

Myron B. Thompson Academy believes that all students have the right to an education in a safe and orderly school environment. Order and discipline are essential for optimum instruction and learning.

The frequency and severity of disruptive student behavior online and in person adversely affects the quality of teaching and learning. The incidence of disruptive student behavior (i.e. flaming, unnecessary debate, insubordination, etc.) can be significantly reduced when teachers and administrators value and use practices which are most likely to help students learn to take responsibility for their behavior and when teachers, administrators, and parents/guardians share information about a student's unique individual needs.

Disruptive behavior, as used in this policy, includes any student conduct that significantly interferes with the learning of other students in school.

When classroom disruption does occur, appropriate action must be promptly taken by the principal or designee in accordance with relevant departmental regulations, administrative rules, and state and federal laws which protect the rights of all students. Disciplinary action options may include but are not limited to: conference with student, detention, parent conference, counseling, suspension, or expulsion. The principal or designee can approve suspensions or crisis removals of one to ten school days. Myron B. Thompson Academy will ensure that students who are suspended or crisis removed for one to ten school days are disengaged from their school work. Suspensions exceeding ten school days shall be approved by the complex area superintendent. Myron B. Thompson Academy will ensure that students who are suspended or crisis removed for more than ten days will be provided with access to their courses. For more detailed information, please visit [www.ch19.k12.hi.us](http://www.ch19.k12.hi.us).

### **Due Process**

The following provides the minimal requirements for due process and dismissal. For more detailed information, please visit [www.ch19.k12.hi.us](http://www.ch19.k12.hi.us).

Additional requirements applying to students with disabilities (including students not yet receiving special education services but who have been identified by their schools as having disabilities) are provided in the following sections pursuant to the Procedural Safeguards Notice for Parents and Students Under The Individuals With Disabilities Education Act and Hawaii Law and Regulations, 6/13, RS 13-1310 (Rev. of RS 11-1571). For more detailed information, please visit [www.hawaiiboe.net](http://www.hawaiiboe.net).

Suspensions of ten days or less: School administrators must provide the student written or oral notice of the charges against him or her. Additionally, if the student denies the charges, he or

she must receive an explanation of the evidence the authorities have and must be presented an opportunity to refute such evidence.

Suspension of more than ten days or expulsion: The student is entitled to the same due process as stated above but also must be afforded a formal hearing before an impartial body. The student may have a lawyer present and may cross-examine witnesses.

**Discipline for Students with Disabilities- General : Sections 8-60-75 to 8-60-80 of the Procedural Safeguards Notice for Parents and Students Under The Individuals With Disabilities Education Act and Hawaii Law and Regulations, 6/13, RS 13-1310 (Rev. of RS 11-1571).**

Students with disabilities receive the same basic due process rights that apply to all students. To the extent that similar actions are taken for students without disabilities, schools may remove children for no more than ten consecutive school days from their current placement to an appropriate interim alternative education setting, another setting, or suspension.

Any suspensions that occur after ten total days in a school year constitute a change in placement. The ten days refer to either consecutive or cumulative days. Specific actions must be taken by the school, depending in part on whether the behavior prompting the discipline is a manifestation of the student's disability. For more information see HAR section 8-60-75

**Protections for Students Not Yet Eligible for Special Education and Related Services**

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school had knowledge before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice, see HAR section 8-60-77.

**Appeals**

Parents/guardians may file a due process complaint if they disagree with any decision regarding placement made under the discipline provisions or the manifestation determination. For more information, see HAR section 8-60-77

**Student with Disabilities Under Section 504 of the Rehabilitation Act of 1973**

Students with disabilities under Section 504 of the Federal Rehabilitation Act of 1973 are subject to the same disciplinary procedures as non-disabled students, provided the behavior is not caused by or is a manifestation of their disabilities. According to the Office of Civil Rights, schools must hold a hearing before suspending a student with a disability under Section 504 for more than 10 cumulative days. Such student must also "not be subjected to discriminatorily

different treatment in discipline, and must not be disciplined more harshly or frequently than similarly situated students without disabilities for the same infractions". For more information, see <http://www2.ed.gov/documents/news/section-504.pdf>.