



"Where Children And Success Are Synonymous."

**An IB Candidate Lighthouse School**



The  
**LeaderinMe™**  
great happens here

# **CODE OF COOPERATION**

**(Discipline Policy)**



**2018-2019**

<b>GOALS</b> IB Learner Profile	<b>CAACS Scholars strive to become...</b>
	Inquirers Knowledgeable Thinkers Communicators Principled Open-minded Caring Risk-Takers Balanced Reflective
<b>ACTIONS</b> PYP Attitudes	<b>By demonstrating...</b>
	Appreciation Commitment Confidence Cooperation Creativity Curiosity Empathy Enthusiasm Independence Integrity Respect Tolerance
<b>HABITS</b> 7 Habits	<b>And practicing the habits of...</b>
	Being Proactive Beginning with the End in Mind Putting First Things First Thinking Win-Win Seeking First to Understand Then to Be Understood Synergizing Sharpening the Saw

**DISCIPLINE POLICY –  
SECTION ONE – Introduction**

## **Restorative Practices and the IB**

Creating positive learning environments and a sense of belonging for all students are key in addressing behaviors that are perceived as 'challenging'. Such behaviors should always be understood in context and are rarely the result of willful or intentional opposition, but may be the result of neurological, internal-processing difficulties or stressors.

**Restorative practice** reflects the **IB Learner Profile attributes 'caring' and 'communicators'** as students show **empathy, compassion and respect**; and collaborate effectively, listening carefully to the perspectives of others. Through reflective practices, scholars learn the importance of dialogue and all sides having their say. Students learn that they can hurt others by their actions. They get the opportunity to hear the other student out, reflect on their actions and put steps into place to restore a relationship.

**In an effort to connect with and support the student**, educators should ask themselves a range of questions, which could include: is the student new to the school; has the student had a consistent learning background; what are the gaps or overlays in learning; is sadness, grief, anxiety or culture shock influencing learning and behavior; or, are perceived levels of spoken language masking true levels of language learning? Well-spoken students may be struggling at the written level and, for others, being unable to express themselves threatens their self-image. Does the student have any medical or physical issues? Screening for sight and hearing should be considered. In cases where students have more complex needs or are non-verbal, consider undiagnosed pain to explain unusual behaviors. Understanding and patience will be necessary to provide a sense of belonging for all students when challenging behaviors are being experienced.

Developing a positive classroom climate conducive to supporting the learning of all students requires that students feel cared for, trusted, understood, valued and safe and are appropriately challenged by their learning. Expectations should be high, but realistic and a sense of belonging developed. In positive classroom environments, students are listened to, have their opinions sought, and are provided with opportunities to succeed. IB documents and research support the development of positive classroom environments.

## Restorative Practices and Leader in Me

In school settings, **restorative practices** are a proactive means of promoting a positive, orderly school environment. Students, and all members of the school community, learn and practice self-discipline, empathy, and accountability, which improve relationships between students, between educators, and between students and educators. In fact, **restorative practices** have been found to be so useful in improving the climate of schools that the National Education Association, in partnership with the Schott Foundation, released a report outlining key strategies in **Restorative Practices** for educators.

While **Leader in Me** is not specifically a restorative practice, it **creates an environment where restorative practices can be more effectively taught, yielding increased positive conflict management**. Building the capacity of students' social and emotional skills further ensures the successful application of **restorative practices**. There are currently dozens of Leader in Me schools using the leadership lens to promote and more fully implement **restorative practices** in their schools.

Evidence of the essential foundation provided through the cultural and behavioral improvements within **Leader in Me** schools is seen in the report's "Four Ps": Person, Place, Practice, and Plan. The Schott Foundation provides the "Four Ps" as a framework for thinking about, reflecting on, and promoting **restorative practices** in an educator's sphere of influence, in the classroom, on the school campus, and in the community. Using this framework, we demonstrate how the Leader in Me process aligns with, and supports, the implementation of **restorative practices** in schools through its application, outcomes, and support materials.

### A. Right to a High-Quality Education

All students in Cultural Arts Academy Charter School at Spring Creek have a right to a high-quality education. As such, school disciplinary measures will not be used to exclude students from school or otherwise deprive them of such an education, ***unless it is necessary to preserve the health, safety and welfare of students and staff.***

### B. General Principles

The goal of student discipline is to teach students to behave in ways that contribute to academic achievement and school success, and to support a school environment where students and staff are responsible and

respectful. Successful school discipline is guided by the following principles:

- Effective and engaging instruction and classroom management are the foundation of effective discipline.
- School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.
- School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning.
- School staff should promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently correcting misbehavior as necessary.
- School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting the student re-engaged in learning.
- Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms due to misbehavior.

### **C. Reasonable Consequences**

Cultural Arts Academy Charter School at Spring Creek will make every reasonable effort to correct student misbehavior through school-based resources at the lowest possible level, and to support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior. **Teachers should address the vast majority of disciplinary issues at the classroom level.** In all instances, school discipline should be reasonable, timely, fair, age-appropriate, and should match the severity of the student's misbehavior.

### **D. Minimal Use of Out-of-School Suspensions, Expulsions, and Referrals to Alternative Schools**

The use of measures such as out-of-school suspensions, expulsions, and referrals to alternative schools that exclude students from school will be minimized. These punitive measures have resulted in the loss of valuable instructional time and should be reserved for infractions that cannot be appropriately addressed through other interventions and disciplinary responses. Disproportionate use of out-of-school suspensions, expulsions, and referrals to alternative instruction shall be cause for corrective action by the Cultural Arts Academy Charter School at Spring Creek Principal and Board of Trustees.

### **E. Limited Role of Law Enforcement**

Cultural Arts Academy Charter School at Spring Creek seeks to avoid the

unnecessary criminalization of our students; as such, police involvement should be limited to situations when it is necessary to protect the physical safety of students and staff or appropriate to address criminal behavior of persons other than students. Police involvement should not be requested in a situation that can be safely and appropriately handled by the school's internal disciplinary procedures. Disproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the Cultural Arts Academy Charter School at Spring Creek Board of Trustees. Additionally, law enforcement personnel working on school grounds should exercise their authority to arrest in a manner that is consistent with the goals and requirements of the Cultural Arts Academy Charter School at Spring Creek Discipline Policy.

#### **F. Students with Disabilities**

Students with disabilities are subject to the same rules and consequences as the non-disabled students. However, **students who special education services are protected by additional procedures.** Special education students have extra protections to ensure that the schools do not punish them for behavior resulting from their disability. Also, so that discipline measures may disrupt the student's placement to such a degree that there is essentially a change in placement, which requires parental consent. Cultural Arts Academy Charter School at Spring Creek Staff is charged with eliminating the over-punishment of students with disabilities, along with ensuring that any **disciplinary consequences are in accordance with students' individualized education programs (IEPs), behavior intervention plans (if applicable), and 504 plans (if applicable).**

Cultural Arts Academy Charter School at Spring Creek will:

- Ensure record keeping on the number of days a student with a disability has been suspended or removed for discipline reasons;
- The Principal and Dean of Students has the authority to suspend or remove a student for discipline reasons;
- Ensure alternative instruction is provided for students of compulsory school age who are suspended or expelled;
- Cultural Arts Academy Charter School at Spring Creek parents and students with disabilities will receive appropriate notification regarding suspensions or removals for disciplinary reasons;
- Ensure referral to and communication with the Committee on Special Education (CSE) from the student's district of residence when a student with a disability has been suspended or removed for discipline reasons;
- Ensure that when a suspension or removal of a student with a disability constitutes a disciplinary change in placement:
  - a. The student is provided with a free appropriate public

- education (FAPE) as defined in the federal regulations;
  - b. The student is referred to the CSE for a functional behavioral assessment and behavioral intervention plan, and to make a manifestation determination; and
  - c. The student's parent is provided with a copy of procedural due process rights.
- Ensure that when the suspension or removal of a student with a disability will constitute a disciplinary change of placement, the CSE is immediately notified so that the CSE can meet its obligations to:
    - a. Convene a CSE meeting within 10 school days to make a manifestation determination;
    - b. Convene a CSE meeting within 10 business days to conduct a functional behavioral assessment and develop a behavioral intervention plan;
    - c. Provide the student's parent with a copy of their procedural due process rights; and
    - d. Determine education services or the interim alternative educational setting consistent with the FAPE requirements.

**Before the 11th day of suspension** the IEP Team must reconvene to determine if the behavior is a manifestation of the disability - Manifestation Determination. If the opinion held by the IEP Team is that the behavior is a manifestation, CAACS's Discipline Policy may not be applied, and the team must revise the IEP to meet the student's needs. Parents are afforded their due process rights at all steps of this process.

**Manifestation Determination:** The Manifestation Determination IEP Team, which includes that parent and a psychologist or social worker, may determine that the student's behavior was not a manifestation of the disability only if:

(1) First, the IEP Team and other qualified personnel must consider: (in relationship to behavior/disciplinary action) evaluation/diagnostic results; observations of students IEP and placement; other relevant information supplied by parent; and then

(2) The IEP Team and other qualified personnel must determine (in relationship to behavior/disciplinary action): if IEP and placement were appropriate; supplementary aids and services were provided; behavioral intervention strategies were provided consistent with IEP; the child understood the impact and consequences of the behavior, and the

student's disability did not impair their ability to control their behavior.

If the team determines that the student's actions were in fact a manifestation of his or her disability, then the child's IEP must be reviewed to determine whether a change of placement or program is necessary and the student cannot be suspended. **Through the IEP process, a change in placement may be made, but the student's IEP services and F.A.P.E. services (Free Appropriate Public Education) cannot be withheld.**

If the infraction is found not to be a manifestation of the child's disability, then CAACS is free to pursue normal disciplinary measures. However, in such cases the parents must be apprised of their right in writing to pursue a due process hearing to challenge the IEP team's manifestation determination and any resultant change in placement. **Any student with a disability, who is excluded from school, whether or not the reason for exclusion is related to the student's disability, must continue to be provided with free appropriate public education.**

#### **Behavior Assessment/Behavior Intervention Plan**

Regardless of whether the behavior is a manifestation of the student's disability or not, then not later than 10 business days after taking disciplinary action involving suspensions or change of setting, an IEP meeting shall be held to conduct a "Functional Behavioral Assessment" and implement a "Behavioral Intervention Plan," or to review and modify a plan, if necessary. The behavior intervention plan will then be incorporated into the student's IEP.

**Weapons and Drugs:** Students with disabilities who bring a weapon to school or possess, use, sell or solicit the sale of illegal drugs may be disciplined as follows:

**Option #1:** CAACS follows regular discipline for special education students.

- Less than/more than 10 days of suspension
- Manifestation Determination

**Option #2:** CAACS may place student in an Interim Alternative Educational Setting (IAES) for a maximum of 45 days. *(Student returns to original placement on 46th day unless school and parent agree otherwise.)* The IEP Team determines the IAES. The IAES must enable student to participate in the general curriculum and student receives IEP services and modifications to address the behavior so it does not recur.

Within 10 business days, the IEP Team develops and implements a Behavioral Intervention Plan or modifies, if necessary, an existing Behavioral Intervention Plan. The

LEA can seek a hearing or an expedited hearing to extend the 45-day setting or seek another appropriate setting that includes components of IAES.

**Dangerous Students:** Students who are a danger to themselves or others shall be disciplined as follows:

**Option #1:** CAACS can seek a due process Hearing Officer order to place the student into Interim Alternative Education Setting (IAES) for not more than 45 days; OR a pending a due process hearing, and LEA may request an Expedited Hearing to seek an order to place a "dangerous" student in an IAES or other appropriate setting for not more than 45 days.

**The Hearing Officer Must:**

- a. Decide if CAACS has proven by substantial evidence that maintaining student in current placement is substantially likely to result in injury to student or others;
- b. Consider appropriateness of student's placement;
- c. Consider if CAACS made reasonable steps to minimize risk of harm in student's placement with supplementary aids/services;
- d. Determine if the IAES allows child to participate in general curriculum and continues to receive IEP services and provides services to ensure behavior does not recur.

**Option #2:** CAACS can seek litigation to remove student.

**Prior to a decision from a hearing officer or an interim order by the Commissioner of Education, the student remains in school. This invokes the status quo or the "stay put" provision of the Legislative Act.**

**G. Non-Discrimination**

Cultural Arts Academy Charter School at Spring Creek staff responsible for implementing this Policy shall do so without discrimination based on ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, age, or disability. Staff members are specifically charged with monitoring the impact of their actions on students from racial and ethnic groups or other protected classes that have historically been over-represented among those students who are suspended, expelled, referred to alternative schools, arrested, or referred to law enforcement. Evidence of punitive measures being used disproportionately against students of color shall be cause for corrective action by the Cultural Arts Academy Charter School at Spring Creek Principal and Board of Trustees.

**H. Due Process**

Parents/guardians have the right to be immediately notified when their

child faces disciplinary action; about students' right to a fair hearing before being suspended, expelled, or referred to an alternative school; and about students' right to appeal suspensions, expulsions, and referrals to alternative schools.

### **I. Staff Training**

Cultural Arts Academy Charter School at Spring Creek shall make an annual allocation of their professional development time to these subjects of discipline and behavior in order to ensure that the disciplinary program in this school is effective and that relevant policies and procedures are equitably applied.

### **J. Community Involvement**

Meaningful parent, student, and community involvement in the creation and application of school policy is essential for building an effective school with a positive and inclusive learning environment and school culture.

### **K. Distribution of Policy**

Cultural Arts Academy Charter School at Spring Creek shall distribute a copy of this Policy to all students and their parents/guardians, in a language they can understand. It shall also be posted on the school web site and in an easily visible place within the school.

## **SECTION TWO – Using Disciplinary Interventions**

### **A. Types of Interventions**

There are three types of intervention strategies that are available to teachers and administrators in Cultural Arts Academy Charter School at Spring Creek: *Administrative, Restorative, and Skill-based/Guidance-Therapeutic.*

**Administrative Strategies** are statutory, rule-based, or contract-based interventions done “to” the offender, such as detention or suspension.

**Restorative Strategies** are problem-solving interventions done “with” the offender.

These strategies focus on the harm caused and how it will be repaired. Examples may include:

- Family group conferencing
- Character Education curriculum activities
- Mentoring
- Victim-Offender Mediation and Negotiation
- Classroom peace circles

**Therapeutic/Resource Strategies** are done “by” the offender and require intrinsic motivational behavior change. Such interventions include:

- Guidance counseling intervention
- Referrals Mental health counseling provided by community-based organizations
- Anger management classes
- Informal mentoring and behavior coaching

### **B. Strategies in Using Interventions**

Teachers and administrators of Cultural Arts Academy Charter School at Spring Creek will utilize different types of strategies, or multiple strategies simultaneously, to deal with misbehavior, especially for 2nd or 3rd instances of the same disruptive or inappropriate behavior. For example, in compliance with the Cultural Arts Academy Charter School at Spring Creek Discipline Policy, the three types of interventions may be used in the following ways:

- Independently (e.g., 1-day after-school detention);
- As alternatives to each other (e.g., choice of peer mediation or 1-day detention); or
- In conjunction with each other (e.g., 2-day in-school suspension along with mediation).

### **C. Relevant Factors in Making Discipline Decisions**

When choosing consequences for students' misbehavior, teachers, administrators, and staff of Cultural Arts Academy Charter School at Spring Creek must consider the following factors:

- Age, health, and disability or special education status of the student;
- Appropriateness of student's academic placement;
- Student's prior conduct and record of behavior;
- Student's attitude;
- Student's willingness to correct the harm;
- Seriousness of the offense and the degree of harm caused; and impact of the incident on overall school community.

## SECTION THREE – Description of Inappropriate and Disruptive Behaviors and Consequences

### A. Disciplinary Consequences Matrix

<b>Note: On the first instance of an inappropriate or disruptive behavior, use one or more interventions from the lowest indicated for that behavior, or any lower level. If the same behavior is repeated during the same school year, one or more interventions or disciplinary responses from the next highest level may be used. Lower-level interventions may always be used, but interventions or disciplinary responses from the shaded boxes may not be used.</b>					
<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVELS</b>				
	1	2	3	4	5
<b>Academic Dishonesty</b> (e.g. cheating or plagiarizing)	✓	✓	✓		
<b>Colluding</b> (engaging in fraudulent collaboration with another person in preparing written work for credit)	✓	✓	✓	✓	✓
<b>Alcohol</b> -Under the influence, Using or Possessing  -Selling			✓	✓	
				✓	✓
<b>Physical Attack/ Physical Violence</b> -Simple Attack or Simple Violence  -Assault with a Weapon or Battery and Causing Serious Injury				✓	
					✓
<b>Bullying</b> Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that		✓	✓	✓	✓

threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass					
<b>Bus Disruptions</b> -Minor Disruption on the Bus (e.g. eating, drinking, being too loud, standing, throwing objects from the bus	✓	✓	✓		
-Serious Disruption on the Bus				✓	✓
<b>Classroom Disruption</b> (e.g. talking out in class or talking out of turn, throwing objects, and other behavior that distracts from student learning)	✓	✓	✓		
<b>Defiance of Authority and/or Insubordination</b> (e.g. non-violent/non-physical, talking back to school staff, failure to follow directions, failure to respond to school staff questions or requests, refusal to participate in classroom activities, etc.)	✓	✓	✓		
<b>Disrespectful Behavior</b> (e.g. verbal insults or put-downs, including the use of profane or offensive language; picking on, bothering, teasing, or distracting other students; making inappropriate gestures or comments; and other behavior that is rude or disrespectful)	✓	✓	✓		
<b>Dress Code (Uniform Violation</b>	✓	✓			
<b>False Activation of a Fire Alarm</b>			✓	✓	

<b>Fighting</b> -Physical Aggression (e.g. pushing, shoving)		✓	✓	✓	
-More Serious Fighting (may include incidents involving minor injuries)				✓	✓
<b>Gambling</b>		✓	✓	✓	
<b>Gang-Related Activity</b> -Wearing or displaying gang apparel and/or accessories, writing gang graffiti, making gestures or signs, speaking gang language/slang	✓	✓	✓	✓	✓
<b>Hallway Misbehavior</b> (running, making excessive noise, or loitering)	✓	✓	✓		
<b>Harassment based on Race, Ethnicity, Gender, Disability, etc. Against Members of the School Community</b>	✓	✓	✓	✓	
<b>Illegal Drugs or Controlled Substances</b> -Under the influence			✓	✓	✓
- Use of prescription medication without appropriate authorization				✓	✓
-Using synthetic hallucinogens ad/or alcohol					
-Using, Possession or Selling					
<b>Lying to, giving False Information to, or Misleading School Personnel</b>	✓	✓	✓		
<b>Leaving class or school premises without permission of supervising school personnel</b>	✓	✓	✓	✓	
<b>Portable Electronic Devices at Unauthorized Times</b>	✓	✓	✓		

<b>Property Damage</b> -Intentional Damage or Defacement of Another Person's or School Property (less than \$50)		✓	✓	✓	
				✓	✓
-Intentional Damage or Defacement of Another Person's or School Property (more than \$50)					
<b>Sexually-based Behaviors</b>  -Consensual Sexual Activity  -Sexual Harassment (e.g. unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature)  -Sexual Assault  Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent acts against obscene, vulgar or lewd pictures of students or staff, including but not limited to posting such material on the Internet			✓	✓	✓
			✓	✓	✓
					✓
			✓	✓	✓
<b>Tardiness</b> -Persistent or Excessive Tardiness to Class/School	✓	✓			
<b>Theft</b> -Less than \$50  -More than \$50		✓	✓	✓	
				✓	

<b>Trespassing</b> (Level 5 interventions may only be used when a student has entered onto school property without permission and then refused to leave school property upon request)				✓	✓
<b>LEVELS OF INTERVENTIONS AND DISCIPLINARY RESPONSES</b>					
<b>Tobacco Possession or Use</b>			✓	✓	✓
<b>Unauthorized Use of School Equipment</b>	✓	✓	✓		
<b>Unexcused Absence from School</b>	✓	✓	✓		
<b>Weapons, Firearms, and Explosives</b>					
-Bringing or possessing fireworks	✓	✓	✓		
-Igniting Fireworks					✓
-Bringing, Possessing, or Using Other Explosives (Non-Fireworks)					✓
-Threat or False Report Related to Explosives					✓
-Bringing, Possessing or Using Firearms					✓
-Bringing, Using or Possessing Other Deadly Weapons					✓

The following is the Cultural Arts Academy Charter School at Spring Creek Disciplinary Consequences Matrix, which contains a list of potential inappropriate or disruptive behaviors and the appropriate interventions or consequences.

*B. Levels of Interventions and Disciplinary Responses*

Each of the levels indicated in the Matrix above corresponds to a set of possible interventions and disciplinary responses:

<b>LEVEL 1</b>	<ul style="list-style-type: none"> <li>• Teacher/Student Conference</li> <li>• Reminders and Re-Direction</li> <li>• Teaching of Expectations and Skills</li> <li>• Written Apology</li> </ul>	<ul style="list-style-type: none"> <li>• Reflective Essay or Other Reflective Activity</li> <li>• Independent Study</li> <li>• Role Play</li> </ul>
<b>LEVEL 2</b>	<ul style="list-style-type: none"> <li>• Any Lower-Level Interventions</li> <li>• Parent/Guardian Outreach</li> <li>• In-Class Time-Out</li> <li>• Seat Change</li> <li>• Self-Charting of Behaviors</li> <li>• Daily Progress Report on Behavior, Task Completion and Achievement</li> </ul>	<ul style="list-style-type: none"> <li>• Reprimand by Principal/Administrator</li> <li>• Removal from Class to Supervised Time-Out in Another Classroom</li> <li>• Loss of Privileges (e.g. exclusion from group lunch or extra activities)</li> <li>• Mini-Class/Training with Guidance Counselor (e.g. conflict resolution, anger management, social skills, or appropriate behavior)</li> </ul>
<b>LEVEL 3</b>	<ul style="list-style-type: none"> <li>• Any Lower-Level Interventions</li> <li>• Student/Teacher/Parent Conference</li> <li>• Referral to Support Staff (e.g. Guidance Counselor, Social Worker, School Nurse, etc.)</li> <li>• Community Service</li> <li>• Mentoring Program</li> <li>• Peer Mediation</li> <li>• Functional Behavior Assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Referral to School-based Health/Mental Health Clinics</li> <li>• Referral to Community-based Services</li> <li>• Substance abuse Treatment Services</li> <li>• Modification of IEP (if applicable)</li> </ul>
<b>LEVEL 4</b>	<ul style="list-style-type: none"> <li>• Any Lower-Level Interventions</li> <li>• Student/Teacher/Parent Conference</li> <li>• Detention</li> <li>• Saturday School</li> <li>• Restorative Justice</li> <li>• In-School Suspension (1-3) days</li> </ul>	<ul style="list-style-type: none"> <li>• Teen Court/Peer Jury</li> <li>• Restitution</li> <li>• Out-of-School Suspension with assignments (1 day if needed for a "cooling off" period)</li> </ul>

<b>LEVEL 5</b>	<ul style="list-style-type: none"> <li>• Any Lower-Level Interventions</li> <li>• Out-of-School-Suspension (1-10 days with extended time if necessary)</li> <li>• Superintendent's suspension that results in continued suspension for a fixed period of 6-10 school days.</li> <li>• Superintendent's suspension that results in an extended suspension for 11-29 school days.</li> <li>• Superintendent's suspension that results in an extended suspension for 30-59 school days (with automatic review at 30 days for suspensions of 39 days or longer)</li> </ul>	<ul style="list-style-type: none"> <li>• Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 days.</li> <li>• Superintendent's suspension that results in a one-year suspension and assignment to an alternative program with and automatic review at 90 and 135 days.</li> <li>• Superintendent's suspension that results in a one-year suspension and assignment to an alternative program without the opportunity for early reinstatement.</li> <li>• Alternate Educational Placement</li> <li>• Recommendation for Expulsion</li> <li>• Arrest or Referral to Law Enforcement</li> </ul>
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**Note:** This list is not intended to be exhaustive, and the use of additional interventions and disciplinary responses that are consistent with this Policy and its goals will be encouraged.

**C. Procedure and Guidelines for Interventions and Disciplinary Responses**

The disciplinary levels above should be utilized as follows:

- In choosing one or more interventions or disciplinary responses for an inappropriate or disruptive behavior, school staff will locate that behavior on the Matrix.
- On the first instance of any inappropriate or disruptive behavior, Cultural Arts Academy Charter School at Spring Creek staff will utilize one or more interventions or disciplinary responses from the lowest level indicated on the Matrix for that behavior (or one or more interventions or disciplinary responses from a lower level).
- If the same behavior is repeated during the same school year, Cultural Arts Academy Charter School at Spring Creek staff may utilize one or more interventions or disciplinary responses from the next highest level indicated on the Matrix for that behavior, or any

lower level. If there is only one level indicated for that offense, then any interventions or disciplinary responses utilized must be from that same level or a lower level.

- Cultural Arts Academy Charter School at Spring Creek staff may not utilize interventions and disciplinary responses from those boxes that are shaded dark gray.
- Cultural Arts Academy Charter School at Spring Creek Staff is encouraged to implement several lower-level interventions before proceeding to higher levels that may involve disciplinary responses that remove the student from the classroom.

### **Example**

*If a student is disruptive in class and it is determined that an intervention or disciplinary response is needed, the teacher should utilize one or more interventions from Level One. If that student is again disruptive during the same school year, the teacher may utilize one or more interventions from Levels One or Two. If the interventions are unsuccessful and the student commits the same infraction a third time, then the teacher may utilize one or more interventions from Levels One, Two, or Three. If the behavior occurs again, one or more interventions from Levels One, Two, or Three may again be utilized, but under no circumstances should interventions from Levels Four or Five (shaded in gray) be utilized.*

### **D. Behavior Off of School Property and Outside the School Day**

A student may not be disciplined for conduct that occurs off of school property and outside the school day unless the conduct seriously endangers the health, safety and welfare of students or staff.

### **E. Use of Out-of-School Suspensions**

Out-of-school suspensions are only to be used in the following circumstances:

- When a student has committed a Level Four (4) behavior and a 1-day out-of-school suspension is necessary for the student to “cool off” (such as after a serious fight);
- When a student has committed a Level Five (5) behavior. For all other infractions, alternative interventions and disciplinary responses shall be utilized.

## F. Extension of Out-of-School Suspensions



For Level Five (5) behaviors in which an out-of-school suspension has been issued, the suspension may be extended beyond 10 days only if the student's presence in school threatens the health, safety and welfare of students or staff and there has been a recommendation to expel the student.

## G. Use of Expulsions and Referrals to Alternative Schools

Recommendations for expulsion and referrals to alternative schools may only be made under the following circumstances:

- The student has committed a Level Five (5) behavior;
- A 10-day out-of-school suspension and/or other interventions are inadequate to address the behavior; and
- The student's continued presence in the school endangers the safety of students or staff.

If all of these conditions are not met, the behavior must be addressed through alternative interventions and disciplinary responses. Even if all of these conditions are met, school administrators should consider all of the factors identified above in Section 2(C) before recommending expulsion or referral to an alternative school.

## H. Arrests and Referrals to Law Enforcement

The only infractions that may result in arrest or referral to law enforcement are Level Five (5) behaviors. All other inappropriate or disruptive behaviors must be addressed through alternative interventions and disciplinary responses. While Level Five (5) behaviors may result in arrest or referral to law enforcement, such action should only be used as a last resort and incidents should be resolved without the involvement of law enforcement whenever practicable. School officials should use their discretion before notifying law enforcement, and should consider the following factors:

- Whether the misconduct was particularly egregious;
- Whether the student persists in misconduct after being told to cease such behavior, and continues to endanger the safety of others;
- The age of the student engaging in misconduct; and

- Whether the student's misconduct is specifically intended to cause, or irresponsibly causes, physical harm to others or endangers the safety of others.

## **SECTION FOUR – Procedures for In-School Suspensions, Out-of-School Suspensions, Expulsions, and Referrals to Alternative Schools**

### **A. Procedures for In-School and Out-of-School Suspensions**

Before a student is suspended in school or out-of-school, he or she has the right to an in- formal conference with the principal or designee. At the conference, the student must:

- Be allowed to call a parent or guardian, and, has the parent/guardian attend the conference if they are able to within a reasonable amount of time;
- Be informed of the allegations and evidence against him or her;
- Have an opportunity to respond to the allegations, verbally or in writing, and present his or her version of events;
- Be informed of the right not to submit a written statement, if a written statement is requested; and
- Have an opportunity to present evidence in his or her defense, including the right to have witnesses interviewed by the principal or designee.

If, after the informal conference, the principal or designee decides to issue an in-school or out-of-school suspension, the school must make a reasonable attempt to contact the parent/guardian at once by phone. The school must also provide a written notice of suspension in a language that the parent/guardian can understand. Both the oral and written notices must:

- Inform the parent/guardian that the student has been suspended;
- Include the grounds for the suspension, the period of the suspension, and offer to schedule a time and place for the parent/guardian to meet with the principal or designee to review the suspension prior to or concurrent with reinstatement; and
- State that make-up work will be provided during the period of suspension, and that the student has the right to appeal the suspension and how to do so. If an emergency requires immediate removal of the student from school, the informal hearing shall follow as soon after the student's removal as practicable. If immediate removal from school is necessary, the school shall immediately notify the parent/guardian to determine the best way to transfer custody of the student to the parent/guardian.

While suspended in school or out-of-school, students shall be provided the opportunity to earn equivalent grades and academic credits as other students. They must also be provided the opportunity to make up tests, final examinations, and complete class and home-work assignments without penalty while on suspension or within a reasonable time following the completion of the suspension. The intent of this provision is to not doubly punish students with suspensions and academic sanctions, while also providing an opportunity for the student to reintegrate into the educational program of the district following the suspension period.

Students who are suspended in-school or out-of-school during the administration of state or district assessments must be provided an opportunity to take the test and may be allowed to participate in related test preparation activities, upon approval by the school principal or a designee.

### **B. Right to Appeal In-School and Out-of-School Suspensions**

#### **Students have the following rights during the appeals process:**

- The right to request a meeting with the school principal within five days of the incident;
- The right to a representative to be present at the meeting;
- The right to address the principal or other administrator or appropriate designee on the evidence and the appropriateness of the penalty; and
- The right to submit a dissenting opinion regarding the disciplinary action, and have it included in the student's disciplinary file.

#### **The school administrator must do the following:**

- Review all written documents;
- Make a determination of whether there was sufficient evidence to find:
  - a. That the alleged violation occurred; and
  - b. Whether the penalty imposed was appropriate.
- Provide a written decision within five days of the meeting.

If it is determined that no violation occurred, all school records pertaining to the suspension will be expunged from the student's file, and a corrected copy of the student's file will be provided to the student's parent or guardian by mail. If the penalty was not appropriate to the violation, all school records will be revised to indicate only the facts leading to the reduced penalty imposed by the Principal. If the Principal denies the appeal, the student and his or her parent/guardian must be notified of the right to a second appeal of the disciplinary action to the

Cultural Arts Academy Charter School at Spring Creek Board of Trustees. That appeal will have identical procedures as the first appeal.

### **C. Procedures for Expulsions and Referrals to Alternative Schools**

When a student is recommended for expulsion or referral to an alternative school, the school administrator must, at the time of making such recommendation, give the student and the student's parent/guardian written notice of the recommendation in a language that they can understand. The notice must contain:

- A statement of the reasons for the recommended action;
- A statement that a hearing will be held within ten days after the date of the notice; and
- A statement that the student may be present at the hearing to hear the evidence, may have an opportunity to present relevant evidence, and may be accompanied by a parent/guardian and a representative of choice.

There shall be no expulsion or referral to alternative school without a hearing at which evidence may be presented on the student's behalf by the parent and/or an attorney or advocate of the parent/guardian's choice. A hearing officer that may not be a current employee of the school, District, or NYC Department of Education must conduct hearings. The student, parent/guardian, or representative must be allowed to question individuals presenting information.

Written statements made by the student may not be used as evidence unless his or her parent/guardian was present at the time it was signed by the student, or school officials had made reasonable attempts to have the parent/guardian present at the time of signing.

The Principal must review the recommended action and the report of the hearing officer. A written opinion notifying the student and his or her parent/guardian of the action taken must be issued within five days of the hearing. The period of expulsion or placement in an alternative school shall not exceed one calendar year.

The Principal must also notify the student and his or her parent/guardian of their right to appeal the decision to the Board of Education within ten calendar days of the receipt of the notice. The notice must be in a language that the parent/guardian can understand.

### **D. Right to Appeal Expulsions and Referrals to Alternative Schools**

If an appeal is requested, the Cultural Arts Academy Charter School at Spring Creek Board of Trustees must review the record and offer the

opportunity for representatives of the school and the student to make statements to the

Board. The Board must:

- Make a determination of whether there was sufficient evidence to find:
  - a. That the alleged violation occurred; and
  - b. Whether the penalty imposed was appropriate.
- Provide a written decision within five days of the meeting.

If it is determined that no violation occurred, all school records pertaining to the expulsion or referral to an alternative school will be expunged from the student's file, and a corrected copy of the student's file will be provided to the student's parent or guardian by mail. If the penalty was not appropriate to the violation, all school records will be revised to indicate only the facts leading to the reduced penalty imposed by the Board.

Information will be provided to the parent/guardian of every expelled student regarding educational alternatives available during the period of expulsion. If the parent/guardian desires a home-based educational program, curricula at the appropriate grade level will be made available.

## **SECTION FIVE– Data Collection and Monitoring**

### **A. Quarterly Review of Data**

Cultural Arts Academy Charter School at Spring Creek will collect and analyze school discipline data on a quarterly basis to identify those students and teachers who need assistance with discipline. Based on the review, schools will: identify areas of concern; provide targeted professional development, supports, and services; initiate appropriate corrective action; and revise school procedures as needed.

### **B. Annual Review and Report**

The CAACS Board of Trustees and the Cultural Arts Academy Charter School at Spring Creek will evaluate and monitor the effectiveness of the school's discipline practices on an annual basis. The school will review the school climate and discipline data and then submit a written report in a form to be prescribed to the Cultural Arts Academy at Spring Creek Board of Trustees. The review will include the following:

- Prevention and intervention strategies in use;
- The number of in-school suspensions, out-of-school suspensions, expulsions, referrals to alternative schools, arrests, and referrals to law enforcement, disaggregated by age, grade, gender,

- race/ethnicity, English language learner status, disability, school, teacher, offense, and punishment or alternative used;
- Differences in referrals among staff members; and
  - The extent to which disciplinary actions are consistently applied to all students.

Based on the review, schools and the Cultural Arts Academy at Spring Creek Board of Trustees will: identify areas of concern; provide targeted professional development, supports, and services; initiate appropriate corrective action; and revise school procedures as needed. All reports will be made publicly available.

### **C. School Climate and Discipline Oversight Committees**

Cultural Arts Academy Charter School at Spring Creek shall have a School Climate and Discipline Oversight Committee, comprised of school personnel, parents/guardians, and students. School discipline and attendance data should be provided to the committee on a quarterly basis. The purposes of the committee will be to:

- Monitor school climate;
- Handle complaints about discipline practices and conduct of security and school resource officers; and
- Develop, monitor, and evaluate school discipline policies and practices.

The committee shall submit their findings and any recommendations to the principal on at least an annual basis. The Cultural Arts Academy Charter School at Spring Creek Board of Trustees shall also be provided school discipline and attendance data on a quarterly basis. This Committee is charged with the following:

- Monitoring school climate;
- Reviewing complaints received by the school-based committee regarding discipline practices or the conduct of school security; and
- Developing, monitoring, and evaluating school discipline policies and practices school-wide.

The committee shall submit their findings and any recommendations to the Chair of the Board of Trustees and the Principal on at least an annual basis.

## **Appendix**

### **Glossary of Disciplinary Interventions or Responses**

1. *Behavioral Intervention Plan:* A proactive plan designed by school staff to correct inappropriate or disruptive student behavior through positive behavioral interventions, strategies, and supports. This plan is appropriate for both students with and without disabilities.
2. *Community Service:* Allows the student to participate in some sort of activity to serve and benefit the community. Examples include working at a soup kitchen, cleaning up litter, helping at a facility for the aged, etc.
3. *Conference:* Conferences can involve students, teachers, administrators, and parents/ guardians in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.
4. *Functional Behavior Assessment:* Involves gathering information about a student's inappropriate or disruptive behavior and determining approaches school staff should take to correct or manage the student's behavior.
5. *Mentoring Program:* A student is paired with a mentor (a counselor, teacher, student, or community member) who helps the student in personal, academic, and social development.
6. *Parent/Guardian Outreach:* Parent/guardian outreach requires school staff to inform parents/guardians of their child's behavior and seek the parents'/guardians' assistance with correcting inappropriate or disruptive behavior.
7. *Peer Mediation:* Peer mediation is a form of conflict resolution in which students help other students deal with, and develop solutions to conflicts.
8. *Referral to Substance Abuse Treatment Services:* Students with behavior related to substance abuse and/or when there is reason to believe substance abuse counseling is needed, may be referred to school-based or community-based services.
9. *Referral to Community-Based Organizations:* Students can be referred to community-based organizations for a variety of services,

including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.

10. *Referral to School-Based Health and Mental Health Clinics:* These services provide counseling and assessments to students who are in need. Students are allowed to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success. In counseling sessions, students discuss goals and learn techniques that help them overcome personal challenges. Parents/guardians are to be regularly informed of student progress during counseling sessions and at school. Sessions can also involve family members or can be done in groups.
11. *Restorative Justice Strategies:* There are many examples of restorative justice practices, ranging from simple conversations with students who misbehave to more intensive interventions involving multiple actors. Below are some examples that may be used by communities seeking alternatives to out-of-school suspensions, expulsions, referrals to law enforcement, and arrests.
12. *Community Accountability Panels* are meant to hold the offender accountable for the offense by imposing mutually agreed upon consequences to address harm or damage caused. The key participants in this model are the community panel members, the offender, and sometimes the victim, where appropriate.
13. *Family Group Conferencing/Conferencing* brings together those involved in and affected by the offense to allow the offender to take responsibility, the victim to voice the impact of the offense, and community members to assist in the resolution of the offense. The facilitator acts as a guide for the dialogue between the victim and the offender to take place.
14. *Victim-Offender Mediation* provides a forum for victims and offenders to meet in a safe and respectful environment with the assistance of a facilitator. The purpose of the meeting is to explore and discuss the effects of an offense, and the ways in which healing can take place.
15. *Sentencing Circles* are community meetings designed to address both family and community circumstances that are underlying causes of misbehavior. They are meant to rebuild relationships, develop rehabilitative plans, and respond to victims' needs. They involve the offender(s), victim(s), the friends and families of each, community members, and spiritual advisors.