



# GATEWAY PREPARATORY ACADEMY

A M O N T E S S O R I C H A R T E R S C H O O L

## Gateway Preparatory Academy Student Conduct

### I. Board Policy

Gateway Preparatory Academy will provide a safe, wholesome, healthy educational environment where children can become self-directed learners in a safe respectful, disciplined, and supportive environment.

Part of the educational process is learning self discipline and appropriate behavior. Therefore, it is the policy of the Board to enforce all Utah laws related to conduct on school premises and to see that students are taught to preserve public property including all school facilities and equipment.

The Board delegates to the Administration responsibility to see that the school adheres to the conduct, dress, and grooming standards established by the Board in the guidelines of this policy. Further, school staff members shall have a share of responsibility in seeing that these standards are implemented and enforced in classrooms, on school grounds, at school activities, and other occasions as appropriate.

### II. Student Discipline

The teacher will be responsible for the majority of discipline issues. Teachers begin by presenting clear expectations regarding behavioral expectations. The majority of problems will be handled in the classroom. If the teacher is unable to remedy the problem generated by the student in the classroom, teachers will work closely with Academy administrators and parents to coordinate their efforts in the resolution of discipline matters.

The Academy is also committed to ensuring its actions are consistent with IDEA. Gateway Preparatory Academy recognizes that students with disabilities, who attend the Academy, and their parents/guardians, retain all rights under Part B of the IDEA, §53A-15-301 through 53A-15-305 *Utah Code Ann.*, and other rules protecting the rights of students with disabilities. As a result, the Academy will adopt the Utah State Board of Education's *Special Education Rules*, Section V. regarding the discipline of students protected under IDEA or State Law. In the event that the Academy's policy does not comply with Part B of the IDEA, Sections 53A-15-301 through 53A-15-305 *Utah Code Ann.*, and other rules protecting the rights of students with disabilities, the Academy will adopt a policy that ensures compliance with the aforementioned laws and regulations.

In the event that suspension/dismissal is required, Academy staff will act pursuant to the Student Suspension and Expulsion Policy and in accordance with IDEA and all other applicable state and federal laws.

### **III. Administration Policy**

The Administration shall implement Board policy according to the following guidelines:

#### Guidelines

##### A. Student Conduct

###### 1. Classroom Behavior

Students shall conduct themselves in a manner that contributes to a productive learning atmosphere for themselves and their classmates. Students are expected to be attentive, cooperative, and industrious while in the classroom. Students who habitually disrupt or destroy the learning atmosphere shall be disciplined according to the procedures established in Policy.

###### 2. Behavior at Assemblies and Activities

Assemblies and activities shall be considered special student privileges where participation is contingent upon appropriate behavior. Students shall show respect to all performers. Students who disturb, disrupt, or show disrespect shall lose the privilege of attending and may be subjected to disciplinary action as outlined in Policy.

###### 3. Protection and Care of School Property

Students shall be expected to use school equipment and facilities appropriately and to behave in such a way that school property is preserved and protected. Students may be disciplined for improper use or treatment of school facilities and/or equipment.

###### 5. Patriotism and Respect for the Flag

The Flag of the United States of America shall be appropriately displayed in keeping with customary and accepted practices. Students shall show proper respect for their country's emblem. Instruction should include the frequent repeating of the Pledge of Allegiance by students and teachers. Discourteous treatment of the flag or other national symbols shall be cause for disciplinary action.

###### 6. Use of Alcohol, Tobacco, Narcotics, and Drugs

Student use or possession of alcohol, tobacco, narcotics, and drugs is prohibited by law. Students who break the law shall be disciplined according to the guidelines set forth in Policy.

###### 7. Cellular Telephones

Possession of a cellular telephone by a student is a privilege that may be forfeited by any student that uses their cell phone inappropriately. A student who possesses a cellular phone shall assume responsibility for its care. At no time shall the Academy be responsible for preventing theft, loss or damage to cell phones brought onto school property. Cellular telephone use during classroom time, instructional activities and field trips is prohibited. Cellular telephones must remain off during these times. Exceptions to this policy may be granted by school administration on a case by case basis to accommodate family emergencies or medical necessity. Students violating these guidelines will be disciplined in accordance with Policy.

## 8. Electronic Devices

Any use of an electronic device that exploits personal information, disrupts the educational process, invades personal privacy or compromises the integrity of educational programs is strictly prohibited. Students violating these guidelines will be disciplined in accordance with Policy.

## B. Dangerous or Disruptive Conduct

Students who engage in dangerous or disruptive conduct, including bringing any weapon or facsimile of a weapon to school, committing arson, burglary, larceny, criminal mischief, battery or assault, or who engage in activities which violate federal, state or local laws, shall be excluded from school and subject to suspension or expulsion according to policy

## **CODE OF CONDUCT**

The principal may suspend or recommend expulsion of a student who engages in one or more of the following specific activities while in school buildings, on school grounds, in school vehicles or during a school-sponsored activity. Suspension or expulsion shall be mandatory for serious violations in a school building or on school property.

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property.
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
3. Commission of any act which if committed by an adult would be robbery or assault as defined by state law. Expulsion shall be mandatory in accordance with state law except for commission of an act by an elementary student which would be third degree assault.
4. Violation of criminal law which has an immediate effect on the school or on the general safety or welfare of students or staff.
5. Violation of district or building regulations.
6. Violation of the district's policy on dangerous weapons in the schools. Expulsion shall be mandatory for carrying, bringing, using or possessing a dangerous weapon without the authorization of the school or school district, unless the student has delivered the firearm or weapon to a teacher, administrator or other authorized person in the district as soon as possible upon discovering it, in accordance with state law.
7. Violation of the district's alcohol use/drug abuse policy. Expulsion shall be mandatory for sale of drugs or controlled substances, in accordance with state law.
8. Violation of the district's smoking and use of tobacco policy.
9. Violation of the district's policy on sexual harassment.
10. Throwing objects unless part of a supervised school activity that can cause bodily injury or damage property.
11. Directing profanity, vulgar language or obscene gestures toward other students, school personnel or visitors to the school.
12. Engaging in verbal abuse, i.e. name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others that precipitate disruption of the school program or incite violence.

13. Committing extortion, coercion or blackmail, i.e., obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
14. Lying or giving false information, either verbally or in writing to a school employee.
15. Scholastic dishonesty which includes but is not limited to cheating on a test, plagiarism or unauthorized collaboration with another person in preparing written work.
16. Continued willful disobedience or open and persistent defiance of proper authority.
17. Behavior on or off school property which is detrimental to the welfare, safety or morals of other students or school personnel.
18. Repeated interference with the school's ability to provide educational opportunities to other students.
19. Engaging in "hazing" activities, i.e., forcing prolonged physical activity, forcing excessive consumption of any substance, forcing prolonged deprivation of sleep, food, or drink, or any other behavior which recklessly endangers the health or safety of an individual for purposes of initiation into any student group.
20. Violation of the district's dress code policy.
21. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.

#### **IV. Disciplinary Guidelines**

Students are expected to obey the Code Of Conduct and any violation may subject the student to discipline. This list is not exhaustive, and other misconduct or disobedience not listed may subject the student to discipline.

G.P.A. students are accountable for the consequences of their actions. Sometimes students will offer the explanation that they didn't intend to commit a serious action. Students are advised that they should never "jokingly" threaten another student or an adult, nor should students engage in "play fighting". Such actions can lead to serious situations for which the student will be held responsible. A single serious event of disruption or repeated acts of insubordination or disruption may also result in a recommendation for dismissal/expulsion.

**Refusing to Attend Class** -Any student who refuses to go to class or leaves class without permission from their teacher may be temporarily removed from class.

**Cooperation with School Personnel** -Students **must** obey the lawful instructions of school personnel.

**Bullying** – G.P.A. believes that every student has the right to enjoy learning free from intimidation. Our school community will not tolerate bullying behavior of any kind. The school shall respond promptly and appropriately to address “students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation, bullying.” Bullying is prohibited. A bully shall be defined as a student who teases, frightens, or hurts others. Prohibited behavior may take the form of unkind actions or remarks, verbal taunting, physical aggression, and exclusion from groups. In the event

school officials identify bullying or aggressive behavior occurring at school or when such bullying or aggressive behavior has a legitimate school connection, parents and or legal guardians shall be notified. School officials may involve and employ such community-based resources as in the sole discretion of school officials are deemed appropriate in instances of bullying or aggressive behavior including but not limited to:

- Application of the school's discipline procedures
- Notification and involvement of appropriate law enforcement authorities

## **V. Types of Discipline**

Formal discipline of students will vary according to age level and may take any of several different forms. The type of discipline imposed will depend upon the severity of the student's misconduct or disobedience, previous incidents of unacceptable behavior, the student's academic record, the student's attitude toward corrective action, and the facts and circumstances of each case.

### **Temporary Removal from Classroom**

A teacher may temporarily remove a student from the classroom for the balance of the school day if the student's behavior is so disruptive as to interfere with classroom order or with the participation of other students in the learning process. Such removal from the classroom shall be in accordance with the standards and procedures established and maintained by G.P.A.

Arrangements are to be made between the teacher and the environment lead as to where the student will be placed.

In some instances, temporary removal from a class may necessitate the student spending all or part of the school day in a special classroom. The student's classroom teachers may provide assignments for the student to complete during time spent in the in-school room. They may also be given behavior skills packets to complete.

Students are required to remain seated, quiet, and working the entire day. Special arrangements will be made for lunch and breaks while a student is assigned to the in-school detention room.

Students who do not cooperate in the in-school suspension and/or do not follow directions will have their parents called and will be sent home for the remainder of the school day. Upon the 3<sup>rd</sup> time sent home the student will receive an out-of-school suspension for a predetermined number of days.

### **Out-of-School Suspensions**

**Under Utah law a suspension:**

- May last for up to 10 school days if imposed by the principal.

Utah has listed conduct that may result in a suspension or expulsion as frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including:

- The use of foul, profane, vulgar, or abusive language;
- The willful destruction or defacing of school property;
- Any behavior which poses an immediate and significant threat to the welfare, safety or morals of other students or school personnel;
- The possession, control or use of an alcoholic beverage;
- The use of pornographic material on school grounds.

If a student is suspended the following procedure is required:

- The parent or guardian must be immediately notified of the suspension;
- They must be notified of the grounds for the suspension;
- As well as the period of time for the suspension;
- The time and place for the parent or guardian to meet with the school official to review the suspension.

Students who engage in gross misconduct or disobedience may be suspended out-of-school.

- a. A suspended student may not appear on G.P.A. property or at any school-sponsored activity without administrative approval. The student will be required to make up all work missed, and it is the student's responsibility to make arrangements with teachers for such work.
- b. Regardless of previous offenses, upon the third suspension during the school year the parents and student may be notified that if the student engages in any further acts of gross misconduct or disobedience, an expulsion/dismissal from school may be recommended.

c. A parent/guardian and student conference will be necessary prior to the suspended student's returning to school.

### **Expulsion**

Students who engage in gross misconduct or disobedience may be expelled from school for any length of time from a few days to the maximum allowed by state law.

Before an expulsion occurs the student's parent/guardian will be requested to appear at a meeting of the School Board to discuss the child's behavior. Such request shall be made by mail and shall state the time, place, and purpose of the meeting.

The School Board shall state the reasons for the expulsion and the date on which it is to become effective. (please see "G.P.A. Procedures for Expulsion")

### **Conditional Probation**

Students who are determined by the Administration to have engaged in gross misconduct or disobedience warranting a recommendation for expulsion from school may, at the Administration's discretion, be offered conditional probation as an alternative to expulsion.

Whether or not conditional probation is offered by the Administration depends upon the student's academic record, past disciplinary record, school attendance, and attitude toward corrective conduct.

- a. If conditional probation is to be recommended, it shall be reviewed and approved in advance by the Director or his/her designee.
- b. To become effective, conditional probation must be offered by the Principal or his/her designee and accepted in writing by the parent/guardian and the student following an explanation of the conditional probation program.
- c. Conditional probation shall be granted only when the student and parent/guardian:

Acknowledge and agree that the student had engaged in gross misconduct or disobedience warranting expulsion.

Agree to waive the right to any hearing before the Board prior to being placed on conditional probation.

Agree to sign a Conditional Probation Agreement which sets the terms and conditions of the probation.

Agree that any violation of the terms or conditions of the probation agreement shall result in revocation of the probation and subsequent expulsion from school.

Should it become necessary to revoke the conditional probation because of a violation of the written agreement, the student will be offered the right to a hearing before the Board to determine if the probation agreement was violated.

If probation is violated, the Board may expel the student on the basis of the original act(s) committed as specified and admitted to in the conditional probation agreement. No notice or hearing shall be given the student and the Board may act only on the original offense(s) and the student's admission of those offense(s).

**Steps in administering the school intervention program:**

1. The classroom teacher is primarily responsible for ensuring a safe classroom environment where learning can take place. Upon instances of gross misconduct the classroom teacher is to do everything possible to reach an equitable solution.
2. Where the situation has escalated to the point where the teacher requires extra assistance, the environment lead teacher is brought in to meet with the teacher and the student. At this point a student behavior referral form is filled out and filed by the student's mentor. The teacher contacts the student's parents to notify them of the student's misconduct.
3. If the misconduct continues or is serious enough the parents are invited into the school to meet with the teacher and the lead. At this point a contract is drawn up for the student to fulfill in order to remain in the class. During the interview with the parents, the student and parents are informed of further avenues (see below) that will be taken if the misconduct persists.
4. If the student does not fulfill the contractual agreement the parents are informed and the student will be temporarily removed from the classroom. A new contract (to be signed by the parents, student and teacher) is drawn up to specify what the student has to accomplish in order to return to class. Such classroom removal may range from removal from a specific class, classes or removal from the rest of the student body completely.
5. If, while on a temporary classroom removal, the student demonstrates any form of misconduct, failure to follow reasonable directions or is not completing assigned tasks then the student will be sent home with the parents for the remainder of that day.
6. The 3rd time the student is sent home the parents will once again be called in to meet with the principal, teacher and lead. At that time the student will be formerly suspended from school for a period of time determined by the principal.

7. At each step full documentation is to be made of the incidents and actions taken. This documentation is to be kept by the student's mentor and needs to be available for viewing by the lead and administration as needed.

### Procedures of Suspension/Expulsion

a. A **suspension** is the temporary removal of a student from class(es) or school. A suspension can be determined by the principal or vice-principal (or designee). The major function of suspension is to alert the parent/guardian that there is a serious problem that needs the attention and effort of the student, the parent/guardian, and the school.

It is important that contact with the parent/guardian be made, along with other minimal due process procedures, prior to suspension, namely the right to know what the alleged offense is and the right to provide an explanation. This student/administrator or student/teacher conversation should be documented by the teacher/administrator in writing or on a permanent computer file.

There may be instances, however, when a student is subject to an immediate suspension without due process if his/her behavior presents an immediate danger to persons (himself included) or property. In such cases, the due process procedures will be held as soon as practicable. Students should never be released until and unless a parent or emergency contact is notified. The student still should be supervised until a responsible person is made aware of the suspension, and the school is given permission to release the student to the custody of an adult or to leave the premises.

b. An **expulsion** is the formal process of dismissing a student from school for an extended period of time, up to one year. Expulsion also transfers the primary responsibility of providing educational services for the student during the expulsion period from the school to the home, and makes the parent/guardian responsible for compliance with the compulsory education act for the duration of the expulsion. Only the Academy Board of Directors, or a designated Academy Board member, can expel a student. (Utah Code 53A-11-907(2))

Before an expulsion, the Chief Administrative Officer of the Academy ("CAO") shall provide the student a hearing at which the student is afforded the following due process procedures:

- i. Prior notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation. The notice shall be in writing and the student shall be notified of the hearing date
- ii. Right to a hearing.

iii. Right to a fair hearing officer (credible and objective person or panel - not necessarily uninformed).

iv. Right to an adult representative and/or legal counsel at the hearing.

v. Opportunity to testify and to present evidence and witnesses in his/her defense.

vi. Opportunity to examine the evidence presented by the school administration and to question witnesses. (However, the Board or its Chief Administrative Officer may, upon a finding that good cause exists, determine that the disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the Board or the hearing officer. Copies of these sworn declarations which are edited in such a manner as to delete the name and identity of the witness shall be made available to the student.)

vii. A summary written record shall be maintained by any means. An electronic recording may be made; however, the electronic recording is not the official record of the hearing.

viii. All witnesses appearing at the hearing shall be placed under oath.

ix. If the CAO conducting the hearing recommends expulsion, findings of fact in support of the recommendation shall be prepared.

x. The decision must be made by a preponderance of the evidence.

The decision will be based exclusively on the evidence presented at the hearing. The final decision shall be communicated to the student and parent/guardian within ten (10) working days. Academy officials and the student have the right to legal counsel at any step in the process.

c. If a student is suspended or expelled for more than ten (10) school days, after taking into account any legal exceptions made necessary by laws regarding special education students, the parent of the guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension/expulsion.

d. The Academy shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the student's transcript.

## II. Right to Appeal.

a. The expelled student has the right to appeal the decision of the CAO by requesting a review hearing before the Academy Board of Directors. This appeal must be in writing

and must be received in the offices of the Academy within thirty (30) calendar days following receipt of the decision of the CAO. (Pending a final decision by the Academy Board, the decision of the CAO to expel shall remain in force.)

- b. This review hearing will not be a hearing de novo and will be held within thirty (30) calendar days following receipt of the request for the hearing.
- c. The Academy Board will provide all necessary copies of the record of the expulsion hearing to the interested parties within fifteen (15) working days of the student's request.
- d. The hearing before the Academy Board shall be held in executive session.
- e. No evidence other than that contained in the record of the original hearing may be heard.
- f. The review of the CAO's decision of the Executive Board shall be limited to the following issues:
  - i. Did Academy officials meet with the procedural requirements of the policy?
  - ii. Was the decision to expel the student supported by the findings of fact?
  - iii. Were the findings of fact supported by the evidence?
- g. Following the review hearing, the Academy Board shall vote in public and shall enter an order either affirming or reversing the decision of the CAO.
- h. The decision of the Academy Board shall be binding upon the student and shall be served upon the student in writing by personal service or by certified mail.

*NOTE: Additional information regarding causes for disciplinary action, disciplinary actions that may be taken, and alternatives to suspension/expulsion are available upon request.*

### **III. Discipline Procedures for Students with Disabilities.**

The primary purpose of this portion of the suspension/expulsion policy is to ensure the Academy's actions are consistent with IDEA. Gateway Preparatory Academy recognizes that students with disabilities, who attend the Academy, and their parents/guardians, retain all rights under Part B of the IDEA, Sections 53A-15-301 through 53A-15-305 *Utah Code Ann.*, and other rules protecting the rights of students with disabilities. As a result, the Academy will adopt the provisions regarding discipline procedures for students with disabilities as set forth in the Utah Board of Education's *Special Education Rules*, Section V. In the event that the Academy's policy does not comply with Part B of the IDEA, Sections 53A-15-301 through 53A-15-305 *Utah Code Ann.*, and other rules

protecting the rights of students with disabilities, the Academy will adopt a policy that ensures compliance with the aforementioned laws and regulations.

**Approved by the Board – Sept. 8, 2011**