

DRAFT
Policy 3330 ~ RISE Charter School
Student Discipline

Student Discipline

Disciplinary action may be taken against any student guilty of disobedience or misconduct, including, but not limited to:

1. Habitual truancy;
2. Incurability;
3. Academic dishonesty;
4. Conduct continuously disruptive of School discipline or of the instructional effectiveness of the Charter School;
5. Conduct or presence of a student when the same is detrimental to the health and safety of other pupils;
6. Using, possessing, distributing, purchasing, or selling tobacco products;
7. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence are not permitted to attend School functions and are treated as though they had alcohol in their possession;
8. Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs, and drug paraphernalia. Students who are under the influence are not permitted to attend School functions and are treated as though they had drugs in their possession;
9. Assembly or public expression that advocates the use of substances that are illegal to minors or otherwise prohibited within this policy;
10. Using, possessing, controlling, or transferring a weapon in violation of the “Possession of Weapons in a School Building” section of this policy;
11. Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon;
12. Disobeying directives from staff members or School officials and/or rules and regulations governing student conduct;
13. Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct;
14. Causing or attempting to cause damage to, or stealing or attempting to steal, School property or another person’s property;
15. Engaging in any activity that constitutes disorderly conduct, an interference with School purposes or an educational function or which is disruptive to the educational environment;
16. Unexcused absenteeism; however, the truancy statutes and Board policy will be utilized for chronic and habitual truants;
17. Hazing – For purposes of this policy, the term “hazing” shall have the meaning set forth in Idaho Code;
18. Initiations;
19. The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the School;

20. Harassment, intimidation, cyber bullying, or bullying as defined in Idaho Code and Charter School policy.

These grounds for disciplinary action apply whenever the student's conduct is reasonably related to School or School activities, including, but not limited to:

1. On, or within sight of, School grounds before, during, or after School hours or at any other time when the School is being used by a School group;
2. Off School grounds at a School-sponsored activity, or event, or any activity or event which bears a reasonable relationship to school
3. Traveling to and from the School or a School activity, function, or event; or
4. Anywhere, including off-campus, if the conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member, or an interference with the education environment.

Traditional Disciplinary Measures

Traditional disciplinary measures include, but are not limited to:

1. Expulsion;
2. Suspension;
3. Detention, including Saturdays;
4. Clean-up duty;
5. Loss of student privileges;
6. Loss of bus privileges (if applicable);
7. Notification to juvenile authorities and/or police;
8. Temporary removal from the classroom;
9. Meeting with the student and the student's parents; and
10. Restitution for damages to School property.

No person who is employed or engaged by the School may inflict or cause to be inflicted corporal punishment on a student. Corporal punishment does not include, and School personnel are permitted to use, reasonable force as needed to maintain safety for other students, School personnel, or other persons, or for the purpose of self-defense.

Suspension and Expulsion Procedure

All students shall submit to the reasonable rules of the Charter School. Refusal to comply with written rules and regulations established for the governing of the School shall constitute sufficient cause for discipline, suspension, or expulsion.

For the purposes of the School's policies relating to corrective action or punishment:

1. **“Temporary Suspension”** is the exclusion from School or individual classes for a specific period of up to five school days.

The Executive Director or the principal of the School may temporarily suspend any pupil for disciplinary reasons, including student harassment, intimidation, or bullying, or for other conduct disruptive of good order or of the instructional effectiveness of the School.

Any pupil who has been suspended may be readmitted to the School by the Executive Director or principal who suspended him or her on reasonable conditions prescribed by the Executive Director or principal.

2. **“Extended Temporary Suspension”** is the exclusion from School or individual classes for an additional ten school days. Only the Executive Director or the Board can extend an initial temporary suspension.
3. **“Prolonged Temporary Suspension”** is the exclusion from School or individual classes for an additional five school days. Only the Board can extend a temporary suspension for an additional five days and only upon a finding that immediate return to School attendance by the temporarily suspended student would be detrimental to other pupils’ health, welfare, or safety.

Suspension Procedure

In the event the proposed punishment of a student is to include denial of the right of School attendance from any single class or full schedule of classes for at least one day, the following procedure shall be used:

- a. Before suspension, the student shall be provided a conference during which the charges will be explained and the student will be given the opportunity to respond to the charges.
 - b. A pre-suspension conference is *not* required and the student can be immediately suspended when the student’s presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
 - c. Any suspension shall be reported immediately to the student’s parent/legal guardian. A written notice of suspension shall state the reasons for the suspension, including any School rule which was violated, and a notice to the parent/guardian of the right to a review of the suspension. A copy of the notice shall be sent to the Executive Director.
 - d. Upon request of the parent/legal guardian, a review of the suspension shall be conducted by the Executive Director. At the review, the student and parent/legal guardian may appear and discuss the suspension with the Executive Director. After the meeting, the Executive Director shall take such action as appropriate. That action is final.
 - e. Students who are absent as a result of an out-of-School suspension do not have the right to make up the work missed.
 - ~~f. The Board of Directors shall be notified of any temporary suspensions, the reason for them, and response to them.~~
 - g. The suspension of a student may be extended by the Executive Director or the Board in accordance with State law. Written notice of the extension of a suspended student will be provided to the student’s parent/legal guardian.
4. **“Expulsion”** is the exclusion from School. Only the Board has the authority to expel or deny enrollment to any pupil who is an habitual truant, who is incorrigible, whose conduct is such as to be continuously disruptive of School discipline or of the

instructional effectiveness of the School, or whose presence is detrimental to the health and safety of other pupils or who has been expelled from another charter school or school district in the State of Idaho or any other state. The School will provide written notice of any student who is expelled or denied enrollment to the prosecuting attorney within five days of the Board's actions.

No pupil shall be expelled nor denied enrollment without the Board having first given written notice to the parent/guardian of the pupil stating the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent/guardian may appear to contest the action of the Board. The notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his or her own behalf, and to cross-examine any adult witnesses who may appear against him or her. Within a reasonable period of time following such notification, the Board of Directors shall grant the pupil and his or her parents/guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the Board shall allow a reasonable period of time between notification and the hearing to allow the pupil and his or her parents/guardian to prepare their response to the charge.

Expulsion Procedure

A student may be expelled from the Charter School only by the Board, and only after the following due process procedures have been followed:

- a. The student and parent/legal guardian shall be provided written notice of the Board hearing to consider the recommendation for expulsion, by registered or certified mail at least five school days before the date scheduled for the hearing. The notice shall include the grounds for the proposed expulsion, the time and place of the hearing, information describing the process to be used to conduct the hearing, including the rights of the student to be represented by counsel, to produce witnesses and submit documentary evidence and the right to cross-examine adult witnesses who testify against the student.
 - b. Within the limitation that the hearing must be conducted during the period of suspension, an expulsion hearing may be rescheduled by the parent/legal guardian by submitting a request showing good cause to the Executive Director at least two school days prior to the date of the hearing as originally scheduled. The Executive Director shall determine if the request shows good cause.
 - c. At the hearing, the student may be represented by counsel, present witnesses and other evidence, and cross-examine adult witnesses. Formal rules of evidence are not binding on the Board.
5. **“Discipline”** constitutes all other forms of corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period and exclusion from any other type of activity conducted by or for the School. Discipline shall not adversely affect specific academic grade, subject, or graduation requirements, as long as all required work is performed.

Except in extreme cases, students will not be expelled unless other forms of corrective action or punishment have failed, or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed. Suspensions or expulsions shall be used only for instances of serious student misconduct.

Procedures for Suspension and Expulsion of Students with Disabilities

The School shall comply with the provisions of the IDEA when disciplining students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Any special education student whose gross disobedience or misconduct is not a manifestation of the student's disability may be expelled pursuant to expulsion procedures, except that the disabled student shall continue to receive education services as provided in the IDEA during such period of expulsion.

A special education student may be suspended for ten days of school per incident, regardless of whether the student's gross disobedience or misconduct is a manifestation of the student's disabling condition. Any special education student who has or will exceed ten days of suspension may be temporarily excluded from School by court order or by order of a hearing officer if the School demonstrates that maintaining the student in the student's current placement is substantially likely to result in injury to the student or others. The student shall continue to receive educational services in accordance with the IDEA during such period of suspension.

A special education student who has carried a weapon to school or to a School function, or who knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or at a School function may be removed from the student's current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than 45 days in accordance with the IDEA.

Alternative Disciplinary Measure

Alternative disciplinary action is discipline other than traditional suspension or expulsion from School that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or School, or restorative School practices to repair the harm done to relationships and persons from the student's misbehavior.

Alternative discipline includes, but is not limited to:

1. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
2. Mediation when there is mutual conflict between peers, rather than one-way negative behavior;
3. Counseling;
4. Anger management;
5. Health counseling or intervention;
6. Mental health counseling;
7. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution, and restorative conferencing;

8. Diversion or use of juvenile specialty courts;
9. Behavioral management plan;
10. Corrective instruction or other relevant learning or service experience;
11. Community service; and
12. In-School detention or suspension which may take place during lunchtime, after school, or on weekends.

Consequences for Harassment, Intimidation, and Bullying

Students engaging in harassment, intimidation, or bullying will be subject to graduated consequences appropriate to the severity of the violation as determined by the Board, School administrators, or designated personnel depending upon the level of discipline. Graduated consequences for bullying may include any of the above listed traditional or alternative disciplinary measures or a combination thereof in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. However, depending upon the nature of the act, the School reserves the right to deviate from the process of graduated consequences to appropriately address the conduct at issue and move directly to suspension or expulsion proceedings. School personnel may also report the student's conduct to the appropriate law enforcement officials.

Disciplining Students on Individual Education or Section 504 Plans

The School shall comply with the procedural safeguards enumerated in State and federal law and rule when disciplining students with individualized education plans or 504 plans.

Gun-Free Schools

A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered to be or look like a firearm, shall be expelled for a definite period of time of at least one calendar year. The Board, however, may modify the expulsion period on a case-by-case basis. The building administrator shall notify the appropriate law enforcement agency of any student who brings a firearm to school.

If a student violating this policy is identified as disabled, either under the IDEA or Section 504, a determination must be made whether the student's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed.

Any student subject to an expulsion shall be entitled to a hearing before the Board, in accordance with Idaho Code and Board policy.

Possession of a Weapon on School Property – Misdemeanor

No person shall possess a firearm or other deadly or dangerous weapon while on School property or in those portions of any building, stadium, or other structure on School grounds which, at the time of the violation, are being used for an activity sponsored by or through a school in this State

or while riding School provided transportation. This also applies to students of the School while attending or participating in any School sponsored activity, program, or event regardless of location.

As used in this section of this Policy only:

1. "Deadly or dangerous weapon" means any weapon as defined in United States Code; and
2. "Firearm" means any firearm as defined in United States Code.

Any person who possesses, carries, or stores a weapon in a School building or on School property, except as provided below, shall be referred to law enforcement for immediate prosecution, as well as face disciplinary action by the Charter School. The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a School building. All persons who wish to possess, carry, or store a weapon in a School building shall present this request to the Board in a regular meeting. It is solely within the Board's discretion whether to allow a person to possess carry or store a weapon in a School building.

This section of this policy does not apply to:

1. Law enforcement personnel;
2. Any adult over 18 years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon, secured and locked in his or her vehicle in an unobtrusive, nonthreatening manner;
3. A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students, or School employees to and from the School or a School activity; or
4. An employee of the School or other person who is authorized to carry a firearm with the permission of the Board of Directors.

Delegation of Authority

Each teacher, and any other School personnel when students are under his or her charge, is authorized to impose any disciplinary measure (other than suspension, expulsion, corporal punishment, or in-School suspension) which is appropriate and in accordance with the policies and rules on student discipline. Teachers may remove students from a classroom for disruptive behavior.

Nondiscrimination

The School will ensure that student discipline is enforced in a nondiscriminatory manner to avoid subjecting similarly situated students to different treatment without a legitimate reason for doing so, or when such a reason is merely a pretext for discrimination. Such discrimination, which the School will endeavor to avoid, includes the following:

1. Adopting discipline rules which treat students differently based on race, color, national origin, ancestry, sex, gender identity, sexual orientation, ethnicity, age, language barrier,

- religious beliefs, physical or mental handicap or disability, economic or social conditions, or actual or potential marital or parental status, or status as a homeless child;
2. Adopting any rule with the intention of targeting students based on the personal characteristics listed above, rather than for a legitimate purpose, regardless of whether the phrasing of the rule appears neutral with regard to students' personal characteristics;
 3. Enforcing an apparently neutral rule more harshly on the basis of a student's personal characteristics; or
 4. Discipline of any student when it is motivated by intentional discrimination.

Notification

A summarized version of this policy shall be provided in writing at the beginning of each school year to the School personnel, parents, and students in the Charter School. Information provided to students shall be provided in a manner appropriate to the student's age, grade, and level of academic achievement.

The Board shall review this policy annually.

Cross References:

3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying
~~3340 Corrective Actions and Punishment~~
4175 Required Annual Notices
4320 Disruption of School Operations

Legal References:

18 U.S.C. § 921 Firearms – Definitions
18 U.S.C. § 922(q)(2) Unlawful acts - Possession of Certain Firearms in School Zones
18 U.S.C. § 930 Possession of Firearms and Dangerous Weapons in Federal Facilities
20 U.S.C. § 7961 Gun-Free Requirements
29 U.S.C. § 701, et seq. Section 504 of the Rehabilitation Act of 1973
I.C. § 33-205 Attendance at Schools - Denial of School Attendance
I.C. § 18-917 Assault And Battery - Hazing
I.C. § 18-917A Student Harassment — Intimidation — Bullying
I.C. § 18-3302D Possessing Weapons or Firearms on School Property
I.C. § 18-3302I Threatening Violence on School Grounds
I.C. § 33-1224 Powers and Duties of Teachers
I.C. § 33-1631 Requirements for Harassment, Intimidation and Bullying Information and Professional Development
IDAPA 08.02.03.109.05 Special Education
IDAPA 08.02.03.160 Safe Environment and Discipline
Other Reference: Office of Civil Rights Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline

Policy History:

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