



Western New York Maritime Charter School
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From: Commandant

Subj: **MIDDLE SCHOOL DISCIPLINE POLICY**

Ref: (a) WNY Maritime Charter School Candidate Handbook

Encl: (1) Level I
(2) Level II
(3) Level III
(4) Due Process
(5) Intervention Level Flow Chart

1. **Purpose.** Delineation of policy regarding candidate discipline at Western New York Maritime Charter Middle School.

2. **Background.** Adherence to school rules and regulations is pivotal to a safe and effective learning environment. Candidate disruption of class and/or school routine impairs teaching opportunities. A clear policy for candidate who refuse to adhere to rules and regulations is necessary to illustrate supports and consequences for both the candidate, and their parents or guardians. Tools which teachers and administrators may use to enforce school rules range from on the spot correction, to mentoring, to reflection, to parental conferences, to suspension. This directive indicates levels of interventions and violations and provides guidance for corrective measures.

3. **Definitions.**

Alternate Instruction – Required instruction offered to candidates assigned Out of School Suspension or pending enrollment at new school post-expulsion; normally 2 hours in duration, *before* normal school days.

Candidate – Any student attending WNY Maritime Charter School in grades 7-8.

Intervention Levels – Those interventions used to correct cases of misconduct are divided into level I, II and III. In accordance with enclosure (5) such interventions will be focused on reflection, ownership of actions, mediation, and positive change.

PBIS – Positive Behavior Intervention and Supports. The guiding philosophy behind the middle school's discipline.

PBIS Specialist – Administers level II PBIS guided discipline interventions under authority of the Deputy Vice Commandant. Maintains discipline records in eschool data.

School Counselor - Administers level II PBIS guided discipline interventions upon recommendation of the PBIS specialist and under authority of the Deputy Vice Commandant.

Deputy Vice Commandant – The head of school for the middle school. The only individual authorized to levy in-school suspension.

Commandant – The school’s superintendent equivalent who is the only individual authorized to levy out of school suspensions or expulsions.

In-School Suspension (ISS) – Suspension of a candidate from class/classes. The candidate remains in school and is required to complete any assignments given in classes he/she otherwise misses.

Out-of-School Suspension (OSS) – Suspension of a candidate from classes. The candidate must remain out of school for the entire period of OSS, *except to attend Alternate Instruction each morning.*

Formal Suspension – Suspension of a candidate from classes until a formal, Commandant’s Hearing is convened. The candidate must remain out of school for the period of the formal suspension, *except to attend Alternate Instruction each morning.*

Verbal Reprimand – Counseling provided by a teacher or administrator to a candidate, identifying the infraction and discussing corrective alternatives in case he/she does not cease that behavior.

Procedural Safeguards Notice – The Procedural Safeguards Notice must be provided upon notification of assigned discipline to Candidates with disabilities which may result in a change of placement. The notice will be forwarded with the notification of discipline as a hard-copy, or with parental agreement, as an electronic mail communication. The notice is also posted on the WNY Maritime Charter School website, www.wnymcs9-12.com. The school will comply with the Individuals with Disabilities Education Act and New York Education Law and their implementing regulations when disciplining candidates with disabilities.

4. **Plan.** Candidate conduct is discussed and defined in the WNY Maritime Charter School Candidate handbook, reference (a). Teachers and administrators will become familiar with and use this directive to determine corrective measures for candidates who do not comply with Maritime rules and regulations for student conduct. All level I, II and III discipline incidents will be entered into the discipline module of eschool data by the original staff member who witnessed the infraction. If the staff member who witnessed the infraction cannot access the candidate’s record in eschool, they will report the particulars to the PBIS specialist who may then enter the infraction into eschool.

Procedures subsequent are captured in enclosure (5). Candidates will be instructed regarding the provisions of this policy during Orientation.

5. **Administrative Discretion**. While exceptions to this policy are rare, the administration reserves the right to make judgments that are in the best interests of all individuals involved. The guidelines in enclosure (5) provide measures that normally will suffice in correcting inappropriate behavior. However, when circumstances surrounding a violation are of such a nature to indicate gross misconduct or a pattern of misconduct, the administration reserves the right to determine consequences outside of the corrective measures listed in the enclosures.

6. **Parental Notification**. Parent and guardian notification regarding candidate misconduct is essential for early intervention. Teachers who remove a candidate from their class and refer them for level II intervention will make every effort to contact parents or guardians. The PBIS Specialist or School Counselor will notify parents or guardians via phone for any level II intervention. The PBIS Specialist will notify parents or guardians via phone and letter for any level III intervention levied by the Deputy Vice Commandant or the Commandant. In cases where discipline is assigned to candidates with disabilities which may result in a change of placement, the Procedural Safeguards Notice will be forwarded in the notification letter or electronically. Phone calls home will be made in all cases of assigned suspension, on the day that discipline is assigned.

7. **PBIS**. A PBIS team will be assembled that represents a cross-section of the faculty and staff of the building (with at least one administrator), and may also grow to include a few students and parents. This team will meet biweekly to collaborate on PBIS implementation including events, a school store, field trips, incentives, etc. Most importantly, this team would gather, analyze and discuss data generated from eschool data reports (discipline, attendance, etc.), and use their findings to develop targeted interventions and supports. For example, if the team notices one particular teacher consistently writing students up, the team may decide to support this teacher through professional development opportunities, a mentor teacher, etc. This data analysis would also allow the team to identify students who require escalation to Tier 2 interventions and more targeted/intense support beyond the school wide initiatives. Based on the presenting needs of the student, the team would identify additional interventions and supports (ex. Check In/Check Out, a dedicated mentor, etc.) The combination of both an incentive system and targeted responses to school/individual needs allows PBIS to be both a proactive and reactive initiative. The team will also analyze data for whole school trends.

The foundation of our PBIS program would stem from choosing 3-5 behavioral expectations on which we want to focus, and spelling out for students what these expectations look like in each area of the school (classroom, hallway, cafeteria, etc.) These expectations will be developed by the PBIS team. These expectations will be conveyed to students through two primary means. The first are the homeroom teachers who, in conjunction with select cadet leaders from the high school level, will work with students every day focusing on character, leadership and academic development. This is an extension of the highly effective mentor program we currently have in the high school. The second means will be through a citizenship, character and leader development

program that will be supported by the JROTC instructors who currently work at the high school level.

8. **Rewards**. Inherent in the PBIS system will be a system of positive incentives for sustained positive behavior or for candidates successfully altering a pattern of negative behavior. This system will be developed and overseen by the School Counselor, but will be executed in both the whole school environment and by teachers in the classroom. These rewards can come in the form of earning Commodore Cash which can be used to purchase items from a school store or to purchase one time privileges such as a homework pass.

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LEVEL I

Level I Discipline is normally the responsibility of the of classroom teacher as part of their classroom management plan. Teachers will manage behavior and implement appropriate disciplinary consequences for classroom offenses. The teachers, as a part of the PBIS team, will develop a consistent, progressive ladder of consequences within each classroom to address level 1 infractions that will be reviewed and updated by the PBIS team as necessary. This excepts those infractions listed under Level II and III discipline (enclosures (2) and (3)).

General classroom rules and consequences for their violation will be prominently posted in the classroom and discussed with candidates at the beginning of the school year.

It shall be the teacher's discretion that determines which action will be appropriate for the disruptive student. Teachers should contact parents soon and often, with documentation of the contact made in a phone log maintained in eschool data. Any noteworthy violation of classroom rules or failure to put forth an effort in academics should be brought to the attention of parents at the earliest possible time. In all circumstances of candidate misconduct in the classroom, when a teacher or other staff member has exhausted all of the possible level 1 interventions with no change in behavior, the teacher or other staff member shall elevate to level II intervention and refer the candidate to the PBIS specialist. This includes persistent classroom disruption or persistent failure to strive for academic excellence.

Candidates unexcused tardy to school will be immediately notified of the consequences of those actions by main office personnel, who will also call the parents. Those candidates who are tardy to school five or more times will be considered level II offenders as outlined in enclosure (2).

Enclosure (1)

LEVEL II

Level II Discipline is addressed by the PBIS Specialist and if necessary by the School Counselor after referral by faculty or the PBIS Team. The prescribed actions for Level II offenses are listed below:

Aggression (physical, no resulting injury)	Horseplay	Refusing to attend academic remediation
Bullying	Horseplay (w/property damage & or injury)	Restricted area violation
Cafeteria misconduct (minor)	Horseplay (w/injury to a teacher)	Risk of injury using bodily fluids (saliva, blood, urine, feces)
Cafeteria misconduct (major)	Incitement to fight	Smoking on school property
Cheating	Laser pointer	Theft/possession of stolen property
Conduct unbecoming Of a Candidate	Late to class (5 or more)	Truancy
Cutting Class	Late to School (5 or more)	Uniform violation (3 or more)
Destruction of private property	Leaving class w/o permission	Under the influence of drugs/alcohol
Destruction of school property/graffiti	Leaving school w/o permission	
Disrespect to a teacher	Notes/indirect comments regarding another candidate using profanity or inappropriate language	
Disruption of class (chronic or gross)	As above, directed toward school staff	
Ethnic/racial slur	Obscene gestures or remarks to candidates	
Failure to strive for academic excellence (persistent)	Obscene gestures or remarks to school staff	
Falsifying statements to the Administration	Possession of an electronic device	
Forgery	Possession of cigarettes/smoking materials	
Gambling	Public displays of affection (holding hands, hugging, kissing, etc)	
Hallway w/o a pass	Refusing a reasonable request (gross insubordination) /defiance	

Notes:

1. A 1st offense for one type of violation may lead to level III intervention if *the candidate has a pattern of misconduct*. Any candidate who consistently disregards school rules and who has incurred a number of suspensions (ISS/OSS) will be formally suspended from school for up to 10 days while awaiting a Commandant's Hearing to consider expulsion for a pattern of misconduct.

LEVEL III

Level III Violations are clearly criminal and may include, but are not limited to:

- possession of drugs, alcohol, weapons, explosives
- assault
- threatening a Maritime Staff member with violence
- starting fires
- gang activity*
- making bomb threats
- sexual harassment
- cyber-bullying**
- fighting

Level III violations may result in the notification of Law Enforcement agencies, and may result in the immediate removal of the candidate from school via formal suspension for a period of up to 10 days while awaiting a Commandant's Hearing.

* demonstrated behavior to include (but not limited to) conversation/threats, flashing signs, wearing of clothing and/or insignia, displaying of signs, names or insignia attributed to gangs or "crews" on books or school materials.

** Cyber-bullying includes disparaging remarks made via email or any social-networking site that results in another candidate feeling threatened or uncomfortable in the classroom setting and/or leads to disruption among candidates during the school day.

Notes:

1. During periods of suspension (ISS or OSS), students are not eligible to participate in or attend **any** extra-curricular school activity.
2. Candidates assigned OSS are required to attend up to 2 hours of Alternate Instruction before school on normal school days to keep up with academic assignments. Failure to attend Alternate Instruction will constitute an absence for attendance purposes.
3. Parents or Guardians will be notified by phone and letter by the PBIS Specialist for any assignment of suspension (ISS/OSS).
4. Copies of all discipline letters home will be provided to the Resource Room for any offending candidate who has an IEP. The Special Education Coordinator provides the PBIS Specialist, School Counselor, and Deputy Vice Commandant with any Behavior Intervention Plans assigned to a special education candidate at the start date of the student at the school. The PBIS Specialist will confer with the special education staff and case managers to assure Manifestation Determination Hearing data is compiled for any chronic offenders. A Manifestation Hearing will be requested in any case where a candidate with an IEP who is assigned ISS or OSS reaches 10 or more total days suspension or when they are expelled. Expulsions will be held in abeyance pending the outcome of the Manifestation Determination Hearing.

Enclosure (3)

DUE PROCESS

All faculty and staff are obligated to inform the PBIS Specialist if they learn that a candidate has committed a Level II or Level III infraction. This may be verbal, but the preferred method is to enter the incident into eschool. This obligation arises even if the employee did not directly witness the infraction but learned about it through a report by a third party.

The PBIS Specialist then conducts an informal hearing/counseling session. During that meeting, the Specialist will notify the candidate of the charges against him or her and give the candidate an opportunity to present his or her version of the incident. PBIS Specialist will then develop an intervention course of action based on the enclosure 5. In the case of Level III infractions the PBIS Specialist will brief the Deputy Vice Commandant who will then conduct a second informal hearing in order to develop an appropriate intervention course of action. The Deputy Vice Commandant may levy in-school suspension. The PBIS Specialist will notify parents or guardians via phone and letter of the in-school suspension.

For short term suspensions (less than five days), the Deputy Vice Commandant will advise the Commandant of the nature of the candidate's offense and the recommended disciplinary action. The Commandant will then assign the suspension. The Commandant is the only school employee who can assign a suspension. Suspension will generally begin the following day. The suspension can be appealed to the Board of Trustees.

For long term suspensions (five or more days), the Deputy Vice Commandant's recommendation goes to the Commandant. The suspension will generally begin the following day. Within three days of the suspension beginning, the school will schedule a Commandant's Formal Discipline Hearing. At that hearing, the student and his/her parents/guardians are present and will be given an opportunity to be represented by counsel, as well as to present and question witnesses. The Commandant will then make a determination as to whether the disciplinary decision will be upheld or, in the case of Level III infractions, or patterns of misconduct, expulsion will result. The Commandant's determination following the Commandant's Hearing can be appealed to the Board of Trustees.

In all cases, parents/guardians are notified by telephone on the day of the initial counseling meeting with the PBIS Specialist and/or Deputy Vice Commandant. If suspension is assigned, parents/guardians are also notified in writing. This writing will include a description of the incident, the nature and length of the suspension, and provide information regarding the right to appeal the disciplinary determination to the Board of Trustees.

As with all processes, there are exceptions. In the event that a student poses an immediate danger to him or herself or others, such as in the case of fighting or possession of weapons or explosives, the student will be placed immediately in in-school suspension and the student's parents/guardians will be required to pick the student up at which time a Commandant's hearing will be scheduled.

The school will comply with the Individuals with Disabilities Education Act and New York Education Law and their implementing regulations when disciplining candidates with disabilities, to the extent they differ from the above. Those procedures are described in the New York State Education Department Procedural Safeguards Notice which is provided to candidates with disabilities each year and any time a candidate with a disability is assigned suspension. Because of those additional safeguards, there may be a delay between when suspension is assigned and when it is served by the candidate.

LEVEL ONE- CLASSROOM DISCIPLINE

- Consistent set of expectations set by teachers; remains constant across all classrooms
- Consistent, progressive ladder of consequences within each classroom to be set by group of teachers
- Heavy emphasis on routines & procedures
- Teachers strive to handle discipline within classroom & maximize instruction time

Types of Level One Incidents: verbal disruption, tardy to class, cursing, minor insubordination, etc.



LEVEL TWO- INTERVENTION & REFLECTION

- If a student must be removed from class, he/she reports to the “Positive Solutions Room”
 - Student takes part in a formal reflection process with support from the Behavior Intervention Specialist
 - TEACHER MUST contact parent to explain reason for removal from class
- If incident is more serious or student is a frequent offender, school counselor will intervene
- School Counselor:
 - More intense reflection protocol, classroom observation, mediation, RtI process, parent conference, etc.

Types of Level Two Incidents: verbal altercation, vandalism, repeated disruption, consistent academic effort issues, constant uniform violations, etc.



LEVEL THREE- HIGH LEVEL ADMINISTRATION

- Referred directly to administration for egregious behaviors or for repeated, unchanged behavior
- Student faces possible ISS, OSS or expulsion

Types of Level Three Incidents: fighting, harassment, weapon, possession of drugs, etc.