

## Student Conduct

### POLICY

#### A. Statement of Beliefs for Policy #5200

In order to fulfill the mission of the Dubuque Community School District, and to develop world-class learners and citizens of character in a safe and inclusive learning community, student behavior expectations and consequences must be shared with and understood by the community. This community includes students, parents, teachers, administrators, school staff, volunteers, related community agencies, and the general public.

The Board believes inappropriate student conduct causes material and substantial disruption to the school environment, interferes with the rights of others, and/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, including utilizing district hardware, software, or networks; 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.

Policy #5200 addresses student behavior expectations and consequences, and district administration has the authority to develop guidelines for administration of this policy. This policy supports the vision and values already established by the school district and uses the following beliefs as the basis of this document.

1. **Rights carry responsibilities.** Students must be guided to make choices and take actions which respect the rights of others, recognize their impact on others, and understand that all choices have consequences.
2. **Individuals can learn to demonstrate appropriate school and public behaviors.** Students benefit from a school environment where they will experience success and learn from their mistakes.
3. **All students should have the right to achieve a quality education.** All students and staff have a joint responsibility to create learning conditions that result in substantial learning and respect the dignity of all people.

4. **The individual worth of each person must be valued.** Student behavior expectations are consistent. Consequences and interventions are appropriate to the situation and the student.
5. **Positive student behavior is based on a partnership between student, school, family, and community.** Quality, long-term relationships among family, educators, staff, and the community result in greater learning, better use of resources, and greater student satisfaction of school life.
6. **School must be a safe place for all.** Students must comply with all local, state, and federal laws, which enhance their personal safety and that of others. Unsafe and dangerous situations that threaten or harm others will not be tolerated.

## **B. Due Process**

Due process serves the interest of the school in maintaining an orderly environment conducive to learning and the rights of the student. Students accused of engaging in prohibited behavior will receive due process to include:

- Notifying the student of the infraction;
- Explaining the evidence of such an infraction; and
- Giving the student the opportunity to explain their side of the story. At the Principal's or designee's discretion, the student may be allowed to confront witnesses against the student or present witnesses on behalf of the student.

## **C. Administrative Actions**

Student conduct which violates the vision, values, and policies of the Dubuque Community School District is subject to administration action such as intervention, correction, or other consequences determined by school officials as set forth in this policy, which may include, but is not limited to, suspension or expulsion. Administrative actions are listed in the Administrative Guidelines to this policy in order to provide the Principal or designee with options for improving student behavior. In choosing an administrative action, authorized personnel will consider the facts and circumstances surrounding the incident, including the student's past performance, duration, intensity, and frequency of the student's behavior, as well as seriousness of the incident.

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; and/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; or while attending or engaged in school district activities will be suspended by the Principal or designee. Notice of the suspension is sent to the Board President and the Board will review the suspension and decide if it will hold a disciplinary hearing to determine if it will

impose further sanctions against the student which may include expulsion. In making its decision, the Board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and students from the student committing the assault. Assault for purposes of this section of this policy is defined as, when, without justification, a student does any of the following:

- 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 school Principal's or designee's office. It is within the discretion of the person in charge of the classroom to remove the student. This policy is not intended to address the use of therapeutic classrooms or seclusion rooms for students.

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 or the school Principal who is disciplining the student.

Suspension means either an in-school suspension, an out-of-school suspension, a restriction from activities or a 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 (10) 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 (10) consecutive school 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.

Discipline of students eligible for special education support and services, including suspensions and expulsions, will comply with the provisions of applicable federal and state laws.

## **D. Appeal Process**

An appeal process exists for students to appeal the consequences and interventions taken as a result of the school policies. Students, parents, or guardians wishing to appeal an administrative action should first speak with the person administering the action. If the issue is not resolved, students, parents, or guardians shall use the following chain of command:

- Level 1: Teacher or staff member;
- Level 2: Student Needs Facilitator, Assistant Principal, Principal, or the appointed designee;
- Level 3: Superintendent or their designee; and
- Level 4: School Board.\*

\*Only incidents involving suspension for more than ten (10) consecutive days or expulsion have a right to a hearing before the Board of Education. For actions taken short of that, a student or parent may request a review by the Board of Education. Such review may be granted or denied at the discretion of the Board.

Students identified for special education services shall receive all due process consideration required under federal and state law. State of Iowa law pertaining to special education is detailed in the Iowa Administrative Rules for Special Education.

It is the responsibility of the Superintendent or designee, in conjunction with the Principal, to develop administrative regulations regarding this policy.

A copy of this policy will be made available to each student and staff member in the district at the beginning of the school year, and to each new student who enters the school system during the academic year. In addition, copies of this policy are always available to students, parents or guardians, and staff at each school, at The Forum (2300 Chaney Road, Dubuque, IA 52001) and on the district's website at [www.dbqschools.org](http://www.dbqschools.org).

Legal Reference: 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; 282.3, 282.4, 282.5; 708.1.

281 I.A.C. 12.3(6)

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## PROBLEM BEHAVIORS

The following categories define behaviors which are prohibited because they are disruptive to the learning process, student achievement, and respectful relationships. This list is considered comprehensive, but not all inclusive. Any behavior that distracts from the learning environment or adversely affects the good order, efficiency, management, or welfare of the school is under the jurisdiction of this policy.

### **Abusive or Inappropriate Language/Profanity**

Student delivers verbal messages that include swearing, name calling, or use of words in an inappropriate way.

### **Alcohol Related**

Student is in possession of, is using, or is found to be under the influence of alcohol.

### **Arson**

Student sets a fire, attempts to set fire, or uses incendiary devices with the intent of causing damage or creating a distraction.

### **Bullying**

Student engages in behavior that is considered bullying as defined by Iowa Code §280.28. Bullying means any repeated or potentially repeated electronic, written, verbal, or physical act or other ongoing conduct toward an individual based on any trait or characteristic of the individual which creates an objectively hostile school environment that meets one or more of the following conditions:

- (1) Places the individual in reasonable fear or harm to the individual's person or property;
- (2) Has a substantial detrimental effect on the individual's physical and/or mental health;  
or
- (3) Has the effect of substantially interfering with the individual's academic or career performance. Has the effect of substantially interfering with the individual's ability to participate in or benefit from the services, activities or privileges provided by a school. See Policy #1001, Policy #1005, and Policy #1006.

### **Combustible Related**

Student is in possession of or uses substances/objects readily capable of catching fire or burning and causing bodily harm and/or property damage (including but not limited to matches, lighters, firecrackers, gasoline, lighter fluid).

**Communication of a Threat**

Student communicates a threat through any means to endanger students and/or staff en masse.

**Defiance/Insubordination/Non-Compliance**

Student engages in refusal to follow directions or talks back to teachers/staff.

**Disrespect**

Student engages in behavior that is reasonably considered rude, impolite, or discourteous toward other individuals.

**Disruption**

Student engages in willful or continued disobedience of rules designed for the orderly operation of the school. Student demonstrates expression in any form, including electronic, or distribution by any means of material which is lewd, indecent, vulgar, obscene, libelous, slanderous, or which encourages violent or unlawful acts.

**Dress Code Violation**

Student wears any form of clothing, apparel, which is indecent, lewd, immodest, vulgar, obscene, disruptive of the orderly operation of the school, or which constitutes a health or safety hazard. Student is not allowed to wear or exhibit clothing, apparel, which depict, advertise, or promote any substance prohibited by these rules (including beer, alcohol, controlled substances, or tobacco products).

**Drug Related**

Student uses, is in possession of, sells, supplies, or is under the influence of any controlled or illegal substance (drugs) or has unlawful possession of a prescribed drug. The Board prohibits the distribution, dispensing, manufacture, possession, use, or being under the influence of controlled substances, synthetic substances, or “look alike” substances that appear to be tobacco, beer, wine, alcohol, or controlled substances by students while on school district property or on property within the jurisdiction of the school district; while on school owned or operated school or chartered vehicles; while attending or engaged in school activities; or while away from school grounds if the misconduct will distract from the learning environment or adversely affects the good order, efficiency, management, or welfare of the school district.

Student is in possession of paraphernalia related to the use or distribution of illegal substances. This includes but is not limited to: pipes, rolling papers, scales, or electronic vapor devices and products.

Student who needs to take medication during the school day or on a school sponsored activity should refer to Policy #7200.

**Forgery/Plagiarism**

Student has signed a person’s name without that person’s permission or depicts themselves as another person. Student takes someone else’s work or ideas and passes them off as one’s own.

**Gang Affiliation Display**

Student uses gesture, dress and/or speech to display affiliation with a “gang” as defined by Iowa Code §723A.

**Harassment**

Student engages in behavior that is considered harassment as defined by federal, state, local, or school policy. Under federal law, discriminatory harassment is considered unwelcome conduct based on a protected class. These protected classes are: race, color, national origin, disability, age, sex and religion. Harassing conduct may take many forms, including threats, physical assaults, and verbal and/or written abuse. This conduct may be physically threatening, degrading, or humiliating. Harassment can happen in person, through third parties, by electronic device, or on the internet. Harassment creates a hostile environment when the conduct is sufficiently serious to interfere with or limit a student’s ability to participate in or benefit from the school’s program on the basis of a protected class.

Under Iowa law, harassment is paired with bullying. See bullying above and see Policy #1001, Policy #1005, and Policy #1006.

**Inappropriate Display of Affection**

Student engages in inappropriate, verbal and/or physical gestures or contact with another student/adult, regardless of whether consensual or not.

**Inappropriate Location**

Student is in an area that is outside of property within the jurisdiction of the school district, school owned and/or operated school or chartered vehicles, or area being used for school activities. Student is not to be in areas of school property for which they have not been given permission or granted access.

**Lying/Cheating**

Student delivers a message that is untrue or deliberately violates rules. Student acts dishonestly or unfairly in order to gain advantage on academic assignments or examinations.

**Other Behavior**

Student engages in behavior that is detrimental to the best interest of the school, staff, students, or self.

**Parking Violations**

Student parks a motorized vehicle in an unauthorized area or without a proper permit on school property or is in violation of any other parking lot rules of the school. Parking vehicles on school premises is a privilege for which the district may charge a fee and for which the school may establish procedures and regulations.

**Peer Conflict**

Student engages in behavior that creates a physical, verbal, or cyber conflict with a peer or peers. Peer conflict differs from bullying and harassment when the students have equal power, when the behavior is intermittent or accidental, when both parties are willing to resolve the conflict, or when the relationship is valued/maintained.

**Physical Aggression (Including Assault)**

Student engages in actions involving serious physical contact (e.g., hitting, punching, striking with an object, kicking, hair pulling, scratching, etc.) The offender(s) and victim(s) may or may not require medical attention either on or off site to constitute physical aggression or be a violation of this policy.

**Physical Fighting**

Student engages in a mutual physical fight. The offender(s) and victim(s) may or may not require medical attention either on or off site to constitute physical fighting or be a violation of this policy.

**Property Damage/Vandalism/Misuse**

Student participates in an activity that results in damage, destruction, or misuse of property.

**Skip Class**

Student leaves or misses class without permission.

**Skip Detention**

Student leaves or misses a previously assigned detention (lunch, before/after school or Saturday School).

**Tardy**

Student is tardy to class or school as defined in Policy #5107.

**Technology Violation**

Student engages in inappropriate use of computer, cell phone, music/video players, camera, and/or electronic devices. It is a privilege (not a right) for Dubuque Community School District students to have access to internet and other electronic devices on school property. Students may maintain this privilege only if the rules of use are adhered to.

Cameras are only to be used in school for class assignments, class projects, or for teacher or principal-approved occasions. Videotaping and photography without student or staff permission is prohibited. Under no circumstances should cameras (including cell phone cameras) be used in locker rooms or bathrooms. Under no circumstances may students transmit any material (e.g., pornography, obscene material) in violation of federal, state, or local law. Students are expected to always comply with data privacy laws and rules. See Policy #5504 and Policy #5501.

**Theft**

Student takes/passes on or attempts to take/pass on property that belongs to another person or the school.



**Tobacco Related**

Student is in possession of or is using tobacco or other nicotine-based products, including electronic vapor devices and products. See Policy #4601.

**Truancy**

Student does not attend school regularly and punctually; absences are unexcused. See policy #5107.

**Threat to a Person**

Student engages in verbal or written communication which is intended to place another in fear or is offensive, insulting, painful or hurtful to another person.

**Weapons Related**

Student is in possession of knives (real or look-alike), guns (real or look-alike) or other objects readily capable of causing bodily harm. See Policy #5202

## **MENU OF ADMINISTRATIVE ACTIONS**

The purpose of this section, Menu of Administrative Actions, is to provide the Principal or designee with potential options for improving student behavior. Actions taken with a student who has violated this policy will be intended to help the student understand and refrain from engaging in the behavior again. Administrative actions taken will be left to the discretion of the Principal or designee. Factors such as the student's past performance, the circumstances of a specific infraction (including its frequency, intensity, and duration), and the seriousness of any incident will also be taken into consideration.

### **In-School Suspension**

In-school suspension is the temporary isolation of a student from one or more classes while under the supervision of the Principal or designee. In-school suspensions may be imposed by the Principal or designee for infractions of school rules, which are serious, but which do not warrant the necessity of removal from school.

The Principal or designee 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 for the student to respond. In-school suspension will not be imposed for more than ten (10) school days. Written notice and reasons for the in-school suspension will be sent to the student's parents or guardians.

### **Out-of-School Suspension**

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.

A student may be suspended out of school for up to ten (10) school days by a Principal or designee 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. Students will not be suspended for a period longer than three (3) days for the same infraction unless permission has been obtained from the Superintendent. The Principal or designee 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 or designee's discretion, the student may be allowed to confront witnesses against the student or present witnesses on behalf of the student.

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.

### **Expulsion**

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. See Policy #5201.

### **Interim Setting by School Personnel**

A student entitled to special education services may be placed in an interim alternative educational setting. This action taken is a valid option only for students entitled to special education and only if the problem behavior was drug-related, weapon-related, or resulted in serious bodily injury. The maximum duration of this action is forty-five (45) days per incident.

### **Action Pending**

A Principal or designee may use additional time for investigation or decision-making regarding the administrative action to employ.

### **Apology**

The student may be required to submit an apology to another student, adult, or the school body regarding misbehavior. This apology may be written, verbal or communicated electronically as directed by the Principal or designee.

### **Bus Suspension**

Students who violate rules established for appropriate behavior for school bus passengers may be denied opportunity to ride the bus for a specific period of time. Students who have lost the privilege of riding the bus may be required to attend sessions designed to reteach bus behaviors to regain bus privileges. These sessions may be held during the school year or summer months.

### **Board Hearing**

The student may be required to go before the Dubuque Community School District Board of Education for determination of the consequences to behavior.

### **Community Service**

The student may be assigned duties directly related to the offense or infraction in the student's school building, in district facilities, *on* district buses/vehicles, or in the community.

### **Conference with Student**

Student meeting with administrator, staff, and/or parent (in any combination).

**Conflict Resolution/Mediation**

The student may be assigned participation in the process of conflict resolution or mediation facilitated by school officials, students, or community agencies agreeable to school officials to identify causes of unacceptable behavior, to examine alternative behaviors and to develop a plan of action to resolve the conflict.

**IEP Meeting**

The student's IEP team may be called together for a meeting to determine if the student's actions are related to the identified disability, and if determined, the appropriate measures to take to prevent the behavior from re-occurring.

**Individualized Behavior Support Plan**

The student may spend time in a specified area away from scheduled activities/classes to utilize/and or receive support to utilize behavior strategies identified in a documented individualized student behavior support plan.

**Individualized Instruction**

The Principal or designee may assign individualized instruction specifically related to the student's problem behaviors.

**Letter Sent**

A letter or another form of communication to the student's parents/guardians may be sent explaining the student's behavior and suggestions for improvement.

**Loss of Privilege**

A student may be denied privileges and access to equipment, specified areas, or events. For athletics see Policy #5305.

**Mentoring**

An adult mentor, including school officials and community members, may be used as a means of offering students support in adjusting their behavior.

**Parent Contact**

Contact with parent(s) or guardian(s) may be by phone, email, or person to person and is designed to provide notification of and/or discuss the problem behavior.

**Physical Restraint**

Physical restraint or seclusion may be utilized to prevent or terminate an imminent threat of bodily injury to the student or others; to prevent serious damage to property of significant monetary value or significant nonmonetary value or importance; when the student's actions are seriously disrupting the learning environment; or when it is necessary to ensure the safety of the student and others. All physical restraints and seclusions will be conducted and documented according to Policy #5203.

**Police Intervention**

School officials may call upon the police department to assist in situations involving illegal student behavior or where the immediacy, severity or chronic nature of the behavior poses a serious threat to staff or other students.

**Probation**

Probation is conditional suspension of a penalty for a set period of time. Probation may be imposed by the Principal or designee for infractions of school rules which do not warrant the necessity of removal from school.

The Principal or designee 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 parent(s) or guardian(s).

**Referral to Outside Agencies**

School officials may use a referral to external agencies to bring special expertise or resources to the modification of student behavior.

**Removal from a Class**

Principal or designee may remove a student from a segment (class) of the school day or activity for the duration of a semester or trimester if the student's behavior is deemed substantially disruptive following several other intervention measures by school officials. The student may be assigned to a similar class.

**Restitution**

A student may be required to restore stolen or damaged property to its original state or engage in activities designed to restore the good order and effective management of the school.

**Saturday School**

A student may be required to attend classes/make up work on a Saturday. A student may also be required to attend a Saturday session to re-learn bus safety expectations/guidelines.

**Search and/or Seizure**

School district authorities may, without a search warrant, search students or protected student areas based on a reasonable and articulable suspicion that a school district policy, rule, regulation or law has been violated. School authorities may seize any illegal, unauthorized or contraband materials discovered in the search. See Policy #5201.

**Student Responsibility Plan**

Students, in cooperation with school staff, will develop a written plan to be used to correct an infraction. This will include desired behavior, action steps, and timeline.

**Time in Office**

A student may be required to spend time in the office away from scheduled activities/classes.

**Time Out/Detention**

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 or the school principal disciplining the student. A detention may be considered a time out if it is given during the school day (e.g. lunch detention) and the student is away from scheduled activities/classes.