

## STUDENT CONDUCT

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 will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Consequences for the misconduct will be fair and developmentally appropriate in light of the circumstances.

Students who fail to abide by this policy and the administrative regulations supporting it may be disciplined for conduct which disrupts or interferes with the education program; conduct which disrupts the orderly and efficient operation of the school district or school activity; conduct which disrupts the rights of other students to participate in or obtain their education; conduct that is violent or destructive; or conduct which interrupts the maintenance of a disciplined atmosphere. Disciplinary measures include, but are not limited to, removal from the classroom, detention, suspension, probation, and expulsion.

A student who commits an assault against an employee on school district property or on property within the jurisdiction of the school district; while on school-owned or school-operated chartered vehicles; while attending or engaged in school district activities will be suspended by the principal. Notice of the suspension is sent to the board president. The board will review the suspension to determine whether to impose further sanctions against the student which may include expulsion. Assault for purposes of this section of this policy is defined as:

- an act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act; or
- any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting or offensive, coupled with the apparent ability to execute the act; or
- intentionally points any firearm toward another or displays in a threatening manner any dangerous weapon toward another.

The act is not an assault when the person doing any of the above and the other person are voluntary participants in a sport, social or other activity, not in itself criminal, when the act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace.

Removal from the classroom means a student is sent to the building principal's office. It is within the discretion of the person in charge of the classroom to remove the student.

Detention means the student's presence is required during non-school hours for disciplinary purposes. The student can be required to appear prior to the beginning of the school day, after school has been dismissed for the day, or on a non-school day. Whether a student will serve detention, and the length of the detention, is within the discretion of the licensed employee disciplining the student or the building principal.

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Suspension means; either an in-school suspension, an out-of-school suspension, a restriction from activities or loss of eligibility. An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days. An out-of-school suspension means the student is removed from the school environment, which includes school classes and activities. An out-of-school suspension will not exceed ten days. A restriction from school activities means a student will attend school and classes and practice but will not participate in school activities.

Probation means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in immediate reinstatement of the penalty.

Expulsion means an action by the board to remove a student from the school environment, which includes, but is not limited to, classes and activities, for a period of time set by the board.

Students with current Good Conduct Violations will not be allowed to participate in activities not covered by the Good Conduct Policy during their ineligibility period. Sponsors of activities that do not fall under the Good Conduct Policy will notify students in writing about this guideline. Notification will also occur in the student handbook.

Following the suspension of a special education student, an informal evaluation of the student's placement will take place. The Individual Education Program (IEP) is evaluated to determine whether it needs to be changed or modified in response to the behavior that led to the suspension.

If a special education student's suspensions, either in or out of school, equal ten days on a cumulative basis, a staffing team will meet to determine whether the IEP is appropriate.

It is the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference:       No Child Left Behind, Title IV, Sec. 4115, P.L. 107-110 (2002).  
                              Goss v. Lopez, 419 U.S. 565 (1975).  
                              Brands v. Sheldon Community School District, 671 F. Supp. 627 (N.D. Iowa  
                              1987).  
                              Sims v. Colfax Comm. School Dist., 307 F. Supp. 485 (Iowa 1970).  
                              Bunger v. Iowa High School Athletic Assn., 197 N.W.2d 555 (Iowa 1972).  
                              Board of Directors of Ind. School Dist. of Waterloo v. Green, 259 Iowa 1260,  
                              147 N.W.2d 854 (1967).  
                              Iowa Code §§ 279.8; 282.4, .5; 708.1 (2005).

Cross Reference:       501     Student Attendance  
                              502     Student Rights and Responsibilities  
                              504     Student Activities  
                              603.3   Special Education  
                              904.5   Distribution of Materials

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## STUDENT SUSPENSION

### Administrative Action

#### A. Probation

1. Probation is conditional suspension of a penalty for a set period of time. Probation may be imposed by the principal for infractions of school rules which do not warrant the necessity of removal from school.
2. The principal will conduct an investigation of the allegations against the student prior to imposition of probation. The investigation will include, but not be limited to, written or oral notice to the student of the allegations against the student and an opportunity to respond. Written notice and reasons for the probation will be sent to the parents.

#### B. In-School Suspension

1. In-school suspension is the temporary isolation of a student from one or more classes while under administrative supervision. In-school suspensions may be imposed by the principal for infractions of school rules which are serious but which do not warrant the necessity of removal from school.
2. The principal will conduct an investigation of the allegations against the student prior to imposition of an in-school suspension. The investigation will include, but not be limited to, written or oral notice to the student of the allegations against the student and an opportunity to respond. In-school suspension will not be imposed for more than ten school days. Written notice and reasons for the in-school suspension will be sent to the student's parents.

#### C. Out-of-School Suspension

1. Out-of-school suspension is the removal of a student from the school environment for periods of short duration. Out-of-school suspension is to be used when other available school resources are unable to constructively remedy student misconduct.
2. A student may be suspended out of school for up to ten school days by a principal for a commission of gross or repeated infractions of school rules, regulations, policy or the law, or when the presence of the student will cause interference with the maintenance of the educational environment or the operation of the school. The principal may suspend students after conducting an investigation of the charges against the student, giving the student:
  - a. Oral or written notice of the allegations against the student and
  - b. The opportunity to respond to those charges.

At the principal's discretion, the student may be allowed to confront witnesses against the student or present witnesses on behalf of the student.

## STUDENT SUSPENSION

3. Notice of the out-of-school suspension will be mailed no later than the end of the school day following the suspension to the student's parents and the superintendent. A reasonable effort is made to personally notify the student's parents and such effort is documented by the person making or attempting to make the contact. Written notice to the parents will include the circumstances which led to the suspension and a copy of the board policy and rules pertaining to the suspension.

### D. Suspensions and Special Education Students

1. Students who have been identified as special education students may be referred for a review of the student's Individual Education Program (IEP). The IEP may be revised to include a continuum of intervention strategies and programming to change the behavior.
2. Students who have not been identified as special education students may be referred for evaluation after the student's suspension to determine whether the student has a disability and is in need of special education.

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## EXPULSION

Only the board may remove a student from the school environment. The removal of a student from the school environment, which includes, but is not limited to, classes and activities, is an expulsion from school.

Students may be expelled for violations of board policy, school rules or the law. It is within the discretion of the board to discipline a student by using an expulsion for a single offense or for a series of offenses depending on the nature of the offense and the circumstances surrounding the offense.

It is within the discretion of the superintendent to recommend to the board the expulsion of a student for disciplinary purposes. Only the board may take action to expel a student and to readmit the student. The principal will keep records of expulsions in addition to the board's records.

When a student is recommended for expulsion by the board, the student is provided with:

1. Notice of the reasons for the proposed expulsion;
2. The names of the witnesses and an oral or written report on the facts to which each witness testifies unless the witnesses are students whose names may be released at the discretion of the superintendent;
3. An opportunity to present a defense against the charges and provide either oral testimony or written affidavits of witnesses on the student's behalf;
4. The right to be represented by counsel; and,
5. The results and finding of the board in writing open to the student's inspection.

In addition to these procedures, a special education student must be provided with additional procedures. A determination should be made of whether the student is actually guilty of the misconduct. A staffing team should determine whether the student's behavior is caused by the student's disability and whether the conduct is the result of inappropriate placement. Discussions and conclusions of this meeting should be recorded.

If the special education student's conduct is not caused by the disability, the student may be expelled or suspended for a long-term period following written notice to the parent and pursuant to the school district's expulsion hearing procedures. If the misconduct is caused by the disability and a change in placement is recommended, the change must be made pursuant to the placement procedures used by the school district.

Legal Reference: Goss v. Lopez, 419 U.S. 565 (1975).  
Wood v. Strickland, 420 U.S. 308 (1975).  
Southeast Warren Comm. School District v. Dept. of Public Instruction, 285 N.W.2d 173 (Iowa 1979).  
Iowa Code §§ 21.5; 282.3, .4, .5 (2005).  
281 I.A.C. 12.3(6).

Cross Reference: 502 Student Rights and Responsibilities  
503 Student Discipline

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## STANDARD FEE WAIVER APPLICATION

Date					School year	
All information provided in connection with this application will be kept confidential.						
Name of student:					Grade in school	
Name of student:					Grade in school	
Name of student:					Grade in school	
Attendance Center/School:						
Name of parent, guardian: or legal or actual custodian						
Please check type of waiver desired:						
	Full waiver		Partial waiver		Temporary waiver	
Please check if the student or the student's family meets the financial eligibility criteria or is involved in one of the following programs:						
Full waiver						
		Free meals offered under the Children Nutrition Program (CNP)				
		The Family Investment Program (FIP)				
		Transportation assistance under open enrollment				
		Foster care				
Partial waiver						
		Reduced priced meals offered under the Children Nutrition Program				
Temporary waiver						
If none of the above apply, but you wish to apply for a temporary waiver of school fees because of serious financial problems, please state the reason for the request:						
Signature of parent, guardian: or legal or actual custodian						

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FINES - FEES - CHARGES

The board believes students should respect school district property and assist in its preservation for future use by others. Students may be assessed fines, charges, or fees for the materials needed in a course, for overdue school materials, for participating in activities, or for misuse of school property.

The superintendent will inform the board of the dollar amount to be charged to students or others for fines, charges, or fees annually. Parents of students meeting specific financial eligibility standards will be eligible for a waiver of student fees or a reduction of student fees based upon the request of the parent. It is the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference: Iowa Code §§ 256.7(20); 279.8; 280.10, .11; 282.6; 285.1; 301.1 (2005).  
281 I.A.C. 18.  
1994 Op. Att'y Gen. 23.  
1990 Op. Att'y Gen. 79.  
1982 Op. Att'y Gen. 227.  
1980 Op. Att'y Gen. 532.

Cross Reference: 501.17 Homeless Children & Youth  
502 Student Rights and Responsibilities  
503 Student Discipline

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STUDENT FEE WAIVER AND REDUCTION PROCEDURES

The board recognizes that while certain fees charged students are appropriate and authorized, certain students and their families are not financially able to pay the fees. The school district will grant either full waivers, partial waivers or temporary waivers depending upon the circumstances and the student or student's parents' ability to meet the financial criteria.

- A. Waivers -
  - 1. Full Waivers - a student will be granted a full waiver of fees charged by the school district if the student or student's parents meet the financial eligibility criteria for free meals under the Child Nutrition program, Family Investment Program, or transportation assistance under open enrollment. Students in foster care are also eligible for full waivers.
  - 2. Partial Waivers - a student will be granted a partial waiver of fees charged by the school district if the student or the student's parents meet the financial eligibility criteria for reduced price meals offered under the Child Nutrition program. The reduction percentage will be 50%.
  - 3. Temporary Waivers - a student may be eligible for a temporary waiver of fees charged by the district in the event the student's parents are facing financial difficulty. Temporary waivers may be applied for at any time throughout the school year and will not extend beyond the end of the school year.
- B. Application - Parents or students eligible for a fee waiver will make an application on the form provided by the school district. Applications may be made at any time but must be renewed annually.
- C. Confidentiality - The school district will treat the application and application process as any other student record and student confidentiality and access provisions will be followed.
- D. Appeals - Denials of a waiver may be appealed to the superintendent.
- E. Fines or charges assessed for damage or loss to school property are not fees and will not be waived.
- F. Notice - the school district will annually notify parents and students of the waiver. The following information will be included in registration materials.

Students whose families meet the income guidelines for free and reduced price lunch, the Family Investment Program (FIP), or transportation assistance under open enrollment, or who are in foster care are eligible to have their student fees waived or partially waived. Students whose families are experiencing a temporary financial difficulty may be eligible for a temporary waiver of student fees. Parents or students who believe they may qualify for temporary financial hardship should contact the business office for a waiver form. This waiver does not carry over from year to year and must be completed annually.

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## GOOD CONDUCT POLICY

Participation in school activities is a privilege. School activities provide the benefits of promoting additional interests and abilities in the students during their school years and for a lifetime. Students who participate in extracurricular activities serve as ambassadors of the school district throughout the calendar year, whether away from school or at school. Students who wish to have the privilege of participating in extracurricular activities must conduct themselves in accordance with board policy and must refrain from activities that are illegal, immoral, or unhealthy. Students who fail to abide by this policy and the administrative regulations supporting it may be subject to disciplinary measures. The principal shall keep records of violations of the good conduct rule. It shall be the responsibility of the superintendent to adopt rules and regulations for school activities. Students wanting to participate in school activities must meet the requirements set out by the school district for participation in the activity.

The following activities are covered by the board's policy and these rules:

1. Athletics
2. Instrumental and vocal music performances
3. Drama productions
4. Speech contests
5. FFA, FCS
6. National Honor Society
7. All co-curricular clubs, all honorary and elected offices (e.g., Homecoming King/Queen/court, class officer, student government officer or representative), state contests and performances for cheerleading and drill team, mock trial, graduation escorts, Academic Decathlon, or any other activity where the student represents the school outside the classroom.

### **I. Good Conduct Rule**

To retain eligibility for participation in East Sac County 7-12<sup>th</sup> grade extracurricular activities, students must conduct themselves as good citizens both in and out of school at all times. Students who represent the school in an activity are expected to serve as good role models to other students and to the members of the community.

Any student who, after an opportunity for hearing at which the student shall be confronted with the allegation, the basis of the allegation, and given an opportunity to tell the student's side, is found to have violated the school's Good Conduct Rule will be deemed ineligible for a period of time, as described below. A student may lose eligibility under the Good Conduct Rule for any of the following behaviors:

- possession and/or use of any tobacco product (or lookalike substances that appear to be tobacco products) including the use of e-cigarettes at any time by students regardless of age, on the school campus, in the school buses, or while attending school sponsored functions or trips is prohibited;
- possession, use, or purchase of alcoholic beverages, including beer and wine (having the odor of alcohol on one's breath is evidence of "use");
- possession, use, purchase, or attempted sale/purchase of illegal drugs (or look-a-likes), or the unauthorized possession, use, purchase, or attempted sale/purchase of otherwise lawful drugs (or look-a-likes);
- engaging in any act that would be grounds for arrest or citation in the criminal or juvenile court system (excluding minor offenses such as traffic or hunting/fishing,

- violations), regardless of whether the student was cited, arrested, convicted, or adjudicated for the act(s);
- exceedingly inappropriate or offensive conduct such as assaulting staff or students, gross insubordination (talking back or refusing to cooperate with authorities), serious hazing or harassment of others (including cyber bullying or other inappropriate use of technology). NOTE: This could include group conduct!

If a student transfers in from another Iowa school or school district and the student had not yet completed a period of ineligibility for a violation of a Good Conduct Rule in the previous school, the student shall be ineligible if/when the administration *has knowledge of the fact of the student's misconduct or violation in the previous district.*

## II. Penalties:

Any student who, after a hearing before the administration, is found to have violated the Good Conduct Rule, during the school year or summer, is subject to a loss of eligibility as follows:

**First Offense Within the student's 7<sup>th</sup>-12 grade career-four (4) weeks** of ineligibility

**Second Offense Within the student's 7<sup>th</sup>-12 grade career-eight (8) weeks** of ineligibility.

**Third Offense Within the student's 7<sup>th</sup>-12 grade career- sixteen (16) weeks** of ineligibility

**Fourth Offense within the student's 7<sup>th</sup>-12<sup>th</sup> grade career-student** will not be allowed to participate in extracurricular activities for the duration of his/her school career.

1. The period of ineligibility will begin with the first event the student/athlete is scheduled to participate in. For example, the student is participating in football and receives a good conduct violation on August 5. The period of ineligibility will start with the first football game the student is scheduled to participate in.
2. However, if the period of time between a violation and an activity is twelve calendar months or more, the student shall not serve an ineligibility period for the violation.
3. An ineligible student shall attend all practices or rehearsals but may not "suit up" nor perform/participate.
4. If a student drops out of an activity prior to completion of the ineligibility period, the full penalty or the remainder of the penalty, at the administration's discretion, will attach when the student next seeks to go out for an activity, subject to the 12-month limitation above. The student will be expected to complete the entire season in order to complete the ineligibility period.
5. If a student violates the Good Conduct Rule while ineligible due to an earlier violation, the penalty for the subsequent offense will attach at the completion of the earlier penalty.

- Evaluation and Treatment: A student who has a first or second violation of the alcohol or drug provision of the Good Conduct Rule must seek evaluation and treatment from a recognized substance abuse facility at the student's or student's family's expense. Eligibility will not be retained until the school district receives official notice from the treatment center/agency of the evaluation.

### **III. Violations Occurring During Ineligibility:**

If a student is ineligible at the time of a violation of the Good Conduct Rule, the penalty for the violation will not begin until the student regains eligibility. Example: A student academically ineligible for a quarter [or "semester"] is found to have been in possession of tobacco, a Good Conduct Rule violation. When the student is again academically eligible, the penalty attaches. Example: A student violates the Good Conduct Rule and is ruled ineligible for four weeks. While ineligible, the student again violates the Rule. The second penalty attaches when the first penalty is completed.

### **IV. Academic Consequences:**

There will be no academic consequences for the violation (e.g., detention, suspension, expulsion from school, or grade reduction/withholding) unless the violation of the Good Conduct Rule occurred

- a) on school grounds
- b) at a school event regardless of location, or
- c) the violation has a direct and immediate negative impact on the efficient operation of the school despite occurring off school grounds/time.

### **V. Appeals:**

Any student who is found by the administration to have violated the Good Conduct Rule may obtain review of this determination to the superintendent by contacting the superintendent in writing, within three (3) days of being advised of the violation. The penalty will be in effect until reversed. If the student is still dissatisfied, he or she may seek further review by the school board by filing a written appeal with the board secretary within three (3) days of the superintendent's decision. Upon receipt of an appeal the Board will hear the matter as soon as possible, however, a special meeting of the board will not be called unless the appeal is received more than ten (10) days before the next scheduled board meeting. The review by the board will be in closed session unless the student's parent (or the student, if the student is 18) requests an open session. The grounds for review by the school board are limited to the following: the student did not violate the Good Conduct Rule; the student was given inadequate due process in the investigation and determination; or the penalty is in violation of the Handbook Rule or Board Policy. The penalty will remain in effect pending the outcome of the meeting with the board.

If the school board reverses the decision of the administration, the student shall be immediately eligible and shall have any record of the ineligibility period and violation deleted from the student's record.

## VI. Definitions

1. **Competition/Performance/Contest:** means a specific event that is a component of an extracurricular program whether it is a contest, a social activity held by the program the student belongs to, or a public performance.
2. **Extracurricular Activity:** is any program offered as an optional part of, or in addition to, regular classes in the East Sac Community School District, which includes but is not limited to those programs listed in Section I of this document.
3. **Violation:** occurs when a student is determined by a school official to be in violation of the Student Activity Program Code of Conduct.
4. **School Royalty:** means a student is selected as royalty to preside over a school sponsored activity.
5. **Service as an officer:** means participating in an extracurricular program or in student government, as an elected official of that program.
6. **Year,** as it is used in this policy means 12 months.
7. **Official notification** is when an administrator declares a student ineligible.
8. **Event(s)** means those activities formally scheduled by the School District as part of its master school year calendar (i.e. athletic games or competitions, musical performance or contests, graduation ceremony, homecoming activities, etc.) Informal activities scheduled by each individual program shall not be considered Events for purposes of commencing the ineligibility period.

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## CORPORAL PUNISHMENT

Corporal punishment is defined as the intentional physical punishment of a student and is prohibited. It includes the use of unreasonable or unnecessary physical force or physical contact made with the intent to harm or cause pain. No employee is prohibited from:

- Using reasonable and necessary force, not designed or intended to cause pain, in order to accomplish any of the following:
  - To quell a disturbance or prevent an act that threatens physical harm to any person.
  - To obtain possession of a weapon or other dangerous object within a pupil's control.
  - For the purposes of self-defense or defense of others as provided for in Iowa Code section 704.3.
  - For the protection of property as provided for in Iowa Code section 704.4 or 704.5.
  - To remove a disruptive pupil from class or any area of school premises or from school-sponsored activities off school premises.
  - To protect a student from the self-infliction of harm.
  - To protect the safety of others.
- Using incidental, minor, or reasonable physical contact to maintain order and control.

Reasonable physical force should be commensurate with the circumstances of the situation. The following factors should be considered in using reasonable physical force for the reasons stated in this policy:

1. The size and physical, mental, and psychological condition of the student;
2. The nature of the student's behavior or misconduct provoking the use of physical force;
3. The instrumentality used in applying the physical force;
4. The extent and nature of resulting injury to the student, if any;
5. The motivation of the school employee using physical force.

Upon request, the student's parents are given an explanation of the reasons for physical force.

It is the responsibility of the superintendent to develop administrative regulations regarding this policy.

Legal Reference: Ingraham v. Wright, 430 U.S. 651 (1977).  
Goss v. Lopez, 419 U.S. 565 (1975).  
Tinkham v. Kole, 252 Iowa 1303, 110 N.W.2d 258 (1961).  
Lai v. Erickson, PTPC Admin. Doc. 83-12 (1983).  
Iowa Code §§ 279.8; 280.21 (2005).  
281 I.A.C. 12.3(8); 103.  
1980 Op. Att'y Gen. 275.

Cross Reference: 402.3 Abuse of Students by School District Employees  
502 Student Rights and Responsibilities  
503 Student Discipline

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