

Memphis Business Academy Network Discipline Policy

The Memphis Business Academy Network is composed of six schools who follow this Discipline Policy:

Memphis STEM Academy Elementary

Memphis Business Academy Elementary

Memphis Business Academy Middle

Memphis Business Academy High

Memphis Business Academy Elementary Hickory Hill

Memphis Business Academy Middle Hickory Hill

Prevention and Intervention Strategies

The Memphis Business Academy Network shall develop and communicate a comprehensive prevention and intervention program. The program shall include a parental engagement component outlining strategies for parents to support the prevention of inappropriate and/or disruptive behavior in their children and participate in intervention efforts if such behavior occurs. Additionally, prevention and intervention strategies may include classroom, school-wide, or Memphis Business Academy Network-wide assessment and support for students who exhibit and/or are victims of behaviors involving threats; poor attendance/truancy; violence/weapons/gangs; drugs/alcohol; or harassment/intimidation/ bullying/cyber-bullying.

School-Wide Intervention Behavior Plans

Each school shall strive to promote and support appropriate behavior in students at the school by implementing behavior programs that integrate school and Memphis Business Academy Network-wide behavior intervention strategies with all aspects of a school's support services. To this end, each school shall develop a School-wide Behavior Plan that is consistent with Memphis Business Academy Network policies and applicable laws. At a minimum, the School-wide Behavior Plan shall outline the school's operating procedures for utilizing various prevention and intervention strategies and utilizing progressive discipline within the school.

Disciplinary Measures

Several disciplinary measures may be employed to support acceptable student behavior. Disciplinary measures include parent/administrator conference, confiscation of items, loss of privileges, before/after school detention/Saturday school, suspension from the bus, in-school suspension, out-of-school suspension, expulsion, and remand/alternative placement. With the exception of privileges restricted by the principal, suspension from the bus and confiscation of items, schools shall not impose multiple disciplinary measures on a student for a single offense or violation of the Code of Conduct. The principal may restrict activities for students who accumulate a certain number of suspensions. Activities that may be restricted by the principal and the actions that may place students on restriction shall be communicated to students and parents by the principal.

Confiscation of Items and/or Loss of Privileges

1. Confiscation of Items

“Confiscated items” include laser pointers and cellular phones, prohibited electronic devices, and any other item prohibited by the Memphis Business Academy Network. Unless the Memphis Business Academy Network extends the return time of confiscated items because the item or its contents may be evidence of violation of law or policy, the parent may pick up the item at the time and location designated by the principal at the close of the next school day following the day that the parent received notification of confiscation or earlier at the principal’s discretion. Thereafter, the parent may pick up the device by appointment. The Memphis Business Academy Network does not take responsibility for confiscated items and will not compensate the owner for any lost, stolen, or damaged confiscated items while in the custody of the Memphis Business Academy Network.

2. Loss of Privileges

Students may lose privileges including, but not limited to, the following:

- Loss of classroom privileges
- Loss of parking privileges
- Loss of extracurricular/athletic or other school-wide privileges
- Privileges restricted by the principal

In-School Suspension

The in-school suspension program includes a behavior management component that teaches students skills to improve their behavior and make good choices while allowing students the opportunity to complete their regular classroom assignments in an isolated environment. The principal, including vice/assistant principal, has sole discretion to issue in-school suspensions.

Out-of-School Suspension

Out-of-school suspensions vary in length from one (1) to ten (10) days. It is not the intent of the system to remove students from the school society for minor violations. Therefore, suspension from school should be used with caution and only in appropriate cases. The principal has sole discretion to issue out-of-school suspensions from one (1) to ten (10) days.

1. A behavioral intervention plan shall be developed for students who accumulate more than five days of suspensions during the school year.
2. Multiple suspensions shall not run consecutively; nor shall multiple suspensions be applied to avoid expulsion from school. Reasonable effort shall be made to contact the parent/guardian immediately regarding any suspension.

If contact with the parent/guardian cannot be made, the student will remain at school until dismissal time

except in cases of police arrest or an emergency, such as when the student's continued presence poses a danger to persons or property in the school or an ongoing threat of disrupting the academic process. Students on suspension must not be permitted to enter school property, attend class, or participate in school-sponsored activities while under suspension, unless otherwise allowed by law.

Expulsion

Expulsions vary in length from eleven (11) days to the remainder of the school year or one (1) calendar year for state-mandated expulsions. [Any single suspension in excess of ten (10) consecutive days or multiple suspensions totaling 15 days in one month is an expulsion.] The principal may issue expulsions subject to student legal due process rights regarding appeals of expulsions [suspension of more than ten (10) days] and in accordance with the Memphis Business Academy Network-wide Student Code of Conduct. The chief operating officer may modify a state-mandated one-year expulsion on a case-by-case basis.

Safety Assessment Associated with Expulsion

When the student's infraction involves:

- a credible/substantive threat of harm;
- possession of a dangerous weapon (firearm, knife, taser, explosive, etc.);
- assault resulting in serious bodily injury to staff/student(s); or
- off-campus felony with a firearm,

The principal/assistant principal or designee shall: 1) consult with appropriate Memphis Business Academy Network staff responsible for IDEA (i.e., SPED and 504) to determine whether a student has an *identified or suspected* need for services under IDEA and hold a manifestation determination meeting if necessary; and 2) immediately refer the student for safety assessment.

Expelled students who either chose to appeal or chose not to appeal their expulsions may, at the discretion of the parent and upon assignment by the Memphis Business Academy Network, participate in alternative school. The office responsible for alternative schools will inform the parents that the placement decision is being taken under advisement pending outcome of the safety assessment. Safety assessment findings and recommendations will be utilized in making the placement decision and in the implementation of the safety plan of the student. Students with a confirmed *identified or suspected* need for services under IDEA shall be exempted from this advisement period and may receive immediate alternative school placement.. The safety assessment advisement period must be completed within ten (10) days of the original incident. If extenuating circumstance exist preventing the completion of the safety assessment within ten (10) days of the incident (e.g., failure of parental/family participation in the safety assessment), then the department responsible for alternative schools shall convene a Memphis Business Academy Network administrative committee to discuss and make a recommendation regarding the appropriate placement of the student and the educational services (e.g., safety plan) available for the student. The Memphis Business Academy Network administrative committee shall include representatives of the departments responsible for alternative schools, attendance and discipline, and coordinated school health safety assessment, 504 implementation, special education services, and, when applicable, legal services. Upon consideration of the discussion and recommendations of the

administrative committee, the department responsible for alternative schools shall make the placement determination and provide a justification if alternative placement is not made.

Suspension from the School Bus

Except where prohibited by law, students who engage in bus-related misconduct may be suspended from riding the school bus to and from school. Decisions involving temporary/permanent removal from school bus ridership will be made by the principal. In such cases, the student would typically continue his/her school assignment, but he/she would have to find another means of transportation. Truancy laws would still be in effect. Additional disciplinary actions may also apply when bus related misconduct involves a violation of the Student Code of Conduct. The Memphis Business Academy Network shall comply with applicable state and/or federal laws/regulations regarding the suspension of a student receiving special education services from school bus transportation.

Reporting Procedures

Mandatory reportable criminal offenses shall be reported in accordance with state law and Board policy. The principal shall consult with the department responsible for security when determining whether local law enforcement should be contacted regarding any violation of the Code of Conduct that does not require mandatory reporting to law enforcement or other agencies. For reporting discrimination and sexual harassment, any student or parent/legal guardian who believes s/he is experiencing student-to-student discrimination or sexual harassment shall report such circumstances to a teacher, counselor, or principal immediately. If the report is made to a teacher or counselor, s/he must notify the principal immediately.

Special Education Considerations

Students who also qualify for special education services determined to have violated this policy may be suspended, expelled, or remanded or otherwise disciplined only in accordance with special education laws and policies. For zero tolerance offenses, remand of a student who qualifies for special education services must be based on recommendation of the IEP team and the student must have a manifestation meeting prior to remand or exclusion from school for over ten (10) days.

Unless a disciplinary infraction is the direct result of a student's disability, the student will be disciplined in the same manner as a nondisabled student. The Memphis Business Academy Network, parent/guardian, and relevant members of the IEP team shall review all relevant information to determine:

- a. if the conduct was a direct result of the Memphis Business Academy Network's failure to implement the IEP; and/or
- b. if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability.

Serious safety issues involving weapons, drugs, or inflicting serious bodily injury upon another person while at school, on school premises, or at a school function will result in removal for up to forty-five school days. In cases of expulsions [suspensions longer than ten (10) days], the student must continue to receive educational services.

Regular education students may invoke rights under special education laws under certain conditions,

including if the parent has expressed concern in writing to supervisory or administrative personnel of the Memphis Business Academy Network, or the student's teacher, that the student is in need of special education and related services.

The school Memphis Business Academy Network must also contact the education specialist at the Department of Children's Services if a foster child (with or without an identified disability) has allegedly committed an offense that may result in a suspension of ten (10) or more days or has had a petition filed against him/her by the school or school system.

STUDENT CODE OF CONDUCT

(Offenses and Penalties by Category)

The infractions of school discipline at Memphis Business Academy Network listed below are grouped into categories according to the seriousness of the offense. This list is not intended to be exclusive or all inclusive. For infractions not specifically listed below, school principals shall assign discipline in accordance with the category that appears to be comparable to the offenses specifically listed in the category.

Category A – State Zero Tolerance Offenses

1. Aggravated assault resulting in serious bodily injury upon any teacher, principal, administrator, school resource officer, or any other school employee;
2. Unlawful possession, sale, or evidence of use of drugs/narcotics at school or at a school-sponsored activity;
3. Unauthorized possession of a firearm on school property or at a school-sponsored activity.

Penalty for Category A Offenses:

- Expulsion/Suspension for 180 days

Notification will be made to law enforcement authorities. Any modification of this penalty can only be made by the Chief Operating Officer.

Category B

1. Possession of a knife or any potentially lethal weapon, taser, or explosive on school property or at a school-sponsored activity;
2. Being under the influence of and/or evidence of drinking or possession of alcoholic beverages in school or at a school sponsored activity;
3. Off campus criminal behavior that results in the student being legally charged with an offense that would be classified as a felony and the student's continued presence in school poses a danger to person or property or disrupts the educational process;
4. Issuance of a criminal complaint charging a student with a violent felony or issuance of a violent felony

delinquency complaint against a student if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. (**Out of school suspension is not permitted for this offense. Remand or expulsion is required.**);

5. Gang activities - Activity that is threatening and/or intimidating, harassing in nature or recruiting; gang notebooks with gang pledges, codes and symbols that are used in communication such as threats and warnings and recruiting; gang related fights, and all types of violent acts; gang graffiti especially drawn on school property (bathrooms, lockers and hall walls); electronic devices such as cell phones with recognized gang text, with gang symbols, signs and language that is threatening and or intimidating;

6. Being under the influence of and/or evidence of use or possession of drug paraphernalia, substances for huffing, any substance under guise of it being a controlled substance or prescription drug, and/or medical preparations without proper medical authorization;

7. Possession, use or distribution of counterfeit money on school property or at any school-sponsored activity;

8. Assault upon any teacher, principal, administrator, school resource officer, or any other school employee;

9. Continuous and/or severe Category C Offenses.

Penalty for Category B Offenses:

- * Out-of School Suspension or
- Expulsion (11-180 day)

When appropriate, notification will be made to law enforcement authorities. Modification of this penalty can be made by the COO or the Disciplinary Hearing Authority.

Category C

1. Threatening bodily harm to school personnel, including transmitting by an electronic device any communication containing a credible threat to cause bodily injury or death to a school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention;

2. False accusations against school personnel;

3. Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device, including chemical weapons, on school property or at a school-sponsored event;

4. Smoking and/or the possession of tobacco products by students while in or on school, properties or under school's jurisdiction during school hours or while participating in a school-sponsored event;

5. Gang activities - any gang related activity not specified in Category B;

6. One (1) or more students initiating a physical attack on an individual student on school property or at a school-sponsored activity;
7. Malicious destruction of or damage to school property, including electronic media, or the property of any person attending or assigned to the school;
8. Stealing or misappropriation of school or personal property (regardless of intent to return);
9. Immoral or disreputable conduct;
10. Continuous and/or severe Category D Offenses.

Penalty for Category C Offenses:

- 3 day In-School Suspension or
- Out-of School Suspension

When appropriate, notification will be made to law enforcement authorities.

Category D

1. Open or continued defiant attitude or willful disobedience toward a member of school staff;
2. Vulgar, profane, immoral/disreputable or rude remarks or non-verbal action to staff member or fellow student;
3. Physical or verbal intimidation or threats to other students, including hazing;
4. Threatening bodily harm to another student, including transmitting by an electronic device any communication containing a credible threat to cause bodily injury or death to a student and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention;
5. Fighting in or on school property unless, in accordance with state law, the principal recommends no disciplinary action for a student who is deemed to have acted in self-defense or defense of another;
6. Possession of mace or disabling sprays;
7. Inappropriate use of electronic media, including, but not limited to, all calls (landline, cellular or computer generated), instant messaging, text messaging, audio recording devices, iPods, MP3s or any type of electronic music or entertainment device, and cameras and camera phones;
8. Sexual, racial, ethnic, or religious harassment/discrimination;
9. Bullying, Cyberbullying, intimidation, and harassment;
10. Refusal to produce an object identified by metal detectors;

11. Inciting, advising or counseling of others to engage in any acts in Categories A, B or C;

12. Continuous and/or severe Category E Offenses.

Penalty for Category D Offenses :

- Parent - Principal Conference; or
- Before/After School Detention/Saturday School; or
- In-School Suspension; or
- Out-of-School Suspension

Category E

1. Habitual and/or excessive tardiness;
2. Class cutting;
3. Intentional disturbance of class, cafeteria or school activities;
4. Leaving school grounds without permission;
5. Being in an unauthorized area without permission;
6. Tampering with grades or report cards;
7. Possession of lighters or matches;
8. Possession of and access to beepers, cellular phones or other electronic communication devices during school hours without written permission of the principal;
9. Inciting, advising or counseling others to engage in any acts in Category D;
10. Dress code violation, including wearing, while on school grounds during the regular school day, clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment.

Penalty for Category E Offenses:

- Parent - Principal Conference; or
- Before/After School Detention/Saturday School; or
- In-School Suspension

CELL PHONES/ PERSONAL COMMUNICATION DEVICES

It is the Network's policy **that students are prohibited from possessing any type of phone or personal communication device that is turned on or in visible/audible use at any time during the regular school day.**

Appeal Procedures

Memphis Business Academy follows appeal procedures according to TCA § 46-6-3401 .

The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

The appeal from this decision shall be to the Memphis Business Academy Governing Board or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.

The hearing shall be held no later than ten (10) days after the beginning of the suspension. The Memphis Business Academy Governing Board or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

After the hearing, the Memphis Business Academy Governing Board or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.

If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the Memphis Business Academy Governing Board; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. The Memphis Business Academy Governing Board, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the

public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take final examinations or submit required work that is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the board of education upon any appeal from an order of a principal continuing a suspension.