

STUDENT DISCIPLINE

The Ringwood Board of Education believes that the school's primary goal is to educate, not to discipline. However, education includes establishing norms of social behavior and assisting students in understanding and attaining those norms. Occasionally, corrective actions are necessary for the benefit of the individual and the school. The teacher in a public school has the same rights as a parent or guardian to control and discipline a child while the child is in attendance, in transit to or from the school, or participating in any authorized school function. Further, it is the policy of the district that students may be disciplined for any misconduct related to the programs or activities of the district. No teacher or administrator will administer formal discipline to his or her own child on behalf of the school except in cases of disruption in the classroom or common areas. Disciplinary matters concerning children of school employees will be handled by the appropriate principal or the superintendent or the superintendent's designee. The superintendent's child will be disciplined by someone other than the superintendent.

Ringwood Public Schools is an equal opportunity organization and will not allow discrimination based upon age, ethnicity, ancestry, gender, national origin, disability, race, size, religion, sexual orientation, socioeconomic background, or any other status prohibited by applicable law.

Each student shall be treated in a fair and equitable manner. Disciplinary action will be based on a careful assessment of the circumstances surrounding each infraction. The following are some examples of these circumstances:

- The seriousness of the offense;
- The effect of the offense on other students;
- Whether the offense is physically or mentally injurious to other people;
- Whether the incident is isolated or habitual behavior;
- The manifestation of a disability;
- Any other circumstances which may be appropriately considered.

Standards of behavior for all members of society are generally a matter of common sense. The following examples of behavior are not acceptable in society generally, and in a school environment particularly. The involvement of a student in the kind of behavior listed below will generally require remedial or corrective action. These examples are not intended to be exhaustive and the exclusion or omission of unacceptable behavior is not an endorsement or acceptance of such behavior. When, in the judgment of a teacher or administrator, a student is involved or has been involved in unacceptable behavior, appropriate remedial or corrective action will be taken.

1. Unexcused lateness to school
2. Unexcused lateness to class
3. Cutting class
4. Leaving school without permission
5. Refusing detention/late room
6. Smoking
7. Truancy
8. Possessing or using alcoholic beverages or other mood-altering chemicals
9. Stealing
10. Forgery, fraud, or embezzlement
11. Assault, physical and/or verbal
12. Fighting
13. Possession of weapons or other items with the potential to cause harm
14. Distributing obscene literature
15. Destroying/defacing school property

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16. Racial discrimination including racial slurs or other demeaning remarks concerning another person's race, ancestry, or country of origin and directed toward another student, an employee, or a visitor
17. Sexual Harassment
18. Gang related activity or action
19. Cheating

In administering discipline, consideration will be given to alternative methods of punishment to insure that the most effective discipline is administered in each case. In all disciplinary action, teachers and administrators will be mindful of the fact that they are dealing with individual personalities. The faculty may consider consultation with parents to determine the most effective disciplinary measure.

In considering alternatives of corrective actions, the faculty/administration of the school district will consider those listed below. However, the school is not limited to these alternative methods, nor does this list reflect an order or sequence of events to follow in disciplinary actions. The board of education will rely upon the judgment and discretion of the administrator to determine the appropriate remedial or corrective action in each instance.

1. Conference with student
2. Conference with parents
3. In-school suspension
4. Detention
5. Referral to counselor
6. Behavioral contract
7. Changing student's seat assignment or class assignment
8. Requiring a student to make financial restitution for damaged property
9. Requiring a student to clean or straighten items or facilities damaged by the student's behavior
10. Restriction of privileges
11. Involvement of local authorities
12. Referring student to appropriate social agency
13. Suspension
14. Other appropriate disciplinary action as required and as indicated by the circumstances which may include, but is not limited to, removal from eligibility to participate or attend extracurricular activities as well as removal from the privilege of attending or participating in the graduation ceremony, school dances, prom, prom activities, and/or class trips.

Parents, guardians, and students enrolled in this school district shall be notified at the beginning of each school year that this policy is in effect. A copy of this policy will be made available upon request to parents or guardians at any time during the school year.

Parents, guardians, and students residing in this school district are also advised by means of this policy statement and by the student handbook that students in this district shall have no reasonable expectation of privacy rights towards school officials, in school lockers, desks, or other school property. School personnel shall have access to school lockers, desks, and other school property at any time and no reason shall be necessary for such search. Student property may be searched with reasonable suspicion.

Teachers, parents, guardians, and students are invited and encouraged to participate in the formulation of disciplinary policies, rules, and regulations by suggesting to administrators appropriate means of discipline for specific infractions.

STUDENT DISCIPLINE (Cont.)

DISCIPLINARY REMOVAL OF CHILDREN WITH DISABILITIES

Definitions

For purposes of this policy, the following definitions apply:

“Child with a disability” includes students who have been identified as having a disability or for whom an initial evaluation has been sought under the Individuals with Disabilities Act, Section 504 of the Rehabilitation Act, or Title II of the Americans with Disabilities Act.

"Controlled substance" means a drug or other substance identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. § 812(c). "Illegal drug" means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

“School day” means any day, including a partial day, that children are in attendance at school for instructional purposes.

“Serious bodily injury” means bodily injury that involves –

1. a substantial risk of death;
2. extreme physical pain;
3. protracted and obvious disfigurement; or
4. protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Weapon" means a dangerous weapon as defined by 18 U.S.C. § 930(g)(2), specifically, a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

Case-By-Case Determination

District personnel must consider any unique circumstances on a case-by-case basis when determining whether a change of placement is appropriate for a child with a disability who violates the district’s code of student conduct.

Short-Term Disciplinary Removal

District personnel may remove a child with a disability who violates the district's code of student conduct from the child's current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than ten (10) consecutive school days and for additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those additional removals do not constitute a change of placement.

A change of placement occurs if --

1. the removal is for more than ten (10) consecutive school days; or
2. the child has been subjected to a series of removals that are ten (10) days or less during the same school year that constitute a pattern. School personnel determine whether a pattern exists by considering the following factors:
 - a. the series of removals total more than ten (10) school days in a school year;
 - b. the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
 - c. such additional factors as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one another.

However, in an effort to promote uniformity in the decision-making process, the board of education has determined that it is in the district's best interest that it not require school personnel to weigh these factors to determine the existence of a pattern in each instance. Instead, when the student's short-term removals exceed ten (10) school days over the course of the school year, the district will follow the process identified in this policy for implementing a long-term removal.

In school alternative placements for more than ten (10) consecutive school days or that may constitute a pattern of exclusion may be a change of placement if the student does not receive education services required under the student's IEP or Section 504/Title II Plan.

Educational Services During a Short-Term Disciplinary Removal

The district will provide a child with a disability the same level of services it provides children without disabilities during removals for ten (10) school days or less during the school year.

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, if a subsequent removal is imposed for not more than ten (10) consecutive school days and is not a change of placement, district personnel, in consultation with the child's special education teacher, will determine the extent to which services are needed, so as to enable the child to continue to appropriately progress in the general curriculum, although in another setting, and to appropriately advance toward meeting the goals set out in the child's IEP or Section 504/Title II Plan.

Notification

On the date on which the decision is made to make a disciplinary removal that constitutes a change of placement of a child with a disability because of a violation of the district's code of student conduct, district personnel will notify the child's parents of the decision and provide the parents of children who are eligible for special education and related services under the IDEA with a copy of the district's *Parents Rights in Special Education: Notice of Procedural Safeguards* form. District personnel will provide the parents of children who are eligible for special education and related

services only under Section 504/Title II with a copy of the district's *Section 504 Information and Procedural Safeguards* form.

Special Circumstances

District personnel may also remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

1. carries or possesses a weapon at school, on school premises, or to or at a school function;
2. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at school, on school premises or at a school function; or
3. has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

Making a Manifestation Determination

Except for removals that will be for not more than ten (10) consecutive school days and will not constitute a change of placement, within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of the district's code of student conduct, the child's IEP or Section 504/Title II team will meet to review all relevant information in the student's file, including the child's IEP or Section 504/Title II Plan, any teacher observations, psychological evaluation data related to the student's current behavior, and any relevant information provided by the parents to determine:

1. if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. if the conduct in question was the direct result of an inappropriate placement or the district's failure to implement the IEP or Section 504/Title II Plan.

The conduct will be determined to be a manifestation of the child's disability if the child's IEP or Section 504/Title II team determines that a condition in either (a) or (b) of this paragraph was met.

If the child's IEP or Section 504/Title II team determines that the conduct in question was the direct result of the district's failure to implement the IEP or 504 Plan, the district will take immediate steps to remedy those deficiencies.

Determination that Behavior Is a Manifestation of the Child's Disability

If the IEP team determines that the conduct was a manifestation of the child's disability, the team will either:

1. conduct a functional behavior assessment, unless the district had conducted a functional behavior assessment before the behavior that resulted in the change of placement occurred and further functional behavior assessment is deemed unnecessary, and implement a behavior intervention plan for the child; or
2. if a behavior intervention plan already has been developed, review the behavior intervention plan and modify it, as necessary, to address the behavior.

If the Section 504/Title II team determines that the conduct was a manifestation of the child's disability, the team will determine what, if any, modifications to the student's educational placement are necessary, including conducting a functional behavior assessment and developing or revising a behavior intervention plan (if appropriate).

Except as provided in section 6 of this policy, the IEP or Section 504/Title II team will return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavior intervention plan.

Determination that Behavior Is Not a Manifestation of the Child's Disability

If the behavior that gave rise to the violation of the district's code of student conduct is determined not to be a manifestation of the child's disability, then district personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities.

A parent or guardian who disagrees with the manifestation determination may file a complaint requesting an impartial due process hearing.

Educational Services During a Long-Term Disciplinary Removal

During a long-term disciplinary removal, a child eligible for special education and related services under the IDEA will:

1. continue to receive educational services so as to enable the child to continue to appropriately progress in the general education curriculum, although in another setting, and to appropriately advance toward achieving the goals set out in the child's IEP; and
2. receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The child's IEP team will determine appropriate services and the location in which services will be provided. These services may be provided in an interim alternative educational setting determined by the IEP team.

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During a long-term disciplinary removal, a child eligible for special education and related services only under Section 504/Title II will receive educational services to the same extent that a child without disabilities would receive educational services during a disciplinary removal for the same offense.

Appeal to Hearing Officer Under the IDEA

The parent of a child eligible for special education and related services under the IDEA who disagrees with any decision regarding placement or the manifestation determination under this policy, or the district, if district personnel believe that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by filing a due process hearing complaint seeking an expedited hearing.

In making the determination, the hearing officer may:

1. return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the applicable provisions of the IDEA or that the child's behavior was a manifestation of the child's disability; or
2. order a change of placement of the child to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These procedures may be repeated, if the district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

When an appeal has been requested by either the parent or the district, the child will remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period set for the placement, whichever occurs first, unless the parent and the district agree otherwise.

The district may also seek a court order to remove a child with a disability from school or change the child's current educational placement if district personnel believe that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Providing Records to Disciplinary Decisionmaker

If the district initiates disciplinary procedures that would constitute a change of placement for a child with a disability, district personnel will ensure that the child's special education and disciplinary records are provided for consideration to the school personnel making the final determination regarding the disciplinary action.

**REFERENCE: 10 O.S. §7115
70 O.S. §6-114
70 O.S. §24-101.3**

THIS POLICY REQUIRED BY LAW.