

## **DISCIPLINE**

### **PROHIBITED CONDUCT**

Students and staff require a safe and orderly learning environment that is conducive to high student achievement. Certain student behaviors are unacceptable in such an environment and are hereby prohibited by the Board. Prohibited behaviors include, but shall not be limited to the following:

1. Disrespect for school employees and failing to comply with their reasonable directions or otherwise demonstrating insubordination;
2. Disruptive behavior that interferes with orderly school operations;
3. Willfully and intentionally assaulting or threatening to assault or physically abusing any student or school employee;
4. Possession of any weapon that can reasonably be considered capable of causing bodily harm to another individual;
5. Possession or use of tobacco in any form on any property owned or leased by any public school;
6. Willfully or intentionally damaging, destroying, or stealing school property;
7. Possession of any paging device, beeper, or similar electronic communication devices on the school campus during normal school hours unless specifically exempted by the administration for health or other compelling reasons;
8. Possession, selling, distributing, or being under the influence of an alcoholic beverage, any illegal drug, unauthorized inhalants, or the inappropriate use or sharing of prescription or over the counter drugs, or other intoxicants, or anything represented to be a drug;
9. Sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession;
10. Inappropriate public displays of affection;
11. Cheating, copying, or claiming another person's work to be his/her own;
12. Gambling;
13. Inappropriate student dress;
14. Use of vulgar, profane, or obscene language or gestures;
15. Truancy;
16. Excessive tardiness;
17. Engaging in behavior designed to taunt, degrade, or ridicule another person on the basis of race, ethnicity, national origin, sex, sexual orientation, gender identity, or disability;
18. Possess, view, distribute or electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a data storage device, or in hard copy form;
19. Hazing, or aiding in the hazing of another student;
20. Gangs or gang-related activities, including belonging to secret societies of any kind, are forbidden on school property. Gang insignias, clothing, "throwing signs" or other gestures associated with gangs are prohibited;
21. Sexual harassment;
22. Bullying;
23. Operating a vehicle on school grounds while using a wireless communication device; and
24. Theft of another individual's personal property.

The Board directs each school in the District to develop implementation regulations for prohibited student conduct consistent with applicable Board policy, State and Federal laws, and judicial decisions.

### **STUDENT ASSAULT OR BATTERY**

A student shall not threaten, physically abuse, attempt to physically abuse, or behave in such a way as to be perceived to threaten bodily harm to any other person (student, school employee, or school visitor). Any gestures; vulgar, abusive, or insulting language; taunting, threatening, harassing, or intimidating remarks by a student toward another person that threatens their well-being is strictly forbidden. This includes, but is not limited to, fighting, racial, ethnic, religious, or sexual slurs.

Furthermore, it is unlawful, during regular school hours, and in a place where a public school employee is required to be in the course of his or her duties, for any person to address a public school employee using language which, in its common acceptance, is calculated to:

- a. Cause a breach of the peace;
- b. Materially and substantially interfere with the operation of the school; or
- c. Arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation.

Students guilty of such an offense may be subject to legal proceedings in addition to any student disciplinary measures.

## **BEHAVIOR CODE VIOLATIONS AND SANCTIONS (RULES & CONSEQUENCES)**

The following activities are considered major infractions of proper conduct. The violation of a rule will occur whether the conduct takes place on the school grounds at any time, off the school grounds at a school supervised activity, function, or event, or en route to and from school. Below is a list of possible disciplinary actions to be taken. The administration reserves the right to determine the level of disciplinary action taken based on the severity of the infraction.

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

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

Students and staff require a safe and orderly learning environment that is conducive to high school achievement. Certain student behaviors are unacceptable in such an environment and are hereby prohibited by the Board. Prior to referral to the principal, the teacher has given verbal prompts to correct the behavior and has spoken to the student regarding the undesirable behavior one on one, in an effort to correct the wrong behavior. When a teacher refers a student to the principal, it is after he/she has exhausted all in-classroom options. When corporal punishment is an option, the decision will be made by the principal, not the student.

The following list of consequences may be utilized by the building principal or superintendent to address unacceptable behavior based on the severity of the offense:

- Official Verbal Warning
- Administrative conferences with students and/or parents
- Lunch Detention- up to and including five days simultaneously.
- In-school suspension- One or more days
- Corporal Punishment
- Saturday School Suspension
- Out-of-school suspension- up to and including ten days
- Referral for court-ordered intervention
- Recommendation for expulsion- up to and including one calendar year

Prohibited behaviors include but shall not be limited to the following:

### **Rule 1: INSUBORDINATION**

Disobedience toward a school official or disregard of directions or commands is considered insubordination. "Talking Back" or Disrespectful actions toward a teacher are also considered insubordination. This also includes

refusal to turn over a cell phone to a teacher if caught actively using it in a classroom or other non-designated area (see rule 33).

**Rule 2: CLASS DISRUPTION**

A student shall not engage in any behavior that prevents a teacher from conducting a class according to lesson plans.

**Rule 3: TRUANCY**

A student shall not be absent from school without parent's and/or school authorities' prior knowledge and consent. After arrival on campus, a student absent from his/her assigned learning station without permission from school authorities shall be considered as truant. Examples of truancy are as follows: being on campus and not in assigned class, leaving campus without following the sign out procedures, missing part of a school day and not signing in when arriving at school, a student skipping classes or remaining in the restroom without permission, missing school all day without parental permission.

**Rule 4: POSSESSING, BUYING OR SELLING OBSCENE LITERATURE**

A student shall not possess or attempt to distribute obscene literature on school grounds or during school sponsored activities

**Rule 5: WEAPONS AND DANGEROUS INSTRUMENTS**

**Definitions**

“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.

“Possession” means having a weapon on the student’s body or in an area under the student’s control.

“Weapon” means any:

- Firearm;
- Knife;
- Razor;
- Ice pick;
- Dirk;
- Box cutter;
- Nunchucks;
- Pepper spray, mace, or other noxious spray;
- Explosive;
- Taser or other instrument that uses electrical current to cause neuromuscular incapacitation; or
- Any other instrument or substance capable of causing bodily harm.

No student, except for Military personnel (such as ROTC cadets) acting in the course of their official duties or as otherwise expressly permitted by this policy, shall possess a weapon, display what appears to be a weapon, or threaten to use a weapon before or after school while:

- In a school building;
- On or about school property;
- At any school sponsored activity or event;
- On route to or from school or any school sponsored activity; or
- Off the school grounds at any school bus stop.

If a student discovers prior to any questioning or search by any school personnel that he/she has accidentally brought a weapon, other than a firearm, to school on his/her person, in a book bag/purse, or in his/her vehicle on school grounds, and the student informs the principal or a staff person immediately, the student will not be considered to be in possession of a weapon unless it is a firearm. The weapon shall be confiscated and held in the office until such time as the student’s parent/legal guardian shall pick up the weapon from the school’s office. Repeated offenses are unacceptable and shall be grounds for disciplinary action against the student as otherwise provided for in this policy.

Except as permitted in this policy, students found to be in possession on the school campus of a firearm shall be recommended for expulsion for a period of one (1) year. The superintendent shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis.

Parents or legal guardians of students expelled under this policy shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. Parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to readmitting the student. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a firearm policy violation shall also be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The mandatory expulsion requirement for possession of a firearm does not apply to a firearm brought to school for the purpose of participating in activities approved and authorized by the district that include the use of firearms. Such activities may include ROTC programs; hunting safety or military education; or before or after-school hunting or rifle clubs. Firearms brought to school for such purposes shall be brought to the school employee designated to receive such firearms. The designated employee shall store the firearms in a secure location until they are removed for use in the approved activity.

The district shall report any student who brings a firearm to school to the criminal justice system or juvenile delinquency system by notifying local law enforcement.

**Rule 6: FAILURE TO COMPLY WITH RECOMMENDATION OF SCHOOL HEALTH OFFICIALS TOWARD THE CONTROL OF INFECTIOUS DISEASE.**

All students must follow the guidelines set by the school health officials toward the control of infectious diseases. Failure to follow guidelines may result in out of school suspension.

**Rule 7: LEAVING DESIGNATED AREA WITHOUT PERMISSION.**

After arrival on the school campus a student shall not leave a designated area without permission from school authorities.

**Rule 8: STUDENTS UNDER THE INFLUENCE OF OR HAVING POSSESSION OF ALCOHOLIC BEVERAGES, CONTROLLED SUBSTANCES, PRESCRIPTION OR OVER THE COUNTER DRUGS, AND OTHER PROHIBITED MATERIALS DURING THE REGULAR SCHOOL DAY OR DURING EXTRA-CURRICULAR ACTIVITIES.**

Students under the influence of or having possession of alcoholic beverages, controlled substances (illegal drugs), marijuana, materials expressly prohibited by federal, state, or local laws, or any non-prescribed substances which alter behavior on school property, at school functions, at the visited school, or during extra-curricular activities, may be suspended or recommended for expulsion. Furthermore, the students may be prosecuted. (Ark. Stat. 41-2913, 41-1963, 80-1916, 80-1917). Prohibited substances shall include, but are not limited to, alcohol, or any alcoholic beverage, inhalants that alter a student's ability to act, think, or respond, LSD, or any other hallucinogen, marijuana, cocaine, heroin, or any other narcotic drug, PCP, amphetamines, steroids, "designer drugs," look-alike drugs, or any controlled substance, and sharing, diverting, transferring, applying to others (such as needles or lancets), or in any way misusing medication or any medical supplies in their possession.

**Rule 9: STUDENTS INVOLVED IN SALE OF ALCOHOLIC BEVERAGES, CONTROLLED SUBSTANCES, MARIJUANA, OR OTHER MATERIALS**

A student who is determined to be involved in the sale, attempted sale, buy, or attempted buy of alcoholic beverages, controlled substances (illegal drugs), marijuana, or other materials expressly prohibited by federal, state, or local laws on school property, at school functions, at the home school, or at the visited school shall be recommended for expulsion. Furthermore, the student may be prosecuted according to Act 590 or 1971 of the State of Arkansas as amended.

Arkansas law prohibits the sale or attempted sale of any substance which the person selling or attempting to sell claims to be a controlled substance whether claim is valid or not. (Ark. Stat. 82-1115). Prohibited substances shall

include, but are not limited to, alcohol, or any alcoholic beverage, inhalants or any ingestible matter that alter a student's ability to act, think, or respond, LSD, or any other hallucinogen, marijuana, cocaine, heroin, or any other narcotic drug, PCP, amphetamines, steroids, "designer drugs," look-alike drugs, or any controlled substance.

**Rule 10: STUDENTS INVOLVED IN HAZING, OR AIDING IN THE HAZING OF ANOTHER STUDENT**

Hazing is defined as a ritualistic test and/or task, which may constitute harassment, abuse, or humiliation with requirements to perform random, often meaningless tasks, sometimes as a way of initiation into a social group. The definition can refer, but is not limited to, either physical (sometimes violent) or mental (possibly degrading) practices. A student shall not instigate, aid in, or be directly involved in the hazing of another student on school property, at school functions, at the visited school, or during extra-curricular activities.

**Rule 11: PHYSICAL ABUSE OR ASSAULT BY A STUDENT ON A SCHOOL EMPLOYEE**

A student shall not threaten, physically abuse, or attempt to physically abuse, or behave in such a way as to be perceived to threaten bodily harm to any other person (student, school employee, or school visitor). Any gestures, vulgar, abusive or insulting language, taunting, threatening, harassing, or intimidating remarks by a student toward another person that threatens their well-being is strictly forbidden. This includes, but is not limited to, fighting, racial, ethnic, religious, or sexual slurs.

Furthermore, it is unlawful, during regular school hours, and in a places where a public school employee is required to be in the course of his or her duties, for **any** person to address a public school employee using language which, in its common understanding, is calculated to: a) cause a breach of the peace; b) materially and substantially interfere with the operation of the school; and/or c) arouse the person to whom it is addressed to anger, to the extent likely to cause imminent retaliation.

A student who commits assault and/or battery upon a member of the faculty or staff of the Hector School District shall be expelled from the District for the remainder of the school year with loss of credits. (Ark. State. 41-1601, 41-3104, 80-1905). Students guilty of such an offense may be subject to legal proceedings in addition to student disciplinary measures.

**Rule 12: SEXUAL HARRASSMENT, INDECENT EXPOSURE, OR SEXUAL ADVANCES**

The Hector School District is committed to providing an academic environment that treats all students 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.

The District believes the best policy to create an educational environment free from sexual harassment is prevention; therefore, the District shall provide informational materials and training to students, parents/legal guardians/other responsible adults, and employees on sexual harassment. The informational materials and training on sexual harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

- the nature of sexual harassment;
- The District's written procedures governing the formal complaint grievance process;
- The process for submitting a formal complaint of sexual harassment;
- That the district does not tolerate sexual harassment;
- That students can report inappropriate behavior of a sexual nature without fear of adverse consequences;
- The supports that are available to individuals suffering sexual harassment; and
- The potential discipline for perpetrating sexual harassment.

**Definitions**

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Education program or activity" includes locations, events, or circumstances where the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee:
  - a. Conditions the provision of an aid, benefit, or service of the District on an individual’s participation in sexual conduct; or
  - b. Uses the rejection of sexual conduct as the basis for academic decisions affecting that individual;
2. The conduct is:
  - a. Unwelcome; and
  - b. Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
  - c. Constitutes:
    - d. Sexual assault;
    - e. Dating violence
    - f. Domestic violence; or
    - g. Stalking.

“Supportive measures” means individualized services that are offered to the complainant or the respondent designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature; offered before or after the filing of a formal complaint or where no formal complaint has been filed; and offered to either party as appropriate, as reasonably available, and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus.

Within the educational environment, sexual harassment is prohibited between any of the following: students; employees and students; and non-employees and students.

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 and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

- Making sexual propositions or pressuring for sexual activities;
- Unwelcome touching;
- Writing graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures, or written materials;
- Performing sexual gestures or touching oneself sexually in front of others;
- Telling sexual or crude jokes;
- Spreading rumors related to a person’s alleged sexual activities;
- Discussions of sexual experiences;
- Rating other students as to sexual activity or performance;
- Circulating or showing e-mails or Web sites of a sexual nature;
- Intimidation by words, actions, insults, or name calling; and
- Teasing or name-calling 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 or transgender.

Students who believe they have been subjected to sexual harassment, or the parent/legal guardian/other responsible adult of a student who believes their student has been subjected to sexual harassment, are encouraged to bring their concerns to **any** District staff member, including a counselor, teacher, Title IX coordinator, or administrator. If the

District staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the District staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As soon as reasonably possible after receiving a report of alleged sexual harassment from another District staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- Discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- explain to the complainant the process for filing a formal complaint.

### **Supportive Measures**

The District shall offer supportive measures to both the complainant and respondent that are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The District shall provide the individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the District's offer of supportive measures may request supportive measures at a later time and the District shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

### **Formal Complaint**

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

- Notice of the District's grievance process and a copy of the procedures governing the grievance process;
- Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - The identities of the parties involved in the incident, if known;
  - The conduct allegedly constituting sexual harassment; and
  - The date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- That the parties may inspect and review evidence relevant to the complaint of sexual harassment; and
- That the District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.

When investigating a formal complaint and throughout the grievance process, a District shall:

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party's voluntary,

- written consent or that party's voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation ; this includes evidence:
  - Whether obtained from a party or other source,;
  - The District does not intend to rely upon in reaching a determination regarding responsibility; and
  - That is either Inculpatory or exculpatory; and
- Create an investigative report that fairly summarizes relevant evidence.

At least ten (10)<sup>3</sup> days prior to completion of the investigative report, the District shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10)<sup>3</sup> days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties' inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

- Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
- Provide each party with the answers;
- Allow for additional, limited follow-up questions from each party; and
- Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
  - a. Any notifications to the parties;
  - b. Interviews with parties and witnesses;
  - c. site visits;
  - d. Methods used to gather other evidence,; and
  - e. Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
  - a. A determination regarding responsibility;
  - b. Any disciplinary sanctions imposed on the respondent; and



- c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

- If an appeal is not filed, the day after the period for an appeal to be filed expires; or
- If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The District shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the District's education program or activity; or did not occur against a person in the United States, then the District shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's code of conduct.

The District may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at the District; or
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the District shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The District may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

### **Appeals**

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

- a. The existence of a procedural irregularity that affected the outcome of the matter;
- b. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- d. An appeal of the disciplinary sanctions from the initial determination.

For all appeals, the District shall:

1. Notify the other party in writing when an appeal is filed;
2. Simultaneously Provide all parties a written copy of the District's procedures governing the appeal process;
3. Implement appeal procedures equally for both parties;
4. Ensure that the decision-maker<sup>5</sup> for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
6. Issue a written decision describing the result of the appeal and the rationale for the result; and
7. Provide the written decision simultaneously to both parties.

### **Confidentiality**

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

- individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;

- Submit a report to the child maltreatment hotline;
- Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
- The extent necessary to provide either party due process during the grievance process.

Except as listed above, the District shall keep confidential the identity of:

- Any individual who has made a report or complaint of sex discrimination;
- Any individual who has made a report or filed a formal complaint of sexual harassment;
- Any complainant;
- Any individual who has been reported to be the perpetrator of sex discrimination;
- Any respondent; and
- Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

#### **Emergency removal**

The District may remove a respondent from the District's education program or activity on an emergency basis only after the completion of an individualized safety and risk analysis that determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A removed student will be provided with notice and an opportunity to challenge the removal decision immediately following the removal.

#### **Retaliation Prohibited**

Students, or the parents/legal guardians/ other responsible adult of a student, who submit a report or file a formal complaint of sexual harassment, testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for code of conduct violations that do not involve sex discrimination or sexual harassment, arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The District shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by District officials, students, or third parties.

#### **Disciplinary Sanctions**

It shall be a violation of this policy for any student to be subjected to, or to subject another person to, sexual harassment. Following the completion of the District's grievance process, any student who is found by the evidence to more likely than not have engaged in sexual harassment will be subject to disciplinary action up to, and including, expulsion. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Students who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including expulsion. A determination that the allegations do not rise to the level of sexual harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

#### **Records**

The District shall maintain the following records for a minimum of seven (7) years:

- Each sexual harassment investigation including:
- Any determination regarding responsibility;
- any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
- Any appeal and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, and decision-makers;
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:

- The basis for the District's conclusion that its response was not deliberately indifferent; and
- Document:
  - If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
  - If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

**Rule 13: BOMB THREATS**

A student who calls in a bomb threat and/or any other threat to the health and safety of students and employees will be referred to the legal authorities and will be recommended for expulsion. (Ark. Stat. 41-2911, 41-2912).

**Rule 14: FIGHTING**

When students fight, every effort will be made to determine who is at fault. Students involved in a fight are subject to disciplinary action up to and including expulsion. If a student is found to have not initiated the fight, he/she should not be suspended, but alternate punishment may be applied with regard to actual involvement. Anyone inciting a fight or involved in loud, disruptive arguments (near fights) may also be subject to the same disciplinary action as those who are actually striking blows. Also, students responsible for recording video and/or audio of a fight and/or sharing video and/or audio recordings with other students on school property may be subject to disciplinary action up to and including expulsion. Punishment for any of the actions above may be applied with regard to actual involvement (Ark. Stat. 4108).

**Rule 15: DAMAGE OR DESTRUCTION OF PROPERTY OR THEFT OR EXTORTION**

A student shall not damage or attempt to cause damage or steal or attempt to steal the property of another or any other person or of the school. The Hector School District will attempt to recover damages from any student destroying school property. Parents of any minor student under the age of 18 will be liable for damages caused by said minor. (Ark. Stat. 41-2203, 50-109, 80-1903, 80-1904). No student shall obtain or attempt to obtain something of value from another person either by physical force or by threat (illegal acts).

**Rule 16: DISORDERLY CONDUCT**

No student shall by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct, intentionally cause the disruption of any lawful mission, process, or function of the school, or engage in any such conduct for the purpose of causing disruption or obstruction of any lawful mission, process, or function. Nor shall any student encourage any other student to engage in such activities.

Disorderly activities by any student or group of students that adversely affect the school's orderly educational environment shall not be tolerated at any time on school grounds. Teachers may remove from class and send to the principal or principal's designee a student whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the students, the class, or with the ability of the student's classmates to learn. Students who refuse to leave the classroom voluntarily will be escorted from the classroom by the school administration.

**Rule 17: PROFANITY, VERBAL ABUSE, OBSCENE GESTURES**

A student shall not use profane, violent, vulgar or insulting language at any time. A student shall not use physical gestures that convey a connotation of obscene or highly disrespectful acts, infringe upon the rights of others, or cause or begin an overt and immediate disruption of the education process. (Ark. Stat. 41-2908, 41-2922, 41-2923).

**Rule 18: CAFETERIA REGULATIONS**

Courtesy is always commendable and we need to be courteous in our cafeteria. We would appreciate your cooperation in complying with the following rules.

- Stay in line and do not break, push, or run.
- Have money or ticket ready for cashier.
- Be polite to fellow student and especially to the cafeteria workers.
- Remove trays and milk cartons from your table.

- A place will be provided for those students who bring their own lunch.
- Food is to be eaten in the cafeteria. No food is to be carried out.
- Students are to behave in an orderly manner in the cafeteria.
- After finishing his meal a student should leave his/her eating area clean.

**Rule 19: FORGERY AND/OR FALSIFICATION OF GENERAL INFORMATION**

A student shall not forge another person's name to any pass or student scheduling information, nor falsify telephone numbers and addresses on general information forms.

**Rule 20: BULLYING**

A student shall not instigate, aid in, or be directly involved in the bullying of another student on school property, at school functions, at the visited school, during extra-curricular activities, and may extend outside of the regular scope of school district control depending on the circumstances. Please refer to the Anti-Bullying Policy found in the policy section of this handbook.

**Rule 21: LOITERING BY SUSPENDED STUDENTS**

A student provided written notification that because of an act of misbehavior he/she is prohibited from being in a school building or on a school campus for a specified period of time shall not enter any school building or be present on any school grounds.

**Rule 22: TOBACCO, ELECTRONIC NICOTINE DELIVERY SYSTEMS, AND RELATED PRODUCTS**

Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by a District school, including school buses owned or leased by the District, is prohibited. Students who violate this policy may be subject to legal proceedings in addition to student disciplinary measures.

With the exception of recognized tobacco cessation products, this policy's prohibition includes any tobacco or nicotine delivery system or product. Specifically, the prohibition includes any product that is manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other name or descriptor.

A Student shall not smoke or possess tobacco in any school area or at any time. All students are prohibited by Arkansas Law (Act 728 of 1977) from smoking or using tobacco on school campus or a school bus. (Ark. Stat. 41-2465). Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by the District school, including school buses owned or leased by the District, in addition to student disciplinary measures. If a student rides a bus, the school day begins when the student boards the bus and ends when the student gets off the bus in the afternoon. If a student walks or drives to school, the school day begins when the student reaches school property and ends when the student leaves school property. Any school activity after school hours is defined as part of the school day and students in attendance and/or participating will observe this policy.

With the exception of recognized tobacco cessation products, this policy's prohibition includes any tobacco or nicotine delivery system or product. Specifically, the prohibition includes any product that is manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other name or descriptor.

Students in violation of tobacco products of any kind, including e-cigarettes, vaping, e-cigars, e-pipes, or under any name or descriptor, shall receive the following punishment:

1st offense- confiscation of device or product, 2 days ISS.

2nd offense- confiscation of device or product, 4 days ISS and completion of tobacco cessation course, report to the authorities (SRO).

3rd offense- Will be referred to juvenile court.

**Rule 23: VIOLATION OF PARKING AND DRIVING REGULATIONS**

A student using any type of vehicle (bicycle, motorcycle, automobile, truck) as a means of transportation to and from school shall not violate the rules and regulations set forth by the principal of the school. Students in grades ten through twelve may drive cars and trucks to school. Vehicles must be parked in the assigned area on campus, be registered with the school, and display a current decal. Each student must have a current Arkansas Driver's License and proof of insurance.

**Rule 24: GAMBLING**

A student shall not engage in any game of chance on school premises at any time. (Ark. Stat. 41-3261, 41-3262).

**Rule 25: CHEATING**

A student shall not cheat on tests or any other classroom assessment nor shall a student aid other students in cheating. In the event that a student is found to have cheated or helped another student cheat, the student will receive a zero and may face disciplinary action.

**Rule 26: OVERT AFFECTION (Public Display of Affection)**

A student shall not display inappropriate physical contact with another student during the school day, school functions, or during extra-curricular activities (at home or away). As a guide for understanding what would be considered overt affection and what would not, students should refrain from the following:

- Kissing on the mouth or cheek
- Hugging passionately
- Placing hands on another person for the purposes of caressing or other type of touch
- Sitting on others' laps
- Giving or receiving piggy-back rides

Other types of physical contact may also be considered overt affection. The principal reserves the right to determine the appropriateness of the behavior not covered above.

**Rule 27: DRESS AND GROOMING**

It is important that schools have some regulations concerning dress and appearance of students. The dress and appearance of students should in no way disrupt and impede the maintenance of a proper educational atmosphere in the classroom or on the campus. Specific regulations that should be observed are as follows:

1. Wear clothes that adequately cover the body. Low cut blouses or shirts that show cleavage are not allowed. Cover the midriff. Wear shirts or blouses that are long enough to cover the midriff and tuck into the waistband of the pants. Low-rise jeans do not make a bare midriff excusable; neither does wearing a shirt over a midriff-baring shirt. Low rise jeans or jeans worn to show underwear or the buttocks are not allowed.
2. Wear only appropriate clothing for the occasion (i.e. gym clothes should be worn only during P.E. class and in the gym).
3. Maintain hairstyles that are neat and well groomed at all times.
4. Wear shirts and dresses that have sleeves. A sleeve is defined as any shirt with a seam at the shoulder and fabric connected to it that is intended to be worn on some portion of the arm. All shirts must be long enough to tuck into pants. See through or mesh shirts or dresses are unacceptable.
5. Articles of clothing that have alcohol, tobacco, drugs, vulgar or abusive language, or other suggestive material which compromises the instructional atmosphere of the school are prohibited. Given the well-publicized and often identified social problems and health risks identified with substance abuse, the wearing of emblems, ads, etc. which advertise or promote the use of drugs, alcohol, or tobacco are prohibited.
6. Wear appropriate footwear at all times. Individual class requirements may impose other restrictions on footwear as class activities dictate (gym shoes for P.E., closed toe shoes for lab, etc.)
7. Pants, shorts, skirts, and dresses should be appropriate in conformity with good taste and good citizenship. Skirts and shorts may be no shorter than 8 inches above the front and back of the knee. Any holes, cuts, tears, or other types of exposed areas (whether done by a clothing manufacturer or not) 8 inches above the knee on those articles of clothing must be covered or clothing must be worn underneath to keep skin from being exposed. Boxers, spandex, pajamas or other undergarments are not allowed as a method to cover skin above the knee.

8. No head-coverings are allowed in school unless approval is given by the principal. This includes caps, hats, bandanas, skull caps, beanies, or any other items worn on the head. Head-coverings may be worn out on the front grounds before school, after school, or at after school extra-curricular events only. Students are not allowed to wear head-coverings between classes or during lunch whether outside or not unless exempted by the principal.
9. The wearing of pajamas or other sleepwear is prohibited. Sweat pants are allowed as long as they adhere to the dress code for pant length and have a way to secure them around the waist with more than a simple elastic waistband. Securing the waistband on sweat pants is the responsibility of the student.
10. Wear no sunglasses unless there is a documented medical need.
11. Wear no utility chains.
12. Backpacks, duffel bags, purses, and other bags will be allowed in classrooms. In some cases, teacher may ask that students place their bags and/or purses in a designated area in a classroom.
13. Body piercings may be prohibited by the building principal if the safety or health of a student(s) exists or if the piercing(s) causes an unnecessary disruption to the educational environment.
14. Dress for Prom and Homecoming activities- It is understood that the dress code items listed above greatly restrict the wardrobe choices for prom and homecoming festivities, with that in mind, Hector High School will allow students to dress outside of the normal dress code for those events as long as the following restrictions are followed:
  - No low cut dresses which could expose cleavage
  - No backless dresses which expose the lower back or bottom
  - No dresses with slits higher than 8 inches above the knee
  - No dresses or skirts shorter than 8 inches above the knee
  - No clothing with holes or frayed edges
  - No work boots or tennis shoes. Dress shoes or dress boots should be worn
  - Leggings, jeggings, and “yoga pants, regardless if they have pockets and/or zippers, are not allowed unless covered by shorts, skirts, or tunics
  - No spandex shorts.

If you are unsure of whether or not an article of clothing will fit within this dress code, please ask the principal.

The Board of Education 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. This prohibition does not apply, however to a costume or uniform worn by a student while participating in a school-sponsored activity or event. Therefore, any student-worn article of clothing or manner of hair style or make-up determined by the teachers and principal to be disruptive of the learning environment or hazardous to the health and safety of the child and/or teacher shall not be allowed. The primary guide in determining what is not appropriate is the extent to which such dress or grooming attract undue attention in the classroom or schools. If the principal determines that the student’s dress or grooming is unacceptable, adequate time shall be allowed the student in order to make proper adjustments. However, when a student continues to ignore the required changes, other disciplinary measures may be taken.

**Rule 28: NEGLECT OF TEXTBOOKS**

Textbooks are provided for use by successive years of students. Students are not to leave their textbooks and supplies in the halls, floors, gym bleachers, cafeteria tables, stage, or any place outside where weather can damage them. USE YOUR LOCKERS.

**RULE 29: NO-TOLERANCE POLICY TOWARD "GANG" BEHAVIOR**

The Board is committed to ensuring a safe school environment conducive to promoting a learning environment where students and staff can excel. An orderly environment cannot exist where unlawful acts occur causing fear,

intimidation, or physical harm to students or school staff. Gangs and their activities create such an atmosphere and shall not be allowed on school grounds or at school functions.

The following actions are prohibited by students on school property or at school functions:

- Wearing or possessing any clothing, bandanas, jewelry, symbol, or other sign associated with membership in, or representative of, any gang;
- Engaging in any verbal or nonverbal act such as throwing signs, gestures, or handshakes representative of membership in any gang;
- Recruiting, soliciting, or encouraging any person through duress or intimidation to become or remain a member of any gang; and/or
- Extorting payment from any individual in return for protection from harm from any gang.

Students found to be in violation of this policy shall be subject to disciplinary action up to and including expulsion. Students arrested for gang related activities occurring off school grounds shall be subject to the same disciplinary actions as if they had occurred on school grounds.

### **RULE 30: ABUSE OF SCHOOL COMPUTERS/ INAPPROPRIATE USE OF A COMPUTING DEVICE**

- Tampering with settings of computers or computer programs.
- Disabling or bypassing security procedures, compromise, attempt to compromise, or defeat the district's technology network security or Internet filtering software, alter data without authorization, or disclose passwords to other students.
- Internet Abuse: Accessing prohibited net sites, or introducing unacceptable material to the Internet through the use of a school computer or personal computing device.

The following may be used as a response to inappropriate use of computers or personal computing devices along with other disciplinary action based on the severity of the offense.

- Temporary loss of computer privilege (both use of school computers and computing devices brought from home). Parent conference, pay cost of restitution.
- Permanent loss of computer privilege (both use of school computers and computing devices brought from home). Parent conference, pay cost of restitution.

### **Rule 31: TERRORISTIC THREATENING**

Any student who threatens to cause physical injury or property damage to another student or staff member (i.e., employee of the district, school volunteer, PTO worker, etc...) may be subject to legal action in addition to the following disciplinary actions:

### **Rule 32: ELECTRONIC COMMUNICATION DEVICES AND CELL PHONES**

Active use of any paging device, beeper, or similar electronic device and cell phones in a classroom or other non-designated area during normal school hours unless specifically exempted by the administration for health or other compelling reasons is prohibited. Except during lunch, such devices may be stored in the student's locker, vehicle, or in a pocket or bag so long as they are in a silent mode of operation AND are never actively used by the student while in a classroom or other non-designated area. (Ark. Stat. 41-3104, 41-3151, 41-3171, et. Seq. 80-1916, 80-1917) Any paging device, beeper, or similar electronic device and cell phones, that are used by a student or are responsible for making an audible disturbance while in a classroom or other non-designated area will be confiscated AND the student will be subject to disciplinary action. Students have no right of privacy as to the content contained on any cell phones and other electronic communication devices that have been confiscated.

Students are responsible for conducting themselves in a manner that respects the rights of others. Possession and use of any electronic device, whether district or student owned, that interferes with a positive, orderly classroom environment does not respect the rights of others and is expressly forbidden.

As used in this policy, "electronic devices" means anything that can be used to transmit or capture images, sound, or data.

Misuse of electronic devices includes, but is not limited to:

1. Using electronic devices during class time in any manner other than specifically permitted by the classroom instructor;
2. Permitting any audible sound to come from the device when not being used for reason #1 above;
3. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, or wrongfully obtaining test copies or scores;
4. Using the device to take photographs in locker rooms or bathrooms;
5. Creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person.

Use of an electronic device is permitted to the extent it is approved in a student's individualized education program (IEP) or it is needed in an emergency that threatens the safety of students, staff, or other individuals.

Students are allowed to use paging device, beeper, or similar electronic device and cell phones at the following times and locations only: during breakfast and lunch periods and only in the cafeteria dining room area and on the front grounds. These are the only exceptions to the above rule, and once the bell has rung for school to start or for students to return to class from lunch, all paging device, beeper, or similar electronic device and cell phones must be put away as instructed above.

To protect the security of state originated tests that are administered as part of the Arkansas Comprehensive, Testing, Assessment and Accountability Program (ACTAAP), no electronic, device as defined in this policy shall be accessible by a student at any time during test administration unless specifically permitted by a student's IEP or individual health plan. This means that when a student is taking an ACTAAP assessment, the student shall not have his/her electronic device in his/her possession. Any student violating this provision shall be subject to this policy's disciplinary provisions.

Students who actively use cell phones and/or other communication devices (calls, texts, file transfer, or other active communication) for non-school purposes, except as permitted by the district's policy, shall be subject to disciplinary action for his/her first offense AND subsequent offenses, up to and including suspension or expulsion along with the electronic device being held for up to six weeks for repeat offenses. If confiscated, the electronic device must be picked up by an adult in the household in which the student resides.

Discipline for misuse of phone:

- 1<sup>st</sup> Offense- The phone will be taken up and turned into the office. It may be picked up by the student after the last bell of the day has sounded.
- 2<sup>nd</sup> Offense- A parent/guardian must pick up the phone from the office.
- 3<sup>rd</sup> Offense- Student will not be allowed to have a cell phone at school. Discipline will be determined by the principal or superintendent.

### **Rule 33: NUISANCE ITEMS**

Nuisance items are prohibited at school. (Radios, CD players, shockers, cameras, MP3's, Ipods, etc.) A nuisance item is any item that is a distraction to the learning environment. Such devices may be stored in the student's locker or vehicle so long as they are in a silent mode of operation or unless exempted by the administration for health or other compelling reason. If confiscated, the nuisance item must be picked up by an adult in the household in which the student resides, and the student shall be subject to disciplinary action for repeated offenses.

### **LASER POINTERS**

Students shall not possess any hand held laser pointer while in school; on or about school property, before or after school; in attendance at school or any school-sponsored activity; en route to or from school or any school-sponsored activity; off the school grounds at any school bus stop or at any school-sponsored activity or event. School personnel shall seize any laser pointer from the student possessing it and the student may reclaim it at the close of the school year, or when the student is no longer enrolled in the District.

### **Rule 34: PERSISTENT DISREGARD FOR SCHOOL RULES GOVERNING SERIOUS PROBLEMS**



A student who persists in acts of misconduct after reasonable efforts have been made by the school to secure the student's adherence to the established rules may be recommended for expulsion. Efforts toward behavior modification will be made prior to recommendation for expulsion except when very serious offenses have been committed.

### **Rule 35: BEHAVIOR NOT COVERED ABOVE**

Hector Public School District reserves the right to pursue disciplinary or legal action for behavior which is subversive to good order and discipline in the schools even though such behavior is not specified in the preceding written rules.

### **BEHAVIOR ON BUSES**

The District's Student Code of conduct applies to students while traveling to and from school or to and from a school activity to the same extent as if the students were on school grounds. Appropriate disciplinary actions may be taken against commuting students who violate the District's Student Code of Conduct. The driver is in charge of the bus and is to be respected and obeyed the same as a teacher. If a student is reported to the principal for misconduct on the bus, he/she will be disciplined the same as being reported to the office by a teacher for his/her misconduct in a schoolroom. Buses will load and unload in the designated area; hence; the student will find his bus loading and unloading in the same places each day.

Safety is of utmost importance on a school bus. The driver must be able to concentrate fully on the road. Thus, for the good of all student passengers, the following guidelines should be followed:

1. Do not run to or from the buses.
2. Take your time and watch your step when entering or leaving a bus.
3. Do not yell or talk loudly while traveling.
4. Do not push or crowd on the bus.
5. Remain seated while the bus is in motion.
6. Do not throw articles of any kind while on the bus.
7. Do nothing that will interfere with the convenience and comfort of your fellow passengers.
8. Do nothing that will divert the bus driver's attention from his duty of driving safely which may include the use of cell phones or other electronic devices depending on the bus driver's preference.
9. Cross ten (10) feet in front of the bus.
10. Look both ways before crossing the road.
11. Do not put hands, arms, or head out of the windows.
12. Do not throw things out the bus windows.
13. Do not drink or eat on the bus.
14. No chewing, dipping, or smoking on buses. Note: all school rules concerning smoking or tobacco will be followed as consequences for this rule.
15. The use of cell phones or other electronic devices on a bus is at the discretion of the bus driver.
16. Students are to obey the bus driver and be respectful at all times.

### **Consequences:**

Students who misbehave will be referred to the principal's office by the driver. All referrals will be recorded. The following is a list of consequences one or more of which may be chosen by the principal based on the offense, number and type of previous referrals, or other pertinent information:

- Official Verbal Warning
- Administrative conferences with students and/or parents
- Lunch Detention- up to and including five days simultaneously.
- Temporary suspension from the bus (1 or more days)
- Permanent removal from the school bus for the remainder of the year
- In-school suspension- One or more days
- Corporal Punishment
- Saturday School Suspension
- Out-of-school suspension- up to and including ten days
- Referral for court-ordered intervention
- Recommendation for expulsion- up to and including one calendar year

NOTE: For certain serious offense (fighting, throwing objects off the bus, refusal to follow directions, etc.) the student may be suspended immediately from the bus and/or suspended or expelled from school.

### **BEHAVIOR REQUIREMENT REGARDING SUSPENSIONS AND AFTER-HOURS ACTIVITIES**

A student may be denied the right to participate for behavior that is contrary to the discipline policies of the school. Any student who has been placed in In-School suspension may not participate in or attend any after-school activity of any kind on the day(s) in which he/she is in ISS. The same is true for Out-of-School Suspension. The administration also reserves the right to refuse student entrance to an after-school activity for an extended period of time in more severe disciplinary cases occurring during school or at school sponsored activities.

### **CONSTRUCTIVE WORK DETAIL/LUNCH DETENTION**

Constructive work detail provides an alternative for students to exhibit constructive behavior by allowing them to work in lieu of other punishment. The work includes lunchroom duty, campus beautification, cleaning windows, refinishing desks, painting, removal of gum from floors, furniture, and sidewalks, etc. Assignment to the constructive work detail will be at the discretion of the principal.

### **CORPORAL PUNISHMENT**

The Hector School Board authorizes the use of corporal punishment to be administered in accordance with this policy by the Superintendent or the superintendent's designated staff members who are required to have a state-issued license as a condition of their employment.

Prior to the administration of corporal punishment, the student receiving the corporal punishment shall be given an explanation of the reasons for the punishment and be given an opportunity to refute the charges.

All corporal punishment shall be administered privately, i.e. out of the sight and hearing of other students, shall not be excessive, or administered with malice, and shall be administered in the presence of another school administrator or designee who shall be a licensed staff member employed by the District.

Corporal punishment shall not be used as a form of discipline for a student who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

Corporal punishment will be administered at the discretion of the principal, not at the option of the student.

Corporal punishment may be administered as a disciplinary measure according to the following school board policy.

- All corporal punishment shall be administered privately, i.e. out of the sight of other students, shall not be excessive, or administered with malice, and shall be administered in the presence of another school administrator or designee who shall be a licensed staff member employed by the district.
- Prior to the administration of corporal punishment, the student receiving the corporal punishment shall be given an explanation of the reasons for the punishment and be given an opportunity to refute the charges.
- Refusal to take corporal punishment, either by the parent or student, may result in suspension or other disciplinary measures.
- If a parent objects to having corporal punishment used on his/her student for disciplinary infractions, a signed and dated letter of refusal must be presented to the school principal at the beginning of the school year and must be resubmitted each school year or it will be assumed that the parent accepts corporal punishment as a discipline option for their student.

### **DISCIPLINE FOR HANDICAPPED**

- Handicapped students in the Hector Public Schools are subject to normal school disciplinary rules with the exception of suspension or expulsion. A handicapped student shall not be excluded from school except in emergency situations and then only for the duration of the emergency.
- The individualized education plan team will determine disciplinary procedures that should be adopted for a handicapped student and include those procedures in the students IEP.
- If an emergency suspension is imposed on a handicapped student, the IEP team will meet to determine the cause and effect of the suspension with a view towards assessing the student's placement and towards minimizing the harm resulting from the exclusion.

- Alternate educational programming shall be provided by the school to the handicapped child for the duration of an emergency suspension.

## **EXPULSION**

The Board of Education may expel a student for a period longer than ten (10) school days for violation of the District's written discipline policies. The Superintendent may make a recommendation of expulsion to the Board of Education for student conduct:

- Deemed to be of such gravity that suspension would be inappropriate;
- Where the student's continued attendance at school would disrupt the orderly learning environment; or
- Would pose an unreasonable danger to the welfare of other students or staff.

Expulsion shall not be used to discipline a student in kindergarten through fifth (5<sup>th</sup>) grade unless the student's behavior:

- a. Poses a physical risk to himself or herself or to others;
- b. Causes a serious disruption that cannot be addressed through other means; or
- c. Is the act of bringing a firearm on school campus.

The Superintendent or his/her designee shall give written notice to the parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis (mailed to the address reflected on the District's records) that he/she will recommend to the Board of Education that the student be expelled for the specified length of time and state the reasons for the recommendation to expel. The notice shall give the date, hour, and place where the Board of Education will consider and dispose of the recommendation.

The hearing shall be conducted not later than ten (10) school days<sup>1</sup> following the date of the notice, except that representatives of the Board and student may agree in writing to a date not conforming to this limitation.

The President of the Board, Board attorney, or other designated Board member shall preside at the hearing. The student may choose to be represented by legal counsel. Both the district administration and School Board also may be represented by legal counsel. The hearing shall be conducted in open session of the Board unless the parent, legal guardian, person having lawful control of the student, person standing in loco parentis, or student if age eighteen (18) or older, requests that the hearing be conducted in executive session. Any action taken by the Board shall be in open session.

During the hearing, the Superintendent, or designee, or representative will present evidence, including the calling of witnesses, who gave rise to the recommendation of expulsion. The student, or his/her representative, may then present evidence including statements from persons with personal knowledge of the events or circumstances relevant to the charges against the student. Formal cross-examination will not be permitted; however, any member of the Board, the Superintendent, or designee, the student, or his/her representative may question anyone making a statement and/or the student. The presiding officer shall decide questions concerning the appropriateness or relevance of any questions asked during the hearing.

Except as permitted by policy 4.22, the Superintendent shall recommend the expulsion of any student for a period of one (1) year for possession of any firearm prohibited on school campus by law. The Superintendent shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis. Parents, legal guardians, persons having lawful control of a student, or persons standing in loco parentis of a student enrolling from another school after the expiration of an expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property.<sup>2</sup> The parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The Superintendent and the Board of Education shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

The District shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student's period of expulsion. The District's program shall include offering an expelled student an opportunity for enrollment in digital learning courses or other alternative educational courses that result in the receipt of academic credit that is at least equal to credit the expelled student may have received from the District if the student had not been expelled.

### **GRIEVANCE PROCEDURE**

Any patron of Hector School District that has a grievance based upon race, sex, religion, national origin, or other factors will be heard according to the following procedure:

- Contact the building principal to set an appointment to voice your grievance.
- A grievance committee made up of the principal, counselor, the teacher, and, if applicable, the student body president will hear the grievance and offer a solution.
- If a satisfactory solution is not reached, an appeal may be made to the superintendent of schools at 284-2021.
- The superintendent of schools will hear the grievance and also confer with the grievance committee. He may alter the decision of the grievance committee or offer an alternate solution.
- If the superintendent's solution is not satisfactory, an appeal may be made to the board of education. This appeal must be made in writing and addressed to the superintendent of schools.
- At the next regularly scheduled school board meeting the board of education will hear the grievance, study the solutions offered, alter those solutions or offer a different solution.
- If the grievance is not satisfactorily resolved at this point, the patron has the option of pursuing the matter in the courts of law.

### **GROUP HEARINGS FOR SUSPENSION OR EXPULSION**

When two or more students are charged with violating the same rule and have acted in concert and the facts are basically the same for all such students, a single hearing may be conducted for them if the president of the board believes the following conditions exist:

- single hearing will not likely result in confusion, and
- the student will have his/her interest substantially prejudiced by group hearing, a separate hearing maybe ordered for that student.

### **HALL PASSES**

A student permitted to leave a class for any reason to go to another room, library, office, gym, etc., should have a pass from the teacher whose class he/she is leaving. A student must report to the teacher he/she is assigned to each class period even though he/she has an excuse to do something else that certain period. It is the student's responsibility to make sure that he/she has a hall pass before leaving the classroom or the teacher's supervision. Students out of class without a pass will be subject to detention hall or other disciplinary measures.

### **IN-SCHOOL SUSPENSION (ISS)**

It will be necessary at times to assign students to in-school suspension. These students will be assigned an area by the principal. Students in in-school suspension will not be allowed to associate with other students during the school day. It will be the student's responsibility to do assigned work while suspended. General rules as to eating, restroom, breaks, etc. will be given by the principal. This option is provided to allow full credit to be earned. During the period of their suspension, students serving in-school suspension shall not attend any school-sponsored activities during the imposed suspension nor shall the student participate in any school-sponsored activities.

### **LUNCH DETENTION**

If a student does not attend lunch detention, the student will be given a full day of I.S.S. that begins first period of the following day. No excuses will be accepted. It is the student's responsibility to know whether or not they have lunch detention. Persistent disregard for classroom rules will result in discipline for accumulation of lunch detentions at any given time. The following is a guideline for understanding how accumulated detention could move to more serious disciplinary steps:

- 5 lunch detentions = 1 day of I.S.S.
- 10 lunch detentions = 3 days of I.S.S.

- More than 10 lunch detentions = Saturday School Suspension assignment or Out-of-School Suspension

## **STUDENT DISCIPLINE**

The Hector Board of Education has a responsibility to protect the health, safety, and welfare of the District's students and employees. To help maintain a safe environment conducive to high student achievement, the Board establishes policies necessary to regulate student behavior to promote an orderly school environment that is respectful of the rights of others and ensures the uniform enforcement of student discipline. Students are responsible for their conduct that occurs:

- At any time on the school grounds;
- Off school grounds at a school sponsored function, activity, or event; and
- 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 personnel policy committees shall annually review the District's student discipline policies, including State and District student discipline data, and may recommend changes in the policies to the Hector School 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 acknowledgement 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 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 Directors of any such report made to law enforcement.

The superintendent 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.

## **SUSPENSION FROM SCHOOL**

Students who are 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 Board authorizes school principals

or their designees to 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. The suspension may be in school or out of school. 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:

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; and/or
4. Is insubordinate, incorrigible, violent, or involves moral turpitude.

Out-of-school suspension (OSS) shall not be used to discipline a student in kindergarten through fifth (5<sup>th</sup>) grade unless the student's behavior:

- a. Poses a physical risk to himself or herself or to others;
- b. Causes a serious disruption that cannot be addressed through other means; or
- c. Is the act of bringing a firearm on school campus.

OSS shall not be used to discipline a student for skipping class, excessive absences, or other forms of truancy.

The school principal 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; and
3. If the principal finds the student guilty of the misconduct, he/she may be suspended.

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), legal guardian(s), person(s) with lawful control of the student, person(s) standing in loco parentis, or to the student if age eighteen (18) or older prior to the suspension. Such notice shall be handed to the parent(s), legal guardian(s), person(s) having lawful control of the student, person(s) standing in loco parentis, or to the student if age eighteen (18) or older or mailed to the last address reflected in the records of the school district.

Generally, 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.

It is the responsibility of a student's parents, legal guardians, person having lawful control of the student, or person standing in loco parentis to provide current contact information to the district, which the school shall use to immediately notify the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:

- A primary call number;
  - The contact may be by voice, voice mail, or text message.
- An email address;
- A regular first class letter to the last known mailing address.

The district shall keep a log of contacts attempted and made to the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis.

The District shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student's period of OSS.

During the period of their suspension, students serving OSS are not permitted on campus except to attend a student/parent/administrator conference or when necessary as part of the District's engagement or access to education program.

During the period of their suspension, students serving in-school suspension shall not attend or participate in any school-sponsored activities during the imposed suspension.<sup>3</sup>

Suspensions initiated by the principal or his/her designee may be appealed to the Superintendent, but not to the Board.

Suspensions initiated by the Superintendent may be appealed to the Board.

## **TARDIES**

- Students are expected to be in their designated rooms in their seats when the tardy bell rings for homeroom or during the course of the school day.
- The teacher will report tardiness to the office on the absentee slip. If a teacher or the office holds a student after class long enough to make them tardy to the next class, they should send an explanatory note to the next teacher. (This type of tardy will not be counted against the student.) This practice should be avoided if at all possible.
  - First tardy – verbal warning
  - Second tardy – lunch detention
  - Third tardy – two days lunch detention
  - Fourth tardy – three days of lunch detention
  - Fifth tardy – one day of In-School Suspension
  - After fifth tardy – referral to the principal for insubordination and could result in multiple days of ISS, Saturday School Suspension, or Out-of-School Suspension
- If a student does not attend lunch detention, the student will be given one full day of ISS that begins first period of the next ISS day.
- Tardiness will be used by each teacher to determine exemptions for semester tests. Three tardies will equal one absence.