PLAN FOR PROGRESSIVE DISCIPLINE BASED ON RESTORATIVE JUSTICE

INTRODUCTION

Freedom Classical Academy (FCA) strives to provide a safe and productive learning environment that is focused on learning. Establishing and maintaining order in the classroom and school facility is one of the first and most essential steps in this process. This document seeks to establish a vision and framework for positive, restorative, and progressive discipline that both empowers and holds accountable all stakeholders at FCA in this collaborative process.

PLAN DEVELOPMENT & IMPROVEMENT

Freedom Classical Academy seeks with the input and participation of teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts, and other educational personnel and support personnel, parents and guardians, and students in the development and continual improvement of this plan.

The plan will be posted on the school website for stakeholder reference and review. Opportunities for both formal and informal feedback will be provided through school committee meetings, parent meetings, and electronic communication such as email.

School administration shall review behavioral data each quarter to identify potential trends including rates of problematic behaviors, rates in elevated consequences such as suspensions and expulsions, distribution of behaviors and consequences based on subgroup association, and any other relevant data points. Training, interventions, and supports may be requested to address identified areas of concern.

As deemed necessary, this plan may be revised to meet the needs of Freedom Classical Academy and our stakeholders.

PREVENTION & INTERVENTION

"An ounce of prevention is worth a pound of cure." – Benjamin Franklin

Freedom Classical Academy seeks to prevent behavioral problems before they begin. In order to accomplish this goal, the school will enact the following actions:

1. Develop and maintain a community reputation as a school that is loving but has high expectations for student conduct. Train and reinforce these expectations through the student handbook, school marketing efforts, new student orientation, and classroom procedures training.
2. Engage parents in the process through ongoing communication via:
    a. School Handbooks

b. Social Media
c. School Website
d. Informational Meetings
e. Parent Advisory Board
f. School Newsletters
g. School Communication App (eg ParentSquare)
h. Student Information System (Infinite Campus)
i. Teacher Newsletters
j. Flyers
k. Etc.

3. Implement Leadership / SEL curriculum in the classroom to provide students with the tools to both understand and cope with their emotions and better interact with others.
4. Focus on small, early indicators of problem behaviors before they escalate.

TEACHER TRAINING

In order to ensure the success of this plan, it is imperative that school staff receive the proper training and support. In turn, it is also important that parents/guardians are provided guidance and training to extend the concepts beyond the classroom and into the home. Towards this end, FCA will carry out the following training activities:

1. Leadership / Social Emotional Learning
2. Restorative Interventions and Restorative Practices
3. Principles of Successful Classroom Procedures
4. FCA's Behavior Intervention Ladder

CLASSROOM PROGRESSIVE DISCIPLINE BASED ON RESTORATIVE JUSTICE

It is the philosophy of Freedom Classical Academy that to the extent possible, behaviors should be managed in the classroom. In this way, the teacher remains the authority figure of the classroom. In cases of severe classroom disruption, endangerment of other students or staff, or major infractions of student conduct, the teacher should refer the student to Administration for disciplinary action. Teachers must follow the guidelines below regarding classroom discipline:

1. Teachers shall develop classroom discipline plans in alignment with school guidelines and values prior to the commencement of each school year.
2. Classroom discipline plans shall emphasize positive interventions and modern, progressive restorative justice practices for the modification of behavior.
3. Teachers shall provide explicit training to students on classroom procedures as well as the classroom discipline plan during the first week of the school year. A refresher course may be provided, as needed.
4. Teachers shall communicate frequently with parents including expectations, positive commendations, and student misconduct.

5. The teacher shall keep a record of applicable student misconduct in the Student Information System as well as any efforts to communicate with the parents. Recordkeeping is crucial and thus mandatory.
6. Any referrals to Administration must be accompanied with documentation explaining the referral and prior interventions.

SCHOOL-LEVEL INTERVENTIONS

Freedom Classical Academy provides administrators with a standard intervention matrix based upon the infraction committed. That matrix is only a guide to ensure reasonably consistent outcomes. Due to the individual nature of each situation, Administration bears the responsibility, within its reasonable discretion, of assessing each specific circumstance and adapting the intervention to the exigencies of that circumstance. Where possible, Administrators should employ progressive discipline based on restorative justice practices which (1) hold students accountable for their behavior; (2) provide for restoration or remedies in relation to the behavior of the student; (3) deliver relief or restitution for any victim, and, (4) changes the behavior of the student. Where appropriate and/or necessary, school Administrators shall contact law enforcement personnel to report violations of city, state, or federal Law.

All disciplinary decisions shall be made regardless of the real or perceived race, creed, religion, sex, sexual orientation, gender identity, economic status, disability status, and/or other protected class of the student(s) involved.

<u>Potential Interventions include without limitation:</u>

1. Restorative Circle Discussion / Restorative Intervention Plan
2. Detention (after school or lunch)
3. Service Detention
4. Essay Assignment
5. Behavior Contract
6. Attendance Contract
7. Apology Note
8. Book Study / Book Report
9. School Social Worker scheduled follow-up
10. Peer mediation luncheon
11. Required Parent Conference
12. Behavior Intervention Plan (as outlined in IEP)
13. Teacher, student, and parent phone call
14. Home visit
15. In-school or Out-of-School Suspension
16. Expulsion

Exclusion from the educational program of the school, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student. Accordingly, suspension or

expulsion of students in the school will occur only: (i) based upon decisions taken by senior Administration and (ii) in compliance with all state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, as applicable.

RESTORATION OR REPAIR

When considering behavioral interventions, school staff should discuss with the involved parties what actions can be taken to restore or repair harm or damage caused by the incident. Where possible and appropriate, these remedies should be integrated into the intervention to both help the offender learn how their actions influence others and provide a level of relief to the victim.

BEHAVIORAL CHANGE

The primary goal of behavioral interventions should be to help each student develop the skills, awareness, and desire necessary to meet behavior expectations both inside and outside of the classroom. When addressing behavioral concerns, staff should consider what additional training or support might be provided to a student to help them succeed and integrate those resources into the restorative action plan. While the Leader in Me program serves as the school-wide SEL program, the Dean of Students is responsible for identifying and integrating targeted social emotional learning (SEL) lessons into restorative action plans.

HABITUAL DISCIPLINARY PROBLEM DISTINCTION

Under NRS 392.4655, a student may be deemed a habitual disciplinary problem if all of the following conditions are met:

(1) He/she is at least 11 years old.

(2) Within one school year: (a) the pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school, at least two or more times; or (b) the pupil has a record of five significant suspensions from the school for any reason.

    A typical example would be if the student was involved in at least two fights (whether on school property, at an activity sponsored by a public school, on a school bus or, if the fight occurs within 1 hour of the beginning or end of a school day, on the pupil's way to or from school).

(3) The school has developed a plan of behavior for the student in consultation with the student and the parents/guardians of the student prior to the student being designated a habitual disciplinary problem, in an effort to prevent the distinction.

If a student is deemed to be a habitual disciplinary problem and equals or is over 11 years of age, he/she may be expelled under extraordinary circumstances as determined by the principal, if and only if the school has made a reasonable effort to complete a plan of action based on restorative justice (NRS 392.466(1)).

If a student is eligible for the habitual disciplinary problem designation but is homeless or in foster care, then the school will comply with certain specific statutes and regulations on point. See, e.g., AB 285 and AB 330 (2023), amending NRS 392.4655.

SUSPENSION AND EXPULSION

Pursuant to Nevada law, only students who are at least 6 years old may be removed from the school or suspended. Students above 6 years old may or may not be removed from the school, suspended, or expelled, depending upon two key factors: (i) his/her age and (ii) the misconduct in question.

If Nevada law changes while this Plan is in effect, then the School reserves the right to issue discipline reflecting such changes, even before it has had the opportunity to amend this Plan.

Note that age limits might not apply, and the School may immediately remove a student, in the following situations:

- A student is in possession of a firearm or dangerous weapon (NRS 392.466(5) & (6); 392.467(2)), or
- A student poses a continuing danger to persons or property (NRS 392.466(5); 392.467(2)), or
- A student poses an ongoing threat of disrupting the academic process (NRS 392.466(5); 392.467(2)).

<u>Battery or Sale/Distribution of Controlled Substances (NRS 392.466(1))</u>

- If a student commits a battery on school staff, whether or not that results in the bodily injury of an employee:
    - The student must meet with the school and the parents/guardians; and
    - The school will provide a plan of action based on restorative justice to the parents/guardians; and
    - If the student is less than 6 years old, the suspension must be reviewed and approved by the Executive Director. The student may not be expelled or permanently expelled.
    - If the student is 6 or 7 years old, the student may be suspended. The student may not be expelled or permanently expelled.
    - If the student is aged 8 years or older, the student <u>may</u> be suspended, expelled, or permanently expelled.
    - However, if the student is aged 6 years or older and the battery was intended to cause bodily injury (i.e., an injury that is detrimental to health and not "merely

accidental, transient or trifling"), then the student shall be suspended, expelled, or permanently expelled.

- If a student has committed battery of an employee of a school, the employee may appeal the plan of action based on restorative justice if (1) the employee feels that any actions taken pursuant to that plan are inappropriate; and (2) for a special education student, the Board of Directors has reviewed the circumstances and determined that the appeal is in compliance with Individuals with Disabilities Education Act (IDEA) (NRS 392.466(2)).

Sale/Distribution of Controlled Substances (NRS 392.466(1))

- If a student sells or distributes any controlled substance on school grounds, a school bus, or at a school sponsored activity:
    - The student must meet with the school and the parents/guardians; and
    - The school will provide a plan of action based on restorative justice to the parents/guardians; and
    - If the student is less than 6 years old, the suspension must be reviewed and approved by the Executive Director. The student may not be expelled or permanently expelled. If the student is between 6 and 10 years old, the student may be suspended. The student may not be expelled or permanently expelled.
    - If the student is aged 11 years or older, the student may be suspended, expelled, or permanently expelled.

Possession of a Firearm (NRS 392.466(6))

- As noted above, a student who is found to be in possession of a firearm may be removed from the school immediately upon being given an explanation of the reasons for the removal and pending proceedings (NRS 392.467(2)).
- If the student is less than 6 years old, the suspension must be reviewed and approved by the Executive Director. The student may not be expelled or permanently expelled. If the student is 6 or 7 years old, the student may be suspended. The student may not be expelled or permanently expelled.
- If the student is aged 8 years or older, the student must be either suspended, expelled, or permanently expelled.

Danger to Others; Academic Disrupter; Possession of a Non-Firearm Dangerous Weapon (NRS 392.466(5))

- As noted above, a student who committed any of this type of misconduct may be removed from the school immediately upon being given an explanation of the reasons for the removal and pending proceedings (NRS 392.467(2)).
- If a pupil: (i) "poses a continuing danger to persons/property" OR (ii) poses "an ongoing threat of disrupting" academics OR (iii) possesses a dangerous, non-firearm weapon (e.g., a hunting knife):
    - The school will provide a plan of action based on restorative justice to the parents/guardians; and

- If the student is less than 6 years old, the suspension must be reviewed and approved by the Executive Director. The student may not be expelled or permanently expelled. If the student is between 6 and 10 years old, the student may be suspended. The student may not be expelled or permanently expelled.
- If the student is aged 11 years or older, the student may be suspended, expelled, or permanently expelled.

Other Offenses

The school reserves the right to suspend or expel a student for any other reason permitted by law, including upon it finding "extraordinary circumstances" under NRS 392.467(1) or if a student already labeled a habitual disciplinary problem commits further misconduct, under NRS 392.468. This Plan is not intended to be exhaustive.

Removal to Another School (NRS 392.466(4))

- If Freedom Classical Academy is unable to retain a student due to safety concerns OR if it is not in the best interest of the student, the student may be suspended, expelled, or placed in another school for offenses outlined in NRS 392.466 or NRS 392.467.
    - If placement in another school is made, Freedom Classical Academy will explain what services will be provided to the student at the new school that the current school is unable to provide to address the specific needs and behaviors of the student.
    - Freedom Classical Academy will coordinate with the receiving school and/or district to create a plan of action based on restorative justice and to ensure that the receiving school has the resources required to execute that plan of action.

Executive Director Modification of Suspension or Expulsion

The district superintendent (i.e., the Executive Director in the case of FCA) may, for a good cause shown in a particular case allow a modification to a suspension or expulsion made pursuant to sections 1-8 of NRS 392.466, if such modification is set forth in writing. (NRS 392.466(10).) One reason for such modification would be if the Executive Director determines that a plan of action based on restorative justice may be used successfully.

DISCIPLINE DISPROPORTIONALITY

Administration will review discipline disproportionality data on a quarterly basis. Where disproportionality is indicated, Administration will seek to understand root causes and provide for additional training or coaching to reduce or eliminate unwarranted disproportionality.

APPEALS

Parents may appeal against the suspension or expulsion of their student. In order to appeal the suspension or expulsion, parents must file a written appeal to school administration within five (5) school days of receiving notice of the suspension or expulsion. If the parent fails to submit a

written appeal within five (5) school days, the discipline will stand. If Freedom Classical Academy receives a written appeal, the school will set up a hearing no later than 5 business days following receipt of the notice to appeal.

For Suspensions, the hearing will be done with the Director. All decisions of the Director are final.

Expulsion and long term suspension hearings will be conducted by the Board of Directors. If the parent would like to appeal to the board, the parents must submit a written appeal within five (5) school days. If they fail to submit a written appeal within five (5) school days, the original disciplinary action will stand. If they do submit a written appeal within five (5) school days, then the Board of Directors of Freedom Classical Academy will conduct a hearing. The decision of the Board of Directors is final.

Any of the hearings described above will be closed to the public. A recording of the hearing will be made. Upon request, the student may obtain a copy of the hearing recording.
The student may be represented by an advocate of his/her choosing. If the student will be represented in the hearing by an advocate, they must notify the school no later than 48 hours prior to the meeting.

Both the student and the administrator may call witnesses and present evidence. The hearing officer shall not be required to observe the same rules of evidence observed by the courts. Hearsay testimony of students shall be admissible.

The standard of proof shall be that of a civil action: a preponderance of the evidence. The hearing officer's determination of the appropriate consequences shall be based on the seriousness of the conduct as well as the student's prior disciplinary record insofar as it affects the effectiveness, or ineffectiveness, of forms of discipline previously imposed.
Pursuant to NRS 392.4673, a student that is suspended or expelled will be provided educational services to prevent the pupil from losing academic credit during the period of suspension or expulsion. If, in the judgement of the Executive Director, the seriousness of the acts which serve as the basis for discipline warrant it, the student may be placed in a temporary alternative placement. The temporary alternative placement will serve as the least restrictive environment possible.