by the opposite party or their legal counsel.

After the administration has presented its case, the scholar will be asked if they have any witnesses or evidence to present. If so, the witnesses will be sworn, will testify, and will be subject to cross-examination by the administration and to questioning by the Board. The scholar may also choose to make a statement at this time. If the scholar chooses to make a statement, they will be sworn in and subject to cross-examination by the administration and questioning by the Board. Concluding statements will be made by the administration and then by the scholar and/or their representative. The parties may submit written position statements within forty-eight (48) hours of the close of the hearing.

In cases where the scholar has denied the allegation, the Presiding Officer must determine whether the scholar committed the offense(s) as charged by the Principal or their designee.

If the Presiding Officer determines that the scholar committed the offense(s), the Presiding Officer must also deliberate on the disciplinary action to be imposed upon the scholar. The Presiding Officer may review the scholar's attendance record or academic record during their deliberations on the issue. The Presiding Officer may ask the Principal or designee for a recommendation as to the discipline to be imposed.

Evidence of past disciplinary problems which have led to the removal from a classroom or a suspension of a scholar being considered for a long-term suspension at a disciplinary hearing may be received, but may only be considered in the determination of the length of the suspension or expulsion and nature of alternative educational opportunity being offered. **Note:** Past disciplinary incidents may not be considered if they were determined in a Manifestation Determination Review to have occurred as a result of a scholar's documented disability. For additional information, please see **Discipline of Scholars with Special Needs** .

Where administrators presented the case in support of the charges against the scholar, such administrative staff shall not be present during the deliberations of the Presiding Officer either on questions of evidence or on the final discipline to be imposed. The Principal or their designee may, after reviewing the incident with administrators, and reviewing the scholar's records, make a recommendation to the Presiding Officer as to the appropriate discipline to be applied.

The Presiding Officer shall make findings as to the truth of the charges, if the scholar has denied them, whether the school has followed proper procedures, and in all cases the disciplinary action, if any, to be imposed.

The Presiding Officer shall report its final decision in writing to the scholar, the parent/guardian, and the Board of Trustees (if conducted by a Hearing Officer) within ten (10) days of the hearing stating the reasons on which the decision is based and the disciplinary action to be imposed. Said decision shall be based solely on the evidence presented at the hearing. Only the Board of Trustees, through a designated panel of Trustees or the Presiding Officer authorized by the Board, can impose a long-term out-of-school suspension for a scholar.

Notice of the long-term out-of-school suspension and the conduct for which the scholar was suspended, shall be included on the scholar's cumulative educational record. Such notice, except for notice of a suspension based upon the possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the scholar graduates from high school.

When a scholar withdraws from school after having been notified that a long-term suspension hearing is pending, the hearing will be canceled.

Achievement First will maintain written records of all suspensions, including the name of the scholar, a description of the offending behavior, the disciplinary action taken, and a record of the number of days a scholar has been suspended or removed for disciplinary reasons.

The scholar and/or parent may appeal a long-term suspension decision to the full Board of Trustees within ten (10) days of the decision by submitting the Statement of Reasons for Appeal. The Board of Trustees shall review the record, including all documents and recordings related to the hearing, and may affirm or reverse the decision of the Presiding Officer. The Board's role is not to re-hear the evidence, but to determine based on the record whether there a) is sufficient evidence to indicate that a scholar has committed an offense or a pattern of behavior that meet this policy's definition of an expellable offense and b) the school has followed the policies outlined in the handbook adequately. If the answers to a) and b) are yes, then the Board will validate the recommendation to suspend. The Board may order that the scholar return to the school, or may remand the case for further consideration by the Presiding Officer. The Board may also, at its discretion, request that the scholar and/or the parent attend the meeting to discuss the substance of the appeal and/or answer any questions that are unresolved in the record. The Board may also preside over a full fact-finding hearing if circumstances so require.

It is important that the scholar and/or the parent present all evidence to the Presiding Officer at the hearing, as new evidence and arguments generally may not be presented on appeal. Where additional information is discovered **after** the hearing, the scholar and/or the parent may request permission to present said evidence to the Presiding Officer. The Presiding Officer shall have discretion to grant or deny such requests for consideration of newly discovered evidence or for a hearing to consider such evidence.

The scholar and/or the parent may submit any complaint regarding this process to the school's charter authorizer, the SUNY Charter Schools Institute.

### **Possession of a Weapon on School Grounds**

Consistent with the federal Gun-Free Schools Act and New York State Education Law § 3214(3)(d), it shall be the policy of the Board to suspend a scholar for one full calendar year whenever the scholar is in the

possession of a weapon on school grounds or other premises used by an Achievement First school to provide its programs. The Presiding Officer may modify the term of the suspension on a case-by-case basis.

### **Stipulated Long-Term Out-of-School Suspensions**

At the discretion of the Principal, the length of a long-term suspension may be reduced if specific conditions are met. This stipulated long-term out-of-school suspension is a written agreement between the Principal, a parent/guardian, and the scholar, made outside of the formal hearing process outlined above in the Hearing Procedures section of the Family Handbook. In the agreement, the parent/guardian and scholar acknowledge that the scholar committed a violation of the school's Code of Conduct for which a long-term out-of-school suspension could be a consequence. However, instead of holding a hearing that could result in a long-term suspension that is as long as the Principal's recommendation (or longer, should the Presiding Officer decide to impose a lengthier suspension), the scholar agrees to meet specific conditions to be able to return to school sooner than the recommended return date. The conditions will vary based on the details of the underlying incident. Once a stipulated long-term out-of-school suspension agreement is signed, your scholar's right to a hearing before the Presiding Officer is waived. The scholar will have access to alternative instruction during the reduced suspension period.

### **Alternative Instruction**

The required alternative instruction will begin no later than two (2) school days after the final decision is rendered. The alternative instruction will occur during or after the school day at the school, the scholar's home, or the nearest public library or other public location, at the discretion of the school. This alternative instruction will continue for the duration of the time the scholar awaits disposition on their long-term out-of-school suspension hearing. The school will provide alternative instruction to scholars on short and long-term suspension to the extent required by law.

### **Discipline of Scholars with Special Needs**

Scholars with disabilities may be disciplined in accordance with the procedural safeguards set forth in both federal and state law and regulations under the IDEA (Individuals with Disabilities Education Act) and/or Section 504 of the Rehabilitation Act.

### **Scholars with a Suspected Disability**

Disciplinary procedural safeguards are also extended to scholars suspected of having a disability. A scholar is suspected of having a disability if prior to the conduct:

- The parent of the child expressed concerns in writing to the child's teacher or a school administrator that the child may need special education and related services; or
- The parent of the child requested an evaluation for special education services; or
- The teacher of the child, or other school personnel, have expressed specific concerns about a pattern of behavior that may be caused by disability directly to the Special Services Leader, or other members of the school Leadership Team.

The school must follow the same procedures when disciplining scholars with suspected disabilities, as it follows for scholars with IEPs or Section 504 plans, unless:

1. The parent did not allow the student to be evaluated; or
2. The parent refused special education services; or,
3. The student was evaluated and determined not to qualify as a student with a disability.

### **Manifestation Determination Review (MDR)**

A Manifestation Determination Review (MDR) is a disciplinary procedural safeguard for scholars with disability and scholars with suspected disabilities. Specifically, an MDR is a meeting of the scholar's IEP team or 504 Team to determine if a student's violation of the school's Code of Conduct was caused by or had a direct and substantial relationship to the child's disability and/or is the result of the school's failure to implement the scholar's IEP or 504 Plan. An MDR must occur within ten (10) school days of a violation of the school's Code of Conduct which results in a **change of placement** for a scholar with an IEP or a 504 Plan, a scholar in the initial referral process, or a scholar suspected of having a disability.

Under the IDEA, a change of placement occurs if:

1. A scholar is removed from their educational setting, as specified in their IEP, for more than ten (10) consecutive school days (*i.e.*, a long-term out-of-school suspension); **or**,
2. Short-term removals from a scholar's educational setting make up a pattern because:
  - a. The current removal when added to a series of previous short-term removals totals more than ten (10) school days in a school year;
  - b. The child's behavior is similar to the behavior that resulted in previous removals and because of substantial similarity of additional factors, such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

**NOTE:** At Achievement First, any time a scholar with a disability is removed from their educational setting for more than ten (10) cumulative school days in a single academic year, we regard this as a change of placement and require a **Manifestation Determination Review** to be held.

In-school suspensions are not factored into that calculation, provided the following conditions are met:

- The scholar is not segregated from their general education peers;
- The scholar has continued access to the general curriculum; and
- The scholar continues to receive all services mandated in their IEP, 504 plan, or Behavior Intervention Plan.

If a change of placement occurs, an IEP or 504 team meeting shall be promptly convened to determine whether the misconduct is a manifestation of the scholar's disability (*i.e.*, an MDR will be held).

A parent/guardian shall be informed of the need to convene a Manifestation Determination Review (MDR) meeting on the date of the decision to discipline a student, or as soon as possible thereafter. The parents of the scholar shall be provided with a copy of the Procedural Safeguards setting forth their rights under the IDEA. As soon as possible, but no later than ten (10) school days after the date of the Principal's or Dean's decision, the IEP or 504 Team shall meet to determine whether the conduct is a

manifestation of the child's disability or occurred due to a failure of the student's home district or the school to implement the IEP.

If, upon review, the Team determines that the scholar's behavior is not a manifestation of their disability, then the child may be disciplined in the same manner as a child without a disability for that particular behavioral event. During the duration of the removal, the scholar shall receive an alternative educational opportunity consistent with the student's educational needs.

If, upon review, the team determines that the student's behavior is a manifestation of their disability, or the result of the school's or home district's failure to implement the scholar's IEP or 504 Plan, then the scholar must return to their educational placement, unless the parents and school agree to a change of placement as part of the modification of the Behavior Intervention Plan. Furthermore, the team will consider the scholar's misconduct; develop or review the current Functional Behavior Assessment; and revise the scholar's IEP/ Behavior Intervention Plan (BIP)/504 Plan to prevent a recurrence of such misconduct and to provide for the safety of the other scholars and staff. If there is no current BIP, the school, in consultation with the IEP team, must also develop such a plan to address the behavior that led to the disciplinary action.

Parents may request a due process hearing to challenge the manifestation determination. Except as provided below, the child will remain in their current educational placement pending the determination of the hearing.

### **Interim Alternative Education Setting**

A scholar with a disability or suspected disability may be removed to an Interim Alternative Educational Setting (IAES) for up to 45 school days, regardless of whether the behavior is determined to be a manifestation of the child's disability in limited circumstances as defined by the IDEA and applicable state laws and regulations, including if they:

1. Carry or possess a weapon at school, on school premises or at a school function; or
2. Knowingly possess or use illegal drugs, or sell or solicit the sale of a controlled substance at school, on school premises or at a school function; or,
3. Inflict serious bodily harm at school, on school premises or at a school function.<sup>1</sup>

A meeting must be held to determine the Interim Alternative Education Setting.

**If you have questions about the disciplinary guidelines for students with disabilities, please contact the Dean of Special Services.**

### **Long-Term Out-of-School Suspensions and Manifestation Determination Reviews**

Prior to conducting a long-term out-of-school suspension hearing for a scholar with a disability, an IEP/504 Team shall convene to determine whether the misconduct was caused by the scholar's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be suspended. The IEP/504 Team shall reevaluate the child for the purpose of modifying the scholar's IEP/504 Plan to address the behavior and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the child's disability, the child may be suspended following the same

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<sup>1</sup>The IDEA defines serious bodily injury as injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

processes and procedures as a student without a disability. Whenever a scholar with a disability is expelled, an alternative educational opportunity, consistent with such child's educational needs, shall be provided during the period of expulsion.

Achievement First maintains written records of all exclusions of ALL students. The records must include the name of the scholar, a description of the behavior infraction, the disciplinary action taken, and a record of the time or number of days of the disciplinary action.

### **Provision of Services During Removal**

Those scholars removed for a period fewer than ten (10) consecutive days will receive all classroom assignments and a schedule to complete such assignments during the time of their suspension. Provisions will be made to permit a suspended scholar to make up assignments or tests missed as a result of such suspension.

During any subsequent removal that, combined with previous removals, equals ten (10) or more school days during the year, services must be provided to the extent determined necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of their IEP. In these cases, school personnel, in consultation with the child's special education teacher, host district, or 504 Team, shall make the service determination.

### **Beyond the School Building**

#### **Field Lessons**

As part of our rigorous academic program, scholars often participate in learning experiences off-campus, such as trips to museums and college campuses. During school-sponsored events and/or activities off-campus, all school rules and policies, including those outlined in this Handbook, are applicable. Scholars are required to adhere to the same rules, policies, and behavioral expectations at an off-campus school-sponsored event or activity as if they were in the school building. ***In other words, scholar misconduct during an off-campus school-sponsored event and/or activity may result in disciplinary consequences, up to and including suspension or expulsion.***

Permission slips will be sent home for each field lesson that occurs off-school grounds. The permission slips will outline the purpose, logistics and other important information relating to the trip/event. A parent or guardian must provide written consent in order for a scholar to attend. Please note that verbal consent is not sufficient. A scholar may be considered ineligible for a trip/event for reasons including, but not limited to: not returning the school-sponsored trip permission form, involvement in a disciplinary incident, poor school attendance, misbehavior or severe lack of academic effort on the day of or days prior to the trip, etc. Scholars who are considered ineligible for attending a trip will be required to attend school that day, and provided alternative academic assignments.

#### **Bus Behavior**

Unsafe behavior on the bus endangers our scholars, and it will not be tolerated. A pattern of unsafe behavior may result in loss of bus privileges.

Bus drivers must focus on the road to make sure all scholars arrive at school and home safely. At dismissal, scholars should go directly to their bus, greet the bus driver, and have a seat. On the bus,

scholars must remain in their seats, talk quietly, and follow all directions given by the bus driver. Scholars should not communicate with scholars on other buses or any people outside the bus. Scholars who behave poorly on the bus compromise the safety of themselves and others. Poor bus behavior may result in suspension or termination of transportation services. If your child is suspended from the bus, it will be your responsibility to arrange for alternative transportation.

The Achievement First Code of Conduct and all school rules apply on school bus transportation. Scholars who take the school bus are expected to act responsibly and respectfully at all times. Certain additional rules will apply to the bus. Scholars may be given assigned seats. An administrator will meet the bus every day. No child will exit the bus before the administrator checks with the driver as to behavior. Failing to be in the assigned seat, putting hands out of the bus, throwing things, using bad language, not obeying the bus driver, or other disruptive or dangerous behaviors, are all infractions, in addition to those listed in the Code of Conduct. More serious behavior (*e.g.*, fighting or other egregious offenses) will be investigated and assigned consequences as well, just as if it happened on school grounds, up to and including out-of-school suspension or expulsion.

Individual infractions, if serious enough, can result in the loss of bus privileges for the school year. Other consequences (*e.g.*, extensions, suspensions) may apply as well. *Families are strongly encouraged to reinforce the importance of proper bus behavior and the potential consequences for violations of the school's Code of Conduct or the rules for school bus behavior.*

### **Cheating, Plagiarism and Copying Others' Work**

Cheating on homework or exams, using resources inappropriately, and copying other people's work is not only unfair, it also means that a scholar is not actually learning the material. If scholars are unsure about an assignment, a test question, or a testing procedure, they should go to their teacher and ask for direction. Specific guidelines regarding cheating and plagiarism will be reviewed with scholars during Scholar Orientation and throughout the year. The school will determine appropriate consequences, but cheating, plagiarism, and copying others' work may result in loss of academic credit, in-school suspension, out-of-school suspension, and/or other consequences.

### **School Searches and Seizures**

In order to maintain the safety and welfare of scholars and school personnel, Achievement First staff may conduct:

- searches of scholars;
- their personal effects including but not limited to coats, bags, cars, or purses;
- and/or their student-use areas including but not limited to lockers or desks

under the circumstances outlined below, and may seize any illegal, unauthorized, or contraband materials discovered in the search. A scholar's failure to participate and/or cooperate in a search as outlined below may result in disciplinary consequences, up to and including expulsion.

1. The school authorizes the principal and the principal's designee(s) to conduct searches of scholars and their belongings if the authorized school official has individualized reasonable suspicion to believe that the search will result in evidence that the scholar is violating or has violated the law or the school's Code of Conduct while on school property or attending a school-sponsored function.
  - a. In authorizing searches, the school acknowledges both state and federal constitutional rights are applicable to personal searches of scholars and searches of their personal

effects. Reasonable individualized suspicion to conduct a search of a scholar or a scholar's personal effects and the scope of the particular search shall be based upon, among other things, the scholar's age, the prevalence and seriousness of the problem to which the search is directed, the urgency necessitating an immediate search, and the probative value and reliability of information used as justification for the search.

2. A scholar's person and/or personal effects (e.g., coats, purse, backpack, book bag, etc.) may be searched whenever a school official has reasonable suspicion that the scholar is violating or has violated a law and/or a school rule.
3. In the event of search of a scholar or their personal effects is necessary, school officials shall adhere to the following procedures:
  - a. The principal or their designee(s) will conduct the search.
  - b. If searches are conducted, the school will make every effort to ensure that the privacy of the scholars is respected. To the extent possible, all searches will be conducted outside of the view of other scholars.
  - c. At least two (2) school personnel will be present for the search of a scholar's personal belongings.
  - d. With respect to searches of a scholar's person and clothing, the school may request that a scholar empty their pockets or remove shoes or jackets. If the scholar does not comply, school personnel will not search a scholar's physical person (e.g., they will not reach into a scholar's pockets or attempt to remove a scholar's shoes or jackets). The scholar's parent or guardian will be contacted and asked to come to the school. The school may ask a scholar's parent or guardian to conduct a search of a scholar's person in the presence of school personnel.
4. In the rare instance that a more intrusive search of a scholar's person is necessary, such a search may only be conducted in private by a school official of the same sex and/or gender identity, with an adult witness of the same sex and/or gender identity present, and only upon the prior approval of the principal unless the health or safety of scholars will be endangered by a delay.
5. If a properly conducted search yields illegal or contraband materials such as controlled substances, such findings may be destroyed and/or turned over to legal authorities for ultimate disposition. Materials confiscated by school personnel, not deemed illegal nor contraband, will be held for parent pick-up in a designated area within the school building. The principal or their designee reserves the right to dispose of confiscated items at the conclusion of the school year, if retrieval has not been made.
6. Families will be informed of the circumstances surrounding the search and its results.

Additional searches may be warranted in certain situations related to school safety.

**Note:** Scholars have no reasonable expectation of privacy in school-owned property such as lockers, cubbies, desks, or other school storage places. The school exercises overriding control over such school property, which may be opened and inspected at any time by school officials. At least two (2) school personnel will be present for any search of school-owned property being used by scholars. The school reserves the right to conduct periodic general inspections of rooms and other areas of the school for any reason at any time without notice, without student consent, and without reasonable suspicion.

## Unannounced Scanning

In New York City, we are co-located in New York City Department of Education (“NYC DOE”) facilities at most of our campuses which means that we are subject to abiding by district policies that apply to all building occupants. One specific policy that we want to make parents aware of is that we are required to participate in NYC DOE's scanning initiative. While AF itself has no metal detectors or scanners, there may be times when the NYPD School Safety Division conducts random scanning in order to deter prohibited and dangerous items from potentially being brought into NYC's public middle and high schools. If there is an uptick of incidents with weapons or to prevent the flow of dangerous weapons at our private standalone buildings, out of an abundance of caution, AF will use private security to facilitate Unannounced Scanning similar to what is provided at our locations in NYC Public Schools. Students in grades K-5 will not be scanned and a separate entrance must be designated for these students on the day an unannounced scanning is conducted. If and when that should occur, all students and visitors entering AF XX may be required to submit to a metal detector scan and personal search, if necessary, to ensure that weapons are not brought into the school building. Bags and parcels may also be searched by means of metal detecting devices, by hand, or otherwise. Any prohibited items confiscated during scanning—or taken during the school day by school officials—will be kept by school administration until a parent retrieves the item or handed over to the relevant authorities.

## Substance Use

At times, school staff may have reasonable suspicion that a scholar is under the influence of an illegal, controlled or otherwise prohibited substance due to the scholar’s behavior, odor (e.g., smell of marijuana or alcohol), or affect (e.g., slurred speech).

Depending on the circumstances, the school personnel may take one or more of the following actions:

- Remove the scholar from class and/or the school-sponsored program/activity;
- Send the scholar to the nurse for assessment/treatment;
- Contact parents to pick-up scholar; or
- Contact emergency services.

Unless required by law, school staff will not contact law enforcement; however, school personnel will notify the parent/guardian. School personnel will conduct an investigation in accordance with the policies outlined in this Handbook, and may result in disciplinary action.

## Transportation, Arrival, and Dismissal

### School Bus Transportation

Eligibility for yellow school bussing is determined by our local districts and/or bussing companies. However, we reserve the right to suspend an eligible scholar from the bus if they in any way threaten the safety and well-being of anyone on the bus. **Note:** *Scholars with specialized transportation in their IEP or 504 Plan may require alternative and/or additional procedures related to discipline. Should a scholar with this service in their IEP or 504 Plan be suspended from the bus for more than ten (10) days, then an MDR will need to be held, as outlined in Discipline of Scholars with Special Needs.*

### Notifying the School of Transportation Changes

**Please arrange transportation home before your child leaves for school in the morning.** If you need to pick up your child from school and your child usually rides the bus, or if you must otherwise change your child's transportation for that day, please do one of the following:

- ***Be at the school at dismissal time*** – If you need to pick up your child instead of them getting on the bus, we ask that you be at the school at dismissal to pick up your child as they are in the bus line. If you are not here by the time the buses leave, your child will be sent on the bus.
- ***Send in a note*** – Send a note to school with your child detailing the change in plans and providing a clear description of, and contact information for, who will pick up your child.
- ***In an emergency, call the school*** – If you or your family experiences an emergency that requires a change in your child's transportation plans, please call the school immediately to make arrangements. If your child normally rides the bus and you wish to pick him or her up from school and you have not notified the school in writing that morning, you must meet your child at the school at dismissal time.

### **Late Pickup From School**

Scholars who are picked up at the end of the school day are expected to be picked up during dismissal. If a family member is more than ninety (90) minutes late picking up their scholar or the time has reached 6PM, the school may need to take the child to the local police precinct for safe supervision.

### **Parent/Guardian Late to Pick Up from Bus Stop**

Elementary scholars who ride the bus must have an approved adult meet the child at the bus stop daily. If an adult is not present, scholars will be returned to the school. It will be the responsibility of the parents/guardians to pick-up scholars from the school.

### **Arrival/Dismissal**

Scholars should not arrive at school prior to the beginning of arrival.

Buses will pick up and drop off scholars next to the building. As a result, we ask anyone dropping off and/or picking up scholars to be mindful of the tight traffic situation, arrive on time, and plan accordingly.

At dismissal, scholars should leave the school building unless they are attending after-school tutoring or an extracurricular activity. Scholars are never allowed to wait in any other portion of the building. They must wait in a designated afterschool location, under the supervision of a staff member. Scholars may not wait outside without staff supervision.

### **Scholars Who Walk**

Middle or high school scholars are permitted to walk home or take the city bus unless we receive written notification from a parent(s)/guardian(s) to the contrary. With written parental permission, elementary school scholars may walk home or take the city bus.

For scholars who walk to and from school, and for scholars who may be walking from the public transportation stops, a number of streets must be crossed. Families should instruct scholars to use all of the appropriate crossing lights at each intersection, and to cross each intersection only when it is safe to

do so within the designated crosswalks. Please call the local police department with questions or concerns regarding public transportation and walking safety.

Scholars who walk to and from school should act as representatives of the school. The same standards of behavior outlined in this document apply while scholars are traveling to and from school.

### **After-School Transportation**

When a scholar remains after school, the school administration will see that the scholar's parents/guardians are given notice, and arrangements are made for the scholar's safe return home. The school does not provide transportation for after-school activities.

### **Staff Rides**

Generally, staff members are prohibited from using their personal vehicle to transport scholars to and/or from school or school-sponsored events or activities. In the rare circumstance that a staff member must transport a scholar in their personal vehicle, prior written consent must be obtained from the parent/guardian and the principal.

### **Ridesharing Policy**

It is a violation of ride-sharing companies such as [Uber](#) and [Lyft's](#) terms of service for minors to use its service without an adult due to the concerns that drivers are not screened for being alone with children. **Therefore, school personnel will not knowingly permit students to depart school in rideshares even if such service is ordered by a parent/guardian UNLESS the student is accompanied on the ride by a parent/guardian or an individual over the age of 18 provided there is written parental consent.**

## **School Uniforms**

All scholars must wear the Achievement First uniform every day at school. Arriving at school out of uniform is a violation of the Code of Conduct. Should a scholar arrive at school not in uniform, they will be given a uniform provided by the school to change into before going to class, to later be returned to the Main Office. Families should contact a member of the Operations Team if cost of the uniform is prohibitive so alternative arrangements may be made.

We have a required school uniform for several very important reasons:

- **Uniforms unite us as a community.** The Achievement First uniform is a powerful visual statement of our community, and is one of the steps of creating a shared sense of belonging and community.
- **Uniforms look professional.** Uniforms can help scholars come mentally prepared for school.
- **Uniforms reduce distractions and clothing competition.** Our uniforms intend to remove distractions from learning time (for example, eliminating the potential distraction of students discussing/evaluating what others are wearing.)

## **Promotion to the Next Grade**

Achievement First provides a rigorous, college-preparatory educational program, and the faculty, staff, and administration are committed to helping all students satisfy all requirements for promotion and graduation. *Our ultimate goal is college readiness.* We believe that in some instances it will be better for

a scholar to repeat a grade in order to fully develop the skills, habits and knowledge required for the next grade and for rigorous colleges and careers.

We recognize that retention is a major decision that has important ramifications for a scholar and family. Our promotion and retention decisions are made with solid evidence of academic progress and social growth, and are consistent with established policies and practices. When a student's performance indicates that they are not ready to move on, we would rather have that scholar repeat a grade while with Achievement First so that we can provide intensive support and work in close partnership with families – as opposed to sending a scholar off to the next grade where they may not be set up for success.

- Achievement First aims to help all scholars meet promotion criteria and ultimately to be prepared for success in the next grade. There are times when a scholar simply needs another year to be able to fully tackle the work, and the school is committed to ensuring that a scholar's second year in a grade involves a clear plan to provide the scholar additional support.
- The school will share students' grade-level performance with parents at multiple points in the year (*e.g.*, Report Card Nights or Progress Report Nights in Fall and Spring), and let parents/ guardians know when a scholar is at risk of being considered for retention at the end of the year.
- The school's administrative team (and ultimately the Principal) has full authority to make all promotion decisions.
- Achievement First may retain early elementary scholars (K-2) who are not meeting our academic standards.

#### **Promotion for Multi- Language Learners (MLLs):**

As required by law, we evaluate the promotion of Multi-Language Learners differently. **Limited English proficiency will never be the school's sole reason for retaining any scholar.** Multi-Language Learner scholars shall participate in the state's assessment program (NYSESLAT Assessment) in accordance with state policies, with progress reported as required under New York state law.

#### **Promotion for Students with Individualized Education Programs (IEP)**

The purpose of an IEP is to outline the support a student needs to access the general education curriculum in the least restrictive setting. At the first sign a student with an IEP is at risk of retention, the school must ensure that robust and appropriate supports are in place in order for the student to make appropriate academic progress. If a student with an IEP meets retention consideration criteria, the school will take the IEP into consideration when making the best decision for the student's development.

## **Special Education**

Achievement First is committed to serving all scholars who walk through our doors. We believe it is our responsibility to ensure that students who come to us can attain a great education and be on the path through college. This is why our special services program is so important; it is consistent with and necessary to our mission to serve students with disabilities and students that struggle academically and behaviorally.

## **Annual Information Session**

We recognize that parents are important partners in their children’s education. We want to make sure parents have information to help them understand special education at AF. One way AF provides this info is via a “Special Education Family Information Session” in the fall, which is open to any and all families. During this session families will receive information about special education at AF, including:

- How AF (and families) may decide to refer a student for evaluated for special education services;
- What happens during the evaluation process;
- How AF and the NYC Department of Education (“NYC DOE”) work together to provide special education supports to students;
- What types of academic and behavioral supports are available at AF;
- How parents/guardians may request behavioral supports; and
- Formal and informal ways that parents can communicate any concerns about special education.

Much of the information that will be discussed in the information session is also provided here, in the Family Handbook, as another resource to help families understand special education and partner with AF in support of their child.

## **Child Find**

Under federal and state special education requirements, Achievement First is obligated to identify students who may have disabilities, and partner with the host district to evaluate students and determine whether they do, in fact, have a disability and qualify for special education. If a student has a disability recognized under the Individuals with Disabilities Education Act (IDEA), and that disability negatively impacts educational performance, that student qualifies for special education and related services. If a student has a physical or mental impairment recognized under Section 504 of the Rehabilitation Act of 1973, and that impairment substantially limits one or more major life activities, that student is entitled to special education accommodations designed to meet those students’ individual educational needs as adequately as the needs of nondisabled students are met. This obligation to identify and evaluate students who may qualify for special education is called Child Find.

Child Find is important because if a student does have a disability, there are various in-school supports and services that can be provided to them (at no cost to the parent) to help them fully access their education. Many of these supports can be provided to your child at Achievement First. (For more information about the special education supports available at Achievement First, see “Special Education Supports at AF”.)

If you are concerned because your child is struggling academically, behaviorally or socio-emotionally (for example, they are overly anxious or depressed and withdrawn), you have the right to request that your child be thoroughly evaluated and considered for additional programs and/or services so that they can learn and make meaningful progress at school. You can make this request at any time, even if AF has not raised a concern about your child’s progress, either by speaking to the Special Services Leader (“SSL”) at your child’s school, or by writing directly to the Committee on Special Education (“CSE”)/host district special education director that works with your child’s school. The Special Services Leader can provide you with contact information for the CSE/host district special education director.

## **Response to Intervention**

AF believes that providing early and robust interventions can help AF support all students, as well as help AF identify students who may qualify for special education services.

An intervention is instruction and supports which supplement and intensify classroom instruction and systems. The Response to Intervention (“RTI”) process at AF starts with reviewing data to determine what areas of challenge a student may have (reading, math, behavior, etc.), and then providing targeted, research-based supports that are individualized to the student’s area(s) of challenge. The next step in the RTI process is to look at data after a student has received intervention(s) for several weeks, to determine how the student is responding to the interventions; specifically, whether the student is demonstrating more success in the area of challenge (for example, developing their reading skills), or continuing to struggle.

AF has developed three “Tiers” or levels of intervention to support students. The first, Tier 1 interventions, are providing a high quality curriculum and instruction in the general education classroom. Tier 2 interventions are academic or behavioral supports beyond what is offered in the general classrooms, and include additional Guided Reading, phonics, small group math, or a behavior support plan. Tier 3 interventions are more individualized and frequent interventions for the scholars who need the most support and include Guided Reading (in a smaller group), small group math (more targeted), phonics, or a Behavior Intervention Plan.

Students who show growth and progress under interventions will continue to receive them until they are no longer demonstrating challenges in the area the intervention has been targeting. Students who are not showing growth and progress with receipt of interventions will also continue to receive interventions (and may receive more intensive/individualized interventions), and such students may also be referred for special education evaluation, to determine whether supports available through special education could help the student achieve more progress.

**You have the right to request that your child be referred for special education at any time, whether or not they are receiving interventions.** As explained above, this request for evaluation can be made at any time by speaking to the Special Services Leader at your child’s school. You may also write to the **Committee on Special Education (CSE)** to request an evaluation of your child and appropriate programs and services. The Special Services Leader can provide you with contact information for the CSE.

## Initial Referral to Special Education

A student can be referred for evaluation by recommendation of the school or request of the family. Once a student has been referred for special education, a series of steps will occur in a specified timeframe which *may* result in your child receiving special education services. Some of these steps are taken by Achievement First staff at the school and others are taken by DOE staff at the CSE office that works with the AF school.

To begin the process, AF staff submits an initial referred request to the CSE Chairperson that includes the following information:

- 1) Data about the student, such as: academic data, attendance data, behavior data, and teacher progress reports
- 2) A letter from the school to the CSE, explaining why AF is requesting that the CSE evaluate the student
- 3) A letter from the parent/guardian explaining that the parent/guardian would like their child to be evaluated

CSE staff takes the following steps after receiving an initial referral request:

- 1) The CSE should contact you within *10 school days* about next steps. The CSE usually asks the parent/guardian to come into the CSE office to discuss the evaluation process and get your written consent to evaluate your child. The CSE will not begin evaluations until they have met with you and you have provided this “informed consent.” It is important to respond to the CSE when you hear from them because if you don’t respond within thirty (30) days they may not evaluate your child.
- 2) Once the CSE receives your written consent, it will conduct one or more evaluations to fully assess your child’s educational difficulties and needs. Depending on the challenges your child is facing, the CSE may conduct a social history (about your child’s background), a “psycho-educational” evaluation (focusing on the mental processes needed for education), and specialized assessments about your child’s speech, coordination, motor skills, or other areas. The CSE has *sixty (60) calendar days* from when you sign the consent form to do these evaluations.
- 3) After the evaluations are completed, a team of people including you, staff from Achievement First, and staff from the CSE will meet together to decide whether your child should receive any services and supports to help your child learn. This is called an “IEP meeting” and this meeting must happen within *sixty (60) school days* from when you sign the consent form. If your child will receive supports, it is ultimately up to the CSE to decide what services and supports to give. Those services and supports will be written down in a plan, called an “IEP,” and the CSE and Achievement First will work together to give those services and supports to your child.

If you do not hear from the CSE regarding our referral to evaluate your child within ten (10) days, you should contact the CSE directly. You may also contact the Special Services Leader/ Dean of Special Services at your child’s school.

If you have other questions about the initial referral process, (including questions about whether the CSE is conducting the evaluations as quickly as they should be), you should also reach out to the CSE or to the SSL.

### **Section 504 Plans and IEPs**

Students with disabilities requiring specialized support may qualify for a support plan under either Section 504 of the Rehabilitation Act or an IEP under the IDEA. A Section 504 Plan outlines individualized accommodations and services to support the scholar, which may include testing accommodation, homework accommodations, and special transportation. An IEP can include accommodations and modifications to the general curriculum, individualized goals and objectives, and services, such as special education services and related services including speech and language therapy and occupational therapy (more information below). If your child had a 504 Plan or IEP at a previous school, please contact the Special Services Leader/Dean of Special Services.

### **Requesting Behavioral Supports**

When students are demonstrating behavioral challenges in school, it could be because of a variety of factors. Sometimes, students are adjusting to a new environment (*e.g.*, new to AF, or being in a new grade or classroom). Sometimes students are frustrated in a particular moment or about a specific situation. In both of these instances, students may demonstrate behaviors for a few days or few weeks, but as they adjust or resolve their frustration, the behaviors will likewise be resolved. Other times, students may demonstrate behaviors over a longer period of time and behaviors may be related to a diagnosed disability

or could be symptomatic of a disability that has not yet been diagnosed. When a student is struggling with behaviors over a longer period of time, parents may be unsure what can/should happen in school to support the student.

Parents/guardians of students with disabilities may also have specific concerns about whether ongoing behaviors are related to their child's disability, and whether the school is providing appropriate behavior supports that are responsive to both the behavior and the disability.

If you have concerns that your child is demonstrating behaviors in school that could be associated with your child's disability, and/or concerns that the school is not providing appropriate behavioral supports, you may make a request for behavioral supports using "Behavioral Support Request Form" in **Appendix E**. You can also request a copy of this form from the school. After you make the request, the school will set up a meeting with you to discuss your concerns and your request.

After that meeting, you and the school may agree that the school will provide Tier 2 or Tier 3 behavioral supports to your child. However, if you and the school do not agree, and you would still like your child to receive behavioral supports, you can request that the school conduct an evaluation called a **Functional Behavioral Assessment ("FBA")**. As part of the FBA, the school will conduct classroom observations of your child, and collect data including: what kinds of behaviors your child is engaging in, how frequently behaviors are happening, whether there are specific events or circumstances that may trigger the behaviors, and how long behaviors last once they start.

If you request an FBA, the school must conduct the FBA (the observations and collection of data), and schedule another meeting with you within 2-3 weeks from when you request the FBA. At the meeting with you, the school will review the FBA results and discuss whether the results indicate a need for a Tier 2 or 3 Plan.

The following chart may be helpful for understanding the process and options for requesting behavioral supports:

## Special Education Supports at AF

There are a range of supports and services that a student with a disability might receive. These supports are called the "**continuum of services**" and range from very intense support to just a few services. The goal of services is to enable a student with a disability to be able to access curriculum and instruction, and participate fully within the classroom and school. AF partners with the NYC Department of Education ("DOE") to provide some services to students with disabilities. However, district schools provide a wider array of services than AF schools. AF schools provide the following classroom settings and services:

- **General Education Classes:** instruction in the general education classroom, which may include accommodations (such as extended time on tests) or related services (such as speech therapy)
- **Special Education Teacher Support Services ("SETSS"):** interventions (targeted instruction) taught by special education teachers in a small group that may be provided in the gen ed classroom or separately, in another location (called "pull-out")
- **Integrated Co-teaching ("ICT"):** classroom that includes students with disabilities and students who do not have disabilities who are educated together with two teachers, a general education

teacher and a special education teacher, who collaborate to adapt and modify instruction and ensure that the entire class has access to the general education curriculum.

- **Self-Contained:** AF offers self-contained classes in grades K-8 at two AF campuses. The self-contained classes are clustered at two AF schools (AF Bushwick Elementary and AF Bushwick Middle School) and serve students from across AF schools. *Only students who are currently enrolled at AF are eligible for enrollment at Empower.* If you believe your scholar needs a self-contained program, please talk to your SSL.

**Related Services:** Sometimes students with disabilities may need supports in areas other than just instruction. For example, if a student has been evaluated and determined to have challenges with speech, then that student should also work with a speech therapist to help them develop important skills for communicating within school. This type of service is called a *related service*, and is provided by a specialist who is trained in a specific area (for example, a speech therapist rather than a classroom teacher). AF works with the NYC DOE to provide different related services, including physical therapy, occupational therapy, speech therapy, counseling, and paraprofessional support.

### **When an IEP Specifies a Classroom Setting AF Does NOT Offer**

Sometimes, a student's IEP may mandate a classroom setting available at a DOE school, but not available at AF (such as placement in a 12:1:1 or 8:1:1 classroom). It's important for you to know that you still have a legal right to a place at AF, but you also have a right to another placement offered by the DOE. It is your decision whether you want to accept the placement at AF or accept the placement offered by the DOE. Here's what you need to know:

- Enrollment at an AF school may mean that your child will be in large classes (for example, 30 students, 1 or 2 teachers) for the majority of the day, and AF's model is to provide additional supports to support your child to meet high academic and behavioral standards.
- Every child is different. Many students with IEPs that recommend smaller settings than available at AF (for example, a 12:1:1 classroom) have been successful at AF. Other students may be better served in a more intensive, specialized classroom or school. You should talk to us and the DOE to get more information as you think carefully about what your child needs.

Finally, if you enroll your child at AF and later decide you would like to explore placement at district school, the DOE is still required to offer you another placement at that time. Requests for a change of placement require a meeting with the district to revisit your child's IEP. In this meeting, you, AF, and the NYC DOE will discuss your request, and determine what kind of placement could be appropriate for your student, using data and information about your child's academic, behavioral, and socio-emotional progress and needs.

### **Roles of AF and the NYC DOE**

In New York, AF schools partner with the NYC DOE to manage the special education process. The DOE has created offices called Committees on Special Education (CSE) throughout the city, which are responsible for overseeing the special education practices in charter schools. AF schools currently partner with three CSE offices: 5, 6, and 8. The CSE offices have many teams and each CSE office has assigned one team to be responsible for working with AF schools.

Here is a breakdown of the different responsibilities of AF and the CSE in the special education process.

### **Initial Referral and Evaluations:**

- **AF** identifies students who might benefit from special education services, and refers those students to the CSE. When a parent/guardian requests evaluations, AF sends those requests to the CSE. When parents refer their children directly to the CSE, AF also sends additional information to the CSE to support the parent's request.
- The **CSE** determines whether or not to formally refer the student for evaluation and then schedules and completes ALL evaluations for students.

### **Annual/Triennial Evaluations:**

The **CSE** conducts ALL evaluations agreed to during annual IEP meetings. In addition, the CSE must consider re-evaluations at least every three years (known as triennial evaluations). The CSE conducts ALL triennial evaluations if they determine that triennial evaluations are necessary.

- **AF** notifies the CSE if the CSE has not conducted a reevaluation in the past three years.

### **IEPs and IEP Meetings:**

- The **CSE** schedules and holds IEP meetings, makes final decisions about what supports, services, and placement should be in the student's IEP, and creates the official IEP document.
- **AF** staff participate in IEP meetings, and contribute drafts of certain IEP sections for the CSE's review.

### **Related Services:**

#### *Providing Services:*

- For most related services (like speech and language therapy, physical therapy, and occupational therapy), the **DOE/CSE** is responsible for contracting with providers, sending them to the school, and paying them.
- **AF** coordinates with the DOE providers, gives them access to students to do their sessions, and notifies the DOE if a provider is repeatedly absent or quits.
  - In some AF schools, AF employees may provide the related service of counseling.

#### *Providing Paraprofessionals:*

- The **DOE/CSE** also contracts with agencies to provide paraprofessionals (one-to-one helpers for students) who are sent to the school.

#### *Providing Make-up Services:*

- The **DOE/CSE** is responsible for providing make-up sessions for sessions missed by a DOE provider.
- **AF** is responsible for providing make-up sessions if an AF employee is providing counseling services and misses sessions.

### **Accommodations and Supports:**

- **AF** is responsible for providing classroom accommodations and supports that are on a student's IEP, like testing accommodations, preferential seating, redirection and prompting, small-group instruction (called SETSS), special classrooms with a special education and a general education teacher called "Integrated Co-Taught Classrooms" (ICT), modified promotional criteria, and behavior modifications and supports.
- The **CSE** makes final decisions about what classroom accommodations and supports are in a student's IEP.

### **FBA's and BIP's:**

Some students' IEPs call for a "Functional Behavioral Assessment" ("FBA"), which tries to identify why a student might be engaging in challenging behavior. This leads to a "Behavior Implementation Plan" ("BIP"), a detailed plan for helping the student control the behavior.

- The **CSE** is responsible for conducting formal FBAs and creating formal BIPs, with input from AF.
- **AF** may create its own informal FBAs and BIPs for some students, but they are not the formal ones required by an IEP.

**Manifestation Determination Review ("MDR"):**

An MDR is a formal review of whether a student is being removed from school because of behavior that is related to his or her disability.

- **AF** notifies the CSE when the student has been removed or suspended for over 10 days, or has experienced a pattern of suspensions or removals.
- The **CSE** is responsible for scheduling and holding the MDR within ten days of being notified by AF.

**504 Plans:**

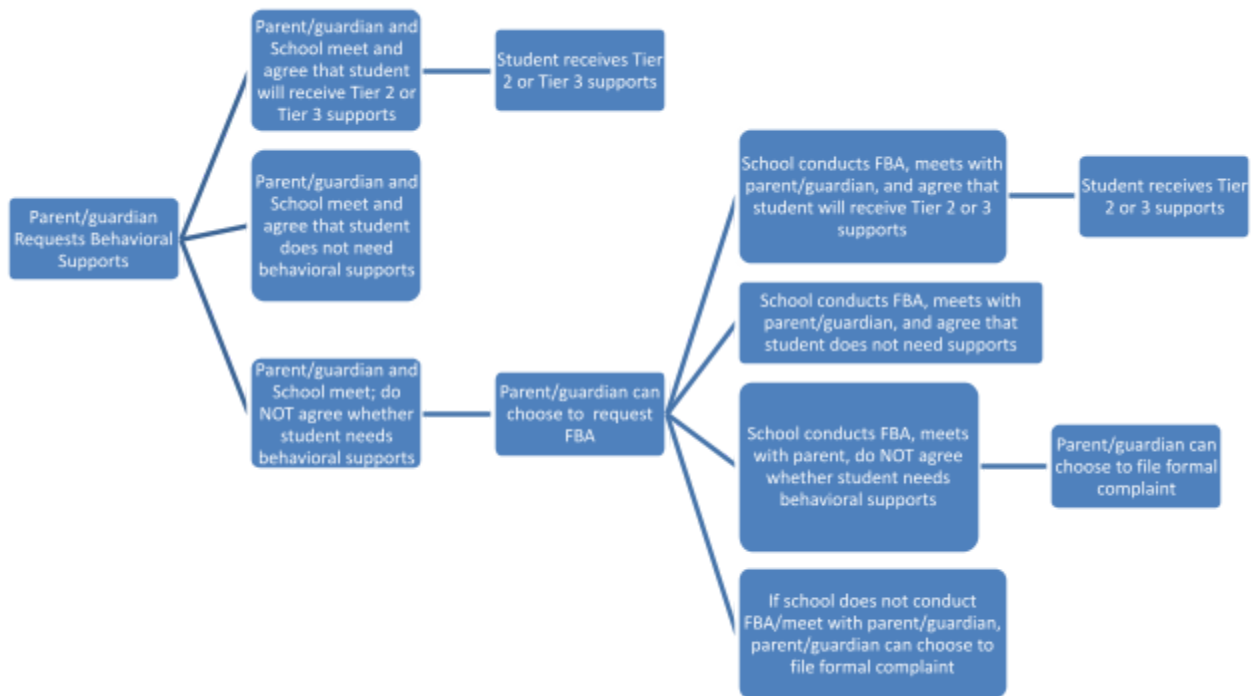
- **AF** is responsible for initial consideration, developing the 504 Plan, annual reviews, ending 504 Plans, conducting MDRs for students with 504 Plans, and most other aspects of 504 Plans.
- The **CSE** is responsible for providing transportation services for scholars with special transportation in their 504 Plans.

**Your Procedural Rights**

If you think your child is not getting a particular service or support that they need, you *always* have the right to file an "Impartial Hearing Request," saying why you think your child is entitled to get the service or support. That begins a process where a hearing officer will independently hear from you and from the DOE (and the school if appropriate), and decide whether the DOE needs to take steps to get the support or service to your child. *For more information on this process, please see the "Due Process Complaint" section on page 16 of the "DOE's Procedural Safeguards Notice."*

When families have questions about an aspect of the special education process that is a CSE responsibility, families can reach out to the CSE directly. Below is contact info for each of the CSEs that works with an AF school; if you do not know which CSE works with your child's school, you can get that information from the Special Services Leader ("SSL") at your child's school.

| AF School   | CSE | Contact Information for CSE Chairperson   |
|---|-----|---|
| AF Apollo ES/MS, AF Aspire ES/MS, AF Brownsville ES/MS, AF Bushwick ES/MS, AF East Brooklyn HS, AF East New York ES/MS, AF Linden ES/MS, AF North Brooklyn ES/MS, AF University Prep HS | 5   | Geraldine Beauvil<br><a href="mailto:GBeauvil@schools.nyc.gov">GBeauvil@schools.nyc.gov</a><br>718-240-3557 |
| AF Crown Heights ES/MS, AF Brooklyn HS, AF Voyager ES/MS  | 6   | Helene Potash<br><a href="mailto:hpotash@schools.nyc.gov">hpotash@schools.nyc.gov</a><br>718-968-6199       |
| AF Endeavor ES/MS   | 8   | Caroline Danner<br><a href="mailto:cdanner@schools.nyc.gov">cdanner@schools.nyc.gov</a><br>718-935-4900     |



As you can see from the chart above, after the FBA, if you and the school still do not agree on whether your child needs behavioral supports, you may file a formal complaint, by following the complaint procedure outlined in the next section (“Concerns About Special Education”). Similarly, if the school does not conduct an FBA and meet with you within 2-3 weeks of your request for an FBA, you can also file a formal complaint by following the complaint procedure outlined in the section below.

**Concerns about Special Education**

Achievement First is committed to maintaining a strong partnership and ongoing dialogue between its teachers, staff, our scholars, and their families. This includes partnering around supports to students with disabilities. We hope that any concerns can be addressed in collaboration with the school, and we also recognize that at times parents may need another route to achieve resolution of their concern.

Therefore, parents at AF have the option to file a formal complaint or grievance regarding the provision of special education. Some types of concerns for which a parent may choose to file a formal complaint are: complaints that a child has been inappropriately disciplined for disability-related behaviors; complaints that a school will not provide behavioral supports for disability-related behaviors; or complaints that an IEP has not been adequately implemented. These are only examples; parents may have other types of concern related to special education for which they choose to file a formal complaint.

**Process to file a Parental Grievance regarding Special Education**

The process for how to file a complaint/grievance about special education is outlined in the “Addressing Family Concerns” section. Please note that for concerns or grievances regarding special education, the staff member to contact in Step 1 is the school’s Special Services Leader.

## Closed Campus

Achievement First takes the safety and security of our scholars very seriously. To assist in providing a safe school environment, all AF schools operate a closed campus. In other words, once scholars enter the building, they must remain on campus until the end of the school day unless they have written authorization from their parents/guardians and receive permission from the Principal or designee. Scholars who leave campus without such authorization are subject to discipline in accordance with the discipline policy. A scholar with permission may only leave the building/campus under the escort and supervision of an authorized adult – who has physically come to the office to sign a scholar out – unless the school has been given written permission authorizing unaccompanied departure.

In addition, except under written agreements approved and signed by the Principal, scholars are prohibited from leaving the school building (or areas of the school building designated for their grade) or using any exit other than the ones designated for scholar use without permission. Scholars who are in restricted areas (e.g., exit not designated for scholar use) or outside of the designated area for their grade without proper authorization are subject to disciplinary action.

### Communication Expectations

Our families are partners with Achievement First staff in creating a warm and respectful environment for everyone in our team and family. We work hard to ensure that the school’s values permeate all interactions with families and scholars. Therefore, school staff and families are both responsible for ensuring that all communication is positive and mutually respectful. To that end, this policy prohibits disruptive, volatile, hostile, violent, or threatening communication and/or actions by AF staff, scholars, families, visitors, or other members of the public. The policy further requires that AF staff treat scholars, families, and other members of the public with civility, courtesy and respect, and that scholars, families and other members of the public members in turn treat AF staff and each other with civility, courtesy and respect.

We require families and scholars to share concerns with school staff, and vice versa, in a manner consistent with mutual respect and civility. As members of a shared school community, we all commit to maintaining an appropriate volume, tone, and substance. Accordingly, disrespect (*e.g.*, name-calling or frequent interruptions), profanity (*e.g.*, cursing), and threatening language are unacceptable, and strictly prohibited. If a conversation does not meet our shared commitment of mutual respect, either party has the right to end the conversation and schedule additional time at a later date.

Families also have the option of addressing concerns, including the actions of a staff member, via the family concerns procedure (see **Appendix H** for the Family Concern Form).

Our priority is to maintain a safe and respectful environment for scholars and adults alike via a calm, productive, positive learning environment. In the event that an investigation substantiates a violation of the communication expectations, the school may issue consequences such as issuing a written warning, requiring written requests prior to scheduling subsequent meetings, or barring an individual from the school site. **Note:** Violations of this policy by staff members may result in employment consequences.

### **Reaching out with Questions**

We want to make sure that all families have the contacts needed to get their questions answered. AF staff will return your email, text, or phone call within 48 hours on business days.

## **School Visitor Policy**

Parents/guardians/families are a vital part of the Achievement First community. We welcome you as a partner in the education of our scholars. In order to maximize our scholar's learning time and minimize distraction in our classrooms, we ask that you do the following:

- Schedule a virtual meeting with school staff to limit in-person visitors. Families can observe or meet with individual staff.
- Please reach out to schedule a plan to observe your scholar's classroom(s). In the vast majority of circumstances, we can accommodate parents/guardians with advance notice, but there may be times when we may ask to set up a different time and/or meet with a parent/guardian before a visit.
- Upon arriving, sign-in with the Main Office and obtain a visitor badge to wear while in the building.
- Silence your cell phone prior to entering the classroom.
- Please refrain from interacting with scholars so they are able to pay attention to their teachers at all times.
- Sit behind all scholars (at the back of the classroom) so that you are not blocking a child's view.

If you would like to speak with a member of our staff, please contact them by phone/e-mail or call the school to set up a meeting. Staff will generally be unable to meet or talk with you during instructional time.

Consistent with our commitment to maintaining a safe and secure school environment, all visitors are required to report directly to the main office and present valid identification in order to receive a visitor's badge. While on campus, all visitors/guests are required to display the visitor's badge at all times. Scholars are strictly prohibited from having non-familial visitors (e.g., delivery personnel, friends, etc.) to campus.

If a visitor is coming to school to drop something off for a scholar or to leave a message, we still require that the visitor come to the main office and may prohibit the visitor from going beyond the main office (e.g., the scholar may have to come to the main office). For the sake of scholar safety, we cannot have anyone unannounced in the building.

The School reserves the right to bar entry of individuals who fail to comply with the requirements above. Scholars who enable unannounced or unauthorized individuals to access the school building are subject to disciplinary action.

## **Emergencies**

In case of an emergency, parents or guardians should contact the school either by calling the school or coming in person. Under no circumstance should parents/guardians attempt to remove scholars from the building without notifying staff members in the main office. Scholars will not be dismissed without proper advanced notification from their parent/guardian.

### **Fire Safety and Evacuation Procedures**

Frequently throughout the school year, scholars and staff will participate in fire drills and safety drills to ensure that the entire school community is familiar with the appropriate response in the event of an emergency. Should any procedure change, scholars will be notified of and trained in any significant changes.

Should it be necessary to evacuate the school building, school staff and scholars will evacuate according to the school's evacuation plan. Once attendance is taken and the school building has confirmed to be safe, staff and scholars will return promptly. If the school building is off limits, the school has a designated congregation point where all staff and scholars will gather. Parents/guardians will be informed as soon as possible.

In the case of a lockdown within the school building due to an external threat or an intruder, scholars will follow our lockdown protocol. If the school is in a lockdown, no one may exit or enter the building. Once the threat is confirmed to be removed, the lockdown will be lifted and entrances/exits will be permitted. The school will communicate via recorded message and in writing relating to any lockdown.

## **Addressing Family Concerns (Formal and Informal Complaints)**

At Achievement First, fostering a strong partnership and continuous dialogue among teachers, staff, scholars, and their families is of the utmost importance. We believe that strong communication is key to nurturing trust and respect between families and the school community. We are always receptive to your input and value your thoughts and feedback on any school-related concerns, whether they pertain to school policies, academic grades, disciplinary decisions, or other matters. In order to streamline communication and ensure it is effective, we kindly request families familiarize themselves with the below procedures and utilize them when expressing concerns to the school.

### **Procedures for Addressing Concerns (Formal Complaints)**

If parent(s)/guardian(s) have concerns about special education, discipline of a scholar with an IEP or a 504 Plan, or other similarly serious concerns, they may file a formal complaint.

Parent(s)/guardian(s) can contact the Board directly with formal complaints at any time, and adherence to the procedure outlined below is voluntary. Parent(s)/guardian(s) may appeal the decision of the Board regarding a formal complaint to the SUNY Charter School Institute (SUNY).

If a parent/guardian properly appeals a Board decision regarding a formal complaint to SUNY and is displeased with SUNY's decision on the matter, the parent may appeal to the New York State Board of Regents through the New York State Education Department (NYSED). Written appeals to the Department of Education can be mailed to the following address:

New York State Education Department  
Charter Schools Office  
Mezzanine  
89 Washington Avenue  
Albany, NY 12234

## Procedures for Addressing Concerns (Informal Complaints)

If parents, guardians or others have a concern about a school policy, academic grade, discipline decision, or anything else, we welcome your input and encourage you to contact the appropriate staff member at the school. We encourage families to follow the procedures outlined below to address informal complaints.

**Step 1: Contact Staff Member Involved:** If there is a concern, we encourage families to address concerns by contacting the staff member involved by phone or email. The parent/guardian may call the school's front desk to obtain contact information. The staff member and the parent/guardian will then set up a meeting to discuss the concern either on the phone or in-person and work to reach a resolution that satisfies both parties. (Note: if the concern is about special education, the staff member should be the Special Services Leader)

**Step 2: Contact the Principal:** If the concern is not resolved satisfactorily (or if the parent/guardian wishes), the next step is to reach out to the principal via phone or email or use the "Family Concern Form" (see Appendix H) to explain the concern in writing. Even if the issue is a problem with the principal directly, the parent/guardian should go through this step. It is important to work to resolve the issue directly first. The parent/guardian should contact the school's front desk to obtain contact information for the principal. The principal will reply within three business days, at least acknowledging the complaint has been received, and the principal may take up to five additional business days to investigate and reach a decision.

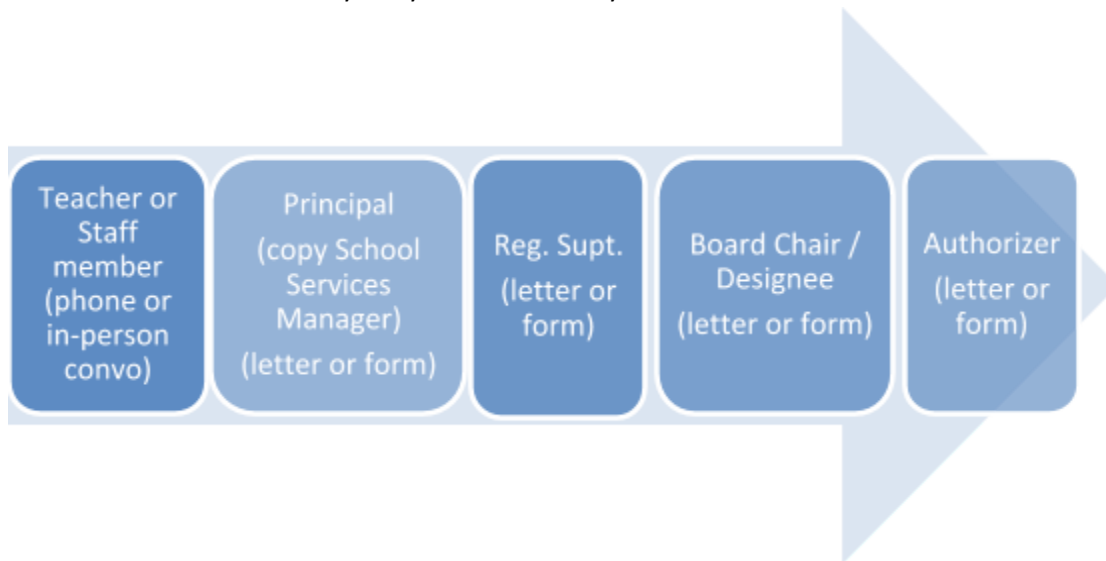
**Step 3: Written Complaint sent to Principal's Supervisor:** If the parent/guardian is unsatisfied with the principal's decision or response, the parent/guardian may write a letter to the regional superintendent who supports the school or use the "Family Concern Form" (see Appendix F) to explain the issue. The parent/guardian can fax, email, mail, or hand-deliver (to the school's front desk) the letter/completed form, and the office staff will ensure that the communication gets to the Regional Superintendent. In some instances, it may be appropriate to schedule a meeting in person or via phone. If the parent/guardian would like to reach out to the regional superintendent directly, the parent should contact the front desk of the school to get their contact information. The regional superintendent will reply within three business days and may take up to 10 business days to investigate and reach a decision. The regional superintendent will send a written decision to the parent/guardian within 10 business days of receiving the letter or form unless the parent/guardian and the regional superintendent agree to hold a meeting instead or the original concern is shared in a meeting. Please note that the regional superintendent will not respond to complaints that have not gone through steps 1-2. A member of the front office staff member will put a copy of the complaint form and the regional superintendent's response in the scholar's file, and the front office staff will also ensure that a summary of the complaint and resolution is logged in the school's scholar information system.

**Step 4: Written Complaint to the School's Board of Directors:** If the parent/guardian is unsatisfied with the regional superintendent's decision or response, the parent/guardian may write a letter to the school's Board of Directors or use the "Family Concern Form" (see Appendix H) to explain the issue. The parent/guardian can fax, email (address available at the school's front desk), mail, or hand-deliver (to the school's front desk) the letter, and the communication will go to the Board's chairperson. The parent/guardian should call the school's front desk to obtain contact information. The Board or its designee will reply within three business days and may take up to 10 business days to investigate and reach a decision. The Board or its designee will send a written decision to the parent. Please note that the Board or its designee will generally refer complaints that have not gone through steps 1-3 back to the school. Additionally, some issues may require more time to resolve than the above timeline – in such instances, the

Board or its designee will inform the parent and discuss the expected timeline for a response. A member of the front office staff will put a copy of the complaint form and Board’s response in the scholar’s file, and the front office staff will also ensure that a summary of the complaint and resolution is logged in the school’s scholar information system. If an individual or group voices a complaint at a public meeting of the School’s Board of Directors or to individual directors, directors shall not respond to the substance of the complaint, but instead shall thank the individual or group for their time and direct them to this complaint procedure or, as appropriate, take note of the complaint and respond based on the above timeline.

**Step 5: Written Complaint to the Authorizer:** If the parent/guardian is not satisfied with the Board’s decision, the parent/guardian may present their concern to the authorizer, the Charter Schools Office of the State Department of Education. The parent/guardian will be provided with contact information for the authorizer with the Board’s response in step 4. (Please note that the school will ask the authorizer not to respond to complaints that have not gone through steps 1-4.)

Please note that if the school gets multiple complaints on the same or a similar subject, the school may elect to consider all of the complaints in one process to ensure the process is clearly and effectively communicated to each family fairly and consistently.



The process described above is designed so that families can speak with the staff members who are most directly involved with the situation. Usually, this is the best way to resolve a concern or complaint because staff members can more quickly and efficiently address family concerns. *Parents/guardians do have the right, however, to submit concerns directly to the Board or to the authorizer. In this case, the Board will determine whether the complaint alleges a violation of the law or of the charter. If it does not, the Board will generally direct the parent/guardian back to the school level.*

### **Grievances Related to Discrimination Issues**

Achievement First does not condone or tolerate discrimination on the basis of race, color, national origin, sex, sexual orientation or disability in admission or access to, or treatment, or employment in its programs or activities. Families have the right, therefore, to file a formal grievance if they believe that AF has violated a discrimination law (including but not limited to Section 504, Title IX, and Title VI). The grievance procedure for discrimination issues is included in **Appendix F – How to File a Grievance about Discrimination** – please review it carefully. The Special Services Coordinator, is the Title VII and Section

504 Coordinator. The Director of school Operations at your child's school is the Title IX coordinator. The purpose of this formal grievance procedure is to provide a simple and accessible process to address problems and claims of discrimination based on race, color, national origin, sex, sexual orientation, or disability. The Special Services Coordinator may designate the resolution of certain grievances to other appropriate school staff members.

## School Calendar and Closings

### School Closure Policy

Because we believe maximizing instructional time is critical to closing the achievement gap, Achievement First schools will only close under extreme circumstances. In such circumstances, **Achievement First will follow the lead of our host district unless you have explicitly heard otherwise from us at least twenty-four (24) hours in advance.** If you have any doubt as to the status of school, please listen to local radio and television stations. Again, unless you have explicitly heard otherwise from AF 24 hours in advance that we are making a different decision, if the host district announces a closure, delayed start, or early dismissal, Achievement First will do the same. To avoid confusion, Achievement First will not make separate closure announcements through local media outlets (*i.e.*, TV or radio). As the situation allows, Achievement First will however reiterate the delay, closure or cancellation of after-school events via auto-dialer, ParentSquare, and/or text message.

### Special Circumstances

While Achievement First believes that following our host district's lead applies for 95% of all school closure scenarios, there are some highly unusual situations where Achievement First would decide to make a different decision.

While it is hard to predict the exact scenarios where we would not simply follow our host district's lead, we have experienced this on several occasions on days when Achievement First schools are in session and our host district's are not (*e.g.*, AF schools typically start the school year earlier and/or finish later than our host districts. *i.e.*- all AF schools have air conditioning and will typically stay open even if the host district announces a closure or early dismissal due to extreme heat.) In such instances, Achievement First will proactively reach out to all families via auto-dialer, ParentSquare, and/or text message as soon as possible so that families are aware and can plan accordingly.

### School Closure Make-Up Plan

1. Our school year has 182 days, at least two more days than required by the state. In the case of lost days, our state and network-wide minimum number of days is 180 days.
2. If we experience a snow day, we will be closed for the first two days. However, once a school falls below 180 days, the guidance varies per region.
  - o Once a school falls below 180 days, we may hold remote school if we are not able to in person, to the extent permissible by law and as feasible.

## Student Technology and Internet Use Policy

Achievement First schools uses devices (includes computers, tablets, mobile and other electronic devices for purposes of this section), software, applications, networks, and Internet services (the "Systems"), as one way of enhancing its mission to provide all of our students with the academic and

character skills they need to graduate from top colleges, to succeed in a competitive world and to serve as the next generation of leaders in our communities.

The following rules are intended to provide general guidelines and examples of prohibited computer and Internet uses, but do not attempt to state all required or prohibited activities by users. Failure to comply with Achievement First's Student Technology Device and Internet Use Policy and these rules may result in loss of computer and Internet privileges, and/or legal and disciplinary action. **For more information, please see Achievement First's Student Technology Agreement on ParentSquare.**

#### **A. Use is a Privilege**

Student use of Achievement First's computers, tablets, software tools, networks, and Internet services is a privilege. Scholars may not deliberately or willfully cause damage to computer equipment, network resources, or assist another in doing the same. Further, scholars may not deliberately or willfully use their or any other Achievement First Google email account (Gmail) to create accounts on third party sites for purposes other than educational and not without the explicit written permission from their School.

#### **B. Acceptable Use**

Student access to Achievement First's computers, tablets, software tools, networks, and Internet services are provided for educational purposes and research consistent with the curriculum and instructional goals. The Code of Conduct governs student conduct and communication on all systems. Scholars must comply with the rules and policies in the Code of Conduct as well as all specific instructions from staff members when accessing computers, tablets, software accounts, and network resources.

#### **C. Use of Google Educational Email Accounts and Services**

Scholars are assigned a Google email (Gmail) account for educational and software identification purposes as well as to communicate with school staff for school purposes. In addition to the Gmail account, scholars are also provided access to the Google Workspace for Education productivity tools and applications (Document, Spreadsheets, PowerPoint, Maps) for the purposes of research consistent with the curriculum and instructional goals. **All Internet access and other online services available to scholars are filtered and monitored to ensure their security and safety.**

Student's personal information is protected in the creation of their software accounts and when they are using their accounts for the purposes of doing their school work. Personal information such as name, email, and password are only shared with Google and software vendors in situations involving account issues. Google and contracted software partners are prevented from sharing student's information by Achievement First policies as well as federal and state laws.

Students are expected to use their Gmail account and its additional services in a responsible, efficient, and courteous manner that does not cause any harm to themselves or others.

#### **D. Prohibited Use**

The student is responsible for their actions and activities involving school computers, tablets, software tools, networks and Internet services, and for their information, files, passwords and accounts. Examples of unacceptable uses that are prohibited include, but are not limited to, the following:

1. Accessing Inappropriate Materials- Accessing, submitting, posting, publishing, forwarding, uploading, downloading, scanning or displaying materials that are defamatory, abusive, obscene, vulgar, sexually explicit, sexually suggestive, threatening, discriminatory, harassing and/or illegal
2. Illegal Activities- Using computers, websites, online applications, software tools, networks and Internet services for any illegal activity or that violates other Achievement First policies, procedures and/or school rules
3. Violating Copyrights- Copying or downloading copyrighted material without the owner's permission
4. Plagiarism- Representing as one's own work any material obtained on the Internet or any licensed online product.
5. Copying Software/Media Files- Copying or downloading software without the authorization of the system administrator; illegally downloading music, photos, movies or other such files
6. Non-School Related Uses- Using the school unit's computers, tablets, networks and Internet services for non-school-related purposes such as private financial gain; commercial, advertising or solicitation purposes
7. Misuse of Passwords/Unauthorized Access- Sharing passwords, using other users' passwords without permission and/or accessing other user accounts
8. Malicious Use/Vandalism- Any malicious use, disruption or harm to the school unit's computers, tablets, networks and Internet services, including but not limited to hacking activities and creation/uploading of computer viruses
9. Unauthorized access to Social Networking/Chat Rooms/Newsgroups- Accessing social networking sites or software, chat rooms or newsgroups without specific authorization from the supervising teacher.
10. Discriminate against or harass any other person by virtue of any protected classification including, but not limited to, race, gender, sex, gender identity nationality, and/or religion.
11. Harass or threaten others, or send materials that might be deemed inappropriate, derogatory, prejudicial, or offensive or otherwise violate AF's Sexual Harassment or Title IX Policies.

#### **D. No Expectation of Privacy**

Achievement First retains control, custody, and supervision of all computers, tablets, networks and Internet services owned or leased by Achievement First. Achievement First reserves the right to monitor all Gmail accounts, AF issued software accounts (or accounts created using the Student Gmail account), computer and Internet activity by students. **Students have no expectation of privacy in their use of school computers or devices, school-issued email accounts, software accounts, Internet services, email, and stored files. The Systems and all information contained in them (including computer files, e-mail messages, Internet and Intranet access logs, etc.) shall remain the property of AF, and may be subject to disclosure under public records laws. Achievement First may, without prior notice or consent, log, supervise, access, view, monitor, and record use of Systems at any time for any reason related to the operation of the school.** Each person will respect the rights of others to the protection of the files they store on a computer and will not alter or damage such files or accounts.

## **Bullying/Cyberbullying**

The law defines "bullying" and "harassment" as 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 identity, gender expression, or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

The law defines "cyberbullying" as the above conduct through any form of electronic communication, where it be through electronic text, photos, or videos. Examples of this behavior include, but are not limited to:

- *Sending false, cruel, or vicious messages.*
- *Creating websites that have stories, cartoons, pictures, or jokes ridiculing others.*
- *Breaking into an email account and sending vicious or embarrassing materials to others.*
- *Engaging someone in electronic communication, tricking that person into revealing sensitive personal information, and forwarding that information to others.*
- *Breaking into an educational software account and altering data information or changing settings configurations to affect another's progress.*
- *Posting/sending of a student picture/videos without their permission*

The online activities and technologies often used by students engaged in cyberbullying include, but are not limited to, social networking sites, chat rooms and discussion groups, instant messaging, text messaging, computers, cell phones and personal digital devices, digital cameras, cell phone cameras, and webcams. As new technologies emerge, they too may be included with the above forms of electronic communication.

### **Reporting and Prevention of Bullying and CyberBullying**

The school is committed to promptly addressing and preventing incidents of bullying to the maximum extent possible. Additional information about reporting, investigation, intervention, and prevention of bullying and cyberbullying is included in **Appendix A**.

## **Student Cell Phone Policy**

Students are not allowed to use cellphones in school, at school-sponsored activities, or on school field trips, unless specified by a staff member or chaperone in specific circumstances. This includes any cell phone features and applications such as camera, video recorder, calculator, texting or social media. If, during these times, a cell phone is used, rings, vibrates, flashes, or is seen by a staff member or chaperone, it will be confiscated from the student. At the school's discretion, the cellphone will be returned to either the student by the end of the day or to a parent/guardian at an agreed upon time. The school may pursue disciplinary consequences found in the Code of Conduct depending on how disruptive the incident is and/or if a student has had multiple violations. Cell phones brought to school must be powered off, stored away in a locker or backpack area and cannot be taken out until the student is off school grounds. Schools are not responsible for damage, loss, or theft of cell phones.

## Campus Parent and Campus Student

Achievement First uses an online student information system called Infinite Campus to track students' enrollments, contact information, attendance, grades, etc. The Campus Parent and Campus Student websites and apps allow parents and students to access the information about students' schedule, attendance, and grades that AF staff have entered in Infinite Campus. Teachers can also send parents and students messages about grades and assignments via the apps from their Infinite Campus accounts.

Schools will distribute information about accessing Campus Parent and Campus Student in August. Families can access our guide to using Campus Parent and Campus Student at:

- **English:** <https://tinyurl.com/AFCampusParent>
- **Spanish:** <https://tinyurl.com/AFCampusParentSpanish>

## Nursing Services & Medication

Nursing services are provided by the nursing staff assigned to the school building. We recommend, however, that parents/guardians have a doctor or health center look into any recurring health problem a child is having.

We are required by law to have documentation of all vaccinations a child has received to date. This should be submitted immediately upon enrollment, prior to the first day of school. Students without proper vaccinations or an approved exemption from the NYC Department of Health may be excluded from the building until proof of vaccination is provided to the school.

If your child requires medication during school hours, please contact the school's main office to request a Medical Administration Form (MAF). The building nurse has the training and resources to store and administer medication. However, medication cannot be administered to your child until your child's physician has completed the form. This is a requirement of the Health Department and pertains to all medicine, including aspirin, Tylenol, and other over-the-counter medicines.

The building nurse will keep a detailed log of all medicines that are administered.

## School Lunch Program

Breakfast and lunch will be available at no cost to all scholars. In order to make this happen, and as required by our local school district, all families must complete the school meals form.

Scholars have the alternative option of bringing lunch from home. Please do not send in lunches that need to be reheated or refrigerated; scholars do not have access to a refrigerator or microwave. We also ask that homemade lunches are nutritious, per the Healthy Foods Policy below.

### **Eating During Designated Times**

Scholars may eat during designated meal times (breakfast, lunch, and snack) only.

**Classroom Parties, Birthdays, and Other Events**

Achievement First supports scholar's social and emotional growth by celebrating their achievements. Most of these celebrations take the form of school-wide or grade-level events which celebrate scholar academic achievement and character growth. In addition, each class usually celebrates scholars' birthdays by singing happy birthday and other rituals in a uniform way that is the same for and fair to all scholars. Teachers seek to make scholars feel truly special on their "special" day.

We ask that families NOT bring in food treats or other gift items for birthdays or holidays as the school cannot commit teacher or other staff time to distributing them. Families wishing to involve classmates in the celebration of their scholar's birthday or other holidays should do so by inviting them to a party that occurs outside of school hours. Please note that the school will only distribute invitations in school if they are issued to all scholars in the class.

Scholars must be in full uniform on their birthdays and other holidays unless notified in writing from the school.

## Appendices

### Appendix A: Reporting, Investigation, Intervention, and Prevention of Bullying and Cyberbullying

#### Bullying and Cyberbullying

##### Reporting Bullying and Cyberbullying (together, “Bullying”)

- 1) If a student feels that they are a victim of bullying, witnesses a student being bullied, or has credible information that an act of bullying has taken place, the student should report the incident to the dean of Students. Students may report bullying situations anonymously. Please note that no disciplinary action will be taken against a student solely based on an anonymous report.
- 2) If a parent or guardian suspects bullying, they may report it via written note or e-mail to the Dean of Students.
- 3) Any staff member who witnesses or receives any report of bullying must notify the Dean of Students as soon as possible, and in any event within one (1) school day after the staff member witnesses or receives a report of bullying.
- 4) Parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying will be notified by the Dean of Students within twenty-four (24) hours of the incident report.
- 5) All reports will be documented and confidentially maintained for the duration of both students’ tenure at the school.
- 6) Retaliation or threats in any form designed to intimidate a victim of bullying, those who are witnesses to bullying, or those investigating an incident of bullying will not be tolerated. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school’s Code of Conduct.

##### Investigation

- 1) As with any situation involving a serious breach of school culture and the Code of Conduct, the Dean of Students will promptly investigate all reports of bullying. As bullying is prohibited by the Code of Conduct, it is important to note that this applies to activity on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by the school, or through the use of an electronic device owned, leased or used by the school, or online or otherwise outside of the school setting if the bullying creates a hostile environment at school for the scholar against whom the bullying was directed, infringes on the rights of that scholar, or substantially disrupts the education process or the orderly operation of the school.
- 2) The Dean of Students will question the reporting student, parent, or staff member about specific details, which may include date of incident, time, location, and what was said or done to the student being bullied. If the reporter is anonymous, the Dean of Students will question those who are listed in the report. No disciplinary action will be taken solely on the basis of an anonymous report.

- 3) The Dean of Students will then meet with and question the student(s) accused of bullying, as well as the student(s) being bullied.
- 4) The Dean of Students or their designee will call the parents or guardians of the students involved in verified incidents of bullying and inform them of the outcome of the investigation, the school's response, and any consequences that may result from further acts of bullying within forty-eight (48) hours after the completion of the investigation.
  - o Parents or guardians of scholars against whom the bullying was directed will be invited to a meeting to discuss the measures being taken by the school to ensure the safety of their scholar and policies and procedures in place to prevent further acts of bullying.
  - o Parents or guardians of scholars who committed the bullying will be invited to a separate meeting to discuss specific interventions undertaken by the school to prevent further acts of bullying.
- 5) The investigation will include an assessment by the school social worker of what effect the bullying, harassment, or intimidation has had on the victim. A student who engages in continuous serious acts of bullying will also be referred to the school social worker.

## **Intervention and Prevention**

### **A. Intervention**

The school will promote the use of interventions that are the least intrusive and most effective, and will develop case-by-case interventions for addressing repeated acts of bullying against a single individual or recurring bullying incidents perpetrated by the same individual. Intervention may include, but not limited to the following:

- As the situation may warrant, the school may provide counseling or refer students to outside counseling to address the needs of the victim(s) of the bullying.
- As the situation may warrant, the school may provide or refer students to outside counseling and support to address the behavior of the students who bully (*e.g.*, empathy training, anger management, and social skills), and will take other disciplinary measures as appropriate, up to and including long-term out-of-school suspension. The severity of the disciplinary action will be aligned to the severity of the bullying behavior.
- The school will monitor each individual situation to ensure that the bullying ceases for individual victims and on a school-wide basis.
- The school will notify the appropriate law enforcement agency if the principal or designee believes the acts of bullying constitute criminal conduct.

### **B. Prevention**

Consistent with Achievement First's values orientation and ongoing character education, the school will consistently message to students throughout the school year that bullying is not part of our school's culture and will not be tolerated. Prevention may include, but it not limited to, the following:

1. Maintaining rules prohibiting bullying, harassment and intimidation and issuing appropriate consequences for those who bully other students.
2. Prohibiting discrimination and retaliation against any individual who reports or assists in the investigation of an act of bullying.
3. As part of our regular character education program, the school will provide advisory time and age appropriate curricula for all classes to discuss bullying in school and its effects.
4. Implementing an on-going cyber safety curriculum to ensure that students are knowledgeable about how to safely interact online.

5. Protecting the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
6. Discussing AF's values and mission with parents/guardians during family-oriented programming.
7. The school's Friday personal development program will contain a time to discuss promoting positive school culture including character development, bullying and cyberbullying prevention training, and cyber safety.
8. Hosting technology sessions to teach parents how to monitor their children's behavior on the Internet and smart devices.

## **Appendix B: Sexual Harassment and Dating Violence**

Sexual harassment, sexual intimidation, and teen dating violence are prohibited in the public schools of Rhode Island. In accordance with the Lindsay Ann Burke Act and 20 U.S.C. §1681 (Title IX), Achievement First prohibits and will not tolerate sexual harassment, sexual intimidation or teen dating violence at school.

Sexual harassment is a form of sex discrimination. Sexual harassment includes degrading remarks, gestures, and jokes, notes, graffiti, and spreading rumors. It can also include indecent exposure, inappropriate touching, grabbing, pinching, or brushing against another in a sexual way.

Dating violence is a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control their dating partner.

Sexual violence is an extreme form of sexual harassment. Teen dating violence can be a form of sexual harassment when it involves unwelcome touching, sexual demands, verbal abuse, and physical coercion of a sexual nature.

Allegations of sexual harassment and dating violence will be promptly investigated in accordance with our Title IX investigation protocol .

## **Appendix C: Title IX Policy**

It is the policy of Achievement First to maintain a learning environment free from all forms of discrimination and harassment where all scholars are treated with respect and dignity. To that end, Achievement First complies with Title IX of the Education Amendments of 1972 ("Title IX") and its implementing regulations, which prohibits discrimination on the basis of sex in programs and activities that receive federal financial assistance. Sexual harassment, which includes sexual violence, is a form of sex discrimination prohibited by Title IX. To be clear, this policy protects staff and scholars in connection with all Achievement First academic, educational, extracurricular, athletic, and other school-sponsored, school-approved or school-related programs and activities, irrespective of whether such programs and activities take place on school grounds, on a school bus, or off-campus (e.g., on school trip).

**Sex discrimination and sexual harassment based on sex is strictly forbidden and will not be tolerated in any form. Achievement First takes seriously all complaints and takes prompt, equitable action, including disciplinary action, upon a finding of a policy violation.**

## **Reporting Procedures/Formal Complaint**

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that would constitute sex discrimination or sexual harassment. In other words, staff, parents and/or guardians as well as the Complainant may file a complaint. Such a complaint may be made at any time and may be done in person, by mail, by telephone, or by email, using the contact information listed below, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report (e.g., scholar reporting to a staff member). An employee notified of a complaint must immediately bring the complaint to the Title IX Coordinator, and/or the Principal. If the Title IX Coordinator is the subject of the complaint, the complaint may be submitted to the Principal, the Regional Superintendent or the Regional Director of Operations.

Title IX Coordinator at Achievement First schools is the Director of School Operations. Please contact them if you have a complaint.

The complaint should state the following:

1. Name of the complainant,
2. Date of the complaint,
3. Date(s) of the alleged harassment/discrimination,
4. Name(s) of the harasser(s) or discriminator(s),
5. Location/manner where such harassment/discrimination occurred,
6. Names of any witness(es) to the harassment/discrimination,
7. Detailed statement of the circumstances constituting the alleged harassment/discrimination,
8. Remedy requested.

## **Response to a Complaint**

Achievement First recognizes its mandatory obligations to respond promptly and equitably to allegations of sex discrimination and sexual harassment in a manner that is not deliberately indifferent, as defined. Accordingly, AF [insert school] will, at minimum, take the following actions in response to a complaint:

1. Notification of complaint to the Title IX Coordinator.
2. The Title IX Coordinator shall discuss promptly with the Complainant and their parents or guardians the availability of interim supportive measures.
3. Interim supportive measures shall be offered to the Complainant.
4. Title IX Coordinator shall provide notice of the allegations in writing to the parents and/or guardians of the Complainant and Respondent, at the same time, and provide a copy of this Policy as well as the grievance process and procedures.
  - a. The notice shall provide sufficient details about the allegations, the conduct/communication allegedly constituting sex discrimination and/or sexual harassment and the date and location of the alleged incident(s), if known.
5. All reported incidents of sexual harassment will be promptly, equitably and thoroughly investigated in an appropriately confidential manner.

6. Follow the published grievance procedures before the imposition of any disciplinary sanctions or other actions that are not interim supportive measures against the Respondent.
7. Offer an appeals procedure.

### **Privacy**

Achievement First shall maintain confidentiality regarding the identity of Complainant(s), Respondent(s), and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or as necessary to carry out a Title IX proceeding.

### **Retaliation**

Achievement First expressly prohibits retaliation against any individual for exercising Title IX rights which includes, but is not limited to any action by a person(s) (including third parties) to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation or proceeding.

### **Appeals**

Achievement First shall offer both parties an appeal from a determination regarding responsibility and from its dismissal of a formal complaint or any allegations therein, based on the following:

1. Procedural irregularity that affected the outcome of the matter;
2. Newly discovered evidence that could affect the outcome of the matter; and/or
3. Title IX personnel (Title IX Coordinator, investigator(s), or decision maker(s)) that had a conflict of interest or bias that affected the outcome of the matter.

Complaints may also be filed at <http://www.ed.gov/about/offices/list/ocr/complaintintro.html> or by contacting the appropriate office of the U.S. Department of Education, Office for Civil Rights at the contact information below:

Office for Civil Rights

#### ***New York Office***

U.S. Department of Education

32 Old Slip, 26th Floor

New York, NY 10005-2500

Telephone: (646) 428-3800

Fax: (646) 428-3843

Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

## **Title IX Investigation Procedures**

The following procedures will be utilized upon the receipt of a formal complaint or when knowledge of an allegation of sex discrimination or sexual harassment is made available to an employee of the School. The Title IX Coordinator shall operate under the presumption that the Respondent is not responsible (a presumption of innocence) so that the School bears the burden of proof and the standard of evidence is correctly applied.

## Investigatory Steps

### I. Notification.

- A. The Title IX Coordinator shall promptly begin an investigation upon receipt of a complaint.
  1. If the allegations contained in a formal complaint do not meet the definition of “sex discrimination” or “sexual harassment” contained within the policy, or did not occur in the School’s educational; program or activity, the Coordinator will dismiss such allegations for purposes of Title IX, but may still address the allegations in any manner deemed appropriate by the School.
  2. The complaint may also be dismissed in the following instances:
    - a) Complainant wishes to withdraw the complaint or allegation.
    - b) Respondent withdraws from the School; or
    - c) Other circumstances that prevent the School from gathering evidence sufficient to reach a determination.
- B. Preliminary Safety and Risk Assessment
  1. Title IX Coordinator will conduct an assessment to determine if there is an immediate threat to physical health or safety as well as determine what, if any, interim supportive measures are necessary.
  2. Consistent with the law, the Title IX Coordinator may remove the Respondent from a school program or activity on an emergency basis if it is determined that such an emergency is absolutely necessary to protect scholars and/or staff from immediate threat to physical health and/or safety for the pendency of the investigation.
- C. The Title IX Coordinator shall notify the Respondent and Complainant as well as their parents, in writing, that a complaint exists.
  1. The notice shall contain the following: a copy of the Title IX Policy and Investigative Procedures; the conduct allegedly constituting sex discrimination or sexual harassment; the date and location of the alleged incident, if known; the policy that the alleged conduct violates; a statement that the Respondent is presumed not responsible for the alleged conduct and that responsibility will be determined at the conclusion of the investigation; and the contact information for the investigator.
  2. The notice shall also advise the Respondent and Complainant as well as their parent that they may have an advisor of their choice (who may be an attorney, but does not need to be), and they may inspect and review evidence obtained in the investigation.
  3. The notice may be used to schedule a preliminary meeting to discuss the allegations, answer questions and to share next steps of the investigation.

### II. Fact Finding

- A. The Title IX Coordinator or designee shall gather relevant information related to the allegations in the complaint. This information may include, but is not limited to: interview statements--whether written or verbal, documents, audio and video recordings, social media postings, and other records (e.g., screenshots of text messages).
  1. As a part of this process, the Respondent and the Complainant shall be interviewed separately and asked to explain their side of the story. They will

also be asked to identify potential witnesses and share any other pertinent information.

2. All potential witnesses shall be interviewed unless they decline or otherwise unavailable (e.g., withdraws from the school).
  3. Note: All questioning shall exclude evidence about the Complainant's sexual predisposition or prior sexual behavior unless such questions and evidence are offered to prove someone other than the Respondent committed the conduct alleged by the complainant or if the questions or evidence are offered to prove consent.
- B. AF recognizes that investigation may be temporarily delayed for good cause, including but not limited to, law enforcement involvement, absence of a party, witness or advisor, need for interpretation or other accommodations.
1. Note: The Title IX Coordinator or designee will notify the Respondent and Complainant of the delay and the reasons for such delay within five (5) business days in which they become aware of the need for a delay.

III. Review and Analysis

- A. After collecting as much relevant information as possible, the Title IX Coordinator or designee shall evaluate the evidence without bias for or against either party.
- B. The Title IX Coordinator or designee shall prepare a written summary of the facts gathered (i.e., there shall be no outcome determined).
  1. The summary shall include the initial allegations, the alleged policy violation, a summary of the investigatory steps as well as the evidence gathered.
- C. Thereafter, they shall provide the Respondent and Complainant an opportunity to review the information gathered and allow either party to submit any additional information or address any discrepancy.
  1. Note: The review period shall be at least seven (7) calendar days.

IV. Outcome Determination

- A. A separate decision-maker (i.e., not the investigator) will determine if a violation has occurred. AF will apply its chosen standard of evidence--*preponderance of the evidence*--to determine responsibility.
  1. The decision maker will decide whether each allegation is substantiated, unsubstantiated or inconclusive.

V. Written Report and Notification of Outcome

- A. After a determination has been made, the investigator shall prepare a written investigative report.
  1. The report shall contain the initial allegations, the policy violated, the parties involved, the evidence gathered, and any other relevant information, a high-level summary of the evidence that supports the decision-maker conclusions.
  2. The written determination shall also include any disciplinary sanctions, and whether remedial remedies to restore or preserve equal access to the educational program or activity will be provided.
  3. A copy of the final report shall be sent to each party.
    - a) A redacted copy may be necessary to comply with student data privacy laws.

## **Definitions:**

**Sex discrimination** for purposes of this Title IX policy occurs when an individual, because of his or her sex, is denied participation in or the benefits of any program or activity receiving federal financial assistance.

**Sexual harassment** for purposes of this Title IX policy includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature when:

1. The purpose or effect of the conduct or communication is to demand--whether directly or indirectly--sexual favors in exchange for benefits (i.e., *quid pro quo*);
2. Submission to or rejection of the conduct or communication is used as the basis for decisions affecting a scholar (or employment or assignment of staff);
3. A reasonable person would find the conduct or communication so severe, pervasive, and objectively offensive that it denies a person's equal access to the school's educational programs or activities, unreasonably interferes with the scholar's educational performance (or with an employee's ability to perform their job); or creates an intimidating, offensive or hostile educational (or work) environment.

**Complainant** is the individual who is alleged to be the victim of conduct that could constitute sex discrimination and/or sexual harassment. Note: This term will be used even in the event that someone other than the alleged victim files the complaint.

**Deliberate indifference** for the purpose of this policy occurs when a school has actual notice or knowledge of discriminatory conduct and fails to act based on that knowledge.

**Respondent** is the individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination and/or sexual harassment.

**Interim supportive measures** are individualized services reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party designed to ensure equal educational access, protect safety, or deter sexual harassment. These measures are without charge to a Complainant or a Respondent and may be offered before or after the filing of a formal complaint or when no complaint has been filed.

**Remedial measures** are the services implemented following the conclusion of an investigation designed to remedy the effects of an alleged incident of sex discrimination or sexual harassment and to prevent occurrences of sex discrimination or sexual harassment. Remedial measures may include the continuation of some or all of the interim supportive measures previously implemented.

**Preponderance of evidence** is the standard of proof used by AF. It means that the information gathered concludes that the allegations are 'more likely than not' to be true, or more than 50 percent likely.

## Appendix D: Code of Conduct

Achievement First provides a safe and structured environment that promotes scholars' academic and social development. The school's culture is a key element of our academic success. Choosing to disrupt the learning of yourself or others is not appropriate or acceptable. Scholars who fail to meet our clearly defined standards for appropriate and acceptable conduct are not allowed to disrupt the education of others. Scholars are held accountable through clear consequences for violating the school's rules.

We care about our scholars' safety and conduct not simply when they are in school – but at all times, including when they are traveling to and from school or school activities. Therefore, a disciplinary offense is a violation of the school's Code of Conduct if it occurs while the scholar is at school and/or on school grounds; is participating in a school-sponsored or other related activity; is walking to or from school or a school-sponsored or other related activity; is walking to or from, waiting for, or riding on school-provided transportation; or is walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored or other related activity. School-related disciplinary offenses may also include misconduct outside the school, including through the use of an electronic device owned, leased or used by the school or actions or speech on social media where evidence exists that the scholar's conduct had a significant impact on the educational environment and/or continued presence as a result of such conduct would have a substantial detrimental effect on the school, including the safety or rights of the scholar, other scholars, or staff members.

Scholars may be removed from class and/or school immediately if the scholar's presence in school or class poses a continuing danger to persons or property, an ongoing threat of danger, or a serious disruption to the academic process. We recognize that removal from the classroom directly impacts the learning for all scholars. Removal from class is not our first mode of support for any scholar, and will only be used if a scholar continuously does not meet expectations, disrupts learning time, or poses a threat to their safety or others *after* the teacher or school staff attempts to de-escalate the scholar in the classroom.

The school's Code of Conduct may be supplemented by teachers' rules for their classes and other school events. The school may develop a student feedback system and will provide materials about this system at Scholar Orientation, Parent Orientation, or other appropriate time at the beginning of the school year. The system may change throughout the year (*e.g.*, expectations are different in the beginning of the year and the end of year and are adaptable), and the school will alert scholars about material changes (*e.g.*, certain behaviors are now demerits that previously were not). A student feedback system is a behavior support and intervention that gives real-time feedback to scholars and regular feedback to families on how the scholar is meeting classroom and school-wide behavior expectations. This system can lead to both rewards (*e.g.*, privileges, awards, or shout-outs) or consequences and supports (*e.g.*, loss of privileges, interventions, and/or extensions). Repeated and/or severe behavior resulting in demerits and/or extension may also lead to suspension under the Code of Conduct below.

Disciplinary offenses result in consequences subject to the discretion of the principal or their designee(s) and may include demerits, Scholar Dollar deductions, extension, school service/cleaning (if the offense is related to defacing or damaging school property), loss of school privileges, Homework Extension, Saturday Extension, in-school suspension, out-of-school suspension, and/or expulsion. In determining the appropriate disciplinary action, school personnel who are authorized to impose disciplinary penalties may consider, among other things, the scholar's prior disciplinary record. Suspended scholars are not

allowed to participate in school activities. Any breaches of state or federal law may be handled in cooperation with the police department or other authorities.

**The following list of behavior infractions is not meant to be exhaustive, but rather provides examples of prohibited conduct and corresponding consequences.** Additional violations of school rules and behaviors that compromise the school community and the learning of others will also merit consequences. Importantly, although the list is intended to provide expectations regarding the link between scholar misconduct and consequences, each scholar and each incident is different and may have a variety of mitigating (*e.g.*, first time engaging in this conduct or sincere apology and acceptance of responsibility) or aggravating factors (*e.g.*, multiple violations in one incident or repeated incidents or the severity and negative impact of the behavior). For that reason, the principal or the principal’s designee may, in their discretion, assign a different consequence than outlined in the ranges below, provided the consequence must be in keeping with the spirit of this policy and must be consistent with applicable law. Consequences must always be reasonable and developmentally appropriate, and intended to address the specific prohibited conduct.

| INFRACTIONS   | RANGE OF SCHOOL RESPONSES, INTERVENTIONS, AND CONSEQUENCES<br>Summary of typical range: from warning to exclusion/removal from class   |
|---|--|
| <p><b><i>Violation of School Rule</i></b></p> <ul style="list-style-type: none"> <li>● Being out of uniform</li> <li>● Arriving late to school or class</li> <li>● Mistreatment or inappropriate use of technology or school property</li> <li>● Minor damage to property (<i>e.g.</i>, light pencil markings on desk)</li> <li>● Possession of inappropriate property or technology or an object expressly prohibited or that impedes the learning process</li> <li>● Unauthorized use of the building elevator</li> </ul> <p><b><i>Disrespect</i></b></p> <ul style="list-style-type: none"> <li>● Minor disrespect of a fellow scholar or scholars</li> <li>● Minor disrespect of a faculty member, staff member, visitor, volunteer, school transportation provider, or other member of the school community</li> </ul> <p><b><i>Disruptive, distracting behavior</i></b></p> <ul style="list-style-type: none"> <li>● Disrupting class or school activity for any reason</li> <li>● Horse-playing</li> <li>● Running in hallways</li> <li>● Making unreasonable or distracting noise</li> <li>● Being off-task</li> <li>● Failing to follow directions, delaying in following directions or otherwise undermining directions</li> <li>● Refusing to follow directions</li> </ul> | <ul style="list-style-type: none"> <li>○ Non-verbal warning</li> <li>○ Verbal warning or reprimand</li> <li>○ Reflecting on behavior orally and/or in writing</li> <li>○ Verbal or written apology</li> <li>○ Time out within the classroom</li> <li>○ Scholar-scholar mediation</li> <li>○ Scholar-teacher conference</li> <li>○ Scholar-administrator conference</li> <li>○ Sitting in their seat during breaks</li> <li>○ Modified lunch setting and/or lunch extension</li> <li>○ Modified classroom participation (<i>e.g.</i>, limited partner work, etc.) to best support the scholar</li> <li>○ Seating arrangement changed</li> <li>○ Note home to parent/guardian to be signed and brought back to school</li> <li>○ Call home to parent/guardian</li> <li>○ Request meeting with parent/guardian</li> <li>○ Confiscation of property (if related to infraction)</li> <li>○ Performing extra service for the school, such as cleaning (if related to infraction)</li> <li>○ Paying for or replacing damaged or missing property</li> <li>○ Loss of classroom or other school privileges</li> <li>○ Missing school events, trips, or activities</li> <li>○ Extension</li> <li>○ Friday Extension</li> </ul> |

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| <p><b><i>Being unprepared for class</i></b></p> <ul style="list-style-type: none"> <li>● Being unprepared for class</li> <li>● Failing to maintain desk or locker area as required</li> <li>● Failing to have school document, homework, or exam signed</li> <li>● Failing to complete homework or other assignment</li> </ul>  | <ul style="list-style-type: none"> <li>○ Suspension of Transportation (if related to infraction)</li> <li>○ Time out outside the classroom</li> <li>○ Sent to dean’s office, principal’s office or other designated area</li> <li>○ Exclusion and/or removal from a particular class or event</li> </ul>                     |
| <p><b>SERIOUS INFRACTIONS</b></p>   | <p><b>RANGE OF SCHOOL RESPONSES, INTERVENTIONS AND CONSEQUENCES</b><br/> Summary of typical range: from exclusion/removal from class to in-school suspension</p>   |
| <p><b><i>Disrespect</i></b></p> <ul style="list-style-type: none"> <li>● Serious disrespect of a fellow scholar or scholars</li> <li>● Serious disrespect of a faculty member, staff member, visitor, volunteer, school transportation provider, or other member of the school community</li> <li>● Using an abusive, vulgar, or profane word or phrase</li> </ul> <p><b><i>Not being where the scholar is supposed to be</i></b></p> <ul style="list-style-type: none"> <li>● Cutting school, class, or required in-school or after-school activity (including extension, homework make-up, required tutoring, etc.)</li> <li>● Departing, without permission, from class, floor, building, or school-sponsored activity or going to an unauthorized location</li> <li>● Refusing to leave an area where the scholar is not supposed to be – or refusing to leave an area where the scholar is distracting others</li> <li>● Obstructing or blocking vehicular or pedestrian traffic</li> </ul> <p><b><i>Not following consequences</i></b></p> <ul style="list-style-type: none"> <li>● Failing to comply with school-imposed consequences (<i>e.g.</i>, skipping or refusing to go to an extension or other consequence)</li> <li>● Disrupting Friday Extension, in-school suspension, or another significant consequence through misbehavior</li> </ul> <p><b><i>Repeated misbehavior</i></b></p> <ul style="list-style-type: none"> <li>● Being removed from class/asked to report to the dean of students’ office, principal’s office, or other designated area during class more than one time in a given day</li> </ul> | <ul style="list-style-type: none"> <li>○ Any consequence outlined above for infractions (listed above)</li> <li>○ Additional oral or written reflections and/or apologies</li> <li>○ Request formal meeting with parents/guardians</li> <li>○ In-school suspension</li> <li>○ Short-term out-of-school suspension</li> </ul> |

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| <ul style="list-style-type: none"> <li>● Being removed from class/asked to report to the dean of students' office, principals' office, or other designated area during class more than three times in a given week</li> <li>● Excessive and/or repeated afterschool extensions</li> <li>● Repeated offenses for which the scholar has already earned in-school suspension or other consequences</li> </ul> <p><b>Other serious infractions</b></p> <ul style="list-style-type: none"> <li>● Serious versions of conduct listed under the infractions category</li> </ul>  |   |
| <p><b>MAJOR OFFENSES</b></p>  | <p><b>MAJOR OFFENSES: Range of School Responses, Interventions and Consequences</b><br/>Summary of typical range: from in-school suspension to out-of-school suspension</p>   |
| <p><b>Medication or Tobacco</b></p> <ul style="list-style-type: none"> <li>● Using or possessing over-the-counter medication inappropriately</li> <li>● Using, possessing or transferring tobacco, e-cigarette or related products or accessories</li> </ul> <p><b>Fleeing or blocking access</b></p> <ul style="list-style-type: none"> <li>● Fleeing an area, which includes, but is not limited to, running around the classroom, running in the hallways or between floors away from adults, and running out of the building</li> <li>● Blocking access to any part of the school building</li> </ul> <p><b>Action that impairs the school's ability to function</b></p> <ul style="list-style-type: none"> <li>● Action that seriously impairs the ability of the school to function, including, but not limited to, extreme language, refusal to move, intentionally sustained distracting behavior, or demeaning or intimidating speech</li> <li>● Gross disrespect of a faculty member, staff member, visitor, volunteer, school transportation provider, or other member of the school community</li> </ul> <p><b>Abuse or Harassment</b></p> <ul style="list-style-type: none"> <li>● Committing sexual, racial, or any form of harassment or intimidation</li> <li>● Bullying, cyber bullying, intimidation, hazing, threats, and/or harassment of another scholar (see bullying and cyber bullying sections for more detail)</li> </ul> | <ul style="list-style-type: none"> <li>○ Any consequences outlined above for infractions or serious infractions (listed above)</li> <li>○ In-school suspension</li> <li>○ Short term out-of-school suspension</li> <li>○ Long-term of-of-school suspension</li> </ul> |

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| <p><b>Damaging Property</b></p> <ul style="list-style-type: none"> <li>o Damaging or destroying personal or school property – or attempting to do so</li> <li>o Throwing, pushing, or moving furniture/classroom objects in an aggressive or upset manner</li> <li>o Gross disrespect or destruction of school property, including graffiti</li> </ul> <p><b>Physical Aggression</b></p> <ul style="list-style-type: none"> <li>o Making verbal or physical threats, empty or otherwise</li> <li>o Fighting, pushing, scratching, shoving, biting, punching, grabbing, slapping, kicking or any other unwanted physical contact – or any contact with the intent to hurt, but without causing serious injury</li> <li>o Any action that presents imminent threat to physical safety of self or others</li> <li>o Throwing an object at another person or in the classroom</li> </ul> <p><b>Sexual Activity</b></p> <ul style="list-style-type: none"> <li>o Engaging in sexual activity or inappropriate touching</li> <li>o Indecent exposure</li> </ul> <p><b>Gambling, Stealing, Lying, Forgery, Plagiarism</b></p> <ul style="list-style-type: none"> <li>● Gambling</li> <li>● Lying or giving false information to, or misleading, staff member</li> <li>● Stealing</li> <li>● Plagiarism, cheating, altering records or forgery, including forging of parental signatures</li> </ul> <p><b>Other major offenses</b></p> <ul style="list-style-type: none"> <li>● Major versions of conduct listed under the serious infractions category</li> </ul> |  |
| <p><b>EGREGIOUS OFFENSES</b></p>   | <p><b>EGREGIOUS OFFENSES: Range of School Responses, Interventions and Consequences</b><br/> Summary of typical range: from out-of-school suspension to expulsion</p>  |
| <ul style="list-style-type: none"> <li>● Repeated major offenses and/or fundamental disregard for school policies and procedures in a manner that presents an unsafe or abusive condition for members of the school community or</li> </ul>  | <ul style="list-style-type: none"> <li>o Any consequences outlined above for infractions, serious infractions or major offenses</li> <li>o Short-term out-of-school suspension, usually for an extended period (<i>e.g.</i>, more than one day)</li> <li>o Long-term out-of-school suspension</li> </ul> |

seriously disrupts the educational process of the school

- Creating a hazardous or offensive condition, such as setting off false alarms, making bomb or other violent threats, or calling in threats, empty or otherwise, enabling unauthorized individuals to access the school building
- Threatening a staff member or their family friends with serious physical harm or ongoing repeated and/or specific threats made to another member of the school community creating or intended to create an unsafe environment for the other individual
- Significant destruction or attempted significant destruction of school property, including arson
- Significant theft (*e.g.*, items valued at several hundred dollars) or stealing from a staff member, including money, wallet, credit cards, and personal possessions
- Possession, use, or transfer of drugs, alcohol, or controlled substances, including, but not limited to, illegal drugs (*e.g.*, marijuana), drug paraphernalia, prescription medication or alcohol, on school grounds or at a school-sponsored event
- Sale or distribution of drugs, alcohol, or controlled substances, including, but not limited to, illegal drugs (*e.g.*, marijuana), drug paraphernalia, prescription medication, tobacco or alcohol, on school grounds or at a school sponsored event
- Possession, use, or transfer of a firearm or weapon or mock weapon, including, but not limited to, the following: firearm, air gun, BB gun, knife, bludgeon (*e.g.*, metal knuckles), sling shot, explosives, dangerous chemicals,, any sharp pointed instrument or other dangerous instrument intended as a weapon (*e.g.*, broken glass, lighter, baseball bat, etc.)
- Assault and/or use of extreme force against or an action intended to inflict serious injury upon another scholar or scholars, school personnel, or other member(s) of the school community; actions that should have been reasonably foreseen as having the potential to inflict serious injury are included
- Sexual assault
- Physically assaulting a staff member or other adult members of the school community; this includes,

When an egregious offense occurs, both the principal and regional superintendent should be notified immediately. Past disciplinary offenses may be considered in the school's decision-making around consequences. If the scholar has already been found to have engaged in an egregious offense that did not result in long-term suspension earlier in the school year, the school is more likely to recommend long-term suspension upon any subsequent egregious offense.

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| <p>but is not limited to hitting, kicking, punching, slapping, or pushing</p> <ul style="list-style-type: none"> <li>● Scholar charged with or convicted of a felony that poses a continuing danger to persons or property or ongoing threat of serious disruption to the academic process</li> <li>● Scholars with a protective order against them that is based on or involves violence, severe harassment, or threat of violence against another scholar or staff member</li> <li>● Egregious versions of conduct listed under the major offenses category</li> </ul> |  |
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### **Appendix E: Discipline of Scholars with Special Needs**

Scholars with disabilities may be disciplined in accordance with the procedural safeguards set forth in both federal and state law and regulations under the IDEA (Individuals with Disabilities Education Act) and/or Section 504 of the Rehabilitation Act.

Disciplinary procedural safeguards are also extended to scholars suspected of having a disability. A scholar is suspected of having a disability if prior to the conduct, either:

- o The parent/guardian of the child expressed concerns in writing to the child’s teacher or a school administrator that the child may need special education and related services;
- o The parent/guardian of the child requested an evaluation for special education services, or;
- o The teacher of the child, or other school personnel, have expressed specific concerns about a pattern of behavior that may be caused by disability directly to the special services leader, or other supervisory personnel.

The school must follow the same procedures when disciplining scholars with suspected disabilities, as it follows for scholars with IEPs or Section 504 plans, unless:

1. The parent/guardian did not allow the student to be evaluated;
2. The parent refused special education services, or;
3. The student was evaluated and determined not to qualify as a student with a disability.

One of these disciplinary procedural safeguards is the requirement to convene a Manifestation Determination Review (MDR). An MDR is a process to determine if a student’s violation of the school’s code of conduct is the result of the student’s disability. An MDR must occur within ten (10) school days of a violation of the school’s code of conduct which results in a change of placement for a scholar with an IEP or a 504 plan, a scholar in the initial referral process, or a scholar suspected of having a disability.

Under the IDEA, a change of placement occurs if:

1. The removal is for more than ten (10) consecutive school days; **or**,
2. Short-term removals make up a pattern because:

- a. The current removal when added to a series of previous short-term removals totals more than ten (10) school days in a school year;
- b. The child's behavior is similar to their behavior that resulted in previous removal(s); and of other factors (e.g., length of each removal; proximity of removals to one another). **Note:** At Achievement First, any time a scholar with a disability is removed from their educational setting for more than ten (10) cumulative school days, we regard this as a change of placement and require a Manifestation Determination Review to be held.

A removal, under the IDEA, is defined as any time a student is removed from their current placement for more than ninety (90) minutes, unless the student receives an In-School Suspension (ISS) in which:

- The scholar is not segregated from their general education peers
- The scholar has continued access to the general curriculum
- The scholar continues to receive all services mandated in their IEP, 504 plan or Behavior Intervention Plan.

All in-School Suspensions which do not meet the above standards, all their out-of-school suspensions, and all expulsions, including a 45-day removal to an Interim Alternative Educational Setting, constitute a removal and therefore factors into the ten (10) cumulative day calculation.

If a change of placement occurs, an IEP or 504 Team meeting shall be promptly convened to determine whether the misconduct is a manifestation of the scholar's disability.

A parent/guardian shall be informed of the need to convene a Manifestation Determination Review (MDR) meeting on the date of the decision to discipline a student, or as soon as possible thereafter. The parent/guardian of the scholar shall be provided with a copy of the Procedural Safeguards setting forth their rights under the IDEA. As soon as possible but no later than ten (10) school days after the date of the decision, the IEP or 504 Team shall meet to determine whether the conduct is a manifestation of the child's disability or occurred due to a failure of the school to implement the IEP.

If, upon review, the team determines that the student's behavior is not a manifestation of their disability, then the child may be disciplined in the same manner as a child without a disability for that particular behavioral event. During the duration of the removal, the student shall receive an alternative educational opportunity consistent with the student's educational needs.

If, upon review, the team determines that the student's behavior is a manifestation of their disability, then the scholar must return to their educational placement, unless the parents and school agree to a change of placement as part of the modification of the behavior intervention plan. Furthermore, the team will consider the student's misconduct; develop or review the current Functional Behavior Assessment; and revise the student's IEP/Behavior Intervention Plan (BIP) to prevent a recurrence of such misconduct and to provide for the safety of the other students and staff. If there is no current BIP, the school, in consultation with the IEP team must also develop such a plan to address the behavior that led to the disciplinary action.

**Additionally, each subsequent removal after the initial MDR requires a new MDR to be conducted.**

Prior to a change of placement, scholars may receive disciplinary actions in accordance with the Achievement First discipline policy.

Parents/guardians may request a due process hearing to challenge the manifestation determination. Except as provided below, the child will remain in their current educational placement pending the determination of the hearing.

### **Interim Alternative Education Setting**

A scholar with a disability or suspected disability may be removed to an Interim Alternative Educational Setting (IAES) for up to 45 school days, regardless of whether the behavior is determined to be a manifestation of the child's disability in limited circumstances as defined by the IDEA and applicable state laws and regulations, including if they:

- Carry or possess a weapon at school, on school premises or at a school function; or
- Knowingly possess or use illegal drugs, or sell or solicit the sale of a controlled substance at school, on school premises or at a school function; or,
- Inflict serious bodily harm at school, on school premises or at a school function.<sup>2</sup>[1]

A meeting must be held to determine the Interim Alternative Education Setting

**If you have questions about the disciplinary guidelines for students with disabilities, please contact the Dean of Special Services/Special Services Leader**

### **Expulsions/Long-Term Out-of-School Suspensions and Manifestation Determination Reviews**

Prior to conducting an expulsion/long-term out-of-school suspension hearing for a scholar with a disability, an IEP/504 team shall convene to determine whether the misconduct was caused by the student's disability. If it is determined that the misconduct was caused by the child's disability, the child shall not be expelled/suspended. The IEP/504 team shall reevaluate the child for the purpose of modifying the student's IEP/504 plan to address the behavior and to ensure the safety of other children and staff in the school. If it is determined that the misconduct was not caused by the child's disability, the child may be expelled following the same processes and procedures as a student without a disability. Whenever a student with a disability is expelled/suspended for more than ten (10) days, an alternative educational opportunity, consistent with such child's educational needs, shall be provided during the period of expulsion/suspension.

Achievement First maintains written records of all exclusions of ALL students. The records must include the name of the scholar, a description of the behavior infraction, the disciplinary action taken, and a record of the time or number of days of the disciplinary action.

### **Provisions of Services During Removal**

Those scholars removed for a period fewer than ten (10) consecutive days will receive all classroom assignments and a schedule to complete such assignments during the time of their suspension. Provisions will be made to permit a suspended scholar to make up assignments or tests missed as a result of such suspension.

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<sup>2</sup>The IDEA defines serious bodily injury as injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

During any subsequent removal that, combined with previous removals, equals ten (10) or more school days during the year, services must be provided to the extent determined necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of their IEP/504 plan. In these cases, school personnel, in consultation with the child's special education teacher or IEP/ 504 Team, shall make the service determination.

## **Appendix F: How to File a Grievance about Discrimination**

### **Non-Discrimination**

Achievement First does not discriminate in admission to, access to, treatment in, or employment in its services, programs, or activities, on the basis of race, color or national origin, in accordance with Title VII of the Civil Rights Act of 1964 (Title VII); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972; on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA); or on the basis of age, in accordance with the Age Discrimination in Employment Act of 194 (ADEA). In addition, no person shall be discriminated against in admission to Achievement First on the basis of race, sex, color, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in English language or a foreign language, or prior academic achievement. No person shall be discriminated against in obtaining the advantages, privileges, or access to the courses of scholar offered by the school on the basis or race, sex, color, religion, national origin, or sexual orientation. Finally, pregnant scholars are allowed to remain in regular education classes and participate in extracurricular activities with non-pregnant scholars throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave (Title IX).

Achievement First does not condone or tolerate discrimination on the basis of race, color, national origin, sex, sexual orientation or disability in admission or access to, or treatment, or employment in its programs or activities. The purpose of this formal grievance procedure is to provide a simple and accessible process to address problems and claims of discrimination based on race, color, national origin, sex, sexual orientation or disability. Achievement First will keep these proceedings as informal and confidential as may be appropriate at any level of the procedure. These policies do not limit the right of the complainant having a problem to discuss the matter informally with any appropriate member of the administration. Additionally, parents have the right to deliver the formal grievance directly to the Board.

Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as a maximum, and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement in writing.

If a complainant does not file a grievance in writing as provided herein within 60 days after the aggrieved person knew or should have known of the act or condition on which the grievance is based, then the grievance shall be considered waived. Achievement First reserves the right to extend the 60-day limitation to file a grievance for just cause. An Achievement First staff member will, if requested, assist in preparing any written documents described within this grievance procedure.

**Internal Resolution Process:**

Any student, employee, applicant to a program, or third party who feels that they have been discriminated against on the basis of race, color, national origin, sex, sexual orientation or disability shall contact the Title VI, Title IX or Section 504 Coordinator within sixty (60) calendar days of the date on which they knew or should have known of the alleged occurrence to discuss the nature of the complaint. For grievances concerning allegations of a violation of school charter, the complainant shall contact the Director of School Operations.

The Coordinator shall maintain a written record which shall contain the following:

1. The name and address of the Complainant;
2. The full name and position of person(s) who allegedly discriminated against the complainant, if applicable;
3. A concise statement of the facts constituting the alleged discrimination; and
4. Dates of the alleged discrimination.

At the time the alleged discrimination complaint is filed, the Coordinator shall review and explain the grievance procedures with the complainant and answer any questions. An investigation of the complaint shall begin as soon as practical, but in no case, more than ten (10) school days from the time the complaint was received. Within this time limit, the Coordinator shall meet separately with the complainant and the individual(s) against whom the complaint was lodged. The Coordinator and/or their designee shall conduct a prompt, adequate, reliable, and impartial investigation of the complaint. The Coordinator shall provide confidential counseling where advisable and shall seek an informal agreement between the parties concerned, where appropriate. Every attempt shall be made to seek a solution and resolve the alleged discrimination complaint at this level. It is important to note, however, that the informal process can be ended, by the complainant, the individual(s) against whom the complaint was lodged or by the Coordinator, at any time in order to begin a formal stage of the complaint process.

If the complainant is not satisfied with these initial informal procedures, within twenty (20) school days from the date of the original discussion with the Coordinator, more formal procedures may be initiated by the complainant to further explore and resolve the problem

**Formal Procedure:**

**Level One – School Principal:** If a complainant is not satisfied with the disposition of the problem through informal procedures, they may seek review of their claim as a formal grievance or appeal in writing to the principal. Level One Grievances shall be submitted to the School Services Manager (SSM) on the Parent Grievance Process Form (“Grievance Form”) or by letter, who will then forward the Grievance to the principal. The SSM is responsible for monitoring the implementation and documentation of the complaint system.

The principal shall reply in writing within three school days acknowledging receipt of the Grievance to the complainant and the individual(s) against whom the complaint was lodged. The principal shall review the Coordinator’s investigation and information submitted by the complainant and may conduct additional investigation as necessary. Within 10 school days the principal will render a decision and the reasons therefore in writing to the complainant and the person who allegedly discriminated against the complainant, with a copy to the regional superintendent.

**Level Two – Regional Superintendent Hearing:** If the complainant or the person alleged to have discriminated against the complainant, if applicable, is not satisfied with the disposition of the grievance at Level One, or if no decision has been rendered within 10 school days after presentation of the grievance in writing, the complainant or the person alleged to have discriminated against the complainant may file a written appeal for a hearing by the regional superintendent within 10 school days. The regional superintendent shall reply in writing within three school days acknowledging receipt of the grievance to the complainant and the individual(s) against whom the complaint was lodged. (Please note that the regional superintendent will not respond to complaints that have not, without good cause, first been addressed by the Coordinator or DSO, and the principal). Level Two Grievances shall be submitted to the SSM, who will then forward the Grievance to the regional superintendent.

Within ten (10) school days after receipt of the written appeal for a hearing by the regional superintendent, they shall conduct a hearing with the complainant and the person alleged to have committed the discrimination for the purpose of resolving the grievance. The regional superintendent shall provide the parties an opportunity to present witnesses and other evidence. A full record of such hearing shall be kept by the regional superintendent. The regional superintendent shall within 10 school days of the hearing render the decision and the reasons therefore in writing to the complainant and the person who allegedly discriminated against the complainant.

**Level Three – Board of Trustees Hearing:** If the complainant or the person alleged to have discriminated against the complainant, if applicable, is not satisfied with the disposition of the grievance at Level Two, or if no decision has been rendered within 10 school days after first meeting with the Superintendent, the person may file the grievance with the Board of Trustees within 10 school days. The Board shall reply in writing within three school days acknowledging receipt of the Grievance to the complainant and the individual(s) against whom the complaint was lodged. Level Three Grievances shall be submitted to the SSM to forward to the Board.

Within 15 school days after receiving the written appeal, the Board shall meet with the complainant for the purpose of resolving the grievance. The Board or Impartial Hearing Officer shall provide an opportunity for the parties to present witnesses and other evidence. A full record of such hearing shall be kept by the Board. The decision of the Board shall be rendered in writing within 10 school days.

### **Anti-Retaliation**

The anti-discrimination laws protect complainants from retaliation for reporting allegations of discrimination and participating in an investigation. The administration will take steps to prevent retaliation and take strong responsive action should retaliation occur.

In the event that there is a finding of discrimination, the administration will take steps that are reasonably calculated to end discrimination; to prevent recurrence of any discrimination; and to correct discriminatory effects on the complainant and others, if appropriate.

The administration will contact the person raising alleged violations within a reasonable period of time following conclusion of the investigation and grievance process to assess whether there has been on-going discrimination or retaliation, and to determine whether additional supportive measures are needed.

### **Additional Procedures for Claims Alleging Harassment or Hostile Educational Environment**

The administration, when evaluating whether there is a hostile environment for a student, will consider the effects of harassment that occurred in school and those incidents that occurred outside of school that may affect the school environment.

Alleged victims of harassment will not be required to work out the problem directly with alleged perpetrators without appropriate involvement by administration. Any informal process can be ended by an alleged victim at any time in order to begin a formal stage of the complaint process.

The administration will consider providing interim measures to an alleged victim pending the outcome of the recipient's investigation, when appropriate (such as prohibiting the alleged perpetrator to contact the alleged victim; changing the alleged perpetrator's class and bus schedule to minimize contact with the alleged victim, etc.).

The administration will maintain on-going contact with the alleged victim throughout the investigation.

The administration will provide counseling and academic services, as appropriate, to the alleged victim.

Any person may also file a complaint of illegal discrimination with the Office for Civil Rights at the same time they files the grievance during or after use of the grievance process, or without using the grievance process at all. If a complaint is filed with the Office for Civil Rights, it must be filed in writing no later than 180 days after the occurrence of the possible discrimination.

Complaints may be filed at <https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> or by contacting the Office for Civil Rights at the address/telephone number below:

Office for Civil Rights

***New York Office***

U.S. Department of Education

32 Old Slip, 26th Floor

New York, NY 10005-2500

Telephone: (646) 428-3800

Fax: (646) 428-3843

Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

The Special Services Coordinator, is the Title VII and Section 504 Coordinator and may be contacted. The Director of School Operations is the Title IX Coordinator. The Special Services Coordinator and/ or the Title IX Coordinator may designate the resolution of certain grievances to other appropriate school staff members.

## Appendix G: Behavioral Support Request Form

If you have concerns regarding your child's behaviors or are concerned that your child's behaviors in school are related to their disability, and would like to discuss concerns about whether the school is providing appropriate behavior supports that are responsive to both the behavior and/or the disability, you may request that the school provide behavioral supports by completing this form and submitting to the Special Services Leader at your child's school.

Today's Date: \_\_\_\_\_

Your Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Scholar's Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Relationship to Scholar: \_\_\_\_\_

Does your scholar have an IEP or 504 plan?  Yes  No

What concerns do you have about your child's behaviors in school?

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Do you know whether your child has received any behavior supports in the past (for example, incentive plan, behavior intervention plan, breaks)?

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Is there anything else you would like the school to know?

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## Appendix H: Family Concern Form

Achievement First is committed to maintaining a strong partnership and ongoing dialogue between our teachers, staff, scholars, and families. If you have a concern about a school policy, academic grade, discipline decision, special education, or anything else, we welcome your input and encourage you to contact the appropriate staff member at the school. Please use this form to describe an incident/issue and submit the form to the school's principal, dean, or director of operations.

Today's Date: \_\_\_\_\_

Your Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Scholar's Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Relationship to Scholar: \_\_\_\_\_

Is your concern related to special education?  Yes  No

Have you discussed this issue with anyone at the school yet?  Yes  No

If yes, who were you in touch with?:

\_\_\_\_\_

What was the result?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please describe the Incident / Issue in the space below. For incidents, be sure to include the DATE of the incident and the NAMES of any people who were involved. (Please attach extra pages if you need more space).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Appendix I: Additional Information

### Title I

Federal law (Every Student Succeeds Act) requires school districts that receive federal Title I funding to notify parents of their right to know the professional qualifications of the classroom teachers who instruct their child.

As a recipient of these funds, your child's school will provide you with this information in a timely manner if you request it. Specifically, you have the right to receive the following information about each of your child's classroom teachers:

- Whether the teacher meets the state qualifications and licensing criteria for the grades and subjects they teach.
- Whether the teacher is teaching under emergency or provisional status because of special circumstances.
- The teacher's college major, whether the teacher has any advanced degrees, and the field of discipline of the certification or degree.
- Whether paraprofessionals provide services to your child and, if so, their qualifications.

Achievement First is committed to providing quality instruction for all students and does so by employing the most qualified individuals to teach and support each student in the classroom. To request information about your child's teachers or if you have any questions, please contact the school's main office.

### Public Documents/Freedom of Information Law (FOIL)

The school fully complies with New York State's Freedom of Information Law, which guarantees access to public records of government bodies. Any requests for school records or information from the school must be in writing and submitted to the principal or to their designee(s). Within ten (10) business days of receipt of a written request, the school, depending on the requested information, will respond by:

- Making the information available at the school itself during normal business hours to the person requesting it;
- Denying the request in writing; or
- Providing a written acknowledgment of receipt of the request that supplies an approximate date for when the request will be granted or denied.
- If the person requesting information is denied access to a record, they may appeal such denial to the principal. Upon timely receipt of such an appeal, the school, within ten (10) business days of the receipt of the appeal, makes a final determination whether or not to allow public inspection. If the principal determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Rhode Island/Connecticut/New York State Attorney General.

- The school may deny access to requested records if the requested record falls within one of the categories that are exempt from public disclosure. Even then, if not exempt, the school may nonetheless deny access if, on balance, the privacy interest of the affected individual outweighs the public interest in disclosure. Listed below are the more typical records that are not subject to disclosure under state law:
  - Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law, or rule of court;
  - Personnel and other personal individually-identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
  - Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court;
  - Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining;
  - Any individually identifiable evaluations of public school teachers made pursuant to state or federal law or regulation;
  - All documents prepared by school districts intended to be used by school districts in protecting the safety of their students from potential and actual threats.

The school may charge a copying fee of up to fifteen cents (\$.15) for each page requested to be copied. The school may also charge fifteen dollars (\$15.00) per hour, after the first hour, for search and retrieval of the requested documents.

### **The Open Meetings Law**

1. All meetings of the Board of Trustees and all committees of the Board (“Board meetings”) will be open to the general public pursuant to the Open Meetings Act (R.I. Gen. Laws §§ 42-46-1 et seq./N.Y. Pub. Off. Law § 103/Conn. Gen. Stat. § 1-225)
2. The school will provide written notice of regularly scheduled Board meetings at the beginning of each calendar year, including dates, times, and locations of all meetings. Notice will also be provided to the public upon request. A calendar of all scheduled Board meetings will be posted at the school.
3. In addition to annual notice, the school will give supplemental written public notice of any Board meeting within a minimum of forty-eight (48) hours before the date. This notice will include the date the notice was posted, the date, time and place of the meeting, and a statement specifying the nature of the business to be discussed. Public notices will be placed on the bulletin board in the reception area. Public notices will reflect the location of Board meetings or any location changes.
4. To the extent possible, the school will publicly post notices of Board meetings immediately after each meeting date is determined.
5. For the purposes of determining a quorum, Trustees must be present at the meeting pursuant to the bylaws.
6. Written minutes will be recorded of all Board meetings. To the extent required by law, minutes will include:
  - a. The date and time and place of the meeting
  - b. The members of the public body recorded as either present or absent

- c. A summary of all motions, proposals, resolutions, and other matters formally voted upon
  - d. A record of how each Trustee voted on each matter
  - e. In the case of an executive session, the minutes will include a record of the final determination of any action that was taken.
7. A record of all votes taken at all meetings of public bodies, listing how each member voted on each issue, shall be a public record and shall be available, to the public at the office of the public body, within two (2) weeks of the date of the vote. The minutes shall be public records and unofficial minutes shall be available, to the public at the office of the public body, within thirty-five (35) days of the meeting or at the next regularly scheduled meeting, whichever is earlier. All executive sessions shall be conducted as part of an open meeting; they are not considered separate meetings per se. An executive session may be called via motion and majority vote by the Board; the motion must specifically identify the topics to be considered.
  8. All Board members may participate in the executive session, and the Board may invite others to be present as well.

The Board may hold a meeting closed to the public pursuant to the above-referenced for one or more of the following purposes:

- Any discussions of the job performance, character, or physical or mental health of a person or persons (provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting)
- Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.
- Discussion regarding the matter of security including, but not limited to, the deployment of security personnel or devices.
- Any investigative proceedings regarding allegations of misconduct, either civil or criminal.
- Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.
- Any executive sessions of a local school committee exclusively for the purposes: (i) of conducting student disciplinary hearings; or (ii) of reviewing other matters which relate to the privacy of students and their records, including all hearings of the various juvenile hearing boards of any municipality; provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting
- Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.
- Any discussion of the personal finances of a prospective donor to a library.

Subject to reasonable restrictions, Board meetings may be electronically recorded by the public. Reasonable restrictions include those designed to preserve orderly conduct of a meeting, to safeguard public facilities against damage caused by certain recording equipment or to require fair payment for the cost of electricity.

### Use of Pictures & Videos of Scholars

Achievement First often takes pictures and videos of scholars during regular school activities to capture the joy and excitement of learning that takes place and to celebrate the accomplishments of our

teachers and scholars. Pictures and videos taken of scholars and staff are used for many purposes. We put pictures of scholars and staff in our scholar information system so that teachers and staff can identify all scholars and call them by name (internal); we publish photo directories of scholars and staff (internal); and we post pictures of scholars and staff at the school (internal). It is AF's policy to use pictures and videos of scholars for these uses. **By reading the Family Handbook, parents are consenting to allow their child's photo to be used for internal purposes. If the parent/guardian does NOT want their child's photo to be used for such purposes, they should let the school's Director of Operations know in writing.**

AF also allows pictures and videos to be used for print and broadcast media purposes (external), and includes pictures and videos of scholars and staff on our website, on social media, and in promotional materials used to recruit scholars and staff and explain AF to external audiences such as charter authorizers, researchers, other educational organizations, education advocacy organizations, and funders (external). **By signing the Media/Publications Consent and Release form, parents are consenting to allow their child's image to be used for external purposes as well as additional internal purposes (e.g., staff memos and trainings). If the parent does not want their child's image to be used for such purposes, they should NOT sign the media release.**

## Scholar Records

The school administration is responsible for all scholar records. They will discuss, explain, and/or make available to an eligible scholar (18 years old or greater) or parents/guardians any records on file.

Scholar records are confidential and are protected under both state and federal law. New York Education Law § 2-d and its implementing regulations. The federal law is the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99). It applies to all schools that receive funding under an applicable program of the U.S. Department of Education. FERPA gives parents/guardians certain rights with respect to their children's education records. These rights transfer to the scholar when he or she reaches the age of 18 or attends a school beyond the high school level. Scholars to whom the rights have transferred are "eligible scholars." Confidential Records include grades, evaluations, disciplinary actions, and health records. Confidential records will not be made available to any non-school personnel without consent by the parent/guardian, except as described below.

**Directory Information:** Directory Information is basic information about scholars including name, address, telephone number, other contact information, parent/guardian name and contact information, date of birth, dates of attendance, participation in activities, awards received, etc. This information may be made available to others (internal or external) for specific use without the consent of the parent/guardian. For example, teachers may distribute class lists to everyone in the class so that scholars may help each other with homework or the school may provide addresses to another educational organization working on a voter registration drive. **If a parent/guardian would not like such information released, they should submit a request in writing to the director of school operations.**

In accordance with FERPA:

- Parents/guardians or scholars over eighteen (18) years of age have the right to inspect and review the scholar's education records maintained by the school.

- Parents/guardians or scholars over eighteen (18) years of age have the right to request that the school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible scholar then has the right to a formal hearing. The issue will first be heard by the superintendent of Achievement First or the superintendent's designee. If the parent or eligible scholar is still not satisfied with the decision of the superintendent or the superintendent's designee, a hearing with the Board or a designated subcommittee of the Board may be requested. The decision of the Board or its designated subcommittee is final.
- The school may disclose, without consent, "directory" information including a scholar's name, address, telephone number, parent/guardian name and contact information, date of birth, honors and awards, and dates of attendance. The school gives parents/guardians notice of the categories of information which it designates as directory information (see list above). Parents/guardians have a reasonable period of time to inform the school that any or all of their particular child's information designated as "directory" should not be released without the parent's prior consent. **Parents/guardians should submit such a request in writing to the Director of School Operations as soon as possible.**
- Generally, the school must have written permission from the parent/guardian or eligible scholar in order to release any information from a scholar's education record. However, the school may disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a scholar is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a scholar;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and State and local authorities, within a juvenile justice system, pursuant to specific State law.

If a parent/guardian would like to examine a child's record, the parent should submit a request in writing to the director of school operations. Within ten (10) days, the eligible scholar or parent/guardian will be allowed to inspect the file and may request a copy of some or all of the information contained in the record. This listing in the family handbook serves as the school's annual notification of parents/guardians and eligible scholars of their rights under FERPA.

## Statement of Understanding

By signing this, scholars indicate that they have received and read a copy of Achievement First's Family Handbook and understand and agree to the rules, regulations, and procedures of the school. Scholar signatures further show that scholars understand that if they ever have any questions regarding school policies, they can always ask their parent/guardian or other member of the school community for a further explanation.

By signing this, parents indicate that they have received and read a copy of Achievement First's Family Handbook and understand and agree to the rules, regulations, and procedures of the school. Parent signatures further show that parents understand that if they ever have any questions regarding school policies, they can always ask a teacher or staff member for further clarification.

\_\_\_\_\_  
Scholar Name

\_\_\_\_\_  
Parent / Guardian Name

\_\_\_\_\_  
Scholar Signature

\_\_\_\_\_  
Parent / Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

A signed copy of the Statement of Understanding is due one week after receipt of the Handbook.

We thank you for your cooperation and look forward to partnering with you as a member of the Achievement First community.