PROPOSED POLICY

AR JICDA-R

AR JICDA-R Code of Conduct

Issued 5/16

Level I - Disorderly Conduct

Disorderly conduct includes any activity in which a student engages that tends to impede orderly classroom procedures or instructional activities, orderly operation of the school or the frequency or seriousness of which disturb the classroom or school.

Acts of disorderly conduct may include, but are not limited to, the following:

- classroom tardiness
- cheating on examinations or classroom assignments
- lying
- acting in a manner so as to interfere with the instructional process
- abusive or profane language between or among students
- failure to complete assignments or carry out directions
- use of forged notes or excuses
- cutting class
- leaving school without permission
- school tardiness
- truancy
- excessive unexcused absences
- cell phone violation
- dress code violation
- failure to display ID when one is required
- internet violations
- unauthorized or inappropriate use of electronic devices
- unauthorized distribution or presentation of a publication or material

The staff will follow these basic enforcement procedures in instances of disorderly conduct:

- When the staff member observes (or is notified about and verifies) an offense, the staff member will take immediate action to correct the misconduct. The staff member will use an appropriate sanction and maintain a record of the misconduct and the sanction.

- If a particular misconduct is not immediately correctable, the staff member should refer the problem to the appropriate administrator for action specified under this administrative rule.

• The administrator should meet with the reporting staff member, and, if necessary, the student and the parent/legal guardian, and should apply the appropriate disciplinary action.

• The administrator will maintain a complete record of the procedures.

• The staff may apply sanctions in cases of disorderly conduct that may include, but are not limited to, the following:

- verbal reprimand
- withdrawal of privileges
- detention
- in-school suspension/recovery room
- out-of-school suspension
- confiscate item
- academic penalty (cheating)

Level II - Disruptive Conduct

Disruptive conduct includes those activities in which students engage that are directed against persons or property and the consequences of which tend to endanger the health or safety of themselves or others in the school. Some instances of disruptive conduct may overlap certain criminal offenses, justifying both administrative sanctions and court proceedings.

The administration may reclassify disorderly conduct (Level I) as disruptive conduct (Level II) if the student frequently engages in (Level I) disorderly conduct offenses.

Acts of disruptive conduct may include, but are not limited to, the following:

• use of an intoxicant

• use or possession of tobacco products or materials

• fighting – Elementary Schools

• inciting others to violence or provoking a fight

• vandalism (minor)

• stealing

• threats against others

• harassment, intimidation, hazing, or bullying

• trespassing

• profane or abusive language to staff

• refusal to obey school personnel or agents (such as volunteer aides or chaperones) whose responsibilities include supervision of students

• possession or use of unauthorized substances

• possession or use of a controlled substance or paraphernalia associated with the use of controlled substances, as defined by law or local school board policy

• illegally occupying or blocking school property in any way with the intent to deprive others of its use

• noncompliance of administrative direction during a school emergency

• unlawful assembly

• failure to cooperate fully with school officials in the investigation of a Level I offense

• disrupting lawful assembly

• bus misconduct

• horseplay, hitting, tripping, or pushing that could cause injuries or damage to property

• gambling

The staff will follow these basic enforcement procedures in instances of disruptive conduct:

• When the administrator observes (or is notified and verifies) an offense, he/she will investigate the circumstances of the misconduct and confer with staff on the extent of the consequences.

• The administrator will notify the parent/legal guardian of the student's misconduct and related proceedings. The administrator will meet with the student and, if necessary, the parent/legal guardian, confer with them about the student's misconduct, and apply the appropriate disciplinary action.

• The administrator will keep a complete record of the procedures.

• If appropriate, school officials should notify law enforcement authorities.

• The administration may apply sanctions in cases of disruptive conduct which may include, but are not limited to the following:

- temporary removal from class

- temporary or permanent removal from bus

- alternative education program

- in-school suspension

- out-of-school suspension

- transfer

- referral to outside agency

- expulsion

- restitution of property and damages, where appropriate, should be sought by local school

authorities

Level III - Criminal Conduct

Criminal conduct includes those activities in which students engage that result in violence to themselves or to another's person or property or which pose a direct and serious threat to the safety of themselves or others in the school. These activities usually require administrative actions which result in the immediate removal of the student from the school, the intervention of law enforcement authorities, and/or action by the board.

Acts of criminal conduct may include, but are not limited to, the following:

- assault and battery
- extortion
- bomb threat
- false fire alarms
- fighting – Middle and High Schools
- possession/use of fireworks or explosive devices
- failure to report knowledge of weapons or explosive devices to school authorities
- possession, use, or transfer of dangerous weapons
- possession or transfer of look-a-like weapons
- sexual offenses
- vandalism (major)
- theft, possession, or sale of stolen property
- arson
- furnishing or selling unauthorized substances, as defined by board policy
- furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons)
- distribution, sale, purchase, manufacture, or unlawful possession of a controlled substance while in or within a radius of one-half mile of school grounds
- threatening to take the life of or inflict bodily harm upon a teacher, principal, or members of their immediate family

The staff will follow these basic enforcement procedures in instances of criminal conduct:

- The administrator will contact law enforcement.
- When an administrator observes (or is notified of and verifies) an offense, the administrator will confer with the staff involved, apply the appropriate disciplinary action, and, if appropriate, meet with the student.

• If warranted, the administrator should immediately remove the student from the school environment. The administrator will notify a parent/legal guardian as soon as possible.

• The first offense by a student of Level III criminal conduct at a middle or high school shall result in an automatic 5-day suspension and possible criminal charges. A second offense by a student of Level III criminal conduct shall result in referral to the district's alternative learning program, possible criminal charges, or possible expulsion. The student must complete two consecutive semesters without Level II or III offenses before returning to his/her home school.

• Staff will follow established due process procedures when applicable.

• The administrator will keep a complete record of the procedures.

• The administration may apply sanctions in cases of criminal conduct that may include, but are not limited to, the following:

- out-of-school suspension

- assignment to alternative schools

- expulsion

- restitution of property and damages, where appropriate, should be sought by local school authorities

Extenuating, Mitigating, or Aggravating Circumstances

The board may give the appropriate administrator the authority to consider extenuating, mitigating, or aggravating circumstances that may exist in a particular case of misconduct. The administrator should consider such circumstances in determining the most appropriate sanction.

Student Conduct Away From School Grounds or School Activities

Administrators are to take appropriate action when student misconduct away from school grounds or school activities has a detrimental effect on the educational environment, safety, or general welfare of students or staff of the district. Student misconduct includes any action performed in person, in writing, or electronically. The administrator should take into consideration the protection of students and staff from the effects of violence, drugs, and/or disruptions. At a minimum, administrators or their designees should meet with the student upon his/her arrival at school, give the student notice of the concerns, and allow the student an opportunity to present his/her side of the story. The administration may either permit the student to attend classes as usual or may take appropriate disciplinary action including, but not limited to, in-school suspension or out-of-school suspension in order to conduct an investigation into the matter. The parents/legal guardians of students will be notified of any action taken by the administration and offered the opportunity for a conference with the administration.

In the event the student is incarcerated based on his/her out-of-school conduct, the principal or his/her designee will notify the student that he/she is to meet with the administration prior to returning to school. At the conclusion of the inquiries to obtain more information on the matter, the administrator or his/her designee should take appropriate action which may include, but is not limited to, one or more of the following:

• returning the student to his/her normal class schedule and removing all evidence of suspension

• placing the student on probation and allowing the student to resume his/her normal class schedule

• placing the student on probation, allowing the student to continue classwork, but restricting the student's participation in extracurricular activities and/or designated school activities; for example, clubs, study halls, pep rallies, student government activities, and so forth

• suspending the student

• recommending expulsion of the student from regular school and placement in the district's alternative school

• recommending expulsion but allowing access to virtual school programs through the district's alternative school (these students are only allowed on alternative school campus for coursework and exams that require a proctor in a virtual school accessed through our district's alternative school); students not able to successfully enroll will be expelled for the remainder of the school year

• recommending expulsion of the student for the remainder of the year

Discipline of Students with Disabilities

Disciplinary process

Students with disabilities as identified under the Individuals with Disabilities Education Act (IDEA) are not exempt from school disciplinary processes, nor are they entitled to remain in a particular educational program when their conduct substantially impairs the education of other children in the program. However, federal and state laws and regulations require the public schools to meet the individual educational needs of a student with a disability to the extent that current educational expertise permits.

Program prescriptions

A staffing committee for students with disabilities as identified under the IDEA may prescribe or prohibit specified disciplinary measures for an individual student by including appropriate provisions in the student's Individualized Education Plan (IEP). The committee must take into consideration the student's disabling condition when deciding whether or not staff may use a particular form of discipline. Administrative authorities should observe any such provisions contained in a student with disabilities' individual education plan, except that a staffing committee may not prohibit the initiation of proceedings for suspension or expulsion that are conducted in accordance with regulation.

Suspensions

The administration may suspend a student with disabilities unless a suspension is prohibited by the student's individual education plan. At the end of the suspension, the school should return the student to the same educational placement, if appropriate. The school may suspend students for up to 10 days during the regular school year for a disciplinary infraction.

However, students who bring weapons to school or a school function, knowingly possess or use illegal drugs or solicit the sale of controlled substances while at school or a school function, or inflict substantial physical injury to another individual in the school environment may be removed for up to 45 days at a time. If the principal and IEP team believe that a child with a disability is substantially likely to injure self or others in the child's regular placement, he/she may petition an impartial due process hearing officer or get a court injunction to order that the child be removed to an interim alternative educational setting for a period up to 45 days.

Expulsions

Expulsion of a student with disabilities is equivalent to a change in educational placement and therefore requires special procedures. Before a student with disabilities may be expelled, an IEP team must determine whether or not there is a connection or causal relationship between the disabling condition and the misconduct. If it is determined that there is a causal relationship between the student's misconduct and the student's disability, the student would continue to receive services in the regular school setting. If the behavior is not related to the disability then the student is subject to regular discipline. However, provisions must be made to allow the student to continue to progress in the regular curriculum and meet the goals of the IEP.

The district will continue to provide a free and appropriate education as set forth in a student's IEP to expelled students with disabilities.

Nothing contained in this administrative rule will be construed as limiting an administrator's ability to remove a student with disabilities from school immediately under emergency conditions.

Issued 5/28/90; Revised 8/26/91, 5/29/07, 4/15/11, 2/27/12, 5/23/16

York 3/Rock Hill School District

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• possession or use of a controlled substance or paraphernalia associated with the use of controlled substances, as defined by law or local school board policy

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• noncompliance of administrative direction during a school emergency

• unlawful assembly

• failure to cooperate fully with school officials in the investigation of a Level II offense

• disrupting lawful assembly

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- alternative education program

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- transfer

- referral to outside agency

- expulsion

- restitution of property and damages, where appropriate, should be sought by local school

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