



## **POLICY HANDBOOK**

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## DISCIPLINE POLICY

At Brooklyn Prospect Charter School ("Brooklyn Prospect" or the "School"), expected behaviors are used to give students guidance as they strive to exhibit appropriate behaviors. School personnel use these expected behaviors, and skill-building strategies to support struggling students, to ensure a positive school climate where students exhibit safe and responsible behavior. The school has the responsibility to hold all students accountable for exhibiting the expected behaviors and adhering to the code of conduct. The discipline policy is used to reinforce and educate students around the expected behaviors. The school does not tolerate discrimination and will use every tool to eliminate inconsistencies and disparities in discipline of students based on actual or perceived race, ethnicity, gender, disability, and other identities.

*Brooklyn Prospect beliefs and values that guide the discipline policy:*

1. All students want to meet the expectations of school. Challenging behaviors indicate that a student does not yet have the skills needed to do so.
2. Supports and interventions are an integral part of a comprehensive response to behavior.
3. Zero indifference, not zero tolerance, guides our response to incidents of bullying, bias, harassment and other behaviors that harm members of the community.
4. Building respectful and supportive relationships within an inclusive and engaged community is foundational to a positive school learning environment.
5. Consistent proactive discipline supports a positive learning environment. Faculty, administrators, staff, students and parents have a responsibility to help prevent problems before they arise and engage in effective early interventions.
6. Students perform best in a warm, orderly, and consistent classroom. Routines and systems throughout the school help students succeed.
7. With guidance from adults and within systems of support, students can demonstrate accountability for their actions, understand their impact on others, repair harm they have caused, and restore relationships.
8. Bribery and predetermined rewards undermine the development of an internal sense of responsibility and motivation.
9. All students can demonstrate appropriate behavior; therefore, the code of conduct is applied universally. No matter where students go on or around campus or online, the behavioral expectations are the same.

## THE DIGNITY FOR ALL STUDENTS ACT POLICY

Brooklyn Prospect Charter School and its Board of Trustees ("Board") are committed to providing a safe and productive learning environment within the charter school. In accordance with New York State's "Dignity for All Students Act" ("DASA") the School affirms that all students have the right to attend a safe and supportive school environment free of bullying, bias, harassment and/or discrimination based on real or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, or gender identity/expression. Our policies and practices will ensure that all students have equal access to their education and a sense of belonging in their school community.

The School will actively respond to incidents that violate this policy in order to stop the behavior from continuing and to prevent it from recurring. This includes promptly addressing reported incidents of bullying, bias, harassment and/or discrimination by employees or students on school property or at a school function.

In addition, Brooklyn Prospect reserves the right to discipline students, consistent with our Discipline Policy, who engage in bullying or harassment of students off school property under

circumstances where such off-campus conduct 1) affects the educative process; 2) actually endangers the health and safety school students within the educational system; or 3) is reasonably believed to pose a danger to the health and safety of school students within the educational system. This includes written and/or verbal harassment which materially and substantially disrupts the work and discipline of the school and/or which school officials reasonably forecast as being likely to materially and substantially disrupt the work and discipline of the school.

### Title IX – Sexual Harassment

The federal law Title IX, which prohibits gender-based discrimination and sexual harassment in schools, is included in our DASA policies and practices. Brooklyn Prospect does not tolerate sexual harassment by any of its students, either in school or online. Sexual harassment is defined as any unwanted and unwelcome sexual behavior that significantly interferes with a student's access to educational opportunities.

### Respect for All Liason

The Principal and Director of School Culture at each school are responsible for designating a staff member at each school to serve as that schools Respect for All Liason (also referred to as the "Dignity Act Coordinator" as in the Dignity for All Students Act).

The Respect for All Liason is a social worker, school counselor, dean of students or other school who is trained and supported by the Network Director of School Culture to use best practices to promote an inclusive and safe learning environment. Following network procedures, the Respect for All Liason responds to reported incidents of bullying, bias, harassment and/or discrimination with effective intervention, data management, use of restorative practices, and disciplinary recommendations. The Respect for All Liason will be accessible to students, families and other employees for consultation and advice in the areas of diversity, equity and inclusion. The Respect for All Liason also serves as their school's Title IX Coordinator.

### Reporting and Responding

Under the management of the Respect for All Liason, each school will make available to their students, staff and families a form to use for reporting any possible incidents that violate the Dignity for All Students Act. This form may be online or in the classroom and will allow for anonymous reporting. Under the supervision of the director of school culture and principal, the Respect for All Liason will respond to all reports using established protocols for educational interruptions, behavior interventions and incident investigations. These responses will be documented and communicated to families. Brooklyn Prospect prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bias, bullying, harassment and/or discrimination. All complainants and those who participate in the investigation of a complaint in conformity with state law and school policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

## **LEVELED DISCIPLINARY INFRACTIONS**

Brooklyn Prospect discipline protocols and consequences are designed so that students are aware of what is expected of them at all times and able to access the support and interventions needed for accountability and behavioral change. Brooklyn Prospect will take appropriate disciplinary steps when student's actions or inactions violate the School's Discipline Policy or interfere with the delivery of educational services, jeopardize the health, safety, and well-being of any member of the school community, or threaten the integrity and stability of the school itself.

### Where and When the Discipline Code Applies

A disciplinary offense may occur while the student is: at school and/or on school grounds; participating in a school-sponsored activity; walking to or from school or a school-sponsored event; walking to or from, waiting for, or riding on school-provided transportation; or walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored activity conducted off school grounds. School-related disciplinary offenses may also include misconduct outside the school, such as social media that reasonably could affect the school or learning environment. Administrators will use their professional judgment in determining which disciplinary action(s) will be most effective in dealing with the student's misconduct, taking into account the following factors:

### Determining the Disciplinary Response

In determining how to best address inappropriate conduct, it is necessary to evaluate the totality of the circumstances surrounding the incident. The following facts must be considered prior to determining the appropriate disciplinary measures:

- the student's age and maturity;
- the student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and guidance intervention measures applied for each);
- the nature, severity and scope of the behavior;
- the circumstances/context in which the conduct occurred;
- the frequency and duration of the behavior;
- the social emotional status/needs of all persons involved in the behavior;
- the student's IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan), and/or 504 Accommodation plan, if applicable.

Behavioral expectations and disciplinary responses are grouped into the following three levels based on the severity of the infraction.

- Level 1: Noncompliant, disorderly or disruptive behavior
- Level 2: Majorly disruptive or aggressive/harmful behavior
- Level 3: Seriously unsafe, dangerous or violent behavior

### Level One – Noncompliant, disorderly or disruptive behavior

Level one infractions include acts of misconduct that interfere with orderly classroom procedures, school functions, or a student's own learning process. Examples include, but are not limited to:

- Dress code violation
- Personal electronics use violation
- Unexcused absence from school and/or excessive tardiness
- Not following behavior expectations in the classroom after teacher redirections

- Failing to be in one's assigned place on school premises
- Falsifying a parent/guardian signature or email
- Using inappropriate language/profanity
- Engaging in insubordination
- Disrespectful and disruptive behavior causing the continuation of the class to be impossible
- Lying to, giving false information to, and/or misleading school personnel

### *Consequences for Level One Infractions*

Before consequences are given, students will first be supported in learning the skills necessary to enhance a positive school climate and avoid negative behavior. When students fail to abide by the standards set forth by the Brooklyn Prospect Code of Conduct, our response is immediate, appropriate, instructive, and consistent. Consequences fall under three broad categories:

- *Re-teaching* - students are reminded of the expectations and values that drive our school, their responsibility to uphold those, and the strategies they can use to be successful
- *Reflection* - students will have the opportunity to reflect on their behavior and its impact on themselves and others
- *Restoration*- students receive staff support in resolving conflict, repairing harm, restoring relationships
- *Consequences* - these include, but are not limited to:
  - Parent outreach
  - Removal from the classroom
  - Referral for dean intervention
  - In-school disciplinary action (e.g., detention, exclusion from extracurricular activities)
  - In-School Suspension or Out-of-School Suspension
  - Escalation to a Tier 2 behavior plan

### **Level Two- Majorly disruptive, aggressive or harmful behavior**

Level two infractions include serious acts of misconduct that create a major disruption in the learning environment or cause harm to others. Examples include, but are not limited to:

- Violations of DASA policy, including using biased speech, that do not meet the criteria for bullying or harassment, but that cause harm to community members or disrupt learning
- Defying or disobeying the authority or directive of school personnel in a way that substantially disrupts the educational process
- Cutting classes (reporting to school and failing to attend one or more scheduled classes)
- Leaving class or school premises without permission of supervising school personnel
- Violating the Computer Use Policy (e.g., use of the internet for non-educational purposes, security/privacy violations)
- Shoving, pushing, or similar physical confrontational behavior towards students or school personnel (e.g. pushing past faculty or staff)
- Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others
- Using or possessing cigarettes, tobacco, e-cigarettes, or vaporizers (these products will be confiscated if found)
- Taking or knowingly possessing property belonging to another without authorization (e.g. theft)

- Engaging in non-violent or non-threatening behavior that relates to gang affiliations (this includes, but is not limited to, wearing or displaying gang apparel and/or accessories, making gestures or signs, writing graffiti associated with gangs, identifying yourself as a member of a gang, or recruiting or soliciting membership for a gang)
- Engaging in an act of coercion, persuading somebody else to do something via threats or force
- Instigating or inciting violence, injury or harm to another or others
- Breaking the Academic Honesty Policy (*Please refer to BPCS Academic Honesty Policy*)
- Engaging in a pattern of persistent Level 1 or 2 behavior in the same school year

*Range of Disciplinary Responses for Level Two Infractions include, but are not limited to:*

- Parent outreach, including formal warning letters and/or required meetings
- Removal from class
- Referral for dean intervention
- Referral to Respect for All Liaison for educational interruption or behavior intervention
- In-school disciplinary action (e.g., detention, exclusion from extracurricular activities)
- In-School Suspension or Out-of-School Suspension (short-term or long-term)
- Referral to the Discipline Committee with recommendation for long-term suspension or expulsion
- Escalation to a Tier 2 behavior plan

### **Level Three- Seriously unsafe, dangerous or violent behavior**

Level Three infractions are those that are immediately and consistently addressed by administrators, including principals and school culture team members, using a consistently applied process. The six types of Level Three infractions are:

- Escalated incidents of bullying, bias, hate or harassment that violate DASA
- Escalated incidents of sexual harassment
- Substance abuse (including possession and/or distribution)
- Firearms and weapons
- Engaging in seriously unsafe behavior (including threats of violence, fighting and assault)
- Engaging in threatening, dangerous, or violent behavior that is gang related

#### *Substance Abuse*

A student found to be using, possessing, selling or giving away alcohol or drugs, having drug paraphernalia, or under the influence of drugs or alcohol will be subject to disciplinary action up to and including expulsion. It is the responsibility of every faculty and staff member to report immediately such activities to the Principal, who will initiate the next step in resolving the problem. If there is reasonable suspicion that a student is in possession of drugs, alcohol or tobacco because of smell, behaviors, or peer report, a school administrator will respond. The student's personal belongings and locker may be searched and a disciplinary response may be applied.

#### *Firearms and Weapons*

In accordance with the Gun Free Schools Act, firearms and weapons are strictly prohibited in or around school property. 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 school, or to

have possessed a firearm at school, except that the Prospect Schools CEO ("the CEO") 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 following are included within this definition:

- Any device, instrument, material, or substance that is used for or is readily capable of causing death or serious bodily injury. Knives with a blade of two and half inches or more in length fall within this definition.
- Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any weapon described above.
- Any firearm muffler or firearm silencer.
- Any destructible device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device.
- Any weapon which will, or may readily be converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter.
- Any combination of parts either designed or intended for use in converting any device into any destructive device in the two immediately preceding examples, and from which a destructive device may be readily assembled.

The CEO 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 CEO 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.

### *Engaging in Physically Aggressive Behavior*

Brooklyn Prospect values the safety of all of its students and employees. Students who engage in physically aggressive behavior towards other students or staff that creates a substantial risk of, or results in a minor injury or greater will be subject to disciplinary action. These behaviors include, but are not limited to, punching, hitting or kicking, taking someone to the ground, wrestling, pulling hair aggressively, or anything other than minor altercations as described in the Level II offenses below.

### *Engaging in Threatening, Dangerous, or Violent Behavior that is Gang Related*

Engaging in threatening, dangerous or violent behavior that is gang related is not tolerated at Brooklyn Prospect. This includes, but is not limited to, threatening someone by telling him/her you are in gang, coming to school with gang affiliated people in a threatening or intimidating way, or engaging in a fight with a group of gang affiliated people.

*Consequences for Level Three Offenses include, but are not limited to:*

- Parent Notification
- Referral to Dean for intervention
- Referral to Principal
- In-School Suspension or Out-of-School Suspension (short-term or long-term)
- Referral to law enforcement agency
- Referral to an unbiased decision making body composed of three senior level Prospect employees, generally principals and chiefs, who are not based at the student's school, hereinafter "Discipline Committee", with recommendation for long term suspension or expulsion

## **BULLYING, BIAS AND HARASSMENT**

When violations of the Dignity for All Students Act occur and there is a failure to respond to previously attempted educational and behavior interventions in Level Two, that meet the criteria of bullying and/or harassment, or that cause significant individual or community harm, the school will escalate to a Level Three disciplinary response. Repeated incidents of bias and incidents of hate speech/action that violate DASA are considered Level Three infractions. Brooklyn Prospect defines bullying and harassment as a chronic pattern of behavior inflicting of physical harm or psychological distress on one or more student(s). This may involve, but is not limited to, teasing, social exclusion, threat, intimidation, physical violence, theft, sexual, religious or racial harassment, public humiliation, or destruction of property. Bullying/harassment can happen in person or online.

- Systematic and chronic refers to behavior that is repeated even if it is not toward the same victim
- Bullying is different from harassment in that bullying involves a power imbalance and harassment is not necessarily one-sided

Bullying is defined as a series of acts or a single negative act (depending on severity) that involve(s) a real or perceived imbalance of power, i.e., where a more powerful (whether real or perceived) group of students, or an individual student engages in harassment of another student or students who is/are less powerful or perceived to be less powerful. Bullying can take many forms, including but not necessarily limited to the following three forms:

1. Physical (including, but not limited to, hitting, kicking, spitting, pushing, and taking personal belongings)
2. Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats)
3. Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation)

Cyber-bullying takes many forms, and is defined as online social cruelty or electronic bullying that involves the use of information technology, including social media, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate students. This includes but is not necessarily limited to sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; stating that a person's life doesn't have value; pretending to be someone else in order to make that person look bad; posting pictures online without owner's consent.

### *Sexual Harassment*

Examples of sexual harassment may include, but are not limited to, the following behaviors:

- verbal harassment or abuse of a sexual nature (for example, pressuring or coercing someone to date, kiss, or touch in an inappropriate manner)
- repeated remarks to a person with sexual or demeaning implication (for example, referring to a person's body in a sexual way)
- displaying, showing, giving or leaving sexually suggestive objects, pictures, illustrations, videos, messages or written materials, in person or online
- making sexual or suggestive comments, jokes or gestures
- "sexually rating" an individual, for example, on a scale from 1 to 10
- harassing someone with whistles, jeers or catcalls
- touching, grabbing, brushing up against, or pinching in a manner perceived as sexual
- spreading sexual rumors about a person
- pulling/removing clothing in a sexual manner
- requesting sexual favors
- distributing, showing, or possessing without consent a picture or image of another student that is sexual in nature

Those being bullied or harassed should take the following steps:

- a. Ignore the harasser or clearly tell the harasser to stop.
- b. Walk away whenever the bullying and/or harassment starts.
- c. Immediately report the incident to an adult at the school, such as a teacher, dean, advisor or principal.
- d. Complete a report on the DASA violation form (online or in the classroom) to inform your Respect for All Liaison of what has happened.
- e. With the help of an adult, create a written record of the incident including date, time, witness(es) and parties involved in the incident.
- f. Avoid being alone with the person accused of bullying and/or harassment.

We are committed to working with students who may be targets of bullying, bias and/or harassment, who engage in bullying, bias and/or harassment, or who witness bullying, bias and/or harassment of any kind. Each situation is taken seriously and addressed on an individual basis. A student has the right at any time to raise the issue of sexual or racial harassment to an adult without fear of reprisal. Allegations of bullying and/or harassment are promptly investigated, giving due regard to the need for confidentiality.

*If you know of someone who is being bullied and/or harassed, please tell an adult.*

### **Procedures for Responding to a Report of DASA Violation**

All reports of instances of behavior that may violate the Dignity for All Students Act, including reports of sexual harassment, are made to that school's Respect for All Liaison who coordinates the response. The following steps are taken to stop the behavior from recurring, support the target, and prevent the behavior from recurring. The school may begin at ANY intervention step based on the severity of the infraction.

#### **Intervention 1: Educational Interruption**

- Target is given support and educated about their rights under DASA.
- The aggressor is guided to reflect on their behavior, its impact on others, and the school's DASA policy.
- Bystanders are supported and educated about DASA.
- Accountability is taken and restorative steps supported, as appropriate.
- Advisors and parents are notified of the conversations that occurred.

#### **Intervention 2: Early Behavior Intervention**

- Warning letter #1 is issued to student and family.

- Respect for All Liason facilitates a meeting that may include family, Advisor, student, peers, counselor/social worker.
- Short-term counseling and/or skills development work with Respect for All Liason

If it is determined that an incident may meet the established criteria for bullying or harassment it will be fully investigated by the Respect For All Liason and under the supervision of the director of school culture. The purpose of the inquiry will be to clarify and substantiate the actions of the aggressor(s) and bystander(s) and the impact on the target. The school may escalate to ANY intervention step based on the severity of the incident.

#### Intervention 3: Escalated Behavior Intervention

- Warning letter #2 is issued to student and family
- Mandatory family meetings occur separately for the target and the aggressor, led by the director of school culture and supported by the Respect for All Liason.
- Support plan put in place for the target.
- Tier 2 DASA behavior plan put in place for the aggressor (may include no-contact expectations)
- As appropriate, restorative justice activities that promote accountability, repair harm, and restore relationships.

#### Intervention 4: Disciplinary Action

- Mandatory family meeting, led by the Principal and supported by the head of culture and Respect for All Liason.
- In- School Suspension or Out-of-School Suspension (short or long-term)
- Tier 3 DASA behavior plan put in place, outlining disciplinary actions that will be taken if behavior continues
- Possible recommendations for expulsion
- Possible report to the police (if criminal behavior has been reported)
- As appropriate, restorative justice activities that promote accountability, repair harm, and restore relationships.

## DISCIPLINARY MEASURES

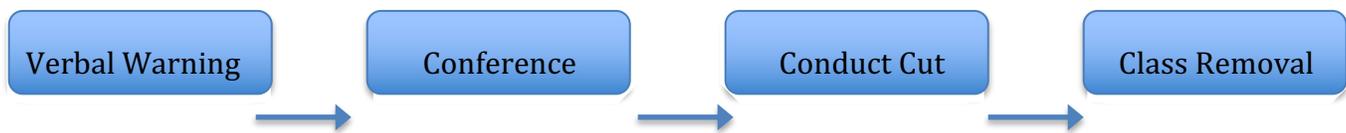
### Behavior Interventions, Tracking and Communication

Brooklyn Prospect's school wide systems for responding to challenging student behaviors create consistent ways of tracking and communicating the student's misbehavior and the intervention strategies implemented by staff. The two systems include:

- Classroom management led by teachers
- School-wide expectations led by deans
- Response to Intervention (RtI) led by the director of school culture

### *Conduct Cuts, Community Violations and Class Removals (Grades 6-12)*

Using the Ladder of Consequences, teachers uphold established behavior expectations that ensure a productive, safe and calm classroom environment where everyone can learn. The system is designed to consistently ensure that students understand what is expected and are given the opportunity and support to self-correct the misbehavior. The data collected for number of conduct cuts/community violations or class removals is used to identify when students are in need of escalated tier 2 behavior interventions. Implementation of this system differs from middle to high school in order to be developmentally responsive.



- Verbal Warning: The teacher restates expectations and checks for understanding, providing a chance for students to re-direct themselves.
- Teacher Conference: This is an opportunity for a quick collaborative conversation around the problem behavior resulting in a plan for how the student can change.
- Conduct Cut/Community Violation, grades 6-8 only – Despite redirections, a warning, and a conference, student is still misbehaving, and so a conduct cut/community violation is given to the student. The teacher logs the incident and communicates to parents and the school culture team.
- Class Removal/Send Out – The student has continued the misbehavior, further disrupting class, and demonstrating a need for personalized intervention. The student is referred to the dean who leads an intervention that supports social/emotional growth and personal accountability while prioritizing readiness to successfully return to class. In order to minimize loss of instructional time, students are supported to re-enter the classroom as soon as they are ready. In some instances, a student may not demonstrate readiness, or have engaged in an unsafe behavior, and further intervention may be needed.

### ***Detention***

The School may choose to use detentions for Level One infractions, including:

- Unsuccessful class removal/send out
- Repeated uniform, dress code and/or personal electronics violations
- Leaving class without permission
- Failing to be in one's assigned place on school premises
- Disturbing or interrupting a class where one does not belong
- Cutting class
- Other incidents at dean's discretion

### ***Response to Behavior Intervention (RtI)***

When students struggle to meet the behavior expectations of the school, and their challenging behaviors do not respond to universal tier one interventions (conduct cuts, community violations, detentions, family outreach, educational activities), individualized behavior interventions will begin. The director of school culture will establish the thresholds for triggering a tier 2 intervention, and facilitate a process that includes the following:

- An assessment of the student's lagging thinking, social and emotional skills
- A wrap-around meeting using the collaborative problem solving model
- Close collaboration with case manager and student support services teams for students with exceptionalities on Individualized Education Plans (IEPs)
- Development and implementation of a tier two behavior plan to include personalized supports, appropriate accommodations, and clarified expectations and consequences

Students' progress on tier 2 plans is closely monitored. Those students not making significant progress, or who engage in a serious level three infraction will escalate to a tier 3 intervention. Led by the head of student support services, and in collaboration with the director of school culture, the following steps will be taken:

- Conduct a functional behavioral assessment (FBA)
- Convene a child student team
- Develop and implement a tier 3 behavior plan with escalated disciplinary consequences
- Consideration of review of placement or referral for special education evaluation

### *Restorative Justice Alternatives*

When appropriate, the school culture team may use a restorative justice alternative to disciplinary action or in addition to a consequence such as suspension. The purpose of a restorative justice alternative is to promote personal reflection, repair harm that has occurred, and restore relationships that have been damaged. Through these processes, students are supported in taking true accountability for their actions and upholding their responsibilities as community members. Restorative practices may include:

- Mediation to resolve conflict between two people
- Conferencing to resolve conflict within a small group
- Circle to repair harm within a larger group
- Circle to support a student's re-entry from suspension

### **Loss of School Privileges**

After notice to the student and parent(s) or guardian(s), a student may be suspended from participation in any or all extracurricular activities. The student and parent(s) or guardian(s) shall be given an opportunity to meet informally with the principal or teacher involved. If possible, the principal or teacher involved shall hold any requested meeting prior to imposing the suspension from participation in extracurricular activities. This also includes exclusion from participating on a sports team, as described in the Brooklyn Prospect Student and Family Handbook.

### **Suspension**

#### *Definitions*

For purposes of this Policy:

- "Short term suspension" shall refer to the removal of a student from school for disciplinary reasons for a period of ten or fewer days
- "Long term suspension" shall refer to the removal of a student from school for disciplinary reasons for a period of more than ten days.
- "Expulsion" shall refer to the permanent removal of a student from school for disciplinary reasons.
- "In-School suspension" shall refer to the temporary removal of a student from the classroom and placement in another area of the school where the student will receive substantially equivalent education.

### **Short Term Suspension**

In addition to the Level Offenses noted above, a student who is determined to have 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 circumstances of the incident and the student's disciplinary record. Such a student also may be subject to any of the

additional disciplinary measures set forth in this policy, and referrals to law enforcement authorities may be made, as appropriate.

#### Disciplinary Infractions

- Attempt to assault any student or staff member
- Vandalize school property causing minor damage
- 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 that disrupts school or classroom activity or endangers or threatens 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.
- Steal, attempt to steal, or possess property known by the student to be stolen.
- Commit extortion
- Engage in gambling
- Drive recklessly on school property
- Trespass on school property
- Abuse school property or equipment
- Use obscene or abusive language or gestures
- Engage in acts of sexual harassment, including but not limited to sexually related physical contact or offensive sexual comments
- Possess tobacco or alcohol
- Wear inappropriate, insufficient, or disruptive clothing or attire, and/or violate the student dress policy
- Refuse to identify himself or herself to school personnel
- Repeatedly commit minor behavioral infractions that, in the aggregate, may be considered an infraction subject to formal disciplinary action
- Fail to adhere to a previously created behavior plan
- Commit any other act which school officials reasonably conclude warrants a short-term suspension, including any of the Level One or Level Two infractions listed above, or an aggregate of Level Three infractions

#### *Procedures and Due Process for Short Term Suspensions*

The school principal may impose a short term suspension and shall follow due process procedures consistent with *Goss v. Lopez*, 419 U.S. 565 (1975). Before imposing a short term suspension or other, less serious discipline, the school principal or his/her designee (including the director of school culture or a dean) shall 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.

In the event of the imposition of a short-term suspension, the student will be notified if it is to be served in school or out of school. The school principal also shall immediately notify the parent(s) or guardian(s) in writing that the student has been suspended from school. Written notice shall be provided by personal delivery, express mail delivery, e-mail, 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 that resulted in the suspension and shall offer the opportunity for an immediate informal conference with whomever has imposed the

suspension. The notification and informal conference shall be in the dominant language used by the parent(s) or guardian(s).

### Long Term Suspension

In addition to the Level Offenses that may result in a long-term suspension as detailed above, a student who is determined to have committed any of the infractions listed below shall be subject minimally to a long term suspension, unless the principal determines that an exception should be made based on the circumstances of the incident and the student's disciplinary record. Such student also may be subject to any of the additional disciplinary measures set forth in this policy, and referrals to law enforcement authorities may be made, as appropriate.

#### *Disciplinary Infractions*

- Possess, use, attempt to use, or transfer any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the student at school. The school has the right to give these consequences for any item it deems a weapon.
- Commit or attempt to commit arson on school property.
- Possess, sell, distribute or use any alcoholic beverage, controlled substance, imitation controlled substance, or marijuana on school property or at school-sponsored events.
- Assault any other student or staff member.
- Intentionally cause physical injury to another person, except when the student's actions are reasonably necessary to protect him/her from injury.
- Vandalize school property causing major damage.
- Commit any act that school officials reasonably conclude warrants a long-term suspension.
- Make false bomb threat or pull a false emergency alarm.

In addition, a student who commits any of the acts which would ordinarily result in a short-term suspension, may instead be subject to a long-term suspension at the discretion of the principal.

#### *Procedures and Due Process for Long Term Suspensions or Expulsions*

A long-term suspension refers to the removal of a student from Brooklyn Prospect for disciplinary reasons for a period of more than ten (10) days. Expulsion refers to the permanent removal of a student from Brooklyn Prospect for disciplinary reasons. Expulsion is the final level of correction.

Upon determining that a student's action warrants a possible long-term suspension or expulsion, the following procedure, in compliance with applicable case law, will be followed:

- The student shall immediately be removed from the class or the school, as needed.
- The student shall be informed of the charges and the evidence for those charges; where applicable, the student will have the opportunity to explain his or her side of the events.
- The CEO shall immediately notify a parent or guardian of the student, in person or on the phone.
- The CEO shall provide written notice to the student and his or her parent(s) or guardian(s) that the school is going to commence a disciplinary hearing. Notice to the student and his/her parents/guardians shall provide a description of the incident or incidents which resulted in the suspension and shall indicate that a formal disciplinary 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) if it is known to be other than English. The notice will state that at the hearing, the student shall

have the right to be represented by counsel, present and question witnesses, and present evidence.

- The school will set a date for the hearing. The student and his or her parent(s)/guardian(s) will be notified in writing of the:
  - a) Charges and a description of the circumstances that gave rise to the hearing
  - b) Date, time and place of a hearing
  - c) Notice of the right at the hearing to:
    - Be represented by legal counsel (at the student's/parent's/guardian's own expense)
    - Present evidence and question witnesses
    - Notice that an electronic or written record of the proceedings will be created and made available to all parties.

The school will attempt to reach the family by phone call to discuss the hearing.

- In advance of the hearing, statements and a witness list will be provided to the Student's family/counsel.
- In advance of the hearing, any documents on which the school intends to rely and a witness list will be provided to the Student's family/counsel. If necessary, records will be redacted in accordance with FERPA.

The Discipline Committee or their designee shall serve as a panel of hearing officers and preside over the hearing. The Discipline Committee shall, within four school days of the hearing, issue a written decision to the student, the parent/guardian, and the school's Board of Trustees. If the student and parent(s) or guardian(s) fail to appear at the scheduled hearing, despite appropriate notice the hearing shall take place regardless, and the Discipline Committee shall make a decision based on information at hand.

#### Appeals and/or Complaints

Appeals are heard by members of the BPCS Board of Trustees upon any of the three following grounds:

1. **Facts are in dispute**, for example, the student did not do what the school is alleging;
2. **Process was inappropriate**, the school faculty or administration did not follow reasonable process and/or the policies and procedures set out by the student handbook. This must be a material breach; and/or
3. **Consequence is not appropriate for the infraction**; the punishment is not in alignment with the discipline policy outlined in the student handbook.

A request for an appeal must be received by the school's board chair within two weeks of the Discipline Committee's written decision. Upon receipt of such a request, an appeal panel comprised of no less than three trustees who were not involved in the hearing will hear the appeal within 30 business days. Each party will have twenty minutes in which to make a statement. The scope of the appeal will be limited to positions and the record established during the hearing. In rendering its decision, the panel may consult the transcript of the hearing and any evidence submitted in connection with it. The panel will provide a written ruling within five school days. For matters alleging a violation of law or of the School's charter agreement, submissions of complaints may be made to the school's authorizer and/or the State Department of Education. If the student and parent(s) or guardian(s) fail to appear at the scheduled hearing, the hearing shall take place regardless, and the panel shall provide a written ruling on information at hand.

#### Additional Suspension Periods/Expulsion

In the event of the imposition of a long-term suspension, the principal may also recommend the imposition of an additional suspension period or expulsion of the suspended student, based on the circumstances of the incident and the student's disciplinary record.

### **Provision of Services During Suspension Period**

In accordance with applicable law, Brooklyn Prospect will ensure that alternative educational services are provided to a student who has been suspended to help that student progress in the school's general curriculum.

Alternative instruction 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 student's home, a contracted facility (e.g., in the school district of location), or a suspension room at the school. Instruction will be provided by one or more of the following individuals in consultation with the student's teacher(s): teacher aides or trained volunteers, individuals within a contracted facility, a tutor hired for this purpose.

### **Suspension Policy for Students in Special Education**

Students with disabilities have the same rights and responsibilities as other students, and may be disciplined for the same behavioral offenses. Discipline of a student identified as having a disability, however, will be in accordance with the following:

Students for whom the Individualized Educational Plan ("IEP") includes specific disciplinary guidelines will be disciplined in accordance with those guidelines. If the disciplinary guidelines appear not to be effective or if there is concern for the health and safety of the student or others if those guidelines are followed with respect to a specific infraction, the matter will be immediately referred to the Committee on Special Education ("CSE") of the student's district of residence for consideration of a change in the guidelines. Students with an accommodation plan under Section 504 of the Rehabilitation Act of 1973 will be disciplined in accordance with that plan (29 U.S.C. §§ 794 and 705(20)).

- Students for whom the IEP does not include specific disciplinary guidelines may be disciplined in accordance with standard school policy relating to each infraction. The CSE of the student's district of residence shall be notified immediately of any suspension from classes, and the school shall work with the CSE to arrange appropriate alternate instruction.

If there is any reason to believe that the infraction is a result of the student's disability, the student will immediately be referred to the CSE of the student's district of residence. If a connection is found, no penalty may be imposed, and the school will work with the CSE to consider a possible program modification.

If a student identified as having a disability is suspended during the course of the school year for a total of eight days, such a student will immediately be referred to the CSE of the student's district of residence for reconsideration of the student's educational placement. 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 student's district of residence prior to the eleventh day of suspension, because such suspensions are considered to be a change in placement.

In considering the placement of students referred because of disciplinary problems, the CSE of the student's district of residence is expected to follow its ordinary policies with respect to parental notification and involvement.

1. Brooklyn Prospect shall work with the district to ensure that the CSE of the student's district of residence meets within seven school days of notification of any of the following, for the purpose of considering a change in placement for the student involved:
  - a. The commission of an infraction by a student with a disability who has previously been suspended for the maximum allowable number of days.
  - b. The commission of any act resulting from the student's disability.
  - c. 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.

### **Disciplinary Procedures for Students Not Yet Formally Identified as Disabled**

A student not specifically identified as having a disability but whose school district of residence or charter school has a basis of knowledge (in accordance with 34 CFR §300.527(b)) that a disability exists prior to the behavior which is the subject of the disciplinary action shall be disciplined in accordance with these provisions.

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

For those students removed for a period less than ten days, Brooklyn Prospect shall ensure that each affected student receives 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. Brooklyn Prospect also shall provide additional alternative instruction with the reasonable promptness and by appropriate means to assist the student, so that the student is given full opportunity to complete assignments and master the 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, Brooklyn Prospect personnel, in consultation with the child's special education teachers, shall make the services determination.

During any removal for drug, weapon, or infliction of serious bodily injury-related offenses pursuant to 34 CFR §300.530(g), services will 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. These service determinations will be made by the CSE of the student's district of

residence. Brooklyn Prospect will place students in interim alternative educational settings as appropriate and mandated by the IDEA.

During any subsequent removal that does constitute a change in placement but where the behavior has been found by the CSE to not be 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 student's district of residence will make the service determination.

### **CSE Meetings**

Meetings of the CSE of the student's district of residence to either develop a behavioral intervention plan or, if the student has one, to review such plan, are required when: (1) the student 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, Brooklyn Prospect will work with the CSE of the student's district of residence to review the student's assessment plan and its implementation to determine if modifications are necessary. If one or more members of the CSE of the student's district of residence 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 student's district of residence and other qualified personnel shall meet and review the connection between the student's disability and the behavior subject to the disciplinary action.

If, upon review by the CSE, it is determined that the student's behavior was not a manifestation of his or her disability then the student may be disciplined in the same manner as a student 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 student will remain in his or her current educational placement pending the determination of the hearing.

If a parent requests a hearing or an appeal regarding a disciplinary action relating to weapons or drugs to challenge the interim alternative educational setting or the manifestation determination, the student 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.

### **SEARCH AND SEIZURE**

A student and/or the 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.

Student lockers and desks remain the property of the Brooklyn Prospect, though the school is not responsible for books, clothing, or valuables left in lockers or desks. A student shall not place or keep in a locker or desk any article or material which is of a non-school nature and may cause or tend to cause the disruption of the mission of the school.

The following rules shall apply to the search of school property assigned to a specific student and the seizure of illegal items found therein:

- School authorities will make an individual search of a student's locker, desk, or belongings only when there is reasonable suspicion to believe that a student is in the possession of an item which is prohibited on school property or which may be used to disrupt or interfere with the educational process.
- Searches shall be conducted under the authorization of the CEO or his/her designee, including principals or the director of school culture.
- 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 lockers or desks by school authorities.

## **PERSONAL ELECTRONIC DEVICES POLICY**

In order to ensure that all of our students can learn in an environment free of distractions, schools will set developmentally appropriate policies for student cell phones and other devices. Our elementary and middle schools do not allow personal electronic devices ("PEDs") at any time during the school day once classes have begun. Please be mindful of the following parameters with personal electronic devices "PED":

- Students may NEVER use PEDs in the classroom, except when directed to by their teacher for an educational purpose.
- Students may use PEDs in the library in conjunction with library rules.
- Students may not use PEDs to bully or harass other students, faculty, or staff in any way, including through social media. Violations of this policy will result in the prescribed consequences outlined in the bullying/harassment section of this handbook.
- Students may not use PEDs to photograph other students or staff members without express permission from a faculty member.
- PEDs may not amplify music or sound from videos at any time or in any school space.
- Any staff member may direct a student to put away a PED. Failure to comply with this request will result in a referral to the dean.
- Students struggling to follow their school's policies for PEDs may be placed on a tier two behavior intervention plan and/or have a temporary loss of privilege.
- Failure to use PEDs in a positive manner will result in disciplinary consequences.

## **STUDENT INTERNET/COMPUTER USER AGREEMENT**

Brooklyn Prospect provides its students with computers, internet access and school accounts to help students improve their learning. These resources are for educational purposes only and the following are examples of appropriate and inappropriate use of school resources, including when

at home. The following are guidelines for all students using technology at Brooklyn Prospect. Students will:

1. Use appropriate and respectful behavior when working and communicating with others.
2. Use appropriate language when writing or chatting with others in the community.
3. Show respect for all computers and software, which includes not picking keys off the keyboard and not downloading unauthorized apps, games, widgets, etc.
4. Not use the internet to share personal information about himself or herself or anyone else. This includes name, address, phone number, photograph, etc.
5. Not access another student's account. If a student sees that another student is logged into their account, the student will log out that other student.
6. Not look at or use anyone else's work without permission.
7. Not use anything from the computer or internet or send anything over the internet that belongs to someone else without the owner's permission.
8. Keep their own passwords secure.
9. Share the school computers and internet.
10. Understand that anyone can read the messages sent from the computer, and that work stored on the school computer is not private.
11. Understand that from time to time the school computer or internet connection may not be working.
12. Ask for help if unsure how to use any or part of the school computer system
13. Never impersonate someone else or send a message from another student's account.
14. Remember to sign out of email every time that student uses a school computer.
15. Understand that they are responsible for any computer assigned to them.

Any violations of this user agreement may be subject to consequences including receiving a conduct cut/demerit, other school consequences such as detention or service in action, losing account privileges, disqualification of computer/internet/account usage, etc.

Students and families will be held financially responsible and liable for any and all damage and/or destruction of Brooklyn Prospect property caused by or involving their student, including when a computer is assigned to a student.

## **DRESS CODE AND UNIFORM POLICY**

Brooklyn Prospect strives to offer a learning environment based on high expectations and inclusion of cultural and socio-economic diversity. This includes setting guidelines for how students dress and present themselves at school. Each school sets their developmentally appropriate dress code or uniform policy, as follows:

- Elementary School – Uniform
- Middle School – Uniform
- High School – Dress Code

## **ACADEMIC HONESTY POLICY**

### *Statement of Philosophy*

Brooklyn Prospect's mission is to prepare a diverse student body to have a positive impact on society and a lifelong passion for learning. In an effort to promote our mission through the International Baccalaureate program, and to prepare our students for the expectations of colleges and universities, we must act to maintain the values of academic honesty and integrity.

This policy describes the responsibilities of the students, teachers and administration in upholding academic integrity and promoting scholarship, while at the same time respecting the rights of students. All members of the Brooklyn Prospect community are responsible for acting in accordance with the provisions of this policy. Families and students cement their commitment to this policy by signing the Brooklyn Prospect Academic Honesty [agreement](#) annually.

### *Responsibilities*

Students are responsible for:

- Understanding the types of conduct that are deemed unacceptable and, therefore, are prohibited by this policy.
- Refraining from committing any act of cheating, plagiarizing, facilitating academic dishonesty, abusing academic materials, stealing, or lying.
- Responsible for monitoring their own academic work for plagiarism and academic dishonesty through active use of Turnitin.com, including but not limited to checking their work for plagiarism before submitting work for grading.
- Refraining from acts of intimidation, threats of physical harm, or threats of retribution in an attempt to prevent the testimony of another member of the Brooklyn Prospect community (student or teacher) during an investigation regarding academic honesty.
- Reporting every instance in which the student has a suspicion or knowledge that academic conduct which violates this policy or its spirit has taken place to the faculty member responsible for instruction, or to a member of the Brooklyn Prospect administrative staff.

Teachers are responsible for:

- Developing an instructional environment that reflects a commitment to maintaining and enforcing academic integrity.
- Teaching students the technical skills essential to academic honesty, such as research techniques, which ideas or techniques should be acknowledged, how to cite sources correctly and how to write works cited pages.
- Helping students to develop the social skills essential to academic honesty, such how to collaborate effectively with others and how to give peer feedback.
- Protecting honest students from being taken advantage of by those who behave dishonestly;
- Understanding and implementing the procedures of this policy when handling suspected instances of academic dishonesty.
- Whenever possible, insisting that rough drafts of assessments be submitted to Turnitin.com, prior to submitting the final draft (required for all IB/DP assignments).
- Handling every suspected or confirmed instance of the violation of the provisions of this policy in accordance with the procedures set forth in this document.
- Ensuring that any person accused under the provisions of this document is accorded due process.

BPCS Administrative Staff is responsible for:

- Making academic honesty a school-wide priority.
- Making all members of the school community aware of the provisions of this document.
- Tracking academic honesty violations (school culture team).

- Evaluating the effectiveness of the measures taken by teachers to promote academic integrity and making suggestions for improved practice.

Parents are responsible for:

- Teaching their student to assume responsibility for learning;
- Reading and understanding the Academic Honesty Policy;
- Promoting proper student conduct and learning;
- Helping to avoid academic dishonesty by verifying the source of information used to complete an assignment or paper to ensure authenticity, originality (where appropriate) and proper attribution.
- Assisting the school with proper consequences for students found in violation of the Academic Honesty Policy;
- Meeting with school officials to discuss matters related to discipline.

### Definitions of Academic Dishonesty

#### *1. Cheating*

Definition: Using or attempting to use unauthorized materials, information, notes, study aides or other devices, or obtaining unauthorized assistance from any other source for work submitted as one's own individual efforts in any class, assignment, or examination.

Examples of cheating include, but are not limited to:

- Copying from another student's paper or test, or receiving assistance from another person during a test, exam, or other assignment in a manner not authorized by the instructor;
- Possessing, buying, selling, removing, receiving, or using at any time or in any manner not previously authorized by the teacher a copy or copies of any test, exam, or other materials intended to be used as an instrument of evaluation in advance of its administration;
- Using material or equipment not authorized by the teacher during a test, exam, or other academic evaluation, such as a calculator, tape recorder, or cell phone;
- Working with another or others on any test, exam, or take home test or exam, computer or laboratory work, or any other assignment when the instructor has required independent or unaided effort;
- Submitting, without prior permission, the same academic work that has been submitted in identical or similar form in another class, or in fulfillment of any other academic requirement at Brooklyn Prospect.

#### *2. Plagiarism*

Definition: Representing orally or in writing, in any academic assignment or exercise, the words, ideas or works of another as one's own without customary and proper acknowledgment of the source.

Examples of plagiarism include but are not limited to:

- Submitting material or work for evaluation, in whole or in part, which has been prepared by another individual(s) or commercial services;
- Directly quoting from a source without the customary or proper citation;

- Paraphrasing or summarizing another's work without acknowledging the source.

Teachers may request that written work be submitted electronically so assignments can be evaluated by an internet plagiarism prevention system.

### 3. *Facilitating Academic Dishonesty*

Definition: Helping or attempting to help another person commit an act of academic dishonesty.

Examples of facilitating academic dishonesty include but are not limited to:

- Providing assistance to another during a test, exam, or other assignment in a manner not authorized by the instructor;
- Providing specific information about a recently given or future test, exam or other assignment to another student who thereby gains an unfair advantage in an academic evaluation;
- Permitting one's academic work to be represented as the work of another;
- Preparing for sale, barter or loan to another such items as unauthorized papers or notes.

### 4. *Abuse Of Academic Materials*

Definition: Destroying, altering or making inaccessible academic resource materials

Examples of abuse of academic materials include, but are not limited to:

- Destroying, altering, or otherwise making unavailable for common use library, computer, or other academic reference materials;
- Destroying, altering, or otherwise making unavailable another's notes, experiments computer programs, or other academic work.

### 5. *Stealing Academic Materials*

Definition: Taking, attempting to take, or withholding the property of another thereby permanently or temporarily depriving the owner of its use or possession.

Examples of stealing academic materials include, but are not limited to:

- Unauthorized removal, copying, or use of library materials, examinations, computer programs, or any other academic materials, including obtaining advanced access to an examination through collusion with another;
- Unauthorized taking, copying or using another's academic work, such as papers, computer programs, laboratory experiments, or research results.

### 6. *Lying Related to Academic Matters*

Definition: Making any oral or written statement related to academic matters which the individual knows, or should know to be untrue.

Examples of lying related to academic matters include, but are not limited to:

- Making a false statement to any instructor or other Brooklyn Prospect employee in an attempt to gain an advantage or exception;
- Inventing or counterfeiting data, research results, research procedures or other information;
- Citing a false source for referenced material;
- Altering the record of data or experimental procedures or results;
- Altering grade reports, class attendance records, course registration, or other academic records;
- Submitting false excuses for absences;
- Altering a returned test, exam, or other assignment and seeking re-grading without indicating that the returned paper or work had been changed.

## **Penalties**

### **Elementary and Middle School Penalties:**

Any student who is found in violation of the Brooklyn Prospect Academic Honesty Policy will be subject to one or more of the following penalties or actions. In every case, the incident must be documented and submitted to the administration.

#### *1. Brooklyn Prospect Discipline Guidelines*

All Academic Honesty violations are considered a Level Two offense. Level Two offenses are offenses that primarily affect only the individual student. Violations of the academic honesty policy result in the consequences outlined below:

**First Offense:** The student shall receive a zero for the particular assignment, exam, test, or final exam, etc. and the parent will be contacted. The matter is reported to the appropriate Dean for the grade level. At the teacher's discretion, the student may redo the assignment in a supervised session and may be given a grade for his or her new work.

**Subsequent Offenses:** The student shall receive a zero for the particular assignment, exam, test or final exam etc. Suspension may be imposed for a specific period as specified by the Brooklyn Prospect Discipline policy located in the Brooklyn Prospect Family and Student Handbook, and a parent conference will be held with the teacher. The matter is reported to the appropriate Dean for the grade level. At the teacher's discretion, the student may redo the assignment in a supervised session and may be given a grade for his or her new work.

#### *2. Honor Probation*

Honor Probation is a written warning indicating that the individual has been found in violation of the provisions of this document on multiple occasions. Students will be placed on Honor Probation at the discretion of the director of school culture in coordination with the Deans of Students. An individual who has been penalized by being placed on Honor Probation and who subsequently is charged with another violation of this document will be required to meet with the administration.

#### *3. Other relevant sanctions*

In addition to the penalties described above, other sanctions may be imposed, such as, but not limited to, restitution, additional academic work, or campus or community service projects.

### **High School Penalties:**

Any student who is found in violation of the Brooklyn Prospect Academic Honesty Policy will be subject to one or more of the following penalties or actions. In every case, the incident must be reported and documented for the administration.

#### **1. Brooklyn Prospect Discipline Guidelines**

All Academic Honesty violations are considered Level Two offenses. Level Two offenses are offenses that primarily affect only the individual student. Violations of the academic honesty policy result in the consequences outlined below:

##### **First Offense:**

For achievement grades, the student shall receive a failing grade (ex: 55-64) for the assignment, exam, test, or final exam, etc., and the parent will be contacted. The student will be given an opportunity to make up the assignment or a portion of the assignment for a grade that is averaged with the failing grade, replaces the failing grade, or earns partial credit, depending upon the weight and nature of the assignment, at the teacher's discretion. Make up work must be completed within a time frame designated by the teacher. Failure to redo the assignment within that timeframe will result in a failing grade. Dean will also be alerted and a letter will be sent home and filed, documenting the first offense. In cases of infractions that take place on IB assignments, the Diploma Program coordinator will also be notified and play an advisory role.

For effort grades, teachers have discretion over the consequence for an academic dishonesty first infraction. In most cases, a student will not receive credit or opportunity to make-up effort assignments that were completed with academic dishonesty.

##### **2nd Offense: (Honor Probation)\***

For achievement grades, the student shall receive a failing grade (ex: 55-64) for the particular assignment, exam, test or final exam etc. Limited to no opportunity to make up the assignment will be offered. Parent will be contacted and asked to come in for a conference. Dean will also be alerted and a letter will be sent home and filed, documenting the second offense.

##### **3rd Offense: (Honor Probation)\***

For achievement grades, the student will receive a no credit grade (ex: 0-45) for the particular assignment with no opportunity to make it up. A short-term, in-school suspension will be imposed, and a parent conference will be held with the student, advisor and teacher. Dean will also be alerted and a letter will be sent home and filed, documenting the third offense.

\*Repeated academic dishonesty infractions for effort assignments: If a student repeatedly completes effort assignments with academic dishonesty, interventions for increased academic support and/or higher level of consequence will be determined by teacher in

collaboration with the School Culture and Youth Development department (department head, deans, guidance counselor, etc.).

## 2. Honor Probation

Honor Probation is a written warning indicating that the individual has been found in violation of the provisions of this document on multiple occasions.. Students will be placed on Honor Probation at the discretion of the department head and director of school culture. Other relevant sanctions may be placed against a student on honor probation (below).

## 3. Other relevant sanctions

In addition to the penalties described above, other sanctions may be imposed, such as, but not limited to, restitution, campus or community service, special projects, and special educational requirements. Depending upon the extent of the offense and student's academic standing, additional work around reading comprehension and analytical writing may be assigned, as well as mandatory office hours.

## Plagiarism and the IB

All work which constitutes part of the International Baccalaureate assessment procedures (both external and internal) must have a teacher's signature verifying its authenticity. If a teacher refuses to sign a piece of work, the IB will not grade the work, which will result in the loss of credit for that class. If a student is a diploma candidate, s/he will lose the ability to earn a diploma.

If a student plagiarizes as a first offense on IBDP work, s/he will be given the opportunity to redo the assignment in accordance with this policy. The resubmitted work will be sent to the IB with the teacher's signature. If a student plagiarizes as a second offense, s/he will not be given the opportunity to redo the assignment, in accordance with this policy. His/her work will not be sent to the IB, resulting in no credit for that course. If the student insists on the work being sent, it will be sent without the teacher's signature to authenticate it.

The final decision to authenticate a piece of work lies with the supervising teacher.

## References

Baugh, M. (1997). Even an honor code has its limits. [on-line]. Available: [www.nondo.net/links/nandonext/issues/honorscale.html](http://www.nondo.net/links/nandonext/issues/honorscale.html)

Mastio, K. (1995). Honor code, expulsion could prevent cheating, academic dishonesty. [on-line]. Available: <http://www.spub.ksu.edu/ISSUES/v099B/SP/n083/opn-lala-Mastio.html>

Pierce, N. (1997). VCU 1997-98 Resource Guide: VCU Honor System. [on-line]. Available: [www.vcu.edu](http://www.vcu.edu)

Tech, T. (1992). Editorial- Addressing Cheating Requires More than Just an Honor Code. [on-line]. Available: <http://the-tech.mit.edu/v112/n5/edit.05o.html>

## **STUDENTS RIGHTS AND RESPONSIBILITIES**

### **Freedom of Expression**

Students are entitled 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 obscenity, or personal attacks, or that otherwise disrupts the educational process, is prohibited. All forms of expression also must be in compliance with the student disciplinary policy, the Dignity for All Students Act, and the school dress code, violations of which are punishable as stated in the disciplinary policy.

Student participation in the publication of school-sponsored student newsletters, yearbooks, literary magazines and similar publications is encouraged as a learning and educational experience. 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, school authorities control the content of such publications.

No person shall distribute any printed or written materials on school property without the prior permission of the principal. The school principal may regulate the content of materials to be distributed on school property to the extent necessary to avoid material and substantial interference with the requirements of appropriate discipline in the operation of the school. The principal may also regulate the time, place, manner and duration of such distribution.

### **Off-campus events**

Students at school-sponsored off-campus events shall be governed by all the guidelines of the school and are subject to the authority of school officials. Failure to obey the lawful instructions of school officials shall result in a loss of eligibility to attend school-sponsored off-campus events and may result in additional disciplinary measures in accordance with the student disciplinary policy.

## **ADMISSIONS SIBLING PREFERENCE POLICY**

Brooklyn Prospect gives full sibling preference, space permitting, to any currently enrolled family. If you would like to exercise sibling preference, please inform us in writing ([admissions@brooklynprospect.org](mailto:admissions@brooklynprospect.org)) prior to April 1 of the

## **CHILD ABUSE AND NEGLECT POLICY**

According to New York State law, all adults in the school building are mandated reporters of suspected child abuse immediately by telephone to the New York Central Registry. A formal written report (Form DSS-2221A) must follow this telephone call to the Student Protective Service office within 48 hours.

## **COMPLAINT POLICY**

Any individual or group may bring a complaint to the School's Board of Trustees alleging a

violation of the provisions of Article 56 of the Education law (i.e. the New York State 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 shall be presented to the Board in written form and may be sent to the Board, C/O Prospect Schools, 355 Bridge Street, Brooklyn, NY 11201 and/or [executivedirector@brooklynprospect.org](mailto:executivedirector@brooklynprospect.org), and the Board shall respond to the complaint within 30 days. 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 act or direct another responsible party to act upon the complaint.

If, after presentation of the complaint to the Board of Trustees, the individual or group determines that the Board has not adequately addressed the complaint, the complainant may present the complaint to the State University Trustees through the Charter Schools Institute, which shall investigate and respond. If, after presentation of the complaint to the Charter Schools Institute, the individual or group determines that the Charter Schools Institute has not adequately addressed the complaint, the complainant may present the case to the Board of Regents, which shall investigate and respond. The Charter Schools Institute and the Board of Regents have the power and the duty to take remedial action as appropriate. An easy-to-reference copy of the School's informal and formal complaint procedures is Attachment B hereto [and available on the School's website and in the School's main office]

## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

Brooklyn Prospect is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on Brooklyn Prospect property and at school functions. For the purposes of this policy, "public" shall mean all persons when on school property or attending a school function including students, staff, parents and other visitors. All persons on Brooklyn Prospect property or attending a Brooklyn Prospect function shall conduct themselves in a respectful and orderly manner.

No person, either alone or with others, shall:

- intentionally injure any person or threaten to do so.
- intentionally damage or destroy school property or the personal property of a teacher, administrator, other school employee or any person lawfully on school property, including graffiti or arson.
- distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, or obstruct the rights of others.
- disrupt classes, school programs or other school activities.
- intimidate or harass any person
- enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- obstruct free movement of any person on school property or at school functions
- violate the traffic laws, parking regulations or other restrictions on vehicles.
- violate the prohibition on alcohol, drugs, and other illegal substances.
- violate the prohibition on tobacco and smoking.
- violate the prohibition on weapons, firearms and dangerous objects.
- loiter on school property
- gamble on school property or at school functions.

- refuse to comply with any reasonable order of school officials performing their duties.
- willfully incite others to commit any of the acts prohibited by the Code.
- violate any federal or state statute, local ordinance, or Board policy while on school property or at a school function.

Students who violate this policy shall be subject to penalties contained in the Brooklyn Prospect's Code of Conduct. A visitor's authorization, if any, to remain on school property or at a school function will be withdrawn and they will be directed to leave the premises. If they refuse to leave, they will be subject to ejection. The CEO, Principal or his/her designee is responsible for enforcing the conduct required by this section of the Handbook. Brooklyn Prospect reserves the right to restrict visitor access to the building for failure to comply with this policy or school rules. In addition, visitor conduct may be reported to law enforcement at the discretion of school administration.

## **OPEN MEETINGS POLICY**

### **Board Meetings**

In accordance with the New York Public Officers Law, every meeting of the Board shall be open to the general public, except when an executive session is called. Reasonable efforts will be made to ensure meetings are held in barrier-free facilities to allow all persons equal opportunity to attend a meeting. A calendar of regular meetings shall be posted at the school. In addition, notice of all meetings scheduled one week in advance shall be conspicuously posted on the school's website and in one or more designated public locations with the time and place of the meeting and shall be provided to the news media at least 72 hours in advance. Notice of meetings that are scheduled less than one week in advance shall be provided to the news media to the extent practicable and posted in one or more public locations at a reasonable time prior thereto.

### **Conduct of Executive Sessions**

An executive session may be held with a majority vote of the members taken in an opening meeting, identifying the areas of consideration. An executive session may be held for any item below, provided no formal action shall be taken to appropriate public moneys:

1. Matters that will imperil the public safety if disclosed
2. Any matter which may disclose the identity of a law enforcement agent or informer
3. Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed
4. Discussions regarding proposed, pending or current litigation
5. Collective negotiations pursuant to article fourteen of the civil service law
6. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation
7. The preparation, grading or administration of examinations
8. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the school, but only when publicity would substantially affect the value

Attendance at an executive session shall be permitted only to members of the Board and other persons authorized by the Board.

### **Minutes**

Minutes shall be taken at all open meetings of the Board, consisting of a summary of all motions, proposals, resolutions and any other matter formally voted upon.

Minutes shall be taken at executive session of any formal action taken consisting of a summary of the final determination and the date and vote thereon. The summary need not include any matter that is not required to be made public by the freedom of information law.

Except for minutes of executive sessions, which shall be available within one week, minutes shall be made available to the public within two weeks of the date of the meeting.

### **Appeal**

A person aggrieved by this policy shall have the right to submit a complaint pursuant to the school's complaint process. If the aggrieved person is still unsatisfied, they may bring an action under Article 78 of New York's Civil Practice Law and Rules.

### **Exemptions**

These policies shall not apply to the following:

- judicial or quasi-judicial proceedings
- any matter made confidential by federal or state law

## **FAMILY AND EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) ANNUAL NOTICE**

FERPA affords parents and students over 18 years of age certain rights with respect to the student's education records. Employees are responsible for abiding by the School's FERPA policy which is noted below. The Family Educational Rights & Privacy Act of 1974 and implementing regulations ("FERPA") is a Federal law designed to protect the privacy of a student's education records.

Brooklyn Prospect recognizes the need to safeguard the confidentiality of personally identifiable information regarding its eligible, thought to be eligible, and protected handicapped students (if not protected by the Individuals with Disabilities Education Act ("IDEA") in accordance with FERPA as well as the IDEA and its implementing regulations.

Education records are records that are directly related to the student, including computer media and videotape, which are maintained by an educational agency or by a party acting for the agency. "Educational agency", for purposes of this notice, means the School. For all students, the educational agency maintains education records that include but are not limited to:

- a) Personally identifiable information ("PII") is confidential information that includes, but is not limited to, the students' name, name of parents and other family members, the address of the student or student's family, and personal information or personal characteristics which would make the student's identity easily traceable.
- b) Directory information is information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if

disclosed. It includes, but is not limited to, the student's name, address, telephone number, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time), participation in officially recognized activities and sports, sports activity sheets showing weight and height of members of athletic teams, dates of attendance, degrees, honor roll, recognition lists, awards received, and the most recent previous educational agency or institution attended.

FERPA affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. "Parent(s)" for purposes of this notice means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent in the absence of a parent or guardian. These rights are:

1. The right to inspect and review the student's education records within forty-five (45) days after the day Brooklyn Prospect receives a request for access. Parents or eligible students should submit a written request to the Deputy CEO that identifies the records they wish to inspect. Brooklyn Prospect will comply with a request to inspect and review education records without unnecessary delay and before any meeting regarding an Individualized Education Plan "IEP" or any due process hearing, but in no case more than forty-five (45) days after the request has been made. Parents or eligible students have the right to a response from Brooklyn Prospect to reasonable requests for explanations and interpretations of the records. Parents or eligible students have the right to request copies of the records. While Brooklyn Prospect cannot charge a fee to search for or to retrieve information, it may charge a copying fee as long as it does not effectively prevent the parents or eligible students from exercising their right to inspect and review the records.

2. Parents or eligible students have the right to request Brooklyn Prospect to amend the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA. Requests should be in writing and clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. Brooklyn Prospect will decide whether to amend the record and will notify the parents in writing of its decision. If Brooklyn Prospect decides not to amend a record as requested by the parent or eligible student, Brooklyn Prospect will notify the parent or eligible student of the decision and their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. Parents or eligible students have the right to provide a signed and dated written consent before Brooklyn Prospect discloses PII from the contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. "Consent" means: the parent(s) or eligible student(s) have been fully informed regarding the activity requiring consent, in their native language or other mode of communication; they understand and agree in writing to the activity; and they understand that consent is voluntary and maybe revoked at any time, information may be disclosed without consent to school officials with legitimate educational interests. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an

administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Brooklyn Prospect Board of Trustees; state agency representative, person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, Brooklyn Prospect will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer; however, Brooklyn Prospect will make a reasonable attempt to notify the parent or eligible student of the records request. Directory information may be released without consent; however, parents or eligible students have the right to refuse to let an agency designate any or all of the above information as directory information. Parents or eligible students are required to submit written notification to Penny Marzulli, Deputy CEO by September 30<sup>th</sup>, or within two weeks after enrolling at Brooklyn Prospect if later than September 30<sup>th</sup>, if they do not want the school to release directory information.

a. Disclosures that Brooklyn Prospect may make without consent:

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires Brooklyn Prospect to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. Brooklyn Prospect may disclose PII from the education records of a student without obtaining prior written consent of the parents or eligible student:

- To other school officials, including teachers, whom Brooklyn Prospect determines to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom Brooklyn Prospect has outsourced institutional services or functions;
- To officials of another school, school system, or institution of postsecondary education where the students seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer;
- To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, in connection with an audit or evaluation of Federal or State-supported education programs, or for the enforcement of or in compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf;

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid;
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released;
- To organizations conducting studies for or on behalf of Brooklyn Prospect, in order to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction;
- To accrediting organizations to carry out their accrediting functions;
- To parents of an eligible student if the student is a dependent for IRS tax purposes;
- To comply with a judicial order or lawfully issued subpoena;
- To appropriate officials in connection with a health or safety emergency;
- Information Brooklyn Prospect has designated as "directory information";
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement; and
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the National School Lunch Act or the Child Nutrition Act of 1966.

4. Parents or eligible students have a right to file a complaint with the U.S. Department of Education concerning alleged failures by Brooklyn Prospect to comply with the requirements of FERPA. Complaints may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

Parents or eligible students are permitted to appoint a representative to inspect and review the student's records. Brooklyn Prospect must receive a signed, dated and written consent from a parent or eligible student that specifically states a representative may inspect and review the records. Such release must be sent to the Deputy CEO or designee and must specify the records that may be disclosed, the purpose of the disclosure and the party or class of parties to whom the disclosure may be made and the time period that the release is in effect. If any education record contains information on more than one student, parents or eligible students have the right only to inspect and review the information relating to their child or the eligible student.

Brooklyn Prospect will provide parents or eligible students, upon request, a listing of the types and locations of education records maintained, the school official responsible for these records, and the personnel authorized to see personally identifiable information. Such personnel receive training and instruction regarding confidentiality. Brooklyn Prospect keeps a record of parties obtaining access to education records, including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Parents are encouraged to contact the Deputy CEO to discuss any concerns regarding FERPA.

## **FREEDOM OF INFORMATION LAW (FOIL) POLICY**

This policy sets forth procedures that are designed to enable Brooklyn Prospect Charter School to comply with the New York State Freedom of Information Law ("FOIL"). The school's rules and regulations regarding how the public may obtain records are set forth on Annex III to this policy.

As per SUNY requirements, please find the NYS Committee on Open Government linked here: <https://www.dos.ny.gov/coog/>.

### **Requests for Public Access to Records**

Requests for public information must be in writing and submitted (by mail or email) to the school's Records Access Officer who shall be designated by the School Principal. The Records Access Officer will respond to all requests within five business days. The response will be in writing and will indicate either (a) that the request is being granted or denied, or (b) an approximate anticipated date when the request will be granted or denied, which shall be reasonable under the circumstances of the request.

### **Denial of Access to Records**

If the person requesting information is denied access to a record, he or she may, within 30 days, appeal such denial to the School Principal or his or her designee. Upon timely receipt of such an appeal, the school will, within 10 business days of the receipt of the appeal, fully explain, in writing, the reasons for further denial or provide access to the record(s) sought. The school also will forward a copy of the appeal, as well as its ultimate determination, to the New York State Committee on Open Government.

In the event an appeal for records is denied, the person requesting the information may bring a proceeding for review of such denial pursuant to Article 78 of the Civil Practice Law and Rules.

The school may deny access to requested records or portions thereof for one or more of the following grounds:

- The records are specifically exempted from disclosure by state or federal statute.
- Such access would constitute an unwarranted invasion of personal privacy under the provisions of Public Officers Law §89(2).
- The records, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations.
- The records are trade secrets or are submitted to the school by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of such enterprise.

- The records are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations or judicial proceedings, deprive a person of a right to a fair trial or impartial adjudication, identify a confidential source or disclose confidential information relating to a criminal investigation or reveal criminal investigative techniques or procedures, except routine techniques and procedures.
- The records, if disclosed, would endanger the life or safety of any person.
- The records are inter-agency or intra-agency materials that are not statistical or factual tabulations of data, instructions to staff that affect the public, or a final policy or external audits.
- The records constitute examination questions or answers which are requested prior to the final administration of such questions.
- Disclosure of the records would jeopardize the capacity of the school or an entity that has shared information with the school to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.
- The records are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.

### **Required Records**

Brooklyn Prospect shall maintain the following records and information:

- A record of the final vote of each trustee in every proceeding in which the trustees vote;
- A record setting forth the name, public office address, title and salary of every officer or employee of the education corporation
- A reasonably detailed current list, by subject matter, of all records in the Education Corporation's custody or possession, whether or not available under FOIL.

### **Fees**

Brooklyn Prospect may charge a copying fee of \$.25 per photocopy not in excess of nine inches by fourteen inches or the actual cost of reproducing any other record in accordance with Public Officers Law §87(c).

### **Location**

Records shall be available for public inspection and copying at:

Brooklyn Prospect Charter School  
3002 Fort Hamilton Parkway  
Brooklyn, New York 11218

### **Hours for Public Inspection**

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are: 8:00am to 4:00pm

### **Public Notice**

A notice containing the title or name and business address of the Records Access Officer and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

**Severability**

If any provision of this policy or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

**Public Access to Records of  
Brooklyn Prospect Charter School  
Rules and Regulations**

**Purpose and Scope**

The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.

These regulations provide information concerning the procedures by which records may be obtained. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

**Designation of Records Access Officer**

The School Principal is responsible for insuring compliance with the regulations herein, and designates the following person as records access officer:

Penny Marzulli  
Deputy CEO  
Brooklyn Prospect Charter School  
3002 Fort Hamilton Parkway  
Brooklyn, New York 11218  
(347) 889-7041

The records access officer is responsible for insuring appropriate school response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that school personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:

(i) Make records available for inspection; or,

(ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(5) Upon request for copies of records:

(i) Make a copy available upon payment or offer to pay established fees, if any; or,

(ii) Permit the requester to copy those records.

(6) Upon request, certify that a record is a true copy ; and

(7) Upon failure to locate records, certify that;

(i) Brooklyn Prospect Charter School is not the custodian for such records, or

(ii) The records of which Brooklyn Prospect Charter School is a custodian cannot be found after diligent search.

#### **Location**

Records shall be available for public inspection and copying at:

Brooklyn Prospect Charter School- Downtown Elementary  
80 Willoughby Street  
Brooklyn, New York 11201

Brooklyn Prospect Charter School- Clinton Hill Middle  
300 Willoughby Avenue  
Brooklyn, New York 11205

Brooklyn Prospect Charter School- Windsor Terrace Middle  
3002 Fort Hamilton Parkway  
Brooklyn, New York 11218

Brooklyn Prospect Charter School- Windsor Terrace High  
3002 Fort Hamilton Parkway  
Brooklyn, New York 11218

#### **Hours for Public Inspection**

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are 8am to 4pm.

#### **Requests for Public Access to Records**

A written request (by mail or email) may be required, but oral requests may be accepted when records are readily available. If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

A response shall be given within five business days of receipt of a request by:

- (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
- (2) granting or denying access to records in whole or in part;
- (3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
- (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the school, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

- (1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
- (2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
- (3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
- (4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
- (5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the school provides the

reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

### **Subject Matter List**

The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

### **Denial of Access to Records**

Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual established to determine appeals, who shall be identified by name, title, business address and business phone number.

If requested records are not provided promptly, as required by these regulations, such failure shall also be deemed a denial of access.

The following person shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Penelope B. Marzulli  
Deputy CEO  
Prospect Schools  
355 Bridge Street  
Brooklyn, New York 11201  
(718) 643.1086

Any person denied access to records may appeal within thirty days of a denial. The time for deciding an appeal by the individual designated to determine appeals shall commence upon receipt of a written appeal identifying:

(1) the date and location of requests for records;

(2) a description, to the extent possible, of the records that were denied; and

(3) the name and return address of the person denied access.

A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

The person designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government  
Department of State  
One Commerce Plaza  
99 Washington Avenue, Suite 650  
Albany, NY 12231

The person designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth above.

### **Fees**

There shall be no fee charged for inspection of records, search for records or any certification pursuant to these rules and regulations.

Fees for copies may be charged, provided that the fee for copying records shall not exceed \$.25 per page for photocopies not exceeding 9 by 14 inches. The fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction. Brooklyn Prospect has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

The fee that the school may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

- (1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
- (2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
- (3) the actual cost to the school of engaging an outside professional service to prepare a copy of a record, but only when the school's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

When the school has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the school shall be required to retrieve or extract such record or data electronically. In such case, the school may charge a fee in accordance with paragraphs (1) and (2) above.

The school shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of a school employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

The school may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy. The school may waive a fee in whole or in part when making copies of records available.

**Public Notice**

A notice, in the form attached hereto as Attachment A, containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies obtained shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

**Severability**

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

**PUBLIC NOTICE**

**YOU HAVE A RIGHT TO SEE PUBLIC RECORDS**

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

Brooklyn Prospect Charter School has adopted regulations governing when, where, and how you can see public records.

The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:

Brooklyn Prospect Charter School- Downtown Elementary  
80 Willoughby Street  
Brooklyn, New York 11201

Brooklyn Prospect Charter School- Clinton Hill Middle  
1100 Fulton Street  
Brooklyn, New York 11238

Brooklyn Prospect Charter School- Windsor Terrace Middle  
3002 Fort Hamilton Parkway  
Brooklyn, New York 11218

Brooklyn Prospect Charter School- Windsor Terrace High  
3002 Fort Hamilton Parkway  
Brooklyn, New York 11218

The following officials will help you to exercise your right to access:

1. School officials who have in the past been authorized to make records available
2. Records Access Officer(s)

Penelope B. Marzulli  
Deputy CEO  
Prospect Schools  
355 Bridge Street  
Brooklyn, New York 11201  
(718) 643.1086

If you are denied access to a record, you may appeal to the following person:

Penelope B. Marzulli  
Deputy CEO  
Prospect Schools  
355 Bridge Street

**BPCS COMPLAINT PROCEDURES**  
(Available online and in school offices)

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

Procedures for a complaint:

1. The complaint shall be presented to the Board in written form and may be sent to the Board, C/O Prospect Schools, 355 Bridge Street, Brooklyn, NY 11201 and/or [ceo@prospectschools.org](mailto:ceo@prospectschools.org)
2. Board shall respond to the complaint within 30 days
3. Every effort will be made to respectfully address the matter to the satisfaction of the individual or group who presented the complaint
4. The Board, as necessary, shall act or direct another responsible party to act upon the complaint.

If, after presentation of the complaint to the Board of Trustees, the individual or group determines that the Board has not adequately addressed the complaint, the complainant may:

1. present the complaint to the State University Trustees through the Charter Schools Institute ("SUNY")
2. SUNY shall investigate and respond.

If, after presentation of the complaint to SUNY, the individual or group determines that SUNY has not adequately addressed the complaint, the complainant may:

1. present the case to the Board of Regents
2. Board of Regents shall investigate and respond.

SUNY and the Board of Regents have the power and the duty to take remedial action as appropriate