



## **Student Discipline Policy**

A sound educational program can be carried out with good discipline. The building culture will be such that the teacher can teach and the student can learn. At Legacy Academy of Excellence we believe that students are responsible to make important choices about their own behavior and academics. We know that children need guidance and experience to make wise choices. Students make mistakes, and we allow for that, encouraging them to LEARN from their mistakes.

At Legacy Academy of Excellence, we follow a progressive discipline plan to ensure the safety of all students. This means that discipline will be based on the severity and times the student has repeated the same offense. Communication between the teacher, parent, and administrator is vital, and every effort will be made to keep that process open. Parents are notified of behavior referrals through phone calls, emails and/or copy of referral form sent home for signature. This copy must be signed and returned to the office. However, per district policy, the principal and assistant have the responsibility to weigh all factors involved and use discretion to deliver the ultimate decision concerning a disciplinary situation. We also are aware that a firm, fair and consistent discipline plan helps support a positive learning environment.

The following behaviors will result in a referral and will be handled by administration:

### **Medium Behavior Offenses**

- Obscene language, materials, gestures or behavior
- Attendance problems/ditching (on or off campus)
- Continually disrespect or defiant behavior
- Bullying (threatening, harassing, extorting)
- Excessive horseplay
- Throwing objects (e.g. rocks, sharp items, etc. that pose an extreme safety hazard)
- Deceitful behavior (false accusations, forgery, plagiarism, lying, cheating, etc. – restitution will be arranged)
- Unauthorized distribution/selling/buying of materials or information (school director's approval)
- Possession and or use of tobacco, cigarette lighters, matches, and look-a-likes
- Unauthorized calls: Dialing 911 from any school phone

**Major Behavior Offenses:**

- Fighting/Battery, regardless of who started the fight (employing hostile contact in which at least one party or both individuals have contributed to a situation by verbal action and/or bodily harm)
- Possession of drug paraphernalia
- Threatening to use a weapon, explosive, etc. to cause harm or vandalize.
- Knowingly making a false statement during an investigation or inquiry.
- Pulling the Fire Alarm

**Consequences may include:**

- Verbal warning from administration
- Behavior Contract
- Lunch detention, campus clean up
- Placement in Restorative Intervention Room RIR (in-school suspension)

While in RIR, the student will complete their regular assigned class work in a small supervised learning environment with an adult. Teachers are notified when a student is assigned to RIR and assignments and class work must be delivered to the room daily. Teachers will check on the student's progress. Also, they will reflect on ways to correct their behavior. If a student's behavior is such that they disrupt the RIR or refuses to do their work, the parent will be contacted and the student's intervention will be completed at home.

- Suspension away from school
- Suspension awaiting district hearing

**Severe Behavior Offenses:**

- Bomb threats
- False alarms
- Vandalism
- Assault (physical or verbal)
- Gang-related activities (3 or more indicators – see below)
- Possession, use, being under the influence, sale or distribution of a controlled substance (this includes look-alike items)
- Weapon possession and/or use (includes but is not limited to a knife or gun)



- Theft/Stealing
- Arson

Please note: If the offense results in violation of the law, Columbus Police will be contacted and a report of the situation will be made at which time the student and/or parent(s) may be dealing with the local authorities as well as with the school. Students could be transported to the Juvenile Detention Center if the violation warrants that action.

Also note: A District hearing may result in a variety of outcomes. These could include:

- Placement at the District Alternative Middle School
- Placement in a different type of alternative educational setting
- Home instruction
- Expulsion

#### CELL PHONE POLICY:

Students are prohibited from having cell phones during classroom instructional time. All cellular devices will be collected upon arrival and will be returned to the student during dismissal.

1st offense: verbal notification of the policy

2nd offense: phone will be collected and tuned into the office

3<sup>rd</sup> offense: phone will be collected and will be returned to a parent/guardian

#### CONCERNING GANG-RELATED ACTIVITY

The first two times a school staff member observes what he/she perceives to be gang-related activity, an administrator will contact that parent and make note of the concern. On the third perceived exhibition of gang-related activity, the administrator again will contact the parent. The administrator will use his/her discretion in determining the appropriate level of consequence. Blatant gang-related activity is considered a severe misbehavior and will not be tolerated. Gang related activity can be intimidating to students, faculty, and staff and is disruptive to the educational process. Although this list is not all-inclusive, examples of inappropriate and unacceptable behaviors are such things as gang graffiti on school or personal property, intimidation of others, gang fights and/or initiation rituals, wearing gang attire or “colors”. Since gang behavior, markers, and colors are variable and subject to rapid change, school administrators and staff must exercise judgment and their individual discretion based upon



current circumstances in the community. Gang related indicators that will be considered include (but are not exclusive to):

- The student associates with admitted or known gang members or talks about the gang
- The student wears attire consistent with gang dress,
- The student displays gang logos, graffiti, and/or symbols on personal possessions
- The student displays gang hand signs or signals to others

## **FIREARMS POSSESSION**

Please refer to the Gun Free School Act of 1994 for further details.

Students found to be in possession of a firearm while at school or at any school-related event, or at any time when the Student Behavior Handbook is in force, shall be expelled from Legacy Academy of Excellence for a minimum of one calendar year. Students may not return from expulsion for firearms possession except at the beginning of a semester. The district shall use the definition of a firearm as defined in the federal criminal code.

### **Emergency Removal**

An Emergency Removal means a student has committed an offense that warrants their immediate removal from school premises. If a student needs to be removed through an emergency removal, the parent(s)/guardian(s) are required to have their student picked up immediately within one hour after being notified by school administration. If a parent(s)/guardian(s) cannot pick up their student up within one hour, the school reserves the right to house the student on the school premises until such time as the parent can have the student picked up, or have the student removed by proper legal authorities.

Once a student has been removed by emergency means, the student may not return to the school premises until directed by the school's School Director. The School Director also reserves the right to request a meeting with the student's parent(s)/guardian(s) before they may return to school. If a student who has been removed from school by emergency means returns to the school premises without the express written permission of the School Director, the school will consider the student as trespassing, and reserves the right to call the proper authorities and have the student removed from the premises.

### **Suspension**

A suspension means that a student has lost the right to attend school and school functions for a specific amount of days. Suspension always ranges from one (1) to ten (10) days. During



suspensions, a student is not allowed on the school premises for any reason except by express written permission of the School Director. If a student who is currently serving suspension returns to the school premises without the express written permission of the School Director, the school will consider the student as trespassing, and reserves the right to call the proper authorities and have the student removed from the premises.

### Expulsion

An explosion means that a student has lost the right to attend school and school functions for a specific amount of days. Expulsions always range from eleven (11) to one hundred and eighty (180) days. During an expulsion, a student is not allowed on the school premises for any reason except by express written permission of the School Director. If a student who is currently serving explosion returns to the school premises without the express written permission of the School Director, the school will consider the student as trespassing, and reserves the right to call the proper authorities and have the student removed from the premises.

### Appeal of Suspension or Expulsion

A student or his or her parent(s), guardian(s), custodian(s) may appeal any suspension or expulsion by the Superintendent or President the Board of Trustees to the full Board of Trustees. The student or his or her parent guardian(s) or custodian(s), may be represented in all appeal proceedings and, shall granted a hearing before the Board of Trustees in order to be heard against the suspension or expulsion. At the request of the student, parent(s), guardian(s) or custodian(s), the hearing will be held in executive session, but the Board of Trustee: shall act upon the suspension or expulsion only at a public meeting. The Board of Trustees, by a majority vote of its full membership may affirm the order of suspension or expulsion, reinstate the student, or otherwise reverse, vacate, or modify the order suspension or expulsion. There shall be a verbatim record of the hearing. The decision of the Board of Trustees may be appealed under Chapter 2506 of the Ohio Revised Code.

### Missed Work:

Students who are suspended from school will be provided the opportunity to complete any classroom assignments missed because of the suspension. Teachers will notify the student and parent/guardian about all missed assignments and will provide the due date for the completion of the assignment. The teacher will ensure the students receive at least partial credit for a completed assignment.

This policy shall prohibit the receipt of a failing grade on a completed assignment solely on account of the pupil's suspension.

### Notice and Hearing Provisions Not Required for Normal Discipline



The required notice and hearing provisions set forth above are not applicable to instances of removal from curricular or extracurricular activity for a period not exceeding one (1) school day.

### Student Due Process Rights

The board and school officials have the legal authority to deal with disruptive students and student misconduct. Due process, in the context of administrative proceedings carried out by school authorities, does not mean that the procedures used by the courts in juvenile proceedings must be followed. The Ohio and Federal Rules of Evidence do not apply.

Students have clearly established means by which administrative due process is available for the protection of the individual's rights. Due process procedures are applied equally to all, and enforced in a manner which involves:

Adequate notice and opportunity to prepare a defense

An opportunity to be heard at a reasonable time and meaningful manner

The right to a speedy and impartial hearing on the merits of the case

Discipline policy for students with disabilities (IDEA)

The school will comply with the provisions of IDEA. An Administrator will follow the administrative guidelines below to ensure they are properly used when disciplining any student with a disability.

### Removals

The school may remove a student with a disability for up to ten (10) school days; and for additional removals of up ten (10) school days, for separate acts of misconduct, as long as there are not a pattern of removals.

The school may request a hearing officer to remove a student for up to forty-five (45) days if keeping the student in his or her current placement is substantially likely to result in injury to the student or others. The school will assess a student's troubling behavior and develop positive behavioral interventions to address the behavior, and following the Federal guidelines for determining whether the behavior is a manifestation of the student's disability.

### Suspension/Expulsion

The school will not long-term suspend or expel a disabled student from school for behavior that is a manifestation of his or her disability.



### Continuation of services

The school will continue to provide services for students with disabilities who are suspended or expelled from the school, except that the school need not provide services during the first ten (10) school days in a school year that the student is removed. After the first ten days, for any suspension that is for less than ten school days, the school will provide services to the extent determined necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of his or her IEP. In cases involving removal for ten days or less, school personnel, in consultation with the child's special education teacher, decides what services are to be provided.

During any long term removal for behavior that is not a manifestation of a student's disability, the school will provide services to the extent determined necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals his or her IEP. The student's IEP team makes the service determination.

### Behavioral assessment and behavioral interventions

Meetings of a student's IEP team to develop a behavioral assessment plan or, if the student has one, to review the student's behavioral intervention plan are only required when the student has first been removed from his or her current placement for more than ten (10) school days in a school year, and when beginning a suspension that constitutes a change in placement. If additional suspensions occur, the IEP team members review the student's behavioral intervention plan and its implementation to determine if modifications to the plan are needed, and only meet if one or more team members believe that modifications are necessary.

### Manifestation determination; change of placement

The school will follow the Federal guidelines for determining whether the behavior is a manifestation of the student's disability. A change of placement will occur if a student is removed for more than ten consecutive school days or is subjected to a series of removals that constitute a pattern because they add up to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the closeness of the removals to one another.