



2009-2010

STUDENT DISCIPLINE CODE & PROCEDURES

Philosophy for Discipline

Discipline in the Des Moines Public Schools is a joint responsibility that should be shared by school staff, students, and their families. It is designed to promote behavior that will enable students to function successfully in their educational and social environments. The *District Discipline Code* is to be applied consistently and uniformly throughout the District so that students are treated fairly and equitably. The *District Discipline Code* is developed to help students understand their obligations to others in the school setting, and is reflective of the concern for the dignity and growth potential of each student as well as the commitment to the safety interests of all students, staff and the community.

Student Misconduct

The *District Discipline Code* provides a description of a broad range of behavior considered to be student misconduct. The behavior described should be viewed as representative of the misconduct that most frequently causes a disruption to the orderly educational process.

The acts of misconduct listed in Levels I, II, III, IV are not inclusive. The student who commits an act of misconduct that may be classified into any of the four levels will be subject to disciplinary action by the classroom teacher, dean of students, vice principal, or principal. Des Moines Public Schools administration reserves the right to make final decisions regarding disciplinary consequences.

General Discipline Guidelines for Assessing Penalties

The District may impose disciplinary consequences for conduct that interferes with the educational environment. When administering discipline, district personnel shall adhere to the following general guidelines:

1. Discipline shall be administered when necessary to protect students, school employees, or property and to maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of circumstances of each case. Factors that will be considered in the administration of student discipline and factors that will be considered in determining the length of any suspension, alternate education placement, or expulsion may include but are not limited to:
 - a. Seriousness of offense
 - b. Student's age and intent or lack of intent at the time the student engaged in the conduct
 - c. Student's disciplinary history
 - d. Student's attitude
 - e. Potential effect of the misconduct on the school environment
 - f. State law requirements for certain disciplinary consequences
 - g. Whether the facts of the case warrant consideration of self-defense as a mitigating factor in the assessment of the punishment
 - h. Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

3. Serious offenses are those that substantially disrupt or materially interfere with the orderly process in the classroom, DMPS transportation, the school, or any school-related activity and may include persistent misbehavior of Level II or higher misconduct. An administrator may find, on the basis of the facts and circumstances of the case, that a Level III offense constitutes a serious offense. Finally, a finding that a student has engaged in any offense listed as an offense under Level III or Level IV constitutes a finding that the student has engaged in serious misbehavior.

Definitions

1. AEP (Alternate Educational Placement): Students are placed in an educational setting determined by the District for a period not to exceed two academic semesters. However, if it is determined that the student is a threat to the safety of other students or a threat to District employees and it is determined that placement is in the best interest of the student, then the student's placement may be for a longer duration. In that situation, there is no limitation on the length of placement of a student in an AEP. Students are placed on a behavior improvement contract during their period of alternate educational placement. Serious violations of the discipline policy by students during the period of placement may result in a recommendation for expulsion. AEP placements are monitored by the Learning Services Department.
2. Expulsion: The Board of Directors for the District may, by a majority vote, expel a student from school for a violation of the regulations or rules established by the Board, or when the presence of the student is detrimental to the best interest of the school. When a student is expelled he or she is not eligible to receive educational services from the District. The period of expulsion will not exceed two academic semesters.
3. Persistent: More than one instance of similar type misconduct.
4. Possession: Actual care, custody, control, or management. A student shall be considered to be in possession of any substance or object prohibited or regulated by the Discipline Policy if the substance or object is (1) on the student's person or in the student's personal property, such as the student's clothing, purse, book bag, or backpack; (2) in any private vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) in any school property used by the student, such as a locker or desk.
5. Serious Offenses: Substantial disruption or material interference with the orderly process in the classroom or school building.

General Procedures for Resolving School Problems

School problems can best be resolved at the campus level, where problems start. In order to resolve problems, parents, guardians, or students can meet with a teacher at appropriate times to discuss existing problems. If the parents, guardians, or students are dissatisfied with the teacher's decision or explanation, they can meet with the building administrator to review the area of concern.

If further assistance is needed, then parents, guardians, or students can meet with the executive director and/or regional superintendent. Parents, guardians, and students who wish to appeal the Alternate Educational Placement or who wish to appeal an expulsion should refer to the section of the *Code* relating to procedures for appropriate guidance.

Rights and Responsibilities in Discipline

Parents/Guardians

Have a responsibility to:

1. Assist school staff by sharing ideas for improving your child's learning and preventing or resolving student discipline problems.
2. Provide supervision for the child's health, physical and emotional well-being, and ensure prompt and regular attendance.
3. Provide the school with documentation for absences or tardiness.
4. Help enforce student compliance with school rules and expectations.
5. Attend parent conferences.
6. Provide appropriate supervision of students before and after school.
7. Review and discuss this document with students, as well as other similar materials such as school handbooks.

Have a right to:

1. Receive regular official reports of the child's academic progress and attendance.
2. Make recommendations and give ideas for educational planning.
3. Participate in conferences with teachers and/or the administration.
4. Receive explanations from teachers for child's grades.
5. Read all school records pertaining to their child, within appropriate guidelines.
6. Obtain further clarification, upon request, on any rights referred to in this handbook.
7. Whenever possible, receive information in a language they can understand.

Students

Have a responsibility to:

1. Attend school regularly, arrive on time, bring appropriate materials and be prepared to participate in class.
2. Do homework.
3. Strive for academic growth.
4. Respect the rights, feelings, and property of fellow students, parents/guardians, school personnel, visitors, guests, and school neighbors.
5. Conduct themselves properly on school grounds, school buses, at bus stops, at any school-related activities, and in the classroom so as not to interfere with the rights of others.
6. Follow discipline guidelines adopted by the school and the District.
7. Read and understand the *District Discipline Code and Procedures*.
8. Report violations of school rules.
9. Report any incidents of verbal or physical threats, bullying, or abuse.

Have a right to:

1. Discuss educational concerns with teachers and other school staff.
2. Receive a copy of the *District Discipline Code and Procedures*.
3. Receive fair discipline without discrimination.
4. Access their own records within appropriate guidelines.
5. Receive information in a language they can understand.

Schools

Have a responsibility to:

1. Educate all students.
2. Treat all students with respect.
3. Provide a safe and orderly environment for learning.
4. Administer appropriate discipline procedures when student behavior prohibits learning or causes an unsafe and/or disorderly environment.
5. Provide due process to students and families in the administration of the discipline procedures.
6. Invite and welcome community members into the school.

Have a right to:

1. Take the necessary steps to ensure a safe, orderly, and supportive environment.
2. Assign students to particular school programs and activities.
3. Engage parents in problem solving throughout the three stages (preventive, supportive instruction, corrective action) of student discipline.

Levels of Offense/Overview

Acts of misconduct are categorized into the following four levels of offense:

Level I — Violation of Classroom Rules:

Offenses that generally occur in the classroom and can be corrected by the teacher.

Level II — Administrative Intervention:

Offenses that are more serious in nature or a continuance of Level I misconduct.

Level III — Suspension and/or Optional Recommendation for Alternate Educational Placement (AEP)

Offenses that seriously disrupt the educational process in the classroom, in the school, or at school-related activities, or a continuance of repeated Level I or II misconduct. A finding that a student has engaged in a Level III offense may constitute a serious offense.

Level IV — Required Alternate Educational Placement or Recommendation for Expulsion for Serious Offenses

Offenses that threaten to disrupt the orderly educational process of the classroom or school or offenses that demonstrate the student's presence is detrimental to the best interests of the school. A finding that a student has engaged in an offense listed under Level IV constitutes a finding that the student has engaged in serious misbehavior. A student may be disciplined for violating Level IV offenses if the misbehavior occurs on school property or at a school-sponsored or school-related activity regardless of whether the event is on or off school property.

Anti-Bullying/Harassment Procedure

Nondiscrimination: No student in the Des Moines Independent Community School District shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in the District programs on the basis of race, color, creed, sex, religion, marital status, ethnic background, national origin, disability, sexual orientation, gender identity, or

socio-economic background. The District will provide educational programs and opportunities for students as needed on the basis of individual needs, interests, abilities, and potential.

Harassment and Bullying Prohibited: Harassment and bullying of students is against federal and state law, and against the policy and procedures of the District. The District is committed to maintaining an educational environment free of any form of bullying or harassment by or toward students, parents/guardians, employees, and volunteers while in school, at a school sponsored activity, or at any school sponsored function. The District prohibits harassment or bullying based on the student's actual or perceived race, color, creed, sex, age, religion, marital or familial status, ethnic background, national origin, ancestry, physical or mental ability or disability, sexual orientation, gender identity, physical attribute, political party preference, political belief, or socio-economic background or familial status. Acts of harassment or bullying may be treated as grounds for discipline. Discipline may include suspension or expulsion of a student, termination of an employee, and exclusion of a volunteer from District activities or school premises.

Harassment and Bullying Defined: Any communication toward a student including electronic (such as e-mails or instant messages), telephonic, written or verbal communication, or any physical act or conduct that is based on an actual or perceived trait or characteristic that creates or could reasonably be expected to create an objectively hostile school environment is prohibited. An objectively hostile school environment is created if the act or conduct:

- places the student in reasonable fear of harm to the student's person or property; or
- has a substantially detrimental effect on the student's physical or mental health; or
- has the effect of substantially interfering with the student's academic performance; or
- has the effect of substantially interfering with the student's ability to participate or benefit from the District services, activities, or privileges.

Examples of prohibited behavior may include but are not limited to the following:

- unwelcome touching;
- inappropriate or demeaning remarks, jokes, stories, activities, symbols, signs, or posters;
- implied or explicit threats concerning grades, awards, property, or opportunities;
- requiring explicitly or implicitly that a student submit to harassment or bullying as a term or condition of the student's participation in any educational program or activity.

Sexual Harassment Defined: The District is committed to maintaining an educational environment free of any form of sexual harassment. All employees, volunteers, and students must avoid any action or conduct which could reasonably be perceived as sexual harassment. It shall be a violation of these procedures for any person to harass a student through conduct or communications of a sexual nature as defined by this procedure. Sexual harassment shall consist of unwanted sexual advances, requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made explicitly or implicitly a term or condition of the student's educational opportunities or benefits; or
- submission to or rejection of such conduct by a student is used as the basis for educational decisions affecting that student; or
- such conduct has the purpose or effect of substantially interfering with a student's education by creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may include but is not limited to the following:

- requests or pressure for sexual activity;
- unwelcome touching;
- other verbal or physical conduct of a sexual nature, such as inappropriate jokes, symbols, signs or posters of a sexual nature;
- repeated remarks to or about a person with sexual or demeaning implications.

(Note: Any sexual overtures made by a staff member to a student whether welcome or unwelcome, shall be grounds for discipline, including termination. See Administrative Procedures Manual Series 400, Code 407.)

Complaint Procedures: Any person alleging a violation of these procedures may file a complaint using the *Complaint Procedures* of Series 400, Code 407, which is also described in the Employee Handbook. Employees who are aware of harassment or bullying shall file a written complaint or shall report the conduct to a principal or to the District Complaint Officer/Title IX Coordinator at 242-7781. The complainant may bypass any step of the complaint procedure where the person against whom the complaint is to be lodged is the alleged perpetrator. Series 400, Code 407 shall govern the investigation of alleged cases of physical or sexual abuse, including sexual harassment, of students by staff members.

The complainant may be required to complete a written form and to turn over copies of evidence of discrimination, harassment, or bullying including, but not limited to letters, e-mails, tapes, signs, and pictures. The investigator shall promptly begin an investigation and proceed to completion. Both the complainant and alleged perpetrator will be given an opportunity to give a statement. District employees, students, parents, and volunteers shall fully and fairly cooperate in the investigation. A written investigation report shall be completed, and a summary of the report, including a finding that the complaint was founded, unfounded, or inconclusive, will be forwarded to the complainant, to the parent or guardian, and to the alleged perpetrator. The investigator will consider the totality of the circumstances presented in determining whether the conduct objectively constitutes discrimination or harassment.

The right to confidentiality, of both the complainant and the accused, will be respected consistent with the District's legal obligations, and with the necessity to investigate the allegations of misconduct and to take corrective action when this conduct has occurred.

No Retaliation: No person shall retaliate against a student or other person because the student or other person has filed a discrimination or harassment complaint, assisted or participated in an investigation, or has opposed language or conduct that violates these procedures, as long as the participation or action was done in good faith. Persons who engage in retaliation or who knowingly file false complaints or give false statements in an investigation shall be subject to discipline up to and including suspension, expulsion, or termination of employment.

Corrective Action: The District will take action to halt any improper discrimination, harassment or bullying and will take other appropriate corrective actions, including disciplinary measures, which may include discharge, suspension, expulsion, or exclusion of a perpetrator to remedy all violations of these procedures.

Notification: Notice of these procedures shall be communicated to staff, students, and parents of the District and to the District community. It shall be included in handbooks including those for students, staff and volunteers, on the District's Web site, and shall be published in any manner as deemed appropriate.

Training: The District shall educate staff, parents, and students about harassment and bullying, effective methods of prevention, and what to do in the event of such actions. The District shall participate in assessments of the effectiveness of these procedures and education programs and shall make reports as required.

Other Agencies: Students, parents, and employees may also contact the Iowa Civil Rights Commission, the Des Moines Human Rights Commission, the Region VII Office for Civil Rights within the United States Department of Education in Kansas City, Missouri, or the United States Equal Employment Opportunity Commission in Milwaukee, Wisconsin, for assistance.

Anti-Hazing Procedure

Hazing Prohibited: Certain forms of hazing are illegal and subject to criminal sanctions in the state of Iowa. All forms of hazing are prohibited by the District both on and off District property. Hazing is a practice that diminishes the integrity of individuals and their teams, activities, and organizations. Hazing has no place in our society, particularly in an educational environment. The District is committed to emphasizing that all teams, activities, and organizations be made safe, educational, and constructive. Therefore, in support of the District's commitment to the mental, emotional and physical well-being of every student, hazing in any form is prohibited, and its practices in any manner are condemned.

Hazing Defined: Hazing occurs when an action is taken against a person for the purpose of initiation or admission into, or affiliation with any organization, team, or activity operating in connection with the District, and the action either results in or is reasonably likely to have the effect of endangering the physical or mental health of the person, or humiliating, intimidating, or demeaning the person.

Hazing includes, but is not limited to, any type of physical brutality such as whipping, beating, striking, branding, placing a harmful substance on or in the body; any physical activity such as sleep deprivation, exposure to the elements or confinement in a particular space; any activity involving consumption of food, liquid, alcoholic beverage, drug, or other substance that subjects a student to an unreasonable risk of harm; wearing of public apparel that is conspicuous or intended to embarrass or humiliate by drawing undue attention; or any activity that induces, causes, or requires a student to perform a duty or task that involves the commission of a crime.

Hazing shall not include any activity or conduct that furthers the legitimate curricular or extracurricular goals in a manner that is appropriate and customary for similar school programs.

Complaint Procedures: Any person alleging a violation of this *Procedure* may file a complaint using the *Complaint Procedures* of Series 400, Code 407, which is also described in the Employee Handbook. Employees who are aware of hazing shall file a written complaint or shall report the conduct to a principal or to the District Complaint Officer/Title IX

Coordinator at 242-7781. The complainant may bypass any step of the complaint procedure where the person against whom the complaint is to be lodged is the alleged perpetrator.

The investigator shall promptly begin an investigation and proceed to completion. Both the complainant and alleged perpetrator(s) will be given an opportunity to give a statement. District employees, students, parents, and volunteers shall fully and fairly cooperate in the investigation. A written investigation report shall be completed, and a summary of the report, including a finding that the complaint was founded, unfounded or inconclusive will be forwarded to the complainant, to the parent or guardian, and to the alleged perpetrator. The investigator will consider the totality of the circumstances presented in determining whether the conduct objectively constitutes hazing.

The right to confidentiality, of both the complainant and the accused, will be respected consistent with the District's legal obligations, and with the necessity to investigate the allegations of misconduct and to take corrective action when this conduct has occurred.

No Retaliation: No person shall retaliate against a student or other person because the student or other person has filed a hazing complaint, assisted or participated in an investigation, as long as the participation or action was done in good faith. Persons who engage in retaliation or who knowingly file false complaints or give false statements in an investigation shall be subject to discipline up to and including suspension, expulsion, or termination of employment.

Corrective Action: The District will take action to halt any hazing and will take other appropriate measures which may include for students disciplinary actions including but not limited to suspension from school, removal or suspension from participation in athletic events or extra curricular activities, or referral to an appropriate law enforcement agency. Should a staff member participate in, or condone, or fail to take reasonable measures to halt hazing activity of which he or she is aware, or about which he or she should have known; disciplinary measures will be taken up to and including termination.

Notification: Notice of this procedure shall be communicated to staff, students, and parents of the District and to the District community. It shall be included in handbooks including those for student, parents, and staff, on the District's Web site, and shall be published in any such manner as deemed appropriate.

Levels of Student Misconduct and Intervention Options

Level I

Violation of Classroom or Transportation Rules

Each teacher or staff member establishes the rules for the classroom and for school-related activities. Much behavior can be managed by the classroom teacher. The teacher may use any of the disciplinary options listed below in maintaining classroom discipline.

Level I Acts of Misconduct May Include but Are Not Limited to:

1. **Violations of rules** or procedures established by the teacher
2. **Refusal to participate** in classroom activities
3. **Unexcused tardiness** to class

4. **Failure to be prepared** by bringing required classroom materials or assigned work to class or failure to return written communications between home and school
5. **Cheating, plagiarism**, or copying the work of other students
6. **General misbehavior**, such as eating in class, horseplay, making excessive noise, or violating campus dress codes
7. **Disruptive or noncompliant behavior** on a school bus or at a school bus stop
8. **Failure to protect or use of other student's passwords** regarding computer accounts
9. **Any other act that disrupts** the classroom or interrupts the operation of the class

Intervention Options/Responses:

- Verbal correction
- Teacher-student conference
- Parent contact: confirm actual contact has been made with parent either via phone call or in writing
- Student-counselor conference
- Detention (maintained by teacher) before or after school
- Other appropriate in-class disciplinary actions
- Restriction of school-bus privileges by the bus operator

Procedures:

1. Any staff member who observes a student violating class rules may correct the student.
2. A record of the offenses and disciplinary actions should be maintained by the teacher or staff member on the appropriate form.
3. The teacher should discuss the misbehavior with the parent, an administrator, or support personnel.
4. Level I behavior violations and intervention options/responses are not limited to those provided. Serious or repeated violations may result in a more severe response or referral to Level II.
5. A Level I appeal may be made to the building administrator. The decision of the building administrator is final regarding Level I appeals.

Level II

Administrator Intervention

Some infractions will result in a referral to an administrator. The disciplinary response depends on the offense committed, the student's previous actions, and the seriousness of the misbehavior. Level II acts of misconduct include those student acts that interfere with the orderly educational process in the classroom, on school property, or at a school sponsored event. A teacher who observes a student engaged in Level II or higher misconduct will complete a discipline/referral form for the principal or other appropriate administrator. The principal or appropriate administrator will forward report to the parent or guardian.

Level II Acts of Misconduct May Include but are not Limited to:

1. **Repeated Level I violations**
2. **Leaving without permission** including classroom or school grounds
3. **Unexcused absences** including cutting class
4. **Possession of matches or other flammable materials**
5. **Smoking/Tobacco** — using, or possessing tobacco or tobacco products

6. **Forgery** — changing school records or documents or signing a parent’s name on school documents
7. **Selling or soliciting unauthorized merchandise** on school campus without the authorization of the building principal
8. **Profanity**, vulgar language, or obscene gestures
9. **Inappropriate display of affection**
10. **Posting or distributing unauthorized materials** on school grounds
11. **Failure to abide by rules and regulations** at extracurricular activities or at co-curricular activities such as field trips
12. **Loitering** in unauthorized areas
13. **Use or operation of electronic communication systems** (i.e., cell phones, or any other type of electronic communication system) or iPods, Mp3 players, personal radios or personal music devices on school campuses or at functions during school hours with the final determination of the limits made at the individual campus level
14. **Cafeteria disturbance**
15. **Refusal to comply with a school’s mandatory dress code policy**
16. **Minor physical contact**
17. **Disruptive behavior** on a school bus or at a school bus stop
18. **Violation of the District’s Acceptable Use policy**
19. **Sending or forwarding inappropriate e-mail**, including e-mail containing offensive language, untruthful statements, junk e-mail, chain letters, or jokes that results in a disruption to the educational environment
20. **Other acts interfering with the orderly educational process** in the classroom or the school

Intervention Options/Responses:

- Parental contact by phone and written or oral notification to parent or guardian
- Required administrator/student/parental conference
- Detention or placement in in-school suspension
- Exclusion from extracurricular activities, such as field trips, and commencement exercises/award ceremonies
- Removal of school transportation privileges
- “Behavior” or “conduct” contracts
- Suspension of transportation privileges
- Suspension for up to three school days per occurrence
- Revocation of within-District open enrollment status if available
- Any other appropriate disciplinary actions determined by the administration

Procedures:

1. Referral to administrator by way of written report not to exceed one page in length
2. Administrator confers with student and/or teacher to establish appropriate action.
3. Written or oral notification of action is sent to parent. Notification is sent to the teacher indicating action taken.
4. Discipline Referral Form is retained by the administrator.
5. Level II behavior violations and intervention options/responses are not limited to those provided.
6. Repeated violations shall result in a more severe response and/or referral to Level III.
7. A Level II appeal may be made to the building principal. The decision of the building principal is final regarding Level II appeals.

Level III

Suspension and/or Optional Recommendation for Alternate Educational Placement (AEP)

Level III acts include misconduct for which an administrator may suspend the student, place the student into in-school suspension, or, if the administrator finds the Level III misconduct to be serious or persistent as defined in this *Discipline Code*, refer the student to a district level alternate educational placement (AEP). The principal or other appropriate administrator makes the disciplinary determination on the basis of the severity of the misconduct.

Level III Acts of Misconduct May Include but Are Not Limited to:

1. **Chronic or repeated Level I and/or Level II offenses**
2. **Fighting**, which is defined as two or more students mutually engaging in offensive physical contact
3. **Assault** which is defined as an act intended to result in physical contact that will be painful, injurious, insulting or offensive, coupled with the apparent ability to execute the act. An assault that results in bodily injury is considered a more serious Level III offense and may result in a more severe consequence up to a recommendation for expulsion.
4. **Gambling**
5. **Stealing/theft** of property in an amount under \$500
6. **Truancy** including but not limited to repeated instances of cutting class
7. **Weapons/Ammunition possession** including but not limited to:
 - a. knife, which includes razor blades, utility knives, X-ACTO knives, or other objects that are designed to cut
 - b. fireworks, "poppers," smoke or stink bombs, or any other pyrotechnic device that may be used to disrupt the educational process
 - c. live ammunition or bullets
 - d. BB guns, pellet guns, or air rifles, electric stun guns or other protective devices designed to administer an electric shock
 - e. replica of a gun that is sufficiently similar in appearance to a real gun such that, if pointed or shown to another person, a reasonable person may believe the student to be in possession of a firearm
8. **Persistent disruptive behavior** on a school bus
9. **Interfering with school authorities**, failing to comply with reasonable requests of school personnel, defiance of the authority of school personnel, and/or display of disrespect toward school personnel or campus visitors
10. **Disruptive demonstration** that substantially disrupts or materially interferes with school activities. This includes such acts as boycotts, sit-ins, trespassing, and walkouts.
11. **Behavior contract violations**
12. **Harassment/Indecent exposure/unsolicited sexual proposal.** Harassment includes threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct or causing unwanted sexual advances, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health such that it has the purpose or effect of substantially interfering with a student's education by creating an intimidating, hostile or offensive educational environment.

13. **Participation in an illegal organization** or other criminal combination prohibited by law that is defined as an organization composed at least in part of students and that seeks to perpetuate itself by recruiting members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. Participation includes indirect participation such as recruiting and indirect guidance or leadership of the activities, wearing dress or attire or possession of paraphernalia of such illegal organizations.
14. **Intimidation, extortion or bullying**, which includes any communication toward a student including electronic (such as e-mails, texting, or instant messages), telephonic, written or verbal communication, or any physical act or conduct that is based on an actual or perceived trait or characteristic that creates or could reasonably be expected to create an objectively hostile school environment.
15. **Hazing**, which includes any action taken against a person for the purpose of initiation or admission into, or affiliation with any organization, team, or activity operating in connection with the District, and the action either results in or is reasonably likely to have the effect of endangering the physical or mental health of the person, or humiliating, intimidating, or demeaning the person.
16. **Vandalism** resulting in the destruction or defacing of any district property such as graffiti. This includes but is not limited to rendering computers or related equipment inoperable or damaging them by erasing data with magnets; intentionally introducing viruses, worms, or Trojans; or tampering with programs or data without authority.
17. **Continued violation of the District's Acceptable Use Policy.**
18. **Possession or use of any prescription or nonprescription drug, medicine, vitamins, or other chemical in violation of the Guidelines for Dispensing Medications at School.**
19. **Possessing alcohol or a controlled substance or drug paraphernalia**
20. **Under the influence of alcohol or a controlled substance**
21. **Distribution of alcohol**
22. **Possession of inhalant.** Engaging in conduct that contains the elements of an offense relating to an amusable or volatile chemical or possession of inhalant paraphernalia.
23. **Burglary** of a DMPS facility or committing burglary on DMPS property.
24. **False report against a staff member** knowingly made and that is later determined to be unsubstantiated at the conclusion of any investigation initiated as a result of the report
25. **False alarm or report, or terroristic threat.** Terroristic threat is defined as threatening to commit violence or harm to any person or property with intent to cause an emergency response or that places any person in fear of imminent serious bodily injury; or interrupting the occupation or use of a building, room, place of assembly, or place to which the public has access by threats of violence or other means, or causing impairment or interruption of public communications, public transportation, the public water, gas, or power supply, or other public service.
26. **Making a "hit list,"** in which a student makes a list of people to be harmed by means of a firearm, a knife, or any other object to be used with the intent to cause bodily harm.
27. **Retaliation against any school employee** such as intentionally or knowingly threatening to harm another by an unlawful act in retaliation for that person's performance of his or her official duties, unless the student engages in conduct punishable as a felony in retaliation against a person, in which case the student may be expelled under Level IV.

28. **Felony conduct.** There are two instances of felony conduct for which a student must be referred to an AEP. The placement made in accordance with this section shall be for any period considered necessary on the basis of the circumstances and facts known; however, the student shall still receive a review of the placement after the time designated by the behavior improvement contract. The circumstances include:
- Engaging in any conduct punishable as a felony while on campus, at a school-related function or activity.
 - While enrolled in DMPS and regardless of the location of the offense, receiving deferred judgment or a finding by a court or jury of delinquent conduct, or the reasonable belief of the principal that the student has committed one of the following felony crimes: murder; manslaughter; voluntary manslaughter; false imprisonment; kidnapping; aggravated kidnapping; indecency with a child; any degree of sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; terroristic threat; or tampering with a consumer product, regardless of where the offense occurs.
29. **Assisting (directly or indirectly) with the promotion of any prohibited behavior** under this *Discipline Code*.
30. **Other acts of serious misconduct** that disrupt the school environment in the classroom and/or school.

The terms of a placement in an Alternate Educational Placement (AEP) under this required placement section, as well as under Level III, prohibit the student from attending or participating in any school activities.

Intervention Options/Responses:

- Required administrator/student/parent conference
- Restitution or restoration, as applicable, for vandalism to property
- Exclusion from extracurricular activities, such as field trips, and commencement exercises/award ceremonies
- Placement of the student into in-school suspension
- Revocation of within-District open enrollment status if available
- Suspension for up to five school days per occurrence
- Removal of transportation services for up to one year
- Restriction or removal of computer-use privileges for up to one year
- Referral for placement in Alternate Education Placement (AEP) (suspension not to exceed 10 school days)
- Referral for counseling services regarding substance abuse assessment
- Any other appropriate disciplinary actions determined by the administration

Procedures:

1. Referral to administrator by way of discipline card, with report sent to the parent.
2. Administrator confers with student and parent about the misconduct. The student is given an opportunity to explain the incident. The administrator determines misconduct.
3. Repeated violations shall result in a more severe response and/or referral to Level IV.
4. Administrator determines whether the student engaged in Level III misconduct that is serious in nature that warrants a referral for an AEP. If administrator determines that the student engaged in a serious offense then administrator contacts regional

- superintendent or executive director to start AEP referral process. When the student is recommended for an AEP, the parent shall be given a letter stating the reasons for the placement. In determining the length of the placement, the administrator shall consider such factors as seriousness of the offense, student's age, frequency of misconduct, student's attitude, potential effect of the misconduct on the school environment, state law requirements for certain disciplinary consequences, and whether the facts of the case warrant consideration of self-defense as a mitigating factor in the assessment of any punishment.
5. Administrative representatives from sending and receiving schools meet with parent or guardian to review AEP and student behavior improvement contract.
 6. Within five days of AEP placement meeting, the parent/guardian must request a meeting to appeal decision, in writing, with the appropriate regional superintendent/ executive director or the decision shall be final.
 7. A Level III appeal may be made to the regional superintendent. Placement appeal hearing will be conducted by Learning Services Department. Parent/Guardian and sending school administration will present information on placement decision. Each party will have 10 minutes to present information. The length of the presentation may be increased by the regional administration. Parent/Guardian will receive decision of regional administration within three business days of appeals hearing. The decision of the regional superintendent is final regarding Level III appeals.
 8. The Learning Services Department will conduct ongoing progress monitoring by way of grade reporting, parent/student conferences, grade-book reviews, reviews of graduation plans, progress on behavior improvement plan, and input from the parent.

Special Education students may not be placed in an alternate educational placement unless the IEP Committee determines that it is educationally appropriate and that the student has engaged in conduct for which referral to an alternate educational placement is authorized.

The Learning Services Department shall make reasonable efforts to invite the parent or guardian to the end of program review. If, after reasonable efforts to include the parent or guardian in the meeting have been made, he or she is unable to attend, the review meeting may proceed in their absence. After assessing the student's progress, those in attendance may decide that the student (1) remain in the AEP; (2) be removed from the AEP and placed in a non-disciplinary alternate educational program to more appropriately address the student's needs; or (3) may return to the sending campus or the campus to which the student is presently zoned. Within three business days from the date of the determination, the committee's decision will be provided in writing to the parent or guardian. In the case of students with disabilities, an IEP Committee will make this determination.

Level IV Required Alternate Education Placement or Recommendation for Expulsion for Serious Offenses

Level IV acts of misconduct include serious misbehavior and/or illegal acts that threaten to impair the educational efficiency of the school or that most seriously disrupt the orderly educational process in the classroom and/or the school. Students may be expelled for any violation listed under this section. Expulsion may occur if the Level IV act of misbehavior occurs on school property or at a school-sponsored or school related activity on or off of school property.

Students receiving Special Education services that commit a Level IV offense shall be recommended for alternate educational placement pursuant to the procedures set forth in the preceding section.

Level IV Acts of Misconduct Include the Following Acts That May Result in Required Alternate Education Placement or Recommendation for Expulsion:

1. **Threat with a weapon.** This involves the display or use of a weapon (including but not limited to replica guns) with the perceived intent to inflict harm or injury to another person while on school property, at a school-sponsored event, or while away from school grounds if such conduct directly affects students or staff.
2. **Firearm/Dangerous weapon.** A dangerous weapon includes any instrument designed primarily to use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for that it was designed. This also includes any instrument of any sort whatsoever which is actually used in such a manner as to indicate that the person using it intends to inflict death or serious injury upon another, and which is capable of inflicting death upon a human being. Dangerous weapons include, but are not limited to, any dangerous weapon as described in Iowa Code Section 702.7 (2007), pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, knife having a blade exceeding five (5) inches in length, or any portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person.
3. **Distribution of a controlled substance.** The sale or dissemination of a controlled substance while on school property or at a school sponsored event.
4. **Possession with intent to distribute.** Possession of a specified amount of a controlled substance as identified in Iowa Code Chapter 124. The District shall rely on the School Resource Officers or other investigating police officer to advise if the amount of a controlled substance in the student's possession meets the "intent to distribute" standard.
5. **Arson.** Causing a fire or explosion, or placing any burning or combustible material, or any incendiary or explosive device or material, in or near any property with the intent to destroy or damage such property, or with the knowledge that such property will probably be destroyed or damaged, is arson, whether or not any such property is actually destroyed or damaged.
6. **Assault of Staff Member resulting in bodily injury.** Engaging in an assault as defined under Level III.
7. **Sexual Assault.** Any sex act between persons if the act is done by force or against the will of the other. If the consent is obtained by threats of violence or if the act is done while the other is under the influence of a drug inducing sleep or the person is in a state of unconsciousness, the act is done against the will of the other.
8. **Habitual Disruptive Behavior.** Continued serious and persistent violations of Level III offenses.

Expulsion Procedures:

1. Referral to administrator by way of discipline card, with report sent to the parent
2. Administrator confers with student and parent about the misconduct. The student is given an opportunity to explain the incident.
3. The administrator determines misconduct.
4. Administrator determines whether the student engaged in Level IV misconduct that is serious in nature that warrants a recommendation for expulsion. If administrator

- determines that the student engaged in violation of a Level IV offense, then administrator contacts regional superintendent and/or executive director and Learning Services Department to start the expulsion referral process. When the student is recommended for expulsion, the student and his or her parent/guardian shall be given the packet of information that contains the supporting documentation as to why the administration is recommending the student be expelled.
5. A panel comprised of at least four members of the Board of Directors shall make the determination whether or not to expel a student from school.
 6. The panel of Board of Directors shall meet to conduct a hearing regarding the recommendation for expulsion and the hearing shall occur within ten (10) school days after the student's suspension from school. If it is not possible to schedule a hearing within ten (10) school days, alternate educational plans will be made.
 7. The student and his or her parent/guardian will be notified of the time and place of the hearing.
 8. The Board of Directors is provided with the same packet of information regarding the documentation supporting the administration's recommendation for expulsion as the student and his or her parent/guardian.
 9. When a student is recommended for expulsion, a social worker from the school will be assigned to assist the student and his or her family throughout the expulsion process and will also be present at the expulsion hearing.
 10. At the hearing, an administrator will present the information to the Board that supports the administration's recommendation for expulsion
 11. The student's family or representative will have a chance to provide information that rebuts the information provided by the administration or to present new information that either demonstrates the student did not engage in the conduct for which he or she is accused, or any mitigating information. Student witnesses are not allowed to be present at the hearing on behalf of either the student or the district.
 12. After the panel of the Board of Directors receives information on behalf of the district administration and on behalf of the student, the panel will meet in an executive closed session to discuss the evidence. The panel will then reconvene in open session to act on the recommendation of expulsion.
 13. The student and his or her family will be notified of the decision in a timely manner.
 14. If the Board acts to deny the expulsion, the student will be placed in a school by district administration.
 15. If the Board acts to expel the student, the student will be excluded from the District's educational services and from District property for a specified period of time. There will also be conditions of reinstatement which must be met by the student.
 16. At the conclusion of the expulsion period, the Learning Services Department will meet with the student and his or her family to ensure the conditions of reinstatement have been met and for the administration to determine appropriate school placement.
 17. Iowa law provides for the appeal of a school board determination to expel a student to the Iowa State Department of Education. The phone number is (515) 281-8661.

SIGNATURE PAGE

Please sign and return this page to the Principal's office where it will be kept on file during the 20____-20____ school year.

I am aware of the Des Moines Independent Community School District's *Discipline Code and Procedures*.

Student name (please print)

Date

Grade

Student signature

Parent/Guardian name (please print)

Parent/Guardian signature