

**Ocean Academy Charter School**  
**2016 Phase 2 – Attachment 5b – School Discipline Policy**

***School Discipline Policy – Attachment 5b***

*Provide the school discipline policy, which should include the following:*

*a. Practices the school will use to promote good discipline, including both penalties for infractions and incentives for positive behavior*

Ocean Academy Charter School (herein OACS) Founders believe that good discipline is essential for learning and should be based upon mutual respect for the rights and property of others, respect for those placed in positions of authority, and respect for fellow students. No one will be allowed to jeopardize the health, safety, or learning environment of a fellow student. We expect our students to show proper behavior at all times at school, in the cafeteria, on the playground, and on the way to and from school.

The philosophy of our Founding Board is that a successful instructional program requires an orderly school environment and the effectiveness of the educational program is, in part, displayed in the behavior of students. An orderly and well disciplined environment will help our elementary school students to achieve the school's goals and objectives of a high quality and student-centered education in a safe, nurturing, and challenging academic environment.

Ocean Academy will implement school-wide based behavioral interventions that are founded on positive supports and strategies. School-wide Positive Behavior Interventions and Supports is a prevention model rooted in the premise that all students can benefit from well implemented, evidence-based practices for improving student behavior. OACS will be using the frameworks set forth by the Michigan Department of Education's Implementation Guide 2010, "School-Wide Positive Behavior Interventions and Supports" (School-Wide PBIS). The Michigan Frameworks have been duplicated throughout the nation and have been found to be successful. School-Wide PBIS:

-  Defines expectations for appropriate behavior in all instructional setting
-  Uses Proactive approaches to managing behavior
-  Has Established strategies for Crisis Intervention
-  Provides Training for Staff in Recommended Behavioral Strategies

School-Wide PBIS was first introduced in the 1997 reauthorization of the Individuals with Disabilities Act. Since then, evidence-based studies have shown PBIS to be characterized as 'best practices'. School-Wide PBIS is a behavior management strategy for all students. According to the Office of Special Education Programs of the U.S. Department of Education, it is a blueprint that is scientifically designed to improve academic and social behavior outcomes for all students by (a) emphasizing the use of data for informing decisions about the selection, implementation, and progress monitoring of evidence-based behavioral practices; and (b) organizing resources and systems to improve durable implementation fidelity. Our Founders believe this blue print supports the mission, goals and objectives of our school as good behavior management strategy is an essential part of the whole educational process to fully form a child-centered environment conducive of learning.

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Basically, Ocean Academy Charter School will focus on a few behavioral expectations that are positively stated and easy to remember. Rather than telling students what not to do, the school will focus on the preferred behaviors.

- Respect Yourself, Respect Others, and Respect Property
- Be Safe, Be Responsible, Be Respectful
- Respect Relationships and Respect Responsibilities

Positive behavior supports for students will be used to address challenging behavior for all students.

The program will have a school-wide behavioral system that:

- defines expectations for appropriate behavior in all instructional settings,
- uses proactive approaches to managing behavior,
- has established strategies for crisis intervention,
- provides training for staff in recommended behavioral strategies.

Ocean Academy Charter School plans on using the following Behavior and Management Behavior Management Strategies and Techniques (based on the research and recommendations of Cooper, Heron, and Heward, 2007) with some modifications based on the following research and guidance: “Guidelines for Time-Out” Colorado Department of Education, 2000 and “Use of Time out Rooms” The University of the State of New York, New York State Education Department, 2011.

- Good Behavior will be rewarded with social and tangible reinforcements. Candy and/or food will *not* be used as tangible reinforcements.

In addition, each month Ocean Academy faculty members will present a student with a “Student of the Month” award. This award will be given to a student who exhibits best conduct in school.

Kindergarten will have a Student of the Week Award: each week the Kindergarten Teacher will choose one student who has exhibited safety, respect, and responsibility during the previous week.

Grade Level Rewards: Incentive awards for good behavior. Students will enjoy earning classroom play money and choosing to save for a bigger prize or spend on smaller prizes at the classroom prize store.

- Disruptive Behavior will result in loss of rewards and reinforcers.

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Ocean’s Board of Trustees will adopt a code of student conduct that is consistent with the requirements of N.J.A.C. 6A:16-7.1, as well as disciplinary policies in full accordance with N.J.A.C. 6A:16-7 et seq., N.J.A.C. 6A:14-7.6, and N.J.A.C. 6A:14-2.8. Disciplinary actions / suspensions are subject to the same procedures as nondisabled students as set forth in N.J.A.C. 6A:14-2.8. The Code will be consistent and support the school’s vision and mission in establishing and supporting a civil, safe, secure, supportive, and disciplined school environment which are all necessary elements in promoting achievement of high academic standards. The “Code of Conduct”, as with our school’s mission and vision, will be a whole school effort and will be part of the school’s daily fabric.

The code of conduct will address many purposes, including, but not limited to:

- Preventing problem behaviors,
- Setting up parameters for the intervention and remediation of student problem behaviors and
- Establishing parameters for school responses to violations of the code of conduct.

The code of conduct will include a description of comprehensive behavioral supports that promote positive student development and will take into account the students’ abilities to fulfill the behavioral expectations established by the school’s Founders in regards to our Mission and Vision statements.

The code of conduct will specify forbidden behaviors and the consequences for violating these school rules. The code will also establish standards, policies and procedures for positive student development.

Our Founders aim to get a “Code of Conduct” policy together before the school’s first Parent Orientation meeting. But we also realize that the “Code” will be a work in process and will be reviewed periodically for updates. During these times, we will engage parents to help edit, revise, etc. for the next reauthorization.

In accordance with state law, a copy of the code will be given to all employees of Ocean Academy Charter School, students, and parents/legal guardian on an annual basis. Proactively, our school will annually mail a copy of the code of conduct to parents/legal guardian before the school year begins.

Ocean Academy Charter School will include the code of conduct in our Student/Parent Handbook. It will also be provided to parents or legal guardians every year and shall also be provided: 1. At the initial meeting of student and parent, and/or 2. When requested by parent or legal guardian.

Students will also be made aware of the “Code of Conduct” as Ocean Academy Charter School Founders believe that informed students will make good decisions about their behavior. Our school’s expectation of student behavior will be based on common sense, respect for the rights of others, and self-respect. The “Code of Conduct”, as with our school’s mission and vision, will be a whole school effort and will be part of the school’s daily fabric.

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*b. A preliminary list and definitions of the offenses for which students in the school must (where non-discretionary) and may (where discretionary) be suspended or expelled, respectively in accordance with N.J.S.A. 18A:37 and N.J.A.C. 6A:16*

Ocean Academy Charter School recognizes the following disciplines for serious infractions of our Code of Conduct:

**"Short-term suspension"** is for a period of ten days or less;

**"Long-term suspension"** is for a period of more than ten days

**"Expulsion"** shall refer to the permanent removal of a student from School for disciplinary reasons.

Ocean Academy Charter School's Expulsion Policy in accordance with N.J.S.A. 18A:37 AND N.J.A.C. 6A:16: *Students who are guilty of continued serious misconduct, as delineated below, and who seriously interfere with the opportunity of other students to carry on their learning activities, may be recommended for expulsion from school. Expulsion will be considered only as a last resort and only after all building and school level interventions have been attempted. In all cases where expulsion is considered, the student will be afforded an alternative form of instruction (i.e. home instruction or alternative programs) so as to ensure his/her educational future. The School Leader will consider expulsion only if:*

- ✚ He/she and his /her staff, where appropriate, have exhausted all means of bringing about a correction of the misconduct, including intervention by appropriate school personnel and have followed the administrative procedures.*
- ✚ The parents/guardians of the student have been interviewed and advised by the School Leader of the rights of the student to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the School's Disciplinary Appeal Committee, New Jersey Commissioner of Education, and the State Board of Education.*

In full accordance with N.J.S.A. 18A:37 and N.J.A.C. 6A:16, Ocean Academy Charter School recognizes the following serious disciplinary offenses as those warranting suspension or expulsion from school (This listing is not all inclusive and may be modified to align with our mission and to meet state law and regulation. Ocean Academy also recognizes the student's rights [parental rights] to hearings and due process as outlined by N.J.A.C. 6A:16-7.)

In addition, the following list behaviors may lead to suspension, the length of which is determined by the School Leader based on the student's disciplinary record and the seriousness of the offense(s), or expulsion. Repeated violations may lead to a recommendation for expulsion to the school's board of trustees.

Any student expelled from a regular school setting may be considered for an alternative site program.

✚ Committing Assault or Assault and Battery (non discretionary)

Students may not commit assault, including sexual assault, or assault and battery on a student, school employee, or another person. Assault is an attempt or threat to physically harm another person; assault does not require physical contact. Battery is any unlawful touching of another person. Physical assault is defined as intentionally causing or attempting to cause harm to another through force or violence.

✚ Engaging in Intimidating, or Bullying Behavior, Including Cyber-Bullying (discretionary)

Bullying is defined as an negative act or a series of acts (depending on severity) that involve(s) a real or perceived imbalance of power, i.e., where a more powerful (whether real or perceived) group of students, or an individual student engages in harassment, belittlement, defamation, and condemnation of another student or students who is/are less powerful or perceived to be less powerful.

✚ Harassment (discretionary)

Harassment of any type, including hazing and discriminatory harassment, is prohibited. Students must not make unwelcome sexual advances or requests for sexual favors, or engage in other verbal or physical conduct relating to a person's sex, race, color, national origin, sexual orientation, religion, height, weight, marital status, or disability (e.g., sexual or racial comments, threats or insults, unwanted touching).

✚ Lewdness (discretionary)

Inappropriate sexual remarks or comments will not be tolerated.

✚ Starting a Fire (discretionary)

Starting a fire or conspiring to start a fire on school property is strictly prohibited.

✚ Alcohol, Drugs, and Drug Paraphernalia (discretionary)

Students must not bring alcohol, drugs, or any drug paraphernalia to school. They must not manufacture, sell, handle, possess, use, deliver, or be under any degree of influence of any alcoholic beverage, intoxicant, or drug (legal intoxication is not a requirement). Students must not inhale any substance for the purpose of becoming intoxicated or under the influence. (Prescribed medication must be delivered to the school by the parent or guardian with the written authorization of a physician. All prescribed medication must be administered at school by the school nurse.)

✚ Possession of Narcotics with Intent to Distribute or Sell (discretionary)

The possession of narcotics with the intent to distribute or sell is cause for immediate suspension, a recommendation for expulsion to the school's board of trustees, and referral to law enforcement officials. The possession of narcotics with the intent to sell or distribute is cause for immediate suspension, recommendation for expulsion, and police referral.

 Dangerous Weapons (non-discretionary)

Students must not possess, handle, transmit, or use as a dangerous weapon any instrument that can be used to harm another person. Dangerous weapons include, but are not limited to:

Firearms: Any weapon (including a starter gun) that is designed to, or may readily be converted to, expel a projectile by action of an explosive

Explosives: Any substance or prepared chemical that can explode or is capable of inflicting bodily injury or is reasonably likely to cause physical discomfort to another person, including fireworks and firecrackers

Knives: Any knife of any size

Defensive weapons: Chemical Mace, pepper gas, or like substances; stun gun; brass knuckles; blackjack

Dangerous items: Prohibited items not designed as weapons that can be used or perceived as such, including but not limited to razors, box cutters, hammers, baseball bats, and metal combs of any length with a sharpened handle

The federal Gun-Free Schools Act of 1994 requires that a student determined to have brought a weapon to school be suspended for at least one calendar year. However, school administrators may modify this requirement on a case-by-case basis. "Weapons" as used in this law means a "firearm," as defined by 18 USC §8921, and includes firearms and explosives.

Any student expelled from a regular school setting may be considered for an alternative site program.

 Lookalike Weapons (discretionary)

The possession, handling, or transmission of any object or instrument that is a "look-alike" weapon or instrument (e.g., rubber knife, toy gun) is strictly prohibited.

 Pornographic Material (discretionary)

The possession or creation of pornographic material is not tolerated.

 Extortion (discretionary)

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Students must not coerce a person – through intimidation, threat, or force – into doing anything that person does not wish to do. Students must not engage in the act of securing or attempting to secure money or other items of value from an unwilling person.

#### Use of Tobacco Products (discretionary)

Smoking and possession of any kind of tobacco at school, on school grounds, or at any school-related activity are prohibited.

#### Stealing (discretionary)

To take something in a way that is wrong or illegal from another student.

#### False Fire Alarms or Bomb Reports (discretionary)

Students must not break or pull the fire alarm at any time unless there is an emergency, or make bomb threats.

#### Possession or Use of Fireworks (discretionary)

The Possession of fireworks is not tolerated.

#### Engaging in Inappropriate use of Social Media (discretionary)

Students may not engage in conduct or communication that may harass or intimidate any members of the school community, or reasonably lead to a disruption of the educational environment.

#### Actions Against Ocean Academy Staff Members (non-discretionary)

Verbal or written abuse or disrespect, intimidating, threatening, or physically abusing a staff member is not allowed and can lead to suspension or expulsion. Further, any pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator, or other employee of Ocean Academy Charter School shall be immediately suspended from school consistent with procedural due process pending appropriate disciplinary proceedings.

#### Disorderly Conduct (discretionary)

Students who cause a disruption in the classroom by talking, making noises, throwing objects, or otherwise distracting classmates are engaging in disorderly conduct. If the teacher is prevented from starting an activity or has to stop teaching to address the distractive behavior, then the behavior would be considered disorderly. Leaving the classroom without permission and inappropriate displays of affection are also considered to be disorderly conduct, as is cutting in front of others in line.

#### Scholastic Dishonesty (discretionary)

Students must not engage in academic cheating. Cheating includes, but is not limited to, the giving or receiving of any unauthorized aid or the giving or receiving of unfair advantage on any form of academic work. Students must not engage in plagiarism, which includes the copying of language, structures, ideas and/or thoughts of another person and

representing it as one's own original work. A student must not unlawfully duplicate, reproduce, retain, or use copyrighted material.

 Defacement of Property (discretionary)

Students must not mark, damage, break, or destroy school property or anything that belongs to someone else. Actions such as writing in school textbooks or library books; writing on desks or walls; carving into woodwork, desks, or tables; and spray-painting surfaces are actions of defacement. Students who destroy or vandalize school property are required to pay for losses or damages, in addition to other consequences deemed appropriate by school staff.

 Destruction of Property (discretionary)

Students must not damage, break, or destroy school property or anything belonging to someone else. Actions that impair an object's use are destructive. Ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging or degrading the school facility or equipment, no matter how minor such destruction or degradation, are acts of property destruction.

 Sexual Misconduct or Inappropriate Touching (discretionary)

Students must not engage in sexual activity of any kind or touch himself or others in an unacceptable way. "Unacceptable" is defined using the "reasonable person" standard, *i.e.*, if a reasonable person in our community would find a given action to be rude or offensive, then it is unacceptable.

 Abusive or Profane Language or Treatment (discretionary)

Students may not use abusive, threatening, vulgar, coarse, or degrading language (including racial epithets or sexist or homophobic remarks).

*c. Information on the provision of alternative education programs pursuant to N.J.A.C. 6A:16-9.1*

Ocean Academy Charter School is an Elementary School for Kindergarten to Grade 8.

When and if there comes a time where teachers and staff believe that a student would be better served in an Alternative Education Program due to his/her potential high risk of failure, Ocean will have a multidisciplinary team and/or a Child Study Team do a thorough evaluation of the student. As with all Child Study Team and multidisciplinary teams, the child's parents will be a part of this process.

Most behavior and learning problems can and will be addressed at Ocean Academy. There are some students who may not be succeeding in such an environment and may best perform in nontraditional education schools that are more suited to their special needs and interests than those offered in conventional school settings. There are 19 alternative elementary education schools in the state and they provide viable and suitable educational options for students not experiencing success in their present school settings and who may exhibit patterns of behavior that interfere with the educational process. These students often have great difficulty with good academic performance and reasonable classroom behavior.

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A review of the student's academic, health, behavioral records, including the student's Individualized Program Plan (if one has already been developed), and testing results will be made. The decision of such a placement shall be based on appropriate personnel in accordance with N.J.A.C. 6A:14 and in consultation of the student's parents.

*d. An explanation of how the school will take into account the rights of students with disabilities in disciplinary actions and proceedings in accordance with N.J.A.C. 6A:14*

Ocean will adopt a code of student conduct that is consistent with the requirements at N.J.A.C. 6A:16-7.1, as well as disciplinary policies in full accordance with N.J.A.C. 6A:16-7 et seq., N.J.A.C. 6A:14-7.6, and N.J.A.C. 6A:14-2.8.

Clearly, disciplinary actions / suspensions are subject to the same procedures as nondisabled students as set forth in N.J.A.C. 6A:14-2.8.

Written notice of disciplinary actions shall be provided in less than fifteen (15) days when the IEP team or appropriate school personnel determine that disciplinary actions require immediate implementation.

For Students with Behavior Intervention Plans (BIP), Ocean Academy believes that individualism is the key to finding the best way to present information/skills to each child, and not assume that every child learns the same way.

For those students with a BIP as defined in their IEP, positive behavior supports, will be used to address their challenging behavior. Actually understanding why a child conducts him/herself the way he/she does is the first step to best developing strategies to stop the behavior.

Staff at TLC will participate in on-going professional development in positive behavior interventions and supports as offered by the Office of Special Education Programs (OSEP) Technical Assistance (TA) Center. The TA Center on Positive Behavioral Interventions and Supports has been established by the Office of Special Education Programs, US Department of Education to give schools capacity-building information and technical assistance for identifying, adapting, and sustaining effective school-wide disciplinary practices.

Ocean believes such in-service / professional development practices help the entire school community and compliment our mission is to provide elementary students with a high quality and student-centered education in a safe, nurturing, and challenging environment so that all students achieve their highest level of academic success.

If a special education student is suspended for more than ten consecutive days, an automatic change of placement occurs. Once the change of placement occurs, a Manifestation Determination (MD) meeting will be conducted. If the behavior is related to the student's disability, the School Leader cannot suspend the child and the Child Study Team will have to

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review the Behavior Improvement Plan and/or conduct a Functional Behavior Assessment (FBA). A change of program may occur at the IEP meeting. If the behavior is not directly linked to the child's disability, services must continue while there is a review of the BIP and/or while there is an assessment for FBA.

If a special education student is removed (suspended) for more than ten cumulative days, the School Leader and the child's case manager shall consult to determine if these removals constitute a change of placement. A change in placement may occur if the student is subjected to a series of removals that constitute a pattern because 1. they accrue more than ten school days in a year, 2. the behavior is substantially similar to behavior in previous incidents, and 3. in consideration of the following factors: length of each removal, total amount of time student has been removed, and the proximity of the removals to one another.

If a change of placement occurs, the IEP team will convene a Manifestation Determination Meeting and decide if the student's behavior is a manifestation of the disability. If the student's behavior is directly related to his/her disability, the student cannot be suspended. The Child Study Team then must review the student's BIP and/or conduct a Functional Behavior Assessment. The Team may decide to change the program at the IEP meeting. If the student's behavior is not related to his/her disability, the School Leader may suspend the student and educational services must be provided. A review of the BIP and/or a FBA, if appropriate, should be conducted.

If there is not a change in placement, the student may be suspended. The School Leader in consultation with the student's education teacher and case manager will determine the extent of the student's level of services.

Special Education students may be removed to a 45 Day Interim Alternative Education Setting (IAES) for drugs, weapons, as defined by 18 USC and 930(g)(2) or serious bodily injury to another as defined by 18 USC and 1365(h)(3). And Administrative Law Judge may remove the student for 45 calendar days when the action of the student is likely to result in injury to self and/or others. For both circumstances, a Manifestation Determination must be conducted. If the behavior is a manifestation of the student's disability, the BIP and/or the Functional Behavioral Assessment (FBA) must be reviewed. If the student's behavior is not a manifestation, as appropriate, the BIP and FBA must be conducted.

*e. Procedures for due process when a student is suspended or expelled as a result of a code of conduct violation, including a description of the appeal process that the school will employ for students facing expulsion.*

Ocean Academy Charter School may suspend or expel a student; that is to discontinue or suspend educational services for a student from school only after the Board of Trustees has provided due process rights as set forth in N.J.A.C. 6A-17.4 and 7.4 subsequent to long term suspension. In light of the page constrictions of this application, Ocean will outline the basic procedures for due process. Detailed information will be a part of Ocean's Code of Conduct

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which will be included in our Student/Parent Handbook so that everyone in the Ocean community will have immediate access to this information.

"Short term" suspension is when a student is excluded from school, as a form of punishment, for a period of up to ten (consecutive) days or less; this discipline can be imposed by the principal only upon as soon as practicable providing oral or written notice of the charges to the student, and if the conduct is denied, an explanation to the student of the evidence forming the basis of the charges; an informal hearing prior to the suspension must be held to allow the student to give his/her version of the events (such hearing is conducted by the chief school administrator or his/her designee); if the student's conduct or presence poses a continuing danger, or on-going threat of disrupting the educational process, the student may be immediately removed from the student's educational program, and the hearing held after the suspension; informal hearing is required even if a school staff member witnesses the conduct forming the basis for the suspension; notice and informal hearing may take place at the same time. The student's parent shall be notified orally or in writing before the end of the school day when the notice and hearing is conducted; and shall include explanation of the charges, facts the charges are based upon, the provisions of the code of conduct the student is accused of violating, the student's due process rights (NJAC 6A:16-7.1(c), and 7.2 through 7.6, and the terms and conditions of suspension.

"Long term" suspensions is when a student is excluded from school, as a form of punishment, for a period exceeding 10 days this form of discipline can only be imposed by the Board (or a committee of the Board created for disciplinary hearings), upon the recommendation of a school administrator. When long term suspension or expulsion is being considered, the Board is responsible to assure the rights of the student by providing immediate notification to the student of the charges, prior to the student's removal, an informal hearing prior to the suspension where the student can present his/her version of the events, immediate notification to the student's parent of the student's removal, appropriate supervision of the student while waiting for the student's parents to remove the student during the school day, written notification to the parents by the chief school administrator within 2 days of the suspension that states: the charges, the facts they are based, the student's due process rights (in detail, regarding hearing, how and when its is conducted, the parent and student's rights to participate in the hearing, to cross examine witnesses, to present evidence, to appeal, among others), notice pursuant to NJSA 18A:37-2, a list of witnesses with their statements (not later than 5 days before the hearing), a manifestation determination if the student has a disability, information on the right to counsel and legal resources, the provision of educational services during the suspension (before and after the hearing on the 5th day forward), the date for a formal hearing before the Board for the purpose of fact finding and recommended consequences within 30 calendar days following the date of suspension. Upon the hearing the parent and student shall be provided with a written decision within 5 days of the close of the hearing, said decision will include the charges considered, the summary of the documentary and testimonial evidence presented by the school and the student, factual findings as to each charge and the board's determination on each charge, identification of the services provided to

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the student, the terms and conditions of the suspension and the rights to appeal in accord with NJSA 18A:37-2.4 and NJAC 6A:3-1.3 through 1.17.

In all cases of suspension exceeding four days, on the 5th day and continuing for the duration of the suspension or expulsion, academic instructions shall be provided to the student pursuant to NJAC 6A:16-7.2(a)5 (applicable to short term suspensions) or NJAC 6A:16-7.3(a)9 et seq. (applicable to long term suspensions and expulsion).