

AR JICDA-R Code of Conduct - Exhibit C

Issued 5/18

Level I - Behavioral Misconduct

Behavioral misconduct 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 behavioral misconduct may include, but are not limited to, the following:

- classroom tardiness
- cheating on examinations or classroom assignments
- lying
- abusive language between or among students
- failure to comply with directives from school/district personnel or agents (to include volunteer aides or chaperones)
- use of forged notes or excuses
- cutting class
- school tardiness
- truancy (three consecutive unlawful absences from school or a total of five unlawful absences)
- possession of an electronic communications device as defined by and in conflict with district policy
- other acts of behavioral misconduct as determined and communicated by the administration

Staff will follow these basic enforcement procedures in instances of behavioral misconduct and will maintain a complete record of the procedures.

When a staff member observes, or is notified of and has verified, acts of behavioral misconduct, the staff member will take immediate action to rectify the misconduct. Verification is defined as self admittance by the student, witnessed involvement of the student by staff, parental admission of student involvement, or evidence obtained through an investigation. The staff member will impose an appropriate consequence and maintain a record of the misconduct and the consequence.

If, either in the opinion of the staff member or according to policy, a certain misconduct is not immediately rectifiable, the staff member should refer the problem to the appropriate administrator for action specified by policy.

The administrator should meet with the reporting staff member, and, if necessary, the student and the parent/legal guardian, and impose the appropriate consequence and/or establish an intervention plan and/or behavioral contract.

Consequences that may be applied in cases of behavioral misconduct may include, but are not limited to, the following:

- verbal reprimand
- withdrawal of privileges
- demerits
- detention (silent lunch, after school, weekends, or another time that does not interfere with the

instructional day)

- other consequences as approved and communicated by the administration

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 consequences and court proceedings.

The administration may reclassify behavioral misconduct (Level I) as disruptive conduct (Level II) if the student engages in the activity three or more times.

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

- violation of a Level I intervention plan and/or behavioral contract
- use of an intoxicant
- fighting
- harassment, intimidation, or bullying
- vandalism (minor)
- stealing
- threats against others
- trespassing
- abusive language to staff
- repeated refusal to comply with directives from school personnel or agents (such as volunteer aides or chaperones)
- possession or use of unauthorized substances, as defined by law and/or local school board policy
- illegally occupying or blocking school property in any way with the intent to deprive others of its use
- unlawful assembly
- disrupting lawful assembly
- hazing
- inappropriate use of technology (e.g., bullying, harassing, or intimidating other students or district employees; plagiarizing copyrighted materials; and accessing inappropriate websites)
- other acts as determined and communicated by the administration

Staff will follow these basic enforcement procedures in instances of disruptive conduct and will maintain a complete record of the procedures.

When an administrator observes, or is notified of and has verified an offense, the administrator 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 impose the appropriate disciplinary action.

The administrator may refer the student to the appropriate intervention team to establish behavioral

management strategies (e.g., restorative justice, counseling, service learning projects) and propose the appropriate disciplinary action.

The administrator or school official may refer Level II misconduct to the school resource officer or other law enforcement authorities only when the conduct rises to the level of criminality and the conduct presents an immediate safety risk to one or more people or it is the third or subsequent act which rises to the level of criminality during the school year.

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

- temporary removal from class
- alternative education program
- in-school suspension
- out-of-school suspension
- transfer
- referral to outside agency
- expulsion
- restitution of property and damages, where appropriate
- other consequences as approved and communicated by the administration

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 the students 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 the school resource officer or other 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
- threat of the use of a destructive device (bomb, grenade, pipe bomb, or similar device)
- possession, use, or transfer of dangerous weapons
- sexual offenses
- vandalism (major)
- theft, possession, or sale of stolen property
- arson
- furnishing or selling unauthorized substances, as defined by law and/or board policy
- furnishing, selling, or possession of controlled substances (drugs, narcotics, or poisons)
- illegal use of technology (e.g., communicating a threat of a destructive device, weapon, or event with the intent of intimidating, threatening, or interfering with school activities; maliciously transmitting sexual images of minors, other than images of the student or images transmitted with the uncoerced consent of the individual in the images)
- threatening to take the life of or inflict bodily harm upon a student, staff member, or members of their immediate family

Staff will follow these basic enforcement procedures in instances of criminal conduct and will maintain a complete record of the procedures.

When an administrator observes, or is notified of and has verified, a criminal offense, the administrator must contact the school resource officer or local law enforcement authorities immediately.

An administrator will notify the student's parent/legal guardian as soon as possible.

An administrator will impose the appropriate disciplinary action. If warranted, the administrator should immediately remove the student from the school environment.

Staff will follow established due process procedures when applicable.

The administration may apply consequences in cases of criminal conduct which 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 school authorities)
- other consequences as approved and communicated by the administration

Extenuating or Mitigating Circumstances

The board may confer upon the appropriate administrator the authority to consider extenuating or mitigating circumstances which may exist in a particular case of misconduct, excluding criminal conduct. The administrator should consider such circumstances in determining the most appropriate consequence.

The board may also confer upon the appropriate administrator the authority to consider aggravating circumstances which may exist in a particular case of misconduct or criminal conduct. Such circumstances should be considered in determining the most appropriate consequence.

Discipline of Students with Disabilities

Disciplinary process

Students with disabilities 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 students in the program. However, federal and state laws and regulations require schools to meet the individual educational needs of such students to the extent possible.

The process of disciplining a student who receives special education services involves both administrative authorities who are responsible for discipline and the special education department, including teachers and administrators who have been assigned specific responsibilities in the implementation of the student's Individualized Education Program (IEP).

Program prescriptions

An IEP team may prescribe or prohibit specified disciplinary measures for an individual student by including appropriate provisions in the student's 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 will observe any such provisions contained in a student's IEP.

Suspensions

The administration may suspend a student with a disability unless a suspension is prohibited by the student's IEP. At the end of the suspension, the school will return the student to the same educational placement, if appropriate.

The school may suspend a student for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change in placement under the law).

However, students who bring weapons to school or a school function, knowingly possess or use illegal drugs or solicit the sale of controlled substances, or inflict serious bodily injury upon another person while at school or a school function may be removed for up to 45 days at a time. If school officials believe that a student with a disability is substantially likely to injure him/herself or others in the student's regular placement, they may ask an impartial hearing officer to order that the student be removed to an interim alternative educational setting for a period up to 45 days.

Expulsions

Expulsion of a student with a disability is equivalent to a change in educational placement and, therefore, requires special procedures. Before such a student may be expelled, a multi-disciplinary team must determine whether or not there is a connection or causal relationship between the disabling condition and the misconduct. If so, then expulsion resulting in cessation of educational services for the student is not the appropriate discipline.

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

Immediate removal

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

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School District Five of Lexington and Richland Counties
