



DISCIPLINE POLICY

Our goal is to create a school culture that reinforces positive behavior and eliminates the distractions caused by student misbehavior. Students who do not adhere to stated expectations for behavior may expect consequences for their behavior. Consequences may include, but are not limited to:

- Warning, verbal and/or written
- Individual conferences with the teacher/staff
- Loss of privileges
- Referral to the Site Administrator
- After school detention
- Teacher intervention/phone call to parent/guardian
- Parent conference
- Suspension
- Expulsion

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, use of alternative educational environments, suspension and expulsion.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

Any student who engages in repeated violations of the school's behavioral expectations will be required to attend a meeting with the school's staff and the student's parents. The school will prepare a specific, written agreement outlining future student conduct expectations, timelines, and consequences for failure to meet the expectations which may include, but are not limited to, suspension or expulsion.

A student may be suspended or expelled for any of the acts enumerated in Education Code Section 48900 related to school activity or school attendance that occur at any time including, but not limited to:

- While on school grounds
- While going to or leaving from school
- During, or traveling to or from, a school-sponsored activity

Cause for Suspension and Expulsion

BPA reviewed the list of offenses and procedures that apply to pupils attending non-charter public schools and believe the proposed list of offenses and procedures provide adequate safety for pupils, staff and visitors to BPA and serve the best interests of the BPA pupils and their parents/guardians. A student may be recommended for suspension or expulsion for any of the following reasons, as specified in the Education Code Section 48900:

- Caused, attempted to cause, or threatened to cause physical injury to another person

- Willfully used force or violence upon the person of another, except in self-defense
- Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the Site Administrator or the designee of the Site Administrator
- Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind
- Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant
- Committed or attempted to commit robbery or extortion
- Caused or attempted to cause damage to school property or private property (includes, but is not limited to, electronic files and databases)
- Stolen or attempted to steal school property or private property (includes, but is not limited to, electronic files and databases)
- Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel (exception made for use or possession by a student of his or her own prescription products)
- Committed an obscene act or engaged in habitual profanity or vulgarity
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code
- Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties
- Knowingly received stolen school property or private property (includes, but is not limited to, electronic files and databases)
- Possessed an imitation firearm
- Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code
- Harassed, threatened, or intimidated a student who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both
- Engaged in, or attempted to engage in, hazing as defined in Section 32050
- Aided or abetted, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person (suspension only)
- Committed sexual harassment
- Caused, attempted to cause, threatened to cause, or participated in the act of hate violence
- Engaged in harassment, threats, or intimidation directed against school District personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment
- Made terrorist threats against school officials, school property, or both
- Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel

Students will receive a mandatory recommendation for expulsion for any of the following reasons, as specified in the Education Code Section 48915, unless the Site Administrator finds that expulsion is inappropriate, due to the particular circumstance:

- Causing serious physical injury to another person
- Possession of any firearm, knife, explosive, or other dangerous object
- Unlawful possession of any controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind
- Robbery or extortion
- Assault or battery upon any school employee
- Committing or attempting to commit a sexual assault or sexual battery as defined Section 48900 of the Education Code

Students are subject to mandatory expulsion from BPA for any of the reasons as specified in the Education Code Section 48915(c) and the Federal Gun-Free Schools Act of 1994. It is a federal mandate that a school expel, for a period of not less than one year (except on a case-by-case basis), any student who is determined to have brought a firearm to school.

Process for Suspension and/or Expulsion

Step 1: Informal Conference

Suspension shall be preceded by an informal conference conducted by the Site Administrator, with the student and the student's parents. The conference may be omitted if the Site Administrator determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If the student is suspended without a conference, the parents will be notified of the suspension and a conference will be conducted as soon as possible.

Step 2: Notice to Parents

Parents and students have due process rights with regards to suspensions and expulsions. At the time of a student's suspension, a school employee shall make a reasonable effort to contact the parents by telephone or in person. Initial contact will be followed by a written notice. This notice will state the specific offense committed by the student. In addition, the notice may also state the date and time the student may return to school. If the school officials wish to confer with the parents regarding matters pertinent to the suspension, the notice may note that the parents are required to respond without delay, and that violation of school rules may result in expulsion from the school.

Step 3: Determination of Length of Suspension

The length of the suspension will be determined by the Site Administrator based on the severity of the offense(s), as evidenced by witness statements, physical evidence, and other relevant factors.

The length of suspension for students may not exceed a period of 5 continuous days unless an administrative recommendation has been made and agreed to by the student's parent/guardian. If a student is recommended for a period of suspension exceeding 5 continuous days, a second conference will be scheduled between the parent/guardian to discuss the progress of the suspension upon the completion of the 10th day of suspension. A student may be suspended from school for not more than 20 school days in any school year; however, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

Arrangements shall be made to provide the student with classroom material and current assignments to be completed at home during the length of the suspension.

Step 4: Recommendations for Expulsion

If the Site Administrator's recommendation is for expulsion, the student and the student's parents will be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. This determination will be made by the Site Administrator upon either of the following findings:

- The student's presence will likely be disruptive to the educational process
- The student poses a threat or danger to others

Upon this determination, the student's suspension will be extended pending the results of an expulsion hearing.

Students will be recommended for expulsion if the Site Administrator finds that at least one of the following findings may be substantiated:

- Other means of correction are not feasible or have repeatedly failed to bring about proper conduct
- Due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Step 5: Expulsion Hearing

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. The hearing will be held within 30 days after the BPA Site Administrator determines that an act subject to expulsion has occurred. The hearing may be presided over by the Governing Board or an administrative panel (of other local school charter leaders) appointed by the Board. The expulsion hearing will be recorded and made available as part of the public record and a Fact and Findings document will be prepared to summarize the evidence presented at the hearing, to substantiate the expulsion decision.

Written notice of the hearing will be forwarded to the student and the student's parents at least 10 calendar days before the date of the hearing. This notice will include:

- The date and place of the hearing
- A statement of the specific facts, charges and offense upon which the proposed expulsion is based
- A copy of the disciplinary rules that relate to the alleged violation
- The opportunity for the student or the student's parents to appear in person at the hearing
- The opportunity for the student to be represented by counsel
- The right to examine and acquire copies of all documents to be used at the hearing
- The opportunity to cross-examine all witnesses that testify at the hearing
- The opportunity to present evidence and witnesses on behalf of the student

Upon expulsion, written notice will be sent by the Site Administrator to the parents of any student who is expelled. This notice will include the following:

- The specific offense committed by the student for any of the acts listed in "Reasons for Suspension and/or Expulsion."
- Notice of the student or parent obligation to inform any new district in which the student seeks to enroll of the student's status with BPA.

In the event of a decision to expel a student, the school will work cooperatively with the district of residence, county and/or private school to assist with the appropriate educational placement of the student who has been expelled. Any incident of violent and/or serious student behavior shall be communicated to the district/school to which the student matriculates.

If the decision is not to expel, the student will return to classes at BPA.

Appeal of Suspension or Expulsion

Parents will be notified in advance to enactment of the suspension or expulsion and can appeal a student's suspension or expulsion.

The suspension of a student will be at the discretion of the Site Administrator or the Site Administrator's designee. A suspension appeal may be made to the Site Administrator within the term of the suspension. Following due consideration, the Site Administrator's decision regarding student suspension will be considered final.

An expulsion may be appealed within ten working days and must be submitted in writing to the Site Administrator. The student will be considered suspended until a meeting is convened to hear the appeal (within 10 working days), at which time the parents must attend to present their appeal. The appeal will be heard by a fair and impartial panel selected by the BPA Board of Directors. For a student who is not reinstated upon appeal, the family will be sent written notification of such, including specific reasons why reinstatement was denied, and will be given a new eligibility review date.

The decision of the panel of representatives of the Board will be final.

Rehabilitation, Expulsion Placement, and Readmission

Students who are expelled from BPA shall be given a rehabilitation plan upon expulsion as developed by BPA's Governing Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the student may reapply to BPA for readmission.

The decision to readmit a student or to admit a previously expelled student from another school district or charter school shall be the sole discretion of BPA's Governing Board and the pupil and guardian or representative, to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The student's readmission is also contingent upon the capacity of BPA at the time the student seeks readmission. BPA will request a copy of the rehabilitation plan and work with the expelling school/district to ensure the student is provided with the supports and interventions needed for successful reinstatement.

Suspension or Expulsion of Students with Disabilities

In the case of a student who has an IEP or a 504 Plan, BPA will ensure that it follows the correct disciplinary procedures to comply with the mandates of state and federal laws, including the IDEA and Section 504 of the Rehabilitation Plan of 1973. An IEP team will meet to conduct a manifestation determination and to discuss alternative placement. Prior to recommending expulsion for a student with a 504 Plan, BPA Site Administrator will convene a manifestation determination meeting to ask the following two questions: A) Was the misconduct caused by, or directly and substantially related to the student's disability? B) Was the misconduct a direct result of the school's failure to implement the 504 Plan?

Services during Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment or functional analysis, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, BPA, the parent, and relevant members of the IEP team shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

- a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

If BPA, the parent, and relevant members of the IEP team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If BPA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall:

- a) Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that BPA had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c) Return the child to the placement from which the child was removed, unless the parent and BPA agree to a change of placement as part of the modification of the behavioral intervention plan.

If BPA, the parent, and relevant members of the IEP team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP, then BPA may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or BPA believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or BPA, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and BPA agree otherwise.

Special Circumstances

BPA personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Site Administrator or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a. Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or

c. Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP team.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated BPA's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if BPA had knowledge that the student was disabled before the behavior occurred.

BPA shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- a. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to BPA supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b. The parent has requested an evaluation of the child.
- c. The child's teacher, or other BPA personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the special education case manager or to other BPA supervisory personnel.

If BPA knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEIA-eligible children with disabilities, including the right to stay-put.

If BPA had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. BPA shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by BPA pending the results of the evaluation.

BPA shall not be deemed to have knowledge that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Notification

In a timely manner, a designated member of the BPA staff shall notify the State Board of Education of any expulsions.