

MOUNTAIN SONG DISCIPLINE POLICY

Values and beliefs regarding discipline

Discipline is an integral part of a Waldorf curriculum. Mountain Song's behavior model is grounded in finding strategies to help children successfully meet expectations of safety and respect by providing clear boundaries and building on a child's strengths.

Discipline practices will be administered in an equitable and age-appropriate manner. The discipline process will address the needs of the student who engaged in the misconduct, the needs of those who were affected by the misconduct, and the needs of the overall school community.

As part of the Waldorf pedagogy, the age and developmental stage of each child is taken into account in guiding methods that are intended to help children internalize rules, get along with others, and become increasingly self-directed in their behavior. Giving children limited choices, a sense of safety in the classroom, and promoting cooperation are some of the preventative strategies all staff members strive to use daily to help with behavior. The school values a progressive approach to discipline that includes trauma-informed and restorative justice practices.

Mountain Song Student Behavior Expectations

Be Safe

Be Kind

Be Respectful

Be Responsible

- Student behavior must support a productive learning environment.
- Students must comply with all teachers' directives in a timely manner.
- Students must treat other students and adults, and their belongings, with respect.
- Students must treat school property with respect.
- Students must use respectful language.
- Students must engage in safe, responsible, respectful, and appropriate activities in school, on the playground, and during any school-sponsored activities.
- Students must help take care of each other and the school.

Not allowed or tolerated at MSCS:

- Disruptive behavior.
- Non-compliance or defiance of teacher's directives.
- Disrespect to others and/or their belongings.
- Destruction or defacing of school or others' property.
- Offensive language, derisive language, and name-calling.
- Activities that relate to violence, drugs, harassment, non-school related media, or bullying.
- Play that involves hitting or holding others.

Playground Rules

Be safe

Be kind

Be respectful

Be responsible

- Play with a concern for the safety of self and others.
- Everyone needs to be in control of their own bodies at all times. The following are not allowed: tackling, restraining, hitting, throwing hard objects at others, or other rough play.
- Follow all instructions given by staff members.
- Show respect. Stop means stop. No means no.
- Use playground equipment properly:
 - Swings may not be twisted.
 - Chalk is used only on the sidewalks.
 - Avoid hitting balls at windows.
 - Do not intentionally put equipment out of reach (roof, fire escape stairs, street, etc.).
- Remain within playground areas only. The staff parking lot is off limits.
- Climb only on playground equipment. Stay off bannisters, light poles, etc.
- Tires must remain away from the school building, doors, and fire escapes.
- Shoes must be worn at all times.
- Return all recess equipment to the recess cart attendants.
- Resolve conflicts peacefully. Negotiate and compromise. Seek a staff member when you cannot resolve it on your own.
- After school - ALL students (K-8) must be supervised by staff members. After 3:25 p.m., students may not be on the playground, except those in after school programs.

Distractions

A student's attention should be on activities within the classroom and school grounds, and not on external distractions. In this light, electronic games, music players, personal electronic devices or computers, and the like are not permitted in school.

Cell Phones are allowed on school grounds, but they must be turned off and in a student's backpack during school hours. Students may not use personal cell phones to call home for illness, homework, lunches etc. They must go to the office to make these calls.

Restorative Processes

Mountain Song values a restorative justice discipline model that focuses on repairing harm through an inclusive process. When restorative justice is implemented, the focus of discipline is changed from punishment to learning, and from the individual to the community.

Accountability Without Blame Meetings

When children have conflict, due to social needs or behavioral, this may be handled through an in-class conflict resolution meeting facilitated by the teacher, or a formal Accountability Without Blame meeting led by the Dean of Students, member of the Student Support Team, and/or the Administration. These meetings include perspective sharing, taking personal responsibility, repairing any harm, mending relationships, and reintegrating all parties back into their class community.

Teachers will meet with the Student Support Teams to implement in-class strategies to aid with discipline issues as provided by evidence-based approaches. Classroom teachers implement behavioral supports and interventions for students with 504's and IEP's in consultation with the Special Education teachers. Regular classroom visits and teacher evaluations by administrators and support staff support them in maintaining successful in-class discipline.

Teachers will encourage children to care and respect for all life, solve their own problems whenever possible, participate in class activities, value safety for themselves and others, and share the classroom and playground space.

Staff Training

Staff training will be provided to ensure that the disciplinary program is effective and that relevant policies and procedures are equitably applied.

Non-Discrimination

School staff responsible for implementing this policy shall do so without discrimination based on race, color, creed, national origin, sex, marital status, sexual orientation, sexual identity, religion, ancestry, disability, or need for special education services.

Students With Disabilities

Discipline for students with disabilities shall be in accordance with the student's individualized education plan (IEP), any behavior intervention plan, 504 plan, and applicable laws affording procedural safeguards to students with disabilities.

Student Conduct Subject to Disciplinary Action

Student conduct during either curricular or extracurricular activities in classrooms, in school buildings, on and off school grounds, or in vehicles for a school event may be subject to disciplinary action, if such conduct is detrimental to the school environment and to the welfare or safety of other students or school personnel. A student is subject to conduct that occurs online if this conduct causes a disruption to the educational environment.

Distribution

This policy will be posted on the school website, and a printed copy will be available in the front office of the school. Copies of this policy and school rules will be made available, upon request, to each student and parent/guardian, and upon request, translated in a language that the parent/guardian can understand.

Mountain Song will make students aware of the contents of this policy and other school rules related to conduct. This policy will be distributed at the beginning of the school year, and will be posted on the school's website and in the Parent Handbook.

Creating a Community Culture

Mountain Song teachers and staff explicitly state and remind students about appropriate behavior at school and school events, and practice routines based on the expectations as part of the daily rhythm. School-wide, teachers and staff set expectations around our four tenets for behavior:

- Be Safe
- Be Kind
- Be Respectful
- Be Responsible

Teachers operationalize these expectations in developmentally appropriate ways in their classes, and make these expectations explicit to students. The school and playground rules also provide specific school-wide expectations.

Minor Disciplinary Incidents

When a student acts in a way contrary to the student expectations, and reminders are not effective, teachers will handle minor infractions using consequences (ex.: changing seating order) and/or restorative practices (ex.: offering apologies and/or restorative actions to repair the harm done). The teacher or staff member records behavior incidents on yellow slips or writes an email and reports behavior incidents to parents, the Dean of Students, and the Executive Director.

Major or Repeated Incidents

When major or repeated incidents by students occur, the administration will issue a formal referral that is recorded into a student's school records. Administration and student support staff (e.g., school social worker) will facilitate restorative measures and other supportive interventions.

Such supports may include "Check-In and Go" or "Check-In and Stay" protocols at recess times, specific arrival or dismissal procedures, safety plans, or restorative actions such as helping the custodian repair property damage. In addition, Support Circles may be called in which parents/guardians, teachers, administrator(s), student support staff, and the student, if developmentally appropriate, come together and follow a strengths-based approach to help understand and provide support for the student.

Other Disciplinary Interventions

In lieu of suspension or expulsion and in accordance with applicable law, the Executive Director or designee may consider the use of available interventions to address the student's misconduct. The use of such interventions will vary depending upon the facts and circumstances of an individual case. Such interventions shall be at the Executive Director or designee's sole discretion and include but are not limited to in-school suspension, counseling, participation in the school's restorative justice practices or positive behavior intervention and supports (PBIS) practices, completion of a functional behavior

assessment and development of a behavior intervention plan, peer mediation, referral to a juvenile assessment center for counseling or other services, or other approaches to address the student's misbehavior that do not involve out-of-school suspension or expulsion.

Procedure for Removal of Disruptive Students from Classroom

A student may be deemed a "habitually disruptive" student, if the student has caused a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the school year.

A teacher may remove a disruptive student from her or his classroom to ensure the safety of other students in the classroom and to ensure the educational environment in the classroom.

The student and the parent or legal guardian shall be notified in writing of each disruption counted toward declaring the student as "habitually disruptive," and the student and parent or legal guardian shall be notified in writing and by telephone or other means at the home or place of employment of the parent or legal guardian of the definition of "habitually disruptive student."

A behavior plan may be developed after the first removal from class and shall be developed after the second removal from class. The plan will include a procedure for due process and if subsequent removals occur, the teacher, the Executive Director or designee will contact the parent or legal guardian as soon as possible. A meeting between the student, parent, teacher and/or Executive Director will occur to discuss the behavior and best steps moving forward.

A student will only be removed from a teacher's class for the remainder of the term of class if the Executive Director or designee has developed and implemented a behavior plan for the student.

Considerations

The following factors may be considered in determining appropriate disciplinary consequences for a student; including suspension and expulsion:

- a. The student's age;
- b. The student's disciplinary history;
- c. Similar disciplinary incidents;
- d. The student's eligibility as a student with a disability;
- e. The seriousness of the violation committed by the student;
- f. The threat posed to any student or staff; and
- g. The likelihood that a lesser intervention would properly address the violation.

Seclusion and Restraint

If seclusion or restraint is used, the School will follow its Restraint and Seclusion Policy [linked here](#) and the Protection of Persons from Restraint Act.

Grievances

Issues/concerns with student discipline shall be addressed via Mountain Song's Grievance Policy available at [this link to the Governance page](#) of the school's website.

Mandatory Expulsion from MSCS:

Expulsion shall be mandatory for the following violations:

- a. Carrying, bringing, using or possessing a deadly weapon. Any knife brought to school will be considered a weapon if the blade is three or more inches in length.
- b. The sale or use of a drug or controlled substance.

Suspension and Expulsion:

Grounds for suspension and expulsion – C.R.S. 22-33-106

1. Continued willful disobedience or open and persistent defiance of proper authority
2. Willful destruction or defacing of school property
3. Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children.
 - a. **Note:** if a child who creates the threat is a child with a disability pursuant to section 22-20-103(5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability.
4. Declaration as a habitually disruptive student
 - a. "Habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned three or more times during the course of a school year.
5. Committing one of the following offenses on school grounds, in a school vehicle, or at a school sanctioned event:
 - a. Possession of a dangerous weapon without the authorization of the school
 - b. The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102(5); or
 - c. The commission of an act that, if committed by an adult, would be robbery pursuant to section 18-4-3, other than the commission of an act that would be third degree assault under section 18-3-204, if committed by an adult.
6. Repeated interference with a school's ability to provide education opportunities to other students
7. Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property
8. Pursuant to section 22-12-105(3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school officials or personnel
9. Pursuant to 20 U.S.C. sec. 7961, a student who is determined to have brought a firearm to school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's Executive Director may modify this requirement for a student on a case-by-case basis if such modification is in writing.

Suspension and Expulsion for Students in Grades Kindergarten Through Second

Out-of-school suspensions and expulsions for students in grades kindergarten through second will be administered according to state statute (C.R.S. §22-33-106.1). Students in these grades may only be suspended up to three days—and for specific reasons cited in statute—unless a longer period is necessary to resolve a safety threat, or unless the student is recommended for expulsion.

Procedure for Suspension of 10 Days or Less

The Governing Board has delegated to the Executive Director, or to a person designated in writing by the Executive Director, the power to suspend a student for not more than five or 10 school days, depending upon the type of misconduct. The school will follow all applicable special education rules and regulations pertaining to student discipline, specifically suspensions. In no case shall the period of suspension exceed 25 school days. As a general rule, a suspension will be 10 days or less unless the matter poses a significant threat to the safety or well-being of other students or staff.

All references to parent/guardian are intended to also include legal custodian.

1. Discipline Determination Meeting

Informal meetings are held for suspensions ten days or less and should be performed immediately. During an informal meeting:

- a. The student shall have an opportunity to explain his or her position regarding the incident constituting grounds for discipline;
- b. The student shall be given an opportunity to admit or deny the accusation; and
- c. In the event of contradictory facts, the school authorities should attempt to ascertain the facts before disciplinary action is taken.

At his or her discretion, the Executive Director or designee may go further in allowing the student to present witnesses or may themselves call the accuser or hold a more extensive meeting in order to make a proper decision on the contemplated action. The notice and informal meeting should precede removal of the student from school, with the exception of emergency suspension as defined in item 4 below. There need be no delay between the time notice is given and the time of the hearing.

2. Notice

The Executive Director or his/her designee shall immediately notify the student and parent/guardian of its decision to suspend. This notice must be provided as soon as the school decides to suspend. Such notice may be oral or in writing. If oral, such notice will be followed by written notice.

3. Contents of Notice

The notice shall contain the following basic information:

- a. A statement of what the student is accused of doing;
- b. A statement of the basis of the accusation. Specific names may be withheld if necessary;
- c. A statement of what school rules/policies the student is accused of violating;

- d. Period of suspension; and
- e. Time and place for the parent/guardian to meet with the school to review the suspension.

4. Emergency Suspension

If the student's presence in the school presents a potential safety risk or threat of imminent danger, notice and an informal hearing need not be given prior to removal from school. This will apply where a student's presence presents a continuing danger to persons or property or a significant ongoing threat of disrupting the academic process. Notice and informal hearing should follow the removal as soon thereafter as practical.

5. Removal from school grounds

A suspended student shall be required to leave the school building and the school grounds immediately following a determination by the parent/guardian and the Executive Director or designee of the best way to transfer custody of the student to the parent/guardian.

6. Readmittance

No student will be readmitted to school until a meeting with the parent/guardian has taken place or until, in the opinion of the Executive Director or designee, the parent/guardian has substantially agreed to review the suspension with the suspending authority. The meeting shall address whether there is a need to develop a remedial discipline plan for the student in an effort to prevent further disciplinary action.

The Executive Director or designee shall make every reasonable effort to meet with the parent/guardian of the student during the period of suspension. However, if the Executive Director or designee cannot contact the parent/guardian or if the parent/guardian fails to appear for scheduled meetings, the suspending authority may readmit the student at their discretion, to complete the readmittance meeting. The Executive Director or designee shall not extend a period of suspension because of the failure of the Executive Director or designee to meet with the parent/guardian during the period of suspension.

7. Make-up work

Suspended students shall be provided an opportunity to make up schoolwork during the period of suspension so that the student is able to reintegrate into the educational program of the school following the period of suspension. Students will receive full or partial academic credit to the extent possible for makeup work which is completed satisfactorily. In determining whether to provide full or partial credit, pursuant to state law, the school will consider their goal which is to reintegrate the student back into the classroom and help prevent the student from dropping out.

1. The Governing Board may extend a suspension imposed by an Executive Director or designee for a period not to exceed 10 school days. The student and the student's parent/guardian will be given written notice of the extension.
2. Alternatively, the Governing Board may delegate the authority to extend a suspension for 10 school days to its Executive Director, but the Executive Director shall only do so if necessary in order to present the matter at the next meeting of the Board. If it is determined that an additional suspension is warranted, the parent/guardian will be notified as soon as practical.
3. In no case shall the total period of suspension exceed 25 school days.

Procedure for Expulsion or Denial of Admission

The Governing Board may delegate to the Executive Director the ability to deny admission pursuant to the denial of admission criteria listed in C.R.S. 22-33-106(2)-(3).

The Governing Board may also delegate to the Executive Director the ability to expel a student pursuant to C.R.S. 22-33-106, for any period not extending beyond one year to the extent permitted by law.

In the event that the Executive Director or designee contemplates action denying admission to any student or prospective student or expelling any student, the following procedures shall be followed:

1. Notice

Prior to the date of the contemplated expulsion or denial of admission, the Executive Director or designee will provide written notice of such proposed action to the student and student's parent/guardian as soon as possible. Such notice may be delivered in person, by email, or by United States mail.

2. Contents of Notice

The notice will contain the following information:

- a. A statement of the reasons alleged for the contemplated denial of admission or expulsion;
- b. A statement that a hearing on the question of expulsion or denial of admission will be held;
- c. A statement of the date, time, and place of the hearing;
- d. A statement that the student may be present at the hearing and hear all information against him or her, that the student will have an opportunity to present defending or clarifying information, and that the student may be accompanied and represented by a parent/guardian and an attorney;
- e. A statement that failure to participate in such hearing constitutes a waiver of further rights in the manner.

3. Conduct of Hearing

The hearing will be conducted by a school hearing officer. The hearing may be conducted in open session or may be closed except to those individuals deemed advisable by the Governing Board, but including in all events the student, the parent/guardian and, the student's attorney. Witnesses that may have pertinent information will be admitted to a closed hearing to the extent necessary to provide such information.

Testimony and information may be presented under oath if requested by either party. However, technical rules of evidence will not be applicable, and the hearing officer may consider and give appropriate weight to such information or evidence deemed appropriate. The student or the student's representative may question individuals presenting information.

A sufficient record of proceedings will be kept so as to enable a transcript to be prepared in the event either party so requests. Preparation of the transcript will be at the expense of the party requesting it.

The hearing officer will forward its findings to the Executive Director designated by the Governing Board who will make the final decision. The Executive Director will render a decision no later than five school days after the hearing. The decision will be delivered to the student or the student's parent/guardian in the manner described above. The Executive Director may establish reasonable conditions for readmission as well as the duration of the expulsion, which may not extend beyond one calendar year.

4. Appeal

The student or the student's parent/guardian will have the right to appeal the decision of the Executive Director to the School's Governing Board. The request to appeal must be in writing and submitted within 10 days of the Executive Director's decision. The Governing Board will set the matter for hearing at its next regular meeting.

The appeal will be considered in Executive Session and consist of a review of the facts which were presented and which were determined at the expulsion hearing conducted by the hearing officer, arguments relating to the decision, and questions of clarification from the Governing Board. No additional facts or evidence may be presented except with approval from the Governing Board.

Upon conclusion of the review, the Governing Board may vote to affirm, reverse, or modify the Executive Director's decision. The Governing Board's decision will be communicated orally and entered in the minutes of the meeting. Upon written request, the Governing Board's decision will be reduced to writing for purposes of further judicial review pursuant to state law.

5. School's Responsibility for Educational Services

Upon expulsion of a student, school personnel will provide information to the student's parent/guardian concerning the educational alternatives available to the student during the period of expulsion. If the parent/guardian chooses to provide a home-based education program

for the student, school personnel will assist the parent/guardian in obtaining appropriate curricula for the student if requested by the parent or guardian.

Upon request of the student or the student's parent, the school shall provide for any student who is expelled from the school, any educational services that are deemed appropriate for the student by the school. The educational services provided will be designed to enable the student to return to the school in which he or she was enrolled prior to expulsion.

If a student is expelled and is not receiving services through the school, the school will contact the expelled student's parent/guardian at least once every 60 days until the student is eligible to re-enroll to determine whether the child is receiving educational services. School personnel need not contact the parent/guardian after the student is enrolled in another school or in an independent or parochial school, or if the student is committed to the department of human services or sentenced through the juvenile justice system.

6. Students with Disabilities

If a student creates a threat that is detrimental to the welfare or safety of other pupils or of school personnel and that student has a disability, the child may not be expelled if the actions creating the threat are a manifestation of the child's disability.

However, the student will be removed from the classroom to an appropriate alternative setting within the school for a length of time that is consistent with federal law, during which time the school shall give priority to and arrange within ten days for a reexamination of the student's IEP and to amend as necessary. If the student is removed, the school is still responsible for ensuring access to special education services per the student's IEP.

7. Readmittance

No student will be readmitted to school until after a meeting between the Executive Director or designee and the parent/guardian, except that if the Executive Director or designee cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the Executive Director or designee may readmit the student.

In accordance with state law, an expelled student shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:

- a. The expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
- b. There is an identifiable victim of the expelled student's offense; and
- c. The offense for which the student was expelled does not constitute a crime against property.

If the school has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

Procedure for Expulsion for Crimes of Violence or Unlawful Sexual Behavior

The following procedures will apply when the school receives notification that a student between the ages of 12 and 17 has been charged in juvenile or district court with a crime of violence or unlawful sexual behavior, as those terms are defined by state law.

1. The Governing Board or designee will make a preliminary determination whether it will proceed with an expulsion hearing, based on the following factors;
 - a. Whether the student has exhibited behavior that is detrimental to the safety, welfare, or morals of other students or school personnel;
 - b. Whether educating the student in school may disrupt the learning environment, providing a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel;
 - c. Grounds for expulsion of the student exist.
2. If it is determined that the student should not be educated in the school and that the grounds for expulsion exist, the school will proceed with the expulsion of the student, in accordance with the procedures set forth above.
3. Alternatively, expulsion proceedings may be postponed, pending the outcome of the court proceedings. If the expulsion proceedings are postponed, the student will not be permitted to return to school during that period. An appropriate alternative education program or home-based education program will be established for the student during the period pending the resolution of the juvenile proceedings. The time that a student spends in an alternative education program shall not be considered a period of expulsion.
4. If the student pleads guilty to the charge, is found guilty, or is adjudicated as a delinquent juvenile, the Executive Officer may proceed to expel the student following the procedures set forth in these regulations.
5. Discipline procedures for any student with a disability will be in accordance with state and federal law, Governing Board policy, and CSI policy.
6. Information regarding the details of the alleged crime of violence or unlawful sexual behavior will be used by the hearing officer and Executive Officer for the purposes set forth in this policy, but shall remain confidential unless information is otherwise available to the public by law.

Readmittance

No student will be readmitted to school until after a meeting between the Executive Director or designee and the parent/guardian, except that if the Executive Director or designee cannot contact the parent/guardian or if the parent/guardian repeatedly fails to appear for scheduled meetings, the Executive Director or designee may readmit the student.

In accordance with state law, an expelled student shall be prohibited from enrolling or re-enrolling in the same school in which the victim of the offense or member of the victim's immediate family is enrolled or employed when:

- a) The expelled student was convicted of a crime, adjudicated a juvenile delinquent, received a deferred judgment or was placed in a diversion program as a result of committing the offense for which the student was expelled;
- b) There is an identifiable victim of the expelled student's offense; and
- c) The offense for which the student was expelled does not constitute a crime against property.

If the school has no actual knowledge of the name of the victim, the expelled student shall be prohibited from enrolling or re-enrolling only upon request of the victim or a member of the victim's immediate family.

Denial of Admission to MSCS

A student may be denied admission for the following reasons:

1. Any behavior recorded by another school during the preceding twelve months that would have been a consideration for expulsion from MSCS.
2. Any student that has a record of being expelled from another school during the preceding twelve months.
3. Any behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.

Denial of admission for students with a disability

According to the U.S. Department of Education, any student "under a regulatory provision implementing Title II of the ADA, public entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity."