

## STUDENT DISCIPLINE

- A. The Arkansas School for the Blind and Visually Impaired Board of Education has a responsibility to protect the health, safety and welfare of the school'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, and going to and from school or a school activity.
- B. The school'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 referral back to the student's local school district. 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, such as assault or battery, drug law violations or sexual misconduct of a serious nature. Any disciplinary action pursued by the school shall be in accordance with the student's appropriate due process rights.
- C. The school's personnel policy committee shall review the student discipline policies annually and may recommend changes in the policies to the Arkansas School for the Blind and Visually Impaired. The Board shall approve any changes to student discipline policies.
- D. The school'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 or legal guardian shall sign and return to the school an acknowledgement form documenting that they have received the policies.
- E. It is required by law that the principal or person in charge, report to the police any incidents where 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.

F. The **minimum penalty** for student misconduct will be a **verbal warning** and the **maximum penalty** will be **referral back to the student's local school district** by the Board and/or legal action dependent upon the severity and frequency of the misconduct.

G. Any student who gives false information or wrongfully accuses another student or staff member may be subject to disciplinary action.

*Legal Ref: A.C.A. 6-18502, A.C.A. 6-17-113*

## **Conduct – Roles and Responsibilities**

### **Roles and Responsibilities** **Teaching Staff**

Teaching and ancillary staff will focus on teaching and reinforcing responsible behavior as opposed to trying to control or manage negative behavior. Teachers and staff will utilize positive, age-appropriate, meaningful incentives and consequences in their interactions with students to motivate them to make good choices about their behavior. Teachers will work collaboratively to maintain a high level of consistency both in the teaching process and in the use of all incentives and consequences. Teachers will assist the students in understanding how making positive behavioral choices relates to “The Arkansas School for the Blind and Visually Impaired Student Code of Ethics” – including the “Dormitory Student Code of Ethics.”

### **Home Life Staff**

The Home Life Staff from the Arkansas School for the Blind and Visually Impaired recognizes that student achievement is a function of students' academic skills and their behavioral skills. Moreover, we recognize that both sets of skills are learned, and that it is our responsibility to engage in a partnership with students, parents, and others to facilitate and reinforce this learning. This is in keeping with the vision of The Arkansas School for the Blind and Visually Impaired:

The Home Life Staff at the Arkansas School for the Blind and Visually Impaired will work collaboratively to share ownership of all students by:

- Recognizing that all students have challenges

- Fostering academic excellence, social awareness, and emotional stability
- Providing the means for students to realize their fullest potential
- Embracing collegiality, high standards, high expectations, and realizing that we are accountable

### **Administrative Staff**

The role of the administrative staff in responsibility and discipline is to guide staff and students in their efforts to achieve the school's mission - **student success**.

1. The administrative staff will be responsible for facilitating appropriate student responsibility and discipline at the building level. The principal will coordinate building-level celebrations, take suggestions from staff and parents, and evaluate all relevant discipline and behavior management procedures. The Administrative Staff will guide staff through a yearly review and update of the Arkansas School for the Blind and Visually Impaired Student Handbook.
2. The Administrative Staff will identify and coordinate any professional development activities (e.g., workshops, technical assistance consultations) that are deemed necessary in order for staff to be appropriately prepared to accomplish the building of a student's responsibility and discipline goals. The administrative staff will similarly ensure that other resources needed to accomplish building goals are available.
3. Members of the school administration will assist staff with severe student misbehavior such as physically dangerous situations, illegal acts, insubordination, and any chronic or recurring problems. As indicated on a case-by-case basis, the principal/assistant principal may use in-school or out-of-school suspension, parent conferences, contacting the appropriate agency or authorities, or other severe consequences. If the principal/assistant principal is not available to assist with a crisis situation, the office staff will direct referrals to individuals designated by the building principal (e.g., a special education specialist, guidance personnel).
4. Members of the school administrative staff will assist staff with emergency situations such as illegal acts, or any crisis situation that will create a clear and present danger to the staff and/or students. The emergency plan and procedures will be followed at this point.

### **Student Roles and Responsibilities**

Students at the Arkansas School for the Blind and Visually Impaired will take pride in their efforts to learn and practice responsible behavior. Throughout the day, our students will put their Code of Ethics into action (see these previously listed).

In the classroom, students will follow the teacher's classroom rules. Because each teacher structures activities a little differently, teachers will clearly communicate their expectations for each activity.

In the dormitories, students will follow the dormitory rules. Because each dormitory structures activities a little differently, dormitory staff will clearly communicate their expectations for each activity.

### **Parent/Guardian Roles and Responsibilities**

1. Parents are strongly encouraged to participate in the educational process. We need the support and cooperation of parents to effectively help each student reach his/her fullest potential. The major role of parents in assisting us with school discipline and responsibility is to consistently demonstrate interest and support in how their child is doing in school. When students see that parents support their best efforts, they are given a real incentive to strive for excellence. We will keep parents informed of student responsibility and efforts through conferences, report cards, phone calls, and notes.
2. Parents may be asked to help teach their student specific skills such as remembering homework, learning to be more independent or managing anger in a mature way. If parents are asked to assist staff, specific information will be provided on ways to help the student.
3. If there is a severe or recurring problem, parents will be asked to help staff teach the student an alternative set of behaviors. In such a case, everyone must recognize that teaching a student to get along in the school environment will make it possible for the student to be successful when attending high school. By working together, parents and staff can help the student learn behaviors that will increase opportunities for success and improve self-concept.
4. At the beginning of the school year, student handbooks will be provided to parents and students. Parents are asked to go over the student handbook with their children. A student handbook acknowledgement form will be signed and provided to the school.

### **Special Considerations for Students with Additional Disabilities or Special Needs**

All students are encouraged and expected to develop responsibility at The Arkansas School for the Blind and Visually Impaired. Though we will do our best to teach students how to assume responsibility, we recognize that there are special cases where a disability will require that adaptations be made and additional training required. Students with multiple-disabilities will be assisted by appropriate staff to meet the expectations of a student's Individualized Education Plan (IEP).

Discipline procedures for students with multiple disabilities may need to be individualized and unique, as documented within the students' IEP. All due process procedures and the student's IEP will be adhered to for all students before any disciplinary actions are implemented to ensure that students continue to be provided FAPE. The IEP team shall determine whether the student's behavior or activity was the result of the student's disability or not.

If a suspension that will interfere with the student's receipt of FAPE, or referral back to the student's local school district is necessary, the parent(s) and local school district will be given immediate notice of this proposed action and a required meeting to discuss this proposed action will be held as soon as possible. Parents will be provided notice of all rights under federal special education law, specifically the right to mediation or a due process hearing to challenge the change in placement. If parents request a hearing, the student's placement will be "frozen" in school. Parents must be informed of this "stay put" provision.

**To accomplish these roles and responsibilities, four basic principles of management and discipline will be implemented by teachers, residential advisors and other staff to enhance discipline throughout the year:**

- Behavioral expectations will be taught at the beginning of each school year, and incorporated into the curriculum throughout the academic year. Students will be taught how to behave responsibly in classrooms, dormitories and extracurricular activities.
- Staff will provide frequent praise and positive reinforcement for the students' good behavioral choices in the academic and extracurricular areas. ASB's goal is to create classroom and dormitory environments where students experience five positive interactions (i.e. from adults, peers, and self) for any negative interaction.
- Staff will strive to interact frequently with each student when the student is behaving appropriately (i.e. "catch the student being good")
- Staff will establish clearly defined boundaries and rules, and will implement consistent, appropriate consequences for misbehavior using the **mildest consequence** necessary for the specific situation. Students will be asked to verbalize how they made a bad behavioral choice, and be given the opportunity to demonstrate an understanding of the appropriate expectations (a good choice).

***Though these principles will guide teachers/residential advisors in their classroom/dormitory management areas, each staff member, each student, and each situation is unique. Staff will use professional discretion to select the specific procedures that fit individual student needs and the situation.***

***The following represents a menu of possible classroom/dormitory management techniques for encouraging responsible behavior and reducing irresponsible behavior.***

## **RESPONSIBILITY IN COMMON AREAS**

A school's common areas include such places as the playground, hallways, restrooms, and the cafeteria. With different staff supervising these areas, it is important to share consistent expectations for responsible behavior. Without consistency from staff, there will be continued testing of limits by students. With clarification of expectations, the staff at The Arkansas School for the Blind and Visually Impaired can focus on encouraging student responsibility and reduce the need to correct misbehavior.

Because each common area is unique, a separate section has been developed below to address each one. In this way, staff and students will have a clear understanding of the expected behaviors in each area, and the incentives and consequences that may occur for appropriate and inappropriate behavior, respectively.

Each classroom teacher and dorm parent will use the information below to teach students what constitutes responsible behavior, for example, on the school grounds, playground, dorms, in the hallways and restroom, and in the cafeteria. Expected behaviors will be taught until students understand and can demonstrate the behaviors at an appropriate developmental level. The younger the students, the more time teachers will need to spend discussing, modeling, practicing, and role playing. If problems occur in any area, staff will resume lessons on responsible behavior in that setting.

All students will receive positive instruction, information, and feedback on how to behave responsibly in different settings. A copy of the rules and expectations for the different common areas will be placed in an information folder for substitute teachers.

### **HALLWAY EXPECTATIONS**

- Walk in an orderly way, quietly and on the right side of the hallway
- Keep hands/feet/canes/book bags, etc. to yourself
- Use appropriate tone of voice (keep it low)
- Go directly to your destination
- Respond appropriately to staff direction in the hallways.
- Locker prep – have specific things with you for each class so you don't have to keep going back to your locker

### **CAFETERIA EXPECTATIONS**

- Walk Safely
- Keep arms, feet, canes and body to yourself.

- Use appropriate volume, tone and pitch of voice
- Deposit lunch trays as directed in an orderly manner

### **Line Up**

- Wait – be kind to others.
- Ignore distractions
- Use positive social skills
- Use good table manners
- Treat others with dignity and respect
- Respond appropriately to teasing, rejection, and being excluded
- Remain in your own space
- Go to the salad bar only with supervision

### **Tables**

- Join others appropriately and as directed by staff
- Sit at designated tables
- Be a good leader and a good follower
- Clean up after yourself

### **RESTROOM EXPECTATIONS**

- Flush toilet
- **Wash hands**
- Use wastebasket
- Respect Property

### **AUDITORIUM EXPECTATIONS**

- Enter and Exit quietly
- Sit quietly facing forward with feet on the ground, hands in lap
- Keep feet off chairs
- Let staff/houseparent know if you are going to the bathroom
- Do not run up or down the aisles
- Walk behind audience to exit room
- After program opening, only enter the auditorium between performances
- Respond appropriately to performances

### **BUS ROUTE EXPECTATIONS:**

- Go to your designated area to catch your bus
- Keep hands, feet, back-packs, canes, etc. to yourself
- Wait for your bus in an orderly and polite manner
- Wear proper clothing for the ride to and from school
- Walk - do not run to bus

- Use appropriate tone of voice (low)
- Use appropriate language
- Listen and follow the directions of the bus driver
- Stay seated
- Check in with the bus staff

### **ELEMENTARY PLAYGROUND EXPECTATIONS:**

- Follow school and safety rules
- Be respectful
- Share
- Take turns
- Follow playground supervisors' directions
- Show good sportsmanship
- Be patient with others

### **FIELD TRIP EXPECTATIONS:**

- Stay with your group
- Be respectful (polite)
- Dress appropriately
- Remain seated on the bus or van
- Use appropriate language – speak quietly!
- Follow all school rules in effect
- Do not push or shove in getting on or off the bus/van
- Listen to the staff member in charge
- Keep up with your own belongings
- Pick up any trash that you drop (keep the bus/van clean for others!)

### **LIONS' DEN AREA EXPECTATIONS:**

- Follow directions of Houseparent and Stand Supervisor
- Visit and socialize in an orderly and polite manner
- When leaving, immediately report directly back to your dormitory
- Make good and healthy choices for snacks and drinks
- Use recreational equipment appropriately and safely
- Use appropriate language – no profanity!
- Be polite when requesting items and share!
- Avoid disturbing others with excess noise
- Refrain from horseplay in area and in the hallways
- Keep the area clean

### **CLASSROOM/DORMITORY EXPECTATIONS**

- Demonstrate good listening skills
- Follow directions, the first time

- Begin work – promptly and quietly
- Do not disturb peers while they are working
- Begin and complete homework and other dorm tasks successfully
- Keep arms, feet, and body to yourself
- Ask for help and assistance promptly and politely, when needed
- Wait to be called on to speak/request attention in an appropriate manner
- Ignore distractions - successfully and consistently
- Apologize in a prompt and appropriate manner
- Accept consequences in an appropriate manner
- Bring school supplies to school each day
- Walk/travel safely during all activities
- Use an appropriate tone, volume, and pitch of voice
- Speak politely to others
- Learn to deal with feelings of anger (yours or others) or rejection appropriately
- Learn to walk away from a potential fight in an appropriate manner
- Set appropriate goals successfully and follow up on them
- Evaluate yourself successfully
- Know/discover your ‘abilities’ and talents
- Know how to deal with your ‘problems’ according to their importance, and arrive at appropriate solutions
- Respond to ‘failure’ successfully
- Give and accept a compliment appropriately
- Deal with fear successfully
- Learn to avoid ‘troubling situations’
- Apologize when you make a ‘bad choice’
- Take care of other people’s, school and dormitory property
- Take care of your own personal property
- Ask adults for help to solve serious problems
- Tell an adult when you or a peer is in an unsafe situation
- Deal with peer pressure successfully and appropriately
- Deal with ‘wanting something that isn’t yours’ appropriately
- Deal with embarrassment appropriately and successfully
- Show good sportsmanship – when winning or losing!
- Deal with boredom appropriately and help others to do so
- Accept “no” from others and learn to say “NO!” when appropriate
- Learn to relax!
- Ability to ‘begin’ and ‘end’ a conversation appropriately
- Be a good leader, role model, or a good follower, as appropriate
- Cooperate with others
- Share with others
- Join activities using positive social skills
- Treat other people with dignity and respect

- Discuss disagreements in a calm manner
- Take responsibility for your own actions and statements
- Tell the truth
- Use positive social skills to respond to teasing and rejection
- Use positive social skills when you get a bad grade or give the wrong answer to a question
- Offer to help others
- ‘Introduce’ yourself and accept introductions from others
- Demonstrate the ability to play a game and participate in recreational activities
- Learn to ask for a favor appropriately
- Express affection in an appropriate manner and place
- Negotiate for what you want (self-advocate – making/answering complaints, participate in conferences, etc.)
- Be aware of your own and others feelings/moods

### **Encouraging Positive Behavior**

The following is a list of successful incentives to be used by staff at the Arkansas School for the Blind and Visually Impaired (as appropriate to various age groups):

- Positive Notes in Dormitory Reports
- Positive phone calls or notes home
- Positive notes in planner
- Award /Recognition Certificates
- Stickers for rewards
- Listed on Honor and Citizenship Rolls
- Recognition in ASBVI school newsletter, local newsletters, news stations
- Tickets for drawings, buying rewards
- Additional responsibility
- Run a special errand for the teacher
- Five minutes at the end of the class period as free time
- Social visit with the administrative staff
- Recognition as “Student of the Week/Month.” (classroom and/or dorm)
- Good behavior stamps
- Special activity with the teacher
- Read a story to the class
- Rewards/tangible (pencils, grab bag, tokens, points, special bookmarks, etc)
- Marbles/beans in bowl
- Snack served by the principal (or other requested Administrator)
- Extra computer time or game
- “No homework/no worksheet/no dormitory duty” pass
- Special lunch with Administrative Team/Member
- Serving on “Residential Student Advisory Board”

- Membership in “Residential Mentors Club”
- “Laundry”/“Room Cleaning” services provided for dorm student
- Special class position (e.g. line leader, be excused to go home first, etc.)
- Help designing and putting up special class/building bulletin boards/exhibits
- Class parties, snacks in the lunchroom, or special field trips
- Extra “fun” papers/projects/activities
- Taking an ‘internet’ field trip
- ASBVI “Kudos Recognition” in the school announcements
- Other (parent/student suggestions...?)

## **CODE of CONDUCT LEVELS**

### **Classroom/Dormitory Consequences for Misbehavior**

Teachers, house-parents, and staff at the Arkansas School for the Blind and Visually Impaired will establish clear rules and boundaries for the students in the classrooms, dorms and extracurricular activities. Consequences are most effective when implemented as soon as possible after the behavior occurs. Consequences for misbehavior shall be implemented consistently and in accordance with the intensity level of the behavior as outlined in the Behavioral Matrix. Consequences for misbehavior shall always be followed by the student being asked to verbalize an understanding of the infraction and expectation for future behavioral choices. . Staff has defined a Behavioral Matrix that differentiates various types of misbehaviors into four intensity levels. Behaviors in each intensity level are matched with consequences based on the number of infractions for behavior.

### **Behavior Matrix Intensity Level Definitions**

In all discipline situations, proper due process will be conducted. Due process procedures will be in accordance with state guidelines, IDEA guidelines, as well as ASBVI Board policies. Violations of the ASBVI Student Code of Conduct have been placed in four categories. Furthermore, a referral team will be utilized in the event that a student has committed a series of infractions, or has committed an offense that warrants the possibility of referral back to the student’s local school district.

**Intensity Levels I – IV** are defined as the following:

- **Intensity I Behavior:** Behavioral infractions in the classroom/dorm/school activity that are considered mild in nature and may be addressed with the least amount of intervention on the part of the teacher, houseparent or staff member (e.g., using physical proximity, a social skills prompt, reinforcing other students’ appropriate behavior, giving a verbal or a non-verbal cue to the student).

- **Intensity II Behavior:** Behavioral infractions in the classroom/dorm/school activity that teachers, house parents and staff may handle with a more directed intervention (e.g. loss of student points or privileges, a classroom time-out, a note or call home, completion by the student of a behavior action plan).
- **Intensity III Behavior:** Behavioral infractions that are persistently disruptive or severe may require out-of-classroom/dorm/ activity intervention (e.g., a referral to the office or in-school suspension room). Students who persistently display behaviors of this intensity may require team intervention to design an individualized behavior plan.
- **Intensity IV Behavior (Administrative response):** Severe behavioral infractions that are addressed in the **School's Handbook** and usually require some type of student suspension and/or referral back to the student's local school district.

Because of differences in student development and rates of maturation, behaviors at the first three intensity levels, and their corresponding consequences, have been identified for two grade range levels. At each grade level, all students are informed, in advance, of what behaviors are unacceptable in the classroom/dormitory or school activity. Below are these grade range level behaviors and consequences (Please review both the Pre-Kindergarten - 6<sup>th</sup> grade and the 7<sup>th</sup> - 12<sup>th</sup> grade range levels.)

### **Elementary: Pre-Kindergarten - 6<sup>th</sup> grade**

Due to the age variance within the elementary school aged children the Lead and Assistant Principals reserve the right to modify and or waive any of the below behavioral interventions if the behavior/intervention is determined to not be applicable/appropriate due to the age of the child.

### **Inappropriate Intensity I Behaviors**

Arguing/talking back  
 Bouncing (usually just a reminder needed)  
 Calling/shouting/blurting out answers  
 Disruptive behavior/noise making  
 Distracting/disturbing others  
 Horseplay  
 Play fighting  
 Mild teasing/name-calling  
 Non-teacher approved food/drink items  
 Not being in a designated or specified area

Not following directions

Passive off-task behavior (e.g., head on desk, staring out the window)

Poor attitude/rudeness (defined as behaviors or words used in such a way that respect for fellow students/staff is not apparent)

Running in class/ hallways

Spitting on the floor or objects

Swearing

Wearing “wheeled” shoes at any time in campus buildings

### **Intensity I: Research- or Experience-Based Teacher Interventions or Consequences**

Move the student to another seat in the classroom/dorm/activity

Staff clarifies direction/instructions – completion of task occurs

Staff counsels with student

Staff gives a verbal warning

Staff instructs, models, role plays the appropriate social skill and a ‘good choice’

Staff redirects student/activity

Staff uses ‘proximity’ (moves closer to student)

Staff uses a visual, verbal, non-verbal, or physical prompt

Student apologizes to staff member/class for disruption, etc. (making a ‘bad choice’)

### **Intensity I: Consequences**

**1<sup>st</sup> Offense: Conference with Principal**

**2<sup>nd</sup> Offense: Lunch Detention (1 Day)**

**3 or More Offenses: Phone Parent**

### **Inappropriate Intensity II Behaviors**

**Persistent Intensity I behaviors...or**

Arguing with the teacher/talking back

Cheating

Failure to comply with classroom

Inappropriate hand gestures

Inappropriate physical contact (no injuries, non-sexual)

Infractions of the dress code

Leaving an area without permission

Lying (if harmful or destructive to others then it goes to Level III)

Not using a cane when appropriate

Public displays of affections  
Staring/attempting to non-verbally intimidate another student  
Taking supplies without permission  
Teasing (2<sup>nd</sup> offense – but not harassment, abusive or persistent – these go to Level III)  
Throwing objects

### **Research- or Experience-Based Teacher Responses, Consequences, or Interventions**

**(All responses, consequences or interventions should include counseling with student and conducting/retraining related social skills training)**

Loss of free time/recess time (on a graduated scale)  
Loss of privileges/activities  
Move the student to another seat in the classroom/activity  
Staff member ends activity for the student;  
Staff member sends a note home  
Student apologizes to staff and/or student(s)  
Student models the appropriate behavior  
Student writes an explanation of the misbehavior and an understanding of the appropriate expectation (as appropriate for the student and abilities)  
Time-out in another class  
Time-out in class

### **Intensity II Consequences**

1<sup>st</sup> Offense: Meeting with Principal  
2<sup>nd</sup> Offense: Phone Parent(s)  
3 or More Offenses: Lunch Detention (3 days)

### **Inappropriate Intensity III Behaviors**

Derogatory statements, or behaviors, that are racist or sexist.  
Hazardous behaviors/safety issues  
Swearing/Profanity (3<sup>rd</sup> offense)  
Physical aggression/fighting with intent to cause bodily harm  
Physically threatening/taunting behavior  
Sexual harassment  
Sexually inappropriate behavior (e.g., touching/showing private parts)  
Spitting on an individual(s)  
Stealing (intentional or unintentional): less than \$500 (replacement value)  
Throwing furniture/dangerous materials  
Verbal threats to cause harm  
Willful destruction/defacing of school property: less than \$500 (replacement value/labor costs)  
Skipping Class  
Smoking/Smokeless Tobacco

**Responses, Consequences, or Interventions Expected from the Administrator/School Problem Solving Team (All responses, consequences or interventions should include counseling with student)**

Parent/student/teacher conference

Referred for Counseling with School Counselor and/or Therapist

Intensity III Consequences

1<sup>st</sup> Offense: Conference with Principal/Phone Parent

2<sup>nd</sup> Offense: Phone Parent/ Lunch Detention (3 days)

3<sup>rd</sup> Offense: Phone Parent/ Lunch Detention (5 days)

4 or more Offenses: Phone Parent/ In School Suspension (5 days)/Referral Team Meeting

**Below are the grade-level behaviors and consequences for 7-12<sup>th</sup> grades:**

**Intensity I Behaviors:**

Disruptive talking/noise making

Horseplay (pretend fighting/physical contact)

Inappropriate language

Inappropriate public display of affection

Leaving seat without permission

Name calling/teasing

Non-teacher approved food or drink items

Not listening/following instructions/directions

Not using a cane when appropriate

Off-task behavior Pushing/poking other students

Running in class/hallway

Swearing

Unprepared for class (includes not having homework/textbook/other materials necessary for class)

Use of cellular phone or other personal communication devices during school hours.  
(See phone use policy)

Wearing "wheeled" shoes at any time in campus buildings

**Intensity I : Research- or Experience-Based Teacher Responses, Consequences, or Interventions**

Conference in private

Guidance referral

Note/Call home

Teacher proximity

Teacher redirect

Teacher visual/oral/physical prompt

### **Intensity I Consequences**

1<sup>st</sup> Offense: Meeting with Principal

2<sup>nd</sup> Offense: Lunch Detention (1 Day)

3 or More Offenses: Lunch Detention (3 Days)

### **Inappropriate Intensity II Behaviors:**

Any Intensity I Behavior that continues within 5 school days

Arguing with the teacher/talking back

Destroying school property (maliciously)

Failure to comply with classroom rules

Inappropriate hand gestures

Inappropriate language/name calling, etc.

Inappropriate physical contact/physical threat (i.e. pushing, grabbing)

Inappropriate public display of affection (prolonged physical contact)

Infractions of the dress code

Leaving an area (classroom/ school activity) without permission

Lying (if harmful or destructive to others it goes to Level III)

Profanity towards another individual

Refusing to follow directions

Throwing objects

### **Intensity II: Research- or Experience-Based Staff Responses, Consequences, Interventions or Corrective Responses (All responses, consequences or interventions should include counseling with student)**

Guidance referral

Loss of free time/recess time (on a graduated scale)

Loss of privileges/activities

Move the student to another seat in the classroom/dorm/activity

Parent/student/teacher/administrator conference

Sent to the office

Staff member ends activity for the student

Staff member sends a note home

Staff/team writes student behavior plan/mediation techniques

Student apologizes to staff and/or student(s)

Student models the appropriate behavior

Student writes an explanation of the misbehavior and an understanding of the appropriate expectation (as appropriate for the student and abilities)

Student writes letter to parent about the infraction

Time-out in another class

Time-out in class

## **Intensity II Consequences**

**1<sup>st</sup> Offense: Meeting with Principal and one (1) day lunch detention**

**2<sup>nd</sup> Offense: Lunch Detention (3 days)**

**3<sup>rd</sup> or More Offenses: In School Suspension (2 day)/Referral Team Meeting**

## **Inappropriate Intensity III Behaviors: (Some of these behaviors could be placed under Intensity Level IV depending on severity or persistency)**

Derogatory statements (racist, sexist or other) that target race, ethnicity, gender, sexuality or other class

Endangering safety of others (With intent to cause harm)

Falsely accusing Teachers or Staff

Forgery/Falsification of Information

Gambling

Memberships in Fraternities, Sororities, Secret Clubs, Gangs etc.

Physical aggression/fighting with intent to cause bodily harm (Does not rise to the level of a substantial risk of death or serious physical injury)

Physical threats or verbal threats of violence

Provoking others to fight

Safety hazard

Sexual harassment

Sexually inappropriate behavior/contact

Smoking/Smokeless tobacco/Electronic Cigarettes (ACA 6-21-609)

Spitting (on others)

Stealing: Under \$500 in replacement value Throwing furniture/dangerous materials

Truancy/Skipping class or school

Walkouts or Boycotts

Willful destruction of school/other's property of less than \$500 in replacement value

**Intensity III: Responses, Consequences, or Interventions Expected from the Administrator/School Problem Solving Team (All responses, consequences or interventions should include counseling (also see \*Guidance below) with student**

Guidance referral for counseling with school counselor and/or therapist  
Parent/student/teacher conference  
Parent/student/teacher/administrator conference to develop behavior plan  
Phone contact and/or conference with parent  
Sent to the office with a written report

**Intensity III Consequences**

**1<sup>st</sup> Offense: In School Suspension (3 days)**

**2<sup>nd</sup> Offense: Out of School Suspension (3 Days)/ Referral Team Meeting**

**3<sup>rd</sup> Offense: Out of School Suspension (5 Days)/ Referral Team Meeting**

**Intensity IV – Inappropriate/Criminal Behaviors, Responses, Consequences and Interventions:**

The Behaviors listed below are considered extremely serious violations of the student discipline policy. Where appropriate, referral to the appropriate legal authorities may be required by law.

**Intensity IV Consequences**

**1<sup>st</sup> Offense: Mandatory Referral Team Meeting. Mandatory referral back to the student's local school district will be considered appropriate unless the referral team determines a reasonable cause for continuing to attend ASBVI. Due process procedures will be utilized in regards to decisions made. Legal authorities will be notified when necessary.**

**Infractions:**

**Alcohol/Illegal Drugs – Possessing, Selling, Purchasing or Using**

In addition to warning students against having or using alcohol or illegal drugs at school, the school provides students information about the effects and dangers of alcohol and drug use and abuse.

Students shall not possess, sell, use transmit or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, counterfeit drugs (look-alike), alcohol or other intoxicants of any kind, or other controlled substances as defined in Act 590 of 1971, and as amended by subsequent enactments by the General Assembly of Arkansas including but not limited to the definition of counterfeit substances as defined in Act 787 of 1983 of the State of Arkansas.

Students shall not possess, sell, use, or transmit any type of drug, including PRESCRIPTION AND OVER-THE-COUNTER DRUGS, without permission of the proper school authorities and in accordance with the school's policy relative to medications and individual medicines.

Students shall not possess, sell, use, or transmit any type of drug paraphernalia or instruments of crime, including roach clips, pipes, rolling papers, etc.

(A.C.A 6-18-502, 6-17-113)

### **Arson**

No student shall deliberately burn or attempt to burn school property.

(A.C.A. 6-18-502)

### **Assault/Battery on Staff**

No student shall strike or attempt to strike a teacher or other school personnel. (A.C.A. 6-18-502, 6-17-113)

Student will be suspended immediately and recommended for referral back to the student's local school district.

### **Battery--Minor Physical Injury**

A student will not threaten or attempt to cause injury or physical harm to another student, or any school employee, nor will a student strike or beat another student.

(A.C.A. 6-18-502, 6-17-113)

### **Assault (simple) or Simple Terroristic Threat**

A student shall not engage in conduct which creates a substantial risk of physical injury to another student or threaten another student, making that student fear imminent physical harm. Under Arkansas Law, a person commits this offense if: "With purpose of terrorizing another person, he threatens to cause physical injury or property damage to a teacher or other school employee acting in the line of duty..." This criminal offense is a Class D felony with up to six years in prison and/or a fine up to \$10,000.00. (Legal Reference, Ark. Code Ann. 5-13-204 through 207, 6-18-502, 6-17-113)

## **Assault with Substantial Risk of Death or Serious Physical Injury**

A student shall not engage in conduct which creates a substantial danger of death or serious physical injury to another person. (A.C.A. 5-13-204 through 207, 6-18-502, 6-17-113).

Student will be suspended immediately and recommended for referral back to the student's local school district.

**Bomb, Fire Alarm/Threat (false)** :A student shall not threaten a fire, bombing or other catastrophe. (A.C.A. 5-71 – 210, 6-18-502, 6-17-113).

AN ACT MAKING THE ACT OF COMMUNICATING A FALSE ALARM TO AN EDUCATIONAL INSTITUTION IS A CLASS D FELONY

*Section 1, Arkansas Code 5-71-210 is amended to read as follows:*

5-71-210. Communicating a false alarm.

A. A person commits the offense of communicating a false alarm if the person purposely initiates or circulates a report of a present, past, or impending bombing, fire, offense, catastrophe, or other emergency knowing that the report is false or baseless and knowing that it is likely:

1) to cause action of any sort by an official or volunteer agency organized to deal with emergencies; or

2) to place any person in fear of physical injury to himself or herself or another person or of damage to his or her property or that of another person; or

3) to cause total or partial evacuation of any occupied structure, vehicle, or vital public facility.

(B)(1) Communicating a false alarm is a Class D felony if:

(A) physical injury to a person results; or

(B) the false alarm communicates a present or impending bombing and is made to or about a public or private educational institution.

(B)(2) Otherwise, communicating a false alarm is a Class A misdemeanor.

## **Criminal Mischief/Vandalism--Major Damage**

No student shall purposely and without legal justification destroy or damage any property of another or that belonging to the school in excess of \$500 replacement value. [The parent/guardian shall be responsible for all damages to property caused by his/her child.] (A.C.A. 6-18-502, 6-17-113)

**Death Threat** -ARKANSAS LAW ESTABLISHING THE OFFENSE OF COMMUNICATING A DEATH THREAT CONCERNING A SCHOOL EMPLOYEE OR STUDENT (Act 1046 OF 2001)

*Section 1.* (a) A person commits the offense of communicating a death threat concerning a school employee or student if:

- (1) The person communicates to any other person a threat to cause the death of a school employee or student;
- (2) The threat involves the use of a firearm or other deadly weapon;
- (3) A reasonable person would believe the person making the threat intends to carry out the threat;
- (4) The person making the threat purposely engaged in conduct that constitutes a substantial step in a course of conduct intended to culminate in the commission of the threatened act;
- (5) There is a close temporal relationship between the threatened act and the substantial step.

(b) Conduct is not substantial step under this section unless it is strongly corroborative of the person's criminal purpose.

(c) Communicating a death threat concerning a school employee or student is a Class D felony.

*Section 2.* For purpose of this act, "school" means any:

- (1) Elementary, junior high, or high school;
- (2) Technical institute or post-secondary vocational-technical school; or
- (3) Two (2) or (4) year college or university.

**Disorderly Conduct**

No student shall engage in inappropriate behavior that substantially disrupts or interferes with, or is likely to disrupt or interfere with, any school function, activity or school program. Such behavior includes, but is not limited to, fighting, threats, excessive noise, abusive language, obscene gestures, exposing private parts, disrupting lawful assembly of persons. (A.C.A. 5-71-207, Disorderly conduct—Class "C" Misdemeanor)

**Extortion/Bribery**

No student will obtain or attempt to obtain something of value from another person either by physical force or by threat (illegal acts). (A.C.A. 6-17-113, 6-18-502)

**False Emergency Alarm**

A student shall not circulate a story of a fire, bombing, bomb threat or other catastrophe when that student knows the story to be untrue. If injury results to any person as a result of the false alarm, the student will be reported to law enforcement agencies. (A.C.A. 6-18-502, 6-17-113)

### **Felony Theft--Student Property**

Students shall not take the property of another person or be in possession of property belonging to another person without that person's permission. If a student steals or is in possession of property belonging to another person worth \$500 or more, that student has committed a Level III offense. (A.C.A. 6-18-502, 6-17-113) Parents must make restitution.

### **Felony Theft--School Property**

A student shall not take possession of property that belongs to the school without permission. If a student takes or is in possession of school property worth \$500 or more parents will make restitution (A.C.A. 6-18-502, 6-17-113)

### **Firearms/Weapons - Possession and/or Use of Firearms/Weapons**

No student shall possess, use, threaten to use, or otherwise be involved with any firearm/handgun, weapon, facsimile weapon, or any other instrument that is capable of inflicting physical injury or death. Weapons prohibited by law upon any school property, in or upon any school bus, at designated bus stops, or at any school-related event include, but are not limited to: any firearm/handgun (whether loaded or unloaded), knife, razor, ice pick, dirk, brass or metal knuckle, martial arts implement, box cutter, BB gun, pellet gun, pump gun, blackjack, sword, spear in a cane, Billy club, sap, rifle, shotgun, machine gun, bomb, grenade, booby trap, explosive device, or any other implement designed, made, or adapted for the purpose of inflicting physical injury or death., (Gun-Free Schools Act of 1994; Act of 567 of 1995, A.C.A. 5-27-206, 6-17-113, 6-18-502, 6-18-507)

### **Fireworks - Possession of Fireworks**

No student shall possess, use or threaten to use any fireworks.

### **Indecent Exposure**

Students shall not expose their sex organs in a public place or in public view or under circumstances knowing the conduct is likely to cause affront or alarm. (A.C.A. 5-14-112, Indecent exposure, "A" Misdemeanor) **Note:** Exposing private parts as disorderly conduct.

## **Loitering by Suspended Student**

Student asked to leave campus/police called.

## **Robbery**

Students shall not take property belonging to another person or the school by force, threat of force or with the use of a deadly weapon. (A.C.A. 5-12-102; 5-12-103)

## **Sexual Abuse or Rape**

Students shall not engage in **sexual contact** with another person by forcible compulsion or engage in sexual contact with another person who is incapable of consent because he is physically/mentally helpless; nor shall students engage in **sexual intercourse** or **deviant sexual activity** with another person by forcible compulsion or with another person who is incapable of consent because he is physically/mentally helpless. (A.C.A. 5-14-111 Sexual Abuse-1st degree-C felony; 5-14-103 Rape-Y felony)

## **Terroristic Threatening--Threats of Serious Physical Injury or Property Damage/Threats to Teachers/Staff**

Students shall not, with the purpose of terrorizing another person, threaten to cause death or serious physical injury or substantial property damage to another person or threaten physical injury to students, or school employees. (A.C.A. 5-17-101, 6-17-113, 6-18-507). Criminal offense is a Class "D" felony punishable with six (6) years in prison and/or \$10,000.00 fine.

## **Persistent Disregard for School Rules**

Any student who persists in misconduct after the school has documented reasonable efforts to secure their adherence to established rules, will meet with the referral team in order to determine continued enrollment at ASBVI.

## **Behavior Not Covered Above**

**The Arkansas School for the Blind and Visually Impaired reserves the right to pursue disciplinary or legal action for behavior which is subversive to good order and discipline in the school even though such behavior is not specified in the preceding written rules. The Arkansas School for the Blind and Visually Impaired will follow ACT 1029 as indicated by the Arkansas Department of**

**Education. This will include any subsequent documentation or rules related to this policy.**

## **BULLYING POLICY**

- A. Respect for the dignity of others is a cornerstone of civil society. Bullying creates an atmosphere of fear and intimidation, robs his/her of their dignity, detracts from the safe environment necessary to promote student learning and will not be tolerated by the Board. Students who bully another person shall be held accountable for their actions whether they occur on school equipment or property; off the school property at a school sponsored function, activity, or event; or going to or from school or a school activity in a school vehicle or school bus; or at designated school bus stops.
- B. Bullying means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that creates a power imbalance, either real or perceived. Bullying can be verbal, social, and/or physical and creates a clear and present danger of:
1. Physical harm to a public school employee or student or damage to the public school employee's or student's property;
  2. Substantial interference with a student's education or with a public school employee's role in education;
  3. A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
  4. Substantial disruption of the orderly operation of the school or educational environment;

Electronic act means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose;

Harassment means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

Substantial disruption means without limitation that any one or more of the following occur as a result of the bullying:

1. Necessary cessation of instruction or educational activities;
2. Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
3. Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
4. Exhibition of other behaviors by students or educational staff that substantially interferes with the learning environment.

C. Examples of “Bullying” may include but are not limited to a pattern of behavior involving one or more of the following:

1. Sarcastic “compliments” about another student’s personal appearance.
2. Pointed questions intended to embarrass or humiliate.
3. Mocking, taunting or belittling.
4. Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person.
5. Demeaning humor relating to a student’s race, gender, ethnicity or personal characteristics.
6. Blackmail, extortion, demands for protection money or other involuntary donations or loans.
7. Blocking access to school property or facilities.
8. Deliberate physical contact or injury to person or property.
9. Stealing or hiding books or belongings.
10. Threats of harm to students(s), possessions or others.
11. Electronic forms of bullying (Cyber-bullying) which include, but are not limited to email, text messaging, blogging, etc.
12. Sexual harassment, as governed by intensity level 4 behaviors is also a form of bullying,
13. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (Example: Slut”) or conduct or is homosexual, regardless of whether the student self- identifies as homosexual (Examples: “You are so gay.” “Fag” “Queer”).

D. Students are encouraged to report behavior they consider to be bullying including a single action which if allowed to continue would constitute bullying, to their teacher or the building principal.

E. The report may be made anonymously. Teachers and other school employees who have witnessed, or are reliably informed that a student has been a victim of behavior they consider to be bullying, including a single action which if allowed to continue would constitute bullying, shall report the incident(s) to the principal. Parents or legal guardians may submit written reports of incidents they feel

constitute bullying, or if allowed to continue would constitute bullying, to the principal. The principal shall be responsible for investigating the incident(s) to determine if disciplinary action is warranted. The person or persons reporting behavior they consider to be bullying shall not be subject to retaliation or reprisal in any form.

- F. Students found to be in violation of this policy shall be subject to disciplinary action up to and including referral back to the student's local school district. In determining the appropriate disciplinary action, consideration may be given to other violations of the student handbook, which may have simultaneously occurred.
- G. Notice of what constitutes bullying, the school's prohibition against bullying, and the consequences to students who bully shall be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium and school bus. Parents, students, school volunteers, and employees shall be given copies of the notice.

A complete policy is available upon request from the principal's office.

Legal Reference: A.C.A. § 6-18-514

**Bullying Consequences:** If the preponderance of evidence suggests bullying has occurred, the following consequences will be applied

**1<sup>st</sup> Offense:** Mandatory sensitivity training with the School LCSW (minimum 10 sessions)

**2<sup>nd</sup> Offense:** Mandatory referral team meeting

## **CELL PHONES**

- A. Use and misuse of cell phones has become a serious problem that threatens the ability of the school to properly and efficiently operate its educational program. The School Board believes it is necessary to restrict student use and possession of cell phones, other electronic communication devices, cameras, MP 3 players, I-pods, headphones, and other portable music devices so that the opportunity for learning in the school may be enhanced.

At the same time, cell phones and other electronic communication devices can, in controlled situations, offer a means to enhance student learning through their ability to access expanded sources of information. Teachers have the authority to permit student use of their cell phones for specific classroom lesson plans or projects. Students must abide by the guidelines the teacher gives for any such

authorization. Students who fail to do so will be subject to the provisions of this policy governing misuse of cell phones.

- B. For the purpose of this policy, the use of a cell phone or other communication device includes any incoming call, text message, message waiting, or any other audible sound coming from the phone or device.
- C. The student and/or the student's parents or guardians expressly assume any risk associated with students owning or possessing technology equipment.
- D. Unless otherwise permitted in this policy, from the time of the first bell until after the last bell, students are forbidden from having cell phones, any paging device, beeper, headphones, or similar electronic communication devices unless permitted by the student's IEP. Such devices may be stored in the principal's office or in the student's locker so long as they are in a silent mode of operation. Exceptions may be made by the building principal or his/her designee for educational, health, teacher permitted activity, or other compelling reasons.
- E. Before and after normal school hours, possession of cell phones, any paging device, beeper (or similar electronic communication devices), cameras, MP 3 players, I-pods, headphones and other portable music devices are permitted on the school campus. The use of such devices at school sponsored functions outside the regular school day is permitted to the extent, and within the limitations, allowed by the event or activity the student is attending.
- F. Students using or possessing, cell phones or other electronic communication devices, cameras, as well as MP 3 players, I-pods, and other portable music devices after the first bell and before the last bell shall have them confiscated. Confiscated cell phones and other electronic communication devices may be picked up at the school's administration office by the student's parents or guardians. Students have no right of privacy as to the content contained on any cell phones and other electronic communication devices that have been confiscated.
- G. Students who use a school issued cell phone and/or computers for non-school purposes, except as permitted by the School's Internet/computer use policy, shall be subject to discipline, up to and including suspension or referral back to the student's local school district.

**CONSEQUENCES:** (Offenses reset at the end of each 9 weeks period.)

1<sup>st</sup> Offense: Confiscation of phone to be returned at the **end of the school day**.

2<sup>nd</sup> Offense: Confiscation of phone to be returned after **five (5) school days** or retrieved by a parent.

3<sup>rd</sup> Offense: Confiscation of phone to be returned after **five (5) school days** and **one (1) day of in-school suspension.**

Legal Reference: A.C.A. § 6-18-502 (b)(3)(D)(ii)

## **CONDUCT TO AND FROM SCHOOL**

- A. Students are subject to the same rules of conduct while traveling to and from school as they are while on school grounds. Appropriate disciplinary actions may be taken against commuting students who violate student code of conduct rules.
- B. The preceding paragraph also applies to student conduct while on school buses. The driver of a school bus shall not operate the school bus until every passenger is seated. Disciplinary measures for problems related to bus behavior may include suspension or referral back to the student's local school district, or suspending or terminating the student's transportation privileges. Transporting students to and from school who have lost their transportation privileges shall become the responsibility of the student's parent or legal guardian.

## **DRESS CODE**

The general climate of any school is reflected by the dress, grooming and manners of the students; therefore, students are expected to wear appropriate clothing and to present a neat appearance at all time.

The Arkansas School for the Blind and Visually Impaired Board of Trustees recognizes that dress can be a matter of personal taste and preference. At the same time, the District has a responsibility to promote an environment conducive to student learning. This requires limitations to student dress and grooming that could be disruptive to the educational process because they are immodest, disruptive, unsanitary, unsafe, could cause property damage, or are offensive to common standards of decency.

Students are prohibited from wearing, while on the school grounds during the school day and at school-sponsored events, clothing that exposes underwear, buttocks, or the breast of a female.

Every student will be assured of the protected right to dress and groom according to personal preference as long as the student's dress and grooming is not disruptive to the educational process, or special occasions and does not constitute a threat to the safety and health of self or others, and is not in violation of an applicable law, statute or ordinance. Student dress which brings undue attention to the wearer is a disruption of the educational process.

Students, with the help and approval of parents/dorm parents, know what acceptable attire for school activities is; moderation in type and style should be the basic standard.

The following items of appearance and wearing apparel will not be permitted on campus:

|                |                     |                                    |
|----------------|---------------------|------------------------------------|
| bare feet      | bare midriffs       | revealing clothes tank/muscle tops |
| short shorts   | mesh shirts         | boxer shorts                       |
| strapless tops | see-through apparel |                                    |
| Spandex shorts | gang symbols        | sagging pants/bottoms              |

\*clothing printed with obscenities or profanity, or that depicts or promotes illegal activities, racism, violence, etc.

\*apparel that presents concerns regarding safety or health issues, including, but not limited to, chains, studded bracelets or dog collars.

\*form fitting clothing that does not appropriately cover the student

**Any clothing or accessories that the staff identifies as being "gang affiliated" is prohibited.**

### **ASBVI Standards of Dress for Senior Assembly and Commencement**

Students representing ASBVI during events on or off campus will dress appropriately. Appropriate clothing will be determined and explained by chaperons of the event.

### **Student Attire for Graduating Seniors**

Seniors will wear clothes appropriate for these solemn and dignified occasions. Semi-formal, business or "dressy" attire is expected. Dress shoes will be worn.

Seniors will not wear athletic shoes, jeans, shorts, t-shirts, athletic apparel, etc. Students are to wear only caps and gowns issued by the ASBVI-approved vendor. Regalia is to be worn as it is designed to be worn. (caps on top of head, etc.) No adornments other than school-issued collars and cords are to be worn on or with caps and gowns.

Legal References:     A.C.A. § 6-18-502(c)(1)  
A.C.A. § 6-18-503(c)

**Students who dress inappropriately or contrary to the dress code will be asked to change clothes. Disciplinary action may occur if grooming or dress violations continue.**

## **SEXUAL HARASSMENT**

The Arkansas School for the Blind and Visually Impaired School District is committed to having an academic environment in which all students are treated with respect and

dignity. Student achievement is best attained in an atmosphere of equal educational opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational environment and will not be tolerated.

Believing that prevention is the best policy, the District will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress that is available. The information will stress that the district does not tolerate sexual harassment and that students can report inappropriate behavior of a sexual nature without fear of adverse consequences. The information will take into account and be appropriate to the age of the students.

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment as defined in this policy. Any student found, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion.

Sexual harassment refers to unwelcome sexual advances, requests for sexual favors, or other personally offensive verbal, visual, or physical conduct of a sexual nature made by someone under any of the following conditions:

1. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's education;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for academic decisions affecting that individual; and/or
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creates an intimidating, hostile, or offensive academic environment.

The terms "intimidating," "hostile," and "offensive" include conduct of a sexual nature which has the effect of humiliation or embarrassment and is sufficiently severe, persistent, or pervasive that it limits the student's ability to participate in, or benefit from, an educational program or activity.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances. Depending upon such circumstances, examples of sexual harassment include, but are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the student self-identifies as homosexual; and spreading rumors related to a person's alleged sexual activities.

Students who believe they have been subjected to sexual harassment, or parents of a student who believes their child has been subjected to sexual harassment, are encouraged to file a complaint by contacting a counselor, teacher, Title IX coordinator, or administrator who will assist them in the complaint process. Under no circumstances shall a student be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the harassment.

To the extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation. Students who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.

Students who knowingly fabricate allegations of sexual harassment shall be subject to disciplinary action up to and including referral back to the local school district.

Individuals that withhold information, purposely provide inaccurate facts, or otherwise hinder an investigation of sexual harassment shall be subject to disciplinary action up to and including referral back to the student's local school district.

Legal References: Title IX of the Education Amendments of 1972, 20 USC 1681, et seq. A.C.A. § 6-15-1005 (b) (1)

## **SUSPENSION FROM SCHOOL**

- A. Students not present at school cannot benefit from the educational opportunities the school environment affords. Administrators, therefore, shall strive to find ways to keep students in school as participants in the educational process. There are instances, however, when the needs of the other students or the interests of the orderly learning environment require the removal of a student from school. The School Board authorizes school principals or their designees to out of school suspend students for disciplinary reasons for a period of time not to exceed ten (10) school days, including the day upon which the suspension is imposed, without a manifestation determination review. Students may be given in-school suspensions for lesser infractions of the Student Handbook. 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, and going to and from school or a school activity. A student may be suspended for behavior including, but not limited to, that which:
1. Is in violation of school policies, rules, or regulations.
  2. Substantially interferes with the safe and orderly educational environment.

3. School administrators believe will result in the substantial interference with the safe and orderly educational environment.
  4. Is insubordinate, incorrigible, violent or involves moral turpitude
- A. The school principal, Dean of Students, or designee shall proceed as follows in deciding whether or not to suspend a student:
1. The student shall be given written notice or advised orally of the charges against him/her.
  2. If the student denies the charges, he/she shall be given an explanation of the evidence against him/her and be allowed to present his/her version of the facts.
  3. If the principal finds the student guilty of the misconduct, he/she may be suspended.
- C. When possible, notice of the suspension, its duration, and any stipulations for the student's re-admittance to class will be given to the parent(s) or legal guardian(s) prior to the suspension. Such notice shall be handed to the parent(s) or legal guardian(s) or mailed to the last address reflected in the records of the school.
- D. Generally, the notice and hearing should precede the student's removal from school, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable.
- E. It is the parents' or legal guardians' responsibility to provide current contact information to the school which the school shall use to immediately notify the parent or legal guardian upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:
1. A primary call number
  2. The contact may be by voice, voice mail, or text message
  3. An email address
  4. A regular first class letter to the last known mailing address
- F. The school shall keep a log of contacts attempted and made to the parent or legal guardian.
- G. Out-of-school suspensions initiated by the principal or his/her designee may be appealed to the Superintendent, but not to the Board. In-school suspensions initiated by the principal or his/her designee may NOT be appealed to the Superintendent or the School Board.
- H. Suspensions initiated by the Superintendent may be appealed to the

School Board.

- I. Students that receive an Out-of-School Suspension or have accumulated more than six (6) days of In-school suspension may not be eligible for field trips, school dances, exemptions from school, etc.

## **Search, Seizure, and Interrogation**

ASBVI respects the rights of its students against arbitrary intrusion of their persons and property. At the same time, it is the responsibility of school officials to protect the health, safety, and welfare of all students enrolled in the District in order to promote an environment conducive to student learning. The Superintendent, Principals, and their Designees have the right to inspect and search school property and equipment.

They may also search students and their personal property in which the student has a reasonable expectation of privacy, when there is reasonable suspicion to believe such student or property contains illegal items or other items in violation of School Board policy or dangerous to the school community. School authorities may seize evidence found in the search and disciplinary action may be taken. Evidence found which appears to be in violation of the law shall be reported to the appropriate authority.

School property shall include, but not be limited to, lockers, desks, vehicles, and parking lots, as well as personal effects left there by students. When possible, prior notice will be given and the student will be allowed to be present along with an adult witness, however, searches may be done at any time with or without notice or the student's consent. A personal search must not be excessively intrusive in light of the age and sex of the student and the nature of the infraction. The superintendent, principals, and their designees may request the assistance of law enforcement officials to help conduct searches. Such searches may include the use of specially trained dogs. A school official of the same sex shall conduct personal searches with an adult witness of the same sex present.

State law requires that Department of Human Services employees, local law enforcement, or agents of the Crimes Against Children Division of the Department of Arkansas State Police, may interview students without a court order for the purpose of investigating suspected child abuse. In instances where the interviewers deem it necessary, they may exercise a "72-hour hold" without first obtaining a court order. Other questioning of students by non-school personnel shall be granted only with a court order directing such questioning, with permission of the parents of a student (or the student if above eighteen [18] years of age), or in response to a subpoena or arrest warrant.

If the District makes a report to any law enforcement agency concerning student misconduct or if access to a student is granted to a law enforcement agency due to a court order, the principal or the principal's designee shall make a good faith effort to

contact the student's parent, legal guardian, or other person having lawful control by court order, or person acting in loco parentis on student enrollment forms. The principal or the principal's designee shall not attempt to make such contact if presented documentation by the investigator that notification is prohibited because a parent, guardian, custodian, or person standing in loco parentis is named as an alleged offender of the suspected child maltreatment. This exception applies only to interview requests made by a law enforcement officer, an investigator of the Crimes Against Children Division of the Department of Arkansas State Police, or an investigator or employee of the Department of Human Services.

In instances other than those related to cases of suspected child abuse, principals must release a student to either a police officer who presents a subpoena for the student, or a warrant for arrest, or to an agent of state social services or an agent of a court with jurisdiction over a child with a court order signed by a judge. Upon release of the student, the principal or designee shall give the student's parent, legal guardian, or other person having lawful control by court order, or person acting loco parentis notice that the student has been taken into custody by law enforcement personnel or a state's social services agency. If the principal or designee is unable to reach the parent, he or she shall make a reasonable, good faith effort to get a message to the parent to call the principal or designee, and leave both a day and an after-hours telephone number.

Legal Reference: A.C.A. § 6-18-513; A.C.A. § 9-13-104; A.C.A. § 12-18-609,610,613  
A.C.A. § 12-18-1001, 1005