

McMinnville School District #40

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Student Conduct and Discipline

A balance of student rights and responsibilities is necessary in each school and classroom to assure an atmosphere that is conducive to learning and which promotes the safety and welfare of students and school personnel. The district believes that the educational program designed to meet the learning needs of the students and to produce constructive behavior and self-discipline is the best approach for resolving discipline problems. Disciplinary actions by school personnel will be most effective when applied fairly and consistently and when students and their parents understand the methods and reasons for disciplinary measures.

Specific rights and responsibilities of students have been adopted by the Board and shall be widely publicized in the district. (See *Student Rights and Responsibilities Handbook*)

1. Responsibilities of Students

- a. Student conduct in the district shall be based upon behavior that is safe, responsible and respectful. All students are required to:
 - (1) Obey the statutes of the State of Oregon and ordinances of the City of McMinnville and Yamhill County.
 - (2) Comply with the written rules of the Board of Directors as specified in the Student Rights and Responsibilities Handbook published by the district, pursue the prescribed course of study, and submit to the lawful authority of teachers and student officials.
 - (3) Behave in a socially acceptable manner that includes using suitable language, treating other people fairly, respecting personal and public property, and refraining from physical aggression and verbal intimidation.
 - (4) Obey the rules and regulations developed in their schools.
 - (5) Maintain regular school attendance.
- b. Students who violate these requirements and do not control their behavior will be subject to disciplinary action, up to and including suspension and expulsion.

Before any consequence for unacceptable conduct is enforced, the student shall be informed of what s/he has done which has brought about the consequences and the student shall be given an opportunity to explain his/her conduct.
- c. Students who violate the standards of conduct while at a school related or supervised function, at a bus stop, traveling to and from school, or on an open-campus lunch break or damage school property are subject to the disciplinary procedures of the school.
- d. Students may also be subject to the disciplinary procedures of the school for off-campus behavior that affects the order and welfare of the school and educational process.
- e. Consequences for unacceptable behavior will always be appropriate to the student's age, physical conditions, and the nature of the misconduct.

- (1) Suspension or expulsion may be used subject to specific guidelines and procedures contained in the Student Rights and Responsibilities Handbook and these Administrative Regulations.
- (2) Psychologically hurtful consequences such as ostracism, ridicule or rejection shall never be used.
- (3) A student may lose the privilege of attending or participating in co-curricular activities, athletic events, and/or non-curricular programs of the school. When a student loses such a privilege, the school official shall give notice to the parent(s) or guardian(s) of the student, or to the student if age 18 or over, the reason for the decision, and the terms of the loss of privilege.

2. Responsibilities of Parents

- a. Parents shall support the district's student behavior expectations and disciplinary procedures for students by helping their children to:
 - (1) Obey the statutes of the State of Oregon and ordinances of the City of McMinnville and Yamhill County.
 - (2) Comply with the written rules of the Board of Directors as specified in the Student Rights and Responsibilities Handbook published by the district, pursue the prescribed course of study, and submit to the lawful authority of teachers and school officials.
 - (3) Behave in a socially acceptable manner that includes using suitable language, treating other people fairly, respecting personal and public property, and refraining from physical aggression and verbal intimidation.
 - (4) Obey the rules and regulations developed in their schools.
 - (5) Maintain regular school attendance.
- b. Parents will be notified when their children violate these requirements and do not control their personal behavior. Parents and school personnel will jointly work to enforce the consequences necessary to develop and maintain expected behavior.

3. Responsibilities of Staff Members:

- a. A staff member who observes a student breaking a school rule, district rule, or otherwise behaving in an unacceptable manner shall take immediate steps to correct the situation.
- b. The disciplinary action of a staff member shall be reasonably related to the student behavior and shall be fairly and consistently administered.
- c. Actions of staff members may include, but are not limited to, the following:
 - (1) A staff member may retain a student after school if the parent has been given prior notice. If the parent cannot be contacted on a particular day, the student will normally fulfill his/her obligation to meet after school the following day.
 - (2) A staff member may use reasonable physical restraint when, and to the extent that, he/she believes it necessary to protect the safety of a student or staff member. Any staff member using physical restraint shall inform the principal at once of such action and shall make an accurate written account to the principal within 24 hours or on the next working day. A staff member may not use corporal punishment in accordance with ORS 339.250 and Board policy JGA - Physical Restraint of Students.

- (3) When, in the judgment of a teacher, a student's behavior is seriously disrupting the instructional program to the detriment of other students, the teacher may temporarily exclude the student from the classroom and refer him/her to the principal. This means that an unruly student may be sent to the office or another prearranged location because of unacceptable behavior. Parent(s) or guardian(s) should be kept informed in cases of serious disciplinary problems caused by their children, and the parent(s) or guardian(s) may be invited to join in any conference involving discussions for resolving those problems.
- d. Any serious infraction of a rule or behavior which endangers the safety of a student or staff member, or which substantially disrupts a class, activity, or other school function, shall be reported immediately to the principal or assistant principal. When a serious infraction has been reported which endangers others or substantially disrupts a class, the principal or designee shall take prompt steps to alleviate the problem.
- e. The principal of each school has been authorized to take appropriate steps to assure an atmosphere which is conducive to learning and which provides for the safety and welfare of students and school personnel. A designee shall be named by the principal to serve in his/her absence. The principal may reassign a student or may involve a law enforcement agency if necessary to protect the safety or welfare of students or staff members. When appropriate, principals shall involve students, parents, and staff in resolving disciplinary problems and use the expertise of others.
- f. The principal is responsible for establishing school procedures or guidelines that may be necessary to supplement the district policy and procedures. School staffs, advisory councils and students shall be invited to participate in the development of written procedures or guidelines.
- g. All school staff are responsible for supervising students assigned to them. The use of appropriate disciplinary action must be in accordance with district and school rules and guidelines. All staff members are obligated to serve as part of the total school team to enforce school and district rules and share the general supervision of the school.
- h. Any employee involved in physical altercation with a student within the scope of his/her employment shall immediately make a written report of the circumstances. The employee shall keep the district informed of any legal action taken and shall provide copies of all applicable documentation to the employee's supervisor.

Such reports shall be forwarded immediately to the superintendent's office. In the event civil or criminal proceedings are brought against the employee, the superintendent shall comply with any written requests by the employee for information in the district's possession relating to his/her defense. The district shall not be required to provide information privileged by law.

The school district reaffirms its policy to provide safe working conditions for employees and to support reasonable policies to maintain order in schools.

4. Substance Abuse

Any student who shall, on school district property or at any school function, use, be under the influence of, possess or exchange, any alcoholic beverage or any controlled substance as that term is defined by ORS 475.005, shall be subject to discipline as described in JFCI-AR - Substance Abuse by Students.

5. Disabled Students

The discipline of students with disabilities shall be in accordance with Board policy JGDA/JGEA - Discipline of Students with Disabilities and accompanying administrative regulation.

6. Weapons Violation and Threats of Violence

A student shall be subject to expulsion for violation of applicable weapons laws in accordance with Board policy JFCJ - Weapons in Schools. In addition, students shall also be subject to discipline, up to and including expulsion in accordance with Board policy JFCM - Threats of Violence.

7. Student Disciplinary Procedures

The following procedures relating to student disciplinary matters shall be followed in implementing Board policies and in administering the provisions of the Student Rights and Responsibilities Handbook.

a. In-School Detention/Suspension

- (1) In-school detention/suspension is defined as removal from regular class attendance of a student. In-school detention is not to exceed ten school days or until a required action or assessment has been completed.
- (2) Prior to being placed on in-school detention/suspension, the student shall be told of the reason(s) for the pending action, and the student shall have the opportunity to present his/her view of the alleged misconduct.
- (3) When a student is placed on in-school detention/suspension, the school official shall give notice to the parent(s) or guardian(s) of the student, or to the student if age 18 or over, of the school official's decision, the reason for that decision and the terms of the in-school detention/suspension.

b. Out-of-School Suspension

- (1) An out-of-school suspension is made by the principal or his/her designee and is defined as the following: A temporary exclusion from school for a period not to exceed ten school days or until a required action or assessment has been completed. This suspension temporarily removes from a student the privilege of attending school and all school activities until reinstatement has been accomplished or some other form of action is taken.
- (2) When a student is suspended:
 - (a) The student is to be notified of the reason(s) for the suspension and be given opportunity to present his/her view of the alleged misconduct;
 - (b) The informal hearing noted above may be postponed in emergency situations relating to the health and safety of others and when there is a serious risk that substantial harm will occur if suspension does not take place immediately. A student suspended under emergency conditions shall have the rights specified above as soon as the emergency condition has passed;

- (c) The suspending school official shall give written notice to the student's parent(s) or guardian(s), or to the student if age 18 or over, of the suspension decision, the reason for the decision, the conditions of reinstatement, where applicable. These procedures may also be postponed in emergency situations relating to the health and safety of others;
- (d) The suspending school official shall specify the methods and conditions under which the student's school work may be made up;
- (e) A parent/guardian conference with the suspending school official regarding the student's behavior is usually required prior to the student being readmitted. When the suspension is the result of misconduct in the classroom, the teacher involved may be informed of the disciplinary action taken and may be given the opportunity to attend all parent/guardian conferences.
- (f) In the event the student or parent(s) or guardian(s) are dissatisfied with the suspension decision or the results of the parent/guardian conference, they may seek and obtain a conference with the school principal;
- (g) Upon return to school, the student may be referred for school counseling services;
- (h) The superintendent shall have the right to review all school suspension decisions;
- (i) In special circumstances, a suspension may be continued until some specific pending action or assessment occurs, such as a physical or psychological evaluation or incarceration by court action.

c. Multiple Disciplinary Action

A school official may apply more than one of the above-described disciplinary actions to the same student for the same misconduct.

d. Expulsion

- (1) Expulsion denies the student the privilege of attending school and school activities. An exception to the loss of privilege to attend school may be recommended by the administration and approved by the hearings officer for the purpose of making an alternative educational placement that may only be available within a school facility during non-instructional hours. Expulsion shall not extend beyond one calendar year, pursuant to ORS 339.250(5).
- (2) A student may be recommended for expulsion for misconduct, including but not limited to: theft, disruption of school, willful damage or destruction of school property, willful damage or destruction to private property of school premises or during a school activity, acts endangering the safety of self or others, physical aggression or assault of a school employee, school volunteer, or student, use of threats intimidation, harassment, menacing, bullying or coercion against any fellow student or school employee, unauthorized use of weapons or dangerous instruments, unlawful use or possession of illegal drugs, controlled substances or alcoholic beverages, delivery of an imitation controlled substance, illegal drugs or alcoholic beverage, commission of a crime, membership or association in a gang, use or display of obscene or profane language, willful disobedience or open defiance of a school employee or volunteer, attendance so erratic that the student is not benefiting from the educational program, persistent failure to comply with rules or the lawful directions of school employees or volunteers, or other acts deemed appropriate for disciplinary action as determined by school administrators.

- (3) School administrators will comply with the guidelines set forth in ORS 339.250 regarding notification of alternative programs as described in section H of this policy.
- (4) Upon receipt of a recommendation for expulsion, the superintendent shall:
 - (a) Establish a date, time and place for a hearing;
 - (b) Determine who the hearing officer shall be;
 - (c) Notify the student and parent or guardian in writing, by certified mail, of the impending hearing.
 - (i) Notice shall be mailed at least five (5) business days prior to the hearing.
 - (ii) If the parent/guardian does not speak English, the notice shall be sent in his/her native language.
 - (d) The notice shall include:
 - (i) The specific charge or charges made against the student;
 - (ii) A copy of all facts or evidence used to support the charge or charges;
 - (iii) The name of the person(s) making the charge;
 - (iv) The date, time, and place of the hearing and a statement that the student or parent or guardian may request a change in the date, time or place of the hearing by contacting the superintendent's office;
 - (v) The name of the hearing officer;
 - (vi) A statement informing the student and parent or guardian that the hearing will be held in private unless the student and parent or guardian request in writing that the hearing be public; and
 - (vii) If appropriate, a statement that the student is suspended until the hearing is held and the decision has been rendered.
 - (viii) A statement informing the student that he/she has the right to be represented by counsel or another person and the right to present relevant evidence at the hearing.
- (5) The school official and the parent(s) or guardian(s) of the student, or the student if age 18 or over, may mutually agree to waive the above defined notice period and schedule a hearing at an earlier date.
- (6) The parent(s) or guardian(s) of the student, or the student if age 18 or over, may waive the right to a hearing by notifying the district in writing of such waiver, or by failing to appear after notice at the time, date and place set for the hearing. The parent(s) or guardian(s) of the student, or the student if age 18 or over, may make a request prior to the hearing date and time to have the hearing rescheduled. The district may in its sole discretion comply with such request.
- (7) The hearings officer shall conduct expulsion hearings for the Board in accordance with the applicable Oregon Revised Statutes, specifically ORS 332.061 and Oregon Administrative Rules.
- (8) At the hearing the following shall occur:
 - (a) A recorder shall be appointed to attend the hearing and make an accurate record of the hearing, or the hearing officer may determine that a tape recording may be substituted.

- (b) The hearing officer shall not be bound by strict rules of evidence, but shall make every effort to determine the facts of the case. The hearing officer also has the authority to maintain control of the hearing.
 - (c) The person or persons making or supporting the charge against the student shall be present.
 - (d) The student and parent or guardian and their representative shall hear and/or read the charge or charges against the student.
 - (e) The student and parent or guardian and their representative shall hear and/or read the evidence supporting the charge.
 - (f) The student and parent or guardian and their representative shall have the opportunity to question the person or persons making or supporting the charges against the student.
 - (g) The student and parent or guardian and their representative shall have the right to present evidence or arguments on the student's behalf. This evidence may include personal testimony, the testimony of witnesses, affidavits, and other information.
 - (h) The past history of the student's behavior may be presented if it is relevant to the present request for expulsion.
 - (i) Where the student or student's parent(s) or guardian(s) do not understand spoken English language, an interpreter shall be provided by the district.
- (9) The Expulsion Checklist is to be completed by the hearing officer, in consultation with the parties, prior to making his/her decision regarding whether or not to recommend the expulsion of a student.
- (10) The hearing officer shall render a decision based on the evidence presented in the hearing and present it to the superintendent. The decision may include one or more of the following actions:
- (a) No action. The student may immediately return to school;
 - (b) A type of discipline especially suited to the offense;
 - (c) Administrative probation which may be applied for as long as the rest of the grading period in which the probation notice is given, or when so close to the end of the grading period that it would not be effective, for as long as the entire grading period following the probation notice. While on administrative probation, the student must comply with the terms of that probation. Failure to comply with all rules set out in the conditions for probation is cause for a discipline hearing on the alleged violation or cause for the immediate full application of the expulsion consequence;
 - (d) Expulsion, as defined above.
 - (e) A combination of 10.b., 10.c., or 10.d., above.
- (11) The superintendent shall state the decision in writing in identical form to the student and parent or guardian, their representative, and the principal requesting the expulsion within three (3) days following the close of the hearing. If the parent/guardian speaks a language other than English, the written decision will be sent in the appropriate language. This written statement shall include:
- (a) A statement that the decision will be reviewed by the School Board if a written request for review is made to the superintendent within 72 hours of the decision,

and that the student and parent, or guardian and their representative have the right to attend the review.

- (b) The date, time and place of the Board review, if requested, shall be not less than five (5) or more than 21 calendar days after the close of the hearing.
- (c) A statement that the review, if requested, shall be held in an executive session of the Board unless the student and the parent or guardian shall request in writing at least one day prior that it be a public meeting.
- (d) The decision to recommend expulsion shall be reviewed, if requested as above provided, by the School Board during an executive session, no less than five (5) nor more than 21 calendar days after the close of the hearing. At the executive session the Board shall review the record of the hearing officer or the superintendent and, in particular, to the following:
 - (i) The charges against the student and the evidence used to support or oppose the charges.
 - (ii) The decision of the hearing officer and the reason for the decision.
 - (iii) Any additional information the Board may request.
- (e) The Board may postpone its decision if required to hear additional evidence.
- (f) A written statement of the Board's decision shall be sent by certified mail to the student and the parent or guardian, their representative, and the principal by the superintendent. If the parent/guardian speaks a language other than English, the written decision will be sent in the appropriate language. This statement shall be mailed within five (5) calendar days after the Board's decision. The decision of the Board shall be final.
- (g) If no review is requested as provided, the decision of the superintendent or hearing officer shall be final.

(12) Upon return to school, the student will be placed in a grade level or class commensurate with his/her abilities and credits at the time of his/her return.

8. Notice of Alternative Education Programs:

- a. School administrators shall consider and propose to the student and document to the parent or guardian the availability of appropriate and accessible alternative education programs or programs of instruction combined with counseling when:
 - (1) A student has a second or subsequent occurrence of a severe disciplinary problem within a three-year period.
 - (2) A student's attendance pattern is so erratic that the student is not benefiting from the educational program.
 - (3) The district is considering expulsion as a disciplinary alternative.
 - (4) The student is expelled for a reason other than a weapons violation.
 - (5) An application for exemption from compulsory attendance is made.
- b. Notification must include, but is not limited to:
 - (1) Student action which is the basis for consideration of alternative education;
 - (2) List of alternative programs available for the student for which the district would provide financial support;

- (3) Explanation of the procedures for enrolling in the program;
 - (4) The program recommended for the student based on the student's learning styles and needs;
 - (5) Notification will be given in a manner the parent/guardian can understand if they do not understand English.
- c. Recommended programs shall be:
- (1) Registered with the Oregon Department of Education as alternative education programs;
 - (2) Based on the student's learning styles and needs;
 - (3) Local and accessible to the student;
- d. The district is not obligated to provide financial support for alternative education programs when an application for exemption from compulsory attendance is made.
- e. Notification of alternative education programs need not be given to student and parent/guardian more often than once every six months, unless the information has changed because of the availability of new programs.