

JAMESTOWN PUBLIC SCHOOL DISTRICT #1
DISCIPLINARY POLICY

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POLICY STATEMENT

Learning can best take place in an orderly, safe environment where students exercise responsibility and mature behavior. To promote the existence of an appropriate learning environment, the local board of education has the authority to establish a discipline policy - NDCC 15.1-19-09. The school board and district administration will support district personnel who, in dealing with students on disciplinary matters, act in accordance with state law, school board regulations, and this policy. If a student exerts a disruptive influence on the educational environment of a school, the district will utilize its full right to discipline the student. Such effort may include utilizing special district personnel and/or outside referral agencies. The school district reserves the right to sign criminal complaints and/or refer complaints to law enforcement agencies.

Students and their parents or guardians have a right to know what behaviors are expected of students and the consequences of behaviors which violate district standards or interfere with the rights of others. The following school board policies apply to all students in the district. The principals shall obtain from a parent or guardian of each student a signed acknowledgement that they have received a copy of the school board discipline policies. (APPENDIX B)

THESE POLICIES ARE NOT INTENDED TO BE CONTRACTUAL IN NATURE AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE SCHOOL BOARD AS MAY BE REQUIRED.

Any notice required to be mailed to the guardian or parent of a student under these policies shall be mailed to the address as found in the Jamestown Public School District's official records. **IT SHALL BE THE RESPONSIBILITY OF THE PARENTS OR GUARDIAN TO INSURE SUCH ADDRESS IS CORRECT.**

SUSPENSION AND EXPULSION

Definitions

For the purposes of this policy:

- *School property* is defined as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, including those owned and leased by the District, and the site of any school-sponsored activity.
- *Suspension* includes in-school suspension from classes as well as out-of-school exclusion from school classes, buildings, grounds, and activities.

Suspension/Expulsion Authority

The Board hereby delegates to the Superintendent and each principal the authority to deal with disciplinary problems in his/her school, including suspension and recommendation for expulsion of a student. Suspension shall not be imposed beyond the maximum duration permitted by law.

The Board designates the Superintendent to serve as the hearing officer for expulsion hearings unless not qualified to serve as defined in board regulations. In such cases, the Board shall appoint an alternative hearing officer. The hearing officer may expel a student for conduct that violates this policy after providing notice and a hearing as set forth in board regulations. When the hearing officer is someone other than the Jamestown Public School District Board, the student may seek a review of the hearing officer's expulsion decision by the Board based on the record of the hearing.

Expulsion shall not be imposed beyond the maximum duration permitted by law.

Conduct Subject to Suspension/Expulsion

Conduct, including but not limited to the following, exhibited while on school grounds, during a school-sponsored activity, or during a school-related activity is subject to suspension or expulsion:

1. Causing or attempting to cause damage to school property or stealing or attempting to steal school property of value;
2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property;
3. Causing or attempting to cause physical injury to another person except in self-defense;
4. Possessing or transmitting any firearms, knives, explosives, or other dangerous objects or weapons;
5. Possessing, using, transmitting, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind;
6. Disobedience or defiance of proper authority;
7. Behavior that is detrimental to the welfare, safety, or morals of other students;
8. Truancy;
9. Offensive and vulgar language when it is obscene, defamatory, or inciteful to violence and disruptive of the educational process;

10. Threats of violence, bomb threats, or threats of injury to individuals or property;
11. Any student behavior that is detrimental or disruptive to the educational process, as determined by the principal.

Copies of these rules shall be posted in a prominent place in each school and shall be published in student handbooks.

Suspension or Expulsion of Students with Disabilities

Suspension or expulsion of students with disabilities must comply with the provisions of the Individuals with Disabilities Education Act.

The District is not required to refer a regular education student who has been suspended or expelled for violation of school rules and/or district policy for special education assessment and evaluation to determine if such a student might have a disability. A suspended regular education student is not entitled to reinstatement to classroom and campus privileges pending any assessment and evaluation that is to be made during the term of the student's suspension

CORPORAL PUNISHMENT

North Dakota Century Code Section 15.1-19-02 states corporal punishment is banned except for the following circumstances: To quell a physical disturbance threatening physical injury to persons or property, to quell a verbal disturbance, to provide for self-defense, to preserve order, or to obtain possession of a weapon or other dangerous object within the control of a student. Any use of force for such exceptions must be reasonable for the purpose of safeguarding or promoting the student's welfare.

The Jamestown Public School system does not endorse the use of corporal punishment. Teachers, principals and/or district administrators, or other staff members who use corporal punishment, except as defined in NDCC 15.1-19-02, may be subject to legal action for assault and battery. Such charges may be filed by parents, legal guardian(s), students or governmental agencies. The use of excessive physical force may be considered as grounds for dismissal or such other action as recommended by the school board.

MEDIA

The names of students receiving disciplinary action will not be revealed to the media.

TOBACCO, ALCOHOL, AND ILLEGAL DRUGS

The Jamestown Public School District shall strive to provide a learning environment that is safe, drug free, and conducive to learning. This policy is designed to help eradicate the influence of drugs and alcohol within the school environment, promote awareness and health, and protect students in the school environment by imposing consequences for drug and alcohol related violations.

Prohibited Activities

It shall be against school policy for any student to:

1. Sell, deliver, or give, or attempt to sell, deliver, or give to any person any of the substances listed in this policy or sell, deliver, or give, or attempt to sell, deliver, or give to any person substances the student represents or believes to be a substance(s) listed in this policy.
2. Possess, procure, purchase, or receive, or to attempt to possess, procure, purchase or receive the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances in this policy. A student will be determined to be "in possession" when the substance is on the student's person or in the student's locker, car, handbag, or when s/he owns it completely or partially.
3. Be under the influence of (legal intoxication not required), use, consume or attempt to use or consume the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes is any of the substances in this policy.
4. Knowingly or intentionally aiding or abetting in any of the above activities.

This policy applies to any student who is on school property, who is in attendance at school or at a school-sponsored activity or whose off-campus conduct is reasonably predicted to substantially disrupt the operations of the school district, district safety, or welfare of students or employees.

Prohibited Substances

1. Alcohol or any alcoholic beverage;
2. Any controlled substance or dangerous drug as defined by NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or depressant, and all other illicit drugs;
3. Any glue, aerosol paint, or any other chemical substance used for inhalation;
4. Any prescription or non-prescription drug, medicine, vitamin or other chemical including, but not limited to aspirin, other pain relievers, stimulants, diet pills, multiple or other type vitamins, pep pills, "no-doze" pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants, sports or muscle-building supplements, and sleeping pills not administered and/or taken in accordance with appropriate consent and authorization from parents, school administration and if applicable a health care provider.

The District has a separate policy dealing with tobacco use.

Reporting Violations

A student or staff member that has reason to believe that a student has violated this policy should notify a school official (i.e., a teacher or administrator if the reporter is a student; a school administrator if the reporter is a district staff member). Except in limited circumstances under law, a teacher is required to report known or suspected violations of this policy to the school principal.

Violation

When a principal/Superintendent has reasonable suspicion that a student has violated this policy, s/he may search the student in accordance with the district's policy on searches of students' personal property.

Disciplinary sanctions will be imposed on and additional actions may be taken (as listed below) in response to, any ~~student~~ violation ~~ng~~ of this policy. These sanctions may include suspension or expulsion, intervention (as described below), and notification of proper authorities for prosecution. Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities.

Any student who is observed to be under the influence of a prohibited substance will be taken immediately to the principal's office. The student's parents will be notified and asked to pick up the student. If there appears to be imminent danger to other students, school personnel, and/or the student involved, the principal may have the student removed from the school by school, medical, or law enforcement personnel.

Intervention

It is acknowledged that the public school has neither the authority nor the responsibility to make medical or health determinations regarding chemical dependency; however, when observed behavior indicates that a problem exists that ~~which~~ may affect the student's ability to learn or the educational climate of the school, the school has a right and a responsibility to refer the student for a formal chemical dependency diagnosis. The Superintendent shall develop a procedure for chemical dependency identification and referral for treatment.

Referral for treatment shall be a constructive not punitive action; however, use of the treatment program shall not override or prohibit the District from taking disciplinary action for violations of this policy.

The school will make a reasonable effort to cooperate with a therapy program if one is recommended for the student. The School will have the option of requiring that the student attend. The Board believes that if a student is involved in a chemical dependency program and is successfully addressing his/her harmful involvement with chemicals, s/he may continue in the regular school setting and continue to participate in any extracurricular program unless participation is in conflict with rules and regulations set forth by the Board and the North Dakota High School Activities Association and/or the student has been suspended or expelled as a result of a district policy violation.

The school may, through the use of available resources, provide follow-up counseling and supportive assistance to those students who return after successfully completing a therapeutic regimen, realizing that the student may need assistance in dealing with other environmental factors beyond the school's control which may remain unchanged.

Confidentiality

The District shall maintain the confidentiality of students referred for counseling and chemical dependency treatment in accordance with the district's policy on counseling records.

Education

This District will teach about drugs and alcohol in an age appropriate developmentally based education and prevention program in every grade in accordance with law. This program will include information about drug and alcohol counseling and rehabilitation programs available to the students.

In addition, the District will conduct staff orientation and training on drug and alcohol prevention, including a periodic overview of this policy and its procedures for implementation. The District will also provide parent and community education on the topic of drug and alcohol prevention.

Policy Implementation

Student handbooks shall contain a statement of sanctions required concerning the possession, use, or distribution of drugs and/or alcohol.

The Jamestown Public School District will review this policy and its implementation periodically to ensure that disciplinary sanctions are consistently applied and to determine the effectiveness of the program for the prevention of alcohol and other drug use/abuse.

NONDISCRIMINATION & ANTI-HARASSMENT POLICY**General Prohibitions**

The Jamestown Public School District is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The District prohibits discrimination and harassment based on a student, parent/guardian, and/or employee's race, color, religion, sex, gender identity, national origin, ancestry, disability, age, or other status protected by law.

It shall be a violation of this policy for any district student, parent/guardian, or employee or third party to harass or discriminate against another district student or employee based on any status protected by law if the conduct occurred within the context of an education program or activity, or had a continuing effect in the educational setting on campus or in an off-campus program or activity. The District will not tolerate harassment or discrimination of a district student, or employee by a third party. The District also prohibits aiding, abetting, inciting, compelling, or coercing discrimination or harassment; discriminating against or harassing any person affiliated with a person protected by this policy and/or law; knowingly making a false discrimination and/or harassment report; and retaliation against individuals who report and/or participate in a discrimination and/or harassment investigation, including instances when a complaint is not substantiated.

The District shall promptly investigate any harassment, discrimination or retaliation complaint and act on findings as appropriate, which may include disciplinary measures such as, but not limited to, termination of employment or expulsion in accordance with board policy, law, and, when applicable, the negotiated agreement. Students and employees are expected to fully cooperate in the investigation process. The District will take steps to try and prevent recurrence of harassment, discrimination or retaliation and remedy discriminatory effects on the complainant and others, if appropriate.

Definitions

- *Complainant* is the individual filing the complaint. When the complainant is not the victim of the alleged harassment/discrimination, the victim will be afforded the same rights as the complainant under this policy and regulation AAC-BR.
- *Disability* is defined in accordance with NDCC 14-02.4-02 (5).
- *Discrimination* means failure to treat a person equally due to a protected status. Protected status is defined in applicable state (NDCC 14-02.4-02 (6)) and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- *Harassment* is a specific type of discrimination based on a protected status. It occurs under the following conditions:
 - a. For employees when enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
 - b. For students when the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment.
- *Section 504* (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.
- *Sexual harassment* is a form of harassment based on sex or gender identity. It is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature when:
 - a. It is quid pro quo, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade); or
 - b. It creates a hostile environment meaning unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees a hostile environment is created when

submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.

- *Sexual harassment examples* may include, but are not limited to:
 - a. Sexual or "dirty" jokes
 - b. Sexual advances
 - c. Pressure for sexual favors
 - d. Unwelcome touching, such as patting, pinching, or constant brushing against another's body
 - e. Displaying or distributing of sexually explicit drawings, pictures, and written materials
 - f. Graffiti of a sexual nature
 - g. Sexual gestures
 - h. Touching oneself sexually or talking about one's sexual activity in front of others
 - i. Spreading rumors about or rating other's sexual activity or performance
 - j. Remarks about a person's sexual orientation
 - k. Sexual violence including, but not limited to, rape, sexual battery, sexual abuse, and sexual coercion

- *Title II* (Title II of the Americans with Disabilities Act, as amended, 28 C.F.R. Part 35) extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.

- *Title IX* (Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*) is a federal law that protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.

Complaint Filing Procedure

The Board has created an informal and formal harassment and discrimination complaint resolution procedure in board regulations coded AAC-BR. The procedure provides for an impartial investigation free of conflicts of interest. Nothing in this policy or in the discrimination & harassment grievance procedure shall prevent an individual from pursuing redress through state and/or federal law.

Confidentiality

An individual wishing to file an anonymous harassment and/or discrimination complaint shall be advised that confidentiality may limit the district's ability to fully respond to the complaint and that retaliation is prohibited. The appropriate grievance coordinator (nondiscrimination, Title IX, or 504/Title II) shall perform a confidentiality analysis to determine when a request for confidentiality cannot be honored due to safety reasons or the district's obligation to maintain a nondiscriminatory educational environment, and the complainant shall be notified in writing of the confidentiality analysis outcome. A harassment or discrimination investigation report is subject to the open records law after 60 days or when the investigation is complete (whichever comes first), with limited exceptions such as when the record is protected by FERPA.

Complaint Recipients

All District employees are responsible for receiving complaints of discrimination or harassment and shall forward complaints to the appropriate grievance coordinator. All District employees shall receive appropriate training on their reporting duties.

Policy Training and Dissemination

The Board authorizes the Superintendent to develop harassment and discrimination awareness training for students and employees. In addition, the Superintendent shall display this policy and complementary grievance procedure in a prominent place in each district building and publish it in student and employee handbooks.

Grievance Coordinators

The Title IX Coordinator's core responsibilities include overseeing the District's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator must have knowledge of the requirements of Title IX, of the District's policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the District. To accomplish this, the Title IX Coordinator must be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates Sally Ost, Business Manager, as the Title IX Coordinator. She can be contacted at: 207 2nd Avenue SE, Jamestown, ND 58401, Sally.Ost@k12.nd.us, or 701-252-1950.

The 504/Title II Coordinator's core responsibilities include overseeing the District's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the District's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of all reports and complaints raising Section 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates Heidi Budeau, Director of James River Special Education Cooperative, as the 504/Title II Coordinator. She can be contacted at: 207 2nd Avenue SE, Jamestown, ND 58401, Heidi.Budeau@k12.nd.us, or 701-252-3376.

The Nondiscrimination Coordinator's core responsibilities include overseeing the District's response to discrimination and harassment reports and complaints that do not include sex or disability, but instead the other protected statuses. The Board designates Robert Lech, Superintendent as the Nondiscrimination Coordinator. He can be contacted at: 207 2nd Avenue SE, Jamestown, ND 58401, Robert.Lech@k12.nd.us, or 701-252-1950.

The Title IX, 504/Title II, and Nondiscrimination Coordinators, and any other school official responsible for investigation of discrimination complaints, shall receive appropriate training. This training shall include (1) what constitutes discrimination, harassment, and retaliation; (2) the

handling of complaints under the Discrimination & Harassment Grievance Procedure (AAC-BR); and (3) applicability of confidentiality requirements.

PRIORITY OF DISTRICT POLICY

In addition to promulgating its own policy, the board recognizes the uniqueness of each building and intends that there will be individual and classroom procedures to supplement these district policies. However, building or classroom procedures may not conflict with district policy.

NON-SCHOOL ENFORCEMENT AGENCIES

When student action includes a possible violation of North Dakota law, police and juvenile authorities will be contacted by the school officials involved. When student action includes a possible violation of the North Dakota High School Activities Association regulations, disciplinary action may **also** include enforcement in accordance with the NDHSAA policy. All students involved in interscholastic activities, such as sports and music, and their parents are directed to the section entitled **NDHSAA** of this policy manual for District policies implementing North Dakota High School Activities Association regulations.

STUDENT DRESS REGULATIONS

Students have a fundamental right to a free public education. They also have a corresponding responsibility to join with other members of the school community in respecting the rights and responsibilities of others and in establishing a climate for learning within the school.

All students are expected to dress and groom themselves neatly in a manner suitable for school. Clothing, accessories and hair worn by the students are not to endanger the health or safety of themselves or other members of the school community or distract from the educational process.

The following guidelines are to be used in determining appropriate school attire and grooming:

1. Most clothing is acceptable for school wear as long as it is neat and clean. All articles of clothing and shoes must fit properly, and personal grooming must not present a danger to the student or anyone else in the school setting.
2. Students' personal grooming, including hair and other personal hygiene, shall reflect their responsibility to themselves and others in the school community to participate in a clean and safe environment and climate for learning.
3. Clothing advertising or promoting the use of drugs, alcohol, tobacco, other drugs, or violence may not be worn.
4. Clothing which is obscene or vulgar in its design, logos or attachments may not be worn.
5. Administrators or other designated school officials may deny a student the right to wear a hat, hood, scarf, and clothing exhibiting sexually explicit logos or other articles of clothing or accessories, if in their professional judgment the article interferes with the educational process.

CARRYING POLICY

Definitions

- *Firearm* is defined in accordance with 18 U.S.C. 921.
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the District, and the site of any school-sponsored event or activity.
- *Weapon* includes, but is not limited to:
 - a. Any dangerous weapon as defined by NDCC 62.1-01-01
 - b. Any device designed to stun through use of voltage whether through direct contact or through a projectile
 - c. Any firearm look alike or dangerous weapon look alike brought on school property with the intent to threaten or intimidate
 - d. Any other object that a student used, attempted to use, or intended to use to threaten or intimidate, cause destruction to property, or to cause injury to self or others
 - e. Spray or aerosol containing ortho-chlorobenzamalonitrile or other irritating agent intended for use in the defense of an individual

Prohibitions

No student will *knowingly* possess, handle, carry, or transmit any firearm or weapon on school property.

Disciplinary Consequences

Violation of this policy will result in disciplinary action up to and including suspension or expulsion. Bringing a weapon other than a firearm to school will require that proceedings for the suspension for up to 10 days and/or expulsion for up to 12 months be initiated immediately in accordance with the district's suspension and expulsion policy.

Bringing a firearm to school will require that the District immediately initiate proceedings for the expulsion of the student involved for a minimum of one calendar year in accordance with the district's suspension and expulsion policy. The Superintendent may modify the length of a firearms-related expulsion on a case-by-case basis based on the following criteria:

1. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
2. The age and grade level of the student.
3. The prior disciplinary history of the student being expelled.
4. Relevant factors that contributed to the student's decision to possess a firearm in violation of this policy.
5. The recency and severity of prior acts resulting in suspension or expulsion.
6. Whether or not the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.

7. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether or not the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the expulsion period.

Parents will be notified and all weapons will be confiscated and may be turned over to the student's parents or to law enforcement officials at the discretion of the administration. Firearms will be confiscated and turned over to law enforcement.

Special Education Students

A student who is defined as having a disability under the Individuals with Disabilities Education Act (IDEA) who has brought a weapon to school shall be handled in accordance with IDEA regulations. The District shall make manifestation determinations, disciplinary decisions, and placement decisions of such students in accordance with IDEA regulations.

Nonapplicable Provisions

This policy does not apply to students enrolled and participating in a school-sponsored shooting sport, provided that the student informs the school principal of the student's participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm. The principal may allow authorized persons to display weapons, other dangerous objects or look-a-likes for educational purposes. Such a display will be exempt from this policy.

Jamestown Public School District students are subject to North Dakota High School Activities Association rules and regulations and in addition to the specific student policies adopted by the District.