

## **CONDUCT AND DISCIPLINE**

### **Student Discipline Policy**

The ASD Board has a responsibility to protect the health, safety, and welfare of the District's students and employees. To help maintain a safe environment conducive to high student achievement, the Board establishes policies necessary to regulate student behavior to promote an orderly school environment that is respectful of the rights of others and ensures the fair enforcement of student discipline.

### **Student Conduct Applies to:**

- School activities on ASD property
- Travel on school buses and at bus stop
- School-sponsored activities
- Incidents which occur on the way to school or from school.
- Criminal offenses or other serious offenses committed away from school, but which may affect the school climate (This code applies to these kinds of offenses regardless of whether or not a student has been convicted in a court of law.).

ASD's administrators may also take disciplinary action against a student for off-campus conduct occurring at any time that would have a detrimental impact on school discipline, the educational environment, or the welfare of the students and/or staff. A student who has committed a criminal act while off campus and whose presence on campus could cause a substantial disruption to school or endanger the welfare of other students or staff is subject to disciplinary action up to and including expulsion. Such acts could include, but are not limited to a felony or an act that would be considered a felony if committed by an adult, an assault or battery, drug law violations, or sexual misconduct of a serious nature. Any disciplinary action pursued by the district shall be in accordance with the student's appropriate due process rights.

The handbook committee shall review the student discipline policies annually and may recommend changes in the policies to the Board. The Board has the responsibility of determining whether to approve any recommended changes to student discipline policies.

Felony violations of Arkansas law and some serious misdemeanor violations are best handled through law enforcement agencies that consult with the Prosecutor's Office. This ensures that the student-violator is correctly referred to either the juvenile justice system or the adult criminal justice system for correction, treatment, or punishment for the student's behavior. It is an administrative responsibility to enact these procedures.

ASD student discipline policies shall be distributed to each student during the first week of school each year and to new students upon their enrollment. Each student's parent or legal guardian shall sign a statement that they have received a student handbook which contains the

Student Discipline Policy Each ASD staff member is responsible for the monitoring of conduct of all students.

The principal, or person in charge, shall report to the police any incidents where a person has committed or threatened to commit, an act of violence or any crime involving a deadly weapon on school property or while under school supervision.

### **Minimum and Maximum Consequences**

The minimum penalty for student offenses will be a verbal warning and the maximum penalty will be expulsion and/or legal action dependent upon the severity and frequency of the misconduct.

### **Possible Consequences for Breaking Rules**

Failure to follow school rules while on school property, including buses, at school-sponsored events, or on the way to and from school, may result in disciplinary action ranging from a minimum of reprimand to a maximum of expulsion and possible prosecution. The Arkansas School for the Deaf Board of Trustees has approved the following actions to be used by school personnel in dealing with students who break school rules:

- Reprimand (warning)
- Time out
- Conference with student
- Detention
- Loss of privileges
- Restitution (apology, community service, Student takes ownership of repairing relationships)
- Sent home (not suspended but sent home for a cool down period)
- In-school suspension/in-dorm suspension
- Out of school suspension (exclusion from school 1-10 days)
- Expulsion (ASD may refer the student back to their school district for the entire school year or permanently)
- Parent contact/conference
- Referral to School Counselor/School Based Mental Health Therapist
- Referral for prosecution under municipal, state and federal laws that apply to the behavior.

When minor offenses occur, staff will decide the type of disciplinary action to be used as a positive means of correcting unacceptable behavior. Major offenses may receive a recommendation for more intensive action. Major offenses that are defined under city and state law as criminal in nature may result in suspension or expulsion.

*The rules and regulations apply to all children at ASD with the exception of some students who have special considerations and/or accommodations.*

### **In-School-Suspension (ISS)**

The Arkansas School for the Deaf In-School-Suspension (ISS) Program is designed to provide continued opportunities for students who have been suspended from class or school to remain in school when the Principal/teacher, due to disciplinary problems, has recommended these students to the program. The final decision for placement in the ISS Program will be that of the Principal or Principal's designee. Suspension can be from an individual class or from the Dormitory/academic/vocational program. The intent of the ISS Program is to keep students with disciplinary problems in school.

The ISS Program is an in-school disciplinary system. Any additional incidents that occur during the time a student is in the ISS Program may result in suspension off campus. The day of ISS should be used constructively to help improve behavior while keeping up with academic work.

Students scheduled for Speech, OT, PT, will be permitted to receive these services. The therapist will administer these services in the designated ISS room.

Rules for ISS:

- Students will report to the ISS room when entering the building at 7:55 a.m.
- Students must have all books, pencils, and other materials needed to complete assignments.
- Students will not be permitted to leave the ISS room, except for bathroom requests.
- Assigned schoolwork will be done on an individual basis.
- Students may not communicate with each other.
- Students will not be permitted to sleep.
- Students may not leave their seats.
- Students will be given a lunch from the cafeteria that will be eaten in the ISS room.
- Students who do not complete the class work assigned for ISS can be assigned additional time for ISS.
- Students are not to have contact with other students while in ISS.
- Students serving ISS will NOT BE PERMITTED TO PARTICIPATE IN ANY AFTER SCHOOL ACTIVITIES ON THAT DAY. (Dorm students will be restricted to dorm.)
- Day students must leave school at the end of the day.

### **ISS Program Implementation**

The student's Individual Education Program (IEP) will continue to be implemented during his/her time in the ISS Program.

It is the responsibility of the student's classroom teachers to provide all materials (worksheets, handouts, tests, etc.) to the ISS Program Coordinator for implementation. It will be the responsibility of the ISS Program Coordinator, Teachers and Teacher Aide to implement these activities and ensure daily assignments are completed. At the end of the school day all materials completed will be collected and given to the Coordinator. The Coordinator will be responsible for disseminating completed work to the appropriate classroom teachers.

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

In extreme cases, it may be necessary to dismiss a student from school for a period not exceeding ten (10) school days. During suspension the student is not permitted to be present on the ASD campus, or attend or participate in any ASD sponsored activities. Suspended students are not permitted on campus at any time except for reinstatement conference that parents attend. Expelled students are not permitted on campus at any time.

### **Expulsion**

ASD may expel a student for a period longer than ten (10) school days for violation of the School's written discipline policies and for conduct deemed to be of such gravity that suspension would be inappropriate, or where the student's continued attendance at school would disrupt the orderly learning environment or would pose an unreasonable danger to the welfare of other students or staff.

### **Emergency Removal from Class**

A building administrator may remove a student without parent notification and/or conference if it is determined that the student's continued presence poses an immediate danger to persons or property or may substantially disrupt the school's orderly operation. Whenever a student is removed under these conditions, a parent/guardian(s) will be notified as soon as possible. The student will not be allowed to participate in any school-related activity while on emergency removal.

### **Parent/Guardian(s) Notification of Suspension/Send Home**

Before the student is sent home, school officials will make every reasonable effort to notify the parent/guardian(s) of a suspension and the reasons for the action. The parent/guardian(s) will be informed that the student's suspension includes a loss of opportunity to participate in any school-related activity. The student is also prohibited from entering any ASD property without prior authorization of the principal or designee. Prior to the student's return to classes, the parent and student must attend a separate programming conference in person. The Principal or designee can allow a separate programming conference via phone if deemed appropriate.

### **"Send Home" (Cool Down Period)**

A "send home" is used to establish contact with a parent/guardian(s) to resolve problems that do not require suspension. It is used only for a short period of absence; its purpose is to have

the parent/guardian(s) come to the school for a conference with the IEP Team. Telephone conferences are acceptable at the discretion of the principal.

### **Behavior Plans and/or Safety Plans**

The discipline of students with disabilities, including all students at ASD, is subject to the provisions of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. To the extent of any conflict between any provision in the Code of Conduct and the provisions of the IDEA and/or Section 504, the provisions of the IDEA and Section 504 will prevail. Students and parents should be familiar with the standards set out in the Student Code of Conduct, included in the handbook, as well as campus, classroom and residential rules.

A student's IEP committee may design and adopt an individual behavior program for the student addressing a variety of target behaviors. The behavior program may include the use of physical intervention to respond to targeted behaviors by trained staff members.

### **MINOR DISCIPLINARY ACTIONS**

Minor offenses will be addressed by ASD staff prior to referral to the building administrators. The building administrator(s) and/or staff will make an effort to address minor violations with effective, positive alternative interventions different from a punitive disciplinary reaction. The goal will be to recommend disciplinary actions that provide opportunity to address or resolve minor disciplinary challenges in a positive manner. Ensuring a safe, orderly teaching and learning environment is priority when addressing and resolving minor behavioral issues. The building administrator may choose a more severe penalty at any time based on the student's past disciplinary record or may reduce disciplinary sanctions when warranted. Repeated violations of minor offenses may become a major offense, which is subject to more disciplinary action.

Possible disciplinary actions (Minimum to Maximum Penalty) for Minor Offenses are listed below:

- Warning
- Probation (loss of privileges)
- Restitution/Community Service
- Parent contact (verbal or written)
- Student, staff, administrator and/or parent/guardian(s) conferences
- In school/dorm recovery
- Detention (before school; after-school; lunch; dorm)
- Behavior Management Plan
- In-school suspension/In-dorm suspension
- Conflict mediation

- Referral to Counseling or SBMH Services
- Separate Programming Conference
- Additional Possible Actions:
- Functional Behavior Analysis
- Behavior Management Plan

## **MINOR DISCIPLINARY OFFENSES**

### Dishonesty

- Giving false information, withholding information, or willful, false accusation against another student or staff member

### Defiance

- Failure or Refusal (insubordination) to follow reasonable directives of school staff and/or school rules and regulations; or
- Failure or refusal to obey reasonable instructions from teachers, administrators, instructional aides, bus drivers, or any other authorized school district employee is prohibited.

### Disrespect

Disrespect is the act of being rude, impolite, and offensive towards others. Students are expected to respect other students, staff, property, and themselves at all times.

### Disruption

Disruption is any act that interrupts the educational environment and impedes the learning of others. Disruptions in the educational environment may include, but are not limited to the following:

- Talking/Signing without permission
- Moving about the classroom without permission
- Inability to keep materials/belongings under control

### Minor Physical Contact

Minor physical contact is defined as the act of touching, grabbing, patting, etc., another person, playfully and with no intent to harm. These minor altercations are forbidden because it can result in accidental injury or hurt feelings that lead to more severe altercations and/or fights. All participants engaged in minor altercations will be disciplined according to the degree of involvement of each student.

### Dress Code Violation

See dress code in Student Handbook page 21

### Instigation

- Behavior or actions that violate a person's right to privacy is prohibited.
- Annoyance - To "pick or tease" (verbal/ASL or physical) OR
- Communication - Non-solicited oral/ASL or written communication offensive to the recipient
- Students instigating others will receive similar punishment to the offense in which they cause.

### Leaving School Grounds/Class without Permission of a School Official/Skipping/Cutting Class

No student is to leave or miss a class without permission. No student is to leave the school campus after arrival unless the student is checked out by a parent/guardian(s) or given approval by a school administrator. There is no open campus during lunch at ASD.

### Failure to Serve Detention

A student who fails or refuses to serve detention when directed to do so by a school administrator or other authorized school personnel will be subject to progressive discipline.

### Inappropriate Language

The use of profanity, inflammatory language, and obscene gestures are prohibited in the school environment.

### Failure to Follow Bus Rules and Regulations

All school rules and regulations governing student behavior apply to conduct on the school bus and at bus stops. If a student misbehaves on a bus or at a bus stop, he/she will receive consequences that follow the Student Code and Conduct. All regulations and sanctions pertaining to student behavior and safety that apply during the school day are applicable to students while they are riding buses until they arrive at school or their residences.

### Property Misuse

Improper use or mistreatment of any tangible or intangible possession that is owned by a person or entity is unacceptable.

### Technology Violation

See Student Handbook page 54-55 for rules regarding the use of Technology.

### Tardy

Arriving late to class or other school related activities is unacceptable. If there is a legitimate reason for arriving late, students are responsible for getting a pass from staff. Students are expected to be punctual.

### Other

ASD personnel may provide a minor sanction on a child who exhibits inappropriate or undesirable behavior not listed above but is deemed suitable for minor severity.

### **MAJOR – DISCIPLINARY ACTIONS- (Minimum to Maximum Penalty)**

Parent contact (verbal or written)

- Detention (before school; after-school; lunch; dorm)
- Probation (loss of privileges)
- Referral to Counseling or SBMH Services
- Separate Programming Conference

Additional Possible Actions:

- Restitution/Community Service
- Functional Behavior Analysis
- Behavior Management Plan
- Sent home (Cool Down Period)
- In-school suspension/In-dorm suspension
- Out of school suspension
- Expulsion

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

The number of days suspended will be determined by the principal. Listed is a possible break down of the chronological order of suspensions

- First Offense: 1-2 day suspension (Separate Programming Required-possible FBA)
- Second Offense: 3-4 day suspension (Separate Programming Required-possible FBA)
- Third Offense: 5-10 day suspension (Separate Programming Required-possible FBA)

After 10 days of suspension a manifestation determination conference is necessary to determine LRE

## **MAJOR OFFENSES**

### **Forgery/Plagiarism**

- Cheating on tests (plagiarism), copying, or allowing the copying of the work of another student/person will not be tolerated. For all offenses involving academic assessments, the student will receive a grade of zero on the assessment or test;
- Forgery of parent/guardian(s)'s signature(s) or falsifying information will not be tolerated;

### **Smoking or Use of Tobacco Products/Possession of Matches, Lighters, Lighter Fluid or Tobacco Products (Arkansas Code 5-78-101-102)**

- Smoking or use of tobacco products of any kind on school district property, at a school-related activity or on the school bus is prohibited;
- Possession of matches, lighters, lighter fluids and/or tobacco products of any kind on school district property, at a school-related activity or on the school bus is prohibited

### **Use, Possession and/or Under the Influence of Drug Paraphernalia, Alcohol, Controlled Substances or Unauthorized Drugs or Substances**

The use and/or possession of drug paraphernalia, non-prescribed narcotic drugs, hallucinogens, marijuana or any unauthorized drug or substance is a violation of district policy. In addition to suspension, students must show proof of having enrolled in an approved drug/alcohol-counseling program prior to reinstatement. Failure to complete the prescribed drug/alcohol counseling program will result in an expulsion recommendation. Police notification required for possession of a controlled substance. (Arkansas Code 6-18-502 and 6-17-113)

### **Drug and/or Alcohol Sale or Distribution**

The sale and/or distribution of alcohol, marijuana, non-prescribed/prescribed drugs, hallucinogens or similar substances is prohibited. (Arkansas Code 6-18-502)

### **Bullying**

The intentional harassment, intimidation, humiliation, ridicule, defamation or threat or incitement of violence on a continual basis by a student against another student or public school employee through written, verbal, electronic or physical act causing or creating a clear and present danger. (See complete ASD Bullying Policy)

### **Harassing Communications**

Harassing communication on school property is prohibited. Use of the voice, the telephone, the mail, Email, Fax or any other form of written, verbal or cyber bullying which constitutes

electronic communication that intimidates, annoys, bullies, causes alarm or threatens harm to another person is in violation of this rule. To knowingly allow another person to use a telephone or other electronic device under your control for such a purpose is a crime. To violate another person by using sexually explicit language or gestures is also prohibited (Anti-bullying Policy) (Arkansas Code 5-71-208)

### Fighting

Mutual combat in which participants intentionally inflict bodily injury to another person is prohibited. All participants in a fight, whether physical, instigating, or verbal, will be disciplined according to the degree of involvement of the participants. The student who started the altercation will receive a more severe punishment. (Arkansas Code 6-18-502)

### Abusive Language

The use of profanity or slander directed to or about a school staff member in a non-threatening manner will not be tolerated. If it is possible, the student may be required to participate in conflict resolution with his/her teacher. (Act 6-18-506)

### Participation in Prohibited Clubs, Street Gangs, Fraternities, Sororities or Similar Organizations

Students will not participate in secret societies or organizations of any kind while on school property, at school-sponsored activities or while on the way to or from school. Street gangs, hate groups, cults or similar groups, whether organized in the community or in other settings, are prohibited on school grounds or at any school-sponsored activity. Behaviors such as the use of gang signs, signals, visible body markings/adornments or verbal or written language that connotes street gang affiliations and/or membership in other prohibited groups or organizations at school or at school-related activities are prohibited and will be considered to be in violation of this rule. (Arkansas Codes 6-18- 603, 605 and 606).

### Inappropriate Use of Technology/Computers

The use of the computer to access, store or distribute obscene, pornographic or inappropriately suggestive material is prohibited. Any user who violates this policy and accompanying regulations is subject to loss of network privilege, as well as other District disciplinary actions. Any student who finds inappropriate material on a computer or Internet site is to immediately inform the teacher. (Arkansas Code 6-21-107)

### Assault

An act initiated by one or more persons or groups of students that purposely or recklessly creates apprehension of imminent physical injury to another person such as a threatening or menacing gesture is prohibited. Police notification is required by law. (Arkansas Codes 5-13-204-207, 6-18-502, and 6-17-113)

### Battery

The act of purposely and/or recklessly causing physical injury to another person by beating or striking either directly or with an object is prohibited. Police notification is required by law. (Arkansas Codes 6-18-502 and 6-17-113)

### Theft

The act of burglary and/or larceny will not be tolerated. To steal school property or property belonging to another person or to knowingly receive stolen property is prohibited. Items stolen valued in excess of \$500 will require police notification. Student and parent/guardian(s) will be responsible for making full restitution for any property stolen and for all damages to property caused by the student's actions. (Arkansas Codes 6-18-502)

### Theft by Receiving

Items stolen/received that are valued in excess of \$500 are prohibited. Police notification is required by law. (Arkansas Code 6-17-113)

### Indecent Exposure

The act of deliberately showing private body parts/organs or touching yourself or others in a sexually suggestive manner will not be tolerated (exceptions will be made for children who do not fully comprehend the consequences of their action due to age or other factors). Any student violating this rule will be required to participate in counseling sessions with a school counselor or SBMH Therapist. (Arkansas Code 5-14-112)

### Sexual Misconduct

To engage in or attempt to engage in a sexual act with another person or to touch in a sexually offensive manner on District property or at a school-related activity is prohibited. (Arkansas Code 5-14-111)

### Breaking and Entering/Vandalism

The following acts are prohibited:

- Breaking into property belonging to another person or belonging to the school district;
- Intentionally destroying property, cutting, defacing or otherwise damaging property belonging to another person, including class assignments, buses or property belonging to the District;
- Physically damaging, modifying or abusing computer hardware, software or computer files or accessing or hacking into the computer files of others.

The parent/guardian(s) may be held responsible for all damages to property caused by his/her child. An administrator may reduce disciplinary sanctions according to the value of the

property. Damage to property valued in excess of \$500.00 requires police notification by law. (Arkansas Codes 6-18-502 and 6-17-113)

#### Vandalism to Computer Hardware/Software

The act of distributing a virus or seriously tampering with computers resulting in the loss of school records and/or programs or disrupts the normal learning/classroom environment is prohibited. Violators will be prosecuted.

#### Disorderly Conduct/Hindering/Interfering with a School Function

Inappropriate behavior that substantially disrupts or interferes with or is likely to disrupt or interfere with the classroom setting or any portion of the school day, school function, bus or bus stop, activity or program is prohibited. (Arkansas Code 5-71-207)

#### Threats to Staff

The use of violent, abusive or obscene language or gestures addressed to a teacher or staff person in a threatening manner will not be tolerated. Threatening manner constitutes language expressing the desire to harm staff in some method. (Arkansas Code 6-18-502)

#### Physical Assault on Staff

The act of striking or attempting to strike a teacher or other school personnel will not be tolerated. (Arkansas Code 6-18-502 & 6-17-113)

#### Use of Fireworks

The use of fireworks on a school campus or at a school-related activity is prohibited.

#### False Alarm

The act of pulling or attempting to pull or calling in an alarm of a fire, bomb threat, or other emergency alarm without a lawful purpose is prohibited (exceptions will be made for children who do not fully comprehend the consequences of their action due to age or other factors such as intellectual abilities). The unauthorized use of defibrillator is also prohibited. The act of communicating a false alarm to or about a school, a school bus, at a school- sponsored or related activity or any public facility is a Class D Felony. Fire Marshall and/or Police Notification are required. (Arkansas Codes 5-71-210, 6-18-502 and 6-17-113)

#### Failure to Permit a Lawful Search or Inspection by a School Official

The act of preventing or impeding a school official from conducting a search or inspection authorized by this handbook is prohibited.

### Terroristic Threatening

The act of threatening to cause death or serious physical injury to another person or substantial damage to school property with the purpose of terrorizing another person will not be tolerated. (Arkansas Codes 5-17-101, 6-17-113, and 6-18-507).

Some Major Offenses, due to their severity in nature, require police notification. For severe offenses the Little Rock Police Department will be immediately notified and violators will be prosecuted to the fullest extent of the law. (Arkansas Codes 6-18-502 and 6-17-113).

### **Majors Requiring Police Notification**

#### Use of Multi-fingered Rings, Chemical Agents or Laser Pen Lights

The possession or use of pepper spray, mace or similar chemical agents, laser penlights or multi-fingered rings on school district property or at a school related activity is prohibited. (Arkansas Code 5-60-122)

#### Arson

The willful and deliberate burning of or attempting to burn school property is prohibited. (Arkansas Code 6-18-502)

#### Possession of Firearm

The act of possessing a firearm, whether loaded or unloaded, on school district property or at a school related event is prohibited. Expulsion for a full calendar year is required by law. (Arkansas Codes 5-27-206, 5-73-119, 6-17-113, 6-18-502, and 6-18-507)

A firearm as defined in the Arkansas Code means:

- any device designed, made, or adapted to expel a projectile by the action of an explosive;
- any device readily convertible to that use, including such a device that is not loaded or lacks a clip or other component to render it immediately operable; or
- components that can readily be assembled into such a device.

#### Use of Weapon

The act of using a weapon or firearm to cause injury or to threaten injury to another person is prohibited. Expulsion for a full calendar year is required by law (Arkansas Codes 5-73-119, 6-17-113, 6-18-502, and 6-18-507).

#### Possession or Use of Explosives

Possession, use or threat to use any explosives or other such devices capable of inflicting bodily harm is prohibited. Expulsion for a full calendar year is required by law. (Arkansas Codes 5-73-119, 6-17-113, 6-18-502, and 6-18-507)

### Extortion/Robbery

Obtaining or attempting to obtain money or property from an individual by force or threat of force is prohibited. The violent taking of any goods, money or other valuable items from another person by force, threats with a weapon will not be tolerated. (Arkansas Codes 6-17-113 and 6-18-502)

### Unlawful Assembly

Two or more students assembling with the intent to commit an unlawful act will not be tolerated. (Arkansas Code 5- 71-205)

### Inciting to Riot

An act or conduct that results in a riot or that urges others to commit acts of force and violence or participation in a gang fight or similar disturbance at school or at school-related activities is prohibited. (Arkansas Codes 6-17-113, 6- 18-502, and 6-18-603)

### Possession of Weapon or Facsimile Weapon

The possession of a knife, box cutter, dirk, brass knuckle, martial arts implement, razor, ice pick, BB gun, pellet gun, pump gun, stun gun, blackjack, unauthorized tools, sword, spear in a cane, billy-club, sap, facsimile weapon or any other instrument that is specifically designed, made or adapted, or is capable of inflicting physical injury to another person, is prohibited at school or at any school-related activity. Expulsion for a full calendar year is required by law. (Arkansas Codes 5-73-119, 5-27-206, 6-17-113, 6-18-502 and 6-18-507)

### Felony Violations

The act of committing a felony not already referenced in this handbook on a school campus, a school bus or bus stop or at a school-sponsored or related activity or an act committed in the community that substantially disrupts or has the potential to disrupt the school's environment will not be tolerated. (Arkansas Codes 6-18-502 and 6-17-113)

### Crime of Video Voyeurism

The unlawful use of a camera, video tape, photo-optical, photoelectric or any image recording device used for the purpose of secretly observing, viewing, photographing, filming, or videotaping on any ASD property or school function without the consent of any person(s) who has reasonable expectations of privacy is prohibited. A person shall be guilty of this offense if they voluntarily participate in placing the photographic image(s) obtained in any public viewing area, i.e. internet, cell phone, camera, etc. The Little Rock Police Department will be immediately notified of any violation and violators will be subject to arrest under Arkansas State Statute 5-16-101.