



Community Covenant

2018-2019

Disclaimer

The contents of the covenant are constantly under review to ensure they align with the mission and spirit of our school community. If any modifications are made during the course of the school year, you will be notified. If there are any questions or concerns, please bring to the attention of the of Culture or Board Chair. The most up to date version of this covenant will be on the school website at all times.

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Mission

The mission of OnTECH is to promote career and life readiness for at-risk youth, enabling them to graduate from high school as lifelong learners, prepared socially, emotionally and academically to lead fulfilling lives, contributing back to the community.

The objectives of OnTECH are:

- To create a community of members who aspire to and engage in lifelong learning while understanding their potential as contributors in society.
- To provide all students with a bedrock of math, English and science literacy with the objective to situate all students on an educational pipeline and identify as lifelong learners.
- To provide project-based learning to enhance literacy, interpersonal and problem-solving skills with the aim to have all students reach their potential as change-makers in our community.
- To provide students with technical skills relating to the sustainable sciences as an entry into the workforce and/or a career pathway.
- To awaken in all students a sense of curiosity for knowledge and learning which will enrich their personal lives and lead to careers of lifelong fulfillment.

Purpose of Community Covenant

The Community Covenant is a document designed to outline the expectations and procedures of OnTECH Charter High School. Over the course of the school year we will use it as our guide for school wide culture and academic programming.

All students are assigned an Advisor, mentor and facilitator. Meetings with this Advisor take place in a small group setting at the beginning and the end of the day. Advisory includes culture building, study and organizational skill building, life skills, individual student support activities, career and personal goal setting. This Community Covenant will be reviewed, discussed and referred to in Advisory.

In all instances school personnel and school leaders may use their discretion to best serve a student's needs. It is not our objective to penalize but to cultivate good citizens. We request partnership with parents, guardians, mentors and service providers to do this work.

Attendance Policy

Regular attendance at school is necessary for learning to take place. Students who often miss school do not perform as well as those students who attend everyday. Parents and school personnel have the responsibility to enforce regular school attendance. Therefore, it is strongly advised that students not be absent from school for voluntary reasons. The school recommends

that voluntary activities be confined to times when school is not in session. Parents/legal guardians are encouraged to schedule medical and dental appointments during holiday periods, or weekends. Students checking in or out of school at any time during the day must report to the attendance office. Students leaving early must be signed out by a parent /guardian or an emergency contact in the attendance office.

Excused Absences

- Illness. In cases of frequent or prolonged absences, a written statement from a doctor confirming the illness is required.
- Emergency or death in the family (confirmation is required).
- School-related approved activities.
- **Students are required to bring a note to the main office – at the latest - the day immediately following an absence in order for an absence to be considered excused. If no note is provided, the student will be considered truant and disciplinary action will be taken.**

Unexcused Absences

A student who is absent from school and does not provide a written note from home, or other accepted sources is considered truant.

- Teachers are **not** required to accept make up work for unexcused absences.
- 10 consecutive unexcused absences will result in a call to social services.
- *A pattern of unexcused absences may result in failing grades and is factored into school achievement.*

Tardiness

Classes begin at 9:00am. Students are expected to stay in school until the end of their last class. In order to maximize learning and avoid unnecessary disruptions, we ask that parents do not pick up students early, except in an emergency situation.

Student Dress Code

At OnTECH we believe dress code is an important part of our school culture. What we wear and how we present is a form of communication. In fact, colors and appearance are an important form of communication throughout our ecosystem. Did you know that the bright orange color of the monarch butterflies signal to birds, mice and other animals that they are poisonous? What about cardinals? Although the females are nicely camouflaged with pale brown feathers, the male cardinal communicates to the world his gender and his health through the bright red color of his coat. By following the OnTECH dress code, you, too, will be learning the value and opportunities that are associated with communicating who you are. This is a lesson which, once learned, will not only raise your confidence and self esteem, but will lead to a lifetime of success, whether in school, college or work.

What you wear is always a form of self expression and represents a level of respect for yourself and for the members in our learning community. The following guidelines were suggestions made by parents, teachers and students caring deeply about the culture we are designing at OnTECH. These guidelines limit peer pressure, but also allow you to have some choice in what you wear and how you look. However, with choice, comes responsibility. Students will need to think through what is appropriate to wear to attend school and be an active learner. This is the same decision-making that you will depend upon when you attend a job interview or go to work. Remember, as with all policies at OnTECH, if we as a community feel that our dress code is not working to grow us towards the best versions of ourselves, we will need to iterate.

Ultimately, our dress code is a set of guidelines to help you answer the following question:

Are the clothes I am about to put on sending a message that I am ready to be a professional member of my OnTECH community today?

Routinely answering this question correctly each morning is a skill that takes practice and growth. You may find it helpful when making your clothing choices to keep in mind that what you wear will depend on the purpose of the day. For example, one day you may have a job interview and want to dress professionally with a collared shirt and pressed pants and another day you may be doing field work and want to dress in jeans and work boots. At the beginning of school, we will discuss various scenarios and practice applying a decision-making tree for what to wear.

You may also find it helpful to identify clothing choices that will never be good choices at OnTECH. For this reason, the following items are not allowed to be worn during school by students:

- Underwear, sleepwear, and swimwear worn as outerwear or that is visible
- Sweatpants
- Shorts that fall more than a dollar-bill width above the knee
- Shirts, t-shirts, jackets, sweaters with any writing, images, or branding (other than school name).
- Crop tops
- Spaghetti strap shirts unless you wear underneath a sleeved shirt or sweater
- Any clothing promoting drugs, violence, alcohol, sexually related products and activities, or other topics that could be considered offensive to any member of the community.
- Head coverings unless for religious reasons
- Skirts that fall more than a dollar-bill width above the knee, unless worn with tights or leggings
- Leggings and Jeggings unless worn with long shirts that cover the gluteus maximus
- Ripped or cut-off jeans of any color

- Hoodies unless school-branded
- Open-toed shoes, open-toed sneakers or sandals
- Any shoe or sneaker without socks

Please know if a teacher decides that you are not dressed appropriately for school, you will be asked to reflect on and discuss your choices with your adviser and find appropriate clothes or shoes in the school's clothes pantry. Being sent home will not be an option.

Expectations of Families

Parents and guardians are expected to prepare students for school by participating in the learning process, keeping abreast of procedures and policies and working with school personnel to ensure student success.

Parents are responsible for keeping the school updated with the most current contact information. It is the expectation that parents and legal guardians will communicate with and respond to messages from staff, administration and teachers. The School will make several attempts to reach parents/ guardians but failure to respond will not prevent the School from taking appropriate action to address a situation.

In order to maintain a communal environment, it is expected that parents, legal guardians, and relatives of students respect the staff, teachers, and administrators at all times. Parents, relatives and advocates that are exhibiting violent or threatening behavior will be asked to leave the premises.

Records

Charter Schools are subject to the federal Family Education Rights and Privacy Act of 1974 (FERPA) which requires a school to protect a student's privacy. The school will not disclose any information from the student's permanent records except as authorized pursuant to FERPA, or in response to a subpoena, as required by law. The parent(s) or guardian(s) of a student under 18 years of age, or a student 18 years of age or older, is entitled to access to the student's school records by submitting a written request to Head of School or their designee. Further information concerning the disclosure of student information and limitations on such disclosure may be found in FERPA.

The Rights of All Children to Enroll in School

All children in the United States are entitled to equal access to a basic public elementary and secondary education regardless of their actual or perceived race, color, national origin, citizenship, immigration status, or the status of their parents/guardians. School districts that either prohibit or discourage, or maintain policies that have the effect of prohibiting or discouraging, children from enrolling in schools because they or their parents/guardians are not U.S. citizens or are undocumented may be in violation of Federal law.

Freedom of Expression

- Students are entitled and encouraged to express their personal opinions verbally, in writing, or by symbolic speech. The expression of such opinions, however, shall not interfere with the freedom of others to express themselves, and written expression of opinion must be signed by the author. Any form of expression that involves libel, slander, the use of purposeless obscenity, or personal attacks, or that otherwise disrupts the educational process, is prohibited. All forms of expression also must be in compliance with the Disciplinary Code and the school dress code, violations of which are punishable as stated in the Disciplinary Code.
- Student participation in the publication of school sponsored student newsletters, yearbooks, literary magazines and similar publications is strongly encouraged. These publications, if any, shall be supervised by qualified faculty advisors and shall strive to meet high standards of journalism. In order to maintain consistency with the school's basic educational mission, the content of such publications is controlled largely by student editors, however final content decisions remain in the discretion of journalism advisors and school authorities.
- No person shall distribute or post any printed or written materials on school property without requesting permission from the Head of School. The Head of School or their designee may regulate (by time, manner, place and duration) the content of materials to be distributed or posted on school property to the extent necessary to avoid material and substantial interference with school decorum and the requirements of appropriate discipline in the operation of the school.

Search and Seizure

- A student and/or a student's belongings may be searched by a school official if the official has a reasonable suspicion to believe that a search of that student will result in evidence that the student violated the law or a school rule. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from the student by school authorities. Parents may or may not be contacted prior to a search.
- OnTECH may conduct random search/seizure of the entire student body.
- The school is not responsible for books, clothing, or valuables left in classrooms or in bathrooms.
- The following rules shall apply to the search of school property assigned to a specific student and the seizure of illegal items found therein:
 1. School authorities will make an individual or group search of a student's personal space or backpack only when there is reasonable suspicion to believe that a student is in the possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process or which may harm the student or any member of the school community.
 2. Searches shall be conducted under the authorization of the school administration.
 3. Items which are prohibited on school property, or which may be used to disrupt or interfere with the educational process, may be removed from student's possession by school authorities.
 4. When and how confiscated items will be returned to students will depend on administrator's discretion.
 5. Depending on the item confiscated, the School reserves the right to contact the authorities. In the event they do so, they will contact the parent.

Off-Campus Events/Traveling to and from School

Students at school sponsored off-campus events and when traveling to and from the school building shall be governed by all guidelines and discipline code of the school and are subject to the authority of school officials. Failure to obey the lawful instructions of school officials may result in a loss of eligibility to attend school sponsored off-campus events and may result in additional disciplinary measures in accordance with this covenant.

Student Grievance

In the event that a student experiences that they have been wronged or otherwise unfairly treated by a staff or faculty member on or off of school grounds, students are encouraged report their concern to an administrator. Students will be asked to submit a formal complaint in writing to their advisor or an administrator. This grievance will be investigated by the Board President who will conduct the necessary follow up actions needed including contacting parents/ guardians, notifying the authorities and conducting restorative actions where possible. A summary of the event may be added to the file of the student and staff/ faculty member in question.

Code of Conduct

OnTECH students are expected to exhibit acceptable standards of conduct at all times. Students are given every consideration concerning their rights and are expected to share in the responsibility.

	<p>I agree to the following norms so that all members of the OnTECH community can be <i>heard, engage, and thrive.</i></p>	<p>As a community protective of its culture, if we ignore any of these norms, we understand the following consequences will take place:</p>
Cell Phones	<ol style="list-style-type: none"> 1. We understand that phones can be both helpful to and distracting to our learning. 2. We understand that communicating with other students during learning time on our cell phones disrupts the educational program and prevents me from learning. 3. We silence our phones at the start of each class. 4. We store our phones out of sight (pocket, bag, etc). 5. We will ask a teacher's permission before using our phones during learning time. 	<ol style="list-style-type: none"> 1. Verbal reminder 2. Teacher will take phone and put in bag with name; phone will be delivered to the school office; and parent will be called. 3. Student may pick up phone at the end of the day at the end of advisory from office.
Passes	<ol style="list-style-type: none"> 1. We realize that it is important for us to be fully engaged during learning time but sometimes we need to step out. 2. When we leave the classroom, we will use a pass (bathroom/drink, office, nurse, counseling). 3. We understand that only one person may leave the room at a time, and so we will be mindful of how long we are out of the room. 4. We will write our name on the sign out sheet, check the type of pass used, and write down the time we return. 	<ol style="list-style-type: none"> 1. Verbal reminder 2. Conversation with Head of Community and Culture 3. Conversation with Head of Community and Culture and with Parent
Professional Self Expression	<ol style="list-style-type: none"> 1. We respect personal space, and we keep our hands off of other people and their property (including friends, teachers, adults, family, and significant others). 2. We understand the power of language, and we do not use profanity or jokingly use sexually explicit language or make discriminatory or racist remarks. 3. We understand that what we wear conveys a message to the people around us, and therefore we abide by OnTECH dress code. 4. We understand that our community does not want to hear shouting or noise, and, therefore, we will not raise our voices or shout. Rather, we know that we can get someone's attention by communicating directly, clearly, and respectfully. 5. We appreciate that our being present and engaged not only maximizes our own learning, but also the learning of everyone else at OnTECH. For this reason, we do not leave the school building or campus without being accompanied by a staff member in connection to our project work. 	<ol style="list-style-type: none"> 1. Verbal reminder 2. Conversation with Head of Community and Culture 3. Conversation with Head of Community and Culture and with Parent and A Board Member

Dress Code	<ol style="list-style-type: none"> 1. We understand that what we wear conveys a message to the people around us, and therefore we abide by OnTECH dress code. 	<ol style="list-style-type: none"> 1. Verbal reminder; depending on the garment, teacher may ask you to remove garment. You may pick it up at the end of advisory at the end of the day from the office. 2. Conversation with Head of Community and Culture 3. Conversation with Head of Community and Culture and with Parent
Collaboration	<ol style="list-style-type: none"> 1. We recognize that collaboration helps us to learn from others, share ideas, and teach others, and, therefore, we will engage our teams and classes in conversation about our project ideas. 2. We will allow all voices to be heard. 3. We are free to disagree with ideas, but we will counter-argue or disagree without insulting anyone. 	<ol style="list-style-type: none"> 1. Verbal reminder 2. Conversation with Head of Community and Culture 3. Conversation with Head of Community and Culture
Food	<ol style="list-style-type: none"> 1. We realize that staying nourished and hydrated helps us to think and learn better. 2. We realize that eating in the classrooms can create mess and waste and be distracting. 3. We will wait until the designated time to eat meals and eat snack, and be mindful about neatness. 4. We will not have food or drink near equipment and tools, such as a laptop. 	<ol style="list-style-type: none"> 1. Verbal reminder 2. Conversation with Head of Community and Culture 3. Conversation with Head of Community and Culture and Parent

Please note that these conversations will take place during lunch or afternoon advisory when possible. At times behavior will undermine the educational experience of others and in those cases you will be asked to leave class immediately to engage in conversation.

Safety and Security

Students must adhere to all the security procedures of the building as noted on signs throughout the school building. *OnTECH* and its leadership will do everything necessary and everything in its power and to the full extent of all applicable laws to ensure the health and safety of all students, teachers and staff who are a part of the school community.

Students who pose an immediate danger to the *OnTECH* community may be removed immediately from the classroom or school grounds according to the severity and specifics of the infraction. Students and parents must be assured that we are prepared to maintain a wholly safe environment according to our school mission. This policy does not preempt a student's right to a hearing or appeal or any other aspect of due process.

Maintenance of Public Order on School Property

The following rules shall govern the conduct of students, teachers, staff, licensees, invitees, and other persons, whether or not their presence is authorized, on all property or facilities operated under the auspices of the charter school. These rules and penalties are not to be considered exclusive or to preclude in any way the prosecution and conviction of any person for the violation of any Federal, State or local law, rule, regulation or ordinance, or the imposition of a fine or penalty provided for therein. Additionally, these rules and regulations should not be construed to limit, but rather exist in conjunction with any other codes of conduct established for the school, such as a disciplinary code and/or a bill of student rights and responsibilities.

No person, either singly or in concert, shall:

- Willfully cause physical injury to any other person, or threaten to use force which would result in such injury.
- Physically either restrain or detain any other person, nor remove such person from any place where he or she is authorized to remain, except as necessary to maintain the established educational process or to ensure the safety of a child or a member of the school community.
- Willfully damage or destroy school property, nor remove or use such property without authorization.
- Without permission, express or implied, enter into any private office or classroom of an administrative officer, teacher, or staff member.
- Enter or remain in any building or facility for any purpose other than its authorized use or in such a manner as to obstruct its authorized use by others.
- Without authorization, remain in any building or facility after it is normally closed, nor without permission enter any building or facility prior to its normal opening.
- Refuse to leave any building or facility after being required to do so by the Head of School or an authorized administrative officer or his or her designee.
- Willfully obstruct or interfere with the free movement of persons and vehicles.
- Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interfere with the freedom of any person to express his or her views, unless such disruption is necessary to maintain order of the educational process.
- Possess on school property any firearm, knife, box cutter, chain, club or other weapon, whether or not the person has a license to possess such weapon. Further, it is the duty of the Principal or his/her designee to inform the police of the presence or use of any such weapon or implements used as weapons on school property.
- Commit acts which threaten the safety and welfare of persons on school property.
- Violate any federal or State statute or regulation, local ordinance or school policy.
- Possess, use or distribute alcohol, drugs or drug paraphernalia.
- Harass or coerce any person.
- Refuse or fail to comply with a lawful order or direction of a school official in the performance of his or her duty.
- Distribute or post on school property any written material, pamphlets or posters without the prior approval of the Principal or designee.

Penalties for violations of these rules include, but are not limited to:

- the withdrawal of authorization to remain on school property
- ejection
- arrest
- suspension/expulsion or other disciplinary action (for students)

Staff members are required to report known violations of these rules to administrators and to make reasonable efforts to stop the prohibited conduct. Any guest or visitor (parent or guardian) of students or staff, including family members, must sign in at the main desk and be escorted to the location where they will be visiting. Guests and visitors are expected to comply with all school rules and behavior expectations.

Consequences

At OnTECH Charter High School we understand that young people make mistakes, and it is the school’s role to support their socio-emotional growth as well as their academic growth. When our students make mistakes, our goal is to create opportunities for them to take accountability for their actions and correct their mistakes. As a school community, it is important that we all commit to steps to refocus our students and follow up with meaningful conversations, activities and accountability steps to ensure our students are supported in every way.

<u>Classroom Removals</u>
<p>In the case where classroom interventions are not successful a teacher may request that a student is removed from the classroom.</p> <ul style="list-style-type: none"> ● A teacher has the authority to request for a student to be removed from the classroom when the student’s behavior presents a continued danger to students or staff or an ongoing threat or disruption to the academic process. ● Once the situation is de-escalated, the student will have the opportunity to review and reflect on the details of the incident. At that time the student, designee and staff member (pending availability) will review all applicable incident data to determine the appropriate methods of restoring the school community. The overall goal of this process is to get students back into class as quickly as possible and develop a mutual respect between all parties. ● In cases of serious incidents, the Head of Community and Culture may decide that the behavior warrants additional consequences that would keep the student from returning to class until a parent meeting occurs. ● Disrespectful, continuous behavior (loitering in hallway or disrupting class or violation of cultural norm) may warrant a out-of-school suspension.

Loss of School Privileges

After notification of the parent(s) or guardian(s) a student may have certain privileges suspended if deemed appropriate. These privileges may include but are not limited to: after school sports, clubs, school social activities, field trips, and any other school sponsored extracurricular activity.

A student may be considered ineligible for trips/events for reasons including, but not limited to: involvement in a disciplinary incident on a prior trip, poor school attendance, misbehavior or severe lack of academic effort in the day or days leading to trip or sporting events.

Suspensions

Out of School Suspensions: Although we believe strongly in keeping students in the learning community during the school day, we want to ensure the safety of everyone in our school. If an individual poses a threat to themselves, others or compromises the learning community at large, OnTECH reserves the right to assign an Out of School Suspension (Short Term or Long Term) at the discretion of the Heads of Culture and Academics.

Short Term Suspension

This is an out of school suspension that lasts between 1 and 5 days.

Long-Term Suspension A Long-Term suspension is an out-of-school suspension which is more than 5 days (up to a year) due to severe infractions. Except in an emergency situation, prior to long term discipline of a student, an impartial hearing shall be conducted.

Expulsion If a student commits any major infraction, which constitutes an immediate threat to the safety of the community, he or she may be expelled permanently from the school. In addition, any breaches of Federal Law, New York State Law, or New York City Law, may be handled by the New York Police Department and may result in expulsion. Expulsion is defined as permanent exclusion from the school. Expulsion is an appropriate consequence when a student engages in disregard to the safety of others, and /or where it is necessary to safeguard the wellbeing of other students.

Student Discipline Matrix

Serious Infractions: *Based on the seriousness of the offense below, the school may recommend suspension.*

- Confirmed cases of bullying, intimidation, harassment, excessive teasing, threatening of peers, cyberbullying, sexting, improper use of social media or electronic means to bully or harass
- Continuous disrespectful behavior that undermines the learning environment, including but not limited to violation of our cultural norms.
- Drugs or alcohol: possession or using drugs and/or alcohol in school or school property or at any school related function.
- Possession of drug paraphernalia, electronic products, Vape pens, e-cigarettes, tobacco.
- Fighting (physical), assault
- Leaving School grounds
- Prohibited items: Facsimile or toy of a weapon, firecrackers, poppers, pets, water balloons, etc. Any item that may cause a disruption to learning or endanger others.
- Safety, endangering safety of student or staff (throwing objects and/or food, etc.)
- Smoking on School grounds
- Threatening assault of school personnel (verbal or physical)
- Trespassing: Bringing outside visitors with malice intent
- Vandalism/Graffiti: defacing and/or destruction of personal or school property

Egregious Infractions: *Based on the seriousness of the offense below, the school may recommend: Long Term Suspension, Expulsion and/or a Referral to Law Enforcement*

- Arson
- Assault or Battery of School Personnel
- Bomb Threat
- Extortion
- Tampering with Fire Alarm
- Robbery
- Weapon (possession or use of)
- Gang related intimidation or harassment,
- Sexual Related Offenses: assault or battery, harassment, violation,
- Pornography Distribution
- Confirmed Cases of Bullying
- Inappropriate use of electronics on School Grounds,
- Reckless endangerment; acting in a manner that may cause bodily injury to staff, students, or visitors and guests i.e. throwing material from windows, pushing on the stairways
- Sale of drugs or alcohol
- Theft/Burglary

Please note that your direct or indirect participation in any event relating to the above offenses can result in the most severe penalty. Self defense or self protection or preservation is not a valid excuse or justification for the offense.

Due Process Rights

Short Term Suspension

1. In the case of a student orchestrated incident that violates our Cultural Norms, the Head of Community and Culture will interview all involved parties, review any evidence provided and ensure that the incident is properly documented in writing.
2. A parent/ guardian will be contacted via letter and phone and invited to an informal conference about the incident via phone or in-person. During this meeting, the parent/ guardian will be presented the reasons for the removal from school and parents have a right to ask questions and review any related evidence. If a student is found to be responsible for the violation and suspension is decided, parents will receive a formal letter.
3. The Head of Community and Culture will send written notification of the short term suspension to the parent or guardian to the last address reported on school records stating the causes leading to the suspension, the length of suspension, details for compensatory education, what the student must do to re-enter the community and the parent/ guardians' right to request an appeal of the suspension.
4. In the case that the Head of Community and Culture or their designee is not able to reach a parent/ guardian via phone and/or email at the time of the incident, OnTECH reserves the right to implement immediate action such as alternative learning environment based on the severity of the incident. Any immediate consequences will be determined at the discretion of the Head of Community and Culture.

Informal Conference:

When notified about a Short Term Suspension decision, a parent has the right to request an informal conference to appeal the decision. An In-Person Meeting is recommended, but a parent may request a phone conference to appeal. During this time, parents/ guardians are prohibited from questioning other students as this action may be deemed as bullying or harassment and could impact the well-being of another student. Requests for appeals will be scheduled as soon as possible and normally within 5 days of assigned suspension. After reviewing the incident and any new information presented, Head of School will then revoke or continue any disciplinary action taken.

Re-entry from Short-Term Suspension:

All students who return from short term suspension must engage in a conference with the Head of Community and Culture. During that meeting we will determine if a student will be placed on a Behavior or Academic Contract and/ or engage in additional restorative activities.

Long-Term Suspension/Expulsion:

Except in an emergency situation, prior to a Long-Term Suspension or recommendation for expulsion of a student, an impartial hearing shall be conducted and governed by the procedure outlined below. Whenever an emergency exists, the hearing provided shall be held as soon as possible.

1. The School will provide written notice to the parent or guardian within 72 hours of the incident of the date and time of the Impartial Hearing. The Impartial Hearing should occur within a reasonable amount of time of the incident and when all parties can convene but ideally within 10 days.
2. The Hearing will be conducted by the an Impartial Hearing Officer, who will call the meeting to order, introduce the parties and counsel where applicable, and swear in any witnesses called by the administration or the student.
3. A parent may request to postpone the Hearing beyond the 10 days for a reasonable period to time to allow the parent and student to prepare their case. In such cases, if the student must remain out of school while awaiting the hearing, compensatory education will be provided. A student may be represented by counsel at the Hearing at the student's/parent's expense.
4. A verbatim record of the Hearing will be made either by a recording or by a stenographer.
5. The charges will be introduced into the record by the Academy Leader or designee.
6. Formal rules of evidence will not be followed. The Hearing Officer has the right to accept hearsay and other evidence if he or she deems that the evidence is relevant or material to its determination.
7. After the School has presented its case, the student will be asked if they have any witnesses or evidence to present. If so, the witness will be sworn, will testify, and will be subject to cross examination by the administration.
8. In cases where the student denies the allegation, the Hearing Officer must determine whether the student committed the offense(s) as charged.
9. The Impartial Hearing will be a bifurcated hearing of the guilt phase and the penalty phase.
10. If the student is found guilty during the guilt phase of the Impartial Hearing, the Hearing Officer will deliberate on the disciplinary action to be imposed upon the student during the penalty phase of the Impartial Hearing. The Hearing Officer will review the student's attendance record, academic record and behavior in the School community during its deliberations on the issue. Both positive and negative factors will be considered during the penalty deliberation phase.
11. Evidence of past disciplinary problems, suspension or expulsion of a student, can be considered for Long-Term Suspension or Expulsion, but may only be considered in the determination of the length of the Long-Term Suspension or Expulsion and nature of alternative educational opportunity being offered.
12. The Hearing Officer, after viewing the incident and the student's records, will make a recommendation to the Academy Leader as to the appropriate discipline to be applied.
13. The Hearing Officer, shall make finding as to the truth of these charges, if the student has denied them, whether the school has followed proper procedures, and in all cases the disciplinary action, if any, to be imposed.
14. In keeping with the Gun Free Schools Act, it shall be the policy of the School to expel a student for one full calendar year whenever the student is in possession of a weapon including a firearm. In this regard, the school has minimal discretion.
15. The Hearing Officer shall report its final decision in writing to the Academy Leader and the Academy Leader will notify the student, the parent or guardian, within 10 days of the hearing. The notice will state the reasons on which the decision is based and the disciplinary actions to be imposed. Said decision shall be based on the evidence presented at the hearing.

16. If a student withdraws from school after having been notified that a Long-Term Suspension or Expulsion hearing is pending, the hearing will be cancelled.
17. A parent can appeal the decision to the Board of Trustees within ten days by writing and sending a letter to the Board of Trustees Chairperson.
18. If the parent is not satisfied with the decision of the Board of Trustees, they can file a complaint.

Rights of Students with Disabilities

Discipline Procedures

Discipline of a student with a disability will be consistent with federal and state laws and may be adjusted to reflect individual needs. Federal and state law protections will apply whether the disability has been formally identified by a Committee on Special Education or the parent has asserted the right to these protections and the School is deemed to have had knowledge of a disabling condition before the behavior occurred that is the subject of the disciplinary proceeding. The following guidelines will be followed:

1. A student whose Individualized Education Program ("IEP") includes a behavior intervention plan which identifies specific consequences for certain kinds of conduct will be disciplined in accordance with the behavior intervention plan. If the behavior intervention plan appears not to be effective or if there is concern for the health and safety of the student or others, the student will be immediately referred to the CSE of the student's school district of residence for review of the BIP and consideration of a change in the plan or change of placement.
2. A student whose IEP does not include specific disciplinary guidelines may be disciplined in accordance with standard school policy, but may not be suspended for ten days or more except as described in Paragraph 3, below.
3. If a student with a disability has been referred for suspension for a violation of the code of conduct punishable by more than ten days the School will immediately refer the student to the CSE for a Manifestation Determination Review (MDR) to determine whether the conduct which is the subject of the suspension is connected to the student's disability. The School will notify the Parents about the suspension in writing and will also notify them of the referral to the Committee on Special Education and will provide them with access to the Procedural Safeguards Notice. If a disciplinary removal in excess of ten days is contemplated, the School will also request that the CSE conduct a Functional Behavioral Assessment.

If a student identified as having a disability is suspended repeatedly and a further suspension might result in a total of more than ten days out of school during the school year, the student will be referred to the CSE for an MDR and for a Functional Behavioral Assessment or review of a current BIP. In considering the placement of a student referred because of a series of disciplinary problems, the CSE will be expected to follow its ordinary procedures with respect to parental notification and involvement. If the CSE finds that the conduct in question was caused by, or had a direct and substantial relationship to the child's disability, the student will return to school and the School will work with the CSE to conduct a functional behavioral assessment on school

premises. If appropriate, the School will also ask the CSE to consider a change of placement. If the behavior is not a manifestation of disability, the suspension may continue and the School will request that a Functional Behavioral Assessment be conducted if deemed appropriate by the CSE.

A student whose conduct is a manifestation of a disability will be returned to class as soon as possible (but should not exceed ten days in any event) unless his parents' consent to a change of placement or unless he is found guilty of one of the following three offenses which are punishable by long-term suspension:

- Carrying a weapon to or possessing a weapon at school, on school premises, or at a school function;
- Knowingly possessing or using illegal drugs or selling or soliciting the sale of a controlled substance at school, on school premises, or at a school function;
- Inflicting serious bodily injury upon another person, while at school, on school premises or at a school function.

If the hearing officer appointed by the School finds that the Student was guilty of any of these three categories of offenses, the School will request that the CSE conduct a Functional Behavioral Assessment and will work with the CSE to transfer the student to an Interim Alternative Educational Setting for up to forty-five days. The CSE will arrange for instruction for the student in this alternative setting. The CSE will determine the amount and kind of the instruction to be provided. Instructional services should be adequate to enable the student to appropriately progress in the general curriculum and to achieve the goals of his or her IEP. If, upon review, it is determined that the child's behavior was not a manifestation of his or her disability, the child may be disciplined in the same manner as a child without a disability.

Parents may request an Impartial Hearing to challenge the manifestation determination. The Request will be made in accordance with procedures developed by the New York State Education Department for appeals from decisions of a Committee on Special Education. The student will remain in his or her current educational placement pending the determination of the hearing, but if the student is attending classes in an alternative setting at the time of the appeal from the manifestation determination, the student shall remain in the 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.

Section 504 of the Rehabilitation Act of 1973

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED). Section 504 provides: “No otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The Office for Civil Rights (OCR) enforces Section 504 in programs and activities that receive Federal financial assistance from ED. Recipients of this Federal financial assistance include public school districts, institutions of higher education, and other state and local education agencies, such as the OnTECH Charter High School (OnTECH). The regulations implementing Section 504 in the context of educational institutions appear at 34 C.F.R. Part 104.

The Section 504 regulations require OnTECH to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

It is the intent of OnTECH that parents of students who may have a disability under Section 504 be informed of their rights. A person with a disability is defined as a person who has a physical or mental impairment which substantially limits one or more major life activities, accepting disabilities that are transitory (6 months duration or less) and minor.

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

You have the right to:

1. Have your child partake in, and receive benefits from, public education programs without discrimination because of his/her disability.
2. Have OnTECH advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free, appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have OnTECH make reasonable accommodations in the educational program and placement to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to students without disabilities.

6. Have your child receive special education and related services if they are found to be eligible under state or federal special education law or if they require specialized services under Section 504.
7. Have evaluation, planning and placement decisions made based upon a variety of information sources, and by persons who know your child, the evaluation data, and placement/program options.
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by OnTECH.
9. Examine all of your child's educational records and obtain copies of those records at a reasonable cost, unless the fee would effectively deny you access to the records. You also have the right to request an explanation and interpretation of your child's records. Should you disagree with the records maintained by OnTECH for your child because you believe them to be inaccurate, misleading, or otherwise in violation of the privacy rights of your child, you may request that they be amended. If OnTECH refuses your request, you have the right to a hearing.
10. Request a meeting with the 504 Compliance Officer to review any concern over the actions of OnTECH with respect to the identification, evaluation, educational programs, or placement of your child. This meeting is not required by law, but frequently can resolve concerns.
11. Request mediation and/or an impartial hearing, with OnTECH' Board of Trustees, related to any decision or action regarding your child's identification, evaluation, educational program or placement. You and your student may take part in the hearing before an impartial hearing officer and have an attorney represent you. Under certain circumstances, you may be entitled to an award of reasonable attorney fees.
12. Appeal the decision of the hearing to the New York State Board of Regents, Charter School Office.
13. File a Complaint with OnTECH or the Office for Civil Rights if you feel the OnTECH has not acted in accordance with the law. The District 504 Compliance Officer will assist you in filing a Complaint or you may directly contact:

Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500

The 504 Compliance Officer for OnTECH Charter High School is:

Mr. Earl Evans

More information regarding the rights of students with disabilities can be found on the New York State Education Department's website at:

<http://www.p12.nysed.gov/specialed/publications/psgn1211.htm#appeal>

Individuals with Disabilities Education Act (IDEA)

If a parent, individual or organization believes that a school district or public agency has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) or State law/regulation related to the education of students with disabilities, they may submit a written, signed State complaint to the New York State Education Department (NYSED). OnTECH will provide a revised New York State (NYS) Sample Complaint Form that may be used to submit a complaint. Use of this form is recommended, but not required. If using your own format to submit a State complaint, you must provide the required information, as appropriate, as indicated on the sample form. Upon receipt of a written complaint by an individual or agency, NYSED must determine if the alleged violation occurred and issue a written decision of its findings. NYSED encourages parents and school districts to use mediation to resolve complaints regarding the education of a student with a disability.

Parent, Individual or Organization (Complainant) Submitting the State Complaint

- Requests for a State complaint must be made in writing.
- A State complaint must be signed by the complainant (faxed or e-mail signatures will not be accepted).
- The State complaint must include:
 - a statement that a school district or public agency has violated a requirement of Part B of IDEA or State law/regulation related to students with disabilities;
 - the facts on which the statement is based;
 - contact information of the person filing the complaint;
 - if alleging violations with respect to a specific child, include:
 - the name and address of the residence of the child;
 - the name of the school the child is attending;
 - in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending;
 - a description of the nature of the problem of the child (the concerns that led you to file the complaint), including the facts relating to the problem; and
 - a proposed resolution of the problem to the extent known and available at the time the person is filing the complaint.
- The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
- The individual filing the complaint must forward a copy of the complaint to the school district or other public agency serving the child at the time the person files the complaint with NYSED.

State Complaint Procedures

- The school district or public agency must give the procedural safeguards notice to the parent upon receipt of the first State complaint in a school year.
- The parent, individual or organization filing the complaint has the opportunity to submit additional information, either orally or in writing, about the allegations in the State complaint.

- The school district or public agency has the opportunity to respond to the State complaint, including, at a minimum: (a) at the discretion of the school district or public agency, a proposal to resolve the complaint and (b) an opportunity for the school district or public agency and the parent who filed the complaint to voluntarily engage in mediation.
- Within 60 calendar days after a complaint is filed (received), NYSED will issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusions and the reasons for the final decision. NYSED will include, if needed, procedures for effective implementation of its final decision, including technical assistance, negotiations and corrective actions to achieve compliance.
- NYSED can grant an extension of the 60-calendar-day time limit only if exceptional circumstances exist with respect to a particular State complaint or the parent, individual or organization and school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation.
- NYSED is required to set aside the complaint or any part of a State complaint that is being addressed in a due process hearing until the conclusion of the hearing. Any issue in the complaint that is not part of a due process hearing must be investigated and resolved. If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties, then the due process hearing decision is binding on that issue and NYSED will inform the complainant that the decision is binding. A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision will be resolved by NYSED.
- NYSED will review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of IDEA or State law/regulation and must, if it determines it to be necessary, carry out an independent on-site investigation.

The complaint form can be located here:

<http://www.p12.nysed.gov/specialed/formsnotices/statecomplaint/sampleform-912.pdf>

Student Bullying and Harassment Policy

OnTECH is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, OnTECH has in place policies, procedures and practices that are designed to reduce and eliminate bullying and harassment as well as process and procedures to deal with incidents of bullying and harassment when they occur. Bullying and harassment of students by other students, school officials, faculty, staff, and volunteers who have direct contact with students will not be tolerated in the network. The school prohibits harassment, bullying, hazing, cyber bullying or any other victimization based on real or perceived, including but not limited to, race, sex, creed, color, national origin, religion, marital status, disability, sexual orientation, physical appearance, and/or personality characteristics.

This policy is in effect while students are on property within the jurisdiction of the school; while on school-owned and/or school-operated vehicles; while attending or engaged in school functions; and while away from school grounds if the misconduct directly affects the good order and efficient management and welfare of the school. If after an investigation in the course of due process a student or staff member is found to be in violation of this policy, the student or staff member shall be disciplined by measures up to and including suspension, expulsion or dismissal.

Dignity Act for All Students Act (DASA)

OnTECH is in compliance with New York State's Dignity for All Students Act, also known as The Dignity Act, and most commonly referred to by its acronym, DASA, which is legislation in the State of New York, established to provide a school environment free of discrimination and harassment. New York State's Dignity for All Students Act seeks to provide all public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment and bullying on school property, as well as on a school bus or at a school function.

OnTECH's Dignity for All Students Act (DASA) Coordinator is Mr. Omar Gonzalez. Please contact him at omar.gonzalez@ontechcharter.com should you have any questions or need to report an incident or concern.

The School's Dignity Act Coordinator ("DASA Coordinator") has been trained to handle human relations in the area of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

Harassment

Harassment as set forth above may include, but is not limited to the following behavior/overt acts and or circumstances:

- Verbal, nonverbal, physical or written harassment, bullying, hazing or other victimization that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;

- Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Implied or explicit threats concerning one's grades, achievements, property, etc. that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Demeaning jokes, stories, or activities directed at the student or staff member that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Unreasonable interference with a student or staff member's performance or creation of an intimidating offensive or hostile learning environment.
- Sexting and cyberbullying – which is understood to mean in the most general sense using any electronic means of communications (including but not limited to email, instant messaging or posting on social network sites) to carry out any of the behavior/overt acts or circumstances listed above. OnTECH Charter High School will discipline and/or refer victims to Law Enforcement whenever evidence of cyberbullying is proven. Cyberbullying takes place through the use of computers, cell phones and other electronic devices. Examples of cyberbullying include:
 - ❑ Sending hurtful, rude, or mean text messages to others
 - ❑ Spreading rumors or lies about others by e-mail or on social networks
 - ❑ Creating websites, videos or social media profiles that embarrass, humiliate, or make fun of others

Cyberbullying can be understood in a variety of ways, but all include the following: it is deliberate, harmful, uses electronic technologies and is usually repeated over time. An imbalance of power is usually involved, but may be more difficult to describe since it may come from having proficiency with technology, or due to having possession of some information or content that can be used to harm someone else. One can be found guilty of cyber bullying by initiating the communication or participating in the communication or by being aware of the situation and not taking any action to stop it or notify an authority about it.

- Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
- Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
- The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive educational environment.

Retaliation against a student because the student has filed a bullying or harassment complaint, or assisted or participated in a harassment investigation or proceeding, is also prohibited. Students who knowingly file false harassment complaints or give false statements in an investigation shall be subject to discipline by measure up to and including suspension and expulsion, as shall any student who is found to have retaliated against another in violation of this policy.

The school will promptly and reasonably investigate allegations of harassment. The Head of Community and Culture or designee will be responsible for handling all complaints by students or staff alleging harassment.

It will also be the responsibility of the Head of Community and Culture or designee in conjunction with the investigator to develop procedures regarding this policy. The school administration will also be responsible for organizing training programs for student, school officials, staff and volunteers who have direct contact with children. The training will include how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies. The Principal or his/her designee will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment in the school. The Principal shall report to the board on the progress of reducing bullying and harassment across the school.

Contact Information		
	Name	Email
OnTECH Board of Trustees Chairperson	Ellen Eagen	ellen@ontechcharter.com
Head of Academics	Joshua Schneider	Josh.Schneider@ontechcharter.org
Head of Facilities and Operations	Keil White	Keil.White@ontechcharter.org
Head of Community and Culture	James Price	James.Price@ontechcharter.org
DASA Coordinator	Omar Gonzalez	Omar.Gonzalez@ontechcharter.org
Nurse	Patti Ashmore	PAshmore@scsd.us
NYSED Charter School Office (CSO) Liaison	Vicki Smith	Vickie.Smith@nysed.gov