

Student Conduct, Discipline, and Corporal Punishment Prohibition

Conduct Standards

Students will be expected to conduct themselves in a manner fitting their age level and maturity, in a manner that will not impede on the orderly conduct of district schools, respect all district property, utilizing it only as authorized and in a non-destructive manner; and will be expected to respect the rights of others on district property, including, but not limited to, district owned/leased/chartered vehicles, at school-sponsored events, and off-campus (including online) when student conduct has or is reasonably predicted to have a substantially disruptive effect on district operations and/or the educational environment.

Disciplinary Standards

Consequences for misconduct will be fair and developmentally appropriate in light of the circumstances. Each Assistant Superintendent shall develop age-appropriate disciplinary standards in consultation with principals and other applicable district personnel. In addition, the Superintendent shall develop administrative regulations to assist administrators/their designees with investigating potential conduct violations.

Disciplinary policies, procedures, and guidelines need not be identical in content district-wide but must:

1. Be identical in content for all district elementary schools;
2. Be identical in content for all district middle schools;
3. Be identical in content for all district high schools (except alternative high school programs).

Disciplinary Standards for Special Education Students

District employees are required to comply with the Individuals with Disabilities Education Act (IDEA) when responding to violations of student conduct standards by special education students.

Prohibited Disciplinary Actions: Corporal Punishment

The Board recognizes that reasonable physical force may occasionally be necessary to guard the safety and well-being of students or employees or to deliver a student to an administrator's office; however, the use of corporal punishment, defined as the willful infliction of physical pain on a student, is not allowed in the Bismarck School District. Corporal punishment does not include action taken by an employee for self-defense, protection of persons or property, obtaining possession of a weapon or other dangerous object, to quell a verbal disturbance, for the preservation of order, or pain or discomfort caused by athletic competition or recreational activities voluntarily engaged in by a student.

Complaints alleging that a district employee inflicted corporal punishment will be dealt with in accordance with school board policy on personnel complaints.

Disciplinary Authority

Regulations on disciplinary standards and investigation procedures shall delineate the degree of disciplinary authority that the District shall grant to teachers and principals.

Other school personnel shall be granted disciplinary authority by the building or central office administration on a case-by-case basis based on the nature and scope of the employee's duties. Personnel granted such authority shall be required to comply with this policy and any disciplinary authority limits established by regulations. Employees unauthorized to administer student discipline shall report student misconduct to the appropriate school authority.

Any district employee who acts outside the scope of his/her assigned level of disciplinary authority may be subject to disciplinary action, including but not limited to, discharge from/termination of employment in accordance with law and/or the negotiated agreement.

Law Enforcement and Juvenile Court Referral

When employees identify or suspect a crime or delinquent act may have been committed on school property or in an educational activity, employees should contact administration, who may file a report with law enforcement or the school resource officer. Law enforcement have the proper training and authority to investigate and make referrals to juvenile and adult courts based on reasonable grounds and knowledge of the facts alleged. Schools may request a referral to juvenile court and shall cooperate with both law enforcement and applicable courts in providing information as subpoenaed or ordered.

Prior to making referrals to law enforcement or juvenile court for suspected infractions or misdemeanor offenses, administration must document all internal or external consultations and exhaust all school discipline policies. Intervention and exhaustion is not required for the following misdemeanor offenses:

1. Drug-related offenses under NDCC Title 19;
2. Offenses against a person under NDCC chapters 12.1-17, 12.1-31.2, or 14-07.1;
3. Sex offenses under NDCC chapters 12.1-20, 12.1-27.1, 12.1-27.2, and 12.1-29; and
4. Any offense involving a firearm, weapon, or dangerous weapon as defined in NDCC § 62.1-01-01.

A law enforcement officer may:

1. Investigate possible delinquent offenses and conduct occurring at a school, including conducting probable cause searches;

2. Consult with school staff about the conduct of a child enrolled in a school, but any disclosure of student records or personally identifiable information from such records must be made in accordance with the Family Educational Rights and Privacy Act (FERPA);
 3. Refer a child to the juvenile court for a delinquent offense occurring on school grounds or on school property as allowed by this section;
 4. Transport a child enrolled in a school to a location permitted by law;
 5. Take temporary custody of a child in accordance with NDCC § 27-20.4-05 or protective custody of a child in accordance with NDCC § 27-20.3-06; and
 6. Protect the safety of students and the school community
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Complementary Documents

- DE, Staff Code of Conduct
- FF-AR, Student Conduct Standards and Disciplinary Procedures
- FF-E, Examples of Student Conduct Violations
- KACB, Complaints About Personnel

Legal References

- 20-USC § 1232g, Family Educational Rights and Privacy Act (FERPA)
- 34 CFR Part 99, FERPA Regulations
- NDCC Title 12.1, Criminal Code
- NDCC § 14-02-07, Force to Protect
- NDCC Ch. 14-07.1, Domestic Violence
- NDCC § 15.1-19-02, Corporal Punishment "– Prohibited
- NDCC Title 19, Foods, Drugs, Oils, and Compounds
- NDCC § 25-01.2-09, Punishment – Seclusion – Restraints – Psychosurgery – Sterilization– Shock Treatment
- NDCC § 27-20.4-05.1, Method of Making a Delinquency Referral to Juvenile Court
- NDCC § 27-20.3-06, Taking Into Protective Custody
- NDCC § 62.1-01-01, General Definitions