

Jefferson City School District Discipline Policy

Adopted by the Board of Education September 9, 1996 in compliance with the Safe Schools Act of 1996.

Student Discipline

It is essential that the district maintain a classroom environment that allows teachers to communicate effectively with all students in the class and allows all students in the class to learn. To assist district staff in maintaining the necessary classroom environment, the Board of Education has created a discipline code that addresses the consequences, including suspension or expulsion, for students whose conduct is prejudicial to good order and discipline in the schools or impairs the morale or good conduct of other students. The Board authorizes the immediate removal of a student upon a finding by a principal or superintendent that the student poses a threat of harm to self or others, as evidenced by the prior conduct of such student. Any such removal will be subject to the appropriate due process procedures and in accordance with law.

These policies, regulations and procedures will apply to all students in attendance in district instructional and support programs as well as at school-sponsored activities. All district staff are required to enforce these policies, regulations and procedures in a manner that is fair and developmentally appropriate and that considers the student and the individual circumstances involved.

Off-campus misconduct that adversely affects the educational climate will also be subject to these policies, regulations and procedures. Students who have been charged, convicted or pled guilty in a court of general jurisdiction for commission of a felony may be suspended in accordance with law.

Building principals are responsible for the development of additional regulations and procedures regarding student conduct needed to maintain proper behavior in schools under their supervision.

Teachers have the authority and responsibility to make and enforce necessary rules for internal governance in the classroom, subject to review by the building principal. The Board expects each teacher to maintain a satisfactory standard of conduct in the classroom.

All employees of the district shall annually receive instruction related to the specific contents of the district's discipline policy and any interpretations necessary to implement the provisions of the policy in the course of their duties including, but not limited to, approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

The comprehensive discipline policy of the district is composed of this policy and includes, but is not limited to, the following policies, procedures and regulations: JG-R, JGA, JGB, JGD, JGE and JGF.

Student Discipline Guidelines

The Student Code of Conduct is designed to foster student responsibility, respect for the rights of others, and to provide for the orderly operation of district schools. No code can be expected to list each and every offense that may result in disciplinary action. However, it is the purpose of this code to list certain offenses which, if committed by a student, will result in the imposition of a certain disciplinary action. Any conduct not included herein, or an aggravated circumstance of any offense or an action involving a combination of offenses may result in disciplinary consequences that extend beyond this code of conduct as determined by the principal, superintendent and/or Board of Education. This code includes, but is not necessarily limited to, acts of students on school playgrounds, parking lots, school transportation or at a school activity whether on or off school property.

It is the policy of the Jefferson City School District to report all crimes occurring on school grounds to law enforcement, including, but not limited to, the crimes the district is required to report in accordance with law.

The following acts, regardless of whether they are committed by juveniles, are subject to this reporting requirement:

1. First or second degree murder under §§ 565.020, .021, RSMo.
2. Voluntary or involuntary manslaughter under § 565.024, RSMo.
3. Kidnapping under § 565.110, RSMo.
4. First, second or third degree assault under §§ 565.050, .060, .070, RSMo.
5. Sexual assault or deviate sexual assault under §§ 566.040, .070, RSMo.
6. Forcible rape or sodomy under §§ 566.030, .060, RSMo.
7. Burglary in the first or second degree under §§ 569.160, .170, RSMo.
8. Robbery in the first degree under § 569.020, RSMo.
9. Possession of a weapon under chapter 571, RSMo.
10. Distribution of drugs under §§ 195.211, .212, RSMo.
11. Arson in the first degree under § 569.040, RSMo.
12. Felonious restraint under § 565.120, RSMo.
13. Property damage in the first degree under § 569.100, RSMo.
14. Child molestation in the first degree pursuant to § 566.067, RSMo.
15. Sexual misconduct involving a child pursuant to § 566.083, RSMo.
16. Sexual abuse pursuant to § 566.100, RSMo.

* Any offense which constitutes a "serious violation of the district's discipline policy" as defined in Board policy will be documented in the student's discipline record.

The principal shall also notify the appropriate law enforcement agency and superintendent if a student is discovered to possess a controlled substance or weapon in violation of the district's policy.

In addition, the superintendent shall notify the appropriate division of the juvenile or family court upon suspension for more than ten (10) days or expulsion of any student who the district is aware is under the jurisdiction of the court.

Corporal Punishment

Corporal punishment, as a measure of correction or of maintaining discipline and order in schools, is permitted. However, it shall be used only when all other alternative means of discipline have failed, and then only in reasonable form and upon the recommendation of the principal. If found necessary, it should be administered preferably by the principal in the presence of the teacher. It should never be inflicted in the presence of other pupils, nor without a witness.

Corporal punishment shall be administered only by swatting the buttocks with a paddle. When it becomes necessary to use corporal punishment, it shall be administered so that there can be no chance of bodily injury or harm. Striking a student on the head or face is not permitted.

The teacher or principal shall submit a report to the superintendent, explaining the reason for the use of corporal punishment as well as the details of the administration of the same.

A staff member may, however, use reasonable physical force against a student without advance notice to the principal, if it is essential for self-defense, the preservation of order, or for the protection of other persons or the property of the school district.

Detention and/or In-School Suspension

The provisions of detention or an in-school suspension program for student violations of policies, rules and regulations shall provide principals with an additional alternative for dealing with disciplinary problems that occur in the schools. When this alternative is appropriate, students will be assigned to serve a specified time period in the in-school suspension program. These assignments, and the determination of the time period for them, shall be determined by the principal, or his or her designee.

Student Suspension and Expulsion

The following procedures apply to all students. However, additional procedures for discipline for students with disabilities are sometimes required, as discussed in policy JGE, Discipline of Students with Disabilities.

The Board of Education believes that the right of a child to attend free public schools carries with it the responsibility of the child to attend school regularly and to comply with the lawful policies, rules and procedures of the school district. This observance of school policies, rules and procedures is essential for permitting others to learn at school.

Therefore, the administration may exclude a student from school because of violation of school rules and procedures, conduct which materially or substantially disrupts the rights of others to an education, or conduct which endangers the student, other students or the property of the school. Furthermore, if a student poses a threat to self or others, as evidenced by the prior conduct of such student, the administration may immediately remove the student from school. Such actions will be taken in

accordance with due process and with due regard for the welfare of both the student and the school.

The terms "suspension" and "removal" refer to an exclusion from school that will not exceed a specific period of time and shall be subject to the due process procedures set forth for "suspensions" in this policy. The term "expulsion" refers to exclusion for an indefinite period.

The district may honor suspensions and expulsions from another in-state or out-of-state school district including a private, charter or parochial school or school district pursuant to law and policy JEC, Student Admissions. Before making any decision to honor such suspensions or expulsions, the superintendent or designee will consider whether the student has received the due process required by law.

Suspensions

In Missouri, a principal may suspend a student for up to ten (10) school days. A superintendent may suspend a student for up to 180 school days. Procedures for suspending a student are outlined below.

1. Before suspending a student, a principal or superintendent must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension; and (c) give the student an opportunity to present his or her version of the incident.

2. If the principal or superintendent concludes that the student has engaged in misconduct punishable by suspension, the procedures described below apply. If the student has a disability as defined in the Individuals with Disabilities Education Act (IDEA) as amended or Section 504 of the Rehabilitation Act, additional procedural safeguards described in the policy dealing with the discipline of students with disabilities apply.

3. The principal or superintendent should determine whether the student should be suspended or whether less drastic alternative measures would be appropriate. In many cases, the principal or superintendent may decide not to suspend a student unless conferences (between the teacher, student and principal and/or between the parent, student and principal) have been held and have failed to change the student's behavior.

4. If suspension is imposed, the student's parents or guardians must be promptly notified of the suspension and the reasons for the action.

5. Any suspension by a principal must be reported, immediately and in writing, to the superintendent, who may revoke the suspension, either part or in full, at any time.

6. If a student is suspended for more than ten (10) school days, the following rules also apply:

a. The student, his or her parents, guardians or others having custodial care have a right to appeal the superintendent's decision to the Board or a committee of the Board appointed by the Board president.

b. If the student gives notice that he or she wishes to appeal the suspension to the Board, the suspension shall be stayed until the Board renders its decision, unless in the superintendent's judgment, the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process.

c. All notices of appeal shall be transmitted, either by the appealing party or by the superintendent, to the secretary

of the Board. Oral notices, if made to the superintendent, shall be reduced to writing and communicated to the secretary of the Board.

d. The superintendent, when notified of an appeal, shall promptly transmit to the Board a full written report of the facts relating to the suspension, the action taken by the superintendent, and the reasons for the action.

e. Upon receipt of a notice of appeal, the Board will schedule a hearing and within a reasonable time in advance of the scheduled date, will notify, by certified mail, the appealing party of the date, time and place of the hearing and of the right to counsel, to call witnesses, and to present evidence at the hearing.

f. Hearings of appealed suspensions will be conducted as described in the section of this policy dealing with student disciplinary hearings.

Suspensions For More Than 180 School Days and Expulsions

Only the Board may expel a student or suspend a student for more than 180 school days. The applicable procedures are outlined below.

1. Before recommending to the Board that a student be expelled or suspended for more than 180 school days, the superintendent must (a) tell the student and parent/legal guardian, orally and in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension/expulsion; and (c) give the student an opportunity to present his or her version of the incident.

2. If the superintendent concludes that the student has engaged in misconduct and should be expelled or suspended for more than 180 school days, the procedures described below apply unless the student has a disability. (In the case of a student with a disability, the procedures described in the policy dealing with the discipline of students with disabilities shall apply.)

a. The superintendent will recommend to the Board that the student be expelled or suspended for more than 180 school days. The superintendent may also immediately suspend the student for up to 180 school days.

b. Upon receipt of the superintendent's recommendation, the Board will follow the procedures described in the section of this policy dealing with student disciplinary hearings.

3. If the student is expelled, he or she may later apply to the Board for readmission. Only the Board can readmit an expelled student.

Student Discipline Hearings

The Board of Education may originate student discipline hearings upon recommendation of the superintendent. In such cases, the Board of Education will review the superintendent's report and determine whether to conduct a discipline hearing. In addition, student discipline hearings also will be held upon written request of the student or the student's parents, to consider appeals from student suspensions in excess of ten (10) school days. A discipline hearing will always be held in cases of suspensions in excess of 180 school days or expulsions, unless after meeting with the superintendent or designee, the parent or guardian waives, in writing, the right to an expulsion hearing.

In all hearings, whether initiated by the Board of Education

or by appeal, the following procedures will be adhered to:

1. The student and the parents/guardians will be advised of the charges against the student; their right to a Board hearing; the date, time and place of the hearing; their right to counsel; and their procedural rights to call witnesses, enter exhibits and cross-examine adverse witnesses. All such notifications will be made by certified mail, addressed to the student's parents or guardians. The Board shall make a good-faith effort to have the parents or guardians present at the hearing.

2. Prior to the Board hearing, the student and the student's parents/guardians will be advised of the identity of the witnesses to be called by the administration and advised of the nature of their testimony. In addition, the student and the student's parents/guardians will be provided with copies of the documents to be introduced at the hearing by the administration.

3. The hearing will be closed unless the Board decides otherwise. The hearing will only be open with parental consent. At the hearing, the administration or their counsel will present the charges and such testimony and evidence to support such charges. The student, his or her parents/guardians or their counsel shall have the right to present witnesses, introduce exhibits, and to cross-examine witnesses called in support of the charges.

4. At the conclusion of the hearing, the Board of Education shall deliberate in executive session and shall render a decision to dismiss the charges; to suspend the student for a specified period of time; or to expel the student from the schools of the district. The administration or its counsel, by direction of the Board of Education, shall prepare and transmit to the parents/legal guardians written notice of the decision.

Remedial Conference

Prior to the readmission or enrollment of any student who has been suspended out of school or expelled in accordance with this policy for any "act of school violence" as defined in § 160.261.2, RSMo, and Board policy JGF, a conference must be held to review the student's conduct that resulted in the suspension or expulsion and any remedial actions needed to prevent future occurrences of such conduct or related conduct. The conference shall include the appropriate school officials including any teacher directly involved with the conduct that resulted in the suspension or expulsion, the student, and the parent or guardian of the student or any agency having legal jurisdiction, care, custody or control of the student. The Board of Education shall notify, in writing, the parents or guardians and all other parties of the time, place and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. This requirement applies to enrolling students transferring from another school as well, regardless of whether the "act of school violence" was committed at a public school or at a private school in Missouri, provided that such act shall have resulted in the suspension or expulsion of such student in the case of a private school.

Discipline of Students with Disabilities

A student with a disability is a student identified as a "child with a disability" under the eligibility criteria of state regulations implementing the Individuals with Disabilities Education Act (IDEA) as amended, or as a person with a qualifying disability for the purpose of Title II of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

Students with disabilities who violate the school district's discipline code will be disciplined in accordance with the district's normal discipline code, subject to the modifications of the normal discipline implementation process mandated by law. All students, including those with disabilities, may be referred for law enforcement action when their conduct warrants the referral.

Due Process

Due process procedures, applicable to suspension, removal or expulsion of students from public schools under state law, shall be afforded in accordance with policy JGD, Student Suspension and Expulsion. Regular pre-discipline "due process" should not be confused with the "due process hearing" appeal process under the IDEA. When an incident of behavior is found to be unrelated to a disability by an IEP or Section 504 team, that question will be taken as settled for the purpose of the normal disciplinary hearing process.

Discipline of a "Child with a Disability" Receiving Special Educational Services

The term "child with a disability" means a student eligible for special education and related services under Part B of the IDEA as implemented under state law. Special extra procedures are required by law in order to implement the district's disciplinary policies as fully as possible for a "child with a disability," and these are summarized below. Note that these summaries are for informational purposes only. The district's official policy on IDEA discipline procedures is to use whatever lawful special methods best serve the ultimate purpose of implementing the general discipline code as fully and equally as possible. Consult the IDEA, IDEA regulations, and State and Local Plans for IDEA for details of the following procedures:

1. Discipline Code calls for short-term suspensions, placement in an appropriate interim alternative educational setting, or placement in another setting, for ten (10) school days or less per occurrence.

Such removals may be applied in the same manner such removals are applied to all students under the discipline policy. When such absences aggregate to 11 or more days, the child with a disability is provided some educational services even if regular education students would not be provided educational services during such a removal. If such a short-term removal or suspension would cause a "change of placement" to occur under the factors outlined by law, the removal should be handled as a "long-term suspension."

2. Discipline Code calls for long-term suspension or expulsion.

If a child's IEP team determines that conduct in violation of the regular discipline code is unrelated to the disability, the district may implement suspensions in excess of ten (10) consecutive school days, a suspension of shorter length where a pattern of suspension constituting a "change in placement" is thereby created, and even an expulsion. The law calls for the continuation of some services during the long-term suspension or expulsion. If doing so would not itself create a "change of placement," a short-term suspension may be implemented to give the IEP team time to complete its duties.

3. Special Rule: 45 calendar day removals

For possession of weapons defined in 18 U.S.C. § 930, or use, possession, sale, or solicitation of a sale of certain drugs

identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act, a removal of up to 45 calendar days in an appropriate interim alternative educational setting may be ordered. This may be used in conjunction with the short- and long-term suspension or expulsion provisions.

The district may seek a removal of a dangerous or violent student to a 45 calendar day alternative educational placement through a hearing officer appointed by the Department of Elementary and Secondary Education. Pursuit of this option does not replace or prevent the implementation of short- and/or long-term suspensions or expulsion when the discipline policy calls for that consequence and, if a change of placement would occur as a result, the behavior is not a manifestation of the disability.

4. Court Injunction

The district may seek a court injunction ordering removal or a changed placement of a dangerous or violent student.

Students Not Yet Identified as Disabled

A student who qualifies as a child with a disability but has not been identified as a child with a disability may be subjected to the same disciplinary measures applied to students without disabilities if the district did not have knowledge of the disability

Students with Disabilities Not Eligible under IDEA

This section summarizes the procedural rules for students who have disabilities under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, but do not require special educational services as a "child with a disability" under Part B of the IDEA.

The expulsion of such a student, the exclusion of the student for an indefinite period, or the exclusion of the student for more than ten (10) consecutive school days constitutes a "significant change in placement." A series of suspensions each of which is ten (10) or fewer days in duration, but that creates a pattern of exclusions, may also constitute a "significant change in placement."

Before implementing a suspension or expulsion that constitutes a significant change in the placement of a student with a disability, a school district must conduct a re-evaluation of the student to determine whether the misconduct in question is caused by the student's disability and, if so, whether the student's current educational placement is appropriate. If it is determined that the misconduct is not caused by the child's disability, the child may be excluded from school in the same manner as are similarly situated children who do not have disabilities.

Discipline Reporting and Records

In compliance with state law, the Board of Education establishes explicit channels of communication between teachers, administrators, law enforcement officials and other schools concerning acts of school violence and other behaviors which endanger the welfare or safety of students, staff and patrons of the district. The purpose of this policy is to designate specific actions committed by students that must be reported to teachers, administrators and/or law enforcement officials as well as those actions that must be documented in a student's discipline record.

Definitions

The following definitions and terms apply to this policy:

1. Act of School Violence/Violent Behavior -- The exertion of

physical force by a student with the intent to do serious physical injury to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities.

2. Serious Physical Injury -- Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of any part of the body.

3. Serious Violation of District's Discipline Policy -- One or more of the following acts if committed by a student enrolled in the district:

Any act of school violence/violent behavior.

Any offense that occurs on school property, on school buses or at any school activity that is required by law to be reported to law enforcement officials.

Any offense that results in an out-of-school suspension for more than ten (10) school days.

4. Need to Know -- Relates to school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties.

5. School Property -- Property utilized, supervised, rented, leased, or controlled by the school district including, but not limited to, school playgrounds, parking lots, school buses, and any property on which any school activity takes place.

Reporting to School Staff

School administrators shall report acts of school violence to teachers and other school district employees with a need to know. In addition, any portion of a student's Individualized Education Program (IEP) that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other district employees with a need to know.

Teachers and other school district employees who have a need to know will also be informed by the superintendent or designee of any act committed or allegedly committed by a student in the district that is reported to the district by a juvenile officer or an employee of the Children's Division (CD) of the Department of Social Services, sheriff, chief of police, or other appropriate law enforcement authority in accordance with state law. Such reports shall not be used as the sole basis for denying educational services to a student.

Any teacher who is aware of an incident in which a person is believed to have committed an act that if committed by an adult would be first, second or third degree assault, sexual assault or deviate sexual assault against a student or school employee, while on school property, buses or at school activities shall immediately report such incident to the principal. The teacher shall also immediately inform the principal if a student is discovered to possess a controlled substance or weapon in violation of the district's policy.

Reporting to Law Enforcement Officials

Any felony listed in this section, or any act that if committed by an adult would be a felony listed in this section, that is committed on school property, on any school bus or at any school activity must be reported by the appropriate school administrator to the appropriate law enforcement agency as soon as reasonably practical. The following acts are subject to this reporting requirement:

1. First or second degree murder under §§ 565.020, .021,

RSMo

2. Voluntary or involuntary manslaughter under § 565.024, RSMo

3. Kidnapping under § 565.110, RSMo

4. First, second, or third* degree assault under §§ 565.050, .060, .070, RSMo

5. Sexual assault or deviate sexual assault under §§ 566.040, .070, RSMo

6. Forcible rape or sodomy under §§ 566.030, .060, RSMo

7. Burglary in the first or second degree under §§ 569.160, .170, RSMo

8. Robbery in the first degree under § 569.020, RSMo

9. Possession of a weapon under chapter 571, RSMo

10. Distribution of drugs under §§ 195.211, .212, RSMo

11. Arson in the first degree under § 569.040, RSMo

12. Felonious restraint under § 565.120, RSMo

13. Property damage in the first degree under § 569.100, RSMo

14. Child molestation in the first degree pursuant to § 566.067, RSMo

15. Sexual misconduct involving a child pursuant to § 566.083, RSMo

16. Sexual abuse pursuant to § 566.100, RSMo

In addition, the superintendent shall notify the appropriate division of the juvenile or family court upon suspension for more than ten (10) days or expulsion of any student who the school district is aware is under the jurisdiction of the court.

The principal shall immediately report to the appropriate law enforcement agency and superintendent any incident in which a person is believed to have committed an act that if committed by an adult would be first, second or third* degree assault, sexual assault or deviate sexual assault against a student or school employee, while on school property, buses or at school activities. The principal shall also notify the appropriate law enforcement agency and superintendent if a student is discovered to possess a controlled substance or weapon in violation of the district's policy.

School districts may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. § 1232g (b)(1)(E).

* A written agreement may be developed between the superintendent and the appropriate local law enforcement agency as to the procedure for reporting any incident in which a student is believed to have committed an act that if committed by an adult would be third degree assault. The principal shall report such incidents to the appropriate local law enforcement agency in accordance with such agreement.

Student Discipline Records

The Board of Education directs the superintendent or designee to compile and maintain records of any serious violation of the district's discipline policy for each student enrolled in the district. Such records shall be made available to teachers and other school

district employees with a need to know, and shall be provided in accordance with state law to any school district in which the student subsequently attempts to enroll within five (5) business days of receiving the request. Personally identifiable student records will only be released or destroyed in accordance with state and federal law.

Rates and durations of, and reasons for, suspensions of ten (10) days or longer and expulsions of students shall be reported pursuant to Department of Elementary and Secondary Education (DESE) data reporting requirements.

Confidentiality

Any information received by a school district employee relating to the conduct of a student shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the schools.

Liability

Teachers and authorized district personnel, including volunteers selected with reasonable care by the district, shall not be civilly liable when acting in accordance with the Board's discipline policies or when reporting to his or her supervisor or other person acts of school violence or threatened acts of school violence, pursuant to law and district policy.

Weapons In School

The Board recognizes the importance of preserving a safe educational environment for students, employees and patrons of the district. In order to maintain the safety of the educational community, the district will strictly enforce the necessary disciplinary consequences resulting from the use or possession of weapons on school grounds, buses or at school activities.

A weapon is defined to mean one or more of the following:

1. A firearm as defined in 18 U.S.C. 921.
2. Any device defined in § 571.010, RSMo, including a blackjack, concealable firearm, firearm, firearm silencer, explosive weapon, gas gun, knife, knuckles, machine gun, projectile weapon, rifle, shotgun, spring gun or switchblade knife.
3. Any instrument or device customarily used for attack or defense against an opponent, adversary or victim; or any instrument or device used to inflict physical injury or harm to another person.

In accordance with federal and state law, any student who brings or possesses a firearm as defined in 18 U.S.C. 921 or a device as defined in § 571.010, RSMo on school property or at any school activity will be suspended from school for at least one (1) calendar year or expelled and will be referred to the appropriate legal authorities. The suspension or expulsion may be modified on a case-by-case basis upon recommendation by the superintendent to the Board of Education. Students who use or possess other weapons defined in this policy will be subject to suspension and/or expulsion from school and may be referred to the appropriate legal authorities.

This policy shall not be construed to prohibit the Board from allowing a Civil War re-enactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded.

This policy will be submitted annually to the Department of Elementary and Secondary Education along with a report indicating any suspensions or expulsions resulting from the possession

or use of a firearm as defined in 18 U.S.C. 921. The report will include the name of the school in which the incidents occurred, the number of students suspended or expelled and the types of weapons involved.