

## Discipline Policy

### Policy Statement

The American Quality Schools Corporation, the managing organization of the Thea Bowman Leadership Academy, is responsible for establishing and carrying out the following discipline policy. It is in stating this that AQS wishes to ensure that the school environment is safe for all students. Furthermore, AQS expects all students to accept full responsibility for their actions and behavior.

### AQS Discipline Code

The Thea Bowman Leadership Academy expects all students to conduct themselves in a socially responsible manner. Disciplinary measures are used to maintain a safe and orderly school environment that promotes TBLA's philosophy of providing a college preparatory education for all students.

This discipline code applies to the actions of students during school hours, before and after school, while on school property, at all TBLA sponsored events and when the actions affect the mission of TBLA. Students may also be subject to discipline for serious acts of misconduct, which occur either off-campus or during non-school hours, when the misconduct disrupts the orderly educational process at TBLA.

Each discipline case will carry its own merit and will be adjudicated according to the facts accompanying the case. The Thea Bowman Leadership Academy's staff shall consider all mitigating circumstances prior to disciplinary action. Mitigating circumstances shall include, but are not limited to, the following:

- Age, health, maturity and academic placement of a student
- Prior conduct
- Attitude of a student
- Cooperation of parents
- Willingness to make restitution
- Seriousness of offense
- Willingness to enroll in a student assistance program

In some cases the school's administrative personnel may deem public service a necessary component of the disciplinary action. Public service may include, but is not limited to: repairing or cleaning property damaged as a result of the offense(s); participating in landscaping, gardening and/or other projects aimed at beautifying school property or the community; and/or providing services that improve the quality of life for community members.

**Each category of offense listed below has a minimum and maximum disciplinary action associated with it. After considering the actual disciplinary violation and factors such as those listed above, TBLA staff shall determine the disciplinary action within the minimum/maximum range to which the student shall be subjected.**

### CATEGORY I

These acts of misconduct include, but are not limited to, the following:

- Running and/or making excessive noise in the hall, school building or premises
- Violating the dress code
- Persistent tardiness to school or class

Students who commit any of these acts are subject to a teacher-student conference as a result of a 1<sup>st</sup> offense and may, as a result of repeated violations and depending on the circumstances, be subject to the maximum 1 day suspension. As a supplement and/or alternative to suspension, school staff may require students to complete between 1 and 8 hours of public service as commensurate with the seriousness of offense(s).

## **CATEGORY II**

These acts of misconduct include, but are not limited to, the following student behaviors that disrupt the educational process at TBLA:

- Excessive truancy (absence without just cause)
- Use of profane, vulgar or obscene words, gestures or other actions which disrupt the school environment or are disrespectful
- Insubordination (refusal to follow orders, directions or stated school rules)
- Participation in acts designed to disrupt classroom or school activities
- Repeated failure to follow school rules and procedures
- Smoking on school property
- Acts that obstruct or interrupt the instructional process in the classroom
- Repeated refusal to participate in classroom activities or complete academic assignments
- Visible carrying of cell phones, pagers or other electronic devices
- Leaving the classroom without permission
- Cheating
- Plagiarism
- Bullying, including verbal harassment
- Initiating or participating in any unacceptable minor physical actions against another student
- Disrespect of school staff members

Students who commit any of these acts are subject to lunch detention, after-school detention, or in-school detention and a teacher-student conference as a result of a 1<sup>st</sup> offense and may, as a result of repeated violations and depending on the circumstances, be subject to the maximum penalty of a 5 day out-of-school suspension and teacher-parent conference. The degree of the suspension whether in-school or external, as well as length of suspension, shall be determined by the school director and AQS senior management. As a supplement and/or alternative to suspension, school staff may require students to complete between 3 and 12 hours of public service as commensurate with the seriousness of offense(s).

## **CATEGORY III**

These acts of misconduct include those student behaviors that very seriously disrupt the orderly educational process in the classroom, in the school, and/or on the school grounds.

These acts of misconduct include, but are not limited to, the following:

- Fighting or threatening any student or staff member
- Assault on a student or any school employee (assault is interpreted as an attempt to do bodily harm to a student or to any staff member)
- Persistent refusal to follow stated school rules and procedures
- Arson
- Destruction of property/graffiti
- Creating a false fire alarm

- Repeated Category I and Category II offenses
- Possession of weapons
- Any act that endangers the safety of the other students, teachers or any school employee
- Theft
- Trespassing
- Involvement in gang activity
- Sex violations/sexual harassment
- Use, possession, sale or delivery of alcohol, illegal drugs, narcotics, controlled substances, contraband, look alike contraband/drugs or intoxicants of any kind. Students who commit any of these acts are subject to a maximum 10-day, out-of-school suspension and teacher-parent conference and may, depending on the circumstances, be subject to the maximum penalty of expulsion. As a supplement and/or alternative to suspension or expulsion, school staff may require students to complete between 6 and 30 hours of public service as commensurate with the seriousness of offense(s).

### **SUSPENSION AND EXPULSION**

When a student's misconduct results in the need to suspend or expel a student, the following procedures shall be followed:

**A. Suspension Not Exceeding 10 School Days:** Students suspended for 10 days or less shall be afforded due process in the following manner:

The student shall be given oral or written notice of the charges against him/her, an explanation of the basis for the accusation, and a chance to present his/her version of the incident.

**B. Suspension In Excess of 10 Days and Expulsion:** Students suspended for more than 10 school days and/or expelled as a result of gross disobedience or misconduct shall be afforded due process in the following manner:

The Thea Bowman Leadership Academy will request that the student's parents or guardian appear before the TBLA Charter School Board, an appointed hearing officer, or a Board representative. Such requests will be made by registered or certified mail and state the time, place and purpose of the meeting. In addition to advanced written notice of the hearing, the student shall be afforded sufficient time to prepare for the hearing, the right to be represented by counsel, the right to present evidence and witnesses and school personnel. The expulsion hearing need not take the form of a judicial or quasi-judicial hearing. In no event shall a hearing be considered public. Further, at the discretion of the Board, the hearing may be closed to those individuals deemed advisable, except the student, the student's parents or guardians, the student's attorney, at least 1 school official, and Board's attorney at all times. Witnesses shall be admitted to a closed hearing to the extent necessary to testify. \*\*The Thea Bowman Leadership Academy School Board will make the final decision on expulsion in a closed call meeting.

### **PROCEDURAL DISCIPLINE GUIDE FOR STUDENTS WITH DISABILITIES**

The school director may suspend students with disabilities for disciplinary reasons and cease educational services for up to 10 consecutive or 10 cumulative school days in 1 school year without providing special education procedural safeguards. When school staff anticipates a

recommendation to an alternative school, a referral for expulsion, or anticipates that suspensions may exceed 10 cumulative school days, the following regulations apply.

1. AQS staff must provide written notice to the parent or guardian that a disciplinary action is being considered and the date of an Individualized Education Program (IEP) meeting, which must be held within 10 days of the date of misconduct.

2. The IEP team must:

A. Determine whether the misconduct is related to the student's disability by reviewing evaluation and diagnostic results, information from the parent/guardian, observations of the student, and the student's IEP and placement. The behavior is not a manifestation of a student's disability if:

1) The student was given appropriate special education supplementary aids and intervention strategies, and

2) The disability does not impair the ability to control behavior.

B. Review and revise, if necessary, the behavior intervention plan or, as necessary develop a functional behavior assessment and intervention plan to address the misconduct.

C. Include in the IEP those services and modifications that will enable the student to continue to participate in the general curriculum and address the behavior so that it will not recur.

D. Determine the appropriateness of an interim educational setting. If the student's behavior **is not** a manifestation of the disability, school staff may apply the AQS/TBLA discipline code, taking into consideration the student's special education and disciplinary records. In no event, however, may the student be suspended for more than 10 consecutive or cumulative school days in a school year without providing appropriate educational services. If the student's behavior **is** a manifestation of the disability, the student's placement may be changed to an appropriate interim educational setting for 45 days if the student carried a weapon to school or to a school function, knowingly possessed or used illegal drugs, sold or solicited the sale of a controlled substance while at school or at a school function, or is substantially likely to cause injury to himself/herself or others. Students with disabilities, even if expelled, must be provided with an appropriate education in an alternative education setting.

New federal regulations offer some flexibility in suspending students with disabilities in excess of 10 school days in the school year in certain circumstances. In order to determine whether the circumstances permit a suspension in excess of 10 days per school year, consultation by AQS/TBLA/ staff with the Gary Public Schools Department of Due Process is necessary. Without such consultation and approval from the Department, the current procedures limiting suspensions from disabled students to 10 days in a school year will continue to apply.