



CODE OF CONDUCT-SUMMARY..... 2

INTRODUCTION..... 2
STUDENT RIGHTS AND RESPONSIBILITIES..... 2
DRESS CODE-UNIFORM POLICY 3
PROHIBITED CONDUCT 3
PENALTIES FOR INFRACTIONS 4
PARENTS AND VISITORS 6

STUDENT DISCIPLINE..... 7

BEHAVIOR CODE 7
CHARACTER EDUCATION..... 7
STUDENT DISCIPLINE RECORDS 8
SHORT TERM SUSPENSION 8
DISCIPLINARY INFRACTIONS 8
PROCEDURES AND DUE PROCESS FOR SHORT TERM SUSPENSION 9
LONG TERM SUSPENSION/EXPULSION..... 9
DISCIPLINARY INFRACTIONS 10
PROCEDURES AND DUE PROCESS FOR LONG TERM SUSPENSION 10
FIREARM VIOLATIONS 11
PROVISION OF INSTRUCTION DURING REMOVAL 11

DISCIPLINE FOR STUDENTS WITH DISABILITIES 12

PROVISION OF SERVICES DURING REMOVAL..... 13
CSE MEETINGS 13
DUE PROCESS 14

SPECIAL EDUCATION SERVICES 15

STAFF RESPONSIBILITIES/TRAINING 16
CHILD FIND REQUIREMENTS 17
REPORTING REQUIREMENTS 17

ANTI- HARASSMENT POLICY 19

COMPLAINT PROCEDURE 20

CODE OF CONDUCT-Summary

Introduction

Pursuant to the requirements of Project SAVE (Safe Schools Against Violence in Education Act), Westminster Community Charter School (WCCS) has prepared this Plain Language Summary of the Code of Conduct. This Plain Language Summary will be distributed to both students and parents in accordance with the Project SAVE legislation. The terms of this Plain Language Summary are provided for convenient reference. The specific terms of the Code of Conduct itself will govern in all cases.

The Code of Conduct is applicable to all persons on school property or attending a school function, except where a specific provision of the Code indicates that it is applicable only to a certain group of people. This summary will focus on the rules applicable to students and parents. The rules set forth in the Code are not the only standards governing the conduct and performance of Westminster students, employees and visitors; it is not intended to, and shall not, limit the authority of Westminster to take appropriate responsive action upon grounds not listed in the Code, including conduct off school premises in appropriate situations.

Student Rights and Responsibilities

A. Student Rights

Westminster Community Charter School is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all WCCS students have the right to:

- Expect a school environment that is conducive to learning.
- Be treated respectfully by those in the school community.
- Take part in all WCCS activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability.
- Be provided with school rules and, when necessary, receive an explanation of those rules from school personnel.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

B. Student Responsibilities

All Westminster students have the responsibility to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning, and show respect to other persons and to property.
- Be familiar with and abide by all WCCS policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused, and be in class on time and prepared to learn. (consistent with the WCCS Attendance Policy).
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.

- Respond in a respectful, positive manner to all directions and directives given by teachers, administrators and other school personnel.
- Seek help in solving problems that might lead to a disciplinary situation.
- Dress appropriately for school and school functions in accordance with the WCCS Uniform Policy set forth in III, below.
- Accept responsibility for their actions.
- Conduct themselves as representatives of WCCS when participating in or attending school-sponsored extracurricular events, and hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
- Report to the proper authorities as soon as possible any information they have on the possession or possible possession of a weapon, alcohol or illegal substance by a person on school property, or a threat made by a person to do harm to another or to property.
- Adhere to the Code of Conduct.

Dress Code-Uniform Policy

The WCCS School Uniform is worn every day and is available from the *French Toast Uniform Company*. Order forms are available in the Main Office or purchases may be made directly from the school's inventory of uniform items.

Allowed -Boys (K-8 th Grade)	Allowed-Girls (K-8 th Grade)
Black French Toast Pants Black Belt	Black French Toast V-Neck Jumper (K-4 th Gr only) or Black French Toast Pleated Skirt or Black French Toast Pleated Pants
White French Toast Oxford shirt Black Socks	White French Toast Peter Pan or Oxford Blouse White or Black Socks/Tights
Black French Toast V-Neck Cardigan (optional) Black French Toast Tie (Must be worn every day)	Black French Toast Crew-Neck Cardigan (optional) Black French Toast Criss-Cross Tie (Must be worn every day)
Black Dress Shoes	Black Dress Shoes One small pair of earrings

For Boys and Girls

Grades 7& 8: Black Blazer with WCCS logo (**Must be worn on Fridays and Special Events**)

Grades K-2: Sneakers for Physical Education

Grades 3-8: French Toast black shorts, sneakers & WCCS logo shirt for Physical Education

Not Allowed -Boys (K-8 th Grade)	Not Allowed-Girls (K-8 th Grade)
Non-French Toast clothing Earrings Sneakers, except for Physical Education	Non-French Toast clothing Excessive jewelry Sneakers, except for Physical Education

Any student who violates the Uniform Policy, will be sent to the Principal's Office for disciplinary action.

Prohibited Conduct

All persons on school property and at school functions are to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of others and for the care of school facilities and equipment. At a minimum, this requires compliance with the following rules. All persons on

school property and at school functions, including all students, are prohibited from engaging in:

- Disorderly conduct (for example, running in hallways; profane, lewd, vulgar or abusive language or gestures; obstructing others; disrupting the operations of the school; entering school premises without authorization after hours; misuse of computer equipment).
- Insubordinate conduct (for example, failing to comply with valid directions of teachers, school administrators or other school personnel; being late; skipping or leaving school without permission).
- Disruptive conduct (for example, speaking out of turn; horseplay; conduct which substantially disrupts the educational process or substantially interferes with a teacher's authority over the classroom).
- Violent or threatening conduct (for example, hitting; kicking; punching; possessing any form of weapon or item that could be used as a weapon; displaying what appears to be a weapon; threatening to use a weapon or to do any form of harm to another; damaging property; fighting; starting a fight).
- Conduct that endangers safety, morals, health or welfare of others (e.g. lying; stealing; defaming; discriminating; harassing; intimidating; hazing; smoking; having obscene material; using vulgar or abusive language; inappropriate use; possession or sharing of any form of drugs; gambling; indecent exposure; false report of an emergency).
- Misconduct on a school bus (for example, excessive noise; pushing; shoving; fighting).
- Academic misconduct (for example, cheating, plagiarism, altering records, assisting another student in academic misconduct).
- Instigation or encouragement of another person to violate the Code.
- Operating a pager or cell phone during school hours. Students may carry cell phones and pagers to and from school but they must be in the "OFF" or non-operational mode once in the school building.
- Two-way radios, (FCC Licensed or unlicensed) are NOT PERMITTED in the school or at any school function, except as authorized by the Principal. Two-way radios will be treated as contraband. Two-way radios are assigned to designated staff that serve in the capacity of Safety Officers.
- Inappropriate use of the Internet (for example, sending or displaying offensive messages or pictures; using obscene language; harassing, insulting or attacking others).
- Unacceptable computer use (for example, damaging computers, computer systems, or computer networks; violating copyright laws; using another's password; trespassing in another's folders, work or files).

Penalties for Infractions

Students who are found to have violated the WCCS Code of Conduct may be subject to the following penalties, either alone or in combination. Listed after each penalty are the persons authorized to impose the penalty and a brief description of the procedure.

Penalty Type	Persons authorized to impose the penalty	Brief description of the procedure
Oral Warning or Admonition	Any member of WCCS Staff	No required procedure.
Written Warning	Teachers, principal, assistant principal, hall and lunch monitors, teacher aides, coaches, guidance counselor	No required procedure.
Written Notification to Parent	Teachers, principal, assistant principal, hall and lunch monitors, teacher aides, coaches, guidance counselor	No required procedure.
Suspension from Athletic Participation	Coaches, Principal, Assistant Principal	Reasonable opportunity for informal conference to discuss conduct and penalty.
Suspension from Social or Extracurricular Activities	Activity Sponsor, Principal, Assistant Principal	Reasonable opportunity to discuss conduct and penalty.
Suspension of other Privileges	Principal	Reasonable opportunity for informal conference to discuss conduct and penalty.
Removal from Classroom [1-4 day(s) or class period(s)]	Teacher, Principal	When imposed by a teacher, student is entitled to an explanation of reason(s) for removal and opportunity to explain student's version of relevant events; parents have the right to meet with the principal to discuss reason(s) for the removal and give student's version of relevant events; principal to uphold removal unless charges not supported by substantial evidence, removal is in violation of law or principal determines suspension.
Short-Term (5 days or less) Suspension from School	Principal	Parents are notified by letter/ phone. Parents have the right to meet with the principal to give student's version of relevant events and question the principal about evidence against student.
Long Term (more than 5 days) Suspension from School	Principal	Parents are notified by letter and where possible, by phone. Formal hearing to question witnesses and to present witnesses and other evidence; the Principal's decision is issued after the hearing.
Permanent Suspension from School	Principal	Same as long-term suspension.

School Officials have the right to question students regarding any violations of school rules and/or illegal activity. If reasonable suspicion exists that a student possesses a weapon or is engaged in illegal activity or activity in violation of school rules, it is permissible to search the student and/or the student's locker and/or desk.

In determining the appropriate penalty for any act of misconduct, school personnel shall consider the student's age, the nature of the offense and the circumstances which led to the offense; the student's prior disciplinary record; the effectiveness of other forms of discipline; information from parents; teachers and/or others, as appropriate; other extenuating circumstances. In certain cases, the form of penalty may be imposed only for certain forms of misconduct (i.e. a teacher can remove a student only if the student is "disruptive" as defined in the Code of Conduct.)

For certain offenses, the Code of Conduct identifies a minimum period of suspension. In specific cases, the minimum period may be reduced or increased based upon the facts cited above. The minimum periods of suspension are as follows:

- Students who bring a weapon to school will be subject to a suspension from school for at least one calendar year.

- Violent students (as defined under the Code of Conduct) who commit acts other than bringing a weapon to school will be subject to a suspension from school for at least five school days.
- Students who are repeatedly substantially disruptive of the educational process or who repeatedly substantially interfere with the teacher's authority over the classroom (i.e., engage in such conduct on four or more occasions) will be subject to a suspension from school for at least five school days.

Alternate instruction will be provided to a student suspended from school and for any student removed from the classroom by his/her teacher.

Specific procedures for the discipline of students with disabilities are set forth in the Code of Conduct. These provisions have been developed in accordance with state and federal statutes and regulations and are available in the Main Office.

Parents and Visitors

Parents (as well as other visitors to the school) are subject to the same rules as students and other school personnel, as set forth above. All visitors to the school must report to the Main Office, sign in and secure a Visitor's Pass. This rule does not apply if the function is open to the public, such as an athletic competition or public gathering.

Parents (and other visitors) who violate any of the rules of the Code of Conduct may have their authorization to remain at school withdrawn. When warranted, they may be excluded from school property and/or school functions in the future.

STUDENT DISCIPLINE

To ensure that an environment is created where teaching and learning can flourish, the Westminster Community Charter School has developed a series of rules that address proper student behavior.

School staff will ensure that parents and students are well informed of these policies at the time students enroll in the Charter School. As such, students will not be surprised about what type of behavior is expected from them, and parents will be reassured about the type of classroom environment that will be maintained in the School.

The Behavior Code set forth below reflects the Charter School's policy regarding how students are expected to behave when participating in school activities, on and off School grounds, and how the school will respond when students fail to behave in accordance with these rules.

Behavior Code

In all disciplinary matters, students will be given notice and will have the opportunity to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to the staff member imposing such sanctions. Depending on the severity of the infraction, disciplinary responses include suspension (short or long term), detention, exclusion from extracurricular activities, and expulsion. Where appropriate, school officials also will contact law enforcement agencies.

After a student has been afforded due process, and the student is found guilty of misconduct and a period of suspension has been established, the school official imposing the suspension may conditionally shorten the student's suspension and permit the student to return to school prior to the expiration of the period of suspension based upon the student's voluntary agreement to attend counseling. (Based on Chapter 170 of the Laws of 2006, which took effect 7/26/06)

In the event that the following procedures are inconsistent with state or federal law and regulations, such state and federal law and regulations shall govern.

Character Education

The programs at Westminster Community Charter School are designed to help students become responsible for themselves, form good habits and become lifelong learners. The standards expected of the students are embodied in the school pledge, which will be learned and upheld by all students.

I am a student of the Westminster Community Charter School, Buffalo's Best. I respect my parents, my teacher, my classmates, and myself. I am responsible for all of my behaviors. I am learning to set goals for myself. I come to school with a clean body and appropriate, clean clothes. I come to school prepared to learn with my homework, books, pencils, pens, and paper. I come to school with a positive attitude and an open mind, ready to learn. I

come to school to learn and participate in order to get the best education I can!

Teachers and the administration discuss the pledge and the school's expectations for proper behavior and model these behaviors. These expectations are reinforced by addressing problems quickly and fairly and recognizing positive reinforcement. In addition, all teachers attend staff development sessions on conflict resolution and the Guidance Counselor conducts conflict resolution classes for all the students in the school. This character education program helps to promote positive attitudes and behaviors in students.

Student Discipline Records

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

Short Term Suspension

A short-term suspension refers to the removal of a student from School for disciplinary reasons for a period of five or fewer days. A student who has committed any of the infractions listed below shall be subject minimally to a short-term suspension, unless the Principal determines that an exception should be made based on the individual circumstances of the incident and the student's disciplinary record. The Principal reserves the right to adjust the punishment for each infraction per his or her judgment.

Disciplinary Infractions

- Attempt to assault any student or staff member;
- Vandalize school property causing minor damage; (i.e. damage that can reasonably be repaired or corrected for less than \$100);
- Endanger the physical safety of another by the use of force or threats of force that reasonably places the victim in fear of imminent bodily injury;
- Engage in conduct which disrupts school or classroom activity or endanger or threaten to endanger the health, safety, welfare, or morals of others;
- Engage in insubordination;
- Fail to complete assignments, carry out directions, or comply with disciplinary sanctions;
- Cheat on quizzes, exams, or commit plagiarism;
- Used forged notes or excuses;
- Steal, or attempt to steal, or possess property known by the student to be stolen;
- Commit extortion;
- Engage in gambling;
- Abuse school property or equipment;
- Use obscene or abusive language or gestures;

- Engage in acts of verbal or physical sexual harassment;
- Make a false bomb threat or pull a false emergency alarm;
- Possess tobacco or alcohol;
- Possess pagers, beepers, or portable/cellular telephones not being used for Instructional purposes;
- Wear inappropriate, insufficient, or disruptive clothing or attire, or violate the student dress/uniform code;
- Commit any other act which school officials reasonably conclude disrupts the learning environment of the school;
- Repeatedly commit minor behavioral infractions which, in aggregate, may be considered an infraction subject to formal disciplinary action;

Procedures and Due Process for Short Term Suspension

The Principal may impose a short-term suspension, and shall follow due process procedures consistent with federal case law pursuant to *Goss v. Lopez* (419 U.S. 565). The legal counsel of Bond, Schoeneck, and King certify that the policies in this provision comply with applicable state and federal law. Before imposing a short term suspension, or other, less serious discipline, the school principal shall provide notice to inform the student of the charges against him or her, and if the student denies the charges, an explanation of the evidence against the student. A chance to present the student's version of events shall also be provided.

Before imposing a short-term suspension, the Principal shall immediately notify the parents or guardian in writing that the student may be suspended from school. Written notice shall be provided by personal delivery, express mail delivery within 24 hours of the decision to impose suspension at the last known address(es) of the parents or guardians. Where possible, notification also shall be provided by telephone. Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the parents or guardian of their right to request an immediate informal conference with the Principal. Such notice and informal conference shall be in the dominant language of mode of communication used by the parents or guardian. The parents or guardian of the student and the student shall have the opportunity to present the student's version of the incident and to question the principal about the evidence against the student. Such notice and opportunity for an informal conference shall take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon as possible after the suspension as is reasonably practicable.

The Principal's decision to impose a short-term suspension may be challenged by the parent(s) or guardian in accordance with the Charter School's complaint process.

Long Term Suspension/Expulsion

The legal counsel of Bond, Schoeneck, and King certify that the policies in this provision comply with applicable state and federal law. A long-term suspension refers to

the removal of a student from School for disciplinary reasons for a period of more than five days. Expulsion refers to the permanent removal of a student from School for disciplinary reasons. A student who is determined to have committed any of the infractions listed below shall be subject minimally to a long-term suspension or expulsion, unless the Principal determines that an exception should be made based on the circumstance of the incident and the student's disciplinary record. Such a student may also be subject to any of the disciplinary measures outlined elsewhere in this document including a referral to the appropriate law enforcement authorities.

Disciplinary Infractions

- Possess, use, attempt to use, or transfer of any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the student in school;
- Commit, or attempt to commit arson on school property;
- Assault any other student or staff member;
- Intentionally causes physical injury to another person, except when student's actions are reasonably necessary to protect him or herself from injury;
- Vandalize school property causing major damage;(i.e. damage that cannot reasonably be repaired or corrected for less than \$100).
- Commit any act, which school officials reasonably conclude warrants a long-term suspension.

A student who commits any of the acts previously described as causes for short term-suspension may, instead or in addition, may be subject to a long-term suspension at the Principal's discretion.

Procedures and Due Process for Long Term Suspension

The Principal may impose a long-term suspension. Such a suspension may be imposed only after the student has been found guilty at a formal suspension hearing. In extreme circumstances, the Principal may expel the student from school. Upon determining that a student's action warrants a possible long-term suspension, the Principal shall verbally inform the student that he or she is being suspended and is being considered for a long-term suspension (or expulsion) and state the reasons for such actions. The Principal also shall immediately notify the student's parent(s) or guardian(s) in writing. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. Where possible, notification also shall be provided by telephone if the School has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall provide a description of the incident or incidents, which resulted in the suspension and shall indicate that a formal hearing will be held on the matter, which may result in a long-term suspension (or expulsion). The notification provided shall be in the dominant language used by the parent(s) or guardian(s). At the formal hearing, the student shall have the right to be represented by counsel, question witnesses, and present evidence.

If the Principal initiates the suspension proceeding, he or she shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer's report shall be advisory only and the Principal may accept or reject all or part of it. The Principal's decision to impose a long-term suspension or expulsion may be challenged by the parent or guardian in accordance with the Charter School's Complaint procedures.

Firearm Violations

Federal and State law require the expulsion from School for a period of not less than one year of a student who is determined to have brought a firearm to the school, or to have possessed a firearm at School, except that the Principal may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free Schools Act of 1994 (as amended). "Weapon," as used in this law means a "firearm," as defined by 18 USC§8921, and includes firearms and explosives. (New York Education Law §3214(3)(d) effectuates this federal law.) The Principal shall refer a student under the age of sixteen who has been determined to have brought a weapon or firearm to school to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42). The Principal shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42), who has been determined to have brought a weapon or firearm to school to the appropriate law enforcement officials.

Provision of Instruction During Removal

The Charter School will ensure that alternative educational services are provided to a child who has been suspended or removed to help that child progress in the School's general curriculum. For a student who has been suspended, alternative instruction will be provided to the extent required by applicable law. For a student who has been expelled, alternative instruction will be provided in like manner as a suspended student until the student enrolls in another school or until the end of the school year, whichever comes first.

Alternative instruction will be provided to students suspended or expelled in a way that best meets the needs of the student on a case-by-case basis. Instruction for such students shall be sufficient to enable the student to make adequate academic progress, and shall provide them the opportunity to complete the assignments, learn the curriculum and participate in assessments. Instruction will take place in one of the following locations: the child's home (but only if continuous, appropriate adult supervision is available in the family home) a contracted facility (e.g., in the school district of location), or a suspension room at the School. During any removal for drug or weapon offenses, additional services shall include strategies designed to prevent such behavior from recurring. Instruction will be provided by one or more of the following individuals in consultation with the student's teacher(s): teacher aides; individuals within a contracted facility; or a tutor hired for this purpose.

DISCIPLINE FOR STUDENTS WITH DISABILITIES

The legal counsel of Bond, Schoeneck, and King certify that the policies in this provision comply with applicable state and federal law. In addition to the discipline procedures applicable to all students, the following procedures are applicable to students with disabilities [A student not specifically identified as having a disability but whose school district of residence or charter school, prior to the behavior which is the subject of the disciplinary action, has a basis of knowledge—in accordance with 34 CFR 300.527(b)—that a disability shall be disciplined in accordance with these provisions.] The Charter School shall comply with sections 300.519-300.529 of the Code of Federal Regulations (CFR) and the following procedures, except that in the event that the following procedures are inconsistent with state or federal law and regulations, such state and federal law and regulations shall govern.

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

Students for whom the Individualized Educational Plan (IEP) includes a Behavior Intervention Plan (BIP) will be disciplined in accordance with the BIP. If the BIP appears not to be effective or if there is a concern for the health and safety of the student or others if the BIP is followed with respect to the infraction, the matter will be immediately referred to the Committee on Special Education (CSE) of the Buffalo Public School District for consideration of a change in the guidelines.

If the school contemplates suspending a student identified as having a disability for more than 10 consecutive school days or an aggregate total of more than 10 school days (constituting a pattern) in a school year, such student will immediately be referred to the CSE of the Buffalo Public School District for a manifestation determination and reconsideration of the student's educational placement and/or modification of the student's BIP. Such a student shall not be suspended for a total of more than ten days during the school year without the specific involvement of the CSE of the Buffalo Public School District prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement. The CSE shall conduct functional behavioral assessments and shall develop and/or modify student BIPs as required by law. Notwithstanding the foregoing, a student may be removed from school, in accordance with applicable law, to an interim alternative educational setting for behavior involving weapons illegal drugs, controlled substance, or conduct that poses a risk of harm to the student or others.

In considering the placement of students referred because of disciplinary problems, the CSE of the Buffalo Public School District is expected to follow its ordinary policies with respect to parental notification and involvement.

The Charter School shall work with the district to ensure that the CSE of the Buffalo Public School District meets within ten days of notification of any of the following:

- 1) The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days.
- 2) The commission of any fraction resulting from the student's disability.

- 3) The commission of any infraction by a disabled student, regardless of whether the student has previously been suspended during the school year if, had such infraction been committed by a non-disabled student, the Principal would seek to impose a suspension in excess of five days.

Provision of Services During Removal

Those students removed for a period fewer than ten days will receive all classroom assignments and a schedule to complete such assignments during the time of his or her suspension. Provisions will be made to permit a suspended student to make up assignments or tests missed as a result of such suspension. The school also shall provide additional alternative instruction within 24 hours of the suspension and by appropriate means to assist the student, so that the student is given full opportunity to complete assignments and master curriculum, including additional instructions, phone assistance, computer instruction and/or home visits and one-on-one tutoring.

During any subsequent removal that, combined with previous removals equals ten or more school days during the school year, but does not constitute a change in placement, 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 his or her IEP. In these cases, school personnel, in consultation with the child's special education teacher, shall make the service determination.

During any removal for drug or weapon offenses [pursuant to 34 CFR §300.520(a)(2)] services will be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. These service determinations will be made by the CSE of the Buffalo Public School District. The school will place students in interim alternative educational settings as appropriate and mandated by 34 CFR §300.520(a)(2).

During any subsequent removal that does constitute a change in placement, but where the behavior is not a manifestation of the disability, the services must be provided to the extent necessary to enable the student to appropriately progress in the general curriculum and in achieving the goals of his or her IEP. The CSE of the Buffalo Public School District will make the service determination.

CSE Meetings

Meetings of the CSE of the Buffalo Public School District to either develop a behavioral assessment plan or, if the child has one, to review such plan are required when: (1) the child is first removed from his or her current placement for more than ten school days in a school year; and (2) when commencing a removal which constitutes a change in placement.

Subsequently, if other removals occur which do not constitute a change in placement, the school will work with the CSE of the Buffalo Public School District to review the child's assessment plan and its implementation to determine if modifications are necessary. If one or more members of the CSE of the Buffalo Public School District

believe that modifications are needed, then the CSE is expected to meet to modify the plan and/or its implementation.

Due Process

If discipline which would constitute a change in placement is contemplated for any student, the following steps shall be taken: (1) not later than the date on which the decision to take such action is made, the parents of the student with a disability shall be notified of that decision and provided the procedural safeguards notice described in 34 CFR §300.504; and (2) immediately, if possible, but in no case later than ten school days after the date on which such decision is made, the CSE of the Buffalo Public School District and other qualified personnel shall meet and review the relationship between the child's disability and the behavior subject to the disciplinary action.

If, upon review, it is determined that the child's behavior was not a manifestation of his or her disability, then the child may be disciplined in the same manner as a child without a disability, except as provided in 34 CFR §300.121(d), which relates to the provision of services to students with disabilities during periods of removal. Parents may request a hearing to challenge the manifestation determination. Except as provided below, the child will remain in his or her current educational placement pending the determination of the hearing.

If a parent requests a hearing or an appeal to challenge the interim alternative educational setting or the manifestation determination resulting from a disciplinary action relating to weapons or drugs, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in the disciplinary action, whichever occurs first, unless the parent and Charter School agree otherwise.

SPECIAL EDUCATION SERVICES

The BPS shall be the local education agency (LEA) within the meaning of the special education laws. The BPS shall be responsible for applying for federal funds pursuant to the Individuals with Disabilities Education Act (IDEA) for special education services provided to students enrolled in WCCS. The BPS shall pay WCCS any federal aid attributable to a student with a disability in proportion to the level of services rendered by WCCS. For purposes of the IDEA, WCCS shall be deemed a school of the BPS. WCCS shall not discriminate in admission and enrollment practices on the basis of a student having or suspected of having a disability. The complete admission and enrollment policy is described in the Information Guide for Parents/Guardians and Students.

The BPS shall be responsible for the evaluation, identification, and placement of WCCS students and shall develop appropriate individualized education plans (IEPs) for those students. WCCS shall be responsible for implementation of the IEP in compliance with all federal laws and regulations relating to students with disabilities.

The parents of a WCCS special education student shall have the right to invite WCCS personnel as individuals who have knowledge or special expertise concerning the student to CSE meetings. If the student is already attending WCCS, one of the child's regular education teachers from WCCS must serve as the regular education teacher member of the CSE. WCCS will cooperate fully to assure the participation of its teachers in CSE meetings relating to WCCS students. Special education students' regular education and special education teachers, and any related service providers, shall attend CSE meetings in accordance with law and regulations.

If WCCS requests that the BPS provide some or all of the recommended special education services, the BPS shall do so, and shall conform to the timelines for IEP implementation in Part 200 of the Regulations of the Commissioner of Education. The BPS shall provide all on-site services as well as materials, including assistive technology, that are required to meet the individual needs of the student under the IDEA, the Regulations of the Commissioner of Education (such as, but not limited to, consultant teacher services, deaf interpreters, aides in accordance with students' IEPs on the premises of the WCCS). The WCCS shall arrange for appropriate WCCS personnel to attend BPS CSE Committee meetings.

In order to ensure that special education students receive uninterrupted services in accordance with their IEPs, to ensure continuity in instructional programs for special needs students, to ensure that the complex laws regarding special education are complied with and the responsibilities of both the charter school and the District to students with special needs are fulfilled, it is intended that, initially, the District shall provide all special education services that must be provided to students at WCCS (except compliance with Section 504 of the Rehabilitation Act, which remains a WCCS responsibility) and, correspondingly, the District shall retain all special education funding that would normally flow to WCCS. However, WCCS may revisit this issue and open it for further negotiations at any time.

The BPS must provide a self-contained class, resource room, or other special education program at a location other than the WCCS if such other location is deemed

appropriate by the BPS CSE for a given student(s). If a self-contained class, resource room, or other special education program on the site of the WCCS is determined by the BPS CSE to be the appropriate placement for the student and the WCCS requests that the BPS provide such services, the self-contained class, resource room, or other special education program must be provided by the BPS.

If a student enrolled in WCCS requires full-time placement outside of WCCS, WCCS shall consider discharging the student to the school district of residence. The building principal will contact the Buffalo Public School's designate Assistant Superintendent for Charter Schools to discuss the student. This action shall include a referral to the CSE, if necessary. In the event that the student's needs are best met elsewhere and the student's parents are in agreement to a transfer, WCCS will maintain the student at WCCS until the students transfer plan to another educational setting is finalized.

The BPS shall be responsible for due process procedures relating to the evaluation, identification, educational placement and the provision of a free appropriate public education to WCCS students. The BPS shall be responsible for providing mediation and/or conducting an impartial hearing to resolve any dispute involving a WCCS special education student to the same extent as for a student enrolled in the BPS. The BPS shall, where allowed by law, initiate expedited due process hearings, CSE manifestation determinations and any other legal proceeding (such as obtaining a "Honig" injunction) necessary to appropriately discipline students with disabilities and/or change the placement of students who are substantially likely to injure themselves or others. WCCS shall cooperate fully with BPS with respect to any mediation, hearing, or legal proceedings concerning students who are or have been enrolled in WCCS. The BPS shall indemnify, defend and hold WCCS harmless from any claim arising out of the special education services rendered by the BPS.

Notwithstanding the above, the District shall not be obligated to provide to eligible WCCS students a level of staffing or services greater than that required by law or as would be provided in the absence of the conversion.

Staff Responsibilities/Training

The responsibilities of the special education teacher will include: providing direct and indirect instruction; long- and short-term planning to address individual needs of students; evaluation of students' progress; establishing and maintaining classroom management procedures; reporting on all special education issues to the Principal; preparing written reports accurately and in a timely manner; effectively communicating with teachers and parents to facilitate the IEP process and progress towards IEP goals; effectively consulting with parents, teachers, and administrators; representing the charter school at CSE meetings; remaining knowledgeable on current special education laws, rules, and regulations; and maintaining the privacy of student records and information. The Principal of Westminster Community Charter School is ultimately responsible for the implementation of all student IEPs as well as being the main contact person with the district of residence.

Professional training and development for staff involved with the education of students with disabilities will include the following: the referral process to the CSE, development of a student's IEP, implementation of a student's IEP, evaluation of a student's progress toward meeting IEP goals and objectives, meeting reporting requirements to parents and CSEs, and discipline of students with disabilities. Parents will be kept abreast of their child's progress through the following means: regular phone calls and progress reports to parents from the Resource teachers, official progress reports sent home every five weeks, including quarterly report cards and midquarter reports. Parents will also participate in the annual reviews where the child's yearly progress will be assessed.

Child Find Requirements

The school will comply with the federal Child Find requirements (34 CFR §300.125), which require schools to have in place a process for identifying, locating and evaluating students with disabilities. Students enrolling for the first time in a New York public school will be screened by a team of teachers (including both regular and special education teachers) to identify any possible indication that the child may need a specialized or intensive education program, or referral to the CSE of the Buffalo Public School District. Other students will be brought to the attention of the team if they are demonstrating any problems within the regular classroom environment. Strategies will then be implemented to address any identified special needs of the student. Should the problems persist and a disability is suspected, the student will be referred to the CSE of the Buffalo Public School District for an evaluation.

Reporting Requirements

In compliance with 34 CFR §300.750, the charter school will submit an annual report to the State Education Department detailing the number of students with disabilities it serves, the nature of each student's disability, and each student's educational placement and setting. Regarding reports that are the responsibility of the Buffalo Public School District, the charter school will make any necessary data available to the district in a timely fashion. The charter school will also comply with 8 NYCRR §119.3, which details requirements for the "Charter School Report Card" and includes information relating to students with disabilities.

In compliance with 34 CFR §300.750, the charter school will submit annually the following reports by the dates noted:

PD-1C/4C	<i>Count of Students with Disabilities Provided Special Education on December 2 and the Settings in which Students with Disabilities are provided services</i>	December 13
PD_ 5C	<i>Students Exiting Special Education</i>	mid-July
PD-6	<i>Special Education Personnel</i>	February 1
PD-8	<i>Students with Disabilities Suspended for Disciplinary</i>	mid-July

Reasons

SEDCAR-1 ASEP Request for IDEA Suballocation

March 1

The special education staff, in conjunction with the Principal, will be responsible for ensuring the collection, maintenance, and reporting of all data regarding students with disabilities. The reports listed shall be provided to the Buffalo Public School District and the state education department, as required. For example, special education data required by the annual School Report Card shall be included as part of the School's Annual Report which shall be provided to the Board of Regents through the State Education Department (a copy of which would also be made available to the Buffalo Public School District).

ANTI- HARASSMENT POLICY

Westminster Community Charter School is committed to maintaining a learning and working environment that is free from unlawful harassment or retaliation based on race, color, religion (creed), national origin, marital status, gender, sexual orientation, and/or disability. Any unlawful harassment or retaliation of a student or employee by a member of the school community is a violation of this policy.

The administration will act to thoroughly and promptly investigate all complaints, either formal or informal, verbal or written, of unlawful harassment based on race, color, religion (creed), national origin, marital status, gender, sexual orientation, and /or disability. Westminster will discipline or take appropriate corrective action against any member of the school community who is found to have violated this policy.

All students have the right to be free from all forms of discrimination, including sexual harassment, in the school environment. Sexual harassment may take different forms. The following acts, although not automatically sexual harassment, may constitute sexual harassment under certain circumstances:

1. Verbal-sexual innuendoes, jokes of sexual nature, and sexually degrading language to describe an individual
2. Nonverbal- displaying sexually suggestive objects or pictures, leering, and making obscene gestures
3. Physical- unwanted physical contact or touching, brushing up against the body and any other type of coerced sexual activity

Sexual harassment does not refer to behavior or occasional compliments of a social nature. It refers to behavior which is not welcome, that is personally offensive, that fails to respect the rights and dignity of others. Any student who believes he/she has been the subject of sexual harassment should report the alleged act immediately to the Principal.

The Principal will thoroughly and immediately investigate all claims of sexual harassment. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action to stop the harassment and to prevent its recurrence will be taken. The disciplinary action taken with respect to each violation of policy will be determined in accordance with the seriousness of the particular offense and may range from written warnings, parent conferences, mandatory counseling, suspensions, expulsion or a combination of actions. The Principal will advise the complaining party that corrective action has been taken.

In the event that a thorough investigation of an alleged incident of sexual harassment reveals that a student has not engaged in any actions or conduct constituting sexual harassment, the Principal will inform both the student and the complaining party that a thorough investigation has been conducted and that there exists no grounds or basis to substantiate the alleged sexual harassment.

Any decision rendered may be appealed to the Board of Trustees. Follow the Complaint Procedure outlined in this document.

Any employee engaging in such prohibited conduct shall be subject to disciplinary action up to and including termination as an employee. Where there is sufficient evidence of a violation of this policy, the Principal and the Board of Trustees shall take appropriate action which may include termination, suspension with or without pay, warning and/or such other disciplinary action as may be warranted.

COMPLAINT PROCEDURE

Any individual or group may bring a complaint to the Board of Trustees of Westminster Community Charter School alleging a violation of the provisions of Article 56 of the Education Law (i.e., the New York Charter Schools Act), the school's charter, or any other provision of law relating to the management or operation of the charter school.

The complaint may be presented to the Board of Trustees in an open meeting or in written form. Written complaints may be sent to:

Attn: Chief Executive Officer
Westminster Community Charter School
P.O. Box 3352
Buffalo, NY 14240-3352

The Board shall respond at or prior to the next regular public meeting of the Board of Trustees. Every effort will be made to respectfully address the matter to the satisfaction of the individual or group who presented the complaint. The Board, as necessary, shall direct the Principal or other responsible party to act upon the complaint and report to the Board. The Board shall render a determination in writing, as necessary.

If, after presentation of the complaint to the Board of Trustees of Westminster Community Charter School, the individual or group determines that the Board has not adequately addressed the complaint, the complainant may present the complaint to the charter entity (i.e. the Buffalo Board of Education), which shall investigate and respond. If, after presentation of the complaint to the charter entity, the individual or group determines that the charter entity has not adequately addressed the complaint, the complainant may present the case to the Board of Regents, which shall investigate and respond. The charter entity and the Board of Regents have the power and the duty to take remedial action as appropriate.