

Kapolei Charter School by Goodwill Hawaii
Student Conduct and Discipline Policy

Policy No. 301
(AG Approved 7/30/19)

PURPOSE:

Kapolei Charter School (KCS) and its staff will take every reasonable precaution in order to maintain a safe and orderly environment and to protect the health and safety of its students and faculty. In order to maintain a safe and secure environment, all faculty will be made aware of the school's policies, procedures and discipline policies, and all students will be made aware of the same policies and procedures. Staff will also participate in training sessions to learn strategies for dealing with and de-escalating a crisis so it does not lead to violence.

The philosophy of KCS regarding student behavior and discipline is that all students – regardless of race, gender, age, background, ability, or any other factor – have the basic right to an education and the opportunity to earn a high school diploma as well as maintaining their basic health, safety and security. KCS expects all members of the school community to conduct themselves in a manner to uphold and maintain these rights. Students or faculty who engage in behaviors that negatively impact students or any individual's health or safety will be subject to the disciplinary process. This philosophy is consistent with the school's model, mission and educational philosophy because it places an emphasis on students and enables them to overcome any and all barriers in order to achieve a high school diploma.

When applicable, Kapolei Charter School will also utilize Chapter 19 as a reference when reviewing and deciding on disciplinary response. These policies are subject to change at administrations' discretion.

POLICY:

1.0 Restorative Justice and Positive Behavioral and Interventions Support

1.1 KCS employs Restorative Justice to build community and respond to student misconduct, with the goals of repairing harm and restoring relationships between those impacted. The Restorative Justice program utilizes a three-tiered model of prevention/intervention/supported re-entry in response to conflict/harm. KCS' practice of restorative justice emphasizes the importance of:

- Identifying the harm,
- Involving all stakeholders to their desired comfort level, and
- True accountability – taking steps to repair the harm and address its causes to the degree possible.

1.2 KCS is committed to creating and maintaining a safe, positive, learning community that nurtures and inspires every student to thrive academically,

socially, and emotionally. Restorative practices are used to build a sense of school community and resolve conflict by repairing harm and restoring positive relationships through problem-solving sessions where students and educators work together to set academic goals, develop core values for the classroom community, and resolve conflicts. Goals of the School Discipline Policy include:

- Set high expectations for behavior and adopt an instructional approach to discipline.
- Involve families, students, and school personnel, and communicate regularly and clearly.
- Ensure clear, developmentally appropriate, and proportional consequences apply for misbehavior.
- Create policies that include appropriate procedures for students with disabilities and due process for all students.
- Remove students from the classroom only as a last resort, ensure alternative settings provide academic instruction, and return students to the classroom as soon as possible.

2.0 Grounds for Disciplinary Action

- 2.1 All students are subject to disciplinary action when involved in any of the acts listed in 2.2 and 2.3, while on school grounds or at a school activity, during breaks (on or off campus), or while going to or coming from school or any activity. Severe behavioral infractions may lead to immediate suspension.
- 2.2 Grounds for disciplinary action include but are not limited to the following offenses: violence/threat of physical aggression; vulgarity/profanity/searing; possession of a weapon; being under the influence and/or being in possession of illegal substances (alcohol, drugs, drug paraphernalia, tobacco, matches/lighters); gambling; bullying/harassment; cheating/plagiarism; forgery; theft or vandalism; trespassing (prohibited school areas); chronic misbehavior, including disrespect and classroom disruption; chronic insubordination; and chronic tardiness and/or absences.
- 2.3 There are three (3) levels of discipline, ranging from minor behavioral infractions (Level 1) to serious infractions (Level 3). In determining disciplinary actions, the School Director or designee shall consider the intention of the offender, the nature and severity of the offense, and special circumstances as necessary in all incidences.

KCS may include additional infractions as appropriate. Additional or alternative disciplinary consequences may be enforced. KCS has the sole discretion to determine the appropriate level of discipline for each incident/violation in all student disciplinary situations.

Level 1

Level one student behaviors hinder the ability for all students to participate in a learning and nurturing school environment. Infractions include, but are not limited to:

- Failure to follow established school/classroom rules
- Disrespect towards adults or students –defiance, insubordination, and other forms of disruptive conduct
- Cheating and/or plagiarism, or other forms of academic dishonesty including claiming someone else’s work and online work as your own
- Excessive tardiness
- Inappropriate language and gestures (profanity, swearing)
- Dress code violation
- Misuse or damage of school property, other students’ work, or personal electronic (or another person’s) devices during school hours
- Being in an off-limits area and/or inappropriate conduct off campus when part of a school-related activity

Level 2

Level 2 discipline addresses serious behaviors which either have not responded to Level 1 intervention, and/or whose frequency or seriousness disrupts the social, learning, and nurturing school environment. Infractions include, but are not limited to:

- Unchanged or repeated infractions of Level 1 behavior
- Serious acts of defiance, physical assault, or threatening other students or school personnel
- Cyber-bullying another student through online chat, email, documents, or social media -impersonating another student by using their login information to harm another student
- Sending inappropriate emails or online comments to faculty/staff or other students
- Being present where drugs or alcohol are being used, or evidence of use exists
- Sexual misconduct
- Smoking cigarettes (including any e-cigarettes or tobacco products)
- Minor Theft
- Vandalism, graffiti, computer hacking, and/or other forms of destruction of property
- Gambling & betting

Level 3

Level 3 discipline addresses serious behaviors which either have not responded to Level 1 and 2 interventions, and/or whose frequency or seriousness pose a direct threat to self, others, and school. Incidents may be reported to local law enforcement, if warranted.

Infractions include, but are not limited to:

- Unchanged or repeated infractions of Level 1 and/or Level 2 behavior
- Possession, sale or distribution and/or use of alcohol on campus or at school activities
- Theft/Burglary
- Possession of drug paraphernalia
- Harassment, discrimination, intimidation, bullying, and/or hazing
- Tampering with or misuse of fire alarm and/or other safety/emergency equipment
- Extortion
- Sexual offenses and misconduct
- Arson
- Assault/Fighting
- Bomb threat
- Possession, threat or use of a firearm, dangerous instrument or weapon
- Possession, use, or sale or distribution of illicit drugs
- Terroristic Threatening

Possible Consequences (Depending on the severity and/or frequency of infraction):

- Parent/Guardian notification and written reprimand in student file
- Detention
- Restorative Justices recommendations to; repair/replacement of items misused or broken; apology, etc.
- Financial restitution
- School counseling or Outside counseling
- Behavioral Contract
- School or Community service
- Suspension
- Disciplinary removal from KCS

Level 2, and 3 require investigation. The nature and scope of the investigation depends on the frequency and/or severity of each incident. Students may be placed on administrative leave during the investigation and given an opportunity to explain their actions before disciplinary action is taken. Parents/guardians will be contacted for serious issues and the school will protect the confidentiality of all parties.

KCS reserves the right to report any infractions to appropriate government authorities. Possible consequences shall be considered separate and apart from any other actions that may be taken by other agencies/authorities.

3.0 Student Disciplinary Action

- 3.1 All incidents and disciplinary actions and outcomes will be placed in the student's disciplinary file.
- 3.2 Student who have violated student conduct principles may be subject to the following as appropriate:
- Correction and conference with student - Student meets with an administrator, their teacher(s), and/or parent and receives instruction on demonstrating appropriate behavior;
 - Detention – Detaining a student on school campus during non-instructional hours to require the student to carry out in-school educational or other activities as determined by administration as a form of disciplinary action for student misconduct;
 - Crisis removal – Based on preliminary inquiry and findings a student may be removed immediately if their conduct presents a clear and immediate threat to the physical safety of themselves or others or is so extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption;
 - Individualized instruction related to behavioral problems;
 - In-school suspension – The student is temporarily removed from their school program for disciplinary purposes but remains under the direct supervision of school personnel to complete instruction work;
 - Interim alternate education setting (IAES) – Temporary placement for a student who has been suspended or otherwise removed from their current educational placement for disciplinary reasons in which the student continues to receive educational services to enable the student to continue to participate in the general educational curriculum and to progress toward meeting the goals set out in the student's IEP;
 - Loss of privileges;
 - Parent conferences;
 - Suspension – Exclusion from school for a specific period during a school year;
 - Disciplinary transfer – The removal of a student from the charter school the student is attending as a result of a violation listed in 2.2 and transferred to the student's home school unless another school is identified by the stakeholder;
 - Referral to alternative education programs;
 - Dismissal – The removal of a student for the remainder of the school year or for a period of not less than one (1) calendar year for firearm violations; or
 - Restitution – Monetary or non-monetary repayment to the school for the reasonable value of school property lost, damaged, broken or destroyed as the result of student negligence or vandalism.

3.3 Disciplinary actions may be carried over to the following school year if the offense is committed within twenty (20) school days from the last instructional day for students in that school year.

3.4 Severability – If any provision of this policy or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this policy that can be given effect without the invalid provision or applications, and therefore the provisions of this policy are severable.

3.5 Suspension Procedure

When the School Director or their designee has reason to believe that a student has engaged in activity warranting suspension the following process is initiated:

- Incident Review: The School Director or designee shall immediately conduct an investigation of the incident. Upon completion of the investigation and findings, the student may be suspended if the School Director or designee finds that the findings are sustained.
- Parent Notification: The parent/guardian of the suspended student will be given verbal notice of any suspension. Prior notice for suspension shall be by telephone, if feasible, and the written notice personally delivered or mailed to the parent upon completion of the investigation. The suspension notice shall contain the following written statements:
 1. Allegations of the specific acts committed by the student that form the basis of the suspension;
 2. The allegations of the specific acts that were substantiated;
 3. A statement of the disciplinary action(s); and
 4. A statement of a conference date, time, and place offered by the school administration to meet with the parent.
- If the student or parent denies the charge(s), the School Director or designee shall indicate to the student and parent what evidence school authorities have to support the findings of the school official. The student or parent, or both shall be given an opportunity to present the student's version of the incident. However, where the student is unable to understand the seriousness of the charges, the nature of the proceedings, and consequences thereof, or is of such age, intelligence or experience as to make meaningful discussion difficult, the School Director or designee shall request that the parent be present to participate in the discussion.
- The suspended student shall be provided alternate educational activities or other appropriate assistance.
- Intake Meeting: Upon return from suspension the student will participate in an intake meeting with the School Director; if determined as necessary, the student's parent/guardian may participate. At this time, a behavior contract may be introduced.

3.6 Due Process

- Suspensions of ten (10) days or LESS: The School Director or designee must provide the student written or oral notice of the charges against him/her. Additionally, if the student denies the charges, they must receive an explanation in writing of the evidence authorities have. In turn, the student must be offered an opportunity to refute said evidence.
- Suspensions of (10) days or MORE: The student is entitled to the same due process as stated above, but must also be afforded a formal hearing before an impartial body. The student may have an attorney present and may cross examine witnesses.

3.7 **Disciplinary Removal from Kapolei Charter School**

The conduct and actions of a student who presents a clear threat to the physical safety of self or others, or the student is so extremely disruptive that a permanent removal from KCS is necessary. This removal of the student is essential to preserve the right of other students to pursue their education free from undue disruption.

3.7 Appeals Process

- Behavior that results in suspension and has been determined by the School Director or their designee to be unsafe, is not subject to appeal.
- If a student, parent, or legal guardian feels that disciplinary action is unwarranted or unfair, they may file an appeal directly to the School Director. The appeal process includes:
 1. Parent or student requests formal conference with School Director within ten (10) school days of the incident. Request may be made verbally or in writing.
 2. If the issue is not satisfactorily resolved during the conference, the student or parent files a written request directly to the School Director within five (5) days of conference. The request should include only factual information and reason for the request. The director will respond in writing to the complaint within five (5) school days.
 3. If the School Director's response does not satisfactorily resolve the issue, the parent may file a written appeal to the Governing Board requesting a review of the School Director's decision. The Board may request a conference with all parties and will ultimately respond in writing to the appeal within ten (10) school days. The decision of the Board is final.

- 3.8 KCS will follow the Hawaii Department of Education policy, within Chapter 19, that requires a one-year suspension if a student possesses a firearm on campus, on transportation, or during a school-sponsored activity or event on or off school property. A firearm is defined as any instrument that can project an object that can cause harm upon impact. This includes BB, water, air, or paintball guns.

4.0 Discipline for Students with Disabilities

- 4.1 KCS will use the following discipline procedures for students with an IEP:
- “School personnel may remove the student with a disability who violates the code of conduct from his or her current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than 10 consecutive school days to the extent those alternatives are applied to students without disabilities.
 - School personnel may remove the student with a disability who violates the code of conduct from his or her current placement for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement.
- 4.2 School personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures that would be applied to students without disabilities, if:
- In the MANIFESTATION DETERMINATION review, the behavior that gave rise to the violation of the code of conduct is determined not to be a manifestation of the student's disability;
 - SERVICES DURING PERIODS OF REMOVAL are provided to the student; and
 - Notification of a CHANGE OF PLACEMENT is given to the student.
- 4.3 School personnel must provide the students removed to a disciplinary alternative education program with written notice of the school's obligation to provide the student with an opportunity to complete coursework required for graduation that: Includes information regarding all methods available for completing the coursework; and states that the methods available for completing the coursework are available at no cost to the student. School personnel may remove the student to an IAES without regard to whether the behavior is determined to be a manifestation of the student's disability, if: There are SPECIAL CIRCUMSTANCES; and The removal is for not more than 45 school days. Students will be removed from the school immediately for the same length of time as a student without an IEP.

5.0 School Searches and Seizures

- 5.1 School lockers provided to the students on campus are subject to opening and inspections by school officials at any time with or without cause. Students should assume that their lockers are subject to opening and inspection at any time with or without cause.
- 5.2 Students of KCS have a reasonable expectation of privacy when on school premises, on school transportation, or during a school sponsored activity or event on or off school property. KCS also has a legitimate need to maintain order and an environment where learning can take place. In fulfilling this legitimate need, school officials may on occasions need to carry out searches and seizures on school premises, school transportation, or during school sponsored activities or events on or off school property. The searches and seizures are permissible if

there are reasonable grounds to suspect a violation of the law or a violation as stated in *2.0 Grounds for Disciplinary Action*.

- 5.3 A school official conducting a search shall be accompanied by another school official serving as a witness, unless it is an emergency where prompt action is necessary to protect the health or safety, or both of any person or persons.
- 5.4 The School Director or designee shall be informed by the school official who will conduct the search that a search is to be conducted and of the purpose of the search unless it is an emergency where immediate action is necessary to protect the health or safety, or both of a person or persons.

6.0 Disclosure

- 6.1 The school's Governing Board reserves the right to amend the school discipline policy at any time during the school year as the result of an independent review, occurrence of a situation not covered under this policy, or a recommendation by a school representative, parent or other stakeholder. The school discipline policy may only be amended with a majority vote of the Governing Board during a time at which the Board is conducting regular school business. In the event the school discipline policy is amended during the school year, parents/guardians and students will be promptly notified.

Reviewed and Approved:

Approved via email, 7/30/19

Name: Gregg M. Ushiroda

Title: Deputy Attorney General

Department of the Attorney General, Educational Division