

FAYETTEVILLE SCHOOL DISTRICT POLICIES

5.17 – STUDENT DISCIPLINE

The Fayetteville School District recognizes that effective student discipline can best be achieved and maintained through the cooperative efforts of parents, educators, students, and other community members. Each has the right to expect a wholesome atmosphere that is conducive to learning. Such a climate can best be created where efforts are made to move students toward responsible self-discipline.

The Fayetteville Board of Education has a responsibility to protect the health, safety, and welfare of the District's students and employees. To help maintain a safe environment conducive to high student achievement, the Board establishes policies necessary to regulate student behavior to promote an orderly school environment that is respectful of the rights of others and ensures the uniform enforcement of student discipline. Students are responsible for their conduct that occurs: at any time on the school grounds; off school grounds at a school sponsored function, activity, or event; going to and from school or a school activity.

The District's administrators may also take disciplinary action against a student for off-campus conduct occurring at any time that would have a detrimental impact on school discipline, the educational environment, or the welfare of the students and/or staff. A student who has committed a criminal act while off campus and whose presence on campus could cause a substantial disruption to school or endanger the welfare of other students or staff is subject to disciplinary action up to and including expulsion. Such acts could include, but are not limited to a felony or an act that would be considered a felony if committed by an adult, an assault or battery, drug law violations, or sexual misconduct of a serious nature. Any disciplinary action pursued by the District shall be in accordance with the student's appropriate due process rights.

The District's licensed personnel policy committee shall review the student discipline policies annually and may recommend changes in the policies to the Fayetteville School Board. The Board has the responsibility of determining whether to approve any recommended changes to student discipline policies.

It is required by law that the principal or the person in charge report to the police any incidents the person has personal knowledge of or has received information leading to a reasonable belief that a person has committed or threatened to commit an act of violence or any crime involving a deadly weapon on school property or while under school supervision. If the person making the report is not the Superintendent, that person shall also inform the Superintendent of the incident. Additionally, the principal shall inform any school employee or other person who initially reported the incident that a report has been made to the appropriate law enforcement agency. The Superintendent or designee shall inform the Board of Directors of any such report made to law enforcement.

The school has a responsibility to inform students of their rights and responsibilities; students are responsible for knowing and abiding by the rules and regulations of the school. Parents are responsible for helping their children understand the policy and for supporting the school in its efforts to enforce the policy. All students and parents will be provided copies of this policy and will be required to indicate in writing their receipt of the policy.

Students are expected to conduct themselves at all times (at school, at school activities and events, and traveling to and from school) in a manner that will promote the best interest of the school system and will not infringe on the rights of others. The following activities are considered improper and unacceptable and may subject the student to disciplinary action as described in the procedural section of this policy.

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1. Disruption and interference with school. This will include interference with the proper conduct of a school, a school activity, or an individual class; attempts to prohibit or discourage attendance by others at school or a school activity; attempts to encourage other students to violate school rules or policies; refusal to identify himself/herself on request of any authorized school personnel; and refusal to identify others engaged in unlawful or disruptive acts or to otherwise fail to divulge information regarding such acts.
2. Damage, destruction, or theft of private or public property.
3. Harassment of students or employees, which shall include but is not limited to:
 - a. Speech, such as epithets, derogatory comments or slurs, and lewd propositioning on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation.
 - b. Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal school activities or learning environment when directed at an individual on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation.
 - c. Visual insults, such as derogatory posters, cartoons, or drawings related to race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation.
4. Assault, bullying, fighting, physical abuse, threats, or verbal abuse by a student on a fellow student.
5. Assault, physical abuse, threats, or verbal abuse by a student on any school employee, even if such actions occur off school premises.
6. Possession, offering for sale, sale, or use of over-the-counter medications, narcotics, drugs, anabolic steroids, alcohol, inhalants, analogues* or other controlled substances as defined by statute. Possession and use of medication is permissible if it has been authorized by a physician and written documentation is on file in the nurse's office. School officials will be expected to cooperate fully with law enforcement agencies and judicial bodies in the investigation and resolution of drug-related or alcohol related cases involving students, even though the offenses may not have taken place on school property or at a school activity.

*An analogue is a substance which mimics the stimulant, depressant, or hallucinogenic effect on the central nervous system that is similar to the stimulant, depressant, or hallucinogenic effect of a controlled substance.
7. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession.
8. Possession of any weapon, knife, gun, instrument or article that might be injurious to a person or property.
9. Disregard of reasonable directions or commands given by authorized school personnel.
10. Truancy or chronically poor attendance, as defined by school policy and Arkansas Statute (Act 60, 1983).
11. Extortion from other students.
12. Gambling on school property or at a school activity.

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13. Attire that disrupts the educational process or otherwise interferes with the rights or opportunities of others to learn or teach.
14. Distribution of petitions or other printed matter not approved in advance by the principal. (The principal's sole basis for denying such distribution will be substantial belief that possession or distribution of such materials will cause substantial disruption of school activities because of obscene or libelous language, personal attacks, or the method or time of distribution.)
15. Violation of statutory or constitutional regulations. (School penalties may be imposed in addition to any penalties imposed by the courts.)
16. Violations of established classroom or school rules or regulations.
17. Reckless or unsafe operation of an automobile, truck, motorcycle, or other vehicle, on school property or traveling to or from school.
18. Electronic communication devices are allowed at extra-curricular activities unless they pose a significant disruption to the activity or performance. Act 447 amends A.C.A. § 6-18-502(b)
19. Violation of Sexual Harassment Policy No. 5.27, Student Digital Resource Use Policy No. 5.29, Gangs and Gang Activity Policy No. 5.26, Bullying Policy No. 5.47, and Conduct To And From School Policy No. 5.19 together with any other district policies regarding student conduct.
20. Use, possession, or distribution of tobacco products is prohibited in accordance with Arkansas statute, § 6-21-609.
21. Any behavior not covered above which could reasonably be interpreted as being subversive to good order and discipline or which causes the learning atmosphere to deteriorate or be disrupted.

The Board of Education endorses the enforcement of all applicable statutes relating to the abuse and harassment of school employees and students and/or their property.

PROCEDURES

In order to effectively implement the above policy, the following procedures are adopted:

School personnel are responsible for dealing with students fairly and honestly and for treating all students with courtesy and respect. The professional staff is encouraged to reward good behavior and to maintain a positive approach in helping students develop acceptable patterns of behavior. Corrective measures of a punitive nature are sometimes necessary; acceptable corrective measures include the following:

1. Conference between the teacher and the student
2. Deprivation of privileges: This form of discipline is especially encouraged when the student has developed a pattern of chronically repeating minor offenses.
3. Referral to a building administrator (principal or assistant principal)
4. Parent-school conferences: This type of cooperative action is highly encouraged, especially when a student appears to be developing a potentially serious behavioral problem. Parents should not expect a report on every problem that arises. When public or private property has been stolen or damaged, the school will work through parents to recover reasonable compensation for damages to that property.

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5. Referral to other school personnel (counselor, social worker, nurse, etc.).
6. Referral to out-of-school personnel (physician, psychologist, drug or alcohol treatment centers, law enforcement personnel, etc.).
7. In-School Suspension (ISS): A student may be placed in the school's In-School Suspension when such suspension is necessary for the student to regain or maintain emotional control or when the student's presence in the regular classroom represents a reasonable threat to others or when the student's presence in the regular classroom prevents other students from pursuing desirable educational goals. Reasons for suspension may include refractory conduct; insubordination; or other conduct that would tend to impair the discipline of school, or harm other pupils.
8. Saturday School: Beginning in middle school a student may be assigned to Saturday School for violation of school rules.
9. Out of School Suspension: (OSS) A student may be suspended from school when such suspension is necessary for the student to regain or maintain emotional control or when the student's presence at school represents a reasonable threat to others or when the student's presence at school prevents other students from pursuing desirable educational goals. Reasons for suspension may include immorality; refractory conduct, possession of any weapon; possession, use or sale of narcotics, drugs, anabolic steroids, or alcohol; insubordination; or other conduct that would tend to impair the discipline of school, or harm other pupils. Any suspension must conform to the following guidelines:
 - A. Prior to any suspension, the student shall receive an explanation of the intended suspension and shall be given reasonable opportunity to present evidence that might argue against suspension.
 - B. The student's parents or legal guardians should be notified immediately of any suspension, and should indicate how the student is to leave school.
 - C. Written notice of any suspension should be forwarded to the superintendent's office and the parents or guardians as soon as possible. Such notice shall include a statement of the reasons for and conditions of the suspension and shall notify parents or guardians of the established appeal procedures. The notice will be mailed to the address listed on the student's current enrollment form. A conference with parent or guardian should be scheduled as soon as possible, in an effort to return the student to school.
 - D. Building administrators (principals and assistant principals) can suspend students from school for a period not to exceed ten (10) days, subject to appeal to the assistant superintendent and the superintendent.
 - E. At each step in the appeal process, the suspension may be affirmed, revoked, or otherwise modified by the person or group hearing the appeal. Such disposition of an appeal does not in any way prohibit a student or a student's parent or guardian from pursuing the appeal to the next level.
 - F. Procedural due process, as defined by statutes and court decisions, will be followed at all stages of the suspension process.

If a student under suspension transfers to another school, information regarding the suspension will be sent to that school.

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10. Alternative school program (secondary): When it appears that a student cannot conform to acceptable behavioral standards in the regular school program, the principal may recommend placement in the District's alternative school.
11. Extended suspension or suspension for a period greater than ten (10) days: The Board of Education is the only authority that has the power to remove a student from school for a period greater than ten (10) days. The Board will exercise this authority on the recommendation of the superintendent of schools when a student(s) participates in any activity which tends to disrupt, obstruct, or interfere with orderly education processes; an extended suspension may be for the remainder of the semester, the remainder of the school year, or permanently.
12. Other forms of discipline determined to be appropriate by the Professional Staff: The following general guidelines should be applied to any disciplinary methods adopted by the professional staff, as well as to those methods listed above.
 - A. All methods of discipline should refrain from being a serious inconvenience to students other than the student(s) involved. Mass punishment is to be avoided.
 - B. Within the limits of practicality, all methods of discipline should be directed toward the student who has committed an offense.
 - C. All methods of discipline should refrain from promoting an attitude unfavorable to academic or other schoolwork.
 - D. Methods of discipline that would tend to publicly embarrass the student(s) are not allowed.

Disciplinary actions, as outlined above, will not be entered on a student's permanent record, and will not be divulged to unauthorized personnel, except as provided under "Suspension" and "Extended Suspension," above.

Students with disabilities, as defined in state standards, who engage in inappropriate behavior, are subject to normal school disciplinary rules and procedures provided the student's right to a free appropriate public education is not abridged. The following provisions will apply.

1. For students whose disabilities have behavioral aspects, preventive measures such as behavioral management plans, should be considered and can be facilitated through the individualized education program (IEP) or the individualized accommodation plan (IAP) and placement processes required by IDEA and Section 504. While there is no requirement that such measures be specified in a student's IEP/IAP, the IEP or Section 504 Committee for a student with identified disabilities could determine that it would be appropriate to address the use of specific behavioral management and/or discipline procedures in individual situations involving that student and include them in the IEP/IAP.
2. Where in-school discipline or short-term suspension (ten (10) school days or less) is involved, a school may remove a student with disabilities for a disciplinary infraction without it being considered a change of placement, and IDEA'S or Section 504 parent-notification provisions would not apply. Also, there is no requirement for a prior determination of whether the student's misconduct was a manifestation of the student's disability. During periods of short-term exclusion, schools are not required to provide any educational services to the student. A series of short-term suspensions in the same school year could constitute a change in

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placement. The IEP/Section 504 team must make the determination. It must also determine whether the misconduct was a manifestation of the student's disability. Factors such as the length of each suspension, the total amount of time that the student is excluded from school, and the proximity of the suspensions to each other should be considered in determining whether the student has been excluded from school to such an extent that there has been a change in placement. This determination must be made on a case-by-case basis.

3. For a student with disabilities, a suspension or other disciplinary removal for more than ten (10) consecutive school days may not be considered without the school district first determining whether the student's misconduct was a manifestation of the student's disability or due to an inappropriate placement. This determination must be made by a group of persons knowledgeable about the student (such as his/her IEP/IAP Committee), and may not be made unilaterally by one individual.
 - A. If the student's misconduct was not a manifestation of his/her disability or an inappropriate placement, the school district may expel or suspend the student from school for more than ten (10) school days, subject to conditions set forth in the procedural safeguards of IDEA and Section 504.
 - B. If the student's misconduct was, a manifestation of his/her disability or an inappropriate placement, the student may not be expelled or suspended from school for more than ten (10) school days for the misconduct. However, other procedures may be used to address the student's misconduct. A change in placement, if determined appropriate, could be implemented subject to applicable procedural safeguards. The school district would also have the option of suspending the student from school for ten (10) days or less, or seeking a court order at any time to remove the student from school or to change the student's placement if it believes that maintaining the student in the current placement is substantially likely to result in injury to the student or to others.

In addition to showing that the student is substantially likely to cause injury, the school district must show that it has made reasonable efforts to accommodate the student's disabilities so as to minimize the likelihood that the student will injure him or herself or others.

4. The student who is suspended/excluded for more than ten (10) days should be offered a free appropriate public education for the duration of the exclusion.
5. A student with a disability who brings a weapon to school, possesses illegal drugs at school, or causes serious bodily injury to another at school may be removed from school for ten (10) days or less, and placed in an interim alternative education setting for up to 45 school days.

STUDENT DISCIPLINE REGULATIONS

- I. This regulation is intended to ensure a degree of uniformity in disciplinary actions under Policy No. 5.17.
- II. Teachers and administrators shall respond to inappropriate behavior by students with disabilities according to Policy No. 5.17.
- III. Teachers and administrators shall follow this regulation after determining that a student has committed an infraction of Policy No. 5.17.
- IV. Teachers and administrators shall determine how many infractions of the listed type of

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improper activity have been committed by a student before taking the appropriate disciplinary actions.

- V. If a parent appeals any out-of-school suspension or expulsion pursuant to Policy No. 5.17, the student shall be assigned to in-school suspension or an alternative learning environment; pending appeal, a student shall not be allowed to attend extracurricular activities.
- VI. The improper student behavior shall be categorized as follows:

Category I

1. Disruption and interference with school, including clowning around, mock-fighting, mimicking, name calling, etc.
2. Gambling on school property or at a school activity.
3. Distribution of petitions or other printed matter not approved in advance by the principal. (See Policy No. 5.17, section 13 for further criteria.)
4. Violations of established classroom or school rules or regulations.
5. Littering on school campus or in the building, including the parking lot.
6. Inappropriate use of a cell phone or other electronic communication device on school property or at a school activity during normal school hours.

Category II

1. Disruption and interference with school including angry outbursts and creating hostile environment situations.
2. Disregard of reasonable directions or commands given by authorized school personnel, such as not giving their name when asked or dishonesty.
3. Damage, destruction, or theft of private or public property valued at less than \$100.
4. Attire, which disrupts the educational process or otherwise interferes with the rights or opportunities of others to learn or teach. (Act 835)
5. Violation of statutory or constitutional regulations.
6. Reckless or unsafe operation of an automobile, truck, motorcycle, or other vehicle on school property or traveling to or from school.
7. Use, possession, or distribution of tobacco products, electronic cigarettes, or smoking paraphernalia (including, but not limited to, lighters, matches, rolling papers, cigarette holders, and pipes) during the school day, whether on or off school property, or during a school-sponsored activity at any time of day, whether on or off school property.
8. Possession of hand-held laser pointers.
9. Possession, distribution, or posting of magazines, books, electronic data, or printed material not appropriate for school.
10. Truancy, defined as unexcused absences, including but not limited to, the following:
 - a. Being on campus and not being in the assigned class
 - b. Leaving school without following the sign-out procedure or returning to school without following the check-in procedure
 - c. Leaving class with permission but not reporting to the assigned destination
 - d. Skipping an assigned class period including study hall or office aide
11. Academic dishonesty and plagiarism.

Category III

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1. Possession of substances portrayed as drugs, use of narcotics, drugs, anabolic steroids, alcohol, analogues, or other controlled substances as defined by statute. (See Policy No. 5.17, section 6 for further criteria and exceptions.)
2. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession.
3. Assault, bullying, fighting, physical abuse, extortion, persistent or severe harassment, gestures, and/or verbal abuse of another student including recording and/or distributing pictures/video of such incidents.
4. Verbal abuse, extortion, or harassment of a school employee, whether on or off school premises.
5. Possession of a knife/replica of a knife or any instrument or article that might be/or appear to be injurious to a person or property.
6. Possession and/or use of fireworks, stink bombs, or any incendiary device.
7. Falsely reporting a fire or setting off a fire alarm.
8. Damage, destruction, or theft of private or public property valued at more than \$100 but less than \$1000.
9. Indecent exposure/act.
10. Unauthorized use of/or attempt to gain or assist in unauthorized access to software/programs/data used by the school district including material not appropriate for school.
11. Chronic persistent misbehavior.
12. Gang related activity.(see Policy 5.26)

Category IV

1. Assault or physical abuse of a school employee, whether on or off school premises.
2. Purchasing of, offering for sale, sale, or distribution of narcotics, drugs, anabolic steroids, alcohol, substances portrayed as drugs, or other controlled substances as defined by statute.
3. Possession and/or use of a knife/replica of a knife or any instrument or article that might be/or appear to be injurious to a person or property in an attempt to threaten or cause harm to another person.
4. Possession of any firearm/replica of a firearm or other weapon prohibited on the school campus by law.
5. Arson, bomb threat, or terroristic threat
6. Damage, destruction, or theft of private or public property valued at more than \$1000.
7. Breaking and entering of any school building or facility.
8. Computer trespass – Any person who intentionally and without authorization alters, deletes, damages, destroys, or disrupts any computer, computer system, computer network, computer program, or data. (§ 5-41-104. Computer trespass)

VII. The appropriate disciplinary actions for each listed category of improper activity follow:

Category I—Principal’s discretion;

Category II—Principal’s discretion; except for item 7 which for all secondary schools will be as follows.

1. First infraction— One (1) to three (3) days of ISS

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2. Second infraction—Three (3) to five (5) days of ISS
3. Third infraction— Five (5) to ten (10) days of ISS
4. Fourth infraction— Up to ten (10) days Out of School Suspension (not to be used for truancy)

Category III

1. First infraction--
 - a) Parent/guardian conference, and
 - b) Up to ten (10) days suspension; with the possibility of
 - c) Referral to pre-expulsion hearing committee with the possibility of expulsion for up to one calendar year.
 - d) Ten (10) days out of school suspension for possession or use of narcotics, drugs, anabolic steroids, alcohol, or other controlled substances as defined by statute.
2. Second (and any subsequent) infraction--
 - a) Parent/guardian conference, and
 - b) Ten (10) days out of school suspension, with the possibility of
 - c) Referral to pre-expulsion hearing committee with the possibility of expulsion for up to one calendar year;

Category IV

1. First (and any subsequent) infraction
 - a) Parent/guardian conference, and
 - b) Ten (10) days out of school suspension, with the possibility of
 - c) Referral to pre-expulsion hearing committee with the possibility of expulsion for up to one calendar year.

- VIII. Whenever damage to property or person is involved, a teacher or administrator may add an order to repair, replace, or otherwise compensate for the damage to the disciplinary action prescribed above.
- IX. Many of the listed infractions also have civil and criminal legal consequences for the student and the parent—for example; verbal abuse of a school employee is a violation incurring a fine from \$100 to \$1500.
- X. Saturday School – Students are assigned Saturday School by administrators for violation of school rules and for failing to serve other disciplinary assignments.
- XI. In-School Suspension (ISS) – Students are assigned ISS by administrators for violation of school rules and for failing to serve other disciplinary assignments. Students assigned to ISS are not permitted to attend or participate in any school activities during their suspension. Students are expected to keep up with all class assignments, tests, or work scheduled for those days spent in ISS.
- XII. Out-of-School Suspension (OSS)—Students are assigned OSS by administrators for serious violations of school rules and for failing to serve other disciplinary assignments. Students assigned to OSS are not permitted to attend or participate in any school activities or be on any school campus during their suspension. Students will be allowed to make up any assignments, tests, or work scheduled for the first 10 days they are suspended out of school in a school year, regardless of the number of suspensions. For all subsequent Out of School Suspensions, the student will not be allowed to make up any assignments, tests, or work scheduled for those days suspended. Students who are suspended

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must along with a parent/guardian attend a conference with an administrator before being readmitted to classes.

XIII. Bus Suspension – Students are suspended from the privilege of riding any school bus for a minimum of one day, not to exceed one calendar year for violations of Policy 5.19.

Legal References: A.C.A. § 6-18-502
 A.C.A. § 6-17-113
 Act 1329

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