

## **Discipline**

Our approach to discipline is rooted in the belief that the learning environment is sacred. At Bronx Excellence we believe that the foundation of our schools is built upon the strength of relationships with all scholars. By fostering thought-provoking conversations on a regular basis, our scholars learn how to do the following:

1. Think through decisions,
2. Be aware of their choices.
3. Recognize positive and negative consequences from the choice they made or need to make.

Bronx Excellence has created a safe and welcoming environment for all scholars where they may have helpful, open-dialogues with staff members to discuss their thoughts and questions and find solutions. Scholars will be able to count on all adults in their school building and all staff members will serve as thought-partners throughout the year in informal and scheduled meetings regarding school-wide discipline and incentives. We consistently utilize the resources and intelligence of our staff to model and meet our scholars' individual needs and we require that scholars respect themselves, adults, their peers, our school culture, and property at all times. Bronx Excellence expects that scholars actively participate in class, produce top quality work, help their classmates, and come to school every day on time, prepared to learn

**Our schools thrive on structure, motivation, and discipline.** The vision of Bronx Excellence is to produce highly educated and enthusiastic scholars who can read, write, communicate, compute, express themselves artistically, use technology, think analytically and critically, and conduct themselves with a strong sense of self and ethics. We love our scholars and expect them to abide by our high standards each and every day—both in and outside of school grounds. Our scholars represent not only themselves, but their families and community.

We have high expectations for behavior in all grades to establish good habits.

We take just as much pride in the details of our schools as we do in large matters. Safety is our top priority and Excellent behavior ensures that our children are SAFE at school. Disruptions within the classroom are unacceptable—the focus should always be on the lesson at hand. We seek to address all scholar behaviors—both recurring and new—to ensure that scholars are living up to their highest potential. Frequent phone calls and meetings will be arranged to discuss scholar performance and school matters when necessary. For scholars that ride the bus, their school day starts when they get on the bus and vice versa. They must stay in their seat and behave properly.

– We have no tolerance for lying, theft, or cheating. It dishonors the school culture, especially if it is done to avoid punishment at home or in school.

### **Additional Protections for Students with Disabilities:**

*Further details and guidelines can be found in the New York City Department of Education Citywide Behavioral Expectations to Support Student Learning:*

<https://www.schools.nyc.gov/docs/default-source/default-document-library/discipline-code-kindergarten-grade-5-english>

Students with disabilities, 504 plans, or who are “presumed to have a disability” are entitled to assert specific procedural safeguards under IDEA. A student is presumed to be a student with a disability if the parent has expressed concern in writing that the student needs special education and/or related services, the parent has made a written request for an evaluation of their child, the parent or school staff express concern about a pattern of behavior, or the student has been referred for an initial evaluation.

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

A manifestation determination review (MDR) must be conducted when a student with a disability or a student who is presumed to have a disability is subject to a disciplinary change in placement to determine if the behavior is caused by or has a direct and substantial relationship to the student’s disability and/or was the direct result of the failure to implement the IEP or Section 504 plan. If the student’s behavior is a manifestation of the student’s disability, the student may not be disciplined for the behavior, except in certain cases. If the student’s behavior is determined not to be a manifestation of the student’s disability, the student may be subject to discipline for the behavior.

A disciplinary change of placement occurs if the student will be removed from their regular program for:

- (1) more than 10 consecutive school days as a result of a superintendent’s suspension;
- (2) more than 10 cumulative school days in a 40-school-day period as a result of three or more disciplinary responses (superintendent’s suspension, principal’s suspension, and/or teacher removal); or
- (3) more than 10 cumulative school days in a school year as a result of disciplinary responses that the principal determines constitute a pattern of removals.

See the NYCDOE Behavior Supports web page (<https://www.schools.nyc.gov/special-education/supportsand-services/behavior-supports>) for more information.

## **Required Steps Following the MDR Meeting:**

*Further details and guidelines can be found in the New York City Department of Education Special Education Standard Operating Manual (SOPM):*

[https://infohub.nyced.org/docs/default-source/default-document-library/specialeducationstandardoperatingproceduresmanualmarch.pdf?sfvrsn=4cdb05a0\\_2](https://infohub.nyced.org/docs/default-source/default-document-library/specialeducationstandardoperatingproceduresmanualmarch.pdf?sfvrsn=4cdb05a0_2)

### **Determination of a Manifestation:**

If the MDR Team finds that the action for which the student was subject to discipline was a manifestation of his/her disability, the student must be immediately returned to school, except as set forth below. If a student's misconduct is found to be a manifestation of the student's disability, the student may still be assigned to an Alternate Learning Center (ALC) for up to 45 school days by the CEO/designee if charges involving the following offenses were sustained at the superintendent's suspension hearing:

- **Weapons:** The student brought or possessed a weapon in school, on school premises, or at a school function under the jurisdiction of the school or DOE.
- **Drugs:** The student knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the school or DOE.
- **Serious bodily injury:** The student inflicted serious bodily injury on another person at school, on school premises, or at a school function, meaning bodily 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.

\* A weapon for these purposes means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that this term does not include a pocket or other knife with a blade of less than two and one-half inches in length.

\*If the student is attending an ALC, the school should work with the ALC staff to gather the relevant information to create or update the FBA/BIP.

The following steps must also be taken if the MDR Team concludes that the action is a manifestation:

- If the student does not already have one, a Functional Behavioral Assessment (FBA) must be conducted and, if appropriate, a Behavioral Intervention Plan (BIP) must be developed and implemented immediately. For more information about FBAs and BIPs, visit the "Behavior Supports" page within the Special Education Resources section on the DOE InfoHub.
- If an FBA has already been conducted, it must be reviewed to determine whether a new FBA is needed and whether a BIP should be created. If a BIP has already been developed, it must be reviewed and modified as necessary to address the behavior that resulted in the removal. Additionally, if appropriate, the BIP should be reviewed to address other behaviors identified in the FBA that impede learning.

- If the student's IEP is not fully implemented, steps must be taken immediately to remedy the deficiencies.

### **Determination of No Manifestation:**

If it is determined that the student's behavior was not a manifestation of his/ her disability, the disciplinary removal may be imposed.

The following additional steps must be taken:

- At the next IEP meeting, the IEP team must determine whether the student's behavior necessitates conducting an FBA and/or developing or reviewing a BIP. If the student requires an FBA, one must be conducted, and a decision must be made as to whether the student requires a BIP. If the student requires a BIP, it must be developed and implemented immediately. If the student already has a BIP, it must be reviewed to determine if a new FBA is needed to gather new data or if changes need to be made to the BIP.
- The FBA and BIP must be forwarded to the student's suspension site upon completion.

### **For Either Outcome:**

Regardless of whether the behavior is found to be a manifestation of the student's disability, if any member of the MDR Team determines that the educational or related service needs of the student warrant a change in the student's program or a reevaluation of the student, the member must submit a request for a reevaluation or an IEP review immediately following completion of the MDR.

### **Order from Impartial Hearing Officer:**

In exceptional cases the school may also seek an order from a special education impartial hearing officer to place a student in an ALC for up to 45 days when maintaining the student in his/her current educational placement is substantially likely to result in injury to the student or others. The order may be sought without seeking disciplinary action, in which case the student remains in school pending the outcome of the hearing. The student may remain in the ALC regardless of the determination of an MDR Team. Prior to pursuing this type of removal, the school should consult with relevant supervisors who should contact the central DOE Special Education Office for guidance.

\*The DOE may request that the impartial hearing officer extend the student's placement in the ALC for additional 45 day periods if returning the student to his/her current educational placement is substantially likely to result in injury to the student or others.

\*Suspension site refers to an Alternate Learning Center (ALC) or "buddy school."

## **Suspension Plan:**

If a student with a disability is removed from his or her school program for more than 10 consecutive school days, a Suspension Plan must be created. The Suspension Plan provides information regarding the student and delineates the programs and services the student will receive during the removal. A Suspension Plan must be created whenever either: (1) the student is removed for 10 or more consecutive days as a result of a suspension, or (2) the student is removed pre-hearing and an adjournment results in the student being out of his or her regular school program for more than 10 consecutive school days.

A Suspension Plan is a collaborative effort between the student's school (the home school) and the suspension site to determine the programs and services that will enable the student to make progress toward meeting his/her annual goals during the period of removal. The Suspension Plan must include an explanation of the student's level of need in math, listening, speaking, writing and reading English, and behavior; IEP goals, strategies, interventions, programs, supports, testing accommodations, promotion criteria (if applicable), and medical alerts; the special education program to be implemented at the suspension site (including related, supplementary, and transition services, if appropriate); and additional transportation support to the suspension site if needed. The Suspension Plan must note the student's classification and the date of the last IEP conference.

The Suspension Plan is composed of two parts:

- Part 1 summarizes: the student's skill-based performance; his/her needs, including around transportation, health, and behavior; and the strategies, interventions, programs, services and/or supports employed by the home school. It is designed to obtain current information about the student's academic performance, behavioral issues, and/or instructional supports, with the most up-to-date details about the student's performance.
- Part 2 describes the special education program, related services, accommodations, and other supports the student will receive during the suspension.
- The home school will complete Part 1 of the Suspension Plan within three school days of the student's suspension. The home school must provide the name and contact information of a special education contact in the event the ALC to which the student is assigned requires additional information. Part 2 of the Suspension Plan will be completed no later than 10 school days after the student's arrival at the suspension site. Part 2 of the Suspension Plan will be created by the IEP team (including the parent).

If a Suspension Plan is created using an out-of-date IEP, and the IEP is updated while the student is suspended, the Suspension Plan should be adjusted at an IEP meeting based upon the up-to-date IEP. With the IEP goals attached, the Suspension Plan, forms a comprehensive document with all relevant information on how the Suspension Site will deliver the student's special education services.

The Suspension Plan should be uploaded to SESIS or otherwise made available to the school that the student will attend following the end of the suspension.