

EXPELLING UNWANTED CHARTER SCHOOL STUDENTS – MORE INFORMATION



Dr. Barbara Ferguson
Research on Reforms, June 2011

Research on Reforms received numerous requests for additional information following the release of the article, *“New Orleans RSD Charter Schools Can Expel Unwanted Students – Making Test Results Questionable.”* In the article, Dr. Barbara Ferguson states:

“Do not be deceived into thinking that charter schools are inherently better than traditional schools; rather, they operate under different rules. They can expel students for minor infractions or can simply expel those who might contribute to lowering their test scores. According to Chas Roemer, BESE Chair of the RSD Committee, charter schools are not bound by the same student behavior rules as are traditional schools.”

In response to the requests for more information, the following is provided herein:

- Mr. Chas Roemer’s comments as transcribed by Learning Matters, Inc.
- Rules for expelling students, from the handbooks of the schools cited in the article:
 - New Orleans Charter Science and Math Academy
 - Lafayette Academy Charter School
 - Nelson, Gentilly Terrace, and Capdau: UNO Charter Schools
 - Miller-McCoy Academy
 - KIPP Central City Primary

Roemer’s Comments Regarding Charter Schools Expelling Students

Comments by Mr. Charles Roemer, BESE member and RSD Committee Chair:
June 9, 2011 meeting in New Orleans at Cohen High School

Question: How do charter schools get the authority to expel students for minor offenses?

Mr. Chas Roemer’s Response: “The charter school determines what they can and cannot do autonomously. So that is their decision, their discipline policy, their expulsion policy, their attendance policies, which can be determined at a school by school basis for charter schools.”

Question: So, students in the charter schools can be expelled for minor violations and consequently these students are then returned to the traditional schools? We think this creates an inequitable system. Is this consistent with the Louisiana Revised Statutes?

Mr. Chas Roemer’s Response: “It is consistent with the Louisiana Charter School Law. That’s what it is consistent with. It is. Absolutely”

(Source: Taped and transcribed by Learning Matters, Inc.)

<p>returned, then submitting the work for re-grading;</p> <p>f. Stealing, reproducing, circulating, examination materials</p> <p>g. Citing a source that does not exist Inventing data or statistical results to support conclusions.</p> <p>Examples of plagiarism include: (Please see code for Cheating Violations.)</p>	<p>New Orleans Charter Science and Math Academy Family Handbook, 2010-11</p>	<p>mended to the Student Discipline Team with a parent conference.</p>
	<p>consequences accordingly.</p>	<p>A third or subsequent offense will result in the following additional consequences: F (Grade of 59) for the course <u>for the quarter</u> (only if grade earned is above a 59) Suspension Recommendation for retention</p> <p>A fourth offense will result in the following additional consequences: Failure for the year Retention</p>

Safety Violations	Consequence	School
<p><i>Including, but not limited to:</i></p> <ul style="list-style-type: none"> • Fighting or unwanted physical contact • Using or possessing a weapon (automatic expulsion) • Arson (automatic expulsion) • Setting off false fire alarms or safety shower (automatic expulsion) • Threats • Sexual/racial harassment • Verbal/physical harassment, including but not limited to bullying and repeated teasing of teammates. • Theft • Graffiti, defacement, or damage to the building or community or its contents • Smoking or possession of tobacco • Possessing, using, selling or transferring drugs/alcohol (automatic expulsion) 	<p>Possible in combination or isolation</p> <ul style="list-style-type: none"> • <u>Expulsion</u> • Suspension • Loss of SMAc Bucks • Community Service • Letter of apology to community to be read at community assembly • Conflict Resolution/Mediation • Parent Meeting • Contract 	

Advisory at Sci Academy

All scholars are placed with an advisory during the first week of school. Advisory is a small group of scholars that work with an advisor for all four years of high

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consistent manner, schools teach them a powerful two-fold lesson: that student claims and actions matter and that their words and deeds-intentional and unintentional-have consequences.

Misbehavior will be handled by the teacher or faculty member in charge. When self-control and self-discipline fails, students face disciplinary consequences to protect the rights of others and to ensure uninterrupted instruction by teachers for students. If persistent misconduct occurs, consistency and clarity of consequences are key – one of which will be removal of the student from the classroom to the Division Head.

(A) Behaviors Warranting Disciplinary Action

The following behaviors are considered offensive and seriously harmful – both to the student who commits the action and to our school. We make every effort to shape a positive learning atmosphere, but we can not risk the safety of an orderly environment for learning. Therefore, we must act to stop the following behaviors if they occur. Students who act in the ways listed below shall be subject to appropriate disciplinary action, including suspension and expulsion:

- ○ Absenteeism (including cutting of class), unexcused or excessive;
- ○ Aggressive behaviors, including but not limited to hitting, pushing and shoving;
- Alcoholic beverages, possession, delivery, use or being under the influence of;
- Arson or attempted arson;
- Assault or attempted assault;
- Beeper and/or other telecommunications devices, possession of, except as considered necessary by the Head of School
- ○ Cheating and/or plagiarism;
- Dangerous articles, firearms, knives, metal pipes, sharpened implements, clubs, look-alike weapons, ammunition, etc., possession of;
- Defacing or destruction of school property or property of another
- ○ Detention, failure to report to or refusal of;
- Dice shooting (whether or not gambling);
- ○ Disobedience to teacher or other staff member;
- ○ Disrespectful behavior toward teacher or other staff member;
- ○ Disruption of class, study or instruction;
- ○ Dress guidelines, violation of;
- Drugs and controlled substances, possession, use, distribution, or being under the influence of;
- Extortion or attempted extortion, harassment, or intimidation;
- ○ Failure to report to office as directed;
- Fighting;
- Fireworks, stink bombs, or other explosives, possession, distribution, use, or lighting;

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- Forgery of notes or passes, etc.;
- Gambling or present at scene of gambling;
- ○ Leaving class without teacher's permission;
- Leaving school ground without proper authorization;
- Loitering on school property, including halls and classrooms;
- Loitering in vehicles, in parking lots, or on streets;
- ○ Lying/falsehood;
- Misuse of school property or property of others;
- Molesting others;
- ○ Obscene language or gestures, use of,
- Obscene writing, pictures or articles, or possession of
- Participating in and/or instigating a riot;
- Presentation of forged notes or passes;
- Profane language, use of;
- ○ Refusal to follow directions of teacher or other staff member;
- Refusal to identify self properly;
- ○ Removal of food from cafeteria;
- ○ Rude behavior to others;
- Sexual harassment;
- ○ Sleeping in class;
- Tardiness, unexcused or excessive;
- Tobacco products, possession or use of;
- Trespassing while suspended;
- Theft or attempted theft;
- Threatening bodily harm or property damage;
- Threatening language or gestures, use of,
- ○ Truancy from school;
- Unauthorized entry into restricted areas;
- Violence, acts of;
- Walkouts;
- Any violation of this code, policies of the Board of Trustees, or local, state or federal law;
- ○ Any other conduct considered by the Head of School to be disruptive, disrespectful or disobedient.

(B) Disciplinary Authority of Teachers, Staff, and Administrators

The community judges a school by the actions of its students in and out of school. At all times when students are under school jurisdiction, they are expected to conduct

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Charter School Network
Parent Student Handbook, 2010-11
Nelson, Capdau and Gentilly Terrace

13. use of obscene
14. selling or trading of items other than those approved as fund raising projects
15. disruptive activities
16. engaging in behavior off campus and not at a school sponsored activity that is defined as a felony offense
17. violation of the acceptable use of technology resources as outlined in the student handbook
18. possession of BB guns, pellet guns, and/or paint ball guns
19. inappropriate physical or sexual contact
20. pornographic material brought to school.
21. verbal sexual assault


Category II Consequences

Consequences of Category II misbehaviors include, but are not limited to, the following:

1. any Phase I consequence or combination of consequences
2. in-school suspension
3. out of school suspension
4. notification of outside agency and/or police with filing of charges when appropriate
5. behavior contract
6. student removal from class by teacher
7. behavior improvement program
8. counseling

Category III Misbehaviors

Category III misbehaviors are of such severity that the student's presence disrupts or threatens the effectiveness of the school's environment. Common signs of Phase III misbehaviors include, but are not limited to, the following offenses committed on school property or within 300 feet of school property, or while attending a school sponsored or school related activity except as noted

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1. Persistent Category II misbehavior becomes a category III offense.
 2. possession or use of tobacco or tobacco products
 3. fighting (defined as mutual combat in which one person strives to overcome or injure another with motion of the limbs or body)
 4. engages in conduct that contains the offense of assault or terroristic threat
 5. possesses, uses or is under the influence of marijuana or another controlled substance. **If such conduct is punishable as a felony, the proper law enforcement will be called.**
 6. commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage. **If such conduct is punishable as a felony, the proper law enforcement will be called.**
 7. engages in conduct that contains the element of an offense relating to an abusable volatile chemical
 8. engages in conduct that contains the elements of public lewdness or indecent exposure
 9. engages in conduct that contains the elements of retaliation against any school employee regardless of time or place
 10. engages in conduct that contains the element of breaching computer security
 11. use or possession of hacking software or any other software capable of causing harm

- without regard to school property
13. engages in a school related activity on or off school property during the school year, disrupting school or using drugs or alcohol. Attending school under the influence of a doctor and/or alcohol or who have used or consumed alcohol or who have altered their behavior.
14. extortion, coercion, blackmail, i.e., obtaining money or objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force
15. truancy/"skipping school"
16. possession of drug paraphernalia including, but not limited to pipes, roach clips, and/or rolling paper
17. possession or use of fireworks, explosive devices, or any article which may be used as a weapon or toy gun and/or toy weapon used in a threatening manner, but not defined as an illegal weapon according to Louisiana law including any knife not approved by the principal
18. vandalism
19. theft
20. threat
21. involvement with prohibited organizations (gangs, secret societies, etc.)
22. hazing
23. trespassing
24. altering or destroying school records
25. possession or use of stink bombs
26. unwarranted activation of emergency equipment or fire alarm
27. indecent exposure
28. sexual harassment (verbal or physical)
29. any action which could cause injury or harm to another
30. use, exhibition or possession of:
- a firearm
 - a knife
 - a club
 - any foreign object intended or modified for use as a weapon
31. engaging in conduct that contains the elements of the offense of:
- assault
 - sexual assault
 - verbal sexual assault
 - battery
 - arson
32. drug/look alike drug/alcohol violations-having, using, selling, buying, or giving away any drugs, look alike drugs or alcohol. If a student has a drug prescribed by a doctor, it must be kept in the nurse's office or main office.

Category III Consequences

Consequences of Category III misbehaviors include, but are not limited to, any of the following:

- emergency removal pending investigation
- out-of-school: removed from school for and not less than (1) no more than (5) consecutive school days while the incident is being investigated. Parent will be notified as soon as possible by phone and in writing stating the reason for and the duration of the removal
- permanent removal from the class of the teacher reporting the offense
- withdrawal of various privileges (computer access)
- referral to law: law enforcement personnel notified for appropriate action and in cases of major violations, school officials may press charges
- investigation outcome may result in expulsion: removed from school for up to (2) calendar years. Students under expulsion are prohibited from being on school property or attending school related activities on or off school property.

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Mathematics and Business
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regulations may be su and other school events. Repeated infractions resulting in demerits and /or detention may lead to suspension and repeated suspensions may lead to expulsion. Students currently serving ISS or OSS are not entitled to participate in school activities. In addition any breaches of state or federal law may be handled in cooperation with the New Orleans Police Department or other authorities. Infractions of the Code of Conduct include:

1.1 Arriving late to school or class: Student tardiness disrupts class, inconveniences others, and often results in academic difficulties. Students may not be late to school or class. Late students may be asked to stay after school. His parent(s) are responsible for transporting the student home.



1.2 Cutting school, class, detention, homework center, or mandatory school events: Students are required to attend all academic and enrichment classes, assigned detention, assigned homework center, assigned Saturday school, and mandatory school events. Students are not permitted to have unexcused absences or to leave the building without permission. In addition to other disciplinary consequences, this offense may result in long-term suspension and/or expulsion.

1.3 Misbehaving on School-Provided Transportation: Students may not misbehave while walking to or from, waiting for, or riding on school-provided transportation, including the school bus. Please note that students are subject to temporary or permanent denial of school-provided transportation (in which case students and parents are responsible for travel to and from school) in addition to demerits, detention, suspension, expulsion, and/or other consequences. Misbehavior includes, but is not limited to, using inappropriate language, making excessive noises, touching other students inappropriately, being disrespectful of others, or failing to follow the bus driver's instructions.

1.4 Trespassing between schools

1.5 Violating the Dress Code: Parents must pick up children who are not properly dressed for school, bring the missing items to school, or authorize the student to return home to retrieve the necessary items as students may not be permitted to attend class. Violation of the dress code also may result in additional disciplinary consequences.

1.6 Gum, Food, and Beverages: Students may not chew gum at Miller McCoy Academy. Students may not eat or drink at unauthorized times or places at Miller McCoy Academy.



1.7 Disrupting Class and Prevention Teaching: Miller McCoy Academy can fulfill its mission only if classrooms are safe and teaching is uninterrupted. Students may not disrupt class. In addition to other disciplinary consequences, this offense may result in long-term suspension and/or expulsion.

1.8 Arriving to Class Unprepared: When class begins, students must be prepared and have all necessary materials (books, organized binders, paper, pen, pencils, etc.)

1.9 Failing to Complete Homework: Completing homework is essential to the success of individual students and the classroom community. Students are expected to complete all assignments on time.



→ 1.10 **Cheating, Plagiarism, and Copying Other's Work:** Cheating or copying the work of others (or allowing other students to copy work) is unacceptable. In addition to other disciplinary consequences, this offense may result in long-term suspension and/or expulsion.

1.11 **Failing to Submit:** Students are required to submit assignments on time. Students are required to secure the signature of a parent/guardian on homework assignments when requested.

1.12 **Forgery:** Student

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1.13 **Lying to a Staff Member:** Honesty is an essential element of personal character and is needed to build a community based on trust and respect. Students are not permitted to lie or attempt to conceal the truth.

→ 1.14 **Being Disrespectful Toward a Staff Member:** A school cannot function properly if students are permitted to be disrespectful towards adults. For that reason, students may not be disrespectful towards staff members or any adult associated with the school. In addition to other disciplinary consequences, this offense may result in long-term suspension and/or expulsion.

1.15 **Being Disrespectful Towards a Student:** If students do not feel physically and emotionally safe in school, teaching and learning are made more difficult. Therefore, students may not be disrespectful towards other students. In addition to other disciplinary consequences, this offense may result in long-term suspension and/or expulsion.

→ 1.16 **Possession of Electronic Devices and Inappropriate Property:** Students cannot possess beepers, walkman, CD players, iPods, MP3 players, cameras, laser pointers, electronic equipment, games, printed text or lyrics that are vulgar, profane, or sexually explicit, or any other items inappropriate for school. Such items will be confiscated and may be confiscated indefinitely irrespective of any costs or fees students and/or their families may incur as a result. In addition to other disciplinary consequences, this offense may result in long-term suspension and/or expulsion.

1.17 **Gambling:** Gambling or betting is not tolerated.

→ 1.18 **Misbehaving Inside or Outside of Class:** Misbehavior inside or outside of class (at school and/or on school grounds; participating in a school-sponsored event; walking to or from, waiting, for, or riding on school-provided, or walking to or from, waiting for or riding on public transportation to and from school or a school-sponsored activity) is not permitted. In addition to other disciplinary consequences, this offense may result in long-term suspension and/or expulsion.

1.19 **Cell Phones:** Cell phones are allowed at school only if the phone is used before or after school outside the gates of the campus. The phone must be **powered off** before the student enters the guard shack for metal search and detection. Phones may **not** be powered on while in the class, hallway, lunchroom, restroom or any other place deemed to be inside the gates of the school. The phone will be confiscated and returned at the end of the day. However, if there are multiple offenses or abuse of the phone rules the phone **must** be picked up by the parent. The responsibility for the phone will not be assumed by the school unless it is confiscated.



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conference
receipt for _____ 2010-11

n. The guardian will sign a

4. Absence/Tardy 4- student/family referral to a community-based attendance intervention agency

5. Absence/Tardy 5- or more- Parents found in habitual violation the law after this meeting may receive one or more of the following:

- a. Truancy Referral (this is an official police report made to the Municipal Court outlining your child's excessive tardies or absences)
- b. Summons to appear in court regarding the truancy
- c. Fine for up to \$250.00
- d. A minimum of 25 hours of Community Service work for truant children and parents or guardians responsible for truant children
- e. Your child failing a grading period
- f. Your child being disenrolled from KIPP Central City
- g. Your child being retained for the year

Long Term Absences

If your child is absent for a week or more, please make certain to make arrangements with your child's classroom teacher to pick up long-term assignments. Depending upon the nature of the illness, children will be responsible for keeping up with their class work.

If students are absent for any reason for 10 consecutive days without parent notification or 20 days with notification, the student will be automatically dropped from the roster and will be automatically withdrawn.

Early Dismissal & Appointments

Maximizing our instructional time at KIPP Central City Primary is critical to ensure that ALL of our students are reaching their full academic and social potential. Please try to arrange appointments for after school whenever possible. Children with morning appointments will be expected to come to school after their appointment with a doctor's appointment. Children with afternoon appointments will be expected to come to school in the morning before the appointment. If your child has a medical or dental appointment or a family emergency, requiring you to come to school requesting an early dismissal, please write a note to the teacher ahead of time.

All early dismissals are made from the office, not from the classroom. Parents are required to sign-out students from the office for any early dismissal. Please try to arrange appointments for after school whenever possible. A child will be dismissed early only to a parent or other properly authorized and identified adult. A letter from you properly identifying another adult whom you authorize to pick up your child is required. An early dismissal without proper documentation from a doctor or other authorized person counts as a tardy. (Please see "Tardy" in the "Attendance" section.)

Arrival

The KIPP Central City doors will be open at 7:15 am each morning. Children will not be supervised or allowed into the building before that time. The names of children left at the

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Expulsion

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If a child is being considered for expulsion from KIPP Central City Primary Charter School, the Principal shall contact the parent by phone or provide written notice to the student and his or her parent(s) or guardian(s) that the student is being considered for transfer to another school. Such notice also shall set a time and place for a conference with the Principal and shall inform the parent(s) or guardian(s) of their right to be accompanied by an individual of their choice. If, following the conference, the Principal determines that the student's actions warrant an expulsion they will notify the Board of Trustees about the administration's decision.

Should they choose, the parent or guardian may appeal the administration's decision to the Board of Trustees and an expulsion hearing will be scheduled for the parent/guardian in a timely manner. The parents, should they so choose, may also present materials to the Board. If at the conclusion of the hearing the Board determines the expulsion is warranted the child will then be expelled. If the Board of Trustees feels that the expulsion should be overturned the child will be permitted to remain at school.

Students are subject to a long-term suspension or expulsion if they:

- Repeatedly commit minor behavioral infractions which, in aggregate, may be considered an infraction subject to formal disciplinary action
- Repeatedly engages in conduct which disrupts school or classroom activity or endanger or threaten to endanger the health, safety, welfare, or morals of others
- Possess, use, attempt to use, or transfer any firearm, knife, razor blade, explosive, mace, tear gas, or other dangerous object of no reasonable use to the student in school*
- Fight another student
- Assault a staff member
- Make a false bomb threat or pull a false emergency alarm
- Commit, or attempt to commit arson on school property
- Vandalize school property causing major damage
- Commit any act which school officials reasonably conclude warrants a long term suspension
- Continuously make false allegations against school officials

* The Federal Gun-Free Schools Act of 1994, which applies to public schools, states that a student who is determined to have brought a weapon to school must be suspended for at least one calendar year. This suspension requirement may be modified by school administrators, however, on a case-by-case basis. Weapon as used in this law means "firearm," as defined by 18 USC §3214(3)(d) effectuates this federal law.

Repeat Offenders

Students who continue to be suspended whether in-school or short or long term may be expelled from KIPP Central City Primary. Students who have been suspended 3 or more times in their entire duration at KIPP Central City Primary will be expelled or will be asked to transfer to another school.