



# STUDENT CODE

## K-12 Discipline Expectations and Enforcement Guidelines

THE STUDENT CODE establishes the rules governing the conduct of all district students without individualized education plans (“IEPs”) in order to maintain a disciplined, scholarly atmosphere, to achieve maximum educational benefits for all students, and to permit the orderly and efficient operation of the district.

### A. SCOPE

The Student Code shall apply to all district enrolled non-IEP students, in addition to and separately from any consequences administered by the criminal justice system:

- (1) while on district premises,
- (2) while in district-owned or operated vehicles, or in vehicles chartered in connection with any district-sponsored activity,
- (3) while engaged as a participant or spectator in district-sponsored activities, at home or away, or
- (4) while away from district grounds if such conduct would directly affect the good order, efficiency, management, and welfare of the district.

### B. VIOLATIONS

It shall be a Student Code violation for a student within the Scope of this Code to:

#### 1. Commit a Crime

“Crime” is defined as any offense in violation of the criminal laws of the United States or the State of Iowa, specifically inclusive of the Iowa Criminal Code.

#### 2. Possess a weapon

In addition to any weapon offenses proscribed by criminal law, it shall be a Student Code violation for any student to possess *any* weapon. “Weapon” includes any firearm, knife, club, numchuck, star, bomb, grenade, mine, stun gun, any other device which fires or can fire a projectile by the explosion of a propellant charge and/or is designed to or intended to incapacitate, threaten, or inflict bodily injury.

#### 3. Possess a Look-alike Weapon

In addition to any look-alike weapon offenses proscribed by criminal law, it shall be a Student Code violation for any student to possess *any* look-alike weapon. “Look-alike weapon” includes any item which resembles or appears to be a weapon, including, but not limited to, squirt guns, water rifles or pistols, slingshots, toy guns, and toy grenades.

#### 4. Engage in Harassment

No student shall use words, gestures or actions, which tend to annoy, alarm, victimize, demean or abuse another person. Words, gestures or actions "annoy, alarm, victimize, demean or abuse another person" when they have the purpose or effect of causing injury, discomfort, fear or suffering to another person and serve no legitimate purpose. Prohibited harassment shall include, but not be limited to, harassment as described in Board Policy 103 and AR 103(a).

#### 5. Depart Closed Campus/Parking Lot

No student, other than Central Campus students, shall leave their assigned attendance center or enter its parking lot, until the completion of their regularly scheduled school day, unless granted permission by building administration.

#### 6. Possess prohibited electronic devices

No student shall possess a beeper, pager, two-way radio, laser light, or other electronic device that is potentially disruptive to the learning environment. Students may possess cell phones. Each attendance center shall develop written rules addressing the use of cell phones and provide these rules to students and parents/guardians. A violation of these rules shall constitute a violation of this Student Code. In addition to or in lieu of any Student Code violation, the student’s phone may be confiscated by school personnel and placed in the school office for safe-keeping until the appropriate arrangements can be made for the return of the phone to the student’s parent/guardian.

#### 7. Dress Inappropriately

In addition to or in lieu of any Student Code violation, students found to be displaying any of the items prohibited by this section may be asked to remove, turn inside out, cover, remove, and/or deliver to district personnel, the prohibited item. Inappropriate dress shall include:

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- (a) Any style of dress, article of clothing, hairstyle, or make-up which substantially or materially interferes with or disrupts the maintenance of a learning atmosphere, specifically including that which is obscene or otherwise appeals to the prurient interest, or is suggestive of alcohol, tobacco, drugs, or any other conduct prohibited by this Code.
- (b) A lack of footwear appropriate to the activity or season.
- (c) Any article of clothing, jewelry or other accessory that is a hazard to safety, including chains and spikes.
- (d) Any hat or cap, unless necessary for a specific class or activity, and then only during that class or activity.
- (e) Any apparel, hairstyles, jewelry, monikers, trademarks, symbols or any other item which school officials determine, in light of the totality of the circumstances, and after consultation with law enforcement authorities at a supervisory level and/or other community experts, by virtue of its color, arrangement, or any other attribute implies affiliation or empathy with any group or gang which advocates violence, bigotry, hate, drug use or other criminal or disruptive behavior.

The district recognizes that gang styles and clothing continually evolve and change, and that no list could comprehensively define all clothing and hairstyles affiliated with gangs. Therefore, the gang related list of prohibited items is subject to modification to ensure the safety of students. District-wide modification will occur at least annually and may occur more often as necessary. A current list of prohibited items, signs, symbols, attire, and hairstyles is readily available to students and to their parents in each school office and on the District website

An individual school's principal may petition for a variance of this list pursuant to Iowa code when, in his/her opinion, styles have evolved in such a way that unlisted items have clearly assumed a significance as a symbol of gang identification. The list of prohibited gang-related items may be modified for individual schools only by approval of the Board Policy Committee upon the joint recommendation of the Superintendent and the Director of Equity.

### **8. Use an obscenity**

An "obscenity" is any word, gesture or action that, for no legitimate purpose under the circumstances, (a) is overtly sexual, (b) appeals to the prurient interest, and/or (c) is intended to shock, offend, disgust or bait another person, and would shock, offend, disgust or bait a person of reasonable sensibilities.

### **9. Disobey classroom rules**

Classroom rules include written rules, teacher instructions, and the general educational prohibition against all forms of cheating.

## **C. PROCEDURE FOR CODE VIOLATIONS**

If a student chooses to violate the Student Code, the district may utilize the following procedure to impose upon the student the consequences listed in Part D of the Code. Four levels of district personnel may be charged with determining consequences for Code violations:

1. the student's classroom staff (Level I)
2. the building administrator(s) of the student's attendance center (Level II)
3. an Intermediate Hearing (Level III)
4. the Board of Education (Level IV)

Violations of Paragraphs B(1)(Crimes), B(2)(Weapons), B(3)(Look-alike Weapons) and B(6) (Closed Campus/Parking Lot) shall be referred directly to Level II. District personnel may initially administer all other violations at either Level I or Level II, as deemed appropriate.

In determining appropriate consequences, personnel at all four levels may consider the student's total record, and the totality of the circumstances of the specific code violation.

### **LEVEL I - CLASSROOM**

Most Student Code violations may and should be handled by the classroom teacher and support staff through problem solving techniques, proactive interventions, and parent involvement. The teacher may impose any of the Level I consequences listed in the Code.

In cases where these efforts have been tried and failed, the violation is significant, or the violation is one requiring a Level II referral, the student will be referred to the building administrator's office. Documentation should be kept by the teacher of the violation(s) justifying the referral and of any history pertinent to the referral, such as dates and details of parent/guardian contacts and previously failed intervention efforts, and should include the child's name, date, sex, grade, race and the teacher's name.

The student shall have three school days from the date of any Level I decision to appeal to the building administrator of the student's attendance center.

## **LEVEL II BUILDING ADMINISTRATOR(S)**

In the event of an appeal from a level I decision, the building administrator, or his/her designee (the Administrator”) shall review the Level I documentation and decision, hear and consider any additional statements or evidence presented by or on behalf of the student and the teacher, if any, and shall, within a reasonable amount of time, issue a decision affirming, canceling or modifying the consequences imposed. The Administrator shall have sole discretion whether to stay imposition of any Level I consequence imposed pending the outcome of his/her decision.

In the event of a direct Level II referral, the Administrator may investigate and document the alleged violation and may dismiss the referral, may impose any of the Level I or Level II consequences listed in this Code, and/or may refer the student to Level III with a recommendation for a Level III consequence listed in this Code (ex. temporary out-of-school suspension with recommendation for Level III consequence).

The student shall have two school days from the date of any Level II decision affirming, modifying or imposing only Level I or Level II consequences to appeal, in writing, to the Director of Secondary Education for middle or high school students, or to the Director of Elementary Education for elementary school students, or their designees (the “Education Director”). The Education Director shall review the Level II documentation and decision, hear and consider any additional statements or evidence presented by or on behalf of the student or the building administrator, if any, and shall, within a reasonable amount of time, issue a decision affirming, canceling or modifying the consequences imposed. The Education Director shall have sole discretion whether to stay imposition of any Level II consequence imposed pending the outcome of his/her decision.

The student shall have two school days from the date of the Education Director’s decision to appeal, in writing, to the Superintendent, or his/her designee (the “Superintendent”), who will review the Education Director’s documentation and decision, hear or consider any additional statements or evidence of the student or the Education Director, if any, and shall, within a reasonable time, issue a decision affirming, canceling or modifying the consequences imposed. The Superintendent shall have sole discretion to stay the imposition of any enforcement step, pending the outcome of his/her decision.

Any appeal from the Superintendent's decision or the decision of his or her designee, must be made to the Board of Education (Level IV), in writing, within five days of the decision.

## **LEVEL III INTERMEDIATE HEARING**

Upon referral for a Level III consequence (the hearing for which shall also consider any Level I or II consequences also imposed upon that student), a full, fair and impartial hearing will be conducted by the Superintendent-appointed Hearing Officer governed by due process procedures set forth in Administrative Regulations. If the student is unable to pay the costs of an attorney, he/she may contact Legal Services for assistance. The Hearing Officer will review the Administrator’s documentation, Level I or II decision, if any, and Level III recommendation, hear or consider any additional statements or evidence of the student or the Administrator, if any, and shall, within a reasonable time, issue a decision affirming, canceling, modifying or imposing any of the consequences permitted under this Code. The Hearing Officer shall have sole discretion to stay the imposition of any enforcement step, pending the outcome of his/her decision.

Any appeal from the Hearing Officer's decision must be made to the Board of Education (Level IV), in writing, within five days of the decision.

## **LEVEL IV BOARD OF EDUCATION HEARING**

Appeals from Level II and III will be conducted by a hearing panel of the Board of Education, governed by such reasonable due process procedure it believes appropriate under the circumstances. The Hearing Panel of the Board of Education may recommend to the Board of Directors affirming, canceling, modifying or imposing any of the consequences permitted under this Code.

### **D. CONSEQUENCES FOR CODE VIOLATIONS**

The purpose of consequences is to modify student behavior, through positive and supportive actions whenever possible. While consequences are most effective when the parent or guardian of the student is supportive of those measures, they are essential even without parent/guardian support. Consequences may include any reasonable discipline, duties, behavior modification, or combination thereof that does not violate school policies or regulations. Examples of consequences include, without limitation:

#### **LEVEL I CONSEQUENCES**

1. Verbal reprimand
2. Conference with student
3. Problem solving, using students within the classroom
4. Utilizing other staff members as resources within the building
5. Specific instruction classes by the teacher to change or modify behavior
6. Parent contact and cooperative agreement on action
7. Contract developed between the student, teacher, parents, school administrator, and school counselor to establish rules and consequences for classroom behavior. May include: (a) Before or after school with prior parent permission for make-up work, (b) Behavior Modification Plan—specifies student’s problems in an organized manner and includes a list of actions to be taken

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8. STAT (Student-Teacher Assistance Team) referral.
9. Warn the student that if the same or similar violation occurs again within the same school year, the student may be subject to further discipline. Any such warning will remain in effect for the school year in which it is received
10. Temporary removal from class sends the student to the office of the building administrator for a period of time not to exceed one (1) day. The building administrator shall review with the student and the classroom teacher readmission to class or any further consequences
11. Denial of special privileges like films, field trips, parties
12. Conflict Resolution – School officials and trained conflict managers review with the student the code violation(s) and the loss of privileges
13. Counselor/Nurse Referral – to help change a student’s behavior
14. Police Liaison Officer Referral – for conference or prosecution.

### LEVEL II CONSEQUENCES

**Probation** - Imposes conditional attendance for a specified length of time during a trial period. Breach of the specific conditions of probation may result in more severe consequences. Terms and conditions of probation will be provided in writing to the student and/or parent. This probation is intended to be separate from and in addition to any probation that may be imposed by any criminal justice system.

**Permanent Removal from class** - Bars the student from a specific class for the remainder of the semester.

**In-School suspension** – Temporarily isolates a student from one or more classes while under proper administrative supervision.

**Temporary Out of School Suspension** –Suspends student out of school for up to ten (10) days. A temporarily out of school suspended student shall be given the opportunity to make up work and receive credit on the same basis as other absentees. Suspended days will be counted as absences. The initiative to make up the work must be made by the student. The building administrator shall attempt to hold a conference as soon as practicable with the parent(s) or guardian(s) to discuss the reasons for the suspension.

**Detention/Extended School Day** – the Administrator schedules a student to remain after school, or come to school early, or be in detention during school recess or lunch period. (Notification will be given twenty-four hours prior to the detention time unless parent/guardian contact is made that same day and the student’s transportation needs are resolved).

**Extended School Week** – the Administrator schedules make up time on a day or days when regular school is not in session to complete classroom work missed for discipline reasons.

**Extended School Year** – the Administrator schedules make up time after the end of the regular school year ends for time missed from the classroom for discipline reasons.

**Building or District Service** – Administrator assigns job tasks at the building or district level appropriate for the code violation. A school employee must supervise tasks.

**Student Assistance Program** – The student may be required to work with other students and/or staff to help the student to develop positive self-esteem while providing service to others.

**Mentor** – A person who has a specific student assigned to him or her for help and guidance in changing the behavior.

**Referral to Community/Social Agency** – Those agencies supported by state or private funds which provide referral services with substance use/abuse problems, and behavioral problems or other special needs.

**Community Service** – Student is required to work without compensation in lieu of further disciplinary action.

**Referral to Truancy Officer** – For conference with, and consideration by, the truancy officer of mediation and/or prosecution of students and/or parents/guardians for violations of the District truancy policy,.

### LEVEL III CONSEQUENCES

**Extended Out of School Suspension** –Suspends student out of school in excess of ten (10) days. An extended out of school suspended student shall be given the opportunity to make up work and receive credit on the same basis as other absentees. Suspended days will be counted as absences. The initiative to make up the work must be made by the student. The building administrator shall attempt to hold a conference as soon as practicable with the parent(s) or guardian(s) to discuss the reasons for the suspension.

**Expulsion** – permanently removes the student from the district.

### NONDISCRIMINATION POLICY

It is the policy of the District not to discriminate on the basis of race, creed, color, religion, national origin, sex, age, physical/mental disability, gender identity, sexual orientation, or veteran status in its programs activities or employment practices. Inquiries or grievances regarding discrimination on the above bases may be directed to the District’s Director of Educational Equity, Educational Equity Office, Education Service Center, 1221 Pierce Street, Sioux City, IA 51105-1497, (712) 279-6075