

**Code of Acceptable Behavior and Discipline Manual  
2015-2016 Academic Year**



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Robert Benjamin Wiley Community Charter School  
Code of Acceptable Behavior and Discipline Manual

## **Student Support Team**

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**TABLE OF CONTENTS**

**I. Introduction** ..... 5

**II. Mission** ..... 5

**III. Behavior Support Policy** ..... 5

**Responsibilities**

    A. Parents ..... 11

    B. Students ..... 12

    C. Staff ..... 13

**V. Discipline Process**

    A. Overview ..... 14

    B. The Code of Student Conduct ..... 14

        1. Smoking ..... 14

        2. Alcohol and Drugs ..... 14

        3. Disruptive Behavior ..... 14

        4. Disorderly Conduct ..... 15

        5. Weapons Violation ..... 16

        6. Youth Gangs ..... 17

        7. Computer Misuse ..... 17

        8. Electronic Devices ..... 17

    C. Discipline Sanction Process

        1. Teacher Intervention ..... 18

        2. Behavior Support Team / Administrative Intervention ..... 18

        3. Time-Out Program ..... 19

        4. After-School Detention ..... 19

        5. Saturday Detention ..... 20

        6. School-After-School ..... 20

        7. Alternative Education Program ..... 20

        8. Out-of-School Suspension ..... 21

        9. Expulsion ..... 21

    D. Appeals ..... 22

**VI. Additional Procedures**

    A. Attendance ..... 22

    B. Bus Policy ..... 25

    C. Dress Code ..... 26

    D. Student Searches ..... 28

    E. Make-up Work ..... 28

    F. Lockers ..... 28

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**VII. Additional consideration regarding suspension and expulsion for students identified as exceptional and in need of special education services.**

VIII. Glossary .....31

**I. INTRODUCTION**

The Robert Benjamin Wiley Community Charter School (RBWCCS) is a public school operating under a Charter approved by the Erie School District. The staff of the Charter School is responsible to the Robert Benjamin Wiley Community Charter School Board of Directors and the Pennsylvania Department of Education.

The Robert Benjamin Wiley Charter School operates in compliance with all applicable federal and state laws and regulations. Our policies and procedures reflect these laws as well as best practices in working with children.

With the approval of the Board of Directors, a Code of Acceptable Behavior and Discipline Manual has been established to:

- Provide a safe and supportive environment for student learning.
- Outline the parameters of acceptable behavior.
- Provide educational and developmental sanctioning for student misconduct.

**II. MISSION**

“The Robert Benjamin Wiley Community Charter School is designed to develop responsible citizens who are prepared to face the challenges of tomorrow. We seek to develop competent students who can compete with students from any school in the country. It is our mission to instill the twin attributes of responsibility and discipline in our students so they may succeed in their future endeavors.”

**III. BEHAVIOR SUPPORT POLICY**

**Robert Benjamin Wiley Community Charter School  
Behavior Support Policy**

The Robert Benjamin Wiley Community Charter School Board of Directors believes that school -wide effective behavior support and strong classroom management are essential for learning. For students who need specially designed instruction, it is critical that all staff practice intervention strategies that are positive rather than negative, respectful of the student’s dignity and are as minimally intrusive as the child’s needs and behaviors require. The Board Policy on Discipline is applicable to all students. This policy sets forth additional considerations for behavioral interventions for individual students.

**Intervention Levels:**

**Level 1. School-Wide Effective Behavior Support:** The Co-CEOs and their designee are responsible for directing school wide initiatives to encourage positive student behavior which create a safe school with normative beliefs about appropriate social behavior. All staff members are expected to utilize best practice code of conduct which is conducive to good order and learning and to teach to students this code of conduct and skills which support them. Expectations for elementary and middle school students will be encouraged and reinforced by all staff, volunteers, parents and board members. A variety of levels of positive rewards will be implemented as part of the school's ongoing school improvement planning.

### **RESTORATIVE JUSTICE**

The restorative justice model focuses on victims and offenders, as well as the involved community, rather than solely punishing the offender. Victims take an active role in the process while offenders repair the harm they have done and receive help to avoid future offenses. Restorative justice encourages taking responsibility for one's words and actions, making it right by coming up with meaningful reparations for wrongdoings, developing empathy for one another, acknowledging the impact of words and actions on classroom, school, family and the greater community, and managing self; all while fostering collaboration among students and staff.

### **NORMATIVE BELIEFS – CODE OF CONDUCT**

1. Aggression is everyone's problem.
2. We treat everyone with respect and civility.
3. We are each accountable for our actions.
4. After we make a mistake, we make it right.
5. Adults help us deal with aggression.
6. We protect each other.

**Level 2: Classroom Management:** Basic classroom management prevents problems by creating an environment that encourages learning. Effective classroom management begins with effective teaching that is research based, differentiated according to student abilities and learning styles and tied to student interest as well as Pennsylvania standards. Effective classroom management uses positive behavioral support strategies consistent with knowledge of developmental levels and student needs. Ongoing staff development will be provided for all staff and individual assistance will be provided to staff in need of additional instruction. Classroom management will include planning and communicating classroom procedures and rules to students and parents and implementing these practices consistently throughout the school year.

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Proactive Student Management will include such strategies as:

- Teaching rules and strategies directly to students
- Practice time for rules and procedures
- Frequent monitoring
- Verbal reinforcement and praise
- Use of school-wide behavior reinforcements

- Consistency in implementing classroom behavior plans
- Signaling and prompting
- Positive communication to parents, including notes, phone calls, conferences
- Communication with parents to resolve concerns and problems
- Communication skills training; Active listening
- Modeling pro social behavior
- Role playing
- Class sharing in problem solving

**Level 3: Individualized Behavior Improvement Plans:**

Individualized techniques are developed for those students who exhibit behavior problems that interfere with their ability to learn or the learning of others. Written individual behavior improvement plans should be considered when: the behavior persists despite documented interventions, is a risk to anyone’s safety, results in chronic discipline or suspensions, or may result in a more restrictive placement.

The Robert Benjamin Wiley Community Charter School recognizes its responsibility to provide all students with disabilities, including those with behavioral challenges, with a free, appropriate public education (FAPE). In the least restricting environment, the Individualized Education Program (IEP) is the mechanism by which IEP teams identify the special education and related services that are necessary for students to make meaningful progress during the school day.

A Service Agreement / Section 504 Plan is required for those students with disabilities who need accommodations or related services, but do not need special education instruction.

For students who do not have an IEP or a Section 504 plan, an individualized behavior improvement plan, developed in partnership with the parents and the school team involved should be considered when the behavior meets the criteria listed above for initiating behavior plans.

Behavior improvement plans will be based on a functional behavior assessment that focuses on why the behavior is occurring. Behavior plans must be based on positive and preventative measures that may include changing instructional practices that contribute to problem behavior and using positive reinforcement to shape behavior. (Models and examples for individual plans may be found in “Guidelines for Effective Behavioral Support” from the Pennsylvania Department of Education.

Based on the results of the functional behavior assessment and the strategies designed to prevent or redirect targeted behavior and reinforce desired behavior, the team will determine the level of support necessary to implement the behavior improvement plan. The team will consist of the following individuals: a parent or guardian, regular class teacher, special education teacher, related service providers, classroom assistance/assistant, or support services assistant and other professionals as appropriate.

Some children, who are eligible for Medical Assistance receive one-to-one behavioral support through therapeutic staff support (TSS) funded through the County MH WRAP offices. When a student with disabilities receives TSS and the IEP or Service Agreement team determines that such support is also educationally necessary, the TSS may be used to implement the required service in collaboration with Charter School staff.

### **Collaboration with Other Agencies**

The Robert Benjamin Wiley Community Charter School partners with community mental health agencies to assist in referring children and their families for appropriate screening, assessment and acquisition of mental health/behavioral services. When a student is determined eligible for WRAP around services, to include those services provided in the school setting, parents (and in the case of students age 14 or over) make the choice as to which agency will provide that service. Charter School staff, with the permission of parents (students) participates in the referral process and in initial authorization and reauthorization meetings to determine need for services, type and amount of services.

The Charter School will maintain collaborative relationships with providers of child and family counseling, after school and summer programs and partial hospitalization programs to assist in accessing needed services for students.

The Charter School will contract with a mental health provider to provide a mental health professional as part of the Child Success Team and to assist with referrals through gate keeping meetings at the county WRAP office.

TSS services (and occasionally Mobile Therapy) are provided to a student in school. Therefore, it is important to promote multiple agency cooperation with respect to the development and implementation of a behavior support plan.

### **Treatment Plan/ Behavior Improvement Plan**

Students identified with significant behavior concerns, students receiving special education services who have a pattern of disciplinary exclusions, and students with a TSS will have a behavior improvement plan (and/or treatment plan.) Parents will participate in planning. Special education teachers, classroom teachers and student management staff will participate in planning. When there is evidence that a treatment plan is not effective (pattern of disciplinary exclusions, lack of progress toward goals), team will meet to adjust the plan.

#### **When student has a TSS in school setting:**

The Co-CEOs or designee will develop procedures for ensuring that TSS services provided in the school setting are consistent with and supportive of RBWCCS board approved policies.

Students who have a TSS will receive a Treatment Plan that is prepared by the community mental health agency. When possible, school staff will attend the planning meeting. The Charter School will obtain parent permission to review the plan and will review the plan upon receipt. Appropriate elements of the treatment plan will be incorporated into each student's Behavior Improvement Plan as part of the IEP or Section 504 Plan. Results of functional behavioral assessments will be shared, with parent permission, with the treatment team.



**Best practices include the following steps:**

Review of treatment plan and behavior support plan (including the student’s strengths) so that they are consistent with recommendations to be implemented in the school. Ensure that specific goals are described in observable and measurable behavioral terms.

- Identify what strategy (ies) will be used to improve the student’s pro-social skills.
- Specify expected outcomes and interventions.
- Identify who will have responsibility of: developing and implementing identified interventions (including when interventions will be provided) and monitoring the student’s positive social skills.

In order to meet the student’s needs in the least restrictive environment, a designated administrator from the Charter School and supervisor from the mental health provider agency will work the parents and teachers and mental health staff to ensure that the schedule and types of interventions are appropriate. Meetings will be held when necessary to adjust plans based on student progress and needs.

The treatment plan will contain a plan of action for the student in the event of a crisis situation, including who will assist the TSS staff (i.e., student management staff, counselor, special education teacher and/or administrator.)

TSS staff: Note that TSS workers are not employees of the district and are not expected to function as a classroom assistant or aide. However, the TSS can provide incidental assistance to the student that will enable him/her to benefit instructionally. The teacher is in charge of the classroom at all times. Written procedures will be developed at least annually to clarify such issues as:

- Notification to the school if the TSS staff will be absent.
- Development of a contingency plan for supporting the student if TSS staff is absent or unavailable. (A student may not be excluded from school or related services due to the absence or unavailability of the TSS.)
- Procedures for resolving conflicts

**Level 4: Highly Restrictive Interventions:**

These interventions are considered very intrusive and can only be considered after the first 3 levels have proven to be ineffective.

**Social Isolation:**

- 1. To calm a student during an episode**
- 2. Removal to a predetermined area**

**Use of Holds/Restraints:**

The Robert Benjamin Wiley Community Charter School acknowledges that there are instances where the behavior of a student may present a risk to him/herself, other students or staff. When all other means of safely redirecting the student have not been successful, it may be necessary to employ passive restraints or holds. Designated Charter School staff including members of

the behavior support team, administrators, special education teachers and some classroom teachers are trained by Nonviolent Crisis Intervention\_ staff in techniques for preventing, deescalating and controlling behavior. This training includes the when and how to safely employ passive physical restraints. The training establishes the protocol for when restraints may be used.

1. May only be used to control acute or episodic aggressive behavior when student is acting in a manner as to be a danger to him/herself, other students, or staff.
2. May not be used as punishment and/or for convenience of staff.
3. Must always be carried out in a manner that protects both student and staff.
4. May not be used except by staff trained in appropriate passive restraint techniques.
5. Following each incident, the staff member(s) conducting the restraint must:
  - a. Conduct interview with student
  - b. Notify the parent of the incident
  - c. Notify CO-CEOS or designee
  - d. Complete incident report and forward to principal

Note: Special Education Coordinator will schedule IEP team meeting to review IEP, determine if changes need to be made and insure appropriate reporting to PDE occurs.

If TSS staff were involved in passive restraint they are to follow their agency's procedures for documentation.

Staff should consider need for assisting parents with referral to crisis services or other mental health professional, depending on severity of the incident.

**Inappropriate Techniques:**

1. Corporal punishment
2. Punishment for a manifestation of the student's disability
3. Locked rooms or spaces where student is left alone and cannot exit.
4. Deprivation of basic human rights, such as withholding meals, food, water, fresh air.
5. Serial suspensions
6. Treatment of a demeaning nature
7. Methods implemented by untrained personnel.

**Crisis Services:**

In the event that a student presents with a possible mental health crisis, emergency services will be contacted. Charter School staff will notify parents of the need to contact Crisis Services. Parents will be asked to contact crisis or consent to the school contacting crisis. Parents will be asked to come to school to meet the crisis team, or if directed by the crisis team, meet the child, crisis team and staff member at Millcreek Community Hospital for assessment.

(For students who are currently receiving mental health services from a community provider or psychiatrist, parents may determine it is appropriate to contact this mental health professional prior to or in conjunction with a referral to Crisis Services.)

In instances when a parent cannot be reached, staff members will contact crisis services and proceed as directed by the crisis team, including calling 911 for serious mental health emergencies and/or transport to Millcreek Community Hospital. Staff will notify co-CEOs or designee of the referral.

### **Disciplinary Exclusions:**

The Charter School staff will follow the approved board policy for disciplinary exclusions from school, including those for students with behavior improvement plans/treatment plans, in keeping with the additional considerations addressed in this policy. Due Process Procedures will be followed. The Charter School will access the consultation services of the Intermediate Unit to assist with behavioral support planning as needed.

### **Alternative Placement:**

The Robert Benjamin Wiley Community Charter School Board of Directors recognizes that the school has a responsibility to provide a continuum of special education services. The Co-CEOs will recommend additional supportive programs at the school or suggested contracted relationships with other agencies to insure a free appropriate public education (FAPE) for identified students with disabilities whose behavior results in their exclusion from school.

Note: Any change of placement will be in accordance with due process procedures outlined in IDEA 2004 and other applicable state and federal regulations.

## **IV. RESPONSIBILITIES**

### **A. PARENTS/GUARDIANS:**

#### ***Regarding Student Academics Achievement***

- Stress the importance of education with your child.
- Be involved in school activities (i.e. volunteering in class) and attend parent-teacher conferences.
- Ensure that your child has time, space, materials, and help with homework.
- Keep up-to-date with your child's progress, and review, sign, and return progress reports and report cards.
- Work cooperatively with the staff if your child is experiencing difficulties.

#### ***Regarding Procedures and Recordkeeping***

- Complete and adhere to the parent contract established at the start of each school year.

- **Keep the school up-to-date on telephone numbers and address changes, as well as medical concerns, and family or social issues that may affect school performance.**

*NOTE: If you move from one school district to another (for example, from Erie to Millcreek) your child will be allowed to continue to attend our school BUT you must notify us immediately and complete a new registration form for us to send to your new home district office. Failure to let us know prior to move could result in your child not being allowed to continue to be enrolled in our Charter School.*

- Notify the school immediately if your child is to be absent and follow up with written documentation for excused absences within 3 days.
- Cooperate with bus transportation policy and procedures.
- Ensure that your child arrives to school on time according to the school calendar.
- Prior to admission to the school, the parent, guardian or other person having control or charge of a student shall, upon registration, provide a sworn statement of affirmation stating whether the pupil was previously or is presently suspended or expelled from any public or private school of this Commonwealth or any other State for an act of offense involving weapons, alcohol or drugs, or for the willful infliction of injury to another person or for any act of violence committed on school property (Act 26, Section 1304 of the Public School Code).

#### **ATTENDANCE RULES:**

##### **Absences:**

*NOTE: Pennsylvania law requires that school age children attend school daily. The only reasons a child is allowed to miss school are as follows: Illness, death in the family, religious holidays and religious instruction, impassable roads, emergency (on case by case basis....call school if you have questions) court appearance, delay or absence of school bus, educational tour/trip; quarantine, family vacation (approved in advance with school administration) medical and dental appointments,. Within 3 days from when student returns from legal absence, he/she must present a written note to homeroom teacher with student name, dates of absence, reason for absence. Note must be signed and dated by parent. Failure to present written excuse within three school days of legal absence will result in absence being recorded as "illegal."*

*If a student accumulates more than ten (10) absences due to illness during one school year the home district will require that we notify parents of need to provide a written excuse from child's physician for any additional absences due to illness. Without medical excuse, these absences will be considered illegal. A student who is out of school for ten consecutive days without formal notification to the school as to reason for absence is legally withdrawn from our school and may need to be on a waiting list for re-entry to the school.*

**Truancy:** *Under Charter School Regulations, Charter School Staff are required to report to the home district (in our case the Erie School District for students who reside in City of Erie or*

*for example Millcreek if student lives in Millcreek) all illegal absences. The responsibility for reporting truancy to the District Justice is out of our hands. If your child accumulates 3 illegal absences in one school year, you will receive a First Notice from the Truancy Office of your home district. This notice will warn you that if your child is illegally absent from school again, charges for your violation of Pennsylvania's compulsory school attendance (truancy) laws will be filed with the District Justice. IF that occurs, you will be ordered to appear at a hearing, and if found guilty, you will be subject to monetary fines. To avoid this result, please ensure the regular attendance of your child at school.*

*Note: Our Charter School staff are interested in helping you avoid any referrals to your home district or subsequent referrals to the District Justice. Please let us help you. Contact our school secretary and she will refer you to staff who can assist with many of the problems that may impact student health, attendance, transportation, uniforms or on time arrival to school.*

### ***Regarding Discipline and Self Esteem . . .***

- Send your child to school properly dressed according to RBWCCS Dress Code Policy every day.
- Review the Student Code of Acceptable Behavior and Discipline Manual and classroom expectations/rules with your child.
- Provide official documentation explaining any current court order regarding disciplinary actions involving the Juvenile Justice System.
- Work cooperatively with the staff if your child is experiencing behavioral difficulties.
- Attend parent meetings and workshop opportunities.

## **B. STUDENTS:**

### ***Regarding Academics . . .***

- Attend and be on time for school everyday, unless legally excused.
- Complete class work and homework on time and strive to excel academically.
- Ask teachers and other school staff for help with problems.

### ***Regarding Discipline and Self-Esteem . . .***

- Understand and obey school and classroom procedures and rules and follow the Code of Acceptable Behavior and Discipline Manual.
- Respect the rights and property of students and staff, and behave in a safe and responsible manner.
- Be respectful to others, avoid profanity, insults, threats, and harassment.
- Follow the school dress code and use proper hygiene.
- Practice good citizenship by being helpful and honest whenever there is a problem.

### **C. STAFF:**

#### ***Regarding academics success . . .***

- Set high academic expectations for students and help them reach their goals.
- Engage each student in the educational process to promote appropriate behavior.
- Keep accurate records of grades and attendance.
- Make class work and homework appropriate and directions clear.
- Maintain attendance records for students who are not present for the entire instructional day.
- Help students understand class rules and the Code of Acceptable Behavior and Discipline Manual.

#### ***Regarding Discipline and Self-Esteem . . .***

- Use fair and consistent discipline to teach students responsible behavior.
- Create a classroom environment where students can ask for help and feel safe and respected.
- Encourage all students to take part in school activities.

#### ***Regarding Partnerships with Parents...***

- Invite parents to participate in their child's education
- Respect confidentiality and parents' ideas and concerns
- Inform parents/guardians about problems with attendance, behavior, or academics
- Notify parents of student successes, interests and concerns.

## V. THE DISCIPLINE PROCESS

### A: Overview

It is the policy of the Robert Benjamin Wiley Community Charter School to be in compliance with Pennsylvania code, including the following:

1. Whenever a student is accused of violating a rule, he/she will:
  - a. Be informed of the charges and evidence.
  - b. Be given an opportunity to present his/her side of the situation.
  - c. The student will be appropriately subject to a wide range of discipline actions depending upon the situation.
  
2. Whenever a student is accused of breaking a rule or policy that could result in disciplinary exclusion from school her or she will be informed of the reasons for the possible or imminent suspension and given an opportunity to respond. (Note: Prior notice of the intended suspension may not be provided when it is clear that the health, safety or welfare of the school community is threatened. )
  - a. The parents or guardians and the CEOs shall be notified immediately in writing when the student is suspended.
  - b. If the suspension exceeds 3 school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements in § 12.8(c) (relating to hearings). ]
  - c. Suspensions will not be made to run consecutively beyond the 10 school day period.
  - d. Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the governing board.
  
3. Expulsion is exclusion from school by the governing board for a period exceeding 10 school days and may be permanent expulsion from the school rolls. Expulsions require a prior formal hearing under § 12.8.
  - a. During the period prior to the hearing and decision of the governing board in an expulsion case, the student shall be placed in his normal class except as set forth in subsection (d).
  - b. If it is determined after an informal hearing that a student's presence in his normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than 10 school days. A student may not be excluded from school for longer than 15 school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.

- c. Students who are under 17 years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education.
  - i. The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district's superintendent.
  - ii. Within 30 days of action by the governing board, the parents or guardians shall submit to the school district written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, the school entity shall, within 10 days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals With Disabilities Education Act (20 U.S.C.A. § § 1400—1482).
  - iii. If the approved educational program is not complied with, the school entity may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) to ensure that the child will receive a proper education. See § 12.1(b) (relating to free education and attendance).

Note: Depending on circumstances and as required by policy, law or code, law enforcement officials may be notified by school administration.

Additionally, to provide support to students and families:

- ❖ The student may be referred to a community-service agency with parental involvement
- ❖ When warranted, an incident will be investigated before sanctions are made.
- ❖ Parents have the right to meet with administration before expulsions are issued.
- ❖ Subsequent offenses will be dealt with through increasing disciplinary actions.

## **B: The Code of Student Conduct**

The Robert Benjamin Wiley Community Charter School operates in accordance with the Safe and Drug Free Schools and Communities Act of 1994. A safe school provides a physical and social environment in which students are able to learn and achieve to their fullest capacity. Every student and staff member has the right to respectful treatment and freedom from harassment and abuse. To ensure this occurs, RBWCCS has high expectations for its students, staff, and parents regarding the adherence to the guidelines described in this *Code of Acceptable Behavior and Discipline* Manual.

Student discipline referral form identifies a student's inappropriate behavior. Any school staff personnel can complete a referral form regarding a student's behavior.

The provisions regarding student behavior are applicable to students during the school day while on school property, at any school-sponsored activity, and while traveling on a school



bus/van to or from school. The offense will be treated on a case-by-case basis according to the severity of a student's behavior. Behaviors that can be referred include:

1. Smoking or tobacco products – Smoking or other use of tobacco by students is prohibited. Students may not carry or possess tobacco products on or off school property, buses, or at school functions. School personnel have the authority to confiscate tobacco products or look alike products.
2. Alcohol and Drugs– No one is to bring, carry, transport, store, sell or use any alcoholic beverages or drugs in the school buildings or on the school grounds or school buses. Possession or consumption of alcoholic beverages or illegal drugs on or off school property by any student is in direct violation of Pennsylvania law.

A student may be considered “under the influence” when one or more of the following indicators are noted: vomiting, staggering, odor, incoherence/disorientation, slurred speech, dilated pupils, and/or other physical evidence. “Under the influence” will be determined by having the school nurse, an administrator or designated adult verify that the student's behavior(s) indicates drug or alcohol abuse.

#### Disruptive Behavior-

- Leaving without permission (classroom or school building).
  - Inappropriate items (electronics, toys, games, candy or gum).
  - Improper dress (clothing outside the dress code).
  - Insubordination (not complying with staff directives).
3. Disorderly Conduct
    - Fighting
    - Assault to teachers/students
    - Unacceptable Language
    - Harassment
    - Sexual Harassment
    - Threatening staff/students
  4. Creating an Unsafe Environment
    - Throwing objects (i.e. “v-darts”, pencils, paper clips, etc.)
    - Destruction of school property (i.e. tipping desks/chairs, slamming doors, etc.)
    - “Play” fighting, wrestling, etc.

#### **Harassment-**

Intimidations by threats of or acts of physical violence or the expression of dislike, contempt, or prejudice toward an individual is harassment. Harassment of any type is not permitted. A student has the right to attend school free from harassment and should not be subjected to discrimination for any reason. The school will strive to ensure that these rights are protected and that appropriate consequences are provided to the offenders.

## **Sexual Harassment-**

Sexual harassment includes sexual flirtations, sexual advances, propositions for sexual intercourse or sexual encounters, comments about an individual's body, intention at and sexual exposure or sexually degrading words used to describe an individual.

- Sexual comments, jokes, gestures, or looks.
- Showing, giving, or leaving someone sexual pictures, photographs, messages, or notes.
- Spreading sexual rumors about a person.
- Touching, grabbing, or pinching someone in a sexual way.
- Pulling someone's clothing off or down.
- Forcing someone to kiss.
- Forcing someone to do something sexual, other than kissing.
- *Any action constituting sexual harassment is against the law* and the student will receive consequences up to and including possible expulsion from school.
- A referral may be made to the Juvenile authorities.

If a student believes that he or she is being harassed in any manner, he or she should promptly report the matter to a parent or guardian, a teacher, or an administrator. If a parent or guardian believes that a child is being harassed in any manner, the parent, or guardian should also immediately report the matter to a teacher or administrator.

Upon receiving a report of harassment, the Charter School will investigate the matter. If the Charter School determines that harassment has occurred, the person guilty of harassment will be disciplined in accordance with this Discipline Manual and other Charter School policies. The Charter School has the right to determine the appropriate discipline based upon the ages of the victim and the harasser, and the seriousness of the conduct involved.

The person who reported the harassment will be informed of the results of the investigation and whether discipline has been imposed. Because matters of discipline are confidential, the person making the report will not be informed of what disciplinary measures were taken. If the person who reported the harassment believes that harassment has continued despite the measures taken by the Charter School, the person may bring this matter to the attention of the Co-CEOs or the Board of Directors.

## **5. Weapons Violation – Zero Tolerance**

In accordance with law, the term “weapon” means “a weapon, device, instrument, material or substance, animate or inanimate object that is used for, or is readily capable of causing death or serious bodily injury.

If any student is knowingly in possession or involved in the transfer, storage, or use of a dangerous instrument the administrative staff will recommend from a wide variety of disciplinary action plans and/or the student may be expelled for a period of one calendar year. The weapon policy will be reviewed and the Chairperson of the Board of Directors will be notified in the event a student has in his/her possession a weapon on school property.

(a) Look-alike items – Disciplinary action will be taken if any student is knowingly in possession of or involved in the transfer, storage, or use of a look-alike instrument such as a toy or model weapon that looks enough like an authentic weapon to be reasonably mistaken for one. It will be considered a look-alike weapon. Any student who represents a look-alike drug or a weapon to a staff member or another student as a real weapon or drug and/or uses it to intimidate, encourage, threaten, or harass someone will be treated the same as if he/she used a real weapon/drug, according to state and federal laws.

## 6. Youth Gangs

Gang activity will not be tolerated on school grounds or at any school activity. Students will not wear or display explicit gang symbols or body language. Violation may result in suspension or other appropriate action.

## 7. Computer Misuse

All students are required to sign a Student Use Technology Agreement. This agreement outlines the responsibilities and appropriate use of all technology in the building. Misuse of any technology or violations of any agreement will be dealt with appropriately, up to and including loss of technology privileges, disciplinary action.

## 8. Electronic Devices

The possession and/or use of electronic devices, such as cellular phones, games, MP3 players, cameras etc. on school grounds, in school vehicles, and at school-sponsored activities are **prohibited**. In the case where there is an extreme necessity for a student to have a cell phone, a request for permission form must be completed and signed by the parent/guardian and returned to Student support services. The Director of Student Support Services will review the requests and respond accordingly. The permission requests should be signed with the understanding that the student **must turn their cell phone in to Student support services each day** when arriving at school and can pick it up before leaving school at the end of the day. *At no time are students allowed to carry or use cell phones during the school day, they may only use it after the school day is done and outside the school building and school vehicles.*

Those students in violation of carrying or using a cell phone or electronic device in the school building are subject to the following:

- ❖ First Occurrence: The item will be confiscated by Student Support Team and **will be returned to the parent/guardian only at a meeting with Student Support Services.**
- ❖ Second Occurrence: The item will be confiscated by the Student Support Team and **kept until the end of the year.**

## C. Discipline Sanction Continuum:

Any sanction being considered will occur at the discretion of the Co-CEOs or Director of Student support services.

Student discipline will be administered in a fair and expedient manner. When issuing a disciplinary sanction, a student's behavioral history may be considered so that the sanction

administered is appropriate for the student behavior. Disciplinary sanctions range from verbal warnings to expulsion from school.

- During an interview, each student is entitled to be told of the allegations made against him/her and the student will be given the chance to present his/her side of the incident.
- The teacher will notify the parent/guardian by phone or mail and apprise them of the incident. The administrator will notify the parent of the consequences given. The parent/guardian has the right to appeal the decision. A written notice will be given to the parent/guardian of any disciplinary exclusion including the suspension date(s); The incident will be recorded in the student's disciplinary record.
- Students eligible for Special Education Services, students who are disabled under Section 504 of the Rehabilitation Act of 1973 and students who are being assessed for suspected disabilities have additional rights guaranteed under federal and state laws.

### **1. Teacher Intervention**

Teacher intervention will include notifying parent/guardian each time a classroom incident occurs in which, due to behavior, the student has been removed from the classroom, classroom privileges have been removed, a student disciplinary referral has been made, or a detention has been issued.

#### **➤ Removal from the Classroom**

School administrators, teachers, or other school personnel may ask that a student be removed from a classroom if their behavior becomes disruptive to the learning process or unsafe to others or themselves. Parents will be notified by the teacher to give information regarding what occurred, then by Student Support or administration to inform the parent of any disciplinary action which involves exclusion from the classroom.

#### **➤ Parent/Guardian Conference**

The purpose of the conference will be to discuss the incident and possible solutions with the parent/guardian, and appropriate school staff. School records and discipline records will be available at the meeting. The student may be invited to the meeting.

If the parent/guardian is unable to attend or chooses not to attend the conference, the conference will be held with the student. The administrator will report the results of the conference to the parent/guardian.

In serious cases, non-participating parent(s) may be referred to the RBWCCS Board of Directors. The Board President may ask members to formulate a sub-committee to review the case and provide a written report of the findings including a recommendation within 30 days.

### **2. Student Support Team / Administrative Interventions**

The Co-CEOs and/or Designee may implement any of the following consequences after reviewing the incident with the student(s). A phone call will be made to the parent/guardian

the day of the incident when possible. Parents will be notified of their rights to appeal in cases of out of disciplinary exclusions.

- Time-Out
- Parent/Administrative Conference
- Lunch Detention
- After-school detention
- Positive Support Room
- Out-of-school Suspension
- Another appropriate program or placement
- Expulsion from school (following board hearing)

### **3. Time-Out Program**

Referrals to Time-Out Program will occur at the discretion of the Student support services Team. Referrals to Time-Out may range from 30 minutes to ending the day, depending on the situation. Referrals to the Time-Out program may be made due to a wide range of student behaviors or behaviors that are chronic in nature. The Student Support Services Team will determine the length of time that the student will stay in the Time-Out Room. In the case of an emergency situation, Co-CEOs will determine the length of time.

Students participating in Time-Out will continue to complete their daily work and are counted as present in school. Students who have an Individual Educational Plan (IEP) will work towards their IEP goals and the Special Education Teacher will modify appropriate work.

### **4. After-School Detention**

After-School Detention is a deterrent to student misbehavior. Detention will be held at 3:00 pm, Monday – Thursday with an ending time of no later than 4:00 pm.

The student must report on time with schoolwork or academic reading materials. The parent will be contacted by the appropriate administrator or staff and given 24- hour notice of the date the detention will be served.

Failure to serve the assigned After-School Detention may result in the student serving additional After-School Detentions and/or maximum of three (3) days of Out-of-School Suspension. **Parents are responsible for student's transportation. Students must be picked up promptly by 4:00.** *(If parents are experiencing difficulty with transportation, please contact school to discuss possible solutions)*

#### **Rules for After-School Detention:**

- Students will report to the assigned teacher no later than 3:00 p.m.
- Students may not leave their seat during the detention period.
- Students will be provided work which must be completed during detention.
- Students may not rest their head on the desk: no sleeping.
- No gum chewing, talking or other communication with other students in any way.

- Violation of any of these rules will result in additional detention time to be served.

## 6. Positive Support Room

The Positive Support Room serves as an intervention, the focus being on the development of pro-social behaviors. The program staff works with students who have been removed from the regular school classes because of disruptive behavior and other behaviors, which are not conducive to the learning environment. The focus of the program is to provide the skills and knowledge necessary to be successful in the school setting.

PS is a school setting with a certificated teacher and students are receiving their required work. Parents are notified by a phone call from an administrator or designated staff person. Special education services are provided when necessary.

**7. Out-of-School Suspension / Zero Tolerance** – Will be imposed for any student who commits any of the following:

- Assault A student who assaults or commits a physical act of violence on another student or any school personnel will be given a maximum of ten days of Out-of-School Suspension. A parent conference will be held as soon as possible (preferably the same day of the incident) and a decision of the number of days suspended will occur. **Any student serving an out-of-school suspension may not participate in any school events and are required by law to be at home.**
- Disorderly Conduct which includes: Fighting, threatening, or engaging in violent behavior, using obscene language or gestures, disruptive behavior, creating an unsafe or physically offensive environment.
- Tampering with Fire Extinguishers/ Alarms; dialing 9-1-1: A student is not authorized to disengage/tamper with a fire extinguisher, pull fire alarms or dial 9-1-1 while on school property. A parent conference will be held the day of the incident; the parent will be financially responsible for any fees the Erie Fire Department and/or Erie Police Department deem necessary. A maximum of ten days of Out-of-School Suspension will be considered for the student(s) responsible for this act.
- Possession of weapon, dangerous instrument, illegal drugs or alcohol.
- Theft\_– Stealing property belonging to the school or another person.

In the event of an Out-of-School suspension, the Director of Student Support Services (or designee) will arrange for classroom assignments and parents may pick up assignments at the school office. Teachers are given one day to prepare assignments. Students are not permitted on school grounds during the suspension and are excluded from participation in all school-sponsored activities including, but not limited to, sports events, after-school activities, and school sponsored activities. A conference will be held with the parent, student, and appropriate staff the day of the incident or **prior** to the student returning to school.

## 8. Expulsion

Expulsion is exclusion from school by the Board for a period exceeding 10 school days and may be permanent. All expulsions require a prior formal hearing. All expulsions will be conducted in compliance with Chapter 12 of the Regulations of the State Board of Education of Pennsylvania.

The Director of Student Support Services shall keep all discipline records. The records are accessible to teachers, administrators, the student, and/or parent/guardian, as required by the Family Educational Rights and Privacy Act.

### D. Appeals

Whenever a student is accused of committing a violation of rules, he/she has the right to due process.

If a sanction is recommended, the parent/guardian is notified by phone and given the opportunity to discuss the incident and sanction.

If the parent/guardian does not agree with the sanction decision, they must submit in writing a request for an appeal hearing within 24 hours.

A parent/guardian may request for the student to stay in school during the appeal. A student considered by the Co-CEOs to be a threat to himself/herself or others may not stay in school during the appeal process.

- If the Co-CEOs deny the appeal, the parent/guardian may appeal to the RBWCCS Board of Directors. The appeal letter must be mailed or delivered to the school within five working days of the day a disposition is made by the principal.

## VI. ADDITIONAL POLICIES AND PROCEDURES

### A. Attendance

**All students are required by law to attend school every day and to be on time for school and all classes.** Parents are held accountable for student attendance. Students who experience excessive absenteeism or tardiness may be assigned detention.

Definition of terms:

- **Attendance** is the presence of a student in school on days that the school is in session. Attendance is required for all students enrolled in the Charter School during the days and hours that school is in session.
- **Absence** is the failure of a student to attend school on those days, half-days, and hours that the school is in session.
- **Excused Absence** includes the absence of a student for any of the following reasons:
  - Absence approved by the appropriate administrator
  - An absence for which the parent has written an excuse **within 3 school days following the student's return to school**, and that is accepted by the proper administrator. Each parental excuse should include the

- student's full name, grade, and homeroom, listing the dates of absence and the reasons for the absence. The parent should sign and date the excuse and list a phone number where they can be reached.
- School trips or activities that has been previously approved by the Co-CEOs
- Severe weather, where surrounding Erie school districts broadcast that parents should use their discretion in sending your child to school.
- Religious instruction, or religious holidays
- **Unexcused Absence** is an absence of a student who is beyond compulsory attendance age, (17 years or older) for one of the following reasons:
  - Parental neglect – parent knows of the absence (examples: unauthorized trips, baby-sitting, errands, housework, oversleeping)
- **Truancy or Illegal Absence** – absence from school for reasons other than those defined as legally absent or leaving school during school hours without school authorization. This applies to students ages 7-16.

## **Disciplinary Consequences for illegal absences are:**

### **First Offence:**

- A conference with the parent, student, and the Student support services Staff to design an individual plan for student achievement

### **Second Offence:**

- After School detention\*
- A conference with the parent, student and Student support services Staff

### **Third and Succeeding Offenses**

- Conference with the parent, student and Co-CEOs
- Possible referral to the district justice
- **Truancy** – in addition to any disciplinary consequences imposed by the school on those students who have the following procedures will be acquired illegal absences, those students ages 7-16 must comply with the compulsory education/truancy provisions of the Pennsylvania Public School Code. The following procedures will be followed: Note that, as described earlier, Charter Schools are required to send information regarding truancy to the Home School District (district of residence for students who live in Erie would be Erie School District) Charter School will continue to provide assistance and support to families, but the official referral to District Justice will continue through home district per required Public School Code.

**a.First Notice** – A first notice shall be served on the student's parents/guardian as soon as a student has accumulated three days of illegal absence. It remains a first notice until three days



have elapsed after the legal notice has been served on the parent. Counselor, students and parents will meet.

**b.Second Notice** – The next illegal absence after the First Notice is closed becomes a second offense and the appropriate school official will serve this notice on the parent/guardian. When this notice is served, charges will be filed with the District Justice.

**c.Hearing before the District Justice** – After these charges are filed with the District Justice, the student’s parent/guardian will receive a notice of a hearing before the District Justice. Both the truant child and the parents/guardian must appear at the hearing. If the parent shows that they have taken steps to assure that the child attends school, they will be charged with a summary offense.

1. Upon conviction of a summary offense or the failure to comply with compulsory attendance laws, the truant student’s parent/guardian will be sentenced to pay a fine, not to exceed three hundred dollars (\$300.00) and must pay court costs or be sentenced to complete a parenting education program

2. If the parents/guardian are not convicted, and the child continues to be truant and has reached the age of thirteen, and has been convicted to violating the compulsory attendance laws:

a. The child can be fined up to \$300.00 or be assigned to an Adjudication Alternative Program; and

b. If the child is convicted of a violation of compulsory attendance laws is unlicensed, that child will be ineligible to apply for a learner’s permit or driver’s license for 90 days after a first offense, or for six months after a second or subsequent offense. If the child is under sixteen years of age when convicted, suspension or operating privileges will commence upon the child’s sixteenth birthday.

## **B. BUS POLICY**

The following subsection outlines what is expected of students who ride the school bus to and from school:

**The safety of students is a top priority, and misbehavior on a school bus will not be tolerated.** It is imperative that students follow all bus rules/procedures for the safety of all children. If a child violates bus rules, resists bus procedures, poses a safety risk for him/herself and/or others, the following suspension policy will be followed. **If a suspension has been assigned, it is the parent/guardian’s responsibility to bring their child to school and pick them up after school on time.**

In order to insure student safety, school staff and the bus company will work cooperatively to establish safeguards, including, but not limited to establishing assigned seating, the use of a mounted video camera, and the notification of parents.

Because the driver must focus on driving the bus, it is necessary for students to be well behaved. Therefore, the following regulations shall be **strictly** enforced:

All students are under the supervision of the driver of the bus and/or the bus aide if one is present. The driver and/or bus aide will handle any behavioral concerns that occur while the

bus is in route either to or from the school. The bus driver and/or bus aide is responsible for documenting any bus infractions.

When a student violates the bus policy, a written notification will be faxed to the Erie School District Transportation Office, First Student Transportation, and faxed to the Robert Benjamin Wiley Community Charter School.

Rules of conduct on the Bus/Vans:

- No student shall throw any objects or substances in or around the bus.
- No student shall use loud or profane language in or around the bus.
- No student shall engage in pushing, fighting, or other unruly behavior in or around the bus.
- All students shall remain seated at all times while on the bus. Aisles must be kept clear.
- No student shall deliberately mark, deface or tamper with any part of the bus. The parent of that student will pay for any damages.
- All students will get off and on the bus at their assigned bus stop.
- No student shall eat or drink on the bus.

The first incident report will be considered a warning, **depending on the severity of the behavior**. The Student Support Services Team will speak with students regarding the incident report and will notify the parents/ guardians by letter or by phone of the incident. **In cases of severe incidents, suspensions may be given without warning if deemed appropriate by an administrative staff.**

The bus suspension will be enforced for accumulation of quarterly referrals as set forth below. It is the responsibility of the parents/guardians to provide transportation to and from school. Students suspended from the bus must continue to attend school. Transportation problems will not be considered legal absences.

\*During each quarter of the school year:

**1<sup>st</sup> referral** = verbal warning and parent notification

**2<sup>nd</sup> referral** = after-school detention and parent notification/conference; if student does not attend scheduled detention, student will be suspended from bus riding privileges for one day.

**3<sup>rd</sup> referral** = minimum 3 day bus suspension

Additional referrals will be enforced on an individual basis and suspensions will be given at the discretion of the school administration and the bus company. Additional suspensions will be longer in duration and may result in permanent removal from riding the bus. School staff may also use videotape from the bus camera to determine suspensions or additional disciplinary actions.

**In addition to the above procedure, the school reserves the right to go outside of the above guidelines in extreme circumstances.**

Charter school staff will assist in the loading of buses during dismissal time and assist with unloading of buses during morning arrival.

## C. DRESS CODE

### 1. GUIDELINES:

Boys shall wear:

- **Pants** or shorts, in colors of **solid navy blue, black, or khaki**, which must be worn or belted at the waist. Mid thigh shorts are permitted during warm weather days. (August through September 30; May 1<sup>st</sup> through June) The hem of the shorts must be at or lower than the children's fingertips when their arms are straight at their sides.
- **Shirts**, in **solid white, navy blue, black or khaki**. Shirts must be oxford, polo or turtleneck style with sleeves (short or long) and collar. No T-shirts.
- Optional, sweaters or jackets to be worn over shirts must be in colors of **solid white, navy blue, black or khaki**. Sweaters/jackets must **NOT have hoods. No hoodies.**

Girls shall wear:

- **Pants** in colors of **solid navy blue, black, or khaki**, which must be worn or belted at the waist, or shorts, skorts, skirts or jumpers, in colors of **solid black, navy blue, or khaki** which are knee length and worn or belted at the waist. The hem of the shorts, skorts, skirts and jumpers must be at or lower than the children's fingertips when their arms are straight at their sides. **No White Bottoms.**
- **Shirts**, in **solid white, navy blue, khaki, or black**. Shirts must be oxford, polo or turtleneck style with sleeves (short or long) and collar. No T-shirts.
- Optional, sweaters or jackets to be worn over shirts must be in colors of **solid white, navy blue, black or khaki**. Sweaters/jackets **must NOT have hoods. No hoodies.**

### General rules regarding student dress.

Though an individual's dress and adornment/appearance is a matter of personal preference and choice, certain styles of dress/appearance are not appropriate in school for the health, safety, welfare, morals and rights of students and staff. Students will be required to change inappropriate clothing or appearance or be sent home to do so and return. For this reason, the following guidelines are established:

7. Wear clothes that are not revealing or suggestive, such as see-through blouses, halter tops, tank tops, bare midriffs, cutoffs.

8. Wear clothing, jewelry, and other accessories which do not promote, encourage, or depict any form of drugs (including alcohol), obscene, suggestive or vulgar language or action, or cults.
9. Wear clothing, jewelry, and accessories which do not signal membership in a gang.
10. Wear pants or shorts which are secure around the waist.
11. Wear clothing which will not cause harm to another person, damage to property, or create an unsafe environment.
12. Wear shorts and skirts of reasonable length and style.
13. Outdoor clothing or accessories such as coats, hats, bandanas, gloves, picks and the like may not be worn.
14. Students must wear shoes or footwear appropriate for the school setting-no flip flops or open-back sandals; no high heels;

The administration may impose additional limitations on dress and/or appearance if the attire or appearance causes a disruption of the educational process or constitutes a health or safety hazard.

## **2. DISCIPLINE FOR DRESS CODE VIOLATIONS:**

In order to avoid sending home students who are in violation of our dress code, the school has purchased a limited supply of uniform clothing for students to use for the day. These items must be returned daily prior to student dismissal. These items are professionally cleaned after each use. Parents will be responsible for replacing any uniform items worn and not returned by their students.

### **Each dress code violation will incur the following:**

- \*Students will be required to change inappropriate clothing or appearance or call parent to bring appropriate dress code clothing. Students who do not have the means to go home to change or have appropriate clothing brought to them will be provided school-owned uniform clothing to wear for the day.
- \* Students who refuse to change to school provided uniform for the day will be sent home for the day for insubordination. If a parent cannot be reached, the student will be assigned to the Positive Support Room for the day.
- \*Students who repeatedly violate dress code will be assigned consequences. These consequences must be served regardless of consequences assigned for insubordination.
- \*Repeated offenses may receive additional consequences up to and including out of school suspension.

Note: If family circumstances prevent a student from dressing appropriately, please contact the teacher, counselor or other staff. We understand that there are difficulties and want to work with you to help your child abide by school rules.

Notwithstanding the above provisions, the administration may impose additional limitations on dress and/or appearance if the attire or appearance causes a disruption of the educational process or constitutes a health or safety hazard.

#### **D. Student Searches (See Student Search Policy Attached)**

Although students have the right to freedom from unreasonable search and seizure, school officials have the right, under the law, to search students or their property whenever there is a reasonable suspicion that they have something that violates school rules or endangers others. Students may be searched to maintain the on-going educational process, maintain order, and/or protect people and property. Searches may include the student and his/her locker, desk, or personal belongings.

#### **E. Make up Work**

A student returning to school after an excused absence, in-school suspension or out of school suspension may request make-up work within three school days of his/her return. The make-up work will include only written daily work, tests, and major projects. Some class work cannot be reasonably duplicated and cannot be made up. The make-up work will be provided to the students as arranged with the teacher. The student will have the number of school days of absence or suspension plus one school day from the time he/she receives the make-up work to turn it in to the teacher. Teacher discretion can be used to handle special situations.

#### **F. Lockers**

***Lockers are the property of the school, not of the individual student.*** The privilege of using the locker to store book bags and coats depends on students following our locker procedures.

- Students will not write anything on lockers. No stickers or labels are to be placed in/on the lockers.
- Seventh and eighth grade students will be allowed to secure lockers with a combination lock lent to them by the school.
- Students must use a school-issued lock only.
- Students may not share lockers.
- Students will clean their lockers monthly.
- Students are allowed to go to their locker at assigned times by their teacher and must possess a locker/hall pass.
- Do not bring valuable items to school. The school will not be liable for lost or theft of items. Personal items are not the responsibility of the school.
- There should be no excessive noise associated with locker use.
- Any student found at their locker at a non-approved time or **in another student's locker at any time** will forfeit their locker privilege for a time determined by a teacher, support staff, or administrative personnel. Locker privileges may be lost for the remainder of the year.

**\* Combination Locks will be issued to students in grades 7-8. Students will be responsible for the \$5.00 lock fee if the lock is lost, damaged, or stolen and will not be provided a new lock until \$5.00 is paid.**

VII. Additional Considerations regarding Suspension and Expulsion for Students Identified as Exceptional and in Need of Special Education Services.

The Robert Benjamin Wiley Community Charter School complies with Federal and State regulations regarding the provision of a Free and Appropriate Public Education. Every effort will be made by school staff to work with parents and families to meet the needs of students identified as exceptional.

B. If a student has been identified as mentally retarded, any disciplinary exclusion from school is considered to be a change of placement and full “due process protections as required by the Individuals with Disabilities Education Act” apply from the first day.

C. If a student has been identified as exceptional with any other conditions, which entitles the student to special education services, these specified “due process protections” apply after the 10<sup>th</sup> consecutive day of suspension or after the 16<sup>th</sup> day of suspension in any one school year.

D. In cases where a suspension has been imposed, a student may not be suspended for more than 10 days. At that point a hearing must be held to determine if the disciplinary infraction is a manifestation of the student’s disability.

- i. If the infraction is determined to be a manifestation of the student’s disability, the student shall not be excluded from school. If a functional behavioral assessment has not yet been completed, an IEP meeting will be held to develop an assessment plan. If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation and modify the plan and its implementation as necessary to address the behavior.
- ii. If the disciplinary infraction is determined NOT to be a manifestation of the student’s disability, the student may be disciplined to the same extent as a non-disabled student, subject to the limitations on the length of exclusions and the applicable due process hearing procedures required by IDEA.
- iii. If the student with a disability violates the school’s drug and alcohol policy, the Chairperson of the Board of Trustees may place the student in an alternative educational setting for a maximum of 45 days.
- iv. If a student with a disability violates the school’s weapons policy; the Chairperson of the Board of Directors may immediately assign the student to an alternative educational program for a maximum of 45 days. Whether the student with a disability is subject to the one-year

expulsion due to the possession of the weapon depends upon the manifestation determination and due process hearing procedures.

These policies and procedures will remain in place during the 2012-2013 school year. If the regulations or events require amendments or additions, each family will receive a copy of any changes made.

## VIII. GLOSSARY

**Adjudication** – When the school board hears and decides the disciplinary consequence for a student’s violation of school rules.

**Absence** - The failure of a student to attend school on those days, half days, and hours that school is in session.

**Agitate** – Excite, disturb, stir up, or arouse.

**Arson** - The deliberate starting of a fire or explosion, or helping, asking, or telling another person to start a fire or explosion, which could or does place property in danger of being damaged or a person (including a fire fighter) in danger of injury.

**Assault** – The deliberate or reckless attempt to cause or the actual causing of physical pain or injury to another or the deliberate or reckless attempt by physical menace to put another in fear of imminent physical pain or injury.

**Attendance** - The presence of a student while school is in session.

**Building Level Team (BLT)** – Collaborative team reviews a student that was referred for academic difficulties, chronic behavior concerns, or emotional difficulties. The goal of the team is to take a multidisciplinary approach to problem solving with regard to individual student needs.

**Chronic Misbehavior** – Frequent recurrence of negative behavior.

**Class Cutting** – Absence from class without the knowledge or written permission of the teacher.

**Detention – (Lunch or After-School)** – Form of discipline assigned by an administrator, teacher, or family coordinator. A student must use this time to eat lunch, work or read quietly.

**Disorderly Conduct** – Fighting, threatening, engaging in violent behavior making unreasonable noise, using obscene language or gestures, creating a hazardous or physically offensive condition, for the purpose of creating public inconvenience, annoyance, or alarm.

**Disrespect** – A lack of respect or deference shown by a student to the authority of an administrator, or staff member.

**Due Process - (Special Education)** When applied to children with learning disabilities, due process means that parents have the right to request a full review of any education program developed for their child.

**Electronic Devices** – Cellular phones, headphones, Ipods, mp3 players, radios, video games, cameras or similar devices.

**Endangerment** – Deliberate conduct, which recklessly causes another to be placed at risk of death or serious injury.

**Excused Absence** – excused absence includes the absence of a student for any of the following reasons:

- (1) Illness
- (2) Death in the family
- (3) Religious holidays and religious instruction
- (4) Impassible roads
- (5) Emergency
- (6) Delay or absence of school bus
- (7) Educational tour/trip
- (8) Quarantine
- (9) Court Appearance
- (10) College visitation
- (11) Dental and Medical appointments
- (12) Home tutored instruction
- (13) Suspensions

**Extortion** – Obtaining money, property, or articles by threat or force.

**FAPE** – Free and appropriate public education.

**Fighting** – Any physical conflict between two or more persons.

**Fracture** – A broken bone.

**Harassment** – Includes but is limited to, unwelcome and offensive slurs, jokes, or other verbal graphic or physical conduct relating to an individual's race, color, religion, ancestry, national origin, age or handicap/disability which are so severe or pervasive in nature that they create, or pose a realistic threat of creating, an intimidating, hostile, disruptive or offensive educational environment.

**Individual Education Program (IEP)** – A written plan that tells what special education programs and services the child will receive.

**IEP Team** – Parent, (guest of the parent), Special Education Teacher, Regular Education Teacher, LEA Representative, School psychologist, and the student if appropriate.

**Infraction** – Breaking of a law/rule.

**Instigate** – To provoke, incite.

**Insubordination** – Outright refusal to obey a directive from any staff member after repeated attempts have been made to encourage the student to comply without disciplinary action being initiated.

**Intimidate** – Frighten or compel by words or gestures.

**Local Education Agency (LEA)** – School or district is responsible for providing a child an educational program.



**Loitering** - Hang around, to lag behind, to aimlessly stop or pause without legitimate purposes.

**“Look-alike”** drugs/substances - Any substance that substantially resembles or is meant to represent any illegal drug or unauthorized substance.

**LRE** – Least-Restrictive Environment.

**Mediation** – Free, voluntary, and confidential procedure designed to help parents and school officials reach an agreement.

**Possession** – A student will be deemed to be in “possession” of any object if it is found on the person of the student, under the student’s control while he/she is on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is on his/her way to or from school.

(NOTE: Possession includes ownership, but is not limited to ownership.)

**Right to Legal Representation** - Persons who are involved in any disciplinary process have the right to legal representation at their own expense.

**Sanction** – Students who are given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the sanction is imposed.

**Setting off False Fire Alarms** – A student is unauthorized to pull a fire alarm for any reason.

**Sexual Harassment** – Includes sexual flirtations, sexual advances, propositions for sexual intercourse or sexual encounters, comments about an individual’s body, intention at and sexual exposure or sexually degrading words used to describe an individual.

**Stealing** –

1. Taking the property of another without the intent of returning the property to the owner.
2. Obtaining possession of the property of another by deception, extortion, or blackmail without the intent of returning the property to the owner.
3. Failing to return or make reasonable efforts to return property to its owner.
4. Taking possession of some one else’s property without the intent of returning it to the owner.

**Tardiness** –The absence of a student arriving to school late without verbal or written excuse from the parent or guardian.

**Tardy to Class** – The absence of a student at the beginning of class (homeroom).

**Teacher Detention** – A disciplinary action where a teacher requires a student to report to the teacher before or after school for disciplinary reasons. Students shall receive at least a twenty-four (24) hour notice and the teacher assigning the detention will remain with the student.

**Terroristic Threat** – A threat to commit any crime of violence to another or to cause evacuation of a building, place of assembly or facility or to cause serious public inconvenience or in reckless disregard of the risk of causing such terror or inconvenience.

**Time Out** – A period of time during the school day when a student is temporarily removed from the normal school routine or setting as consequence of violation of school policy or rules.

**Trespassing** – Entering or remaining in or on property, knowing or having reason to know that one is not permitted to enter or remain.

**Vandalism** – Deliberate or reckless destruction of damage to or defacement of property.

**Weapon** – Shall include, but not be limited to, any of the following or any replica or look-alike of the following: guns, firearms, knives, metal knuckles, or razor blade or any other object designed for protection or designed to harm others, or any object intended by the student to do bodily injury or threat of bodily injury to another.

**Zero Tolerance** (Suspension) – Minimum of 1 day of suspension up to and including expulsion from school.

**ROBERT BENJAMIN WILEY COMMUNITY CHARTER SCHOOL  
ANTI-BULLYING POLICY      Board Approved 10/12/10**

Board of Trustees of the Robert Benjamin Wiley Community Charter School (“Charter School” strives to provide a safe, positive learning climate for students in the Charter School. Therefore, it shall be the policy of the Charter School to maintain an educational environment in which bullying and cyber bullying in any form are not tolerated

All forms of bullying and cyber bullying by Charter School students are hereby prohibited. Anyone who engages in bullying or cyber bullying in violation of this Policy shall be subject to appropriate discipline. Students who have been bullied or cyber bullied shall promptly report such incidents to **any staff member.** Complaints of bullying or cyber bullying shall be investigated promptly, and corrective action shall be taken when a complaint is verified. Neither reprisals nor retaliation shall occur as a result of a good faith submission of a complaint. Confidentiality of all parties shall be maintained, consistent with the Charter School’s legal and investigative responsibilities.

The Charter School shall annually inform staff, parents and students that bullying or cyber bullying of students will not be tolerated. All staff will receive annual staff development on this policy and strategies and expectations to prevent and address bullying behaviors.

Information about this policy will be shared with parents via posting of policy on school bulletin boards, printed in the school code of conduct, shared at parent meetings and CASS parent meetings and in school newsletters. Students will be informed of this policy through assemblies, class meetings, classroom instruction, and facilitated sessions. The policy will be posted in classrooms and other prominent school locations

Surveys will be conducted annually with staff, parents and students to determine needs and progress. Data on incidents and interventions will be collected and presented at least annually to the parent group and the Board of Trustees.

**Definitions:**

“Bullying” means and intentional unwelcome verbal, written, electronic or physical conduct or gestures or a pattern of behaviors within a school setting or outside a school setting that is directed at a student by another student that has the effect of:

1. Physically, emotionally or mentally harming a student;
2. Damaging, extorting or taking a student’s personal property;
3. Placing a student in reasonable fear of physical, emotional or mental harm;
4. Placing a student in reasonable fear of damage to or loss of personal property;

5. Creating an intimidating or hostile environment that substantially interferes with a student’s educational opportunities; or
6. Substantially disrupting the school environment.

Bullying includes, but is not limited to harassment, hazing, intimidation, or menacing acts which may, but not need be, based on the person’s sex, race, color, ethnicity, religion, national origin, age, disability of sexual orientation.

Bullying includes cyber bullying. “Cyber bullying” includes, but is not limited to, the following misuse of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs) which has the effect of:

1. Physically, emotionally or mentally harming a student;
2. Placing a student in reasonable fear of physical, emotional or mental harm;
3. Placing a student in reasonable fear of damage to or loss of personal property; or
4. Creating an intimidating or hostile environment that substantially interferes with a student’s educational opportunities.

“School setting” means in the Charter School, on school grounds, in vehicles transporting students to and from school, at a designated bus stop or any activity sponsored, supervised or sanctioned by the Charter School.

“Relational aggression” means all conduct that is on a continuum of behaviors that reduce students’ perception of feeling safe at the Charter School. In those instances where the conduct does not rise to the definition of bullying, school staff will impose discipline through the “make it right” process for relational aggression.

All forms of bullying are unacceptable and, to the extent that such actions are disruptive of the educational process of the Charter School, offenders shall be subject to appropriate staff intervention, which may result in administrative discipline.

The term “bullying” and “cyber bullying” shall not be interpreted to infringe upon a student’s right to engage in legally protected speech or conduct.

**Delegation of Responsibility:**

Each staff member shall be responsible for maintaining an educational environment free of bullying and cyber bullying.

Each student shall be responsible to respect the rights of his/her fellow students and to ensure an atmosphere free from all forms of bullying and cyber bullying.

Students shall be encouraged to report bullying or cyber bullying complaints to **any staff member.**

Any staff member who receives a bullying or cyber bullying complaint shall gather information or seek administrative assistance to determine if bullying or cyber bullying has occurred. If the behavior is found to meet the definition of bullying or cyber bullying, the CO-CEOS or designee must complete the appropriate written documentation.

The Co-CEOS or his/her designee will inform the parents or guardians of the victim and also the parents or guardians of the accused.

**Complaint Procedure:**

A student shall report a complaint of bullying or cyber bullying, orally or in writing, to **any staff member.** If a parent initiates the complaint, the appropriate staff member will follow-up with the student.

The staff member will either gather the information or seek administrative assistance to determine if the alleged bullying or cyber bullying conduct occurred.

After the information has been gathered, the Director of Student Support Services (DSS) shall be notified of the complaint. In consultation with the Co-CEOS, DSS will determine the need for further investigation or the appropriate intervention, which may result in administrative discipline to ensure that the conduct ceases. If the behavior is found to meet the definition of bullying or cyber bullying, Charter School administration team will complete the appropriate written documentation

A violation of this Policy shall subject the offending student to appropriate disciplinary action, consistent with the student discipline code, which may include counseling within or outside of the school, parental conference, loss of school privileges, suspension, expulsion or notification to the appropriate authorities. All acts of bullying in grades 5-8 will additionally be subject to the Charter School's "restorative justice" model which involves exclusion from the school community until the offender "makes it right" with the target.

#### Administration Responsibilities

The Co-CEOS or designee, in cooperation with other administrators shall review this policy every three years and recommend appropriate changes to the Board of Trustees.

The Co-CEOS or designee will provide the following information with the Safe Schools Report

1. The Anti-Bullying Policy
2. Report of Bullying Incidents
3. Information on the development and implementation of any bullying prevention, intervention or educational programs.

# ROBERT BENJAMIN WILEY COMMUNITY CHARTER SCHOOL

## Board Policy: Student Searches

Approved: 10/12/10

The Board of Trustees of the Robert Benjamin Wiley Community Charter School recognizes students have the right to be free from unreasonable searches and seizures. Balanced against this right is the school's official responsibility to create and maintain a safe school environment. Charter School administrators or individuals acting on their behalf may search individual students and their property (including lockers, book bags) when they have reasonable grounds or reasonable suspicion to believe that the search will uncover evidence that the student is violating the law or policies of the Charter School. Administrators must exercise discretion, good judgment, and common sense in all student searches. Students, parents/guardian and staff shall be informed of this policy at least once per year.

### II. Justification for Searches

School administrators or their designees are authorized to conduct searches of students or their property, including their lockers, on school property, when there is a "reasonable suspicion" that a student is in possession of an item or substance that represents a threat to the educational process, or is prohibited by school board policy or by law. Reasonable suspicion requires school personnel to be able to articulate the facts and inferences that led them to believe that a student had violated the law or school policy. Searches may also involve the random use of specially trained drug dogs, metal detector units or any device used to protect the health, safety and welfare of the school population. Illegal or prohibited materials may be used as evidence in school disciplinary proceedings.

Personnel may consider all factors involved, including but not limited to:

1. Personal observation;
2. Reliability of informant information;
3. Knowledge of the student's age, reputation, and discipline record;
4. Seriousness of the suspected violation; and/or
5. Urgency to protect the health and safety of others.

### III. Scope of Search

The scope of the search must be reasonably related to the goals of the search and not excessively intrusive in light of the age of the student and the nature of the violation suspected.

#### A. Search of a Student

1. Unless an urgent situation occurs in which a threat to individual health and safety exists, the Co-CEOS must authorize the search.
2. The Co-CEOS must be present for all student searches. If the Co-CEOS are not available, either the Director of Student Support services or Behavior Specialist II must conduct the search and must have another staff member present. All searches are required to have two employees present.
3. If possible, searches should be conducted in private and out of the presence of other students.
4. Student searches may include a frisk or pat down of clothing if school staff members think it is necessary. A member of the same sex must conduct these searches with another person present, except in exigent circumstances.
5. In searching students, staff members may go as far as asking students to remove their shoes or jackets. If a staff member believes search beyond removal of shoes, socks, or jacket is necessary, he or she should call the police.

6. Immediately after a search of a student or a student's belongings, the Co-CEOS shall call the parent or legal guardian of the student and notify him or her of the outcome. The police will be notified if an illegal substance or weapon is found.
7. The Co-CEOS shall record the student searched, the reason for the search, the people present, the items found and the disposition of the items.
8. Search of a student includes search of the student's personal property, such as clothing, jackets and book bags.

#### B. Search of Lockers

1. The Board of Trustees recognizes that lockers may be convenient for the storage of books, clothing, school materials and personal property and may assign lockers for such purposes.
2. All lockers shall remain the property of the Charter School, and students shall have only a limited expectation of privacy in lockers which are locked. For students who are not issued locks, there shall be no expectation of privacy in a locker.
3. No student shall place or store any object or substance in a locker which is prohibited by law, school policy or rules or which constitutes a threat to the health, safety and welfare of people in the school or the building itself.
4. School employees are authorized to inspect a student's locker at any time based upon reasonable suspicion for the purpose of determining whether the locker is being used improperly for the storage of contraband, a substance or object which is illegal or an material which poses a threat to the health, safety and welfare of the school population.
5. The school administration is authorized to conduct random general searches of the school's lockers when the school has a compelling interest in protecting and preserving the health, safety and welfare of the school population.
6. The Co-CEOS or designee and a witness shall be present each time a locker is searched.
7. The Co-CEOs or designee shall record the locker searched, the reason for the search, the people present and the items found, and their disposition.
8. A student has the opportunity to be present at the search of his or her locker unless school officials have a reasonable suspicion that the locker contains materials which pose a threat to the health, safety and welfare of the school population.

#### C. Search Initiated by Law Enforcement

1. The Co-CEOS will permit a search at the request of law enforcement only upon issuance of a validly executed search warrant or the intelligent, voluntary consent of a student.