

DISCIPLINE POLICIES AND STUDENT CONDUCT

The Ozark Mountain School District recognizes that a sound and fairly administered student discipline policy is essential for providing the proper atmosphere for learning in our school. The School Board and Administration fully support this philosophy and will strive to provide such an environment for students.

The School Board will instruct the Superintendent of Schools, in cooperation with principals and teachers to establish codes of conduct which state clearly and precisely in written form specified rules and regulations. Such rules or regulations shall:

A. Be based on policies of the Ozark Mountain School Board for the improvement of education.

If a rule or regulation prohibits an action, the reason shall be specified.

B. Be as precise as possible and sufficiently adapted to the needs of youth served by the school.

C. Be considered reasonable and proper.

Principals shall have both the authority and the duty to take disciplinary action whenever the behavior of any student (s) materially interferes with or substantially disrupts maintenance of a proper atmosphere for learning within classrooms or other parts of schools.

Notice of the rules and regulations existing in each school shall be disseminated to students and parents in a wide variety of ways (student assemblies, PTA meetings, public address announcements, and student handbooks, etc.)

Application of disciplinary measures shall at all times reflect a fair and reasonable exercise of authority. Disciplinary measures shall not be arbitrary, capricious, discriminatory, or otherwise unreasonable. Procedural due process, to the extent of its applicability in any particular situation, shall be afforded all students prior to imposition of punishment. The degree afforded shall be proportionate both to the gravity of the offense and the severity of the contemplated penalty, as outlined in the Board's policies relative to suspension, expulsion, and corporal punishment.

Legal Reference: 42 U.S.C. 1983; Tinker v. Des Moines Independent Community School District 89 S. Ct. 733 (1979); Goss v. Lopez, 95 S. Ct. 779 (1975); Wood v. Strickland, 95 S. Ct. 992 (1975); AR. Stat. Ann. 80-1629; Arkansas Commission on Pupil Discipline in Public Schools, Model School Board Policies for Student Discipline, ACT 104 of 1983, First Extraordinary Session

DISCIPLINARY PROCEDURES

A variety of corrective measures are authorized for the breach of rules applicable to students. The corrective measure to be employed shall be determined in each case by the principal or his designee, the classroom teacher, or other appropriate educational staff member, except where School Board action is required. Such measures may include the use of reasonable force in the exercise of lawful authority to restrain or correct students and to maintain order. Minor infractions ordinarily will not justify the imposition of severe corrective measures. Repeated minor infractions that are not amenable to corrections by lesser measures may justify the use of more severe measures. Ozark Mountain Schools follow a discipline policy that begins with a reprimand and follows steps up to and including suspension or expulsion.

DISCIPLINARY OPTIONS

Admonition and counseling should be used when appropriate to assist a student to understand when his/her conduct interferes with the educational progress, interferes with the educational progress of others, disrupts or interferes with the orderly operation of the school, or threatens the rights of others. The following is a list of corrective measures that may be used at Ozark Mountain Schools. These measures may be used singularly or in combination with other measures, if necessary.

Reprimand - Conference between student and faculty member calling attention to the student's improper conduct.

Additional Duties - Minor infractions may be resolved using solutions that require performing additional room or campus duties.

Noon Detention /After School Detention— May be used for students failing to follow rules, failure to complete homework and/or classroom assignments. The student may be assigned to noon detention until these assignments are completed. In cases of student misbehavior, five detentions in a 9 week period will result in a referral to the principal for further disciplinary action as determined by the administrator.

Deprivation of Privileges – This form of discipline is encouraged when the student has developed a pattern of chronically repeating minor offenses. Deprived privileges may include but not be limited to a loss of driving/parking privileges, suspension from extracurricular activities, and denied access to school functions.

Principal/Student Conference - A conference between the principal and the student to discuss the student's behavior.

Principal/Parent Conference - The severity of an infraction, or the frequent occurrence of infractions, may necessitate a conference between the principal and the parents of the student. Parents should not expect a report on every problem that arises.

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

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

In-School Suspension - Students may be assigned by the principal an In-School Suspension on a temporary basis when staff is available to supervise the suspension; and when such assignment does not disrupt the normal school routine.

Corporal Punishment - This may be used for behavior which interferes with the education of others, disrupts the orderly operation of the school, threatens any individual's well-being, or knowingly violates school rules (Act 333 or 1995). Attention to alternative discipline procedures shall be made before imposition of corporal punishment. Corporal punishment may be administered by any certified staff member in the presence of an administrator or his designee.

Alternative School Program – When it appears that a student cannot conform to acceptable behavioral standards in the regular school program, the principal may recommend placement in an alternative school program.

NOTE: ADDITIONAL CONSEQUENCES MAY BE APPLIED FOR BUS INFRACTIONS.

OUT-OF-SCHOOL SUSPENSION

A student may be suspended from school when such suspension is necessary 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.

Conduct which may constitute cause for suspension shall include, but not be limited to, any of the following:

- a. Continued and willful disobedience.
- b. Open defiance of the authority of any teacher or person having authority in the school.
- c. Conduct of such character as to constitute a continuing danger to the well-being of the other students.
- d. Physical assault upon another student, teacher, or administrator.
- e. Taking or attempting to take another person's property or money by means of force or fear, or by other means.
- f. Willfully causing, or attempting to cause, substantial damage to school property.
- g. Participation in unauthorized occupancy of any part of the school or school grounds, or failure to leave promptly after having been directed to do so by the principal or other person then in charge.
- h. Use, possession, distribution, or being under the influence of intoxicants or illegal drugs on school property or in connection with any school activity.
- i. Use or possession of any unauthorized firearm, switchblade, knife, or other weapon on school property and the use or possession of explosives, including fireworks.
- j. Violation of attendance regulations.
- k. Violation of tobacco regulations.
- l. Cursing or verbally abusing any person (possible recommendation for expulsion).
- m. Willful interruption or substantial disturbance of any school activity.
- n. Any threat to bomb, burn, or destroy in any manner a school building.
- o. Violation of law or school board policy or regulations.
- p. Bullying
- q. Indecent/Immoral act
- r. Computer tampering
- s. Infectious disease

Suspension Guidelines:

Any suspension must conform to the following guidelines:

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

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

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 the conditions of the suspension. The notice will be mailed to the address listed on the student's current enrollment form.

Building administrators can suspend students from school for a period not to exceed 10 days, subject to appeal to the superintendent. Suspensions will include all activities and school events either on or off campus. (Act 742 of 1997)

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. Procedural due process, as defined by statutes and court decisions, will be followed at all stages of the suspension process. If a student under suspension transfers to another school, information regarding the suspension will be sent to that school.

During the period of their suspension, student may not attend any OMSD related function at our school or at any other school until suspension has been served. Full privileges will be reinstated at 4:30 on the last day of suspension.

Out-of-school suspension (OSS) shall not be used to discipline a student in kindergarten through fifth (5th) grade unless the student's behavior:

- a. Poses a physical risk to himself or herself or to others;
- b. Causes a serious disruption that cannot be addressed through other means; or
- c. The act of bringing a firearm on school campus.

OSS shall not be used to discipline a student for skipping class, excessive absences, or other forms of truancy.

EXPULSION

Expulsion is a permanent denial of access to Ozark Mountain School. Expulsion will be used as a last resort and on recommendation of the principal. The Board of Education is the only authority that has the power to remove a student from school for a period of greater than 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.

Expulsion Procedures:

The principal shall promptly send written notice of the facts warranting a request for expulsion to the superintendent, the parent(s) or legally responsible adult(s), the student, and each member of the School Board.

The superintendent shall notify the parent(s) or legally responsible adult(s) and the student of their right to a hearing before the School Board in a written notice delivered to them at least five days before such a hearing. (For reasonable cause, parents may request of the superintendent an

extension of the date of the hearing, in no case to exceed ten days). Included in the notification shall be the following:

1. The time and place of the hearing, the basis for the expulsion request, the substance of the evidence to be presented, and the procedures to be followed.
2. That the student may be represented by parent(s) or other legally responsible adult(s).
3. That evidence and testimony shall be permitted.
4. That written decision of the School Board shall be sent to the parent(s) or other responsible adult(s) and to the student within three days of the hearing. Should parent(s) notify the School Board in writing that they do not desire a hearing, they may so waive their right and the expulsion may proceed. However, the failure of the student or her parents(s) or representative(s) to attend or participate in the hearing shall not prevent the conduct of the hearing.

PROHIBITED STUDENT CONDUCT

NOTE-A substantial disruption is not listed under any infraction level, but may result in any level discipline infraction depending on severity.

NOTE-Disciplinary actions are options to be chosen from, not necessarily followed in order. All disciplinary measures will be at the discretion of the building principal

Level 1 Infractions

1. Truancy
2. Excessive Tardiness
3. Failure to Follow Instructions
4. Inappropriate Student Dress
5. Scuffling/Horseplay

Level 1 Disciplinary Action

1. Student/Principal Conference; Mandatory Change of Clothes (if applicable)
2. Lunch Detention; After School Detention; Corporal Punishment
3. 1-3 days of In-School Suspension, at the Discretion of the Principal
4. 1-3 days of Out-of-School Suspension, at the Discretion of the Principal
5. Five days of Suspension and Parent Conference

Level 2 Infractions

1. Disorderly Conduct
2. Profanity, Verbal Abuse, Obscene Gestures
3. Disrespect/ Defiance
4. Violation of Cafeteria Rules
5. Violation of Bus Rules/ Driving Rules
6. Leaving Campus without Permission (Closed Campus)

Level 2 Disciplinary Action

1. Lunch Detention; After School Detention; In-School Suspension; Corporal Punishment
2. Suspension of 1-3 days, at the Discretion of the Principal

3. 5 days of Suspension and Parent Conference; Loss of Bus Privileges (if applicable)
4. Suspension from School and Possible Recommendation for Alternative Learning Environment or Expulsion

Level 3 Infractions

1. Insubordination
2. Damage, Destruction, or Theft of School Property
3. Theft and Extortion
4. Plagiarism, Cheating, or Copying
5. Public Display of Affection
6. Misuse of Electronic Devices/Abuse of the Technology Agreement
7. Use of Tobacco/ Vaping
8. Student Threats (A student may not willfully and intentionally threaten to cause bodily harm to a student.)

Level 3 Disciplinary Action

1. Confiscation of Electronic Device; Corporal Punishment; Contact of Parent/Guardian; Payment of Damages; In-School Suspension; Loss of Credit (if applicable)
2. Suspension of 1-5 days, at the Discretion of the Principal
3. Suspension from School and Possible Recommendation for Alternative Learning Environment or Expulsion

Level 4 Infractions

1. Physical Abuse or Assault by a Student on Another Student
2. Bullying

Level 4 Disciplinary Action

1. Corporal Punishment; In-School Suspension; Parent Conference; Psychological Evaluation (if applicable)
2. 3-5 Days of Suspension and Parent Conference
3. Suspension from School and Possible Recommendation for Alternative Learning Environment or Expulsion

Level 5 Infractions

1. Possession, Use, Sale, or Distribution of Drugs or Alcohol
2. Sexual Behavior (including transmission of pornographic images)
3. Weapons, Dangerous Instruments, and Contraband (other than firearms)
4. Mistreatment of School Personnel (A student may not willfully and intentionally assault, threaten to assault, or commit battery on any school employee.)

Level 5 Disciplinary Action

1. Up to 10 days of Suspension from School; Possible Recommendation for Alternative Learning Environment or Expulsion; Psychological Examination (if applicable).

Level 6 Infraction(s)

1. Possession of a Firearm on School Grounds
2. Bomb Threats (A student who makes a bomb threat will be referred to the legal authorities and will be subject to a Level 6 disciplinary action.)

Level 6 Disciplinary Action

1. Recommendation for Expulsion for a period of no less than 1 year. The superintendent shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis. (See page 40 of the O.M.S.D. handbook.)

The following is a list of disciplinary infractions and their descriptions that **will not** be permitted:

Animals/Insects

Animals and insects are not to be brought to school unless approved by administration.

Assault and Abuse of Students and Staff Members (AR Code 6-17-113)

Students are to keep their hands to themselves and treat teachers and fellow students with respect and courtesy. Horseplay and physical teasing, as well as shoving, striking, fighting or threatening others with physical injury, etc., constitute battery and/or assault, and are strictly forbidden. If a conflict between students does occur, the administration will take factors into consideration, including (but not limited to): the circumstances surrounding the situation, which student initiated the conflict, and if the student who did not initiate the conflict was making an effort or attempt to neutralize the situation.

Violation of this policy will result in disciplinary action, and may also constitute a criminal offense. By law, local law enforcement must be notified whenever a felony, an act of violence, or a threat of violence, may have been committed on campus. (Act 1520 of 1999)

A student, who commits assault, physical or verbal abuse, and/or battery, on any member of the administration, faculty, staff, or employee of Ozark Mountain School District, even if such actions occur off school premises, is subject to suspension and a recommendation for expulsion. In addition, students who threaten such acts are subject to suspension, and the severity of the act will be considered by the administration as to the recommendation for expulsion.

“**Abuse**” means to wrong in speech, reproach coarsely, disparage, revile, or malign. Use of profanity or vulgar expressions directed at another person is considered abuse.

“**Assault**” is the willful attempt to threaten to inflict injury upon the person of another, coupled with the apparent present ability to do so. Any display of force that would give the victim reason to fear bodily harm is assault, even if touching or striking does not occur.

“**Battery**” is similar to assault but requires unexcused physical touching or injury.

“**Bullying**” is unwanted, aggressive behavior that involves a real or perceived imbalance occurring over time.

Damage or Destruction of School Property (Act 1094 of 1983 Special Session)

A student shall not cause or attempt to cause damages to school property or steal or attempt to steal school property.

The school district will attempt to recover damages from the student destroying school property. Students shall make restitution of any property destroyed, damaged, or stolen by them and shall be subject to other disciplinary measures.

Disregard of Directions or Commands

A student shall comply with reasonable directions or commands from teachers, student teachers, substitute teachers, teacher aides, principals, administrative personnel, school bus drivers, or other authorized school personnel.

ACT 1281 of 1999 states “a teacher may remove a student from class and send him or her to the principal’s or principal’s designee’s office in order to maintain effective discipline in the classroom.”

The Act further states that a teacher may remove from class a student:

- a. Who has been documented by the teacher as repeatedly interfering with the teacher’s ability to teach the students in the class or with the ability of the student’s classmates to learn, or
- b. Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher’s ability to teach the students in the class or with the ability of the student’s classmates to learn.

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 oneself; or others engaged in unlawful or disruptive acts or to otherwise fail to divulge information regarding such acts.

Fireworks

A student shall not possess, handle, or store firecrackers, smoke bombs, cherry bombs, or any other kind of fireworks that could be a danger to him or to other students, or could cause damage to school property or disrupt the learning climate of the school.

Forgeries and Cheating

No student shall forge any writing or attempt to employ as true any forged writing knowing it to be forged.

Gambling

A student shall not participate in any activity that may be termed gambling or wagering where the stakes are money or any other object of value.

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

1. 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.
2. 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.
3. Visual insults, such as derogatory posters, cartoons, or drawings related to race, sex, religion, national origin, ancestry, disability,
4. Medical condition, marital status, age, or sexual orientation.

Immorality - A student shall abstain from indecent and immoral acts.

Insubordination:

Students will be considered insubordinate when they refuse to obey any rule or regulation of the school or school district, or the reasonable instructions of school district personnel.

Personal Relations - It is the school's intended purpose to encourage healthy social development. Students will refrain from personal displays of affection (PDA).

Pornography:

Students shall not possess, view, distribute, or attempt to electronically transmit sexually explicit or vulgar images or representations, whether electronically, on a storage device, or in hard copy form.

Theft

A student shall not steal or attempt to steal property belonging to the school or any individual property while under the jurisdiction of the school. 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.

Verbal Abuse and Vulgarities

No student shall curse or verbally abuse anyone or use vulgar, profane, indecent, or inappropriate language or gestures nor shall any student be subjected to such verbal abuse from any source.

Violation of Laws, Rules, and Regulations

While on school property, or at any school function, a student shall not violate any laws or rules and regulations of the school. Also, students shall not violate any statutory or constitutional regulations. (School penalties may be imposed in addition to any penalties imposed by the courts.)