

## **BELLE CHASSE ACADEMY**

### **STUDENT DISCIPLINE POLICY**

#### **APPROPRIATE EDUCATION**

1. Each enrolled student has the right to pursue an education appropriate to that student's abilities through study and self-application of those activities that will enable each to attain his/her personal goals. Daily attendance, promptness to class and obedience to reasonable rules and regulations of the Academy are necessary for each student's fulfilling this right. Reasonable control and discipline over student conduct therefore must be vigilantly pursued. Integral to effective student control and discipline is the school-wide Positive Behavior Support Program.

2. Students and their parents are responsible of being aware of the Academy's discipline rules and procedures as well as the consequences for not complying with them.

#### **ACADEMY PERSONNEL AUTHORITY**

1. Under the supervision and direction of the Principal, the school-wide Positive Behavior Support Program is to be developed, implemented and revised annually by a team of parents, teachers and non-instructional staff which will state clearly all expectations and school-wide rules concerning conduct, as well as the consequences of breaking the rules.

2. Under the Principal's supervision, the Academy's administration shall establish and promulgate rules and procedures for the use of disciplinary measures within the Academy that are consistent with Due Process. The Principal shall continually monitor and appraise the usefulness of such rules and procedures. The Principal shall have both the authority and duty to take disciplinary action whenever the behavior of any student materially interferes with, or substantially disrupts, the proper atmosphere for learning or when such behavior jeopardizes the student's own safety or the safety of others. The Principal's disposition of any student disciplinary action, except expulsion, shall be final. For this purpose, a student "suspension" or "suspend" shall mean any in-school detention and a student's physical exclusion from the Academy's campus (out-of-school suspension) and the denial of all student rights and privileges for a period of 90 school days, or less.

3. Every teacher shall endeavor to hold every student to a strict accountability for any disorderly conduct in school, on the school playgrounds, on the streets while going to or returning from school, during intermission or recess, or at any school-sponsored activity off campus.

#### **DUE PROCESS**

1. Due process, though a flexible and imprecise concept, shall be understood as a fair and reasonable approach by all Academy officials to all areas of student control and discipline.

Notice, an opportunity to be heard by an impartial decision maker and an opportunity for appeal are to be accorded to each student when an accused student's right to an appropriate education may be substantially curtailed or denied.

2. The extent of procedural due process to be afforded shall be dependent upon two critical factors: (1) the seriousness of the offense with which the student has been charged; and, (2) the severity of the possible penalty or discipline. For example, more procedural protections shall be applicable in an expulsion proceeding than in a suspension proceeding.

3. Procedural due process in any case involving a recommended out-of-school suspension shall include advising the accused student of: (1) the charged misconduct; (2) the Academy rule charged to have been violated and its possible consequences; (3) the factual basis for the accusation; (4) the right to appeal to the Principal any such suspension determined to be imposed; and, (5) the opportunity to respond to the accusation.

4. In any case involving a recommendation for an expulsion, procedural due process shall also include the accused student's opportunity to: (1) representation of the student's (parent's) choosing, including an attorney; (2) present evidence and witnesses at the expulsion hearing and to question witnesses presented in support of the accusation; and, (3) appeal to the Board of Directors to review the correctness any expulsion determination.

#### **EXPULSION APPEALS TO THE BOARD OF DIRECTORS**

1. For the purposes of this Policy, a student "expulsion" and "expel" shall mean the student's physical exclusion from the Academy's campus and the denial of all student rights and privileges for a period of 91 school days, or more.

2. No student shall be expelled from the Academy within five (5) school days of the Principal's having given written notice to a student's parent of the determination to expel that student, unless that student's continued presence would present a foreseeable risk of harm or disruption, as determined by the Principal. During this period, the student's parent may appeal to the Board of Directors to review the correctness of the expulsion determination. That appeal and review shall follow the procedures set forth below.

3. The Principal's expulsion determination shall become final on the sixth (6<sup>th</sup>) school day, if there is no timely appeal.

4. If the student's parent timely appeals, and the Board of Directors will not have scheduled a meeting to be held within fifteen days of the expulsion-determination notice to consider the appeal, the student shall be placed in an in-school detention, pending disposition of the appeal. Should the Board of Directors return the expelled student to class, the student will be given appropriate credit for work done during the interim. Any expelled student whose presence the Principal determines presents a foreseeable risk of harm or disruption will remain excluded from the campus pending resolution of the appeal.

## **EXPULSION APPEALS PROCEDURES**

1. In order to appeal to the Board of Directors, a parent of a student whom the Principal has determined is to be expelled must deliver that appeal in writing to the Principal (or the Principal's designee), stating all the reasons why the expulsion determination is not correct. The parent may use the Expulsion Appeal form that is available at the Principal's office.

2. Following receipt of a timely appeal, the Principal shall cause to be delivered to each Member of the Board copies of all documents prepared or used during the administrative hearing on the recommended expulsion, along with the student's complete disciplinary record. The Principal shall cause to be simultaneously delivered to the appealing parent copies of the same documents that are being delivered to the Members, along with a copy of this Policy.

3. The appealing parent may deliver to the Principal more than two days before the meeting at which the Board will consider the appeal, copies of any additional documents that were refused consideration during the administrative expulsion hearing. Any such documents are to be delivered to the Board Members before the meeting for the appeal.

4. At least ten (10) calendar days before the Board's meeting to consider an expulsion appeal, the Secretary of the Board shall cause to be delivered to the appealing parent notice of the time, date and location of the meeting to consider the appeal.

5. The appeal before the Board may be held confidentially in executive session, unless the parent declares his/her desire for the appeal to be conducted in open session.

6. The appealing parent may have a representative or attorney of the parent's choosing to present to the Board the expulsion appeal argument.

7. The Board's review of the correctness of the Principal's expulsion determination may be limited to considering those reasons stated in the parent's written appeal, the student's disciplinary history and to any challenge to procedural matters incident to the appeal. No additional evidence or other matters will be received by the Board.

8. The conduct of the appeal during the Board meeting scheduled for that purpose shall consist of the following steps:

A. Before addressing the reasons for the appeal, the parent or representative shall raise any procedural objections the parent may have with regard to the appellate procedures. The Board will then allow the Principal to respond, following which the Board shall dispose of those objections.

B. If the Board does not find a procedural basis for not proceeding at that time, the appealing parent or representative shall justify and explain to the Board members why the reasons stated in the written appeal support Board action to reverse or to modify the Principal's expulsion determination. No more than five (5) minutes will be allowed for

this presentation, unless the Board decides to extend this limit.

C. The Principal or designee shall respond to the parent's justification and explanation within the same time limit allowed for the parent's presentation.

D. At the conclusion of the Principal's presentation, the parent or representative may offer rebuttal to the response. This rebuttal shall be limited to two (2) minutes, unless the Board decides to extend this limit.

E. The Chairperson of the Board meeting shall allow Board Members to question the presenters during and after their presentations, as deemed appropriate by the Chair.

F. At the conclusion of the above presentations and questioning, the Board Members may retire to executive session to deliberate over the appeal and shall return to open session. Upon so returning, the Board shall affirm, reverse or modify the Principal's expulsion determination based on the record before it. The Board's decision shall be final.

(Approved by the Board - August 7, 2006.)