

## **Appendix D – HTH Student Disciplinary Policies**

complaint shall be investigated promptly and in a way that respects the privacy of all parties concerned and insofar as is possible. HTH will take appropriate corrective action, if warranted.

## **Disciplinary Actions**

### Overview of Disciplinary Actions

The purpose of disciplinary action at HTH is to ensure that individual students, their parents/guardians and the HTH community stay focused on growth and learning. Prompt resolution of the problem or issues is expected.

Discipline may include any one, a combination and/or all of the following depending on the circumstances, and at the school administration's sole discretion.

- Verbal and/or written warning to the student
- Loss of privileges or removal from extra-curricular activities
- Parent/guardian notification
- A written commitment by the student to improve his/her behavior and/or performance and/or to take certain affirmative actions to improve
- A meeting with the Dean of Students, Director or some other school administrator or faculty member
- Academic Consequences
- Suspension
- Expulsion
- Denial of Re-admission
- Other forms of discipline that the school may determine appropriate

### Suspension and Expulsion as Disciplinary Actions

HTH will regard suspension and expulsion as a last resort. Criteria for suspension and expulsion of students will be consistent with all applicable federal and state statutes and constitutional provisions. Students will be afforded due process, including a hearing and right of appeal, as described below. A student identified as an individual with disabilities or for whom there is a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Act ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal law or special education local plan area ("SELPA") policies require additional or different procedures.

The grounds for mandatory and discretionary suspension and expulsion are as follows:

1. Mandatory Suspension. A student shall be suspended with a mandatory recommendation for expulsion where he/she is found to have:
  - a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object.
2. Discretionary Suspension. A student may be suspended for any of the following offenses:
  - a. Possession, use, offering, arranging and/or negotiating to sell or provide of a knife, imitation firearm, other weapon, or item that could be construed and/or used as a weapon.

- b. Possession, use, being under the influence of, offering, arranging and/or negotiating to sell tobacco, alcohol, drugs, other controlled substances, or intoxicants of any kind, including, but not limited to over-the-counter medication and/or prescription drugs.
  - c. Theft of property including, but not limited to attempting to steal and/or receive stolen property and/or aiding or abetting in the same.
  - d. Physical assault including, but not limited to aiding or abetting in the same.
  - e. Damage to school or private property including, but not limited to attempted or caused damage.
  - f. Sexual harassment.
  - g. Threatening, harassing, bullying, and/or attempting to intimidate other members of the community including, but not limited to acts of “cyber-bullying.”
  - h. Obscenity/Profanity/Vulgarity, including the commission of an obscene act and/or engagement in habitual profanity/vulgarity.
  - i. Disruption and/or defiance, including, but not limited to disruption of school activities and/or willful defiance of the authority of school personnel.
  - j. Violations of HTH academic policies, including, but not limited to plagiarism and/or cheating.
  - k. Violations of HTH Information Technology policies, including, but not limited to transmitting computer viruses, using or attempting to use other’s accounts, trespassing in another’s portfolio, folders or files, concealing or misrepresenting one’s identity while using the IT system.
  - l. Violations of HTH conduct policies as articulated throughout the HTH Student-Parent Handbook.
3. Mandatory Expulsion. A student shall be expelled when it is determined that the student:
- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object.
4. Discretionary Expulsion. A student may be expelled for any of the following offenses:
- a. Possession, use, offering, arranging and/or negotiating to sell or provide a knife, imitation firearm, other weapon, or item that could be construed and/or used as a weapon.
  - b. Possession, use, being under the influence of, offering, arranging and/or negotiating to sell tobacco, alcohol, drugs, other controlled substances, or intoxicants of any kind, including, but not limited to over-the-counter medication and/or prescription drugs.
  - c. Theft of property including, but not limited to attempting to steal and/or receive stolen property and/or aiding or abetting in the same.
  - d. Physical assault including, but not limited to aiding or abetting in the same.
  - e. Damage to school or private property including, but not limited to attempted or caused damage.
  - f. Sexual harassment.
  - g. Threatening, harassing, bullying, and/or attempting to intimidate other members of the community including, but not limited to acts of “cyber-bullying.”
  - h. Obscenity/Profanity/Vulgarity, including the commission of an obscene act and/or engagement in habitual profanity/vulgarity.
  - i. Disruption and/or defiance, including, but not limited to disruption of school activities and/or willful defiance of the authority of school personnel.
  - j. Violations of HTH academic policies, including, but not limited to plagiarism and/or cheating.
  - k. Violations of HTH Information Technology policies, including, but not limited to transmitting computer viruses, using or attempting to use other’s accounts, trespassing in another’s portfolio, folders or files, concealing or misrepresenting one’s identity while using the IT system.
  - l. Violations of High Tech High conduct policies as articulated throughout the HTH Parent/Student Handbook.

A student may receive consequences for those acts listed above as committed at any time, including, but not limited to, (a) while on school grounds; (b) while going to or from school; (c) during lunch period, on or off campus; (d) during, or while going to or from, a school sponsored activity; and, (e) during non-school time and while off campus if the school determines that there is a nexus between the action taken and the school community sufficient to warrant action by the school. If a student is arrested off campus, s/he may be suspended at that time or upon return to campus.

### Authority to Impose Discipline

The School Director (or his/her designee) may conduct an investigation of the facts and circumstances presented in case of a disciplinary offense or infraction. The investigation may include search(es), a review of evidence, consulting the student and interviewing affected parties, and potential witnesses as well as the involvement authorities.

The School Director (or his/her designee) may consider the various disciplinary options available in any given set of circumstances, including whether alternatives to suspension or expulsion may be appropriate.

The School Director (or his/her designee) has the authority to determine whether or not to impose a suspension under this policy. Suspensions may be imposed: (1) Pending an investigation to determine whether further discipline, including the possibility of an expulsion hearing is warranted; or, (2) Companion to setting an expulsion hearing. School Directors (or their designees) have the discretion to determine which form of suspension may be imposed.

If a student matter proceeds to an expulsion hearing, the School Director (or his/her designee) shall have the authority to hear the matter and to determine whether or not to impose an expulsion. The decision of whether or not to expel a student remains at the sole discretion of the School Director (or his/her designee).

### Suspensions

- **Suspension Pending Investigation**

The School Director (or his/her designee) has the discretion to and may impose a suspension directly if s/he determines it is appropriate. If the School Director (or his/her designee) determines that a student is to be suspended, the School Director (or his/her designee) shall provide written notice to the student's parents and/or guardians of the suspension in writing, including reasons for the suspension and the time period for the suspension ("Suspension Notice"). Academic make-up work is required during suspension. Return to school may be contingent upon submission of a written essay addressing the issue at hand and stating how the student intends to move forward or some other form of restorative process as the School may determine in its sole discretion.

- **Suspension Pending Expulsion Hearing**

If the School Director (or his/her designee) determines at the outset that an expulsion hearing is warranted, the School Director (or his/her designee) may impose a suspension pending an expulsion hearing. The School Director (or his/her designee) shall provide written notice to the student's parents and/or guardians of the suspension, the reasons for the suspension and the expulsion hearing, give notice of the expulsion hearing and provide information regarding HTH's expulsion procedures ("Suspension Pending Expulsion Hearing Notice").

- **Discipline Review Meeting**

If a student is placed on a suspension of any form, the school may call for a Discipline Review Meeting with the parents and/or guardians. During the course of the Discipline Review Meeting, the School Director (or his/her designee) will discuss with the parents and/or guardians the: (1) nature of the offense; (2) the information and evidence gathered to date; and, (3) next steps.

If the School Director (or his/her designee) determines that the school will move forward to an expulsion hearing, and the school has not yet given formal notice of an expulsion hearing, the School Director (or his/her designee) will provide the parents and/or guardians with a Suspension Pending Expulsion Hearing Notice.

### Expulsions

- **Expulsion Hearings**

If the School Director (or his/her designee) determines that consideration of expulsion is warranted, the School Director will hold an expulsion hearing where the School Director shall serve as the hearing officer. The student shall have the right to representation and the right to present evidence at the expulsion hearing. The School Director will consider evidence and/or testimony as appropriate and will render a decision that shall be in the best interests of the student and HTH.

If a School Director determines that a student is to be expelled, the School Director shall inform the student's parents and/or guardians of his/her determination in writing including the reasons for expulsion ("Expulsion Determination Letter"). The School Director's written notification to the parents/guardians shall also include information about the appeal and due process rights in regard to the School Director's determination.

- **Right to Appeal School Director's Determination**

The parents and/or guardians (or, if at least 18 years of age, the student) shall have ten (10) days from the School Director's Expulsion Determination Letter to submit a written request of appeal to the Chief Executive Officer ("CEO") of High Tech High ("Written Appeal Request").

In response to the Written Appeal Request, the CEO of High Tech High shall convene a committee consisting of one member of the High Tech High Board of Directors, a school director or a school dean from another one of the HTH schools, and the CEO of HTH or his/her designee. The committee members appointed will be knowledgeable about HTH's bases for expulsion and the procedures regarding expulsion. The committee shall have the right to rescind or modify the expulsion.

The committee shall convene a hearing on the appeal within ten (10) days of receipt of a timely written request for an appeal.

At the hearing on the appeal, the student shall have the right to counsel and the right to present evidence. The committee will consider evidence and/or testimony as appropriate and will render a written decision that shall be in the best interests of the student and HTH. That decision shall be final.