



Western New York Maritime Charter School
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24 June 2015

From: Commandant

Subj: **DISCIPLINE POLICY (CH-18)**

Ref: (a) WNY Maritime Charter School Cadet Handbook

Encl: (1) Level I Discipline
(2) Level II Discipline
(3) Level III Discipline
(4) Due Process (**CH-17**)

1. **Purpose.** Delineation of policy regarding cadet discipline at Western New York Maritime Charter School.
2. **Background.** Adherence to school rules and regulations is pivotal to a safe and effective learning environment. Cadet disruption of class and/or school routine impairs teaching opportunities. A clear policy for cadets who refuse to adhere to rules and regulations is necessary to illustrate consequences for both the cadet, and their parents or guardians. Tools which teachers and administrators may use to enforce school rules range from on the spot correction to suspension. This directive indicates levels of violations and provides guidance for corrective measures.
3. **Definitions.**
 - Alternate Instruction** – Required instruction offered to cadets assigned Out of School Suspension or pending enrollment at new school post-expulsion; normally 2 hours in duration, *before* normal school days.
 - Cadet** – Any student attending WNY Maritime Charter School.
 - Corrective Measures** – Those measures used to correct cases of misconduct, divided into level I, II and III.
 - Dean of Students** – Administers discipline under authority of the Commandant. Conducts discipline hearings, maintains discipline records.
 - Detention** – Keeping students after regular classes.
 - Student Discipline Review Board (DRB)** – A board consisting of cadets in good standing, selected to review cases of cadet misconduct and hear testimony related

to the case. This board will make recommendations regarding corrective measures to the Commandant via the Senior Naval Science Instructor. *The DRB is an additional discipline intervention above and beyond those outlined elsewhere in this policy. While there are a few instances in the Level II infraction matrix where the DRB is appropriate, the DRB may be convened at the discretion of the Commandant in cases where the Commandant seeks greater counsel than simply that of the Dean of Students. It is primarily an intervention tool and will not normally be convened in the cases of Level III infractions.*(CH-17)

Extra-Military Instruction (EMI) – Corrective Training, normally conducted for two hours of duration on Wednesday afternoons, after school as an alternative to suspension. (CH-15) Failure to accept assignment to EMI will result in assignment of the next echelon of discipline as a corrective measure.

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

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

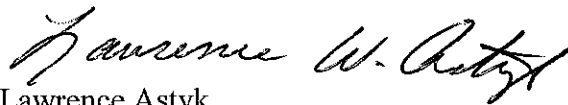
Verbal Reprimand – Counseling provided by a teacher or administrator to a cadet, identifying the infraction and discussing corrective alternatives in case he/she does not cease that behavior.

Procedural Safeguards Notice – The Procedural Safeguards Notice must be provided upon notification of assigned discipline to Cadets 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. (CH-14). *The school will comply with the Individuals with Disabilities Education Act and New York Education Law and their implementing regulations when disciplining cadets with disabilities.*(CH-17)

4. **Plan.** Cadet conduct is discussed and defined in the WNY Maritime Charter School Cadet handbook, reference (a). Teachers and administrators will become familiar with and use this directive to determine corrective measures for cadets who do not comply with Maritime rules and regulations for student conduct. All level II and III discipline referrals will be submitted to the Dean of Students in accordance with the brig Standard Operating Procedures. Cadets will be instructed regarding the provisions of this policy during Basic Leadership Training.

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 enclosures (1) – (3) 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 cadet misconduct is essential for early intervention. Teachers assigning level I discipline should make every effort to contact parents or guardians. *The Dean of Students will notify parents or guardians by letter for any level II or III discipline. In cases where discipline is assigned to cadets with disabilities which may result in a change of placement, the Procedural Safeguards Notice will be forwarded in the notification letter or electronically. (CH-14) Phone calls home will be made in all cases of assigned suspension, on the day that discipline is assigned.*



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LEVEL I DISCIPLINE

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, except those 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 cadets at the beginning of the school year.

The following are prescribed corrective measures for violation of class rules:

1. Verbal Reprimand,
2. Written Assignment (optional).
3. Teacher detention (up to 4:00 PM) with follow-up parental notification.
4. Parent/teacher/counselor/Dean of Students conference.

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. 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. **(CH-3)** In all circumstances of cadet misconduct in the classroom, when a teacher has exhausted all of the possible corrective measures, a meeting shall be scheduled with the parent/guardians, teacher, counselor and Dean of Students, where the cadet's disciplinary record will be reviewed and corrective measures discussed.

Continued disruption of class is a serious issue that may be defined as a pattern of misconduct (Level II offense) and referred to the Dean for action; a DRB may be scheduled. **(CH-3)**

Teachers will maintain a log of cadet tardies. When a cadet is late to class five or more times this is considered a level II offense and should be referred to the Dean of Students. **(CH-3)**

Cadets tardy to school will be **assigned detention to be served the day of their late arrival. Cadets failing to serve the detention will be assigned discipline by the Dean of Students (CH-6).** Those cadets who are tardy to school five or more times will be considered level II offenders as outlined in enclosure (2). **(CH-4)**

LEVEL II DISCIPLINE

Level II Discipline is addressed by the Dean of Students after referral by faculty. The prescribed actions for Level II offenses are listed below:

VIOLATION	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
Aggression (physical, no resulting injury) (CH-15)	ISS	1 d. OSS	2 d. OSS
Brig Disruption (CH-7)	ISS	2 d. OSS	3 d. Formal OSS
Bullying (CH-9)	2 d. OSS	5 d. Formal OSS	Expulsion
Cafeteria misconduct (minor)	ISS (for lunch period)	EMI	ISS
Cafeteria misconduct (major)	1-2 d. OSS	2-3 d. OSS	5 d. Formal OSS
Cheating (CH-5)	1 d. ISS	1 d. OSS/DRB	3 d. Formal OSS
Conduct unbecoming Of a Cadet (CH-7)	EMI	1 d. ISS	2 d. Formal OSS
Cutting Class (CH-3)	EMI	ISS	2 d. OSS (CH-6)
Destruction of private property	ISS/restitution	2 d. OSS/ restitution	3 d. Formal OSS/ Restitution
Destruction of school property/graffiti (CH-6)	2 d. OSS/ clean, repair / restitution	3 d. OSS/ clean, repair/ restitution	5 d. Formal OSS/Clean, repair/ restitution
Disrespect to a teacher (CH-7)	EMI	ISS	2 d. OSS
Disruption of class (chronic or gross) (CH-3)	EMI	ISS	2-3 d. OSS/DRB
Ethnic/racial slur (CH-6)	1 d. OSS	3 d. OSS	5 d. Formal OSS
Failure to complete academic assignments (failure to strive for academic excellence)	EMI	ISS/Parent-Teacher Conference	2-3 d. ISS/ARB
Falsifying statements to the Dean of Students (CH-6)	1 d. ISS	2 d. OSS	3 d. Formal OSS
Fighting (CH-8)	5 d. Formal OSS	Expulsion	
Forgery (CH-6)	1 d. ISS	2 d. OSS	3 d. Formal OSS
Gambling	EMI	ISS	2 d. OSS
Hallway w/o a pass			1 d. OSS; Formal may be

(CH-15)	No Pass List	1 d. ISS	assigned for chronic violations
Horseplay	ISS	1 d. OSS	3 d. OSS; Formal may be assigned for chronic violations
Horseplay (w/property damage & or injury) (CH-15)	2 d. OSS w/ restitution	5 d. Formal OSS w/restitution	Expulsion
Horseplay (w/injury to a teacher) (CH-9)	5 d. Formal OSS	Expulsion	
Incitement to fight (CH-6)	2 d. OSS	5 d. Formal OSS	Expulsion
Jay Walking (CH-7)	EMI	1 d. OSS	2 d. OSS
Laser pointer (CH-3)	2 d. OSS	3-5 d. OSS	5 d. Formal
Late to class (5 or more) (CH-15)	EMI	ISS	ISS; escalating in number of days for each subsequent instance
Late to School (5 or more) (CH-3)	EMI	ISS for 10 accumulated tardies (CH-6)	ISS; escalating in number of days for each subsequent instance (CH-15)
Leaving class w/o permission (CH-5)	EMI	ISS	3 d. OSS; Formal may be assigned for chronic violations
Leaving school w/o permission (CH-3)	1 d. OSS	2 d. OSS	5 d. OSS; Formal may be assigned for chronic violations
Missed detention	EMI	ISS	1 d. Formal OSS
Missed EMI (CH-15)	ISS	1 d. OSS/DRB	3 d. Formal OSS
Notes/indirect comments regarding another cadet using profanity or inappropriate language	EMI	ISS	1 d. OSS
As above, directed toward school staff (CH-6)	2 d. OSS	5 d. Formal OSS	Expulsion
Obscene gestures or remarks to cadets	ISS	1 d. OSS	2-3 d. OSS
Obscene gestures or remarks to school staff	2 d. OSS	5 d. Formal OSS (CH-6)	Expulsion (CH-6)
Possession of an electronic device (CH-15)	1 d. ISS, surrender of device 48hrs	2 d. OSS	3 d. Formal OSS
Possession of another's bus card (CH-6)	ISS	2 d. OSS	5 d. Formal OSS
Possession of cigarettes/smoking materials (CH-7)	ISS	2 d. OSS	5 d. Formal OSS
Profanity (non-directed)	Detention	EMI	1 d. ISS

Public displays of affection (holding hands, hugging, kissing, etc)	EMI	ISS	1 d. OSS
Refusing a reasonable request (insubordination) /defiance (CH-6)	EMI	ISS	3 d. Formal OSS
Refusing to attend academic remediation	EMI	ISS/ARB	3 d. Formal OSS
Restricted area violation (CH-6)	2 d. OSS	3 d. Formal OSS	Expulsion
Risk of injury using bodily fluids (saliva, blood, urine, feces)	ISS	2 d. OSS	5 d. Formal OSS
Smoking on school property	2 d. OSS	3 d. OSS	5 d. Formal OSS
Theft/possession of stolen property (CH-6)	2 d. Formal OSS	Expulsion	
Truancy (CH-9)	ISS	2 d. ISS	5 d. Formal ISS
Uniform violation (3 or more) (CH-6)	Detention	ISS	ISS; escalating in number of days for each subsequent instance
Under the influence of drugs/alcohol (CH-5)	2 d. OSS, mandatory counseling	3 d. Formal OSS	Expulsion
Verbal Altercation (CH-6)	ISS	2 d. OSS	3 d. Formal OSS

Notes:

1. A 1st offense for one type of violation may lead to 2nd or 3rd offense corrective measures if *the cadet has a pattern of misconduct*. **(CH-17)** Any cadet 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.
2. During periods of suspension (ISS or OSS), students are not eligible to participate in or attend *any* extra-curricular school activity.
3. Cadets 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.

4. Parents or Guardians will be notified by phone and letter for any assignment of suspension (ISS/OSS).

5. Copies of all discipline letters home will be provided to the Resource Room for any offending cadet who has an IEP. The Special Education Coordinator provides the Dean of students with any Behavior Intervention Plans assigned to a special education cadet at the start date of the student at the school. The Dean of Students 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 cadet 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 (2)

LEVEL III DISCIPLINE

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 **(CH-15)***
- making bomb threats
- sexual harassment **(CH-2)**
- cyber-bullying **(CH-10)***

Level III violations may result in the notification of Law Enforcement agencies, and may result in the immediate removal of the cadet 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 cadet feeling threatened or uncomfortable in the classroom setting and/or leads to disruption among cadets during the school day.

DUE PROCESS (CH-17)

All faculty and staff are obligated to inform the Dean of Students if they learn that a cadet has committed a Level II or Level III infraction. This may be verbal, but the preferred method is use of the Discipline Referral Form. 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 Dean of Students then conducts an informal hearing/counseling session. During that meeting, the Dean will notify the cadet of the charges against him or her and give the cadet an opportunity to present his or her version of the incident. The Dean of Students will then develop a recommendation for discipline based on the discipline matrix above.

For short term suspensions (less than five days), the Dean of Students will advise the Commandant of the nature of the cadet'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 Dean of Students' 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 Dean of Students. 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 cadets 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 cadets with disabilities each year and any time a cadet 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 cadet.

Enclosure (4)