

## Rules for a Safe Learning Community and Good School Order

Everyone in the school community plays a role in the creation of a safe place for learning.

The expectations for the community, in regards to a safe learning environment, are based on exhibiting PRIDE. PRIDE is an acronym for the work and life characteristics which are important to becoming a successful and productive member of society which stands for **P**ersistence, **R**espectfulness, **I**nitiative, **D**ependability, and **E**fficiency. PRIDE has been developed to support the efforts of students satisfying the standards for the Governor's Work Ethic Certificate which are as follows:

- Academic – has a 2.0 GPA and meets all graduation requirements.
- Attendance – attends school on a consistent basis; notifies school of planned absences in advance (98%).
- Discipline – avoids disciplinary referrals by displaying self-discipline and self-responsibility (no more than one (1)).
- Community Service – applies Governor's Work Ethic standards in real-world situations while completing the minimum hours of community service during the school year.
- Organization – displays strong personal and time management skills and the ability to be flexible in different situations.
- Punctuality – punctual in completing classroom assignments.
- Respectfulness – respects the rights of others and demonstrates this to fellow students, teachers, and administrators.
- Teamwork – demonstrates cooperation with others.

### **Section 1: General Responsibilities**

#### **Persistence:**

- The school community will persevere through challenges and problem solving (Never give up).

#### **Respectfulness:**

- The school community will accept and demonstrate both respectful and helpful behavior to fellow students and all school staff.
- The school community will seek and accept the opinions of others (Treat others as you would like to be treated).

#### **Initiative:**

- The school community will encourage students to be a self-starter, critical thinker, able to prioritize, make decisions and complete required tasks with minimal assistance (Be a self-starter).

#### **Dependability:**

- The school community will be reliable and demonstrate responsibility, teamwork and community/job readiness (Do the right thing, even when no one is looking).

#### **Efficiency:**

- The school community will operate in an organized, timely manner and will encourage self-management ("Get the job done" quickly and accurately).

**Section 2: School Responsibilities**

**Persistence:**

- Elkhart Community Schools is committed to social, emotional, physical, and academic growth for all students.

**Respectfulness:**

- Elkhart Community Schools will demonstrate respect and mutual concern for all members of the school community.
- Elkhart Community Schools is dedicated to recognizing all members of the school community have dignity and any disciplinary action will be implemented with integrity.

**Initiative:**

- Elkhart Community Schools will provide each student with an opportunity to acquire meaningful knowledge and skills and help to fully develop their potential as an individual.
- Elkhart Community schools will research and implement best practices including a model of continuous improvement.

**Dependability:**

- Elkhart Community Schools will provide a safe and orderly school environment.
- Elkhart Community Schools will also provide procedures allowing for restorative practices, review of disciplinary actions, and student due process when taking disciplinary action.

**Efficiency:**

- Elkhart Community Schools will provide a variety of timely communication to all members of the school community.

**Section 3: Student Responsibilities**

**Persistence:**

- Students will demonstrate perseverance through challenges and problem solving (Never give up).

**Respectfulness:**

- Students will demonstrate respectfulness by following reasonable directions of school employees.
- Students will demonstrate respectfulness by refraining from disruptive behavior interfering with a safe learning environment.
- Students will show respect for self and for others.
- Students will demonstrate respect and mutual concern for all members of the school community.
- Students will recognize all members of the school community have dignity.

**Initiative:**

- Students will be involved in the educational process to the fullest extent possible.

- Students will prioritize responsibilities, make decisions, and complete required tasks.
- Students will seek assistance, when needed, from appropriate staff.

**Dependability:**

- Students will accept responsibility for their own behavior.
- Students will engage in the discipline process and restorative practices.

**Efficiency:**

- Students will be organized, punctual and demonstrate self-management (“Get the job done” quickly and accurately).

**Section 4: Parent/Guardian Responsibilities**

Elkhart Community Schools rely on community partnerships, especially with parents and guardians. Parent awareness and support of these behavior expectations are necessary in establishing and maintaining a safe environment for learning; therefore, Elkhart Community Schools asks parents and guardians to provide support by utilizing these rules.

**Persistence:**

- Engage in their student’s education.

**Respectfulness:**

- Demonstrate respect and mutual concern for all members of the school community
- Recognize all members of the school community have dignity.

**Initiative:**

- Be involved in the educational process to the fullest extent possible.
- Seek assistance, when needed, from appropriate staff.

**Dependability:**

- Engage in the discipline process and restorative practices.
- Ensure their student has consistent and timely attendance.

**Efficiency:**

- Support and encourage organization and timeliness.
- Communicate with the school community in a timely manner.

**Section 5: Implementation of Student Behavior Expectations**

In order to create a safe learning community, each administrator, teacher, or any other school personnel is responsible for implementing these rules for student behavior adopted by Elkhart Community Schools.

**Behavior Expectations for Students**—

Students will be expected to meet the behavior expectations listed below. A student who does not meet these expectations may be disciplined for the disruption of a safe learning community.

A. **Respectfulness:**

1. Defiance. Students will be expected to obey or follow a reasonable order or instruction given by any Elkhart school staff member. Staff members shall mean teachers, administrators, custodians, bus drivers, paraprofessionals, all other employees and officials, and authorized volunteers. When a student refuses to do this, it will be considered an act of insubordination; for State reporting purposes, insubordinate behavior shall be considered defiance.
2. Student Identification. Students will clearly display a school identification card when this is required by a student's school.
3. Theft. Students will respect the property of others. Theft of school property or property belonging to another student or staff member or being in possession of stolen property does not meet this expectation.
4. Fighting or Acts of Violence. Students will respect the rights of other individuals. Fighting and/or committing any act which jeopardizes the health, safety, or welfare of other students, staff members, or visitors does not meet this expectation.
5. Vandalism. Students will respect the property of others. Students who fail to demonstrate respect by damaging any property belonging to other students, staff, or to the Elkhart Community Schools do not meet this expectation.
6. Disrespectful Language. Students will not use, display, or participate in any form of profanity, indecency, or obscenity.
7. Threats and Intimidation. Students will not engage in conduct or use of language which reasonably threatens, intimidates, or indicates disrespect of another person.
8. Bullying Behavior. Students will show respect for others by not engaging in intentional behaviors involving unwanted negative actions towards another student which may be repeated over time and involve an imbalance of power.
9. Students will consume food or drink in designated areas in the building such as the cafeteria.
10. Students will use electronic devices (e.g. cellular phone, tablet computer, music device, digital camera, etc.) in a manner which does not constitute an interference with a school purpose, educational function, invasion of privacy, or act of academic dishonesty; or which is profane, indecent, or obscene.
11. Substance Abuse. Students will not possess or use of tobacco in any form including cigar, cigarette, pipe, snuff, or any other matter or substance which contains tobacco or nicotine (unless prescribed by a doctor), as well as electronic, "vapor," or the substitute forms of cigarettes; possess, use, or be under the influence of alcohol; or possess, use, be under the influence of, or transmit any controlled substance or substance represented as a controlled substance, or paraphernalia for the use of such substance.
12. Students will be respectful of the school learning environment. Continuously and intentionally making noise or acting in any manner so as to interfere with the ability of any teacher or any other school personnel to conduct the educational function under his/her supervision does not meet this expectation.

13. Students will demonstrate respect by not knowingly possessing, handling, or transmitting a knife, gun, destructive device, or any other object which can reasonably be considered a weapon at school or a school function.
14. Students will demonstrate respect by not possessing and/or using matches, cigarette lighters, or any pyrotechnic device, including firecrackers, on school grounds without authorization from school officials.

B. Dependability:

1. Violations of the Board of School Trustees' Policy on Network and Internet Acceptable Use and Safety (7540.03). Students will display dependability through appropriate use of school corporation computers and networks.
2. Students exercise dependability by following directions during an emergency or an emergency drill.
3. Students exercise dependability by following cafeteria procedures and rules.
4. Students exercise dependability by only using the elevator with the specific and express permission of a staff member.
5. Students exercise dependability by only leaving a class station or other assigned area with the permission of a staff member.
6. Students will show dependability by only leaving school property at a time other than the end of the student's scheduled day, when specific permission is granted by the administration and the sign-out procedure is followed by the student.
7. Students will display dependability by following school attendance and tardy policies.
8. Students will follow study hall, detention, and/or in-school suspension regulations.
9. Students will attend assigned detention including, but not limited to, after-school detention, lunch detention, weekend detention, etc.
10. Students will follow driving and parking regulations. Reckless driving is prohibited.
11. Students will follow bus regulations.
12. Students will comply with the school's release time regulations.
13. Students will satisfy and not violate any reasonable condition of probationary enrollment status for which proper notice has been given.
14. Students will follow building dress codes.

C. Initiative

1. Students will demonstrate initiative by bringing required materials and equipment to classes.
2. Students will demonstrate initiative by engaging in learning activities.

Some behaviors are more serious than others and require different approaches and clearly defined actions.

**Section 6: Grounds for Suspensions and Expulsions**

A. Prohibited Behaviors Which May Result in a Suspension or Expulsion:

The following types of student conduct may constitute grounds for suspension, expulsion, or other disciplinary action, subject to the limitations which exist under law. Such behavior is defined to include, but not to be limited to, the following acts committed on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; or when traveling to or from school or a school activity, function, or event. The discipline rules may also apply when the student is using property or equipment provided by the school.

1. Interference with a Safe Learning Environment. Using violence, force, coercion, threat intimidation, fear, passive resistance, or other comparable conduct constituting an interference with school purposes or urging other students to engage in such conduct.
2. Speech/Behaviors. Engaging in speech or behaviors including but not limited to disparaging of another's race, disability, religion, ethnic background, sexual orientation, gender, or gender identity, when it interferes with a safe learning environment.
3. Vandalism. Causing, or attempting to cause, damage to school or private property.
4. Theft. Stealing, or attempting to steal, school or private property, or being in possession of another person's property.
5. Fighting or Physical Injury. Intentionally causing, or attempting to cause, physical injury or behaving in such a way as could reasonably cause physical injury to any person. Self-defense or reasonable action undertaken on the reasonable belief it was necessary to protect some other person does not, however, constitute a violation of this provision.
6. Bullying Behavior, Intimidation, or Harassment. Intentionally engaging in bullying behavior as defined in Board Policy 5517.01.
  - Threatening, intimidating, or harassing any person, causing injury to an individual's person or property, or with the intent of obtaining money or anything of value from the person.
  - Engaging in sexual harassment of another person, which involves sexually-related verbal statements, gestures, or physical contact.
  - This section also includes bullying behavior through the use of data or computer software which is accessed through a computer, computer system, or network of the school.
  - When reasonably foreseeable, bullying behavior through the use of social media constitutes a violation of Board Policy 5517.01.
7. Hazing. Participation in an act of hazing. Hazing will be considered to be any act of initiation into any organization, group, activity, or social entity which causes or creates a substantial risk of causing mental, emotional, or physical harm to any person. Permission, consent, or assumption of risk by an individual subjected to hazing will not diminish the inappropriateness of an act of hazing.
8. Drug involvement.
  - Knowingly possessing, using, providing, or transmitting to another person or

- being under the influence of any illicit substance, including but not limited to narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, substance containing phenylpropanolamine (PPA), steroid, stimulant, depressant, or intoxicant of any kind; or any paraphernalia for the use of such substance.
- An individual who uses an authorized drug as prescribed for him or her by a registered physician shall not be in violation of this rule. (Any student who is unsure if possession, use, or providing another person with any particular substance would violate this rule should contact the building principal before possessing, using, or transmitting the substance in question.)
  - A student with a chronic disease or medical condition may possess and self-administer medication for the chronic disease or medical condition, without risk of discipline for possession of drugs, if certain conditions are met.
9. Possession of Tobacco Products. Possession of product which is, looks like, or which is or was represented to be a tobacco product, including; cigar, cigarette, pipe, snuff, or any other matter or substance which contains tobacco or nicotine, as well as electronic, “vapor,” or other substitute forms of cigarettes.
10. Possession of Alcohol. Possession of an alcoholic beverage or substance containing alcohol.
11. Student Operated Vehicles. Improperly operating motorized vehicles on school property, failing to obey posted speed limits, failing to display parking passes, or failing to obey other school regulations and Indiana laws which may apply. Keeping prohibited items in any automobile while it is on school property.
12. Electronic Devices.
- Knowingly using on school grounds during school hours an electronic device (e.g. cellular phone, tablet computer, music device, digital camera, electronic equipment, etc.) in a manner which constitutes an interference with a safe learning environment, invasion of privacy, or act of academic dishonesty; or is profane, indecent, or obscene.
  - In addition to being subjected to discipline, students who use an electronic device in a manner which is inconsistent with these expectations may have the device confiscated by the school. Such devices will be returned to the parent upon request.
  - This section applies at all times while on school premises including school buses or at school sponsored events, regardless of the location.
13. Sale of drugs. Engaging in the unlawful selling of a controlled substance or engaging in a violation of criminal law which constitutes a danger to other students, an interference with a safe learning environment, or an educational function.
14. Defiance. Failing to follow reasonable directions of teachers or other school personnel shall be considered insubordination and be reported to the State as defiance.
15. Academic Dishonesty. Submission by a student of any schoolwork, for the purpose of meeting course requirements, which does not represent the efforts of the individual

student. Any form of academic dishonesty is prohibited.

- Academic dishonesty includes, but is not limited to, plagiarism, forgery, copying or stealing another person's work, allowing another person to copy one's own work, doing another person's class work, creating more than one copy of one's work for distribution, intentionally accessing another's material for the purpose of using it as one's own, downloading information from other sources and presenting it as one's own, unauthorized copying of software, or unauthorized use of hard copy or software to develop one's own software.
16. Violation of the law. Engaging in unlawful activity on or off school grounds, including any unlawful activity during weekends, holidays, other school breaks, and the summer, if
- the unlawful activity may be considered to be an interference with a safe learning environment or an educational function; or
  - the student's removal is necessary to restore order or protect persons on school property.
17. Violation of school rules. Violating or repeatedly violating any rules which are reasonably necessary and are validly adopted.
18. Refusing a Search. Refusing to permit a lawful, reasonable search by authorized school officials of the student's person and/or possessions. A student who uses a locker which is the property of the school is presumed to have no expectation of privacy in the locker or the locker's contents.
19. Pyrotechnic Devices. Possessing and/or using, on school grounds without authorization by school officials, any pyrotechnic device, including firecrackers.

B. Prohibited Conduct Which Will Result in an Expulsion

The following conduct will constitute grounds for expulsion, subject to the limitations which exist under law:

1. Possession/Use of a Firearm, Destructive Device, or Deadly Weapon. Bringing or possessing a firearm or destructive device to school or on school property will result in expulsion for at least one (1) calendar year, with the return of the student at the beginning of the first school semester after the end of the one (1) year period. Bringing or possessing a deadly weapon to school or on school property may result in expulsion for not more than one (1) calendar year. The following definitions apply with regard to this section:
  - a) A firearm is any weapon which is capable of expelling, is designed to expel, or may readily be converted to expel a projectile by the action of an explosion.
  - b) The following items are considered to be destructive devices:
    - i. an explosive, incendiary, or overpressure device which is configured as a bomb, a grenade, a rocket with a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, a Molotov cocktail, or a device substantially similar to an item described above;



- ii. a type of weapon which may be readily converted to expel a projectile by the action of an explosive or other propellant through a barrel which has a bore diameter of more than one-half inch; or
  - iii. a combination of parts designed or intended for use in the conversion of a device into a destructive device.
- c) The following items are considered to be deadly weapons:
- i. a loaded or unloaded firearm;
  - ii. a destructive device, weapon, taser or electronic stun weapon, device, equipment, chemical substance, or other material which, in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury;
  - iii. an animal which is readily capable of causing serious bodily injury and used in the commission or attempted commission of a crime; or
  - iv. a biological disease, virus, or organism which is capable of causing serious bodily injury.

The superintendent may, on a case by case basis, modify the period of expulsion for a student who has brought a firearm or destructive device to school.

The superintendent shall immediately notify the county prosecuting attorney's office when a student is expelled for bringing or possessing a firearm or destructive device. The superintendent may give similar notice if the student brings or possesses a deadly weapon.

### **Section 7: Definitions**

- A. As used in these Rules for a Safe Learning Community and Good School Order, the term "conduct constituting an interference with school purposes" means actions taken by a student or students which cause a disruption to a safe learning community and prevents the school from providing students with the opportunity to improve their knowledge and learning; or which can reasonably be foreseen to cause, a substantial disruption or material interference which prevents the school from maintaining a safe learning community. Suspicion alone is not adequate proof the behavior occurred.
- B. As used in these Rules for a Safe Learning Community and Good School Order, the term "dismissal from school, class, or activity" means disciplinary action whereby a middle school or high school teacher will have the right to dismiss a student from the teacher's class or activity for a period not to exceed five (5) class periods, and an elementary teacher will have the right to dismiss a student from the teacher's classroom or activity for a period of up to one (1) school day.
- C. As used in these Rules for a Safe Learning Community and Good School Order, the term "educational function" means the performance by the school corporation, or its officers or employees, of an act or series of acts in carrying out school purposes.
- D. As used in these Rules for a Safe Learning Community and Good School Order, the term "expulsion" means a disciplinary action whereby a student
  - 1. is separated from school attendance for a period exceeding five (5) school days;

2. is separated from school attendance for the balance of the then current semester or current year, unless a student is permitted to complete required examinations in order to receive credit for courses taken in the then current semester or current year; or
  3. is separated from school attendance for possession of firearms, deadly weapons, or destructive devices, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.
- The term does not apply to situations in which a student is disciplined using a method described in Section 9 (A) to (M) of these Rules for a Safe Learning Community and Good School Order, when a student is removed from school after being found ill, or when the student is removed from school for failure to comply with the immunization requirements.
- E. As used in this administrative guideline, the term “school function” means any activity sanctioned or sponsored by the school.
- F. As used in these Rules for a Safe Learning Community and Good School Order, the term “school purposes” means the purposes for which the school operates, including:
1. promoting knowledge and learning;
  2. maintaining a safe, orderly and effective educational system; and
  3. taking any action under the authority conferred on the school corporation by any statute.
- G. As used in this Administrative Guideline, the term “suspension” means any disciplinary action which does not constitute an expulsion, whereby a student is separated from school attendance for a period of not more than five (5) school days. The term does not apply to situations in which a student is excluded from school after being found ill, or when the student is excluded from school for failure to comply with the immunization requirements.

**Section 8: Delegation of Authority**

In carrying out the purposes of the school corporation, the following grants of authority are made, subject to the limitations which exist under law:

- A. A principal, including any principal’s designee, may take any action concerning their school or any school activity within their jurisdiction reasonably necessary to carry out, or prevent interference with, any educational function or school purpose. Such action may include establishing written rules and standards to govern student conduct.
- B. The superintendent, and other administrators with the superintendent's approval, may take any action with respect to all schools within the superintendent's jurisdiction which is reasonably necessary to carry out, or to prevent interference with, any educational function or school purpose.
- C. The superintendent and principal may adopt procedures establishing lines of responsibility in compliance with Elkhart Community Schools’ discipline policies and administrative guidelines.
- D. The Board of School Trustees may also make such other delegations of rule-making, disciplinary, and other authority, as are reasonably necessary in carrying out the purposes of the school corporation.

**Section 9: Behavior Interventions and Strategies**

In order to create a safe learning community, each administrator, teacher, or any other school personnel is responsible for addressing incidents where students are not meeting the expectations for behavior adopted by Elkhart Community Schools. School personnel may use any or all of the following interventions or strategies progressively, in addition to any research based interventions, to address behavior of students under their supervision, subject to the limitations which exist under law:

- A. Utilizing restorative practices with the assistance of the community partners;
- B. counseling with a student or group of students;
- C. conferences with parent(s)/guardian(s);
- D. participating in a relevant educational opportunity related to the behavior;
- E. rearranging class schedules;
- F. requiring a student to remain at school after regular school hours to participate in an educational opportunity related to the behavior or for counseling;
- G. restricting extracurricular activities;
- H. rescinding the privilege of riding the school bus;
- I. recommendation or referral by the principal of a special course of study, an alternative educational program, or an alternative school;
- J. assignment of not more than one hundred twenty (120) hours of service with a non-profit organization, as outlined by statute;
- K. referring students to law enforcement personnel in cases related to violations of the law;
- L. denial of attendance at extra-curricular activities;
- M. complying with state laws which prevent issuance of or invalidation of driver's licenses or learner's permits;
- N. Dismissal from Class or Activity – Teacher

- 1. A middle school or high school teacher will have the right to dismiss a student from the teacher's class or activity for a period not to exceed five (5) class periods.
- 2. An elementary teacher will have the right to dismiss a student from the teacher's classroom or activity for a period of up to one (1) school day.

O. Suspension from School – Principal

A school principal (or designee) may deny a student the right to attend school or take part in any school function for not more than five (5) school days. However, a student may be suspended for more than five (5) school days, if the suspension is pending an expulsion decision and the continued suspension will prevent or substantially reduce the risk of interference with an educational function or purpose or a physical injury to the student, other students, school employees, or visitors to the school.

P. Expulsion from School

In accordance with the due process procedures defined in this administrative regulation, a student may be expelled from school for a period no longer than the remainder of the school year in which the expulsion took effect, if the misconduct occurred during the first

semester. If a student is expelled during the second semester, the expulsion remains in effect for summer school and may remain in effect for the first semester of the following school year. A principal may request a student, who is at least sixteen (16) years of age and who wishes to return to the traditional school setting after expulsion, to attend an alternative educational program or school.

Q. Expulsion Based Upon Legal Settlement

1. A student may be expelled, subject to the limitations which exist in Federal and State law, when the student's legal settlement is not in the attendance area of Elkhart Community Schools and the student is not authorized by any other provision of School Board Policy or State Law to attend the Elkhart Community Schools.
2. The Assistant Superintendent of Student Services/designee shall have the authority to recommend expulsion to the Superintendent for this reason.

**Section 10: Student Due Process Procedures**

A. Procedure for Dismissal from Class or Activity

When dismissing a student from an educational function, teachers or other school personnel shall follow this procedure:

1. Inform the student of the reason(s) for his or her dismissal. (In the rare event a student's continued presence creates a danger to persons or property or an ongoing disruption of a safe learning environment the student may be immediately dismissed from class without being informed of the reason(s) for dismissal.)
2. Verbally notify the office that the student is being dismissed from the educational function, the reason(s) for the dismissal and whether the student may return to the classroom or activity.
3. Instruct the student to leave the classroom or activity and report to the office. If necessary, the student shall be escorted to the office.
4. The office should notify the teacher in the event the student has not reported to the office in a timely manner.
5. Complete and send a referral form to the office reporting the reason(s) for the student's dismissal.
6. The administrator shall notify the parent(s)/guardian(s) ("parent") of the dismissal and the need for a conference with the parent(s), teacher, student, and administrator for the purpose of developing a contract to address the behavior leading to the dismissal.
  - a) A contract shall be developed during this conference and should contain the following:
    - a goal related to the behavior causing the dismissal,
    - a strategy to address the behavior,
    - consequences and rewards relevant to the behavior, and
    - monitoring procedures.
  - b) In the event the student and parent(s) do not meet with the principal and the

student's teacher within a reasonable amount of time, the principal has the discretion to assign the student to another appropriate class.

- c) The administrator shall have the discretion to assign the student to another appropriate class or placement within the school pending the conference.

#### B. Procedure for Suspensions

Any principal or designee may suspend a student from school and all school functions for a period of five (5) school days or less after an investigation has determined such suspension is necessary to further school purposes or to prevent an interference with school purposes.

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

1. The principal (or designee) shall meet with the student during this meeting, the student is entitled to the following:
  - a) a written or oral statement of the charges;
  - b) a summary of the evidence against the student, if the student denies the charges; and
  - c) an opportunity to explain his or her conduct.
2. The meeting shall precede suspension of the student and the student's parents or guardians will be notified as soon as possible after the meeting is concluded. In addition, the student's parents or guardians will be given written notification of the suspension. The notification will describe the student's misconduct, and the action taken by the principal.
3. In the rare event where the nature of the misconduct requires the immediate removal of the student, the meeting with the principal will then be held within a reasonable time following the date of the suspension.
4. Prior to the student's return to school from a suspension of three (3) school days or more, the principal should attempt to schedule a meeting with the student's parent(s)/guardian(s) for the purpose of discussing the student's conduct.

#### C. Procedure for Expulsions

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

1. The principal, vice-principal, or assistant principal shall, after consulting or attempting to consult with the District Counsel/Chief of Staff, complete the "Principals Written Charge Requesting Expulsion."
2. After said form has been completed, the form shall be delivered to the Superintendent, with a copy to the Assistant Superintendent of Student Services and the District Counsel/Chief of Staff. For a student with a disability, the form shall also be submitted to the Assistant Superintendent of Exceptional Learners. The Superintendent shall, after having reviewed the charge and determining reasonable grounds for an investigation exist, appoint an Expulsion Examiner and forward the charge, within one school day of its receipt, to such Expulsion Examiner.

3. The superintendent (or designee) shall either decide to conduct the expulsion meeting or appoint one of the following persons to conduct the expulsion meeting:
  - a) Legal counsel; or
  - b) A member of the administrative staff if the member has not expelled the student during the current school year and was not involved in the events giving rise to the request for expulsion.
4. The Expulsion Examiner shall, within two days after receiving the “Principal’s Written Charge Requesting Expulsion,” complete and personally deliver or send to the parent(s)/guardian(s) and student by certified mail the “Notice Regarding Expulsion Request.” The Notice must contain the reasons for the expulsion and the procedure for requesting an expulsion meeting.
5. If the Expulsion Examiner does receive a request for an expulsion meeting in person or by mail within five school attendance days after receipt by parent(s)/guardian(s) of the Notice Regarding Expulsion Request, the Expulsion Examiner shall schedule the meeting within a period of five school days after it is requested. When scheduling such a meeting, the Expulsion Examiner should confer with the principal, District Counsel/Chief of Staff, and parent(s)/guardian(s) as to the date and time of the meeting.
6. The superintendent or person appointed to conduct the expulsion meeting may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at the expulsion meeting. If an expulsion meeting is held, 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. The individual conducting the expulsion meeting will make a written summary of the evidence heard at the meeting, and should the individual conclude disciplinary action is necessary, make a recommendation to the Superintendent or Superintendent’s designee. The Superintendent or Superintendent’s Designee may accept, reject, or modify the recommendation of the individual who conducted the expulsion meeting.

Notice of the action taken shall be given to the student, the student’s parent, the principal, and the Assistant Superintendent of Student Services.

7. The student or parent has the right to appeal the decision of the Superintendent to the school board within 10 days of the receipt of notice of the action taken. The student or parent appeal to the school board must be in writing and must provide a statement of the reasons, written information or submissions in support (provided said written information or submissions were provided at the original expulsion meeting) and arguments for overruling the decision of the Superintendent. If an appeal is properly made, the board must consider the appeal. The board shall hold a meeting to consider the written summary of the expulsion meeting and the written arguments of the school administration and the student and/or the student’s parent. The board will make its decision based upon the written submissions of the parties and any documents introduced during the original expulsion meeting, unless the board votes to conduct a meeting at which the school administration and student

and/or the student's parents shall appear. In the event the board votes to conduct a meeting at which the school administration and the student and/or the student's parents shall appear, the meeting shall be held in executive session and the Board President shall communicate to the school administration and the student and/or the student's parents the procedure to be used during the meeting. The board may then take any action deemed appropriate. The decision of the board may be appealed only through judicial review. The board may vote to not hear appeals of actions taken after an expulsion meeting. If the board votes not to hear such appeals, subsequent to the date of the vote, a student or parent may appeal only through judicial review.

8. If the Expulsion Examiner does not receive a request for an expulsion meeting within five (5) school attendance days after receipt by parent(s)/guardian(s) of the Notice of Expulsion Request, or a student/parent fails to appear at an expulsion meeting after receipt of the Notice, then all rights administratively to contest and appeal the expulsion shall be forfeited. The Expulsion Examiner shall then notify by memorandum the Superintendent, the principal, the Assistant Superintendent of Student Services, and the District Counsel/Chief of Staff that the action requested in the charge by the principal concerning such student shall automatically become effective.
9. An expulsion which takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. An expulsion remaining in effect during the first semester of the following school year must be reviewed before the beginning of the school year.

D. Procedure for Students with Disabilities

Students with disabilities are subject to the same disciplinary action for violating school rules as any other student. However, if a student with a disability is subjected to disciplinary change of placement, there are additional procedural safeguards which apply. A disciplinary change of placement occurs when a student is removed for more than ten (10) consecutive school days or is subjected to a series of removals which cumulates to more than ten (10) school days in a school year and constitutes a pattern.

When a student with a disability is subjected to a series of removals accumulating to more than ten (10) school days in a school year, the principal (or designee) must determine if the series of removals constitutes a pattern. If the principal determines a disciplinary change of placement has not occurred, the school shall follow the procedures for suspension (outlined above) and 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 do the following:

1. Continue to participate in the general education curriculum, although in another setting.
2. Progress towards meeting the goals set out in the student's IEP.

If a disciplinary change of placement occurs, the following procedures must be followed:

1. The school must notify the student's parents and provide the parent with the Notice of Procedural Safeguards on the date the decision to make a removal that constitutes a change of placement is made. If the school is unable to notify the parent on the

date the decision is made, notice must be mailed to the parent not later than the following business day.

2. Within ten (10) instructional days of any decision to change the placement of a student with a disability, the Case Conference Committee (CCC) must meet to determine whether the student's behavior is a manifestation of the student's disability. The conduct will be considered a manifestation of the student's disability, if the CCC determines the conduct was
  - a) caused by, or had a direct and substantial relationship to the student's disability; or
  - b) the direct result of the school's failure to implement the student's IEP.
3. If the conduct was a manifestation of the student's disability, the CCC must either:
  - a) conduct a functional behavioral assessment (FBA), unless an FBA was conducted prior to the behavior resulting in disciplinary action, and implement a behavioral intervention plan (BIP) for the student; or
  - b) review the BIP and modify it, as necessary if a BIP has already been developed for the student.

Then, the student shall be returned to the placement from which the student was removed, unless the parent and school agree to a change of placement as a part of a BIP or an interim alternative education setting (IAES) is required due to weapons, drugs, or serious bodily injury.

4. If the conduct was NOT a manifestation of the student's disability, the school may impose disciplinary sanctions in the same manner as it does for students without disabilities. However, the student must continue to receive appropriate services.
5. The school may remove a student with a disability to an interim alternative educational setting for up to forty-five (45) school days; if the student, while at school, on school premises, or at a school function, does the following:
  - a) carries a weapon to school or possesses a weapon;
  - b) knowingly possesses or uses illegal drugs or sells or solicits the sales of a controlled substance; or
  - c) inflicts serious bodily injury upon another person.

Regardless of whether the CCC determines the student's conduct is a manifestation of the student's disability, the student may remain in the IAES for up to forty-five (45) school days. But, the student must continue to receive appropriate services.

August 22, 2023