



## Student Discipline Code

This policy has been designed to create a safe learning environment. Rules are consistently enforced. Student disciplinary offenses are those actions or inactions that violate the policy or interfere with the delivery of educational services, jeopardize the health, safety, and welfare of any member of the school community, or threaten the integrity and stability of the school itself.

- A disciplinary offense may occur while the student is: at school and/or on, or adjacent to school grounds; participating in a school-sponsored activity; walking to or from school or a school-sponsored event; walking to or from, waiting for, or riding on school-provided transportation; or walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored activity conducted off school grounds.
- School-related disciplinary offenses may also include misconduct outside the school, such as the misuse of social media that could reasonably affect the school or learning environment. School administration will use their professional judgment in determining which disciplinary action(s) will be most effective in dealing with the student's misconduct.

## Disciplinary Offenses

The following list of offenses is not exhaustive but provides examples of violations that may result in disciplinary action. The list may be modified from time to time and/or supplemented by Vertus staff with notice to students.

### 1. DISRUPTING THE SCHOOL ENVIRONMENT

- 1.1 Arriving Late to School or Class:** Student tardiness disrupts class, inconveniences others, and often results in academic difficulties. Students may not be late to school or class.
- 1.2 Inappropriate Language:** Inappropriate language is not permitted. Use of inappropriate language may result in detention, caregiver conference, or suspension depending upon the severity.
- 1.3 Cutting School, Class, Detention, or Mandatory School Events:** Students are required to attend all classes, assigned detention, and mandatory school events. Students are not permitted to have unexcused absences or to leave the school building without permission. In addition to other disciplinary consequences, these offenses may result in long-term suspension and/or expulsion. In addition to other disciplinary consequences, students may not be promoted to the next grade depending upon hours of class time missed.
- 1.4 Misbehaving on School-Provided Transportation:** Students may not misbehave while walking to or from, waiting for, or riding on school-provided transportation, including the school bus. Please note that students are subject to temporary or permanent denial of school-provided transportation (in which case students and caregivers are responsible for travel to and from school), suspension and/or other consequences, depending on the circumstances. Misbehavior includes, but is not limited to, using inappropriate language, making excessive noise, touching other students



inappropriately, being disrespectful of others, and failure to follow the bus driver's instructions.

- 1.5** Blocking Access to Any Part of the School Building: Students are not permitted to block access to any room or part of the school building. In addition to other disciplinary consequences, this offense may result in suspension and/or other consequences, depending on the circumstances.
- 1.6** Violating the Uniform Rules: Caregivers must pick up students who are not properly dressed for school or bring the missing uniform items to the school, as students not in full uniform may be suspended or not be permitted to attend class. Violations of the uniform rules also may result in additional disciplinary consequences.
- 1.7** Gum, Food, and Beverages: Students may not chew gum, eat or drink at unauthorized times and places.
- 1.8** Talking in the Hallway: Students are not permitted to talk in the hallway during class time and must maintain a quiet voice level and professional tone during class transitions.
- 1.9** Disrupting Class and Preventing Teaching: Students may not disrupt class. In addition to other disciplinary consequences, this offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.
- 1.10** Arriving to Class Unprepared: When class begins, students must be prepared and have all necessary materials (books, paper, pen, pencil, etc.).
- 1.11** Failing to Complete Homework: Students are expected to complete all assignments on time.
- 1.12** Cheating, Plagiarism, and Copying Other's Work: Cheating or copying the work of others (or allowing other students to copy work) is unacceptable. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.
- 1.13** Failing to Submit a Required Signature: Students are required to secure the signature of a parent/guardian on homework assignments or school forms when requested.
- 1.14** Forgery: Students may not forge a signature. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.
- 1.15** Lying to a Staff Member: Honesty is an essential component of personal character and is needed to build a community based on trust and respect. Students are not permitted to lie or attempt to conceal the truth. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.
- 1.16** Being Disrespectful toward a Staff Member: Students may not be disrespectful toward a staff member or any other adult associated with the school. This includes failure to comply with staff directives. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.
- 1.17** Being Disrespectful Toward a Student: Students may not disrespect other students. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.
- 1.18** Possession of Inappropriate Property: Students may not possess prohibited electronic equipment or games, printed text or lyrics that are vulgar, profane, or sexually explicit, or any other items inappropriate for school. Such items will be confiscated. See also Student Supply Section. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.



- 1.19 Gambling: Gambling or betting is not tolerated. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.
- 1.20 Misbehaving Inside or Outside of Class: Misbehavior that violates this Code inside or outside of class (at school and/or on school grounds; participating in a school-sponsored activity; walking to or from school or a school-sponsored event; walking to or from, waiting for, or riding on school-provided transportation; or walking to or from, waiting for, or riding on public transportation to and from school or a school-sponsored activity) is not permitted. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances
- 1.21 Sexting: A student may not send, receive, forward or distribute pictures, video, or text messages of sexually suggestive, nude or nearly nude images through the use of a cell phone or other electronic device. Students may not violate the Social Media Policy. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.
2. **ASSAULT, BATTERY, BODILY HARM, INAPPROPRIATE TOUCHING, AND/OR THREATS**
  - 2.1 Engaging in Shouting or Threatening Verbal Exchanges: Students may not engage in shouting or threatening verbal exchanges with another student, employee or another person. Students participating in verbal exchanges which require staff intervention, are mandated to meet with a Tutor to de-escalate the tension. Students will also be mandated to participate in a mediation session before returning to classes. Failure to adhere to the mediation agreement will result in disciplinary action.
  - 2.2 Causing Bodily Harm: Students may not cause physical injury to another student, school employee, or other person. Students are not permitted to harm or attempt to harm another student, school employee, or other person. This includes use of a weapon or other dangerous object. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.
  - 2.3 Committing Assault or Assault and Battery: Students may not commit assault, including sexual assault, or assault and battery on another student, school employee, or other 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. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.
  - 2.4 Fighting or Unwanted Physical Contact: Students may not fight with other students—from Vertus or any other school—or with any individuals. Harassing, pushing, touching, or any form of unwanted physical contact is not tolerated. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances, including the student's behavior and involvement in the conflict and the involvement of the student in prior conflicts.
  - 2.5 Threatening to Bring Friends, Family Members, or Associates to Fight or Intimidate: Vertus students may not threaten to bring other individuals to school property or another place to fight or intimidate another student or staff member. This offense may result in suspension and/or expulsion or other disciplinary consequences.
  - 2.6 Play Fighting and Threatening: Students may not play fight and/or threaten others. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.
  - 2.7 Hazing: Students may not, in the course of another person's initiation into or affiliation with any organization, intentionally or recklessly engage in conduct which



creates a substantial risk of physical injury to such other person or a third person. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

- 2.8 Engaging in Gang-Related Activity:** Gang related activity/behavior is prohibited on the school's campus and at all school events. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

Please see Gang-Related Activity below for further information.

- 2.9 Setting off a False Alarm or Making a Threat:** Students may not intentionally set off a false alarm or make a destructive threat. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

- 2.10 Engaging in Sexual Activity or Inappropriate Touching:** A student may not engage in sexual activity of any kind or touch himself/herself or others inappropriately. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

- 2.11 Engaging in Intimidating, or Bullying Behavior, Including Cyber-Bullying:** Bullying is defined as a series of acts or a single negative act (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 of another student or students who is/are less powerful or perceived to be less powerful. Bullying can take many forms, including but not necessarily limited to the following three forms: 1. Physical (including, but not limited to, hitting, kicking, spitting, pushing, and taking personal belongings); 2. Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and 3. Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Cyber-bullying takes many forms, and is defined as online social cruelty or electronic bullying that involves the use of information technology, including e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate students. This includes but is not necessarily limited to sending mean, vulgar, or threatening messages or images; posting sensitive or private information about another person (including but not limited to "sexting"); pretending to be someone else in order to defame another. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

### **3. POSSESSION OR USE OF FIREARMS, WEAPONS, AND/OR DANGEROUS OBJECTS**

- 3.1 Possession or Use of a Firearm:** Students may not possess or use a firearm. In compliance with Gun Free schools Act, 20 U.S.C. § 7151, the school will expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at school, except that the CEO may modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

- 3.2 Possession or Use of a Mock Firearm:** Students may not possess or use a mock firearm. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.

- 3.3 Using or Possessing a Weapon or Dangerous Object:** Students are not allowed to bring a weapon of any sort to school, use any object in a dangerous or threatening manner, or have a weapon on him/her or in his/her property. This offense may result in



suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

- 3.4 Arson:** Students may not set a fire. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

**4. POSSESSION, USE, OR DISTRIBUTION OF CONTROLLED SUBSTANCES, ALCOHOL, AND TOBACCO**

- 4.1 Using or Possessing Drugs or Alcohol:** Students may not use or possess any non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind. Prescribed and over-the-counter drugs must be delivered to the designated school staff person by the caregiver with a doctor-signed medication authorization form. Students may not be in possession of prescribed or over-the-counter drugs. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances. In addition, the student will be enrolled in counseling and a group which supports adolescents struggling with drug-abuse.

- 4.2 Selling or Transferring Drugs or Alcohol:** Students may not sell, distribute, or possess with intent to sell or distribute a prescribed or non-prescribed controlled substance. Nor should students carry paraphernalia related to drugs or alcohol (ex: pill bottles, etc.). This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

- 4.3 Using, Possessing, Selling or Transferring Tobacco Products:** The use of tobacco is banned. Students may not use or possess cigarettes, chewing-tobacco, or other tobacco products. This offense may result in suspension and/or other disciplinary consequences, depending on the circumstances.

**5. HARASSMENT AND VIOLATIONS OF CIVIL RIGHTS**

- 5.1 Violating the Civil Rights of Others:** Students may not violate the civil rights of others. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

- 5.2 Engaging in Harassing Behavior:** Students may not engage in any form of harassing behavior. Harassment is defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to bullying, cyber bullying, sexting or other conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. In addition, students may not make unwanted sexual advances toward or commit sexual harassment of any members of the school community. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

- 5.3 Abusive or Profane Language or Treatment:** Students may not use abusive, threatening, vulgar, coarse, or degrading language (including racial epithets or sexist or homophobic remarks). This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

- 5.4 Engaging in Inappropriate use of Social Media:** 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. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

## **6. THEFT OR VANDALISM**

**6.1 Theft, Loss, or Destruction of Personal or School Property:** Students may not steal, lose, or damage someone else's property or school property. In addition to facing other consequences for violation of this rule, students are expected to return property to its rightful owner in its original condition or to reimburse the owner and/or the school for lost, damaged, or stolen property. This offense will typically result in a minimum of a three day suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

**6.2 Mistreatment or Inappropriate Use of Technology or School Property:** Students must treat computers, printers, and other technology with care. Vertus does not tolerate attempts to access the school's files or other inappropriate uses of technology or the Internet. Students do not have the right to use school computers to access chat rooms or email or to access web sites or files that contain profanity, sexually explicit language or pictures, excessively violent themes, and/or other material inappropriate for minors. Students must not mistreat other school property. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

**7. FAILURE TO COMPLY WITH SCHOOL-IMPOSED CONSEQUENCES:** Students must comply with school-imposed consequences. This offense may result in suspension and/or expulsion or other disciplinary consequences, depending on the circumstances.

**8. REPEATED VIOLATIONS OF THE CODE OF CONDUCT:** Progressively more serious disciplinary consequences shall be imposed upon any student who repeatedly commits one or more disciplinary offenses.

## **Consequences for Violations of Policy**

### **Detention**

A student may be issued a detention for violations of the Code, including but not limited to: disruption to the school environment, tardiness, off-task behavior in class, lack of preparation for class, excessive talking or any type of disruption in class, failure to follow school/classroom norms, insubordinate behavior, or obscene or abusive language or gestures. All Vertus staff members may issue detention for a student's misbehavior.

### **Suspensions**

Suspensions are a severe form of disciplinary action. Important information regarding suspension is provided below.

- Before the student is permitted to return to school, a mandatory meeting must take place. The student, the caregiver, an administrator and the staff member involved in the dispute, and the student's Tutor must be present. Failure to attend the meeting results in an additional day of suspension.
- Depending on the nature of the suspension, a student may be placed on a Behavior Improvement Plan. This plan will outline specific behaviors that the student will address with their Preceptor/Teachers and work to improve.





- Throughout the duration of their suspension, students are not permitted on school grounds for any reason other than a pre-arranged meeting with Vertus staff. Failure to adhere to this policy will result in an additional day of suspension.
- Any student receiving a suspension will be offered alternate instruction either on school or at an alternate location throughout the duration of the suspension.

## Short-Term Suspension

A short-term suspension refers to the removal of a student for a period of up to ten days. The CEO and/or his designee determine the duration of short-term suspension on a case-by-case basis. The CEO or his or her designee may impose a short-term suspension, and shall follow due process procedures consistent with federal case law pursuant to *Goss v. Lopez* (419 U.S. 565). Before imposing a short-term suspension, the CEO/designee shall provide notice to inform the student of the charges against him or her, and if the student denies the charges, an explanation of the evidence against the student will be provided. The student will also be provided with the opportunity to present his or her version of the events. Before imposing a short-term suspension, the CEO/designee shall immediately notify the caregivers, in writing, that the student may be suspended from school. Written notice shall be provided by personal delivery or express mail delivery within 24 hours of the decision to impose suspension. The delivery will be sent to the last known address(es) of the caregiver(s). Where possible, notification also shall be provided by telephone. Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the caregiver(s) of their right to request an immediate informal conference with the CEO/designee. Such notice and informal conference shall be in the dominant language or mode of communication used by the caregiver. Caregivers are encouraged to make an appointment with the CEO should they disagree with the CEO/designee's decision to impose a short-term suspension. In addition, the Complaint procedures are available to caregivers who want to challenge a short-term suspension decision.

## Long-Term Suspension/Expulsion

A long-term suspension is the removal of a student from Vertus for a period of more than ten days. An expulsion is the permanent removal of a student from Vertus. A long-term suspension or expulsion may be imposed by a hearing officer ("Hearing Officer"). The Hearing Officer shall be the CEO, his or her designee, or a member of the school's Board. Students may receive long-term suspensions or expulsions for serious and/or repeated violations of the Code of Conduct. The Hearing Officer has the discretion to determine whether a long-term suspension or expulsion is warranted on a case-by-case basis, taking into account all relevant factors, and considering the evidence presented at a Formal Disciplinary Hearing.

Prior to the imposition of a long-term suspension or expulsion, students are subject to the following due process procedures, consistent general due process protections and with those laid out in *Goss v. Lopez*, 419 U.S. 565 (1975). If a student commits an offense that calls for long-term suspension or expulsion, the following steps are taken:

- If necessary, the student will be immediately removed from class and/or school.
- Upon determining that a student's action warrants a possible long-term suspension, the CEO/designee 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 caregiver will be notified in writing by Vertus. Written notice shall be provided by personal delivery or express mail delivery within 24 hours of the decision to impose suspension. The delivery will be sent to the last known address(es) of the caregiver(s). Where possible, notification also shall



be provided by telephone. Such notice shall provide a description of the incident or incidents which resulted in the suspension and shall indicate that a Formal Disciplinary Hearing will be held on the matter that may result in a long-term suspension or expulsion. The notification provided shall be in the dominant language used by the caregiver(s). At the Formal Disciplinary Hearing, the student shall have the right to be represented by counsel, to question witnesses, and to present evidence.

- The school will set a date for a Formal Disciplinary Hearing. The student's caregiver(s) will be notified in writing of the date and time, place, right to representation by legal counsel, right to present evidence and question witnesses, and right to request a record.
- The Hearing Officer shall have the authority to hear and render a decision on the matter. The Hearing Officer shall oversee the Formal Disciplinary Hearing and listen to both sides, asking clarifying questions as needed.
- A written decision shall be issued to the student by the Hearing Officer that indicates a finding of the facts on the charge(s) and the disciplinary decision reached. This written decision shall be sent to the student and caregiver(s) within seven days after the Formal Disciplinary Hearing.

The decision to impose a long term suspension or expulsion may be appealed to the Board of Trustees. A request for an appeal must be received by the Board of Trustees within two weeks of the Hearing Officer's written decision. On appeal, the Board, or a Board appointed sub-committee, will review the record of the Formal Disciplinary Hearing and any exhibits presented there, and the student and the school will each have an opportunity to present a summary of their positions along with any additional documentary evidence they consider probative. The Board may elect to ask questions of the parties as well. The Board will provide the student with a written decision within seven days of the appeal hearing. The decision of the Board shall be final, except where violations of law or of the school's charter are alleged. In such cases, the matter may be further appealed to the school's authorizer, as discussed in the Formal Complaint Policy.

## **Gun Free Schools Act**

Federal and State law require the expulsion from school for a period of not less than one year of a student who is determined to have brought a firearm to the school, or to have possessed a firearm at school, except that the CEO may modify such expulsion requirement for a student on a case-by-case basis, if such modification is in writing, in accordance with the Federal Gun-Free schools Act of 1994 (as amended).

## **Discipline for Students with Disabilities**

In addition to the discipline procedures applicable to all students, the school will follow all applicable provisions of law relating to students with disabilities. A student not specifically identified as having a disability but whose school district of residence or charter school, prior to the behavior which is the subject of the disciplinary action, has a basis of knowledge—in accordance with 34 CFR 300.534—that a disability exists may request to be disciplined in accordance with these provisions. The school shall comply with sections 300.530-300.536 of the Code of Federal Regulations. The school shall maintain written records of all suspensions and expulsions of students with a disability including the name of the student, a description of the behavior engaged in, the disciplinary action taken, and a record of the number of days a student has been suspended or removed for disciplinary reasons. If a student identified as having a disability is suspended during the course of the school year for a total of eight days, such student will immediately be referred to the CSE of the student's district of residence for reconsideration of the student's educational placement. Such a student shall not be suspended





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for a total of more than ten days during the school year without the specific involvement of the CSE of the student's district of residence prior to the eleventh day of suspension, because such suspensions may be considered to be a change in placement. In considering the placement of students referred because of disciplinary problems, the CSE of the students' district of residence is expected to follow its ordinary policies with respect to parental notification and involvement.