



## **SUSPENSION AND EXPULSION POLICY OF KIPP: CHARLOTTE**

### **I. Introduction**

KIPP: Charlotte seeks to provide a positive and supportive learning environment to close the achievement gap for underserved students who desire to learn. Students who enroll will be able to withdraw from KIPP: Charlotte at any time and return to their local zoned public school or any other school to which they can gain admission.

KIPP: Charlotte will adhere to the KIPP: Charlotte Promise to be Extraordinary as a guideline for in-class disciplinary action, suspension, or expulsion of students. In-class disciplinary actions will include, but are not limited to:

- Additional assignments to be completed at home and/or at school;
- Detention after school;
- Mandatory homework study hall after school;
- Time-out, otherwise known as "the bench";
- Loss of incentives and school trips; and
- Calling plans, where the student must call the teachers to inform them when homework is completed.

In addition, students may be subject to any of the disciplinary actions listed below if it is determined that they committed any of the infractions listed below and/or listed in the KIPP: Charlotte Promise to be Extraordinary. All suspensions and alternative instruction must be effectuated substantively and procedurally in accordance with North Carolina State Law. Written notices of disciplinary action become part of the student's permanent academic records.

The above-mentioned "suspension" and "expulsion" will be considered to mean the following:

1. "**Short-term suspensions**" refers to the removal of a student from school or class for disciplinary reasons for a period of five or fewer school days.
2. "**Long-term suspensions**" refers to the removal of a student from school for disciplinary reasons for a period of more than five school days.
3. "**Expulsions**" refers to the permanent removal of a student from school for disciplinary reasons.

### **II. Short-term suspensions**

A student who is determined to have broken the KIPP: Charlotte Promise to be Extraordinary or has committed any of the infractions listed below shall be subject to at least a short-term suspension. The School Leader has the discretion to make an exception based on the individual circumstances of the incident and the student's disciplinary record. Depending upon the severity of the infraction, the student may be subject to a long-term suspension, expulsion, or referral to the appropriate law enforcement agencies.

Examples of disciplinary infractions include, but not limited to the following:

- Attempt to assault any student or staff member;
- Vandalize school property causing minor damage;
- Endanger the physical safety of another by the use or force of threats of force, which reasonably places the victim in fear of imminent bodily injury;
- Engage in conduct which disrupts school or classroom activity or endanger or threaten to endanger the health, safety, welfare, or morals of others;
- Engage in insubordination;
- Fail to complete assignments, carry out directions, or comply with disciplinary sanctions;
- Cheat on quizzes, exams, or commit plagiarism;
- Use forged notes or excuses;
- Steal, or attempt to steal, or possess property known by the student to be stolen;
- Commit extortion;
- Engage in gambling;
- Trespass on school property;
- Abuse school property or equipment;
- Use obscene or abusive language or gestures;
- Engage in acts of verbal or physical sexual harassment;
- Make a false bomb threat or pull a false emergency alarm;
- Possess tobacco or alcohol;
- Possess pagers, beepers, or portable/cellular telephones not being used for instructional purposes;
- Wear inappropriate, insufficient, or disruptive clothing or attire, or violate the KIPP: Charlotte Student dress code;
- Refuse to identify himself or herself to school personnel;
- Commit any other act which school officials reasonably conclude disrupts the learning environment of the school; or
- Repeatedly commit minor behavioral infractions which, in aggregate, may be considered an infraction subject to formal disciplinary action.

### **III. Procedures for short-term suspension**

The School Leader may impose a short-term suspension. Before imposing a short-term suspension, the School Leader shall verbally inform the student of the suspension, the reason for it, and whether it will be served in school or out of school. The student shall be given an opportunity to deny or explain charges.

The School Leader also shall immediately notify the parent(s) or guardian(s) in writing that the student has been suspended from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the suspension at the last known address. Where possible, notification also shall be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall provide a description of the incident, or incidents, which resulted in the suspension. The notice will offer the parent or guardian the opportunity for an immediate

informal conference with the School Leader. The notification and informal conference shall be in the dominant language used by the parent(s) or guardian(s).

#### **IV. Long-term suspensions**

A student who is determined to have committed any of the infractions listed below shall be subject minimally to a long-term suspension. The School Leader has the discretion to make an exception based on the circumstance of the incident and the student's disciplinary record. Such a student may also be subject to any of the disciplinary measures outlined elsewhere in this document, to referral to law enforcement authorities, and/or to be expelled.

Disciplinary infractions include, but are not limited to the following:

- Possess, use, attempt to use, or transfer of any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the student in school;
- Commit, or attempt to commit arson on school property;
- Possess, sell, distribute or use any alcoholic beverage, controlled substance, imitation controlled substance, or marijuana on school property or at school-sponsored events;
- Physically assault any other student or staff member;
- Intentionally causes physical injury to another person, except when student's actions are reasonably necessary to protect himself or herself from injury;
- Vandalize school property causing major damage;
- Threats of abusive action such as violence or extortion; or
- Commit any act which school officials reasonably conclude warrants a long-term suspension.

In addition, a student who commits any of the acts previously described as causes for short term-suspension may, instead of or in addition, be subject to a long-term suspension at the School Leader's discretion.

The Federal Gun-Free Schools Act of 1994, which applies to public schools, states that a student who is determined to have brought a weapon to school must be suspended for at least one calendar year. Subject to applicable law, school administrators, however, may modify this suspension requirement. Weapons including but not necessarily limited to, guns, pistols, rifles, knives of any kind regardless of size; pepper spray; electric shock devices, box cutters; facsimiles of guns or other weapons; firecrackers or sparklers are prohibited.

Any student age 13 or older who physically assaults and seriously injures anyone on school property or vehicles is subject to suspension up to 365 days.

Special conditions apply regarding suspension of students identified as disabled under either the Individual with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation act of 1973, or both. A child with a disability who exhibits behavior for which a non-disabled student could be suspended may be suspended to the extent permitted by state and federal law. The school shall comply with all applicable federal

and state guidelines governing such suspensions. "Suspension" includes both out-of-school suspensions and in-school suspensions when students are excluded from their educational programs for the entire school day.

#### **V. Procedures for long-term suspension**

The School Leader may recommend long-term suspension. Such a suspension may be imposed only after the student has been found guilty at a formal suspension hearing. Appeals may be made to the KIPP Charlotte Board of Directors.

In extreme circumstances, the School Leader may expel the student from school.

Upon determining that student's action warrants a possible long-term suspension, the School Leader shall verbally inform the student that he or she is being suspended and is being considered for a long-term suspension (or expulsion) and state the reasons for such actions. The School Leader shall immediately notify the student's parent(s) or guardian(s) in writing. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. Where possible, notification also shall be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall provide a description of the incident, or incidents, which resulted in a long-term suspension or expulsion. The notice will offer the parent or guardian the opportunity for an immediate informal conference with the School Leader. The notification and informal conference shall be in the dominant language used by the parent(s) or guardian(s). If the School Leader has initiated the suspension proceeding, the School Leader shall personally hear and determine the hearing.

#### **VI. Expulsion**

Students may be expelled for any of the following reasons:

- Continued and willful disobedience;
- Open defiance of the authority of any teacher or person, having authority over him;
- Conduct of such character as to constitute a continuing danger to the physical well-being of other pupils;
- Physical assault upon another pupil;
- Taking, or attempting to take, personal property or money from another pupil, or from his presence, by means of force or fear;
- Willfully causing, or attempting to cause, substantial damage to school property;
- Participation in an unauthorized occupancy by any group of pupils or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the School Leader or other person then in charge of such building or facility;

- Incitement which is intended to and does result in unauthorized occupation by any group of pupils or others of any part of a school or other facility owned by any school district;
- Incitement which is intended to and does result in truancy by other pupils; and
- Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises;
- Possession of a weapon; or
- Continual threat of danger to another student.

If a student commits frequent and serious infractions, that student's parent(s) or guardian(s) will be notified of the behavior problems, as will occur with smaller incidents, and a conference with the parent/guardian(s) will be requested. At this conference, the school and the parent/guardian(s) will form an intervention plan to correct the student's behavior. The student may then be evaluated by a licensed evaluator for special emotional or academic needs. If such needs are identified and an Individualized Education Plan is developed, that IEP will be followed by the school. For students with behavioral or emotional needs, interventions may include small group instruction, individual counseling, individualized instruction, extra tutoring, small group discussions or counseling, or some combination of these.

If evaluations and interventions do not improve the behavior of a student, or if a student breaks the zero tolerance policy, the student may be expelled.

Upon determining that a student's action warrants possible expulsion, the School Leader shall verbally inform the student that he or she is being considered for expulsion and state the reasons for such actions. The School Leader shall immediately notify the student's parent(s) or guardian(s) in writing. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of suspension at the last known address. Where possible, notification also shall be provided by telephone if the school has been provided with a contact telephone number for the parent(s) or guardian(s). Such notice shall provide a description of the incident, or incidents, which resulted in expulsion. The notice will offer the parent or guardian the opportunity for an immediate informal conference with the School Leader. The notification and informal conference shall be in the dominant language used by the parent(s) or guardian(s). If the School Leader has initiated the expulsion proceeding, the School Leader shall personally hear and determine the hearing.

The parents and the student are entitled to appeal the decision with a hearing before the KIPP: Charlotte Board of Directors, at which they may present their arguments regarding the expulsion of the student. The Board will then render a formal decision that determines whether the student will be expelled from the school. Expulsion hearings shall not be subject to the Open Meetings Act, and the names and proceedings of all such hearings shall be kept confidential.



At any time during this process or any time during the school year, the parent(s) or guardian(s) of the student may decide to remove the student from the school. If the student is expelled from KIPP: Charlotte, his or her parent or guardian may seek to enroll the student in the Charlotte Mecklenburg School System or other school.

The procedures for expulsion described within this policy refer only to expulsion from KIPP: Charlotte, a public charter school under the North Carolina Department of Education.

### **VII. Delivery of instruction**

Arrangements will be made between the school and each individual family for the delivery of services, pick-up/delivery of work, and the making up of any missed assignments and classroom instructional support. All IDEA mandates will be followed for student with disabilities.

### **VIII. Due process procedures**

KIPP: Charlotte will comply with NCGS § 115C-391 Corporal punishment, suspension, or expulsion of pupils and all other state and federal laws and regulations.

In the event a student is suspended or expelled, KIPP: Charlotte will notify school officials at the Charlotte Mecklenburg School (CMS) System or the local school district to which the student would otherwise be assigned. Such notification shall include the student's name, special education status, length of suspension/expulsion and the circumstances giving rise to the suspension or expulsion. At the beginning of the school year, KIPP: Charlotte will notify all parents or legal guardians that the local school board may refuse to admit any student who is suspended or expelled from a charter school due to actions that would lead to suspension or expulsion from a public school under G.S. 115C-391 until the period of suspension or expulsion has expired.

Students with disabilities have the same rights and responsibilities as other students, and may be disciplined for the same behavioral offenses listed above. If a student with disabilities has an IEP that includes disciplinary guidelines, then that student will be disciplined according to those guidelines as required by IDEA. Students for whom the IEP does not include specific disciplinary guidelines may be disciplined in accordance with the standard school policy listed above.

### **IX. Rights**

A student's family may elect to appeal a decision by the KIPP: Charlotte School Leader to impose a long-term suspension or expulsion to the KIPP: Charlotte Board of Directors.

### **X. Effective date**

This policy is effective Aug. 1, 2009.