**2024-25 IMBODEN AREA CHARTER SCHOOL**

**STUDENT DISCIPLINE POLICIES**

The Imboden Area Charter School Board of Education has a responsibility to protect the health, safety, and welfare of the school’s students and employees. To help maintain a safe environment conducive to high student achievement, the Board establishes policies necessary to regulate student behavior to promote an orderly school environment that is respectful of the rights of others and ensures the uniform enforcement of student discipline. Students are responsible for their conduct that occurs:

* At any time on the school grounds;
* Off school grounds at a school sponsored function, activity, or event; and
* Going to and from school or a school activity.

The Director may also take disciplinary action against a student for off-campus conduct occurring at any time that would have a detrimental impact on school discipline, the educational environment, or the welfare of the students and/or staff. A student who has committed a criminal act while off campus and whose presence on campus could cause a substantial disruption to school or endanger the welfare of other students or staff is subject to disciplinary action up to and including expulsion. Such acts could include, but are not limited to:

* A felony or an act that would be considered a felony if committed by an adult;
* An assault or battery;
* Drug law violations; or
* Sexual misconduct of a serious nature.

Any disciplinary action pursued by the School shall be in accordance with the student’s appropriate due process rights.

The School shall incorporate the School’s implementation of positive behavioral supports in accordance with Policy 4.60 in the application of student discipline.

The school’s Director and staff shall annually review the School’s student discipline policies, including State and School student discipline data, and may recommend changes in the policies to the Imboden Area Charter School Board. The Board has the responsibility of determining whether to approve any recommended changes to student discipline policies.

The School’s student discipline policies shall be distributed to each student during the first week of school each year and to new students upon their enrollment. Each student’s parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall sign and return to the school an acknowledgment form documenting that they have received the policies.

The School shall develop and provide programs, measures, or alternative means and methods for continued student engagement and educational access during periods of suspension or expulsion.

The Director is authorized to modify the penalties set forth in the School’s student discipline policies on a case-by-case basis.

It is required by law that the Director report to the police any incidents the person has personal knowledge of or has received information leading to a reasonable belief that a person has committed or threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision. If the person making the report is not the Director, that person shall also inform the Director of the incident. Additionally, Director shall inform any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The Director shall inform the Board of Directors of any such report made to law enforcement.

The Director shall make a report annually to the Board of Directors on student discipline data, which shall include, without limitation: the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

**PROHIBITED CONDUCT**

Students and staff require a safe and orderly learning environment that is conducive to high student achievement. Certain student behaviors are unacceptable in such an environment and are hereby prohibited by the Board. Prohibited behaviors include, but shall not be limited to the following:

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;
2. Disruptive behavior that interferes with orderly school operations;
3. Willfully and intentionally assaulting or threatening to assault or physically abusing any student or school employee;
4. Possession of any weapon that can reasonably be considered capable of causing bodily harm to another individual;
5. Possession or use of tobacco in any form on any property owned or leased by any public school;
6. Willfully or intentionally damaging, destroying, or stealing school property;
7. Possession and use of a personal electronic device except as authorized by Policy 4.47 or by the student’s IEP or 504 Plan;
8. Possession, selling, distributing, or being under the influence of an alcoholic beverage, any illegal drug, unauthorized inhalants, or the inappropriate use or sharing of prescription or over the counter drugs, or other intoxicants, or anything represented to be a drug;
9. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession;
10. Inappropriate public displays of affection;
11. Cheating, copying, or claiming another person's work to be his/her own;
12. Gambling;
13. Inappropriate student dress;
14. Use of vulgar, profane, or obscene language or gestures;
15. Truancy;
16. Excessive tardiness;
17. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, sexual orientation, gender identity, or disability;
18. Possess, view, distribute or electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a data storage device, or in hard copy form;
19. Hazing, or aiding in the hazing of another student.
20. Gangs or gang-related activities, including belonging to secret societies of any kind, are forbidden on school property. Gang insignias, clothing, “throwing signs” or other gestures associated with gangs are prohibited;
21. Sex-based harassment;
22. Bullying;
23. Operating a vehicle on school grounds while using a wireless communication device;
24. Theft of another individual’s personal property.

The Board directs the Director to develop implementation regulations for prohibited student conduct consistent with applicable Board policy, State and Federal laws, and judicial decisions.

**DISRUPTION OF SCHOOL**

No student shall, by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct, intentionally cause the disruption of any lawful mission, process, or function of the school, or engage in any such conduct for the purpose of causing disruption or obstruction of any lawful mission, process, or function. Nor shall any student encourage any other student to engage in such activities.

Disorderly activities by any student or group of students that adversely affect the school’s orderly educational environment shall not be tolerated at any time on school grounds. Teachers may remove from class and send to the Director’s office a student whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher’s ability to teach the students, the class, or with the ability of the student’s classmates to learn. Students who refuse to leave the classroom voluntarily will be escorted from the classroom by the Director.

Consequences for repeated disruption are as follows:

Minimum Consequences: Parent Call

Maximum Consequences: Expulsion

**STUDENT ASSAULT OR BATTERY**

A student shall not threaten, physically abuse, or attempt to physically abuse, or behave in such a way as to be perceived to threaten bodily harm to any other person (student, school employee, or school visitor). Any gestures, vulgar, abusive or insulting language, taunting, threatening, harassing, or intimidating remarks by a student toward another person that threatens their well-being is strictly forbidden. This includes, but is not limited to, fighting, racial, ethnic, religious, or sexual slurs.

Furthermore, it is unlawful, during regular school hours, and in a place where a public school employee is required to be in the course of his or her duties, for any person to address a public school employee using language which, in its common acceptation, is calculated to:

1. Cause a breach of the peace;
2. Materially and substantially interfere with the operation of the school;
3. Arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation.

Students guilty of such an offense may be subject to legal proceedings in addition to any student disciplinary measures.

Consequences for assault or battery are as follows:

Minimum Consequence: Call to police, parent call, and 1-5 days out-of-school suspension

Maximum Consequence: Expulsion

**WEAPONS AND**

**DANGEROUS INSTRUMENTS**

No student shall possess a weapon, display what appears to be a weapon, or threaten to use a weapon while in school, on or about school property, before or after school, in attendance at school or any school sponsored activity, en route to or from school or any school sponsored activity, off the school grounds at any school bus stop, or at any school sponsored activity or event. Military personnel, such as ROTC cadets, acting in the course of their official duties are exempted.

A weapon is defined as any firearm; knife; razor; ice pick; dirk; box cutter; nun chucks; pepper spray or other noxious spray; explosive; Taser or other instrument that uses electrical current to cause neuromuscular incapacitation; or any other instrument or substance capable of causing bodily harm. For the purposes of this policy, “firearm” means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.

Possession means having a weapon, as defined in this policy, on the student’s body or in an area under his/her control. If, a student discovers prior to any questioning or search by any school personnel that he/she has accidentally brought a weapon, other than a firearm, to school on his/her person, in a bookbag/purse, or in his/her vehicle on school grounds, and the student informs the Director immediately, the student will not be considered to be in possession of a weapon unless it is a firearm. The weapon shall be confiscated and held in the office until such time as the student’s parent/legal guardian shall pick up the weapon from the school’s office. Repeated offenses are unacceptable and shall be grounds for disciplinary action against the student as otherwise provided for in this policy.

Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of not less than one year. The Director shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis. Parents or legal guardians of students expelled under this policy shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. Parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to readmitting the student. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a firearm policy violation shall also be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The mandatory expulsion requirement for possession of a firearm does not apply to a firearm brought to school for the purpose of participating in activities approved and authorized by the school that include the use of firearms. Such activities may include ROTC programs, hunting safety or military education, or before- or after-school hunting or rifle clubs. Firearms brought to school for such purposes shall be brought to the Director. The Director shall store the firearms in a secure location until they are removed for use in the approved activity.

The school shall report any student who brings a firearm to school to the criminal justice system or juvenile delinquency system by notifying local law enforcement.

Consequences for weapons possession are as follows:

Minimum Consequence: Call to police, parent call

Maximum Consequence: One year expulsion

**TOBACCO, ELECTRONIC NICOTINE DELIVERY SYSTEMS, AND RELATED PRODUCTS**

Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by the school, including school buses owned or leased by the school, is prohibited. Students who violate this policy may be subject to legal proceedings in addition to student disciplinary measures.

With the exception of recognized tobacco cessation products, this policy’s prohibition includes any tobacco or nicotine delivery system or product. Specifically, the prohibition includes any product that is manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other name or descriptor.

Consequences for possessing tobacco are as follows:

Minimum Consequence: Call to police, parent call, and 1-5 days out-of-school suspension

Maximum Consequence: Expulsion

**LASER POINTERS**

Students shall not possess any hand held laser pointer while in school; on or about school property, before or after school; in attendance at school or any school-sponsored activity; en route to or from school or any school-sponsored activity; off the school grounds at any school bus stop or at any school-sponsored activity or event. School personnel shall seize any laser pointer from the student possessing it and the student may reclaim it at the close of the school year, or when the student is no longer enrolled in the school.

**DRUGS AND ALCOHOL**

An orderly and safe school environment that is conducive to promoting student achievement requires a student population free from the deleterious effects of alcohol and drugs. Their use is illegal, disruptive to the educational environment, and diminishes the capacity of students to learn and function properly in our schools.

Therefore, no student in the Imboden Area Charter School shall possess, attempt to possess, consume, use, distribute, sell, buy, attempt to sell, attempt to buy, give to any person, or be under the influence of any substance as defined in this policy, or what the student represents or believes to be any substance as defined in this policy.

This policy applies to any student who:

* Is on or about school property;
* Is in attendance at school or any school sponsored activity;
* Has left the school campus for any reason and returns to the campus; or
* Is on route to or from school or any school sponsored activity.

Prohibited substances shall include, but are not limited to:

* Alcohol, or any alcoholic beverage;
* Inhalants or any ingestible matter that alter a student’s ability to act, think, or respond;
* LSD or any other hallucinogen;
* Marijuana
* Cocaine, heroin, or any other narcotic drug;
* PCP:
* Amphetamines;
* Steroids;
* “Designer drugs”
* Look-alike drugs; or
* Any controlled substance.

The sale, distribution, or attempted sale or distribution of over-the-counter (OTC) medications, dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration, or prescription drugs is prohibited. The possession or use of OTC medications dietary supplement or other perceived health remedy not regulated by the US Food and Drug Administration, or prescription drugs is prohibited except as permitted under Policy 4.35 – STUDENT MEDICATIONS.

Consequences for possession of drugs are as follows:

Minimum Consequence: Call to police, parent call, and 1-5 days out-of-school suspension

Maximum Consequence: Expulsion

**GANGS AND GANG ACTIVITY**

The Board is committed to ensuring a safe school environment conducive to promoting a learning environment where students and staff can excel. An orderly environment cannot exist where unlawful acts occur causing fear, intimidation, or physical harm to students or school staff. Gangs and their activities create such an atmosphere and shall not be allowed on school grounds or at school functions.

The following actions are prohibited by students on school property or at school functions:

1. Wearing or possessing any clothing, bandanas, jewelry, symbol, or other sign associated with membership in, or representative of, any gang;
2. Engaging in any verbal or nonverbal act such as throwing signs, gestures, or handshakes representative of membership in any gang;
3. Recruiting, soliciting, or encouraging any person through duress or intimidation to become or remain a member of any gang; and/or
4. Extorting payment from any individual in return for protection from harm from any gang.

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion.

Students arrested for gang related activities occurring off school grounds shall be subject to the same disciplinary actions as if they had occurred on school grounds.

Consequences for gang activity are as follows:

Minimum Consequence: Parent call, exclusion from privileges and 1-3 days out-of-school suspension

Maximum Consequence: Expulsion

**STUDENT SEX DISCRIMINATION AND SEX-BASED HARASSAMENT**

The Imboden Area Charter School is committed to providing an academic and work environment that treats all students and employees with respect and dignity. Student achievement is best attained in an atmosphere of equal educational and employment opportunity that is free of discrimination. Sex-based harassment is a form of sex discrimination that undermines the integrity of the educational and work environment and will not be tolerated.

The School believes the best policy to create an educational and work environment free from sex-discrimination and sex-based harassment is prevention; therefore, the School shall provide informational materials and training to students, parents/legal guardians/other responsible adults, and employees on sex-based harassment. The informational materials and training on sex-based harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

* the nature of sex-based harassment;
* The School’s written procedures governing the complaint grievance process;
* The process for submitting a complaint of sex discrimination and sex-based harassment;
* That the district does not tolerate sex-based harassment;
* That students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences;
* The supports that are available to individuals suffering sex-based harassment; and
* The potential discipline for perpetrating sex-based harassment.

**Definitions**

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sex discrimination or sex-based harassment.

“Complainant means an oral or written request to the School that objectively can be understood as a request for the School to investigate and make a determination about alleged sex discrimination or sex-based harassment.

“Education program or activity” includes locations, events, or circumstances where the School exercised substantial control over both the respondent and the context in which the sex discrimination or sex-based harassment occurs.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sex-based harassment.

“Sex-based harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A School employee:
2. Conditions the provision of an aid, benefit, or service of the School on an individual’s participation in sexual conduct; or
3. Uses the rejection of sexual conduct as the basis for academic decisions affecting that individual;
4. The conduct is:
5. Unwelcome; and
6. Is subjectively and objectively offensive and so severe, or pervasive that it limits or denies a person the ability to participate in or benefit from the School’s education program or activity based on the totality of the circumstances; or
7. Constitutes:
8. Sexual assault;
9. Dating violence
10. Domestic violence; or
11. Stalking.

“Supportive measures” means individualized services that are offered to the complainant or made available to the respondent designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature; offered before or after the filing of a complaint or where no complaint has been filed; and offered to either party as appropriate, as reasonably available, and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the School’s educational environment, or deter sex-based harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; restrictions on contact between one or more parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus.

Within the educational environment, sex-based harassment is prohibited between any of the following: students; employees and students; and non-employees and students.

Actionable sex-based harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sex-based harassment will depend upon all of the surrounding circumstances and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sex-based harassment include, but are not limited to:

* Making sexual propositions or pressuring for sexual activities;
* Unwelcome touching;
* Writing graffiti of a sexual nature;
* Displaying or distributing sexually explicit drawings, pictures, or written materials;
* Performing sexual gestures or touching oneself sexually in front of others;
* Telling sexual or crude jokes;
* Spreading rumors related to a person’s alleged sexual activities;
* Discussions of sexual experiences;
* Rating other students or employees as to sexual activity or performance;
* Circulating or showing e-mails or Web sites of a sexual nature;
* Treatment based on an individual’s pregnancy or pregnancy related conditions;
* Intimidation by words, actions, insults, or name calling; and
* Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual or transgender.

Students who believe they have been subjected to sex-based harassment, or the parent/legal guardian/other responsible adult of a student who believes their student has been subjected to sex-based harassment, are encouraged to bring their concerns to **any** School staff member, including a counselor, teacher, Title IX coordinator, or administrator. If the School staff member who received a report of alleged sex-based harassment is not the Title IX Coordinator, then the School staff person shall inform the Title IX Coordinator of the alleged sex-based harassment. As soon as reasonably possible after receiving a report of alleged sex-based harassment from another School staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

* Discuss the availability of supportive measures;
* Consider the complainant’s wishes with respect to supportive measures;
* Inform the complainant of the availability of supportive measures with or without the filing of a complaint;
* explain to the complainant the process for filing a complaint; and
* Provide the complainant information on the School’s grievance procedures.

**Title IX Coordinator Initiated Complaint**

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, the Title IX Coordinator shall determine whether to initiate a complaint. When determining whether or not to initiate a complaint, the Title IX Coordinator shall consider the following factors, at a minimum:

1. The complainant’s request not to proceed with intitiation of a complaint;
2. The complainant’s reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of sex discrimination or sex-based harrassment would occur if a complaint is not initiated;
4. The severity of the alleged sex discriminationor or sex-based harassment, including whether it would require the removal of a respondent from campus or imposition fo another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the respondent is a School employee;
6. The scope of the alleged sex discrimination or sex-based harassment is ongoing, or the sex discrimination or sex- based harassment is alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination or sex-based harassment occurred; and
8. Whether the School could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

After considering these and other relevant factors, the Title IX Coordinator may initiate a complaint if the Title IX Coordinator determines that the conduct as alleged:

1. Presents an imminent and serious threat to the health or safety of the complainant or other person; or
2. Prevents the School from ensuring equal access on the basis of sex to its education program or activity.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator shall notify the complainant prior to doing so and appropriately address reasonable concerns about the safety of the complainant or others, which may include providing supportive measures.

**Supportive Measures**

The School shall offer supportive measures to the complainant and make supportive measures available to the respondent that are designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The School shall provide the individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the School’s offer of supportive measures may request supportive measures at a later time and the School shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

The Title IX Coordinator shall designate an individual to whom the School’s providing, denying, modifying, or terminating of supportive measures may be appealed. The designated individual shall have authority to modify or reverse the School’s decision if it is determined that the decision to provide, deny, modify, or terminate the supportive measure(s) was inconsistent with the definition of supportive measures. A party shall have the opportunity to seek additional modification or termination of a supportive measure applicable to them if there is a material change in circumstances.

**Students With Disabilities**

If a complainant or respondent is a student with a disability, the Title IX Coordinator shall consult with one (1) or more members, as appropriate, of the student’s Individualized Education Program (IEP) team or the student’s 504 team to ensure compliance with the Individuals with Disabilities Educatiton Act and Rehabilitation Acto of 1973 throughout the grievance process.

**Complaint**

A complaint may be filed with the Title IX Coordinator in person, by phone, by mail, or by email. Upon receipt of a complaint, the School shall simultaneously provide the following written notice to the parties who are known:

* Notice of the School’s grievance process and a copy of the procedures governing the grievance process;
* Notice of the allegations of sex-based harassment including sufficient details known at the time to allow the parties to respond to the allegations. Sufficient details include:
* The identities of the parties involved in the incident, if known;
* The conduct allegedly constituting sex-based harassment; and
* The date and location of the alleged incident, if known;
* A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
* A statement that retaliation is prohibited;
* That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
* That the parties may inspect and review evidence relevant, and not otherwise impermissible, to the complaint of sex-based harassment; and
* That the School’s code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the School shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

The School may consolidate complaints of allegations of sex-based harassment where the allegations of sex-based harassment arise out of the same facts or circumstances and the complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the School has consolidated complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

When investigating a complaint and throughout the grievance process, a School shall:

* Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties;
* Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the School obtains the parent, legal guardian, or other responsible adult of that party’s voluntary, written consent or that party’s voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
* Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
* Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
* Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
* Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
* Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation ; this includes evidence:
* Whether obtained from a party or other source,;
* The School does not intend to rely upon in reaching a determination regarding responsibility; and
* That is either Inculpatory or exculpatory; and
* Create an investigative report that fairly summarizes relevant evidence.

At least five (5) days prior to completion of the investigative report, the School shall send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least five (5) days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties’ inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

* Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
* Provide each party with the answers;
* Allow for additional, limited follow-up questions from each party; and
* To the party proposing the questions, provide an explanation regarding any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

No earlier than five (5) days following the completion of the investigation period, the decision-maker shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sex discrimination or sex-based harassment;
2. A description of the procedural steps taken from the receipt of the complaint through the determination, including:
3. Any notifications to the parties;
4. Interviews with parties and witnesses;
5. site visits;
6. Methods used to gather other evidence,; and
7. Hearings held;
8. Findings of fact supporting the determination;
9. Conclusions regarding the application of the School’s code of conduct to the facts;
10. A statement of, and rationale for, the result as to each allegation, including:
11. A determination regarding responsibility;
12. Any disciplinary sanctions imposed on the respondent; and
13. Whether remedies designed to restore or preserve equal access to the School’s education program or activity will be provided by the School to the complainant; and
14. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

* If an appeal is not filed, the day after the period for an appeal to be filed expires; or
* If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The School shall investigate the allegations in a complaint. If the conduct alleged in the complaint would not constitute sex-based harassment as defined in this policy even if proved; did not occur in the School’s education program or activity; or did not occur against a person in the United States, then the School shall dismiss the complaint as not meeting the definition of sex-based harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the School’s code of conduct.

The School may dismiss a complaint or any allegations therein, if at any time during the grievance process:

* The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein;
* The School was unable to identify the respondent after taking reasonable steps to do so;
* The respondent is no longer employed or enrolled at the School; or
* Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the complaint or allegations therein; or
* The School determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination or sex-based harassment.

Upon the dismissal of a complaint for any reason, the School shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The Title IX Coordinator may delegate the investigation or the determination as necessary to prevent a conflict from arising or the appearance of bias, including hiring an individual or individuals to conduct the investigation or to act as the decison-maker when necessary.

**Appeals**

Either party may appeal a determination regarding responsibility or from a dismissal of a complaint or any allegations therein, on the following bases:

1. The existence of a procedural irregularity that affected the outcome of the matter;
2. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
4. An appeal of the disciplinary sanctions from the initial determination.

For all appeals, the School shall:

1. Notify the other party in writing when an appeal is filed;
2. Simultaneously Provide all parties a written copy of the School’s procedures governing the appeal process;
3. Implement appeal procedures equally for both parties;
4. Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

**Confidentiality**

Reports of sex discrimination and sex-based harassment, both informal reports and complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

* individuals who are responsible for handling the School’s investigation and determination of responsibility to the extent necessary to complete the School’s grievance process;
* Submit a report to the child maltreatment hotline;
* Submit a report to the Professional Licensure Standards Board for reports alleging sex-based harassment by an employee towards a student; or
* The extent necessary to provide either party due process during the grievance process.

Except as listed above, the School shall keep confidential the identity of:

* Any individual who has made a report or complaint of sex discrimination;
* Any individual who has made a report or filed a complaint of sex-based harassment;
* Any complainant;
* Any individual who has been reported to be the perpetrator of sex discrimination;
* Any respondent; and
* Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the School to provide the supportive measures.

**Emergency removal**

The School may remove a respondent from the School’s education program or activity on an emergency basis only after the completion of an individualized safety and risk analysis that determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sex discrimination or sex-based harassment justifies removal. A removed student will be provided with notice and an opportunity to challenge the removal decision immediately following the removal.

**Retaliation Prohibited**

Students, or the parents/legal guardians/ other responsible adult of a student, who submit a report or file a complaint of sex-based harassment,; testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sex discrimination or sex-based harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for code of conduct violations that do not involve sex discrimination or sex-based harassment, arise out of the same facts or circumstances as a report or complaint of sex discrimination or sex-based harassment, and are made for the purpose of interfering with any right or privilege under this policy. The School shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by School officials, students, or third parties.

**Disciplinary Sanctions**

It shall be a violation of this policy for any student or employee to be subjected to, or to subject another person to, sex discrimination or sex-based harassment. Following the completion of the School’s grievance process, any student who is found by the evidence to more likely than not have engaged in sex discrimination or sex-based harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Students who knowingly fabricate allegations of sex discrimination or sex-based harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including expulsion. A determination that the allegations do not rise to the level of sex discrimination or sex-based harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

**Barriers to Reporting**

The Title IX Coordinator shall monitor for barriers to reporting information about conduct that reasonably may constitute sex discrimination or sex-based harassment and shall take steps reasonably calculated to address such barriers.

**Records**

The School shall maintain the following records for a minimum of seven (7) years:

* Each sex discrimination or sex-based harassment investigation including:
* Any determination regarding responsibility;
* any disciplinary sanctions imposed on the respondent;
* Any remedies provided to the complainant designed to restore or preserve equal access to the School’s education program or activity;
* Any appeal and the result therefrom;
* All materials used to train Title IX Coordinators, investigators, and decision-makers;
* Any actions, including any supportive measures, taken in response to a report or complaint of sex discrimination or sex-based harassment, which must include:
* The basis for the School’s conclusion that its response was not deliberately indifferent; and
* Document:
* If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the School’s education program or activity; or
* If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
* Records documenting the actions the School has taken to meet its obligations to eliminate sex discrimination, including reviewing barriers to reporting potential sex discrimination and the employee notification requirements, regarding each notification the Title IX Coordinator received of information about conduct that reasonably may constitute sex discrimination.

**BULLYING**

**Definitions**

“Attribute” means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

“Bullying” means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

* Physical harm to a public school employee or student or damage to the public school employee's or student's property;
* Substantial interference with a student's education or with a public school employee's role in education;
* A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
* Substantial disruption of the orderly operation of the school or educational environment;

Examples of "Bullying" include, but are not limited to, a pattern of behavior involving one or more of the following:

1. Cyberbullying;
2. Sarcastic comments "compliments" about another student’s personal appearance or actual or perceived attributes,
3. Pointed questions intended to embarrass or humiliate,
4. Mocking, taunting or belittling,
5. Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person,
6. Demeaning humor relating to a student’s actual or perceived attributes,
7. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
8. Blocking access to school property or facilities,
9. Deliberate physical contact or injury to person or property,
10. Stealing or hiding books or belongings,
11. Threats of harm to student(s), possessions, or others,
12. Sexual harassment, as governed by policy 4.27, is also a form of bullying, and/or
13. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether the student self-identifies as homosexual or transgender (Examples: “Slut”, “You are so gay.”, “Fag”, “Queer”).

"Cyberbullying" means any form of communication by electronic act that is sent with the purpose to:

* Harass, intimidate, humiliate, ridicule, defame, or threaten a student, school employee, or person with whom the other student or school employee is associated; or
* Incite violence towards a student, school employee, or person with whom the other student or school employee is associated.

Cyberbullying of School Employees includes, but is not limited to:

1. Building a fake profile or website of the employee;
2. Posting or encouraging others to post on the Internet private, personal, or sexual information pertaining to a school employee;
3. Posting an original or edited image of the school employee on the Internet;
4. Accessing, altering, or erasing any computer network, computer data program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords of a school employee;
5. Making repeated, continuing, or sustained electronic communications, including electronic mail or transmission, to a school employee;
6. Making, or causing to be made, and disseminating an unauthorized copy of data pertaining to a school employee in any form, including without limitation the printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network;
7. Signing up a school employee for a pornographic Internet site; or
8. Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages.

Cyberbullying is prohibited whether or not the cyberbullying originated on school property or with school equipment, if the cyberbullying results in the substantial disruption of the orderly operation of the school or educational environment or is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose.

“Harassment” means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

“Substantial disruption” means without limitation that any one or more of the following occur as a result of the bullying:

* Necessary cessation of instruction or educational activities;
* Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
* Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
* Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

Respect for the dignity of others is a cornerstone of civil society. Bullying creates an atmosphere of fear and intimidation, robs a person of his/her dignity, detracts from the safe environment necessary to promote student learning, and will not be tolerated by the Board of Directors. Students who bully another person shall be held accountable for their actions whether they occur on school equipment or property; off school property at a school sponsored or approved function, activity, or event; going to or from school or a school activity in a school vehicle or school bus; or at designated school bus stops.

Students are encouraged to report behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, to their teacher or the Director. The report may be made anonymously. Teachers and other school employees who have witnessed, or are reliably informed that, a student has been a victim of behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the Diretor as soon as possible. Parents or legal guardians may submit written reports of incidents they feel constitute bullying, or if allowed to continue would constitute bullying, to the building principal, or designee.

The person or persons reporting behavior they consider to be bullying shall not be subject to retaliation or reprisal in any form.

The Director, who receives a credible report or complaint of bullying shall:

1. As soon as reasonably practicable, but by no later than the end of the school day following the receipt of the credible report of bullying:
2. Report to a parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student that their student is the victim in a credible report of bullying; and
3. Prepare a written report of the alleged incident of bullying;
4. Promptly investigate the credible report or complaint of bullying, which shall be completed by no later than the fifth (5th) school day following the completion of the written report.
5. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis of a student who was the aledged victim in a credible report of bullying whether the investigation found the credible report or complaint of bullying to be true and the availability of counseling and other intervention services.
6. Notify within five (5) days following the completion of the investigation the parent, legal guardian, person having lawful control of the student, or person acting in loco parentis of the student who is alleged to have been the perpetrator of the incident of bullying:
7. That a credible report or complaint of bullying against their student exists;
8. Whether the investigation found the credible report or complaint of bullying to be true;
9. Whether action was taken against their student upon the conclusion of the investigation of the alleged incident of bullying; and
10. Information regarding the reporting of another alleged incident of bullying, including potential consequences of continued incidents of bullying;
11. Make a written record of the investigation, which shall include:
12. A detailed description of the alleged incident of bullying, including without limitation a detailed summary of the statements from all material witnesses to the alleged incident of bullying;
13. Any action taken as a result of the investigation; and
14. Discuss, as appropriate, the availability of counseling and other intervention services with students involved in the incident of bullying.

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion. In determining the appropriate disciplinary action, consideration may be given to other violations of the student handbook which may have simultaneously occurred. In addition to any disciplinary actions, the School shall take appropriate steps to remedy the effects resulting from bullying.

Notice of what constitutes bullying, the School’s prohibition against bullying, and the consequences for students who bully shall be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus. Parents, legal guardians, person having lawful control of a student, persons standing in loco parentis, students, school volunteers, and employees shall be given copies of the notice annually.

The Director shall make a report annually to the Board of Directors on student discipline data, which shall include, without limitation, the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

Copies of this policy shall be available upon request.

**INTERNET SAFETY AND ELECTRONIC DEVICE USE POLICY**

**Definition**

For the purposes of this policy, "electronic device" means anything that can be used to transmit or capture images, sound, or data.

The school makes electronic device(s) and/or electronic device Internet access available to students, to permit students to perform research and to allow students to learn how to use electronic device technology. Use of school electronic devices is for educational and/or instructional purposes only. Student use of electronic device(s) shall only be as directed or assigned by staff or teachers; students are advised that they enjoy no expectation of privacy in any aspect of their electronic device use, including email, and that monitoring of student electronic device use is continuous.

No student will be granted Internet access until and unless an Internet and electronic device use agreement, signed by both the student and the parent or legal guardian (if the student is under the age of eighteen [18]) is on file. The current version of the Internet and electronic device use agreement is incorporated by reference into board policy and is considered part of the student handbook.

**Technology Protection Measures**

The School is dedicated to protecting students from materials on the Internet or world wide web that are inappropriate, obscene, or otherwise harmful to minors; therefore, it is the policy of the School to protect each electronic device with Internet filtering softwarethat is designed to prevent students from accessing such materials. For purposes of this policy, “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

**Internet Use and Safety**

The School is dedicated to ensuring that students are capable of using the Internet in a safe and responsible manner. The School uses technology protection measures to aid in student safety and shall also educate students on appropriate online behavior and Internet use including, but not limited to:

* interacting with other individuals on social networking websites and in chat rooms;
* Cyberbullying awareness; and
* Cyberbullying response.

**Misuse of Internet**

The opportunity to use the School’s technology to access the Internet is a privilege and not a right. Students who misuse electronic devices or Internet access in any way will face disciplinary action, as specified in the student handbook and/or Internet safety and electronic device use agreement. Misuse of the Internet includes:

* The disabling or bypassing of security procedures, compromising, attempting to compromise, or defeating the district’s technology network security or Internet filtering software;
* The altering of data without authorization;
* Disclosing, using, or disseminating passwords, whether the passwords are the student’s own or those of another student/faculty/community member, to other students;
* Divulging personally identifying information about himself/herself or anyone else either on the Internet or in an email unless it is a necessary and integral part of the student's academic endeavor. Personally identifying information includes full names, addresses, and phone numbers.
* Using electronic devices for any illegal activity, including electronic device hacking and copyright or intellectual property law violations;
* Using electronic devices to access or create sexually explicit or pornographic text or graphics;
* Using electronic devices to violate any other policy or is contrary to the Internet safety and electronic device use agreement.

Consequences for students found guilty of misuse of electronic devices or Internet access are as follows:

Minimum Consequence: Parent/student/Director conference, school counselor conference, and 3-5 days out-of-school suspension

Maximum Consequence: Expulsion

**CORPORAL PUNISHMENT**

The Imboden Area Charter School authorizes the use of corporal punishment to be administered in accordance with this policy by the Director or Assistant Director who are required to have a state-issued license as a condition of their employment.

Prior to the administration of corporal punishment, the student receiving the corporal punishment shall be given an explanation of the reasons for the punishment and be given an opportunity to refute the charges.

All corporal punishment shall be administered privately, i.e. out of the sight and hearing of other students, shall not be excessive, or administered with malice, and shall be administered in the presence of another staff member who shall be licensed and employed by the school.

Corporal punishment shall not be used as a form of discipline for a student who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

STUDENT BEHAVIORAL INTERVENTION AND RESTRAINT

**Definitions**

"Aversive behavioral intervention" means a physical or sensory intervention program that is intended to modify behavior through the use of a substance or stimulus that the intervention implementer knows will cause physical trauma, emotional trauma, or both, to a student, even when the substance or stimulus appears to be pleasant or neutral to others.

Examples of aversive behavioral interventions include, but are not limited to:

* Hitting;
* Pinching;
* Slapping;
* Using a water spray;
* Using noxious fumes;
* Requiring extreme physical exercise;
* Using loud auditory stimulus;
* Withholding meals; and
* Denying reasonable access to toileting facilities.

"Behavioral intervention" means the implementation of a service, support, or strategy to teach and increase appropriate behavior or substantially decrease or eliminate behavior that is dangerous, inappropriate, or otherwise impedes the learning of a student.

"Behavior Intervention Plan" (BIP) means a written plan that:

* Is developed by a problem-solving and intervention team and delineates emotional, social, or behavioral goals for a student and the steps that the school, student, parent of the student, and others will take to positively support the progress of the student towards the student’s emotional, social, or behavioral goals;
* Is comprised of practical and specific strategies to increase or reduce a defined behavior or one (1) or more patterns of behavior exhibited by a student; and
* Includes the following at a minimum:
* A definition or description of the desired target behavior or outcome in specific measurable terms;
* A plan for preventing and eliminating inappropriate student behavior by changing a condition that is triggering, motivating, underlying, or supporting that behavior as determined through a FBA;
* A plan for teaching a student to demonstrate appropriate social, emotional, or behavioral self-management, or a new method to address or meet the student’s needs;
* A description of how a specific incentive or consequence will be used as needed to decrease or eliminate inappropriate student behavior and increase appropriate behavior;
* A plan for managing a crisis situation;
* A system to collect, analyze, and evaluate data about the student;
* The school personnel, resources, and training needed before implementation of the BIP; and
* The timeline for implementing different facets of an intervention, including without limitation when the intervention will be formally reviewed.

"Chemical restraint" means the use of a drug or medication to control the behavior of a student or restrict the free movement of the student; however, chemical restraint does not include the use of medication that is prescribed by a licensed physician, or other qualified health professional acting within the scope of the individual’s professional authority under state law, for the standard treatment of a medical or psychiatric condition of a student and is administered as prescribed by the licensed physician or other qualified health professional acting within the scope of the individual’s professional authority under state law.

"Crisis" means a situation in which a student engages in a behavior that threatens the health and safety of the student or others and includes without limitation a situation in which the student becomes aggressive or violent at school and is unable to regain self-control without posing a danger of injury to himself or herself or others.

"Crisis intervention" means the implementation of a service, support, or strategy to immediately stabilize a crisis and prevent the crisis from reoccurring after the crisis ends.

"Dangerous behavior" means the behavior of a student that presents an imminent danger of serious physical harm to the student or others; however, dangerous behavior does not include the following:

* Disrespect;
* Noncompliance;
* Insubordination; or
* Destruction of property that does not create an imminent danger.

"De-escalation" means the use of a behavior management technique that helps a student increase the student’s control over the student’s emotions and behavior and results in a reduction of a present or potential level of danger that in turn reduces the level of imminent danger of serious physical harm to the student or others.

"Emergency" means a serious and unexpected situation that requires immediate action and which may be dangerous.

"Functional Behavior Assessment" (FBA) means a problem analysis step that:

* Occurs within the context of data-based problem-solving and involves:
* The review of existing records and other sources of information;
* Diagnostic or historical interviews;
* Structured academic or behavioral observations; and
* Authentic, criterion-referenced, or norm-referenced tests; and
* Is performed with the goal of determining why a specific problem or situation is occurring in order to directly link a strategic intervention to an assessment and solve or resolve the specific problem or situation.

"Imminent danger" means an existing dangerous situation that could reasonably be expected to immediately cause death or serious physical harm.

"Mechanical restraint" means the use of a device or equipment to restrict the free movement of a student; however, mechanical restraint does not include a device that is used by trained school personnel or a student for a specific and approved therapeutic purpose or safety purpose for which the device was designed or prescribed or a vehicle safety restraint that is appropriately used in the manner for which it was designed during the transport of a student in a moving vehicle.

"Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of redirecting or inducing the student to move to a safe location.

"Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the student’s torso, arm, leg, or head freely; however, physical restraint does not include a physical escort.

"Positive behavioral support" means the application of behavior analysis that:

* Is used to achieve socially important behavior change;
* Occurs at the:
* Prevention level for all students in a school;
* Strategic intervention level for a student who is not responding, from a social-emotional and behavioral perspective, to the prevention level; and
* Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental health services; and
* Involves a planned and collaborative school-wide approach that is implemented with a goal:
* Of establishing a positive and supportive school environment that:
* Teaches and reinforces prosocial behavior in a student;
* Holds a student positively accountable for meeting an established behavioral expectation; and
* Maintains a level of consistency throughout the implementation process; and
* That is accomplished by using positive behavioral programs, strategies, or approaches.

"Prone restraint" means restraining a student in a face-down position on the floor or another surface and applying physical pressure to the body of the student to keep the student in the prone position.

"Serious physical harm" means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"Supine restraint" means the restraint of a student in a face-up position on the student’s back on the floor or another surface and with physical pressure applied to the body of the student to keep the student in the supine position.

**Positive Behavioral Supports**

The District shall implement positive behavioral supports to be used at the:

1. Prevention level for each student in a school;
2. Strategic intervention level for a student who is not responding, from a social, emotional, or behavioral perspective, to the prevention level; and
3. Intensive service or crisis-management level for a student who needs multifaceted or comprehensive behavioral or mental health services.

The District’s positive behavioral support shall include:

1. The teaching and reinforcing of interpersonal, social, problem solving, conflict resolution, and coping skills to a student;
2. Holding a student positively accountable for meeting an established behavioral expectation;
3. Maintaining a high level of consistency through the implementation of the positive behavioral support process; and
4. The following interrelated activities:

* Providing a school-wide approach to the discipline and safety of each student rather than an approach to only the behavior problem of a single student;
* Focusing on preventing the development and occurrence of problem behavior;
* Regularly reviewing behavior data to adapt the District’s procedures to meet the needs of every student; and
* Providing a multitiered approach to academic and behavioral services and support to meet the academic and behavioral achievement needs of each student.

The following principles shall form the basis of the District’s positive behavioral support system and conflict resolution or de-escalation approach:

1. A student has the right to be treated with dignity;
2. A student should receive necessary academic, social, emotional, and behavioral support that is provided in a safe and least-restrictive environment possible;
3. Positive and appropriate academic, social, emotional, or behavioral intervention, as well as mental health support, should be provided routinely to each student who needs the intervention or support;
4. Behavioral intervention should emphasize prevention as part of the District’s system of positive behavioral support; and
5. Each student who exhibits an ongoing behavior that interferes with the student’s learning or the learning of others, and who is nonresponsive to effectively implemented classroom or administrative intervention, should receive additional intensive behavioral intervention that is based on a FBA and data-based problem solving.

**Problem Solving and Intervention Team**

A problem-solving and intervention team shall be established for each student who exhibits social, emotional, or behavioral difficulty that may escalate, if not addressed, to potentially dangerous behavior. The problem-solving and intervention team shall include at least one (1) member who is an academic and behavioral assessment and intervention professional.

A student’s problem-solving and intervention team shall:

1. Work with the teachers of a student to complete a FBA of the student and an assessment of any problematic situations involving the student;
2. Consider the need for a BIP with the goal of preventing or resolving the social, emotional, or behavioral difficulty of the student and developing a response that will de-escalate and stabilize a potential emergency situation that approaches the danger level; and
3. Regularly review the data on incidents involving the use of physical restraint on the student and adjust, as necessary, the procedures concerning the use of physical restraint on the student.

Special education procedures shall be followed if a student is suspected of having a disability that relates to behavioral concerns.

**Physical Restraint**

Except in the case of a clearly unavoidable emergency situation in which a trained member of school personnel is not immediately available due to the unforeseeable nature of the emergency situation, the physical restraint of a student shall only be used by a member of school personnel who is appropriately trained to administer physical restraint.

When using physical restraint on a student, school personnel shall:

* use the least restrictive technique necessary to end imminent danger or serious physical harm to a student and others;
* Use the safest method available and appropriate to the situation;
* Consider the health and safety of a student, including without limitation whether the student has an existing medical condition that makes the use of physical restraint inadvisable;
* Not restrict the ability of a student to communicate unless the use of a less restrictive technique will not prevent imminent danger of serious physical harm to the student or others;
* Use only the amount of force that is reasonably necessary to protect a student or others from imminent danger of serious physical harm to the student or others;
* Not verbally abuse, ridicule, humiliate, taunt, or engage in any other similar action towards the student; and
* continuously and visually observe and monitor the student while the student is under physical restraint.

Physical restraint of a student shall only be used for a limited period of time and shall not be used:

* When imminent danger or serious physical harm to the student or others dissipates;
* If a medical condition occurs that puts the student at risk of harm;
* Unless the behavior of the student poses an imminent danger of serious physical harm to the student or others;
* After the threat of imminent danger of serious physical harm to the student or others dissipates; or
* In the following manner:
* To punish or discipline the student;
* To coerce the student;
* To force the student to comply;
* To retaliate against the student;
* To replace the use of an appropriate educational or behavioral support;
* As a routine safety measure;
* As a planned behavioral intervention in response to behavior of the student that does not pose an imminent danger of serious physical harm to the student or others;
* As a convenience for school personnel; or
* To prevent property damage unless the act of damaging property committed by the student poses an imminent danger or serious physical harm to the student and others.

Even in an emergency, supine restraint shall not be used on a student except by a staff person who has been certified by a crisis intervention training program and the certified staff person determines that supine restraint is required to provide safety for the student and others.

At no time shall school personnel use the following on a student:

* Mechanical restraint;
* Chemical restraint;
* Aversive behavioral interventions that compromise health and safety;
* Physical restraint that is life-threatening or medically contraindicated; or
* Prone restraint or other restraint that restricts the breathing of a student.

Following the first incident of physical restraint used on a student, an FBA shall be conducted unless a previous FBA was conducted for the same behavior that was at issue when the physical restraint was used.

The use of physical restraint on a student as a planned behavioral intervention shall not be included in a student's IEP, 504 Plan, BIP, individual safety plan, or other individual planning document but may be considered as a crisis intervention if appropriate for the student. A student's IEP team or 504 Plan team shall consider whether an FBA should be performed; if a BIP should be developed for the student or if a student’s existing BIP should be revised; and if additional behavioral goals and interventions should be included in the student's existing IEP or 504 Plan.

Parents may submit complaints regarding an incident involving the use of physical restraint on their student. A complaint shall be referred for review to the appropriate school personnel:

* The student’s problem-solving and intervention team;
* The student's IEP team; or
* The student's 504 Plan team.

A complaint by a parent shall be handled by the appropriate District staff in the same manner as a debrief following the use of physical restraint on a student.

Use of a physical restraint technique that is abusive shall be reported to the Child Abuse Hotline and law enforcement.

**Reports and Debriefing**

After the occurrence of an incident involving physical restraint of a student, the building principal, or the principal’s designee, shall be notified of the incident as soon as possible but by no later than the end of the school day when the incident occurred.

The student’s parent shall be notified of the incident of the use of physical restraint via verbal or electronic communication as soon as possible but by no later than the end of the school day when the incident occurred. In the event the student’s parent is unabled to be notified via verbal or electronic communication within twenty-four (24) hours after the incident occurred, then the parent shall be mailed written notification of the incident within forty-eight (48) hours after the incident occurred.

School personnel involved in the incident shall document the incident in a written report, which is to be completed within twenty-four (24) hours after the incident occurred. The written report of the incident shall:

1. Include all information contained in the Division of Elementary and Secondary Education (DESE) Physical Restraint or Seclusion Incident Record and Debriefing Report;
2. Be maintained in the student’s education record; and
3. Be provided to the student’s parent within one (1) school day of the completion of the report.

A debriefing meeting shall be held within two (2) school days after the incident occurred. The following school personnel shall be present at the debriefing meeting:

1. A member of school personnel who was present during the incident;
2. A member of school personnel who was in the proximity of the student on whom physical restraint was used immediately before and during the time of the incident;
3. A school administrator; and
4. Any other member of school personnel determined to be appropriate by the District.

The purpose of the debriefing meeting shall be to:

* Determine whether the procedures used during the incident were necessary;
* Evaluate the use of any behavioral supports and de-escalation techniques by school personnel before and during the incident;
* Evaluate the school district's positive behavioral supports system and prevention techniques in order to minimize future use of physical restraint; and
* If a trained member of school personnel was not immediately available due to the unforeseeable nature of the emergency situation when the incident occurred:
* Reevaluate the training needs of school personnel;
* Reevaluate the physical restraint policy and practices; and
* Develop a plan to prevent a future incident.

At a debriefing meeting, school personnel shall:

1. Consider relevant information in the student’s education record, including without limitation:
2. The concerns of the student’s parent;
3. The student's social and medical history;
4. The student’s FBA, if one exists; and
5. The student’s BIP, if one exists;
6. Consider relevant information from the teachers, parents, and other District professionals;
7. Discuss whether positive behavior supports were appropriately implemented;
8. Discuss the duration and frequency of the use of physical restraint on the student;
9. Discuss appropriate action that may be taken to prevent and reduce the need for physical restraint;
10. Consider whether additional intervention and support is necessary for the student;
11. Consider whether additional intervention and support is necessary for school personnel; and
12. Consider how and when to debrief a person who was not present at the debriefing meeting, including without limitation:
13. The student;
14. The student’s parent; and
15. Other school personnel or students who witnessed the incident.

DESE’s Physical Restraint or Seclusion Incident Record and Debriefing Report, or an alternative report that includes the same information, shall be completed during the debriefing meeting. A copy of the report shall be:

* Submitted to the building principal;
* Mailed to the student’s parent within two (2) days of the date on which the debriefing meeting was held; and
* Maintained as part of the student’s education record along with other documents consulted during the debriefing meeting.

**SUSPENSION FROM SCHOOL**

Students who are not present at school cannot benefit from the educational opportunities the school environment affords. The Director, therefore, shall strive to find ways to keep students in school as participants in the educational process. There are instances, however, when the needs of the other students or the interests of the orderly learning environment require the removal of a student from school. The Board authorizes the Director to suspend students for disciplinary reasons for a period of time not to exceed ten (10) school days, including the day upon which the suspension is imposed. The suspension may be in school or out of school. Students are responsible for their conduct that occurs:

* At any time on the school grounds;
* Off school grounds at a school-sponsored function, activity, or event; and
* Going to and from school or a school activity.

A student may be suspended for behavior including, but not limited to that which:

1. Is in violation of school policies, rules, or regulations;
2. Substantially interferes with the safe and orderly educational environment;
3. School administrators believe will result in the substantial interference with the safe and orderly educational environment; and/or
4. Is insubordinate, incorrigible, violent, or involves moral turpitude.

Out-of-school suspension (OSS) shall not be used to discipline a student in kindergarten through fifth (5th) grade unless the student’s behavior:

1. Poses a physical risk to himself or herself or to others;
2. Causes a serious disruption that cannot be addressed through other means; or
3. Is the act of bringing a firearm on school campus

OSS shall not be used to discipline a student for skipping class, excessive absences, or other forms of truancy.

The Director shall proceed as follows in deciding whether or not to suspend a student:

1. The student shall be given written notice or advised orally of the charges against him/her;
2. If the student denies the charges, he/she shall be given an explanation of the evidence against him/her and be allowed to present his/her version of the facts; and
3. If the Director finds the student guilty of the misconduct, he/she may be suspended.

When possible, notice of the suspension, its duration, and any stipulations for the student’s re-admittance to class will be given to the parent(s), legal guardian(s), person(s) with lawful control of the student, person(s) standing in loco parentis, or to the student if age eighteen (18) or older prior to the suspension. Such notice shall be handed to the parent(s), legal guardian(s), person(s) having lawful control of the student, person(s) standing in loco parentisor to the student if age eighteen (18) or older or mailed to the last address reflected in the records of the school.

Generally, notice and hearing should precede the student's removal from school, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable.

It is the responsibility of a student’s parents, legal guardians; person having lawful control of the student, or person standing in loco parentis to provide current contact information to the school, which the school shall use to immediately notify the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:

* A primary call number;
  + The contact may be by voice, voice mail, or text message.
* An email address;
* A regular first class letter to the last known mailing address.

The school shall keep a log of contacts attempted and made to the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis.

The School shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student’s period of OSS.

During the period of their suspension, students serving out-of-school suspensions shall not be permitted on campus except to attend a student/parent/director conference or when necessary as part of the School’s engagement or access to education program.

During the period of their suspension, students serving in-school suspension shall not attend or participate in any school-sponsored activities during the imposed suspension.

Suspensions initiated by the Assistant Director may be appealed to the Director, but not to the Board.

Suspensions initiated by the Director may be appealed to the Board.

**EXPULSION**

The Board of Education may expel a student for a period longer than ten (10) school days for violation of the school’s written discipline policies. The Director may make a recommendation of expulsion to the Board of Education for student conduct:

* Deemed to be of such gravity that suspension would be inappropriate;
* Where the student’s continued attendance at school would disrupt the orderly learning environment; or
* Would pose an unreasonable danger to the welfare of other students or staff.

Expulsion shall not be used to discipline a student in kindergarten through fifth (5th) grade unless the student's behavior:

1. Poses a physical risk to himself or herself or to others;
2. Causes a serious disruption that cannot be addressed through other means; or
3. Is the act of bringing a firearm on school campus.

The Director shall give written notice to the parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis (mailed to the address reflected on the school’s records) that he/she will recommend to the Board of Education that the student be expelled for the specified length of time and state the reasons for the recommendation to expel. The notice shall give the date, hour, and place where the Board of Education will consider and dispose of the recommendation.

The hearing shall be conducted not later than ten (10) school days following the date of the notice, except that representatives of the Board and student may agree in writing to a date not conforming to this limitation.

The President of the Board shall preside at the hearing. The student may choose to be represented by legal counsel. Both the Director and School Board also may be represented by legal counsel. The hearing shall be conducted in open session of the Board unless the parent, legal guardian, person having lawful control of the student, person standing in loco parentis, or student if age eighteen (18) or older, requests that the hearing be conducted in executive session. Any action taken by the Board shall be in open session.

During the hearing, the Director will present evidence, including the calling of witnesses, that gave rise to the recommendation of expulsion. The student, or his/her representative, may then present evidence including statements from persons with personal knowledge of the events or circumstances relevant to the charges against the student. Formal cross-examination will not be permitted. However, any member of the Board, the Director, the student, or his/her representative may question anyone making a statement and/or the student. The presiding officer shall decide questions concerning the appropriateness or relevance of any questions asked during the hearing.

Except as permitted by policy 4.22, the Director shall recommend the expulsion of any student for a period of one (1) year for possession of any firearm prohibited on school campus by law. The Director shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis. Parents, legal guardians, persons having lawful control of a student, or persons standing in loco parentis of a student enrolling from another school after the expiration of an expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property. The parents, legal guardians , persons having lawful control of the student, or persons standing in loco parentis shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The Director and the Board of Education shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

The School shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student’s period of expulsion.

**VIDEO SURVEILLANCE AND**

**OTHER STUDENT MONITORING**

The Board of Directors has a responsibility to maintain discipline, protect the safety, security, and welfare of its students, staff, and visitors while at the same time safeguarding school facilities, vehicles, and equipment. As part of fulfilling this responsibility, the board authorizes the use of video/audio surveillance cameras, automatic identification technology, data compilation devices, and technology capable of tracking the physical location of school equipment, students, and/or personnel.

The placement of video/audio surveillance cameras shall be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy anywhere on or near school property, facilities, vehicles, or equipment, with the exception of places such as rest rooms or dressing areas where an expectation of bodily privacy is reasonable and customary.

Signs shall be posted on buildings and in school vehicles to notify students, staff, and visitors that video cameras may be in use. Parents and students shall also be notified through the student handbook that cameras may be in use in school buildings, on school grounds and in school vehicles. Students will be held responsible for any violations of school discipline rules caught by the cameras and other technologies authorized in this policy.

The school shall retain copies of video recordings until they are erased which may be accomplished by either deletion or copying over with a new recording. Other than video recordings being retained under the provisions of this policy’s following paragraph, the school’s video recordings may be erased any time greater than 1 year after they were created.

Videos, automatic identification, or data compilations containing evidence of a violation of student conduct rules and/or state or federal law shall be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy or student handbook**;** any release or viewing of such records shall be in accordance with current law.

Students who vandalize, damage, disable, or render inoperable (temporarily or permanently) surveillance cameras and equipment, automatic identification, or data compilation devices shall be subject to appropriate disciplinary action and referral to appropriate law enforcement authorities.