

Bullying and Other Forms of Prohibited Behavior

Reach is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students, and encourages the promotion of positive interpersonal relations among members of the school community.

Harassment, intimidation, bullying, cyber-bullying, and/or hazing toward any member of the school community, whether by or toward any student, staff, Learning Coach, Caretaker, or other third parties, is strictly prohibited and will not be tolerated. Examples of such prohibited behavior include, but are not limited to, stalking, bullying/cyber bullying, intimidating, menacing, coercion, name-calling, taunting, making threats, and hazing. This prohibition includes aggressive behavior; physical, verbal, and psychological abuse; and violence within a dating relationship. These types of behavior are forms of intimidation and harassment and are strictly prohibited, regardless of whether or not the target of the prohibited behavior are members of a legally protected group, such as sex, sexual orientation, race, color, national origin, marital status, religion, or disability.

The following definitions are intended to provide guidance in assessing whether a particular behavior is a prohibited behavior. They are not exhaustive in their scope and are not intended to replace the intuition of the individual. When in doubt as to whether or not a particular suspected behavior is a prohibited behavior, you are urged to rule on the side of caution and report your concerns to the appropriate authority, as provided for in this policy.

Harassment - any intentional behavior or course of conduct (whether written, verbal, graphic, or physical) directed at a specific person or group of persons that causes substantial physical and/or emotional distress or harm and is sufficiently severe, persistent, and/or pervasive that it creates an intimidating, threatening, and/or abusive educational environment for the other person(s) and serves no legitimate purpose.

Bullying – a course of abusive treatment (whether written, verbal, graphic, or physical) that typically involves the use of force or coercion to affect others, particularly when habitual and involving an imbalance of power. It may involve verbal, written or cyber harassment, physical assault or coercion and may be directed persistently towards particular victims.

Cyber-bullying – the use of information and communication technologies, such as, but not limited to, cell phone, email, instant messaging, social media websites, Twitter, etc., to support deliberate and hostile behavior by an individual or group, that (i) is intended to harm others or (ii) that an objectively reasonable person would expect to cause harm to others. Cyber-bullying includes the posting or other transmission of text, video, or images that are embarrassing, demeaning, or threatening in nature, regardless of whether the subject of such text, video, or images directed, consented to or otherwise acquiesced in the at issue posting or other transmission.

Hazing – the use of ritual and other activities involving harassment, bullying, cyber-bullying, intimidation, abuse or humiliation for the purpose of initiating a person or persons into a group, regardless of whether such person(s) consented to or otherwise acquiesced in the at issue behavior(s) and action(s).

Intimidation – a course of behavior that instills fear or a sense of inadequacy.

Violence within a dating relationship - any behavior by a student exhibited towards that student's dating partner that is an attempt to gain and/or maintain power and/or control over a dating partner through violence, threats of violence, and/or physical, verbal, psychological, and/or mental abuse.

Sexting - knowingly using a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video which depicts nudity and is harmful to minors. Knowingly possessing a photograph or video that was transmitted or distributed by another minor as described above.

Prohibited behaviors include all of the above.

The school Administration (and Board, if applicable) will not tolerate any gestures, comments, threats, or actions which (i) cause, threaten to cause, or, an objective and reasoned third-party would find was intended to cause, bodily harm or personal degradation, or (ii) creates, or an objective and reasoned third-party would determine was intended to create, an intimidating, threatening, or abusive environment for any student, staff member, member of the administration, parent or guardian, or other third-party.

This policy applies to all school-related activities and/or engagements, including, but not limited to, online school-related activities such as LiveLesson sessions, participation in clubs and activities, WebMail messages, text messages, discussions, telephonic communications, and message boards; and in-person activities, such as state testing, field trips, open houses, and any other in-person school-related activities. This policy also applies to those activities or engagements which occur off school property if the student or employee is at any school-sponsored, school-approved, or school-related activity or function such as field trips or events where students are under the school's control, in a school vehicle, where an employee is engaged in school business, or where the prohibited behavior is facilitated through the use of any school property or resources. Any student or student's Caretaker who believes that student, any other student, or other third-party, has been or is the recipient of any of the above-described prohibited behaviors should immediately report the situation to the school counselor, Lead School Administrator, or assistant principal. The student may also report concerns to teachers and other school staff who will be responsible for notifying the appropriate school administrator or Board official. Complaints about prohibited behavior against the Lead School Administrator should be filed with the Board President. Every student is encouraged, and every staff member is **required**, to report any situation that they believe to be prohibited behavior. Reports may be made to those identified above. If a student or other individual believes there has been prohibited behavior, he/she should report it and allow the administration to determine the appropriate course of action. Any teacher, school administrator, or school staff member who does not timely make a written report of an incident of prohibited behavior shall be subject to appropriate disciplinary action in accordance with the school's disciplinary process.

All complaints about prohibited behavior shall be kept confidential and be promptly investigated. The Lead School Administrator or appropriate administrator shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether any prohibited behavior(s) were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action, shall be in the report. Where appropriate, written witness statements shall be attached to the report. When the target of the prohibited behavior is a student, the school shall provide that student with a written copy of the rights, protections, and support services available to him/her. If there is any evidence that the student has experienced physical harm as a result of the prohibited behavior, the school shall promptly communicate that information to the appropriate personnel, including, but not limited to, emergency personnel and /or law enforcement.

If the investigation finds an instance of harassment, intimidation, bullying, dating violence, or any other prohibited behavior has occurred, it will result in prompt and appropriate remedial and/or disciplinary action in accordance with the school's disciplinary process. This may include up to expulsion for students; up to discharge for employees; exclusion for parents, guests, volunteers, and contractors; and removal from any official position and/or a request for a Board member(s) to resign. Individuals may also be referred to law enforcement officials. Remedial and/or disciplinary action for employees will follow the procedures outlined in the Employee Handbook. Remedial and/or disciplinary action for students will follow the procedures outlined in this Supplement.

When appropriate, the target(s) of the prohibited behavior (and/or such target(s) Caretaker(s)) shall be notified of the findings of the investigation, and, when appropriate, that action has been taken. In providing such notification care shall be taken to respect the statutory privacy rights of the accused perpetrator of such harassment, intimidation, bullying, and/or dating violence.

If after investigation the act(s) of prohibited behavior by a specific student is/are verified, the Lead School Administrator or appropriate administrator shall notify in writing the Caretaker of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in the notification.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of harassment, intimidation, bullying, dating violence, or any other prohibited behavior will not be tolerated, independent of whether a complaint is substantiated. Such retaliation shall be considered a serious violation of school policy, and suspected retaliation should be reported in the same manner as prohibited behavior. Making intentionally false reports about prohibited behavior will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

This policy shall not be interpreted as infringing upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by state or federal law).

Complaints

Students and/or their Caretakers may file **written** reports regarding any suspected prohibited behavior by completing the *Report of Bullying, Aggressive, or Other Prohibited Behavior Form*, found in the My School section of the Virtual Library, and sending this to the school. Such reports should be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of the suspected prohibited behavior(s), and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the Lead School Administrator for review, investigation, and action.

Students and/or their Caretakers may make *informal* complaints of conduct that they consider to be prohibited behavior(s) by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected prohibited behavior, and the names of any potential student or staff witnesses. A school staff member or administrator who received an informal complaint shall promptly document the complaint in

writing by completing the *Report of Bullying, Aggressive, or Other Prohibited Behavior Form*, found in the My School section of the Virtual Library. This written report shall be promptly forwarded by the school staff member and/or administrator to the Lead School Administrator for review, investigation, and appropriate action.

Privacy/Confidentiality

The school will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

Bystanders

Bullying involves not only those who are bullies and their victims, but also the bystanders who are witnesses. Reach recognizes that bystanders may be negatively affected by bullying, but that they also have the potential to play a positive role in responding to it.

Bystanders may be negatively affected in the following or other ways:

- be afraid of being associated with the victim of bullying for fear of becoming a target of the bully themselves
- feel discomfort or fear at witnessing bullying
- feel guilt, helplessness, or loss of control for not standing up to the bully
- be drawn into the bullying behavior by group pressure
- or feel unsafe in the situation.

Conversely, bystanders may be able to help victims of bullying by doing the following:

- Ask for help from a trusted adult such as a teacher, Lead School Administrator, or other school official.
- Help the person being bullied: create a distraction to focus attention on something else; try helping the person who is being bullied leave the scene by telling him/her that you need them to play a game or that an adult needs to see them, etc.
- Don't give bullying an audience: bullies are often encouraged by the attention they receive, so don't support them by watching.
- Set an example: do not bully others; don't encourage bullies; create posters against bullying; join an anti-bullying club; tell a bully that his/her actions are not funny.
- Be a friend to the person being bullied.
- Spend time with the person being bullied: talk to them; listen to them; tell them you think that bullying is bad; tell them to talk to a trusted adult for help.

The school's expectation is that student bystanders will report bullying to a school official or other appropriate adult in a timely manner. If it comes to the attention of the school leadership or staff that a student bystander did not report bullying, the school will initiate a conversation with the student regarding the school's expectations for bystanders to report bullying. Second and subsequent occurrences of non-reporting of bullying may subject the student to more serious disciplinary action.

Any student who is actively involved in bullying, may be subject to disciplinary action for bullying as described in *Section 9.3 Discipline and Due Process for Students* in this Supplement.

Student Assistance Program (SAP)

Reach will maintain a Student Assistance Program (SAP) to identify, intervene, refer and monitor students having school related programs because of drug, alcohol, and/or mental health issues, and other barriers to learning.

What is Student Assistance Program (SAP)?

The Student Assistance Program is a voluntary, systematic intervention process for students at risk by a team of trained, professional school personnel and community agency liaisons.

The **mission** of Reach's Student Assistance Program is to identify, intervene, refer, and monitor students having school related problems because of alcohol, drug, and/or mental health issues, and other barriers to learning.

The **primary goal** of the Student Assistance Program is to help students overcome those barriers in order that they may be more successful academically.

The SAP Team is committed to the utmost confidentiality in all aspects of the intervention process. Matters brought before the team will not be shared outside of the team, unless there is a professional/parental need to know. Parent permission is obtained before any student is interviewed by a team member. In situations where the health, safety, or welfare of a child is at risk, the SAP team is obligated to notify proper authorities.

Who is involved?

The **core of the program** is the Student Assistance Team comprised of teachers, administrators, school counselor, school nurse, and outside consultants trained to work with students.

How does SAP work?

The Student Assistance Team receives referrals from parents, students, teachers, administrators, and other concerned school personnel. Referrals are made by contacting any member of the SAP team. A list of the SAP team members can be obtained by contacting the school. Students can refer themselves.

What happens after a confidential referral?

After receiving a referral, team members gather information from other staff members who have had contact with the student. An informal team meeting is convened to determine the status of the referral. Parents are then contacted and asked to provide written consent before SAP services are initiated, and if consent is given, parents will be asked to provide similar information on the child. Parents or a student can decline participation in SAP at any time – the program is voluntary.

After compiling all information provided, the SAP team will then determine if recommendations for further services is necessary. The recommendations could be a conference with a SAP member or a request for an assessment provided by a trained specialist from a drug and alcohol or mental health agency. These specialists work with the team members to recommend appropriate action for that individual student. The team monitors and provides support for the student throughout the process.

Drug and Alcohol Abuse Policy

Drugs and alcohol are prohibited at all school sanctioned events and in all Reach buildings.

Drug and alcohol abuse among young people is a major problem confronting our society and our community. For this reason a clear policy on drug and alcohol abuse is established for the students of Reach.

It is generally agreed that the most meaningful approaches to drug and alcohol abuse involve cooperative efforts on the part of students, Caretakers, the school, community and social agencies. Furthermore, the best contribution schools can make is to provide positive, meaningful learning and the development of an educational program of value for each individual student.

Students attend school so that they may develop to their fullest potential. Reach recognizes the need to manage and treat the problem of drug and alcohol abuse and plans to take appropriate measures to prevent the problem of such abuse and support the establishment of a SAP. The purpose of the SAP is three-fold:(1) to identify students who are having problems because of drug/alcohol use or due to mental health problems, (2) to intervene when appropriate either by personal contact or through support groups, and (3) to refer those students for appropriate help.

The SAP is not a treatment program. It seeks to improve identification of students who exhibit forms of "at risk" behavior, such as suicidal intent, depression, drug and alcohol use and abuse. It also provides for intervention by making referrals to outside agencies.

I. DEFINITIONS

Controlled Substances (Drug /Mood altering Substance/Alcohol): Controlled substances, including but not limited to, alcohol, drugs, narcotics, and/or other health endangering compounds which include but are not limited to: alcohol, alcoholic beverages, tranquilizers, amphetamines, synthetic opiates, marijuana, LSD and other hallucinogens, glue solvent-containing substances, anabolic steroids, "look alike" drugs, prescription or over the counter drugs when in possession is unauthorized or such inappropriately used or shared with others, and all controlled substances identified in the following laws: Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L 91-513), the Pennsylvania Controlled Substance Drug, Device and Cosmetic Act, Act of April 14, 1972 (P.M. 233, No. 64) as amended; and The Controlled Substance, Drug, Device and Cosmetic Act (P.S. 780-101, et. seq.)

Look-alike Drugs: Substances manufactured or designed to resemble - 1) drugs; 2) mood-altering substances; 3) narcotics; or 4) other health endangering compounds

Under the Influence: A student shall be considered "under the influence" if he or she has consumed a controlled substance within a time period reasonably proximate to his/her presence on school property, on a school designated vehicle, or at a school sponsored function (i.e., field trips, state testing)

Student Assistance Program (SAP): A multidisciplinary team that includes teachers, administrators, and counselor. This team is trained to understand and work with adolescent drug/alcohol/mood-altering substance use, abuse, and dependency. The team's primary role is to identify, intervene, and refer for treatment any student who is suspected of engaging in drug/alcohol/mood-altering substance use, abuse, possession, and/or distribution.

Coordinator of Student Assistance Programs and Services: A certified program specialist with an expertise in the areas of social restoration and student high-risk behaviors.

Distribution: To deliver, sell, pass, share, or give to another person, or to assist in distribution of any alcohol, drug, or mood altering illegal substance; actual, constructive, or attempted transfer from one person to another of any alcohol, drug, or mood-altering substance.

Active Possession: To possess or hold without attempt to distribute, any alcohol, drug, or mood-altering substance.

Constructive Possession: A person's knowing joint control and/or access with other persons to any alcohol, drug, or mood-altering substance.

Cooperative Behavior: The student's willingness to reasonably and helpfully work with staff and school personnel, and to comply with Student Assistance Program requests and recommendations.

Uncooperative Behavior: The student's resistance or refusal (verbal, physical, or passive) to comply with reasonable school personnel requests or recommendations. Defiance, assault, deceit, and flight are examples of uncooperative student behavior. Uncooperative behavior includes, but not by way of limitation, refusal to comply with Student Assistance Program requests and recommendations.

Drug Paraphernalia: Includes any equipment, utensil or item, which in the school administrator's judgment can be associated with the use of drugs, alcohol, or mood altering substances. Examples include but are not limited to roach clips, pipes and bowls, and includes all items as defined as drug paraphernalia in Section 102 of the Pennsylvania Controlled Substance Drug, Device and Cosmetic Act, 35 P.S. 780-102, as amended.

VIOLATION OF POLICY

This policy is violated when any student, visitor, guest or any other person unlawfully manufactures, uses, abuses, possesses, constructively possesses, is under the influence of, distributes, or attempts to distribute drugs, alcohol, or any mood-altering substances, or drug paraphernalia on school premises, or at any school-sponsored activity anywhere, or while traveling to and from school or school-related activities utilizing transportation approved by the Reach, or who conspires, aids, or abets in the use, abuse, active possession, constructive possession, or distribution of drugs, alcohol, or any mood-altering substances.

Discipline, Rehabilitation, and Punishment

Any student who violates this policy shall be subject to the following disciplinary, rehabilitative and punitive actions. The school reserves the right to use any other lawful measures deemed necessary to control and eliminate the use of drugs, alcohol, and other mood-altering substances even if the same is not provided for specifically in any rule or regulation enumerated herein.

Drug and Alcohol Policy

A student possesses drug-related paraphernalia and/or a student possesses (actively or constructively), uses, or is under the influence of drugs, alcohol, or mood-altering substances.

First Offense:

1. An administrator shall immediately contact the student's Caretaker(s).
2. An administrator shall contact law enforcement authorities.
3. If necessary, an administrator shall schedule an informal hearing.
4. If after the informal hearing the administrator determines the offense has been committed by the student, the administrator may:
 - a. suspend (suspension as defined in Section 9.3 of this Supplement) the student for seven (7) days;
 - b. require the student to participate in the SAP process and comply with the SAP recommendations, which may include an assessment from a licensed drug and alcohol facility at the students/family's expense.
5. Uncooperative behavior will lead to an additional three days of suspension.

Subsequent Offense(s):

1. The Lead School Administrator shall contact the student's Caretaker(s) and request that they report to the Lead School Administrator's office or conference via telephone if appropriate immediately.
2. The Lead School Administrator will contact law enforcement authorities.
3. The Lead School Administrator may schedule an informal hearing in accordance with Section 9.3 Due Process of this Supplement.
4. If after the informal hearing the Lead School Administrator determines the offense has been committed by the student, the Lead School Administrator may:
 - a. suspend the student for up to ten (10) school days;

- b. require the student to participate in the SAP process and comply with the SAP recommendations, which may include an assessment from a licensed drug and alcohol facility at the students/family's expense;
- c. have the option of requesting a formal disciplinary hearing to be scheduled before the Board, or a committee of the Board, in accordance with Section 1318 of the Pennsylvania School Code based on the findings of fact.

If a student distributes a drug, alcohol, or mood-altering substance:

1. The Lead School Administrator shall contact the student's Caretaker and request that they report to the Lead School Administrator's office or conference via telephone if appropriate immediately.
2. The Lead School Administrator may schedule an informal hearing in accordance with Section 9.3 Discipline and Due Process for Students in this Supplement.
3. If after the informal hearing the Lead School Administrator determines the offense has been committed by the student, the Lead School Administrator may:
 - a. suspend the student for up to ten (10) days;
 - b. require the student to participate in the SAP process and comply with the SAP recommendations, which may include an assessment from a licensed drug and alcohol facility at the students/family's expense;
 - c. request a formal disciplinary hearing to be scheduled before the Board, or Committee of the Board, in accordance with Section 1318 of the Pennsylvania School Code.

Discipline and Due Process for Students

All students enrolled in Reach are expected to conduct themselves in accordance with the rules for the school, and Caretakers are expected to cooperate with the school staff in helping students to maintain this conduct. Student codes of conduct are set forth in this Supplement. Students are also guaranteed due process of law as required by the 14th Amendment to the U.S. Constitution.

Discipline Measures

There are three levels of formal disciplinary measures utilized by the school: 1) Warning, 2) Suspension, and 3) Expulsion. Each level and its corresponding disciplinary actions are identified below.

1. Warning

Students that receive warnings from the school will have a conference (via phone or in person) with their Caretaker and the school administrator(s), and the incident will be formally documented in writing and will become part of the student's permanent record. The student will not have a disruption in schooling and will continue to have access to Connexus.

Warnings are issued when a student demonstrates a breach of expected conduct, but not as serious as those listed under the suspension and/or expulsion categories in this Supplement.

2. Suspension

When a student is suspended, he or she is temporarily removed from class (Connexus) or a school sponsored program or activity. The length of a suspension is determined by the school administrator (up to 10 days at a time). A suspension will be documented in writing and will become part of a student's permanent record.

During a period of suspension as defined by the Lead School Administrator, a student's permission to log on to and/or use parts of Connexus is restricted. Student access to WebMail, the message boards, online clubs/activities, or all of Connexus may be revoked. In such cases where the student's access is completely revoked, the Learning Coach is responsible for logging on to the Connexus and obtaining the student's assignments, responding to WebMail, and recording assessment responses for the student. The student should continue with his or her schoolwork during a suspension.

Violations that may lead to suspension include, but are not limited to, the following breaches of conduct:

- *Cheating on tests or daily work:* A student who knowingly participates in copying, using another's work, and representing it as his or her own (for example, students transmitting their work electronically for another student's use), or who provides other students with test answers, answer keys, or otherwise uses unauthorized materials in an assignment or assessment situation.
- *Plagiarism:* A student's use of another person's words, products, or ideas without proper acknowledgement of the original work with the intention of passing it off as his or her own. Plagiarism may occur deliberately (with the intention to deceive) or accidentally (due to poor referencing). It includes copying material from a book, copying-and-pasting information from the Internet, and getting family or friends to help with coursework.

- *Unexcused absences:* An unexcused absence is the absence of a student due to truancy, illegal employment or parental neglect.
- *Illegal absence:* Illegal absences are unexcused absences by a student who is under the age of 17 who are absent from school due to avoidable absences, parental neglect, illegal employment, unapproved family vacations, and truancy.
- *Abusive conduct:* A student who uses abusive language or engages in abusive conduct in the presence of others either in person or electronically/virtually.
- *Bullying:* A student that repeatedly engages in negative actions against another student in an attempt to exercise control over him or her.
- *Intimidation:* A student who engages in behavior intentionally meant to cause another person to fear harm or injury, be frightened into submission or compliance, or to feel a sense of inferiority.
- *Harassment:* A student who demonstrates verbal, written, graphic, or physical conduct relating to an individual's sex, race, color, national origin, age, religious beliefs, ethnic background, or disability that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the school's programs that: 1) has the purpose or effect of creating an intimidating or hostile environment, 2) unreasonably interferes with an individual's educational performance, or 3) otherwise adversely affects an individual's educational opportunities.
- *Vandalism:* A Student who intentionally damages or destroys school property or records (physical or electronic). In these instances the school reserves the right to contact the proper law enforcement agency(ies).
- *Theft and robbery:* A student who takes money or other property (physical or electronic) with the intent to deprive another person or the school of that property. The threat or the use of force or violence is considered a serious breach of conduct. In these instances the school reserves the right to contact the proper law enforcement agency.
- *Sexual harassment:* A student who subjects another to any unwelcome sexual advances including verbal harassment, unwelcome or inappropriate touching, or suggestions, requests, or demands for sexual favors.
- *Violence within a dating relationship:* a student who attempts to maintain power and/or control over a dating partner through violence, threats of violence, and/or physical, emotional, and/or mental abuse.

- *Violation of acceptable use policy:* Students who violate the acceptable use policy in one form or another are open to disciplinary action including suspension. This would include signing on as parents.
- *Repeated violation of any disciplinary issues.*

3. Expulsion

When a student is expelled, he or she is separated from the school for an extended period of time, or permanently, for disciplinary reasons. An expulsion will be documented in writing and will become part of a student's permanent record.

Violations that may lead to expulsion include, but are not limited to, any behavior that indicates that a student is a serious threat to the safety of others: possession of firearms, dangerous weapons, bombs, or explosives, criminal behavior, arson, under the influence of or possession of, or sale of controlled substances or paraphernalia. Suspensions or expulsions for children designated as exceptional follow all appropriate state and federal policies, regulations, and laws.

For those students with disabilities under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973, the disciplinary procedures required by the IDEA will be followed. In the event a student has disabilities under both Section 504 and the IDEA, both policies shall be followed in determining appropriate disciplinary actions. The student will continue to receive FAPE

Due Process for Students

The following actions will be conducted by the school, per each of the disciplinary measures as outlined below:

Suspension (no more than 10 days)

An informal hearing will be convened with the student, Caretaker, Lead School Administrator and other staff members as appropriate. The Lead School Administrator will inform the student and Caretaker of the allegations and an explanation of the evidence that supports the allegations. The student will be provided with an opportunity to present his or her version of the occurrence. If the Lead School Administrator determines that the incident(s) justifies suspension, written notice will be provided to the student and his/her Caretaker. The student will be provided all due process as required by law.

Suspension of over 10 days, or an Expulsion

If the school determines that a student's conduct may warrant expulsion, the Lead School Administrator will provide written notice to the Caretaker of the student of his/her determination and the student's right to a hearing. Such notice shall include (1) date, time and location of hearing; (2) description of the incident(s) that is the subject of the hearing; (3) notice that the student and/or Caretaker have a right to review the student's school records prior to the hearing; (4) description of the hearing process and explanation of the consequences of an expulsion. At this hearing, the allegations and supporting evidence will be reviewed. The student shall have the right to present his or her version of the incident(s), call witnesses, cross-examine witnesses and be represented by counsel. After the hearing, the Lead School Administrator will make a recommendation for or against expulsion to the Board. Once the Board rules on the expulsion, the Lead School Administrator and/or the Board will provide notification to the student and Caretaker of the Board's decision and discipline determination. The decision of the Board is final.

Discipline for Students with Disabilities

If a student with a disability violates a code of conduct, he or she will be disciplined according to the discipline measures described above for up to 10 days. Upon subsequent violations that result in suspensions that exceed 10 total days or 15 cumulative days in a school year, the school will determine if the behavior manifested from the student's disability. If the school determines that the violation is not a manifestation of the student's disability, the school will apply the discipline procedures to the student in the same manner and for the same duration as the procedures would be applied to students without disabilities. However, if it is determined that the violation manifested from the student's disability, the school will conduct a functional behavior assessment and develop a behavior plan to address the behavior violation so that it does not recur.