FAYETTEVILLE (AR) PUBLIC SCHOOLS
STUDENT DISCIPLINE POLICY

The Fayetteville School District recognizes that effective student discipline can best be achieved and maintained through the cooperative efforts of parents, educators, students, and other community members. Each has the right to expect a wholesome atmosphere that is conducive to learning. Such a climate can best be created where efforts are made to move students toward responsible self-discipline.

The school has a responsibility to inform students of their rights and responsibilities; students are responsible for knowing and abiding by the rules and regulations of the school. Parents are responsible for helping their children understand the policy and for supporting the school in its efforts to enforce the policy. All students and parents will be provided copies of this policy and will be required to indicate in writing their receipt of the policy.

Students are expected to conduct themselves at all times (at school, at school activities and events, and traveling to and from school) in a manner that will promote the best interest of the school system and will not infringe on the rights of others. The following activities are considered improper and unacceptable and may subject the student to disciplinary action as described in the procedural section of this policy.

1. Disruption and interference with school. This will include interference with the proper conduct of a school, a school activity, or an individual class; attempts to prohibit or discourage attendance by others at school or a school activity; attempts to encourage other students to violate school rules or policies; refusal to identify himself/herself on request of any authorized school personnel; and refusal to identify others engaged in unlawful or disruptive acts or to otherwise fail to divulge information regarding such acts.

2. Damage, destruction, or theft of private or public property.

3. Harassment of students or employees which shall include, but is not limited to:

    (a) Speech, such as epithets, derogatory comments or slurs, and lewd propositioning on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation.

    (b) Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical

interference with normal school activities or learning environment when directed at an individual on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation.

(c) Visual insults, such as derogatory posters, cartoons, or drawings related to race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age, or sexual orientation.

4. Assault, physical abuse, threats, or verbal abuse by a student on a fellow student.

5. Assault, physical abuse, threats, or verbal abuse by a student on any school employee, even if such actions occur off school premises.

6. Possession, offering for sale, sale, or use of narcotics, drugs, anabolic steroids, alcohol, or other controlled substances as defined by statute, unless such possession and use has been authorized by a physician. School officials will be expected to cooperate fully with law enforcement agencies and judicial bodies in the investigation and resolution of drug-related or alcohol-related cases involving students, even though the offenses may not have taken place on school property or at a school activity.

7. Possession of any weapon, knife, gun, instrument or article that might be injurious to a person or property.

8. Disregard of reasonable directions or commands given by authorized school personnel.

9. Truancy or chronically poor attendance, as defined by school policy and Arkansas Statute (Act 60, 1983).

10. Extortion from other students.

11. Gambling on school property or at a school activity.

12. Attire which disrupts the educational process or otherwise interferes with the rights or opportunities of others to learn or teach.

13. Distribution of petitions or other printed matter not approved in advance by the principal. (The principal's

sole basis for denying such distribution will be substantial belief that possession or distribution of such materials will cause substantial disruption of school activities because of obscene or libelous language, personal attacks, or the method or time of distribution.)

14. Violation of statutory or constitutional regulations. (School penalties may be imposed in addition to any penalties imposed by the courts.)

15. Violations of established classroom or school rules or regulations.

16. Reckless or unsafe operation of an automobile, truck, motorcycle, or other vehicle, on school property or traveling to or from school.

17. Possession of a paging device or other electronic communication device on school property or at a school activity, unless such possession is necessary for health reasons and has been approved by the Board of Education.

18. Violation of Sexual Harassment Policy No. 5114.2 Computer/ Network Use Policy No. 4202. Student Tobacco Policy No. 5114.1, and School Bus Passenger Safety and Conduct Policy No. 3545.5 together with any other district policies regarding student conduct.

19. Any behavior not covered above which could reasonably be interpreted as being subversive to good order and discipline or which causes the learning atmosphere to deteriorate or be disrupted.

The Board of Education endorses the enforcement of all applicable statutes relating to the abuse and harassment of school employees and students and/or their property.

PROCEDURES

In order to effectively implement the above policy, the following procedures are adopted:

School personnel are responsible for dealing with students fairly and honestly and for treating all students with courtesy and respect. The professional staff is encouraged to reward good behavior and to maintain a positive approach in helping students develop acceptable patterns of behavior. Corrective measures of a punitive nature are sometimes necessary; acceptable corrective measures include the following:

1. **Conference between the teacher and the student.**

2. **Deprivation of privileges**. This form of discipline is especially encouraged when the student has developed a pattern of chronically repeating minor offenses.

3. **Referral to a building administrator** (principal or assistant principal.)

4. **Parent-school conferences** This type of cooperative action is highly encouraged, especially when a student appears to be developing a potentially serious behavioral problem. Parents should not expect a report on every problem that arises. When public or private property has been stolen or damaged, the school will work through parents to recover reasonable compensation for damages to that property.

5. **Referral to other school personnel** (counselor, social worker, nurse, etc.).

6. **Referral to out-of-school personnel** (physician, psychologist, drug or alcohol treatment centers, law enforcement personnel, etc.).

7. **Corporal punishment**. This form of discipline is not encouraged but may be administered within the following guidelines:

   A. Corporal punishment should not be used unless other disciplinary techniques have been attempted unsuccessfully with the student.

   B. Corporal punishment should not be used unless the student has been warned that repetition or continuation of a behavior may lead to corporal punishment.

   C. Corporal punishment must be witnessed by the building principal or a certificated staff member designated by the principal.

   D. Before corporal punishment is administered, the student should be advised, in the presence of the witness, of the reason for the punishment. The student must be given the opportunity to explain the unacceptable behavior or to deny the charge. A formal hearing is not required.

   E. Corporal punishment will not be excessive or unduly severe and will in no case exceed five (5) licks with a paddle furnished or approved by the school.

   F. A written report, signed by the staff member administering

the punishment and the witness, will be filed immediately in the principal's office. The report will state the reason for the punishment. A copy of the report will be forwarded to the parent or guardian.

G. Corporal punishment will not be administered in the presence of other students.

8. **Suspension**. A student may be suspended from school when such suspension is necessary for the student to regain or maintain emotional control or when the student's presence at school represents a reasonable threat to others or when the student's presence at school prevents other students from pursuing desirable educational goals. Reasons for suspension may include immorality; refractory conduct, possession of any weapon; possession, use or sale of narcotics, drugs, anabolic steroids, or alcohol; insubordination; infectious disease, habitual uncleanliness; or other conduct that would tend to impair the discipline of school, or harm other pupils. Any suspension must conform to the following guidelines:

A. Prior to any suspension, the student shall receive an explanation of the intended suspension and shall be given reasonable opportunity to present evidence which might argue against suspension.

B. The student's parents or legal guardians should be notified immediately of any suspension, and should indicate how the student is to leave school.

C. Written notice of any suspension should be forwarded to the superintendent's office and the parents or guardians as soon as possible. Such notice shall include a statement of the reasons for and conditions of the suspension and shall notify parents or guardians of the established appeal procedures. The notice will be mailed to the address listed on the student's current enrollment form. A conference with parent or guardian should be scheduled as soon as possible, in an effort to return the student to school.

D. Building administrators (principals and assistant principals) can suspend students from school for a period not to exceed ten (10) days, subject to appeal to the assistant superintendent and the superintendent.

E. At each step in the appeal process, the suspension may be affirmed, revoked, or otherwise modified by the person or group hearing the appeal. Such disposition of an appeal does not in any way prohibit a student or a student's parent or

guardian from pursuing the appeal to the next level.

F. Procedural due process, as defined by statutes and court decisions, will be followed at all stages of the suspension process.

G. If a student under suspension transfers to another school, information regarding the suspension will be sent to that school.

9. **Alternative school program** (secondary): When it appears that a student cannot conform to acceptable behavioral standards in the regular school program, the principal may recommend placement in the District's alternative school.

10. **Extended suspension or suspension for a period greater than ten (10) days:** The Board of Education is the only authority that has the power to remove a student from school for a period greater than ten (10) days. The Board will exercise this authority on the recommendation of the superintendent of schools when a student(s) participates in any activity which tends to disrupt, obstruct, or interfere with orderly education processes; an extended suspension may be for the remainder of the semester, the remainder of the school year, or permanently.

11. **Other forms of discipline determined to be appropriate by the Professional Staff:** The following general guidelines should be applied to any disciplinary methods adopted by the professional staff, as well as to those methods listed above.

A. All methods of discipline should refrain from being a serious inconvenience to students other than the student(s) involved. Mass punishment is to be avoided.

B. Within the limits of practicality, all methods of discipline should be directed toward the student who has committed an offense.

C. All methods of discipline should refrain from promoting an attitude unfavorable to academic or other school work.

D. Methods of discipline that would tend to publicly embarrass the student(s) are not allowed.

Disciplinary actions, as outlined above, will not be entered on a student's permanent record, and will not be divulged to unauthorized personnel, except as provided under "Suspension" and "Extended Suspension," above.

Students with disabilities, as defined in state standards, who engage in inappropriate behavior are subject to normal school disciplinary rules and procedures, provided the student's right to a free appropriate public education is not abridged. The following provisions will apply.

1. For students whose disabilities have behavioral aspects, preventive measures such as behavioral management plans, should be considered and can be facilitated through the individualized education program (IEP) and placement processes required by IDEA. While there is no requirement that such measures be specified in a student's IEP, the IEP Committee for a student with identified disabilities could determine that it would be appropriate to address the use of specific behavioral management and/or discipline procedures in individual situations involving that student and include them in the IEP.

2. Where in-school discipline or short-term suspension (ten (10) schools days or less) is involved, a school may remove a student with disabilities for a disciplinary infraction without it being considered a change of placement, and IDEA'S parent-notification provisions would not apply. Also, there is no requirement for a prior determination of whether the student's misconduct was a manifestation of the student's disability. During periods of short-term exclusion, schools are not required to provide any educational services to the student.

   A series of short-term suspensions in the same school year could constitute a change in placement. The IEP team must make the determination. It must also determine whether the misconduct was a manifestation of the student's disability. Factors such as the length of each suspension, the total amount of time that the student is excluded from school, and the proximity of the suspensions to each other should be considered in determining whether the student has been excluded from school to such an extent that there has been a change in placement. This determination must be made on a case-by-case basis.

3. For a student with disabilities, a suspension or other disciplinary removal for more than ten (10) consecutive school days may not be considered without the school district first determining whether the student's misconduct was a manifestation of the student's disability or due to an inappropriate placement. This determination must be made by a group of persons knowledgeable about the student (such as his/her IEP Committee), and may not be made unilaterally by one individual.

   A. If the student's misconduct was not a manifestation of his/her disability or an inappropriate placement, the school district may expel or suspend the student from school for more than ten (10) school days, subject to conditions set forth in the procedural safeguards of IDEA.

B. If the student's misconduct was, a manifestation of his/her disability or an inappropriate placement, the student may not be expelled or suspended from school for more than ten (10) school days for the misconduct. However, other procedures may be used to address the student's misconduct. A change in placement, if determined appropriate, could be implemented subject to applicable procedural safeguards. The school district would also have the option of suspending the student from school for ten (10) days or less, or seeking a court order at any time to remove the student from school or to change the student's placement if it believes that maintaining the student in the current placement is substantially likely to result in injury to the student or to others.

In addition to showing that the student is substantially likely to cause injury, the school district must show that it has made reasonable efforts to accommodate the student's disabilities so as to minimize the likelihood that the student will injure him or herself or others.

4. The student who is suspended/excluded for more than ten (10) days should be offered a free appropriate public education for the duration of the exclusion.

5. A student with a disability who brings a firearm to school may be removed from school for ten (10) days or less, and placed in an interim alternative education setting for up to 45 calendar days.

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_____ Effective Date: 6-26-97
President, Board of Education

RECEIPT OF POLICIES

I have received a copy of Fayetteville School Board Policies #5114, 5114.1, and 5114.2. and understand that inappropriate behavior (as defined in the policies) is subject to those penalties outlined in the policies.

Parent/Guardian_____ Date_____
Signature

Parent/Guardian_____ Date_____
Signature (optional)

Student_____ Date_____
Signature

Comments:

Please return this form to your child's teacher or principal.