

FORT DODGE COMMUNITY SCHOOL DISTRICT
104 SOUTH 17TH STREET
FORT DODGE, IA



SCHOOL DISCIPLINE
POLICY 500.5

SCHOOL DISCIPLINE

The Board believes inappropriate student conduct causes material and substantial disruption to the school environment, interferes with the rights of others, or presents a threat to the health and safety of students, employees, and visitors on school premises. Appropriate classroom behavior allows teachers to communicate more effectively with students.

Students of the Fort Dodge Community Schools shall act in a responsible manner in the school, on school grounds and at all school sponsored activities. Students, staff, and guests will treat each other with respect and courtesy, use appropriate behavior and language, and follow expectations set by the board, administration, and teachers.

I. School Discipline.

Discipline in the school environment should be corrective and educational. The objective of the District shall be to provide a safe, orderly, and healthy environment where all students, staff, and guests can work and learn. This environment can only be achieved by the cooperation of parents, students, and staff working in harmony to develop strong self-images, personal discipline, and a positive outlook towards education.

II. Areas Where School Discipline Rules Apply.

1. While on school property.
2. While on or in school owned and operated vehicles or school chartered vehicles.
3. While engaged in or attending a school related, sponsored, or approved activity.
4. Conduct of students beyond the areas listed in 1 through 3 above may be subject to school discipline if it directly affects the good order, efficiency, management, or welfare of the school such as but not necessarily limited to conduct directed against school employees prompted by the student/staff relationship.

III. Breach of Discipline.

Appropriate behavior is expected of each student. Behavior that interferes with the maintenance of an effective learning environment is considered a breach of discipline and cannot be tolerated.

IV. Examples of a Breach of Discipline.

For the breaches of discipline identified in this section, parents will be notified and law enforcement officials may be notified.

1. Actions which show insensitivity, intolerance or discrimination on the basis of race, creed, color, national origin, sex, religion, age or disability.
2. Disorderly behavior.
 - ◆ Fighting or bully-type behavior.
 - ◆ Producing loud, raucous noise(s) or temper tantrum(s).
 - ◆ Writing or uttering abusive epithets or making threatening gestures.
 - ◆ Disturbing or interrupting a lawful assembly, meeting, or the school's normal operations.
 - ◆ Using the U.S. flag in a disrespectful manner when such activity does cause or is likely to cause disruption to the school setting/environment.
 - ◆ Obstructing a street, sidewalk, walkway or hallway in a manner to hinder its normal use.
3. Willful disobedience of classroom, schools, and District rules and regulations.
4. Insubordination to school personnel requests.
5. Profanity or obscene language.
 - ◆ Profane or obscene language.
 - ◆ Obscene gestures.
 - ◆ The dissemination, circulation, sale or distribution of any profane or obscene material.
6. Sexual harassment (e.g., Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which has the purpose or effect of unreasonably interfering with an individual's school performance or which creates an intimidating, hostile, or offensive school environment. Sexual abuse or the commission of a sexual act or engagement in sexual activity)
7. Racial activity or racial harassment (e.g., racially oriented verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual's school

- performance or which creates an intimidating, hostile, or offensive school environment.)
8. Conspiracy. A conspiracy is an agreement or combination between two or more persons to engage in a course of criminal conduct.
 9. Use of tobacco, (possession by those under 18) smoking or chewing tobacco on school premises.
 10. Unlawful Assembly. An unlawful assembly is when three or more persons act in a violent manner and with intent that they or any of them will commit a public offense.
 11. Assault. Assault includes any act without justification that is intended to cause pain or injury. Any act that is intended to result in physical contact which will be insulting or offensive, or place another in fear of physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act including the intentional display of a dangerous weapon toward another or actual and intentional physical contact which is painful, injurious, insulting, or offensive will be considered assault.
 12. Extortion or intimidation. Includes any act that threatens physical injury, exposes a person to hatred, contempt, or ridicule, or wrongfully injuring or threatening to wrongfully injure the property of another.
 13. Trespassing. Trespassing includes, but is not limited to, one or more of the following: Going upon property without the express permission of the person in charge; entering or remaining on property without justification after being notified or requested to leave; entering upon property for the purpose or with the effect of interfering with the lawful use of the property by others; removing therefrom or placing thereon anything without the implied or actual consent of the person in lawful possession of the property.
 14. Arson. Causing a fire, explosion or placing any burning or combustible material or any incendiary or explosive device or material in or near an area of property with the intent to destroy or damage such property or with the knowledge that said property will probably be destroyed or damaged is arson whether or not such property is actually destroyed or damaged.
 15. To harass, intimidate, annoy, harm or alarm another person. All threats will be investigated.

16. Use of or being under the influence of alcohol or a controlled substance or use/abuse of any substance with a mood or mind altering effect.
17. Possession, sale, or attempt/intent to sale alcohol, a controlled substance, or "look-alike" or "imitation" controlled substances, or drug paraphernalia.
18. Criminal mischief. Criminal mischief includes damage, defacement, alteration, or destruction of tangible property when done intentionally by one who has no right to do so.
19. Theft. Theft is the taking of the property of another with intent to permanently deprive the owner of the useful enjoyment of the property.
20. Dressing in a manner that is disruptive to the school environment or is contrary to the school's mission. Students must comply with Board approved rules and regulations that establish standards of dress.
21. Violation(s) of the rules of the school, the policies of the Board, bus rider rules, or the laws of the State of Iowa or the United States.
22. Firearms. A firearm is defined as, but not limited to:
 - (a) any weapon (including a starter gun, and rifle) which will or is designed to or may readily convert to expel a projectile by the action of an explosive;
 - (b) the frame or receiver of any such weapon;
 - (c) any firearm muffler, or firearm silencer; or
 - (d) any destructive device (e.g., explosive, incendiary, or poison gas); and
 - (e) includes guns (e.g., rifles, shotguns) intended to be used for sporting, recreational, or cultural purposes.

A student, who knowingly brings a firearm onto school property or knowingly possesses a firearm on school property or at a school event, shall be expelled for not less than twelve (12) months. However, the Superintendent has the authority to recommend and the Board has the authority to modify the twelve (12)-month expulsion requirement on a case-by-case basis.
23. Firearm Look-alike. Possession of a firearm 'look-alike' on school property (see definition of a firearm in section IV, Item 22) or bringing a 'look alike' on to school property.

24. Dangerous Objects. A dangerous object is defined as an item capable of producing harm (inflicting death or injury) to oneself or others and includes items used to intimidate or in any way threaten another individual, including but not limited to: (e.g., knife, club, chains, razor-blade, dagger, stiletto, switchblade, mace, pepper spray).
25. Misuse of District telecommunications/computer equipment/facilities. Violation of Acceptable Use Rules for District computers or other telecommunications resources, including, but not limited to, attempts to hack into computer systems, unauthorized use of telecommunications resources, harming digital files or services, and any illegal or inappropriate activities involving the use of District telecommunications resources. Violation of any acceptable use rule shall be referred to the system administrator such that the student may be denied access to all or some telecommunications or computer facilities or equipment and services, permanently or for a specified length of time. [See Policy 600.5].

V. Rules and Consequences for Breaches of Discipline.

Every effort will be given to maintaining a set of rules and consequences for breaches of the rules that are appropriate for each level of the educational program. Each building principal, supervisor, and activity director may create and enforce any additional written rules and regulations, subject to the approval of the superintendent or designee, as deemed necessary to implement the intent of this policy. Rules and regulations shall be made known to students. The administration and board will attempt to provide uniformity in application of consequences for breaking disciplinary rules, understanding that individual circumstances and state or federal laws or mandates may prohibit uniformity. Further, the administration and board is not precluded from departing from past consequences if in their judgment different consequences are deemed advisable. If an individual administrator seeks to significantly alter a prevailing consequence, the superintendent or designee will be consulted.

VI. Procedures for Implementing Action(s) Resulting from Breach(es) of Discipline and Disciplinary Alternatives.

1. Each teacher will maintain appropriate classroom discipline. Action(s) that disrupt only an individual classroom are the initial responsibility of that classroom teacher. The classroom teacher is expected to use progressive disciplinary measures to correct student misbehavior for

minor infractions. (That includes parental contacts and referrals to sources of appropriate assistance.)

When a student has caused a serious breach of discipline in the classroom and has been excluded from the classroom for the remainder of the class, the student shall have a conference with a building administrator. At this conference, it shall be determined whether readmission to class is advisable and what step(s) are necessary for readmission to the class/classroom. The degree of commitment to necessary change(s) in behavior by the student will be considered in deciding whether further disciplinary action will be taken.

2. The following disciplinary action(s) may be taken by designated school personnel, for breach(es) of discipline standards in this District.

- ◆ A conference involving some or all of the following: the student, teacher(s), parents/guardians, and building administrator to discuss the breach(es) or discipline and what, if any actions will be taken.

- ◆ **Detention.**

Detention requires the student to serve detention time, outside of the regular student school day. The student shall be required to do homework, read or be engaged in an arranged educational activity while serving detention time. The student will be permitted to attend class during the school day. The employee assigning the detention shall notify the parents/guardians of the student's violation(s). Bus students shall be required to make their own transportation arrangements during the time period affected by detention.

- ◆ **In-School Suspension.**

In-school suspension is the suspension or removal of a student from a given class or classes and the assignment to the designated in-school suspension site. When the breach of discipline is related to a specific class, the suspension shall not exceed five (5) class periods.

Building administrators may suspend a student up to three (3) days. Suspension beyond three (3) days will require the approval of the Superintendent. A student will be expected to make up all schoolwork missed while serving this suspension, including all tests.

◆ **Saturday School.**

The administrator may assign the student to attend Saturday School at the designated site.

◆ **Out-of-School Suspension.**

The student may be suspended out-of-school in lieu of in-school suspension for serious or repeated breach(es) of discipline for a period not to exceed ten(10) school days. An out-of-school suspension means the student is removed from the school environment which includes: school classes, activities and all school property. A conference will be required prior to the student being readmitted to the school. The administrator may require the attendance of all individuals directly or indirectly involved with the student to attend the conference. Students are not prohibited from working on assignments during the suspension and will be required to make up all schoolwork missed during this suspension, including all tests.

◆ **Consideration for Reassignment of Educational Program.**

The student may be transferred to a different attendance center or receive a transfer to a different class/section within the same school.

◆ **Suspension in Order to Consider Expulsion.**

In the event of serious or repeated breach(es) of discipline, the administrator may refer a student to the superintendent or designee.

The student may be suspended for a period not to exceed ten (10) school days. During this ten (10) day period, the student and his/her parent(s)/guardian(s) shall meet with the administrator and the superintendent, or designee, to consider whether expulsion from school will be recommended to the Board.

◆ **Expulsion from School by the Board.**

Once the superintendent has determined that an expulsion recommendation is necessary, that recommendation will be submitted to the Board at their next regular meeting or at a special meeting called for that purpose. (See Policy # 500.7 Expulsion).

VII. Due Process for Suspension.

In most cases, before an administrator may suspend a student from the normal school setting for breach(es) of discipline, the due process steps listed below must be afforded the student. This process is applicable to in-school suspension, out-of-school suspension, and suspension to consider expulsion. Nothing shall prevent the administrator from immediately suspending a student when it is believed the student's continued presence on school property would endanger the student's safety or well-being, the safety or well-being of other members of the school, or would substantially interfere with the proper functioning of the school.

1. The administrator shall conduct, in a timely manner, an informal investigation of the alleged breach(es) of discipline committed by the student.
 - ◆ In the event an immediate suspension from school is given, a conference shall be held within three (3) school days.
2. The administrator will document, in writing, the basis for the suspension, the procedure(s) to follow regarding this action, and the board policy and/or rules that list the breach(es) of discipline.
3. The parent/guardian shall be notified immediately by telephone of the suspension. Documentation by the party making or attempting to make the telephone contact shall be kept. A follow-up letter will be sent to the student's parents/guardians and the superintendent.
4. The administrator shall: schedule and conduct a conference with the appropriate parties, provide notice of the alleged breach(es) of discipline, discuss the allegation(s), and afford the student the opportunity to respond.
5. The administrator, when deemed appropriate, may provide the student the opportunity to address witness(es) having knowledge about the alleged disciplinary infractions, and/or call witness(es) on his/her behalf. Such witnesses may include the teacher(s) or person making the charge(s).
6. For this purpose, suspension from normal school participation and a suspension from bus transportation arising from the same set of facts are deemed one suspension with two related consequences.

VIII. Consideration of Special Education Students.

Special Education students shall receive all due process considerations required under federal and state law and local District policies and procedures. Compliance with special education requirements shall be made a part of the record in any disciplinary proceeding where applicable. Timelines will be extended to accommodate compliance with these additional requirements. (See Policy 500.6 Expulsion).

IX. Rules Regulating the Discipline of Students.

Student disciplinary rules shall be published or otherwise communicated on an annual basis. Copies of rules and regulations and this board policy shall be maintained in each attendance center of the District and shall be distributed upon request at no cost.

LEGAL REFERENCE: Code of Iowa, Ch. 21
Code of Iowa, 280.21B, 282.4, and 282.5
Code of Iowa, Ch. 706, 708, 711, 712, 714, 716, 723
Goss v. Lopez, 419 U.S. 565 95 S. Ct. 729 (1975) Sec. 504 of the Voc. Rehab.
Act (29 U.S.C. 794) and regulations thereunder.
Public Law 94-142, the Education for All Handicapped Children.
Act of 1975 (20 U.S.C. Sec. 921, 8921, and 8922, 1400 et. Seq.) and regulations
thereunder. I.A.C. Ch. 281-41

Adopted: 04/11/67
Revised: 07/10/02, 03/03/09
Reviewed: 07/10/02, 6/9/14

DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS

All students are expected to meet the requirements for behavior unless otherwise determined through the special education IEP process. State and federal special education and civil rights laws require that additional provisions be made for students who have been found by an evaluation to be eligible for special education or Section 504 services and whose program is described in an Individualized Education Plan (IEP) or Section 504 Plan. The IEP or Section 504 Plan will indicate whether the student is able to conform his/her behavior to the regular discipline code or if a modification is required. If a modified disciplinary code is required, it will be written into the IEP or Section 504 Plan.

Removal Up to Ten Days

The building administrator may order the removal of a special education student from the current placement. The district need not provide services to a special education student removed from the current placement for ten school days or less in any school year, if services are not provided to a student without disabilities. The building administrator contacts parents and documents this action through a letter. Copies of every suspension shall be sent to the Director of Special Needs.

Removal for More Than Ten Days

Anytime the school district removes a special needs student from his/her current educational placement for more than ten (10) consecutive school days in any school year, or for more than ten (10) cumulative days when a pattern of removal is occurring, this constitutes a "change in placement". A change in placement invokes certain procedural protections under the IDEA (the federal special education law) and Section 504.

Change in Placement

A change of placement occurs when a special education student is:

- Removed from the current placement for more than ten (10) consecutive school days in a school year; or
- Subjected to a series of removals in a school year and which constitutes a pattern of removal because:
 - 1) the series of removals total more than ten (10) school days in a year;
 - 2) the student's behavior is substantially similar to the student's behavior in previous incidents

that resulted in the series of removals; and

- 3) because of factors such as the length of each removal, the total amount of time a student is removed, and the proximity of the removals to one another.

Whether a pattern of removal constitutes a change in placement is determined on a case-by-case basis by the building administrator and special needs director, and is subject to review through due process and judicial proceedings. Copies of every suspension letter for a student with disabilities shall be sent to the Director of Special Needs, who will keep a record of all suspensions.

Manifestation Determination

Within ten (10) school days after the date on which the decision to change the placement is made, the District shall conduct a “manifestation determination” of the relationship between the student’s disability and the behavior subject to the disciplinary action. The review of the relationship between a student’s disability and the behavior subject to the disciplinary action shall be done in a meeting by the parent, student, and relevant members of the IEP team who are selected by the parent and the district as well as the Director of Special Needs.

The team shall review all relevant information in the student’s file, including the IEP, teacher observations, and information provided by the parent to determine:

- If the conduct was caused by or had a direct and substantial relationship to the child’s disability; or
- If the conduct in question was the direct result of the district’s failure to implement the student’s IEP.

If the team determines that the behavior resulted from any of the above, the behavior must be considered a manifestation of the student’s disability and the contemplated disciplinary action shall not proceed.

If the team determines, specifically, that the conduct was the direct result of the district’s failure to implement the IEP, the district must take immediate action to remedy the deficiencies.

If the IEP team determines that the conduct was a manifestation of the student’s disability, the team must:

1. Conduct a functional behavioral assessment (unless already completed) and implement a

behavioral interventions plan

- A functional behavioral assessment can be a formal or informal assessment to identify the function or purpose the behavior serves for the student so that classroom interventions and behavior support plans can be developed to improve behavior. The assessment could include observations of the behavior, and interviews with family, teachers, and the student, so as to determine the frequency, antecedent and response of the targeted behavior; OR
2. Review the existing behavioral intervention plan and modify it to address the behavior
 - A behavior intervention plan could include:
 - A. A definition of the target behavior in observable terms
 - B. Identification of goals that address the behavior (increase, decrease behavior)
 - C. A clear statement of the objective(s) for the student
 - D. Evaluation criteria of plan and schedule for evaluation
 - E. CAP (criteria for acceptable performance)
 - F. An outline of interventions, instruction (curricula), and resources that will be utilized to implement the plan
 - G. A description of inservice of staff who will implement and monitor plan
 - H. A statement of each person's responsibility in implementing the plan; OR
 3. Return the child to the placement removed from unless the parents and the district agree a change is necessary as part of the behavioral intervention plan, or unless the infraction involves drugs, weapons, or bodily harm. If the IEP team determines that the behavior is not a manifestation of the student's disability, the district may apply the same disciplinary measures that apply to students without disabilities. However, the student must continue to receive services to the extent necessary to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

The relevant IEP team members, selected by the parent and the district, the Director of Special Needs and the Superintendent shall determine appropriate services.

Special Circumstances

Building administrator and the Director of Special Needs may order a change in placement to an appropriate interim alternative educational setting for the same amount of time that a student without disabilities would be subject to discipline, but for not more than 45 school days, if a special education student:

- Possesses a “dangerous weapon” or carries such a weapon to school or to a school function; or
- Knowingly possesses or uses “illegal drugs” while at school or a school function; or
- Sells or solicits the sale of a “controlled substance” while at school or a school function; or
- Inflicts serious bodily injury upon another person while at school or a school function. Serious bodily injury means a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Any interim alternative educational setting in which the student is placed is determined by the student’s IEP team, Director of Special Needs, and Superintendent.

- Be selected so as to enable the student to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP; and
- Include services and modifications designed to address the behavior or to prevent the behavior from recurring.

The district may ask an administrative law judge, or seek injunctive relief through a court having jurisdiction of the parties, to order a change in placement to an appropriate interim alternative educational setting for not more than 45 school days or seek injunctive relief through a court having jurisdiction of the parties when:

- The district can demonstrate beyond a preponderance of the evidence that maintaining said student’s current placement is substantially likely to result in injury to the student or others;
- The district has made reasonable efforts to minimize the risk of harm in the current placement, including the use of supplementary aids and service; and
- The proposed interim alternative educational setting has been proposed by school personnel in consultation with the student’s special education teacher.

Unless the parent and the district agree otherwise, if a parent requests a hearing to challenge either the manifestation determination or the interim alternative educational setting, the student must remain “stay put” in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45 day period, whichever occurs first.

Affirmative Action Compliance

The District's Compliance Coordinator for Affirmative Action is Robert Hughes. He can be reached at 574-5657 or 104 S. 17th St., Fort Dodge.

Physical/Sexual Harassment Procedure

The District's designated Investigator of Physical and Sexual Abuse of Students by school employees is Marcy Harms. She can be reached at 574-5678 or 104 S. 17th St., Fort Dodge. The alternate is Corey Moody, 574-5469 or 819 N. 25th St., Fort Dodge.

Affirmative Action Compliance

The District's Officer for Harassment Complaints and Allegations is Marcy Harms, Director of Student Services. She can be reached at 574-5678 or 104 S. 17th St., Fort Dodge.

Racial/Sexual Harassment Procedure

The District's Compliance Coordinator for Affirmative Action is Robert Hughes. He can be reached at 574-5657 or 104 S. 17th St., Fort Dodge.

Title VI, Title IX, or Section 504 Compliance Officer

It is the policy of the Fort Dodge Community School District not to discriminate on the basis of race, creed, color, ancestry, age, gender, sex, sexual orientation, gender identity, national origin, disability, physical attributes, religion, political party preference, political belief, socioeconomic status, veteran's status, actual or potential parental, family or marital status, in its programs, services, and employment practices. If you have questions or grievances related to this policy, please contact Marcy Harms, Director of Student Services, Central Administration Building, 104 S. 17th St., Fort Dodge, 574-5678; or the U.S. Department of Education Office of Civil Rights, 500 W. Madison St., Suite 1475, Chicago, IL 60661-4544. (Alternate for Section 504 is Lis Ristau, Director of Special Needs, 574-5675).