

4.18 - STUDENT DISCIPLINE

Section 1:Introduction

The Board 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 annually review the District's student discipline policies, including State and District student discipline date, and may recommend changes in the policies to the Board. The Board has the responsibility of determining whether to approve any recommended changes to student discipline policies.

The District's student discipline policies shall be distributed to each student during the first week of school each year and to new students upon their enrollment. Each student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis shall sign and return to the school an acknowledgment form documenting that they have received the policies.

The District shall develop and provide programs, measures, or alternative means and methods for continued student engagement and educational access during periods of suspension or expulsion.

The superintendent/superintendent designee is authorized to modify the penalties set forth in the District's student discipline policies on a case-by-case basis.

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 any such report made to law enforcement.

The Board believes that penalties for violations of the behavioral standards indicated in Section 1 of this policy should be fairly administered and appropriate to the particular violation (or cumulative violations, in the case of a student who repeatedly misbehaves). The following interventions are available to school personnel; however, nothing in this policy is intended to require that a less severe intervention be used prior to the use of any other intervention. School personnel are expected to choose the particular intervention, which they believe to be most appropriate for a specific student who has committed a specific offense. Corporal punishment is not an approved method of discipline. While the following corrective measures are approved by the Board, staff members are expected to treat all students with courtesy and respect and to maintain positive approaches in helping students develop acceptable patterns of behavior.

- Conference between the teacher, the student, and/or the parent
- Loss of privileges
- Referral to a building administrator
- Referral to other school personnel (counselor, nurse, etc.)
- Referral to out-of-school personnel (physician, psychologist, law enforcement personnel, etc.)
- Detention
- In-school suspension
- Behavior plan
- Other alternative placement
- Out-of-school suspension
- Referral to the Interim Disciplinary Hearing
- Expulsion

All consequences imposed by school personnel should meet the following guidelines:

1. All methods of discipline should avoid causing a serious inconvenience to students other than the student(s) involved. Mass punishment is to be avoided.
2. All methods of discipline should avoid promoting an attitude unfavorable to academic or other school work.

The superintendent/superintendent designee shall make a report annually to the Board of Directors on student discipline data, which shall include, without limitation: the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.

Section 2: Arkansas Codes: Offenses and Penalties

In accordance with Arkansas statutes, the following minimum and maximum penalties are prescribed for the indicated offenses:

Offense	Minimum Penalty	Maximum Penalty
Assaulting or threatening to assault or abuse any student or school employee	1 day suspension	Expulsion for 1 calendar year
Using an electronic communication device on the school campus during normal school hours unless specifically exempted by the administration for health or other compelling reasons such as policies 4.31 & 4.33	Warning	Expulsion for 1 calendar year
Possession of any firearm; knife; or other weapon prohibited upon the school campus by law. For the purposes of this policy, "firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use. Knife means any bladed hand instrument three inches (3") or longer that is capable of inflicting serious physical injury or death by cutting or stabbing, including a dirk, a sword or spear in a cane, a razor, an ice pick, a throwing star, a switchblade, and a butterfly knife.	Expulsion for 1 calendar year, although the Superintendent shall have the discretion to modify any such expulsion on a case-by-case basis	Expulsion for 1 calendar year

Possession of any weapon not identified in the immediately preceding section, including a knife shorter than three inches (3"), box cutter, nunchucks, pepper spray, mace, other noxious spray, explosive, taser, other instrument that uses electrical current to cause neuromuscular incapacitation, or any other instrument or substance capable of causing bodily harm.	Warning	Expulsion for 1 calendar year
Possession, transfer, use of tobacco or tobacco products including e-cigarettes/vaping	3 day suspension	Expulsion for 1 calendar year
Possession, use, being under the influence, offering for sale or transferring any beverage containing alcohol	3 day suspension	Expulsion for 1 calendar year
Possession or transfer of drug-related paraphernalia as defined by Arkansas law	10 day suspension	Expulsion for 1 calendar year
Possession, use (including being under the influence of a drug), offering for sale or transferring of a controlled substance and/or drugs as defined by Arkansas law	Expulsion for 1 semester	Expulsion for 1 calendar year
Possession, use or distribution of prescription medication (prescribed to the student) without authorization from the school nurse	Warning	Expulsion for 1 calendar year.
Possession, use or distribution of nonprescription medication	Warning	Expulsion for 1 calendar year
Possession, use, being under the influence, offering for sale, or transfer of drug look-a-like products or analogs	Warning	Expulsion for 1 calendar year

Possession, use, being under the influence (inhaling) products such as solvents, aerosols, nitrates, or anesthetics which are not manufactured for the purpose of inhalation	10 day suspension	Expulsion for 1 calendar year
Willfully or intentionally damaging, destroying, or stealing school property	1 day suspension with restitution	Expulsion for 1 calendar year

Having the intent to engage in an activity prohibited by these rules is also an offense under these rules. This includes taking a substantial step toward engaging in an activity which is prohibited by these rules or engaging in an activity which does not violate these rules, but which would violate these rules if the facts were as the student believed them to be at the time the student engages in the conduct. Having the intent to engage in an activity prohibited by these rules may subject a violator to the same level of punishment as would apply for the offense itself.

Section 3: District Behavioral Standards

In addition to the offenses listed above, the District authorizes the administration to maintain a safe and orderly environment. Any student behavior that disrupts the learning environment is prohibited. Please refer to policy 4.19 Prohibited Conduct.

Section 4: Progressive Discipline

Discipline of secondary students will be progressive based upon a student's disciplinary history.

Section 5: Confidentiality

Disciplinary actions will not be entered on a student's permanent record and will not be divulged to unauthorized personnel.

Section 6: Discipline of Students with Disabilities

A student with a disability, as defined in state standards, who engages in inappropriate behavior is subject to normal school disciplinary rules and procedures, provided the student's right to a free and appropriate public education is not violated. The following provisions will apply:

The individualized education plan (IEP) team for a disabled student should consider whether particular disciplinary procedures should be adopted for that student and included in the IEP, and if a disabled student's placement is to be changed for a period of time exceeding ten (10) days, District special education personnel will be consulted to assure that proper due process procedures are followed.

Date Adopted: 6/20/2016

Date Revised: 6/17/2019

Legal References: A.C.A. § 6-17-113, A.C.A. § 6-18-502, A.C.A. § 6-18-503, A.C.A. § 6-18-507, A.C.A. § 5-73-120

Additional Reference: ASBA Model Policies

POLICY 4.18 PROCEDURES

The public is given online access to the Parent/Student Handbook which includes the Bentonville School District Student Discipline Policy. Families may receive a paper copy upon request in the main office. After publishing the discipline policies each summer, the parent/guardian and student is asked to sign the verification form in this handbook during August registration days on campus. Failure to return the form by the Friday after Labor Day may result in the loss privileges, after school detention and/or In-School Suspension Class (ISS).

Administrative teams reference a rubric to assign disciplinary consequences for students. The purpose of this rubric is to assist in achieving the school board's vision for consistency among schools. The rubric is used by high school deans and principals doing the administrative work of administering discipline for various infractions. This rubric is, at all times, based on and dependent upon all applicable board policies, local, state, and federal laws. The rubric is a guide and includes flexibility when needed, but is intended to allow for fair and consistent discipline when rules are violated.

The rubric can be found at

https://drive.google.com/file/d/1KF6pWlbpJgPPHhRZ8nn_1GBmihS1BCdv/view?usp=sharing

No attempt has been made to include every detail of the high school experience as it goes beyond the scope of this handbook to describe it all. Other disruptive behavior that may occur will be categorized by the school administration in ways that maintain consistency across campuses and among various administrators and designees.

Discipline Plan

Any infractions occurring at school sponsored activities, on or off campus, will be handled as outlined under Section 2 of policy 4.18- Student Discipline. As stated under Section 4 of policy 4.18, severity of consequences will be based off of level of infraction. Students that accumulate a minimum of 10 combined infractions during the academic school year may result in an immediate 10 day suspension from school and/or expulsion.

- Teachers will immediately send any student who has committed a major infraction to the appropriate grade level dean.
- Major infractions may result in an immediate 10-day suspension from school and/or expulsion.

Detention

- Detention is a supervised study period used primarily as a consequence for minor infractions. Assignment to detention is not excused due to conflict with jobs, activities, or transportation problems. Failure to serve a detention in a timely manner could result in additional consequences.
- Misconduct/Tardiness will require the student to serve the detention at another time.
- Students who report to detention and do not find a supervisor need to report to the deans where they can serve the detentions.
- Each campus will offer 30 minute detentions. Each campus will publish times and locations. See Deans for details.

Discipline Alternative Placement

When disciplinary actions have not corrected improper student behavior, a conference may be held for the purpose of discussing alternative educational placement. Alternative educational placement refers to placement other than regular day school classes. Examples: REAP; Alternative Classroom Settings; Online Options; etc.

Self-Reporting

Note that self-reporting of any prohibited conduct may not absolve someone from consequences related to a disciplinary infraction. See Policy 4.23 Weapons and Dangerous Instruments for other specific limitations on self-reporting.

Staff Authority

Students must courteously and respectfully comply with the reasonable request of any teacher, staff member, or administrator in or out of the classroom. Students are expected to give names, if asked for them by any staff member or school employee. Failure to comply with the directions of school personnel acting in the performance of their duties shall be considered insubordinate and subject to immediate consequences.

Classroom Removals

The first time a student is removed from class by a teacher s/he may be placed into another appropriate classroom, into in-school suspension, into the district's alternative learning environment or returned to the same classroom.

The second time a student is removed from the classroom by the same teacher during a nine week period, the Dean of Students may keep the student out of the class until a conference is held for the purpose of determining the causes of the problem and possible solutions. The following individuals should be present at the conference: principal, dean of students, teacher, school counselor, and parent/guardian and if appropriate, the student. (A.C.A. § 6-18-511)

Virtual/Online Learning Platform

All school rules, policies, and laws are applicable in an online classroom. Students are responsible for all visual, backgrounds, dress, speech, decorum, and behavior that they bring to the online classroom environment. Standards of student discipline will be applied as if students were present in a classroom physically on campus.

Definitions of Offenses

Note that some definitions may be referenced in other policies also.

Arson: The setting of any unauthorized fire or the possession on any incendiary device anywhere on school property (including trash can fires)

Assault: Assault without a weapon resulting in severe harm: an assault which intentionally, knowingly or recklessly causes bodily injury to another person requiring medical attention. This category may be used when the attack is serious enough to warrant calling the police or security or when serious bodily harm occurs. Assault without a weapon without serious bodily injury: aggressively touching anyone without their permission. *Reference Arkansas Code 6-18-502

Battery: Any physical contact with a school employee if that contact is intended to intimidate, threaten, injure, or otherwise harm the employee *Reference Arkansas Code 6-18-502

Bullying: A pattern of unwelcome written, verbal, or physical conduct that is intended to embarrass, humiliate, intimidate, ridicule, defame; or sarcastic comments/compliments about another student's personal appearance, demeaning humor related to a student's race, gender, ethnicity or perceived/actual attributes by a student against another student or school employee. *Reference Arkansas Code 6-18-415

Cyber-bullying: Any form of communication or posting content electronically; sent with the purpose to harass, intimidate, humiliate, or defame a student, employee, or person with whom the other student or employee is associated.

Display of affection: Physical contact between students which violates standards of propriety, good taste, or rules and regulations established by the school

Disrespect: rudeness, name-calling, inappropriate gestures, or other actions intended to show lack of respect for any student or school employee

Disruptive behavior: Any interference with the proper conduct of a school, a school activity, or an individual class.

Doxxes (or doxxing) - To publish private or identifying information about a particular person on social media with malicious purpose.

Extortion: Subjecting another person to verbal or physical threats (stated or implied) in an effort to obtain money or other materials or services of value

Failure to identify: Refusal to provide proper identification, or providing false identification, to any school employee

Fighting: Violent incident with or without injury; physical: pushing, shoving; fighting: mutual altercation

Fireworks: Possession or use of any explosive or decorative pyrotechnic device on school property or at a school activity

Gambling: Games of chance conducted at school or at a school activity (except as a part of regular classroom instruction) where money or other valuables may be won or lost

Harassment/hazing: Annoying, ridiculing, or humiliating another person by words or actions

Indecent exposure: Clothing (or lack of clothing) which exposes the body in an immodest manner which does not meet common standards of decency and good taste

Inciting or videoing a fight: Witnesses who do not report the fight, get adult aide, seek interventions, and/or stand around and video the fight

Insubordination: Willful and intentional refusal to obey any reasonable request from a school employee

Look-alike (drugs, weapons, etc.): Legal substances or objects which appear to be, may be mistaken for, or are represented as substances or objects which, if authentic, would be prohibited at school or at school activities

Mob action: Two or more students attacking or threatening a single student; two or more students acting "as one" to break rules, disrupt the school, etc.

Paraphernalia: articles used in a given activity; equipment (drug paraphernalia: articles used in any drug related activity)

Possession: A student will be considered "in possession" of drugs, alcohol, weapons, or other prohibited materials if such items are on the student's person or in the student's locker, desk, automobile, or other storage area

Profane or obscene language or gestures: Language or gestures (directed at students or adults) which violate common standards of decency and good taste

Petitions and other printed matter: Distribution of printed materials not approved in advance by the principal (Note: the principal's sole basis for denying such distribution will be a sincere belief that possession or distribution of the materials will cause substantial disruption of school activities because of obscene or libelous language, personal attacks, or the method or time of distribution.)

School employee: Any person employed by or otherwise providing services to the school, including student/intern teachers and school volunteers

Sexual harassment: When a student engages repetitively in behavior that involves unwelcome sexual advances, unwelcome touching that is sexual in nature, unwelcome requests for sexual favors from or offers sexual favors to another student. Examples can include: petting, pinching, grabbing, indecent gesture, sexual remarks, jokes, innuendos, illustrations, cartoons, or making someone the target of sexual rumors.

Sexual Misconduct: Any consensual act between two or more persons involving the performance of sex act or touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female. * Reference Arkansas Code 5-14-101

Theft: Stealing school or personal property from school employees or other students while on a school campus or at a school-related activity.

Threat: Threats to kill or to cause serious physical injury to another person. Willfully and intentionally assaulting or threatening to assault or abuse any student or employee. *Reference Arkansas Code 6-18-502

Vehicle violations: Any unsafe, reckless, or otherwise inappropriate operation of an automobile, truck, motorcycle, bicycle, skateboard, or other vehicle on school property or traveling to or from school or other such materials

Weapons violations: Possession or transfer of any firearm; knife over 3" ; razor; ice pick; dirk; box cutter; nunchucks; explosive; Taser or other instrument that uses electrical current to cause neuromuscular incapacitation; or any other instrument or substance capable of causing bodily harm. For the purposes of this policy, "firearm" means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.