

Policy Enforcement

Policy Statement

Discovery Charter School is responsible for establishing and carrying out the following discipline policy. It is in stating this that DCS wishes to ensure that the school environment is safe for all students. Furthermore, DCS expects all students to accept full responsibility for their actions and behavior.

Discovery Charter School, will be implementing a Positive Behavior System and other programming in order to assist the children we serve in developing strong social skills. These systems and programs will proactively address issues such as expectations, conflict resolution, and bullying. It is our goal to work diligently to set each student up for success. However, in the event that discipline action needs to be taken, the following discipline code will be followed.

DCS Discipline Code

The Discovery Charter School 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 Discovery Charter School.

This discipline code applies to the actions of students during school hours, before and after school, while on school property, at all Discovery Charter School sponsored events and when the actions affect the mission of Discovery Charter School. 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 Discovery Charter School.

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

1. Age, health, maturity and academic placement of a student
2. Prior conduct
3. Attitude of a student
4. Cooperation of parents
5. Willingness to make restitution
6. Seriousness of offense
7. 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, Discovery Charter School staff will 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:

1. Running and/or making excessive noise in the building
2. Repeated failure to complete homework on time
3. Repeated failure to follow school rules
4. Insubordination – refusing to participate in classroom activities and assignments
5. Horseplay
6. Visible carrying of cell phones or other electronic devices
7. Cheating
8. Repeated Attendance and/or Tardiness violations

Students who commit any of these acts are subject to an after school detention, as a result of a 1st offense and may, as a result of repeated violations and depending on the circumstances, be subject to an in-school suspension or other appropriate action as determined by administration with the seriousness of offense(s) considered.

CATEGORY II

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

1. Repeated Category I offense
2. Use of profane, vulgar or obscene words, gestures or other actions which disrupt the school environment or are disrespectful
3. Participation in acts designed to disrupt classroom or school activities
4. Leaving the classroom without permission
5. Bullying, including verbal harassment
6. Minor physical actions against another student
7. Disrespect to staff members
8. Theft
9. Plagiarism

Students who commit any of these acts are subject to an after-school detention, and/or an in-school suspension as a result of a 1st 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, or other appropriate action as determined by administration with the seriousness of offense(s) considered. The degree of the suspension whether in-school or external, as well as length of suspension, shall be determined by the school administration.

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:

1. Fighting or threatening any student or staff member
2. Major physical actions against another student or staff member
3. Persistent refusal to follow stated school rules and procedures
4. Arson
5. Destruction of property/graffiti
6. Creating a false fire alarm
7. Repeated Category I and Category II offenses
8. Possession of weapons
9. Any act that endangers the safety of the other students, teachers or any school employee
10. Theft of valuable items
11. Trespassing
12. Involvement in gang activity
13. Sex violations/sexual harassment
14. Use, possession, sale or delivery of alcohol, illegal drugs, narcotics, controlled substances, contraband or look alike contraband/drugs

Based upon the discretion of the school administration and the age of the students who commit any of these acts students 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.

SUSPENSION PROCEDURE

When a principal (or designee) determines that a student should be suspended, the following procedures will be followed:

1. A meeting will be held prior to the suspension of any student. At this meeting the student will be entitled to:
 - a. a written or oral statement of the charges;
 - b. if the student denies the charges, a summary of the evidence against the student will be presented; and,
 - c. the student will be provided an opportunity to explain his or her conduct.
2. The meeting shall precede suspension of the student except where the nature of the misconduct requires immediate removal. In such situations, the meeting will follow the suspension as soon as reasonably possible following the date of the suspension.
3. Following the suspension, the parent or guardian of a suspended student will be notified in writing. The notification will include the dates of the suspension, describe the student's misconduct, and the action taken by the principal (or designee).

EXPULSION PROCEDURE

When a principal (or designee) recommends to the Superintendent (or designee) that a student be expelled from school, the following procedures will be followed:

1. The Superintendent (or designee) may conduct an expulsion meeting, or may appoint one of the following persons to conduct the expulsion meeting:
 - a. legal counsel
 - b. A member of the administrative staff so long as the staff member has not expelled the student during the current school year and was not involved in the events giving rise to the expulsion.
2. The Superintendent, or the other person designated above assigned to conduct the expulsion meeting, may continue the initial suspension of a student beyond 10 school days to the date he/she makes a determination on the appropriate disciplinary action to be taken if the continued suspension is necessary in order to prevent or substantially reduce the risk of:
 - a. An interference with an educational function or school purposes; or
 - b. A physical injury to the student, other students, school employees, or visitors to the school.
3. An expulsion will not take place until the student and the student's parent are given notice of their right to appear at an expulsion meeting conducted by the Superintendent or the person designated above. Failure to request and to appear at this meeting will be deemed a waiver of rights administratively to contest the expulsion or to appeal it to the school board of directors.
4. The notice of the right to an expulsion meeting will be in writing, delivered by certified mail or by personal delivery, and contain the reasons for the expulsion and the procedure for requesting the meeting.
5. If the student or the student's parent requests an expulsion meeting, the Superintendent or person designated above will issue written notice of the date, time, and place of the expulsion meeting, delivered by certified mail or personal delivery, and advise the student and parent of their opportunity to present evidence to challenge the expulsion.
6. At the expulsion meeting, the principal (or designee), will present evidence to support the charges against the student. The student or parent will have the opportunity to answer the charges against the student, and to present evidence to support the student's position. *An attorney may not represent the student at the expulsion meeting, but the attorney may be available for consultation outside the meeting room during the course of the expulsion meeting.*
7. If an expulsion meeting is held, the person conducting the expulsion meeting will make a written summary of the evidence heard at the meeting, take any action found to be appropriate, and give notice of the action taken to the student and the student's parent.

NO RIGHT TO APPEAL

The student or parent has no right to appeal an expulsion decision to the school board of directors as they have not to hear expulsion appeals.

PROCEDURAL DISCIPLINE GUIDE FOR STUDENTS WITH DISABILITIES

Students with a disability are subject to the discipline rules adopted by the board of directors and, therefore, may be suspended or expelled for any violation(s) of the rules for which nondisabled students could also be suspended or expelled. In accordance with I.C. 20-33-8 and 511 IAC 7-44, administrators may take the following disciplinary actions:

REMOVAL UP TO TEN (10) CONSECUTIVE INSTRUCTIONAL DAYS

A student with a disability may be removed from school for up to ten (10) consecutive instructional days for a violation of school rules. Removal for any part of an instructional day constitutes a day of removal. A removal constitutes a suspension as defined at IC 20-33-8-7 and the student with a disability must be afforded the same suspension due process procedures as are provided to nondisabled students.

A short-term removal of a student pursuant to the student's individualized education program (IEP) is not a removal. An in-school suspension is not considered a removal as long as the student has the opportunity to progress appropriately in the general education curriculum, receives the special education services specified in the student's IEP, and participates with nondisabled students as the student would have in the student's current placement.

Educational services do not have to be provided to the student with a disability during the first ten (10) cumulative days of removal if educational services are not provided to nondisabled students who have been similarly suspended.

SERIES OF REMOVALS

Additional removals of up to ten (10) consecutive instructional days for each separate act of misconduct are permissible in the same school year as long as the removals do not constitute a pattern of removals that results in a change of placement. If a student with a disability is removed for more than ten (10) cumulative instructional days in a school year, school officials must determine if a change of placement has occurred. A change of placement may occur if the series of removals exceeds ten (10) cumulative instructional days, the student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in removals, and the proximity of the removals are close in time. If the student's parent disagrees with the school's decision as to whether there is a change of placement, the parent may request mediation and/or expedited due process hearing.

If the removals exceed ten (10) cumulative instructional days, but do not constitute a change of placement, educational services must be provided to the student, beginning on the eleventh (11th) cumulative instructional day of removal. School personnel, in consultation with at least one (1) of the student's teachers, determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum and progress toward meeting the goals of the student's IEP.

If a pattern of removals constitutes a change of placement, the student must be afforded the due process procedures below.

REMOVALS THAT RESULT IN A CHANGE OF PLACEMENT

A change of placement occurs when a student with a disability has been removed from school for more than ten (10) consecutive instructional days or a series of removals exceeds ten (10) cumulative instructional days and constitutes a pattern that results in a change of placement. When a decision is made to make a removal that constitutes a change of placement, the principal must notify the parent of the student of the decision on the date that the decision is made. The parent must also be provided with the notice of procedural safeguards described in 511 IAC 7-37-1.

Within ten (10) instructional days of the decision to remove the student, the case conference committee must meet to conduct a manifestation determination. If the case conference committee determines that the student's conduct was a manifestation of the student's disability, the student may not be disciplined and the student must return to the placement from which the student was removed unless

the parent and school agree to a change in the student's placement. The case conference committee must also either conduct a functional behavioral assessment and develop a behavioral intervention plan for the student or if a behavioral intervention plan is already in place, the case conference committee must review the plan and modify it, if necessary, to address the student's behavior.

If the case conference committee determines the conduct of the student was not a manifestation of the student's disability, the student may be disciplined consistent with the due process procedures for nondisabled students. The parent of the student may request mediation and/or an expedited due process hearing to challenge the manifestation determination of the case conference committee.

If the student has been removed from the school pending the due process proceedings, the student must return to the placement from which the student was removed after ten (10) consecutive instructional days unless the parent of the student and school agree otherwise or an expulsion examiner orders a continuation of the removal in accordance with IC 20-33-8-23.

If a change of placement is ordered, the student must be provided educational services during the period of the removal. The case conference committee must determine the appropriate services that will be provided that will enable the student to continue to participate in the general education curriculum, although in another setting, progress toward meeting the goals of the student's IEP, and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the student's behavior.