

REFERENCE COPY

FILE: JG-R1
Critical

EXPLANATION: STUDENT DISCIPLINE

MSBA has updated this regulation to reflect changes made to policies AC, ACA and AH. MSBA has also added language restricting the use of student confinement. Section 160.263, RSMo., requires "the school district's discipline policy under § 160.261 shall prohibit confining a student in an unattended locked space except for an emergency situation while awaiting the arrival of law enforcement personnel."

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STUDENT DISCIPLINE

The Student Code of Conduct is designed to foster student responsibility, respect for 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, any aggravated circumstance of any offense, or any 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. In extraordinary circumstances where the minimum consequence is judged by the superintendent or designee to be manifestly unfair or not in the interest of the district, the superintendent or designee may reduce the consequences listed in this policy, as allowed by law. This code includes, but is not necessarily limited to, acts of students on district property, including playgrounds, parking lots and district transportation, or at a district activity, whether on or off district property. The district may also discipline students for off-campus conduct that negatively impacts the educational environment, to the extent allowed by law.

Reporting to Law Enforcement

It is the policy of the Kearney R-I School District to report all crimes occurring on district property to law enforcement including, but not limited to, the crimes the district is required to report in accordance with law. A list of crimes the district is required to report is included in policy JGF.

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 days or expulsion of any student who the district is aware is under the jurisdiction of the court.

Documentation in Student's Discipline Record

The principal, designee or other administrators or school staff will maintain all discipline records as deemed necessary for the orderly operation of the schools and in accordance with law and policy JGF.

Conditions of Suspension, Expulsion and Other Disciplinary Consequences

All students who are suspended or expelled, regardless of the reason, are prohibited from participating in or attending any district-sponsored activity, or being on or near district property or the location of any district activity for any reason, unless permission is granted by the

superintendent or designee. When appropriate, the district may prohibit students from participating in activities or restrict a student's access to district property as a disciplinary consequence even if a student is not suspended or expelled from school. Likewise, a student may become ineligible for or be required to forfeit any honors and awards as a disciplinary consequence.

In accordance with law, any student who is suspended for any offenses listed in § 160.261, RSMo., or any act of violence or drug-related activity defined by policy JGF as a serious violation of school discipline, shall not be allowed to be within 1,000 feet of any district property or any activity of the district, regardless of whether the activity takes place on district property, unless one of the following conditions exist:

1. The student is under the direct supervision of the student's parent, legal guardian, custodian or another adult designated in advance, in writing, to the student's principal by the student's parent, legal guardian or custodian, and the superintendent or designee has authorized the student to be on district property.
2. The student is enrolled in and attending an alternative school that is located within 1,000 feet of a public school in the district.
3. The student resides within 1,000 feet of a public school in the district and is on the property of ~~his or her~~ the student's residence.

~~If a student violates~~ Students who violate the prohibitions in this section, ~~he or she~~ may be suspended or expelled in accordance with the offense, "Failure to Meet Conditions of Suspension, Expulsion or Other Disciplinary Consequences," listed below.

Pursuant to law, no student will be confined in an unattended locked space except in an emergency situation while awaiting the arrival of law enforcement personnel.

Impact on Grades

As with any absence, absences due to an out-of-school suspension may result in the student earning a lower grade in accordance with the district's policy on absences.

Prohibited Conduct

The following are descriptions of prohibited conduct and potential consequences for violations. Building-level administrators are authorized to more narrowly tailor potential consequences as appropriate for the age level of students in the building within the ranges established in this regulation. In addition to the consequences specified here, school officials will notify law enforcement and document violations in the student's discipline file pursuant to law and board policy.

Academic Dishonesty – Cheating on tests, assignments, projects or similar activities; plagiarism; claiming credit for another person's work; fabrication of facts, sources or other supporting material; unauthorized collaboration; facilitating academic dishonesty; and other misconduct related to academics.

First Offense: May include partial credit, no credit for the work, grade reduction, replacement assignment for up to 100% credit or in-school suspension.

Subsequent Offense: May include partial credit, no credit for the work, grade reduction, course failure, or removal from extracurricular activities.

Arson – Starting or attempting to start a fire, or causing or attempting to cause an explosion.

First Offense: 1-180 days out-of-school suspension, or expulsion. Restitution if appropriate. Contact law enforcement.

Subsequent Offense: 1-180 days out-of-school suspension or expulsion. Restitution if appropriate. Contact law enforcement.

Assault

1. Using physical force, such as hitting, striking or pushing, to cause or attempt to cause physical injury; placing another person in apprehension of immediate physical injury; recklessly engaging in conduct that creates a grave risk of death or serious physical injury; causing physical contact with another person knowing the other person will regard the contact as offensive or provocative; or any other act that constitutes criminal assault in the third or fourth degree.

First Offense: Withdrawal of privileges, 1-10 days out-of-school suspension. Refer to superintendent or designee for further review. Report to law enforcement.

Subsequent Offense: 1-180 days out-of-school suspension, or expulsion. Report to law enforcement.

2. Knowingly causing or attempting to cause serious physical injury or death to another person, recklessly causing serious physical injury to another person, or any other act that constitutes assault in the first or second degree.

First Offense: 10-180 days out-of-school suspension or expulsion.

Subsequent Offense: Expulsion.

Automobile/Vehicle Misuse – Uncourteous or unsafe driving on or around district property, unregistered parking, failure to move vehicle at the request of school officials, failure to follow

directions given by school officials or failure to follow established rules for parking or driving on district property.

First Offense: Suspension or revocation of parking privileges, detention, or in-school suspension.

Subsequent Offense: Revocation of parking privileges, detention, in-school suspension, or 1-10 days out-of-school suspension.

Bullying and Cyberbullying (see board policy JFCF) – Intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for ~~his or her~~their physical safety or property; that substantially interferes with the educational performance, opportunities or benefits of any student without exception; or that substantially disrupts the orderly operation of the school. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft or property damage; oral, written or electronic communication, including name-calling, put-downs, racial jokes or comments, extortion or threats; or threats of reprisal or retaliation for reporting such acts. Cyberbullying is a form of bullying committed by transmission of a communication including, but not limited to, a message, text, sound or image by means of an electronic device including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer or pager.

First Offense: Detention, in-school suspension, or 1-180 days out-of-school suspension.

Subsequent Offense: 1-180 days out-of-school suspension or expulsion.

Bus or Transportation Misconduct (see board policy JFCC) – Any offense committed by a student on transportation provided by or through the district shall be punished in the same manner as if the offense had been committed at the student's assigned school. In addition, transportation privileges may be suspended or revoked.

Dishonesty – Any act of lying, whether verbal or written, including forgery.

First Offense: Nullification of forged document. Principal/Student conference, detention, withdrawal of privileges or in-school suspension.

Subsequent Offense: Nullification of forged document. Detention, withdrawal of privileges, in-school suspension, or 1-180 days out-of-school suspension.

Disrespectful or Disruptive Conduct or Speech (see board policy ies AC and ACA if illegal harassment or discrimination is involved) – Verbal, written, pictorial or symbolic language or gesture that is directed at any person that is in violation of district policy or is otherwise rude, vulgar, defiant, considered inappropriate in educational settings or that materially and substantially disrupts classroom work, school activities or school functions. Students will not be disciplined for speech in situations where it is protected by law.

First Offense: Withdrawal of privileges, detention(s), in-school suspension, or out-of-school suspension.

Subsequent Offense: Detention, withdrawal of privileges, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Drugs/Alcohol (see board policies JFCH and JHCD)

1. Possession, sale, purchase or distribution of any over-the-counter drug, herbal preparation or imitation drug or herbal preparation.

First Offense: In-school suspension and/or 1-180 days out-of-school suspension, withdrawal of privileges, completion of drug/alcohol evaluation. Contact law enforcement.

Subsequent Offense: 1-180 days out-of-school suspension or expulsion. Contact law enforcement.

2. Possession of drug paraphernalia or possession of or attendance while under the influence of, or soon after consuming, any unauthorized prescription drug, alcohol, narcotic substance, unauthorized inhalants, counterfeit drugs, or imitation controlled substances ~~or drug-related paraphernalia~~, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act.

First Offense: In-school suspension or 1-180 days out-of-school suspension, withdrawal of privileges, completion of drug/alcohol evaluation. Contact law enforcement.

Subsequent Offense: 11-180 days out-of-school suspension or expulsion. Contact law enforcement.

3. Sale, purchase or distribution of any prescription drug, alcohol, narcotic substance, unauthorized inhalants, counterfeit drugs, imitation controlled substances or drug-related paraphernalia, including controlled substances and illegal drugs defined as substances identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act.

First Offense: 1-180 days out-of-school suspension or expulsion. Contact law enforcement.

Subsequent Offense: 11-180 days out-of-school suspension or expulsion. Contact law enforcement.

Extortion – Threatening or intimidating any person for the purpose of obtaining money or anything of value.

First Offense: Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Subsequent Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion.

Failure to Care for or Return District Property – Loss of, failure to return, or damage to district property including, but not limited to, books, computers, calculators, uniforms, and sporting and instructional equipment.

First Offense: Restitution. Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Restitution. Detention or in-school suspension.

False Alarms (see also "Threats or Verbal Assault") – Tampering with emergency equipment, setting off false alarms, making false reports, communicating a threat or false report for the purpose of frightening or disturbing people, disrupting the educational environment, or causing the evacuation or closure of district property.

First Offense: Restitution. Principal/Student conference, withdrawal of privileges, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Contact law enforcement.

Subsequent Offense: Restitution. In-school suspension, 1-180 days out-of-school suspension, or expulsion. Contact law enforcement.

Fighting (see also, "Assault") – Mutual combat in which both parties have contributed to the conflict either verbally or by physical action.

First Offense: Withdrawal of privileges, detention, in-school suspension, or 1-180 days out-of-school suspension. Report to legal authorities.

Subsequent Offense: Withdrawal of privileges, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Report to legal authorities.

Gambling – Betting on an uncertain outcome, regardless of stakes; engaging in any game of chance or activity in which something of real or symbolic value may be won or lost. Gambling includes, but is not limited to, betting on outcomes of activities, assignments, contests and games.

First Offense: Principal/Student conference, loss of privileges, detention, or in-school suspension.

Subsequent Offense: Principal/Student conference, loss of privileges, detention, in-school suspension, or 1-10 days out-of-school suspension.

Harassment (see board policy ies AC and ACA and note that additional provisions of the code of conduct may apply to the student's behavior)

1. ***Harassment (Non-Physical)*** – Use of unwelcome verbal, written or symbolic language, or other material, of a sexual nature or based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples of illegal harassment include, but are not limited to and of the following, if based on a protected characteristic: the use or display of written material, graffiti, pictures, or electronic pictures or images, name calling, teasing or taunting, racial jokes or comments, insults, derogatory remarks or slurs, jokes, gestures, threats, intimidation, hostile acts, physical acts of aggression, theft or damage to property, requests for sexual favors and other unwelcome sexual advances.

First Offense: Principal/Student conference, detention, withdrawal of privileges, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Refer to superintendent or designee for further review.

Subsequent Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion. Refer to superintendent or designee for further review.

2. ***Harassment (Physical)*** – Unwelcome physical contact of a sexual nature or that is based on gender, race, color, religion, sex, national origin, ancestry, disability or any other characteristic protected by law. Examples include, but are not limited to, touching or fondling of the genital areas, breasts or undergarments, regardless of whether the touching occurred through or under clothing; or pushing or fighting based on protected characteristics.

First Offense: Withdrawal of privileges, detention(s), in-school suspension, out-of-school suspension. Refer to superintendent or designee for further review.

Subsequent Offense: 1-180 days out-of-school suspension or expulsion. Refer to superintendent or designee for further review.

3. **Student is found "responsible" for sexual harassment under Title IX upon conclusion of a formal complaint under policy ACA.**

Any Offense: 10-180 days out-of-school suspension or expulsion.

Hazing (see board policy JFCG) – Any activity that a reasonable person believes would negatively impact the mental or physical health or safety of a student or put the student in a ridiculous, humiliating, stressful or disconcerting position for the purposes of initiation,

affiliation, admission, membership or maintenance of membership in any group, class, organization, club or athletic team including, but not limited to, a grade level, student organization or district-sponsored activity. Hazing can occur even when all students involved are willing participants.

First Offense: Withdrawal of privileges, in-school suspension or 1-180 days out-of-school suspension.

Subsequent Offense: Withdrawal of privileges, 1-180 days out-of-school suspension or expulsion.

Incendiary Devices or Fireworks – Possessing, displaying or using matches, lighters or other devices used to start fires unless required as part of an educational exercise and supervised by district staff; possessing or using fireworks.

First Offense: Confiscation. Warning, principal/student conference, detention, or in-school suspension or out-of-school suspension. Loss of privileges

Subsequent Offense: Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension. Loss of privileges. Refer to superintendent or designee for further review.

Nuisance Items – Possession or use of items such as toys, games, and portable media players that are not authorized for educational purposes.

First Offense: Confiscation. Warning, principal/student conference, detention, or in-school suspension.

Subsequent Offense: Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Public Display of Affection – Consensual Physical contact that is inappropriate for the school setting including, but not limited to, kissing and groping.

First Offense: Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Detention, withdrawal of privileges, in-school suspension, or 1-180 days out-of-school suspension.

Sexting and/or Possession of Sexually Explicit, Vulgar or Violent Material (see board policies AC and ACA) – Students may not possess or display, electronically or otherwise, sexually explicit, vulgar or violent material including, but not limited to, pornography or depictions of nudity, violence or explicit death or injury. This prohibition does not apply to

curricular material that has been approved by district staff for its educational value. Students will not be disciplined for speech in situations where it is protected by law.

First Offense: Confiscation. Principal/Student conference, detention, or in-school suspension or out-of-school suspension.

Subsequent Offense: Confiscation. Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Sexual Activity – Consensual acts of sex or consensual simulations of sex including, but not limited to, intercourse or oral or manual stimulation.

First Offense: Principal/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension.

Subsequent Offense: Detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

Technology Misconduct (see board policies EHB and KKB and procedure EHB-AP1)

1. Attempting, regardless of success, to: gain unauthorized access to a technology system or information; use district technology to connect to other systems in evasion of the physical limitations of the remote system; copy district files without authorization; interfere with the ability of others to utilize district technology; secure a higher level of privilege without authorization; introduce computer viruses, hacking tools, or other disruptive/destructive programs onto or using district technology; or evade or disable a filtering/blocking device.

First Offense: Restitution. Principal/Student conference, loss of user privileges, detention, in-school suspension or out-of-school suspension. May contact legal authorities.

Subsequent Offense: Restitution. Loss of user privileges, 1-180 days out-of-school suspension, or expulsion. May contact legal authorities.

2. Using, displaying or turning on pagers, phones, personal digital assistants, personal laptops or any other personal electronic communication devices during the regular school day, including class change time, mealtimes or instructional class time, unless the use is part of the instructional program, required by a district-sponsored class or activity, or otherwise permitted by the building principal.

First Offense: Confiscation, principal/student conference, withdrawal of privileges, detention, in-school suspension or out-of-school suspension.

Subsequent Offense: Confiscation, principal/student conference, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

3. Violations, other than those listed in (1) or (2) above, of board policy EHB, procedure EHB-AP1 or any policy or procedure regulating student use of personal electronic devices.

First Offense: Restitution. Principal/Student conference, withdrawal of privileges, detention, or in-school suspension.

Subsequent Offense: Restitution. Loss of user privileges, in-school suspension, 1-180 days out-of-school suspension, or expulsion.

4. Use of audio or visual recording equipment in violation of board policy KKB.

First Offense: Confiscation. Principal/Student conference, detention, or in-school suspension.

Subsequent Offense: Confiscation. Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.

Theft – Theft, attempted theft or knowing possession of stolen property.

First Offense: Return of or restitution for property. Principal/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension. May refer to superintendent or designee for further review. Contact law enforcement.

Subsequent Offense: Return of or restitution for property. 1-180 days out-of-school suspension or expulsion. Contact law enforcement.

Threats or Verbal Assault – Verbal, written, pictorial or symbolic language or gestures that create a reasonable fear of physical injury or property damage.

First Offense: Principal/Student conference, withdrawal of privileges, detention, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Contact law enforcement.

Subsequent Offense: Withdrawal of privileges, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Contact law enforcement.

Tobacco

1. Possession of any tobacco products, electronic cigarettes (vaping products), ~~or~~ other nicotine-delivery products or imitation tobacco products, as defined in policy AH, on district property, on district transportation or at any district activity. Nicotine patches or

other medications used in a tobacco cessation program may ~~only~~ be possessed only in accordance with district policy JHCD.

First Offense: Confiscation of prohibited product. Reprimand, withdrawal of privileges, retention in office/time-out, detention, in-school suspension, out-of-school suspension.

Subsequent Offense: Confiscation of prohibited product. Withdrawal of privileges, detention, in-school suspension, or 1-10 days out-of-school suspension.

2. Use of any tobacco products, electronic cigarettes (vaping products), imitation tobacco products or other nicotine-delivery products, as defined in policy AH, on district property, on district transportation or at any district activity. Nicotine patches or other medications used in a tobacco cessation program may ~~only~~ be possessed used only in accordance with district policy JHCD.

First Offense: Confiscation of prohibited product. Reprimand, withdrawal of privileges, retention in office/time-out, detention, in-school suspension, out-of-school suspension.

Subsequent Offense: Confiscation of prohibited product. Withdrawal of privileges, in-school suspension or 1-10 days out-of-school suspension.

Truancy or Tardiness (see board policy JED and procedures JED-AP1 and JED-AP2) – Absence from school without the knowledge and consent of parents/guardians and the school administration; excessive non-justifiable absences, even with the consent of parents/guardians; arriving after the expected time class or school begins, as determined by the district.

First Offense: Principal/Student conference, withdrawal of privileges, detention, or 1-3 days in-school suspension. No credit for class periods missed.

Subsequent Offense: Withdrawal of privileges, detention, in-school suspension, or out-of-school suspension and removal from extracurricular activities. No credit for class periods missed.

Unauthorized Entry – Entering or assisting any other person to enter a district facility, office, locker, or other area that is locked or not open to the general public; entering or assisting any other person to enter a district facility through an unauthorized entrance; assisting unauthorized persons to enter a district facility through any entrance.

First Offense: Principal/Student conference, withdrawal of privileges, detention, in-school suspension, or 1-180 days out-of-school suspension. Contact law enforcement.

Subsequent Offense: Withdrawal of privileges, 1-180 days out-of-school suspension or expulsion. Contact law enforcement.

Vandalism (see board policy ECA) – Willful damage or the attempt to cause damage to real or personal property belonging to the district, staff or students.

First Offense: Restitution. Principal/Student conference, withdrawal of privileges, detention(s), in-school suspension, out-of-school suspension, or expulsion. May refer to superintendent or designee for further review. Contact law enforcement.

Subsequent Offense: Restitution. Withdrawal of privileges, in-school suspension, 1-180 days out-of-school suspension, or expulsion. Contact law enforcement.

Weapons (see board policy JFCJ)

1. Possession or use of any weapon as defined in board policy, other than those defined in 18 U.S.C. § 921, 18 U.S.C. § 930(g)(2) or § 571.010, RSMo.

First Offense: 1-180 days out-of-school suspension, or expulsion. Contact law enforcement.

Subsequent Offense: 1-180 days out-of-school suspension or expulsion. Contact law enforcement.

2. Possession or use of a firearm as defined in 18 U.S.C. § 921 or any instrument or device defined in § 571.010, RSMo., or any instrument or device defined as a dangerous weapon in 18 U.S.C. § 930(g)(2).

First Offense: One calendar year suspension or expulsion, unless modified by the board upon recommendation by the superintendent. Contact law enforcement.

Subsequent Offense: Expulsion. Contact law enforcement.

3. Possession or use of ammunition or a component of a weapon.

First Offense: In-school suspension, 1-180 days out-of-school suspension, or expulsion.

Subsequent Offense: 1-180 days out-of-school suspension or expulsion.

Note: *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

Adopted: 11/15/2001

Revised: 07/22/2004; 02/17/2005; 10/16/2008; 09/17/2009; 10/17/2013; 12/15/2016;
08/16/2017; 07/15/2020;

REFERENCE COPY

FILE: JG-R1
Critical

MSIP Refs: ~~6-6~~I-8

Kearney R-I School District, Kearney, Missouri