

Student Discipline Policy

Region(s): ALL

Safety, order, and student discipline are fundamental to learning at Rocketship. Rocketship expects all students to behave in a way that fosters a safe and welcoming environment for other students, Rocketship staff, and community members.

Students will be subject to disciplinary action if they engage in prohibited conduct while on school property, when attending any school-sponsored activity, or while in transit going to or coming from a Rocketship campus. Students may also be subject to disciplinary action for off-campus behavior if it creates a substantial disruption to the school environment or interferes with another student's ability to participate in the school program.

Some disciplinary infractions are so serious that they may subject a student to suspension and/or expulsion. A list of these infractions can be found in Rocketship's Suspension and Expulsion Policy, along with the procedures that Rocketship will take when considering suspension or expulsion of a student. This Policy outlines the Rocketeer Code of Conduct that we expect students to follow; expectations for students; examples of prohibited conduct that will subject a student to in-school disciplinary action; and disciplinary actions that Rocketship may take in response to behavioral infractions, including In-School Suspension.

I. Rocketeer Code of Conduct

The Rocketship Code of Conduct includes the following non-negotiable expectations for our Rocketeers:

- Adherence to the Rocketship Commitment to Excellence.
- Adherence to the Rocketship Core Values: Respect, Responsibility, Persistence, Empathy, and the fifth campus-specific Value chosen by each school.
- Adherence to the Rocketship Creed:

I am a Rocketship Rocketeer at home, at school, and in my community

I am respect of my myself, others, and the environment

I am responsible for my learning, actions, and achievements

I have empathy of my world.

And I am persistent in attaining excellence.

Together, we are all Rocketship Rocketeers.

II. Prohibited Conduct

The following conduct is prohibited by Rocketship and may subject a student to in-class disciplinary action in accordance with this policy.

- Engaging in acts of discrimination, harassment, intimidation or bullying as defined by Rocketship's bullying prevention policies.
- Insubordination (including, but not limited to, refusing to follow directions, refusing to identify oneself to a staff member, running away from a staff member, talking back to a staff member).

- Fighting or engaging in behaviors that threaten the safety of oneself or others.
- Disrupting school activities.
- Playing in the hallways or bathroom.
- Dishonesty/lying to staff members.
- Theft of property.
- Academic dishonesty, including plagiarism or cheating.
- Inciting or attempting to incite others to violence or disruption.
- Aiding or abetting the infliction or attempted infliction of violence on another.
- Committing an obscene act or engaging in habitual profanity or vulgarity.
- Recording or photographing students or staff members without their prior knowledge and consent.
- Using computers for non-school related activities, including viewing or accessing prohibited sites.
- Using cell phones or other personal electronic communication devices on school property, during school hours or during school functions, except when under express permission and supervision of a staff member
- Trespassing (including being on school grounds while school is not in session, being in unauthorized areas of the building, and use of the bathroom without permission)
- Leaving the classroom, school building, school property, or school activity without permission
- Intentionally altering, falsifying, destroying, or fabricating any official document (including 9-1-1 phone calls and setting off fire alarms).
- Repeatedly violating Rocketship's Student Dress Code.
- Violating Rocketship Public Schools' Code of Conduct, as described above.

III. In-school Disciplinary Actions

Rocketship relies on proactive, preventive supports to promote positive behavior at school. Rocketship has implemented a Positive Behavior Interventions and Supports (PBIS) framework in all schools. The fundamental purpose of PBIS is to create learning environments that are more consistent, predictable, positive and safe. Key PBIS practices include clearly defined behavioral expectations and consequences, systems for recognizing and reinforcing positive behaviors, data-based decision making, multi-tiered systems of support, and the implementation of core social-emotional learning curricula.

Rocketship classrooms also use a variety of management systems to address behavioral issues. These may include color-coded card chart systems and other tiered consequences.

In the event that Rocketship's PBIS infrastructure and classroom management systems are insufficient to prevent disciplinary infraction, or a disciplinary infraction is serious enough to immediately warrant additional discipline, Rocketship may take alternative in-school disciplinary action. These actions depend on the circumstances of the offense and may include, but are not limited to, the following:

- Sending the student to the Principal's office.
- Excluding the student from classroom activities or privileges through a "time out" or temporary placement in another classroom.
- Calling or writing/emailing the student's parent/guardian.

- Arranging a conference with the student, parent, teacher and/or administrator.
- Implementing an individualized behavior plan for the student.
- Implementing counseling sessions with a designated staff member.
- Sending the student to a peer mediation.
- Requiring that the student complete a reflective essay or assignment.
- Requiring that the student take actions to counteract/ameliorate a problem (i.e. fixing something the student broke).
- Referring the student to a Student Support Team.
- Restricting the student's participation in after-school/extra-curricular activities or field trips.
- Holding the student for detention or additional instructional time during lunch or before/after school.
- Confiscating inappropriate items related to the disciplinary infraction.

Corporal punishment shall not be used as a disciplinary measure against any student. "Corporal punishment" includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, "corporal punishment" does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property. (See also Rocketship's Seclusion and Restraint Policy.)

As described above, severe infractions that threaten the safety or health of students, staff or others, may be cause for suspension or expulsion, as outlined in Rocketship's Suspension and Expulsion Policy.

IV. In-School Suspension

In-school suspension ("ISS") provides an alternative to out-of-school suspension. ISS allows students to be counted present and provides an in-school opportunity for them to complete and receive credit for class assignments. During ISS, students will complete school work in a location separate from their class. ISS is not intended to be an alternative to or long-term replacement of the student's regularly scheduled class.

ISS may be used in the event that a student is engaging in prohibited conduct that is making the classroom environment physically or emotionally unsafe for other students or that severely disrupts a class or school-sponsored activity;

Only the Principal or Assistant Principal, with prior approval from his/her supervisor, shall assign a student to ISS. Students assigned to ISS must have written notification of the date and duration of the ISS assignment. Assignment to ISS and the scheduling of the days assigned are at the Principal's discretion.

Principals should place the student in ISS as soon as possible after the infraction is reported. The principal will ensure that:

- Students assigned to ISS are provided a safe, positive environment
- Students assigned to ISS are properly supervised; and
- Students assigned to ISS are allowed to complete class work assigned during his/her placement in ISS.

- All class work for students is obtained, academic assistance is provided as necessary, and completed work is returned to the student's classroom teacher.
- Activities of academic value are provided for the student when the classroom teacher's work is not provided or is insufficient for ISS time assigned.
- Additionally, classroom teachers will:
 - Provide classwork commensurate to the work missed for a student in ISS.
 - Record a student in ISS as present. There will be no attendance-related penalty for assignment to ISS.
 - Evaluate the student's work completed in ISS and give credit for work completed in ISS.
 - Ensure that students in ISS receive credit for attendance and full credit for work completed.

The student's parent/guardian must be notified of a student's assignment to ISS at the time that the ISS placement is scheduled. The Principal should contact a parent/guardian by phone or in-person meeting. If the parent/guardian cannot be reached in this manner, the Principal or his/her designee may make contact through e-mail.

Approved by Rocketship Education Board of Directors, Inc. 5/19/2016

Approved by Rocketship Education Board of Directors Wisconsin 10/11/2016

Approved by the Rocketship Education, D.C., Public Charter School, Inc. Board of Trustees 5/25/2016

Revised: 7/1/2019

Suspension and Expulsion Policy

Region(s): CA

When disciplinary infractions occur on campus, our Principals are expected to respond in accordance with our Student Discipline Policy, which encourages positive behavioral interventions and supports and outlines available in-school disciplinary actions. The decision to pursue a suspension is, in most circumstances, largely at the discretion of the school leadership team and should only be considered in cases of egregious behavioral infractions, in accordance with all applicable state and federal laws, as we believe that our students are best served when they are present at school every day. Recommendations for expulsion should not be pursued except in the most extreme cases, in accordance with state law, as our policy is to do whatever it takes to serve every student who enrolls in a Rocketship school.

If a situation does arise where a Principal feels that the student should be suspended and/or recommended for expulsion, this policy was written to guide the process. The policy has been written in accordance with relevant federal and state laws and regulations and after review of Education Code Section 48900 *et seq.*, which describes the non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language of the Rocketship policy closely mirrors the language of Education Code Section 48900 *et seq.* It addresses grounds for suspension and expulsion; suspension and expulsion procedures; the maintenance of disciplinary records; student appeal rights; rehabilitation and readmission; and special procedures for the consideration of suspension and expulsion of students with disabilities. This policy may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

Rocketship administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline and involuntary disenrollment policies and procedures. The notice shall state that this policy is available on request at the Principal's office.

A student identified as an individual with disabilities or for whom Rocketship has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("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 general education students except when federal and state law mandates additional or different procedures. Rocketship will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students. Note that no student shall be involuntarily removed by a Rocketship school for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the basis for which the student is being involuntarily removed and the right to request a hearing to challenge the involuntary removal. If the student's parent, guardian, or educational rights holder requests a hearing, Rocketship shall utilize the same

hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspensions or expulsions as enumerated below.

I. Grounds for Suspension and Expulsion

A student may be disciplined, suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at a Rocketship school or at any other school or a school-sponsored event at any time including but not limited to: while on school grounds; while going to or coming from school; during the lunch period, whether on or off the school campus; and during, going to, or coming from a school-sponsored activity. Students may also be subject to disciplinary action for off-campus behavior if it creates a substantial disruption to the school environment or interferes with another student's ability to participate in the school program.

In California, in accordance with EC §48900, a student may be suspended or expelled for any of the following acts. Please note that if it is determined that a student has engaged in any of the following behaviors, the decision to suspend and/or recommend for expulsion is discretionary and in the judgment of the school Principal after considering all surrounding circumstances.

II. Suspension Procedures

A suspension is a temporary dismissal of a student from the regular school program and school-sponsored events for the allotted time assigned by a school administrator. Suspensions can range from one to five school days, depending on the seriousness of the violation. Students are expected to complete all work assigned while they serve their suspension. Suspensions at Rocketship will adhere to the following procedures:

Conference

In accordance with Ed Code 47605(c)(5)(J)(i), suspensions of less than 10 days will be preceded by a conference conducted by the Principal or designee with the student and his/her parent and, whenever practical, the teacher, supervisor, or school employee who referred the student to the Principal. The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference in an emergency situation, both the parent/guardian and student shall be given the opportunity to conference within two school days.

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in his/her defense.

Absent an emergency situation, the conference must occur before the student is sent home on suspension.

No penalties may be imposed on a student for failure of the student's parent/guardian to attend a conference with school officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent or guardian at the conference.

Notice to Parents/Guardians

At the time that the decision is made to suspend a student, the Principal or designee shall make a reasonable effort to contact the student's parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension, the reason for the suspension, the length of the suspension, the student's right to return to school at the end of the suspension, and any conditions for that return (i.e. a return conference with the parent/guardian) and the date of return following suspension. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

A copy of this notice will also be filed in the student's cumulative folder in the school.

Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five consecutive school days per suspension. In calculating days of suspension, days served will not include days when school is not in session for students, including but not limited to school closure days, school holidays, spring break, and summer break. If the student leaves school on the day that the suspension was imposed, this day will be counted as part of the suspension if the student was denied class participation prior to 12 noon of that day. The suspension shall terminate at midnight on the day listed as the last day of the suspension.

Upon a recommendation of expulsion by the Principal or Principal's designee, the student and the student's parent/guardian or representative will be invited to a second conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when the School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

This determination will be made by the Principal or designee upon either of the following determinations: (1) the student's presence will be disruptive to the education process; or (2) the student poses a threat or danger to others. Upon either determination, the student's suspension will be extended pending the results of an expulsion hearing.

Students who are suspended shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension.

Homework Assignments During Suspension

In accordance with Education Code 47606.2 and 48913.5, Rocketship shall adhere to the following regarding homework assignments during suspension:

(a) Upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays, the homework that the pupil would otherwise have been assigned.

(b) If a homework assignment that is requested pursuant to subdivision (a) and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil's overall grade in the class.

III. Authority to Expel

An expulsion is the permanent dismissal of a student from the Rocketship program, subject to any rehabilitation plan as further described below. If an expulsion is approved, the parent/guardian has the responsibility to place the student in another school.

In accordance with Ed Code 47605(c)(5)(J)(iii), no student will be involuntarily dis-enrolled, dismissed, or transferred by the charter school for any reason, unless the parent or guardian has been provided written notice at least five school days before the effective date of the removal. For all involuntary removals, including expulsions and dismissals for non-disciplinary reasons, parents must be informed of their right to a hearing before the effective date of the removal. If the student's parent or guardian initiates the hearing procedures, the student must remain enrolled until the charter school issues a final decision.

The full authority of the Rocketship governing Board of Directors ("the Board") to hear and conduct expulsions shall be granted to the Academic Affairs Committee, a committee of the Board. The Academic Affairs Committee shall consist of three board members. The Academic Affairs Committee may expel any student found to have committed an expellable offense as listed in Section II above.

Instead of conducting the hearing itself, the Academic Affairs Committee may appoint an impartial administrative panel, as described below. The Academic Affairs Committee will pre-appoint a panel of at least five certificated Rocketship staff members, each from different Rocketship school sites. Should any of the persons appointed to the panel work at the school in which the student is enrolled, he/she will recuse him/herself from the proceedings.

IV. Expulsion Procedures

In accordance with Ed Code 47605(c)(5)(J)(ii), for expulsions and suspensions in excess of 10 days, the Charter School shall provide timely written notice of the charges against the student and an explanation of the student's basic rights.

Hearing

In accordance with Ed Code 47605(c)(5)(J)(ii), students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 20 school days after the Principal or designee determines that the student has committed an expellable offense, unless the student requests, in writing, that the hearing be postponed.

In the event an administrative panel hears the case, it will, within 10 days of the hearing, make a recommendation to the Academic Affairs Committee for a final decision whether or not to expel. The hearing shall be held in closed session unless the student makes a written request for a public hearing three days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the student. The notice shall include:

- The date and place of the expulsion hearing;
- A statement of the specific facts, charges and offenses upon which the proposed expulsion is based, along with a summary of the evidence against the student;
- A copy of Rocketship's disciplinary rules which relate to the alleged violation;
- Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment;
- The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
- The right to inspect and obtain copies of all documents to be used at the hearing;
- The opportunity to confront and question all witnesses who testify at the hearing;
- The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

Rocketship may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

- I. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
- II. The Charter School must also provide the victim a room separate from the hearing room

for the complaining witness' use prior to and during breaks in testimony.

- III. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
- IV. The Administrative Panel or the Academic Affairs Committee may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
- V. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
- VI. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the Administrative Panel or the Academic Affairs Committee from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
- VII. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
- VIII. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the room during that testimony.
- IX. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
- X. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the

evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel or Academic Affairs Committee to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Academic Affairs Committee or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled student, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Academic Affairs Committee, which will make a final determination regarding the expulsion. The final decision by the Academic Affairs Committee shall be made within ten (10) school days following the conclusion of the hearing.

If the Administrative Panel decides not to recommend expulsion, the student shall immediately be returned to his/her educational program.

V. Written Notice to Expel

The Principal or designee, following a decision of the Board to expel, shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following:

- notice of the specific offense committed by the student and
- notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with Rocketship.
- notice of the right to appeal and the process
- information regarding rehabilitation and readmission
- information regarding alternative education.

VI. Right to Appeal

The student/family shall have the right to appeal the decision to expel the student from Rocketship to the Executive Committee of the Board. The request to appeal must be made in writing and shall be submitted to the Executive Committee within five business days of being made aware of the decision to expel the student. The appeal shall be heard by the Executive Committee within 15 days of receipt of the appeal. Any decision made on appeal shall be final.

VII. Expelled Students/Alternative Education

With the exception of students with disabilities under IDEA, students who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within their school district of residence. The Charter School shall work cooperatively with parents/guardians to assist with locating alternative placements during expulsion.

VIII. Rehabilitation and Readmission

At the time of the expulsion order, students who are expelled shall be given a rehabilitation plan, to be developed by the Academic Affairs Committee in conjunction with Rocketship staff, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the student may be reviewed for readmission to a Rocketship school.

The decision to readmit a pupil who has been expelled from a Rocketship school shall be in the sole discretion of the Board following a meeting with the Principal and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon RSPS's capacity at the time the student seeks readmission.

The decision to admit a pupil who has previously been expelled from another school, school district or charter school shall be in the discretion of the Principal following a meeting with the pupil and guardian or representative to determine whether the pupil poses a threat to others or will be disruptive to the school environment. Where applicable, the Principal may also consider whether the pupil has completed any rehabilitation plan or other improvement measures prescribed by the pupil's previous school. The Principal shall make a recommendation following the meeting regarding his or her determination. The pupil's admission is also contingent upon RSPS's capacity at the time the student seeks admission.

IX. Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities

Services During Suspension

Students suspended for more than 10 school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

Procedural Safeguards/Manifestation Determination

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, a manifestation determination shall take place.

“Change of Placement” includes a recommendation for expulsion or a cumulative removal of more than 10 school days in a school year.

If Rocketship, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team will (a) conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the school had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement; (b) if a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and (c) return the child to the placement from which the child was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavioral intervention plan.

The conduct will be considered a manifestation of the child's disability if it is determined that (a) the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or (b) the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the school, the parent, and relevant members of the IEP team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP, then the school may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the school believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the school, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the 45 day time period provided for in an interim alternative educational setting, unless the parent and the school agree otherwise. . Rocketship shall comply with 20 U.S.C. Section 1415(k)(2), which states that interim alternative educational setting shall be determined by the IEP team.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

Special Circumstances

Rocketship personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct. The Principal or designee may remove a student to an interim alternative educational setting for not more than 45 days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student: a) carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function; (b) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or (c) has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP team.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated the Rocketship's behavioral policies may assert the procedural safeguards granted under this administrative regulation only if Rocketship had knowledge that the student was disabled before the behavior occurred.

Rocketship shall be deemed to have knowledge that the student had a disability if one of the following conditions exists prior to the behavior at issue:

- The parent of the child expressed concern in writing to supervisory or administrative personnel of Rocketship, or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child requested an evaluation of the child pursuant to §§ 300.300 through 300.311; or

- The teacher of the child, or other Rocketship personnel, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

If the school knew or should have known the student had a disability under any of the three circumstances described above, the student may assert any of the disciplinary protections available to IDEA-eligible children with disabilities. If the school had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The school shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by Rocketship pending the results of the evaluation.

Rocketship shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Approved by Rocketship Education Board of Directors, Inc. 8/30/2016

Revised: 7/1/2020