

	<b>Student Discipline Policy</b>	
	Last Reviewed/Revised: 06/18/2020	Effective Date: 08/22/2019
	Original Author: UMCS Board	Policy Status: ACTIVE

**DESCRIPTION:** Policies and procedures for student discipline, including behavior expectations, suspension/expulsion standards, and due process; including procedures for students with disabilities.

At Urban Montessori Charter School, we understand that children become thoughtful, responsible, respectful and caring adults when:

- The adults around them model the desired habits and behaviors
- The children are explicitly taught and coached the desired habits and behaviors – children are guided, assessed, and held accountable
- The children deeply understand and value the desired habits and behaviors
- The environment around them supports the development of these habits and behaviors

At Urban Montessori, the adults commit to model and teach children to internalize the following habits:

- Be mindful: All children will be mindful of their responsibilities as members of a community and mindful of how their actions impact others; they will exercise self-discipline
- Create solutions: All children will have the skills and tools to work together to find solutions to their individual and collective challenges and conflicts and know when and where to seek help as they need it
- Lead change: All children will be aware of their capacity to be a leader in moving their community forward; teach and take responsibility for the learning and growth of their peers
- Collaborate: All children will see the added value of engaging and working with others; they will be able to listen respectfully, communicate thoughtfully, and participate meaningfully
- Empathize: All children will be able to understand and value different perspectives, viewpoints and experiences
- Utilize Tools: All children will understand and utilize tools available to them from the Toolbox

This document describes our habits of heart because it is these habits and the values behind them that drive our culture and what we expect our students to demonstrate fully before they graduate. Most schools have discipline policies that emphasize punitive consequences over problem-solving. Schools with effective discipline policies will get the results they seek but they are often short-lived and take place in response to fear of punishment. At Urban Montessori, because we want our children to internalize our habits of heart, we have a prevention-oriented interventions policy instead of a discipline policy. We believe that if we help children reflect on their behaviors, both positive and negative, and help them become better decision-makers, we are teaching them how to achieve. Ours is an inquiry-based approach to student behavior. Just as we hold ourselves responsible for finding ways to enable academic achievement, we hold ourselves responsible for our children’s social and emotional achievement.

We start with this lengthy statement because we are about to present what might appear to be a discipline policy, but we want to be clear that these are guidelines only to develop a more consistent system and culture. All children and their behaviors must be addressed individually, taking into consideration their individual needs and issues.

### **Common Behavior Modification Practices**

We know that there will be students who test the boundaries of these principles and who defy the rules and norms set forth. We believe that these opportunities allow for “teachable moments” for students. We aim to not judge the child or youth, but rather to support the child or youth to redirect their own behavior. Our larger goal is to develop self-reflective, self-disciplined young people.

We believe that the following behaviors generally require in-class redirection and inquiry to address the root cause.

- General off-task, slightly inappropriate behavior
- Minor name-calling
- “Playing” too much or inappropriately
- Being too loud
- Minor unsafe behavior in playground
- Disrespectful attitude or comments
- Initial defiance to adults
- Disturbing others(or disruptive) during work period/class (Not greatly inhibiting as stated below)
- Minor unsafe behavior in the classroom (e.g. running, throwing small objects, etc.)

In all of our classrooms, we expect to see the following behavior modification techniques:

- Adults will subtly remind the child that the behavior does not align with the community’s norms – this can be a verbal or nonverbal cue or reminder
- Adults will name the behavior that does not fit within the community’s norms if the child does not redirect his or her own behavior, give a warning, and provide time for the child to correct the behavior
- If necessary, children can be given time to reflect independently upon their behavior
- If a child continues the behavior, adults should speak to the child one-to-one asking questions to get to the root cause of the behavior. If it is possible to address the root cause immediately, the adult should do so. If it is not possible in that moment, and the adult feels the child requires adult intervention or support immediately, the adult should redirect the child to administration.
- Should a child’s behavior reach one of the following points, a behavior incident report may be written and the child may be sent to the office if all attempts at redirection above have been unsuccessful:
  - When the students actions cause great danger to the physical and/or emotional well-being of other students
  - When multiple attempts at behavior modification have been made, without result
  - When the actions of one student is greatly inhibiting the learning of the other students

### **The Use of Consequences**

At times students will continue to violate behavior expectations, despite the use of our common behavior modification practices. At this point, teachers may choose to use consequences for students’ negative actions within the following parameters:

- Consequences must be understood, logical, predictable, and consistent. Examples include the warnings and time-outs mentioned earlier, as well as loss of playtime or phone calls home.
- Consequences, whenever possible, are logical and linked to the action. Consequences should not have an academic nature.
- Consequences should ideally be accepted by the child. This happens when the adult
  - Responds calmly and respectfully
  - Creates space for the child to reflect on his or her behavior
  - Listens to the child's side of the story and demonstrates empathy for the child's situation
  - Avoids lecturing and talking at the child
  - Does not react emotionally, raising his or her voice or responding in any way that is emotionally or physically intimidating
  - Delivers consequences individually and not in front of other children
  - Avoids judgment and jumping to conclusions
  - Attempts to get at the root cause of a given behavior assuming positive intent
  - Child is involved in determining consequence
  - Child is involved in determining best choice for future behavior

### **Office Referrals**

Occasionally, a classroom teacher or an adult on campus will require additional support around a child's behavior. This can be because the behavior is extreme (see below) and requires administrative attention immediately, because all attempts at redirection have failed, or because the adult in charge cannot address the needs of that particular child in that moment and requires additional support (i.e. teacher is in the middle of teaching a class, and two children require conflict mediation immediately).

### **Behaviors generally referred to administration:**

1. Continuous minor behavior problems (student does not seem able to redirect himself after numerous attempts at redirection, one-to-one conversation, and root cause analysis)
2. Serious verbal abuse – discrimination, offensive personal comments, intimidation, threats, more serious name-calling, constant name-calling, cursing at a person (If it appears minor, but the receiver of the abuse is upset, this should also be referred to the administration)
3. Causing, attempting to cause, or threatening to cause physical harm to another person.
4. Fighting
5. Biting
6. Forgery
7. Disrupting school activities
8. Stealing or attempting to steal school or private property.
9. Committing an obscene act or engaging in habitual profanity or vulgarity
10. Sexual harassment, advances, request for sexual favors, or other verbal, visual, or physical conduct of a sexual nature.
11. Unwanted intentional physical contact – pushing, hitting, kicking, throwing things at, any playful behavior that can and will obviously lead to injury, pulling hair, pushing into or towards dangerous situations, using anything as a weapon
12. Alcohol, drug, or cigarette use, purchase, supply, ownership on or off campus
13. Possession of a weapon
14. Intentionally and continually defying adult direction

All of these behaviors are often intentional and require more significant intervention. Children are referred to administration to ensure consistency of message and the communication of the severity of these behaviors.

### **Potential Actions and Consequences:**

- Opportunity given to child to reflect on behavior and to develop his or her own solution to the situation
- Counseling/dialogue about severity of situation and developing consequences together
- Phone call home – parent conference arranged
- Buddy classroom assignment
- In-school suspension
- Out-of-school suspension
- Recommendation to interventions team (CARE)
- Expulsion

Certain behaviors are generally a mandated in-school suspension with immediate referral to interventions team with parent conference. All behaviors that are violent against others, illegal, and/or create an unsafe learning environment for other children will result either in an in-school or out-of-school suspension.

### **Suspension Policies**

Depending on the violation and situation, suspensions may be done **in school or at home**. If a child is suspended, the parent/guardian will be called and a letter will be sent home with the child stating the violation and when the suspension is to take place. The student will be required to return home for the remainder of the day on which the violation is made and may be suspended from school for one or more days. For an in-school suspension, the student will report to school the next day, but the student will remain in a buddy classroom or office for the day. For an at-home, the student is to not report to school the next day. Whenever possible, Urban Montessori Charter School will use in-school suspensions to ensure learning continues, and the infraction is used as a teachable opportunity. In all cases, the objective of any suspension or intervention is to ensure the child does not continue to demonstrate the problematic behaviors.

### **Expulsion Policies**

Students may be referred directly to the Board of Directors for an expulsion hearing for any of the following acts when it is determined the pupil:

- Caused, attempted to cause, or threatened to cause extreme physical injury to another person or 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, with the Director/Administrator or designee's concurrence.
- Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as 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.
- Stole or attempted to steal school property or private property.
- Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets.
- 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 Health and Safety Code 11014.5
- Knowingly received stolen school property or private property.
- Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
- Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- Made terrorist threats against school officials and/or school property.
- Committed sexual harassment.
- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
- Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

The above list is not exhaustive and depending upon the offense, a pupil may be expelled for misconduct not specified above. Generally, the School will give administration discretion over when to utilize a suspension or make a referral to the Board for an expulsion hearing.

However, in the following circumstances, the administration will suspend and refer the child to the UMCS Board for an expulsion hearing without discretion whenever he or she:

- Possesses, sells, or otherwise furnishes a firearm (*EC* Section 48906 requires the School refer a student with a firearm to law enforcement)
  - Brandishes a knife at another person
  - Sells a controlled substance
  - Commits or attempts to commit a sexual assault or sexual battery
  - Possesses an explosive
  - Commits extreme physical violence against another person and the severity of that violence creates a threatening environment for the offender.
  - Commits hate violence or verbally assaults, harasses, or threatens another person in such a way as to create a threatening environment for the offender

In all other circumstances, should the site administration decide to refer a child for an expulsion hearing, the UMCS Board would require the following documentation:

- At least two complete RTI cycles where a comprehensive root cause analysis was conducted and interventions plans were created and implemented
- At least three family conferences to create, implement and monitor the interventions plans

- Four or more suspension events (not days) where the child was suspended for not complying with stated expectations and disrupting the learning/safety of others

Because Urban Montessori is committed to serving ALL children and because the school believes that children who demonstrate expellable or suspendable behaviors require intervention and support more than they require punishment, the school will implement a comprehensive interventions system to ensure children requiring intensive interventions receives a comprehensive battery of support whenever possible prior to a suspension or a referral for expulsion.

### **Expulsion Procedures**

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Head of School or designee determines that the Pupil has committed an expellable offense. The expulsion hearing will be presided over by the Board President or the chair of an Administrative Panel. In the event a Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing. Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. All communications will be provided in the family's home language. The notice shall include:

- The date and place of the expulsion hearing
- A statement of the specific facts, charges and offenses upon which the proposed expulsion is based
- A copy of the school's disciplinary rules which relate to the alleged violation;
- Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment
- The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or an advocate
- The right to inspect and obtain copies of all documents to be used at the hearing
- The opportunity to confront and question all witnesses who testify at the hearing
- The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

### **Record of Hearing**

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

### **Presentation of Evidence**

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay, and sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Board of Directors shall be in the form of a written recommendation to the Board who will make a final determination regarding the expulsion. The final decision by the Board shall be made within ten (10) school days following the conclusion of the hearing.

### **Written Notice to Expel**

The Director or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's findings of fact, to the student or parent/guardian. This notice shall include the following:

- Notice of the specific offense committed by the student.
- Notice of the student's or parent/guardian's obligation to inform any new district or public or private school in which the student seeks to enroll of the student's status with the School.
- The Director or designee shall send written notice of the decision to expel to the Student's District of residence and the County Office of Education. This notice shall include the following:
  - The student's name
  - The specific expellable offense committed by the student.

### **Disciplinary Records**

The school shall maintain records of all student suspensions and expulsions at the school. Such records shall be made available for the County's review upon request.

### **Expelled Pupils/Alternative Education**

Pupils who are expelled shall be responsible for seeking alternative education programs including but not limited to programs within the County or their school district of residence.

### **Rehabilitation Plans**

Students who are expelled from the School shall be given a rehabilitation plan upon expulsion as developed by the 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 pupil may reapply to the school for readmission. Rehabilitation plans will focus on providing the student a re-start in a new setting. The school will support the family in identifying a strong receiving school and help transition the child to the new setting.

### **Readmission**

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Director and the pupil and guardian or representative, to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Director shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon the school's capacity at the time the student seeks readmission or admission.

### **Students With Disabilities**

A pupil identified as an individual with disabilities or for whom UMCS has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for disciplinary action, including suspension and expulsion, and is accorded the same due process procedures applicable to regular education pupils except when federal and state law mandates additional or different procedures. UMCS will follow the IDEIA, Section 504, and all applicable federal and state laws when imposing any form of discipline on a pupil identified as an individual with disabilities or for whom UMCS has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such pupils. The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

### 1. Notification of SELPA

UMCS shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA the discipline of any student with a disability or student who UMCS or SELPA would be deemed to have knowledge that the student had a disability.

### 2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as 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 or 504 plan; and receive, as appropriate, a functional behavioral assessment, 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.

### 3. 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, UMCS, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504, 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
- b. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504

If UMCS, the parent, and relevant members of the IEP/504 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 UMCS, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- a. Conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that UMCS 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
- c. Return the child to the placement from which the child was removed, unless the parent and UMCS agree to a change of placement as part of the modification of the behavioral intervention plan



If UMCS, the parent, and relevant members of the IEP/504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a direct result of the failure to implement the IEP/504, then UMCS 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.

#### 4. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or UMCS 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 UMCS, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and UMCS agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

#### 5. Special Circumstances

UMCS 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 Head of Schools or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school 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
- 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

#### 6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 team.

#### 7. 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 the district's disciplinary procedures may assert the procedural safeguards granted under this

administrative regulation only if UMCS had knowledge that the student was disabled before the behavior occurred.

UMCS 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 UMCS 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 School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other School supervisory personnel

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

UMCS 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.

**NON-COMPLIANCE TO POLICY:**

Violations of this policy may result in the employee being subject to disciplinary action in accordance with Board disciplinary policy and administrative regulations.

**GOVERNANCE:**

The Head of School or designee will own primary responsibility for monitoring adherence to the policy.

**REVIEW CYCLE:**

The UMCS Board will be responsible for reviewing the policy every two years or more frequently as required.

**REVISION HISTORY:**

Effective Date:	Revision:
August 22, 2019	Reviewed in accordance with review every two years. No revisions.
July 1, 2020	Added clarifying clauses specific to Special Education.