

Title: Student Code of Conduct

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| A | 10/8/13 | Initial release | Melissa Harris |
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1.1. Objective:

The objective of this policy is the following

1. Define the rights and responsibilities of all students
2. Define discipline procedures.
3. Define suspension and expulsion.

1.2. Definitions:

- A. **Out-of-School Suspension** is defined as one of the following:
 1. A temporary exclusion from school for a period not to exceed ten school days.
 2. Exclusion in cases being investigated pending expulsion.
 3. In special circumstances a suspension may be continued until some specific pending action occurs.
- B. **In-School Suspension** is the suspension of refractory students from class attendance.
- C. **Expulsion** is the release of a student from school attendance for no longer than one calendar year.

1.3. Student Conduct Expectations:

All students at Muddy Creek Charter School are entitled to the safeguards of due process. Due process and consistency in discipline shall be ensured each student.

Teachers and administrators will have prerogative in applying developmentally appropriate disciplinary procedures in order to maintain an optimal learning environment.

1.3.1. Student Rights:

- A. Discipline procedures will be developmentally appropriate and progressive.
- B. Decisions affecting discipline, records and continuance of a student in school shall follow 1) careful and reasoned investigation of the facts and 2) reasonable application of rules and procedures.
- C. All students and parents/guardians will have access to school rules and ICP discipline policies and procedures.
- D. All students have the right to privacy with regard to disciplinary proceedings. The details of and consequences for any infraction will only be shared with the student, their parents/guardians and necessary school staff.

1.3.2. Student Responsibilities:

It is important that students take an active role in monitoring their own behavior and modeling appropriate behavior to fellow students. In order to accomplish this, students are responsible for:

1. Complying with all school rules.
2. Assisting in setting goals for behavior improvement.
3. Accepting feedback and using it to improve behavior.

1.3.3. Parent/Guardian Rights:

- A. Parents will be notified if their child has engaged in serious misconduct or recurring behaviors that negatively affect the learning environment. Parents will be included in the process of determining steps to improve their child's behavior.
- B. Parents will be immediately notified if their child receives a suspension or a recommendation for expulsion.

1.3.4. Parent/Guardian Responsibilities:

No role model is more important than a parent. Parents are the first teachers who provide direction for our children. With the support of the community, the parents of MCCS students are responsible for:

1. Becoming familiar with behavior expectations and discussing them with their children.
2. Supporting and reinforcing behavior expectations and disciplinary policies of the school.
3. Cooperating with and supporting classroom teachers and staff.
4. When applicable, responding in a timely manner to teachers or school staff's communication regarding their child's behavior.

1.3.5. Students Shall Refrain from Serious Misconduct:

- A. Disruptive conduct: A student's conduct is acceptable until it interferes with the educational process. Such behavior may include, but is not limited to continual classroom disruptions, disrespectful behavior toward teachers, staff or students, or continual mistreatment of classroom or fellow students' property.
- B. Noncooperation with school personnel: Students are required to follow the lawful instructions of school personnel.
- C. Profane or obscene language.
- D. Inappropriate bus conduct: All passengers must follow rules posted on each bus. (An administrator may revoke the privilege of riding a bus at any time.)
- E. All forms of physical violence: Physical violence is unacceptable.

- F. Use of threats, intimidation, harassment, or coercion against any fellow student or school employee. (This includes behaviors exhibited online or on computers).
- G. Inappropriate behavior at school-sponsored events: Students at all school sponsored events shall be governed by school rules and regulations and are subject to the authority of school staff whether the events occur on or off school grounds.
- H. Possession of weapons or illegal drugs (including pocketknives, toys and replicas).
- I. Destruction of school and personal property.
- J. Bullying (refer to subsection 1.3.5).

1.3.5. Bullying

Bullying is harmful to all children and has detrimental social, academic, psychological and physical effects. Every child has the right to an educational environment free of bullying.

Bullying defined: Bullying is an intentional, physically and/or psychologically harmful, threatening and repeated act that creates a hostile learning environment. Bullying is characterized by the following criteria:

1. Behavior intended to cause physical or psychological harm (including threats, intimidation, harassment or coercion).
2. A pattern of behavior that is repeated over time.
3. Occurs within an interpersonal relationship characterized by an imbalance of power (the victim may be smaller, younger, less socially connected or sophisticated, etc.).

Cyberbullying defined: The use of any electronic communication device to harass, intimidate or bully.

1.4. Suspension and Expulsion Procedures for Students with Disabilities:

The following guidelines are derived from Part B of the Individuals with Disabilities Education Act (IDEA) 300.530 – 300.536. Any variation, discrepancy, or omission in these guidelines implies that the Code of Federal Regulation takes precedent.

Students with disabilities will be disciplined in the same manner as other students, unless it has been determined that the action of the student has a direct relationship to their disability or the student has an inappropriate placement.

Disciplinary action of a student with a disability on an Individualized Education Program (IEP) necessitates special consideration in accordance with Federal and State regulations.

Expulsion of student with a disability or suspensions for more than ten consecutive school days, is considered a change in placement, and requires prior written notice and sending of “procedural safeguards” to parents.

MCCS staff may discipline students according to the school conduct code during any emergency situation where a student may endanger him/herself or others.

Any suspension of a student with a disability totaling ten days during any school year will require services as noted in IDEA Part B 300.530 paragraph.

Whenever possible, in-school suspension procedures will be used.

Prior to recommendations for expulsion, an IEP Team meeting must be held to determine if a relationship exists between the student’s misconduct and 1) his or her disability, or 2) any inappropriate placement, as per IDEA.

An IEP Team Meeting is required, prior to any district expulsion hearing, to consider appropriate alternative placements.

1.5. Freedom of Expression:

One of the basic purposes of schooling is to prepare students for responsible self-expressions in a democratic society. Citizens in our democracy are permitted free expression under the 1st and 14th Amendments of the United States Constitution. Students, as citizens, have the right of free expression and must bear the responsibility for the consequences of such expression. Since schooling is a learning experience, the matter of free expression must also be viewed as a part of the learning process.

1.5.1. Rights:

- A. Students are entitled to express their personal opinions under reasonable circumstances.
- B. Students are encouraged to express personal opinions and writings in school publications and participate in publishing school publications.
- C. Students may refuse to participate in patriotic exercises as long as the manner of such nonparticipation does not disrupt the educational process.
- D. Students may wear certain distinctive insignias so long as they do not trespass on the rights of others or interfere with the orderly operation of the school.

1.5.2. Responsibilities:

- A. The use of sexually harassing remarks, obscenities, and threats of harm to person or property are prohibited.
- B. Students are encouraged to express personal opinions or writings in school publications. Students must assume responsibility for materials they have written. Libelous and obscene matter are prohibited from all school publications.
- C. Special permission must be obtained for the distribution of school.
- D. Students shall be permitted to hold meetings on school property but such meetings shall be scheduled in advance, shall not disturb classes, and shall cause no hazard to person or property.
- E. Students shall not distribute or display material which is of commercial nature. Students shall obtain the authorization of school authorities prior to selling materials or engaging in activities, which solicit students' financial contributions.
- F. Students are expected to engage in appropriate, educational use of technology. Abuse of technology or the internet may result in the loss of privileges and/or disciplinary action. Muddy Creek Charter School reserves the right to invoke disciplinary procedures for any online behavior (whether during school or outside of school), including blogs and social networking sites (like MySpace and Facebook), that reflects poorly on the school, on fellow students, or on the individual.

Failure to comply with the above rules and regulations may render a student subject to disciplinary action.

Willful disobedience, open defiance of a teacher's or school official's lawful authority, shall be sufficient cause for discipline.

1.6. Suspension Procedures

In some instances, in school or out of school suspension may be necessary. Suspensions are reserved for serious behavior issues (usually involving violence, harassment or bullying). If it is determined that a suspension is necessary, the following procedure is required:

1. The ED or School Counselor will consult with the classroom teacher in order to obtain all pertinent information.
2. The student will be informed of the reason they are receiving a suspension.
3. Parents will be immediately notified of their child's suspension and provided an explanation as to why their child was given a suspension.

4. Upon return to school from an out-of-school suspension, parent(s), student and M CCS staff will host a meeting to determine whether a behavior plan or other interventions are needed to promote student's positive behavior.

1.7. Expulsion Procedures

The Director, after interviewing available information, may recommend to the ICP Board that a student be expelled. Expulsion of a student shall not extend beyond one school year.

No student may be expelled without a hearing unless the student's parents waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parents agree to abide by the findings of a hearing officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent by personal service or by certified mail at least five days prior to the scheduled hearing. Notice will include: 1) the specific charge or charges; 2) the conduct constituting the alleged violation, including the nature of the evidence of the violation; 3) a recommendation for expulsion; 4) the student's right to a hearing; 5) when and where the hearing will take place; 6) the right to representation;
2. An impartial hearing officer will conduct the hearing (preferably an ICP Board Member). Muddy Creek Charter School may contract with an individual who is not employed by the school to serve as the hearing officer.
3. The school will provide a translator, if needed.
4. The student will be permitted to have a representative at the hearing to advise and to present arguments. The representative may be an attorney or parent. The school attorney may be present.
5. The student will be permitted to be present and to hear the evidence presented by school staff.
6. The hearing officer will examine the facts of each case based on the evidence presented at the hearing. Evidence may include the relevant student history and educational records. The hearing officer's ruling will be submitted to the ICP Board, along with the officer's recommendation on disciplinary action. At that time, the ruling will be available in identical form to the ICP Board, the student and the student's parents.
7. The hearing officer or the student may request to make a record of the hearing.
8. The hearing officer's decision is final. However, the decision may be appealed to the ICP Board. At its next regular or special meeting the Board will review the hearing officer's decision and will affirm, modify or reverse the decision. Parents of students who wish to

appeal the hearing officer's decision will have the opportunity to be heard at the time the ICP Board reviews the decision. If the hearing officer is an ICP Board Member, that member will recuse him/herself from any additional hearing related to an appeal.

9. Expulsion hearings will be conducted in private and ICP Board reviews of the hearing officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or private hearing by the hearing officer, the following will be not made public:
 - a) The name of the minor student;
 - b) The issues involved;
 - c) The discussion;
 - d) The vote of ICP Board members, which may be taken in executive session.

Prior to expulsion, the school must propose alternative program instruction combined with counseling to a student subject to expulsion for reasons other than a weapons policy violation. The school must document to the parent of the student that proposals of alternative programs have been made.