

ARTS ACADEMY ELEMENTARY CHARTER SCHOOL

Board Policy

CATEGORY: Students

POLICY NUMBER: 301

TITLE: Discipline Code, Part One

ADOPTED: August 16, 2018

REVISED:

Disciplinary Provisions, Part One

General Provisions

1. Definitions

a. For purposes of the Code, the following definitions apply:

- A. "Board" means the Board of Trustees of the Arts Academy Elementary Charter School.
- B. "Parent" means the parent, guardian or person in parental relation to a student.
- C. "School" means the Arts Academy Elementary Charter School.
- D. "School district of residence" means the public school district in which a student resides.
- E. "School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the school, or in or on a school bus, and also in or at any school function.
- F. "School function" means any school-sponsored or school-affiliated event or activity, whether held on School property or elsewhere.

2. Student Rights and Responsibilities

- a. Student Rights: Our school is committed to safeguarding the rights of all students. All students also have the right:
 - A. To have an opportunity to take part in all school activities on an equal basis.
 - B. To be free from discrimination based on age, race, religion, color, national

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origin, sex, sexual orientation, or disability in the application of federal or state laws or Board policies.

- C. To present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- D. To be informed of school rules and, when necessary, receive an explanation of those rules from school personnel.

3. Detention, Search and Seizure

- a. Property assigned to students and staff by the school, including lockers, desks and other storage places, remains the property of the School. Students and staff have no reasonable expectation of privacy with respect to these places and School officials retain complete control over them. Student and staff desks and other school storage places may be subject to search at any time by School officials, without prior notice and without the student or staff member's consent.
- b. The Principal/CEO or his designee, shall place a sign, clearly visible to students and staff and in a prominent location(s) within the School, which contains the following text:

Notice to Students and Staff

Lockers, desks and other storage places are the property of the School and School officials retain complete control over these areas. Students and staff have no reasonable expectation of privacy in these places. School authorities may search lockers, desks and other storage areas at any time, without prior notice and without the student or staff member's consent.

- c. Any instructional or administrative staff member is authorized to temporarily detain and question a student under circumstances which reasonably indicate that the student has committed, is committing, or is about to commit a violation of Federal or State law or regulations or School policy or procedures or the Code of Conduct. No student shall be temporarily detained longer than is reasonably necessary.
- d. The Board authorizes the Principal/CEO, or his/her designee, to conduct searches of students and their belongings if there is a reasonable suspicion that the search will result in evidence that the student violated the law, School policy or the Code of Conduct.
- e. Before searching a student or the student's belongings, the authorized School

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official should question the student regarding whether he/she possesses physical evidence indicating that he/she violated the law, School policy or the Code, and attempt to obtain voluntary consent to the search from the student. If consent is not obtained, but reasonable suspicion exists, the search may proceed. Searches will be limited to the extent necessary to locate the evidence sought. In the event the search reveals evidence-giving rise to reasonable suspicion of other violation(s), the search may proceed both with respect to the original violation and with respect to the other violation(s). Subject to I, below, school authorities shall confiscate and retain evidence that is discovered.

- f. The Principal/CEO or his/her designee may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.
 - g. Realizing the intrusive nature of a search which requires a student to remove any clothing, other than outer clothing (i.e., a coat or jacket), such searches by school officials are strictly prohibited in the absence of the belief that failure to conduct an immediate search poses an imminent danger to health or safety. If the Principal/CEO believes that such a search is necessary, the Principal/CEO will notify the appropriate law enforcement authorities and will have the search conducted by those authorities unless it is believed that to wait for the arrival of those authorities would place person(s) or property at risk of substantial harm.
 - h. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.
 - i. Stolen or illegal property shall be given to law enforcement authorities, when appropriate.
 - j. If requested by law enforcement, metal detectors and trained dogs may be used to screen for prohibited weapons and substances.
 - k. The following provisions shall apply to canine screening for illegal substances:
 4. If requested by law enforcement, canine sniffers may be used to search property and automobiles on school property for illegal substances.
 5. The Board will be notified each time that canine sniffers are brought on campus.
 6. Students and staff will be notified at least annually that the School may be use canine sniffers to search property and automobiles on school property for illegal substances.
7. **Prohibition on Weapons, Firearms and Dangerous Objects:** No person shall bring,

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possess, carry, transfer, display, store, touch or use any weapon, firearm or dangerous object on school property or at a school function.

- a. A weapon means a firearm or any other gun, pistol, revolver, shotgun, machine gun, rifle, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, box cutters, cane sword, knuckles, chain, club, BB gun, pellet gun, toy gun with the appearance of a real gun, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, ice pick, pen knife, razor blade, pipe, rod, screwdriver, hammer or other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon.
- b. A firearm means any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; and any explosive, incendiary or poison gas including bombs, grenades, rockets or similar devices.
- c. This prohibition includes the possession of parts of a gun or ammunition. A person is considered to be in possession of a gun regardless of whether the gun is operable and/or loaded, or whether the student has ammunition in his/her possession.
- d. Dangerous objects include explosives, firecrackers and similar items.
- e. Possession of a weapon, firearm or dangerous object includes but is not limited to:
 - A. Storing the item in a space assigned to a student, such as a locker or a desk; or
 - B. Having the item under one's control, such as hiding it in the building or otherwise on school property;
 - C. Voluntarily permitting another person to store the item in an assigned school space without reporting it to staff members; or
 - D. Retaining possession of an item given to one by another person.
 1. the student will be expelled for a minimum of one year unless the Chief Executive Officer/Principal recommends a lesser period of exclusion and the Board of Trustees affirms that recommendation at an expulsion hearing.
 2. The Chief Executive Officer/Principal shall refer any student who has been determined to have brought a firearm to school to law enforcement authorities as appropriate
 3. Only authorized law enforcement officers may possess a weapon on school property.

8. Notice: Reporting:

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- a. The school is required to report the commission of acts which may violate the crimes code to local law enforcement. This policy includes the reporting of delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the School.
9. Prohibition on the Use of Corporal Punishment
- a. Teachers and school staff are strictly prohibited from administering corporal punishment. Corporal punishment is defined as physically disciplining a student in any way to inflict punishment.
 - b. Prohibition of corporal punishment does not prohibit the reasonable use of physical force to:
 - A. Protect oneself from physical injury;
 - B. Protect another pupil, teacher or other person from physical injury;
 - C. Protect the property of the school or others;
 - D. Restrain or remove a pupil whose behavior is interfering with the orderly exercise of school functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruption.
10. Disciplinary action will aim to allow the child to remain in the school setting engaged in learning activities rather than out of school. However, in order to maintain effective learning conditions, it may be necessary to suspend the student's opportunity to attend school as a consequence of violations of the Code.
- a. In determining the appropriate disciplinary action, the following factors will be considered:
 - b. The student's age;
 - c. The nature of the offense and the circumstances that led to the offense;
 - d. The student's prior disciplinary record;
 - e. The effectiveness of other forms of discipline;
 - f. Information from parents, teachers and/or others, as appropriate; and
 - g. Other extenuating circumstances.
11. Interventions: The School seeks to engage students and to help students with behavior issues. Prior to or in addition to imposing the above penalties, school staff may attempt interventions which may include, when available, but are not limited to, Daily Progress Sheets, Parent Conferences, Referral to a Counselor, Reprimand, Time Out, or referral to an appropriate administrator.
12. Procedures
- a. In all cases, the student must be informed of the misconduct the student is alleged

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to have committed. School personnel will investigate, to the extent necessary, the facts surrounding the alleged misconduct. Students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty.

- b. Students who violate the Discipline Code are subject to sanctions. Those sanctions depend on the seriousness of the offense and the student's record. General guidelines for specific offenses are found in Part Two of the Disciplinary Code, Policy 302. The possible sanctions are described below. The school may use the following types of discipline:
 - A. Suspension from extracurricular activities and other privileges. Upon request, the student and the student's parent will be provided with an opportunity for an informal conference with the Dean of Students or Principal/CEO within a reasonable time to discuss the conduct and the penalty.
 - B. In-school Suspension: Students who would otherwise be suspended from school as the result of a Code violation may be placed in in-school suspension. In-school suspension involves the temporary removal of a student from the classroom and placement in another area of the school building designated for such a suspension where the student will receive substantially equivalent alternative education. A student subjected to an in-school suspension, along with his/her parent(s), will be provided with an opportunity for an informal conference with the Dean of Students or Principal/Chief School Administrator within a reasonable period of time to discuss the conduct and the penalty involved.
 - C. Out of School Suspension Rights regarding out of school suspension are found in Pennsylvania Regulations, 22 Pa.Code, Chapter 12. In general, Pennsylvania law provides rights for a student who receives an out of school suspension. If a child is suspended, parents will receive written notice from the school which describes the reason for the suspension and outlines parents' rights to an informal hearing with an administrator.
 - D. Expulsion: Rights regarding expulsion are found in Pennsylvania Regulations, 22 Pa.Code, Chapter 12. You should refer to the law for your specific rights. In general, Pennsylvania law defines an expulsion as the exclusion of a student from school for a period of more than ten school days. Expulsion can only take place if it is approved by the Board of Trustees. You have a right to an expulsion hearing in front of the Board. If the Administration wishes to expel a child, parents will receive a written notice which outlines the charges against the student and describes the

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rights associated with a board hearing. The notice will also provide the parent with the date, time and location of the Board Hearing .

- c. Discipline of Students with Disabilities: A student with a disability or a student suspected of having a disability will be disciplined in accordance with the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973 and state law.