

Title: Code of Conduct

Student conduct which violates policies and rules of the Council Bluffs Community School District is subject to intervention, correction, or other consequences determined by school officials as set forth in this policy. The following categories define behaviors which are prohibited because they are disruptive to the learning process, student achievement, and respectful relationships. However, the following categories are not all inclusive and students may be disciplined for conduct, acts, or behaviors which are in violation of other board policies or school rules or which otherwise disrupt or interfere with the education program, disrupt the orderly and efficient operation of the school or school activity or disrupt or interfere with the rights of other students, or present a threat to the health and safety of others.

Consequences and interventions including but not limited to suspension and expulsion may be imposed for any action which is sufficiently disruptive or dangerous. Students are also subject to emergency exclusion for reasons of safety or danger. The following list of prohibited behavior is in alphabetical order, not in an order of significance and is not all inclusive.

PROHIBITED CONDUCT

1. Arson

Fire-setting or attempted fire-setting is prohibited.

2. Behavior

a. Disrespectful: Rudeness, impoliteness, or discourtesy toward other individuals is prohibited. This includes hazing, which is any act or ceremony which intentionally or recklessly creates the risk of harm or humiliation to the student or any other party and that is committed as a form of initiation into a particular club or activity.

b. Disruptive: Willful or continued disobedience of rules designed for the orderly operation of the school is prohibited.

c. Non-compliant: Defiance of or refusal to conform to reasonable requests or directives by teachers or other school personnel is prohibited.

d. Other behavior: Behavior that is detrimental to the best interest of the school, staff and students is prohibited. This includes sexual behavior which is inappropriate for a school setting.

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3. Burglary, Theft, Robbery, or Extortion

Any method of taking or attempting to take property, which belongs to another person or the school district, is prohibited. Possession of stolen property is prohibited.

4. Academic Dishonesty

Violation of the standard codes of scholarly conduct and ethical behavior is prohibited. Ethical violations include behaviors such as lying, plagiarizing, and cheating.

5. Expression that is Illegal or Disruptive

Expression in any form, including electronic, or distribution by any means of material which is lewd, indecent, vulgar, obscene, libelous, slanderous, or which encourages: (1) commission of unlawful acts, or (2) violation of school regulations, including the bullying or harassment of another individual, or (3) the material and substantial disruption of the orderly operation of the school is prohibited.

6. False Fire Alarms

Tampering with fire alarm equipment or turning in a false fire report is prohibited.

7. Fighting

Any mutual physical exchange of contact designed or intended to cause injury, regardless of who initiated the behavior or the reason for any party's behavior is prohibited.

8. Gang Activity

Gangs and gang activity are prohibited. A "gang," as defined in this policy and under Iowa Code 723A, means any on-going organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. The "pattern of criminal gang activity" means the commission, attempt to commit, conspiring to commit or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of, or belong to, the same criminal street gang.

At all times while subject to this code of conduct no student shall:

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- a. Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items which are used as evidence of membership in or affiliation with any gang;
- b. Commit any act or use any speech, either verbal or non-verbal (gestures, handshakes, etc.) as evidence of membership or affiliation with a gang;
- c. Use any speech or commit any act in furtherance of the interests of any gang or gang activity, including, but not limited to:
 - i. soliciting others for membership in any gangs;
 - ii. requesting a person to pay for “protection” or otherwise intimidating or threatening any person;
 - iii. committing any illegal act or violation of school policies;
 - iv. inciting another student to act with physical violence upon another person(s).

9. Harassment, Bullying and Discrimination

Harassment and bullying are prohibited. Any means of electronic, written, verbal, or physical act of conduct toward a student which is based on any actual or perceived trait or characteristic of the student including but not limited to race, religion, creed, color, gender, marital status, citizenship, geographic location, socioeconomic status, national origin, ancestry, age, political party preference, political belief, familial status, physical attributes, physical or mental ability or disability, sexual orientation and gender identity and which creates an objectively hostile school environment that meets one or more of the following conditions are prohibited:

- Places the student in reasonable fear of harm to the student’s person or property;
- Has a substantially detrimental effect on the student’s physical or mental health;
- 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 in or benefit from the services, activities, or privileges provided by a school.

Harassment and bullying in school, on school property, and at any school function, or school-sponsored activity regardless of its location, is against state law and school policy and is prohibited.

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Conduct which constitutes discrimination under applicable state and federal anti-discrimination laws is also prohibited.

Students found to be in violation of this section are subject to appropriate disciplinary action, up to and including expulsion. Students shall not engage in any reprisal, retaliation or false accusation against a victim, witness or other person involved in a harassment, bullying or discrimination complaint. (Policy 513, Anti-Bullying Harassment Involving Students, provides additional guidance in this area.)

10. Physical Assault

Any act by a student that is intended to cause fear of immediate physical contact which will be painful, injurious, insulting, or offensive, or that is intended to cause pain or injury, or insulting or offensive physical contact, coupled with the apparent ability to execute the act, is prohibited.

11. Sexual Behavior

Displays of affection become inappropriate when they violate standards of public conduct. Sexual behavior which is inappropriate for a school setting include lewd behavior, inappropriate affection in public such as kissing, touching, fondling and sexual acts is prohibited.

12. Substance Abuse

Use, possession, sale, supply of or being under the influence of any tobacco, e-cigarettes, alcohol, or illegal drugs (including any prescription or over-the-counter drug, narcotic, inhalant, or other medication that is not prescribed for the student by a physician and/or previously authorized by the student's parent/guardian is prohibited.

This also applies to any lookalikes or item represented as a prohibited substance. See policy 517 regarding medication.

13. Threats

The use of verbal, nonverbal or written expression with the intent of frightening, intimidating or coercing another is prohibited.

14. Misuse of Technology

Destruction, damage or unauthorized use or manipulation of hardware, software or any aspect or component of the school district's electronic information system including violation of the District's Internet Appropriate Use Policy 617, is prohibited.

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15. Trespassing

The presence of any unauthorized students on school or school district property or any person at a time or for a reason other than normally used for school activities is prohibited.

16. Truancy

Being absent from school without permission is prohibited. This includes leaving the classroom or building without permission after arrival and before regular dismissal.

17. Vandalism

The willful defacement, destruction, or injury to school property, or any person's property is prohibited.

18. Vehicle Misuse

Use of a motorized vehicle or bicycle or other self-propelled device in an inappropriate or irresponsible manner is prohibited.

19. Verbal Assault

Any statement or act, oral or written, which can reasonably be expected to induce in another person(s) an apprehension of danger of bodily injury or harm is prohibited.

20. Possession of Weapons and Dangerous Objects

Possession of a dangerous object, weapon, or ammunition is prohibited. A dangerous object and/or weapon shall be defined as any object designed to cause bodily harm or used in such a manner to indicate an intent to cause bodily harm. Examples of prohibited weapons and dangerous objects include: any "dangerous weapon" as may be defined by state law, firearms (including those that may be included within the definition of a "firearm" under state or federal law), hunting rifles, knives, chains, clubs, numchucks, stars, bombs, grenades, mines, stun guns, brass knuckles, and fireworks and other explosives and gas repellent. Other objects that are used in such a manner to indicate an intent to cause bodily harm, regardless of whether they are designed to cause bodily harm, are also prohibited and can include more common items such as pencils, paper clips, pens, scissors and hair picks. These lists are examples and not all inclusive.

A firearm may include any weapon that is designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for any such weapon, or any explosive, incendiary, or poison gas, or as otherwise defined by applicable law. When a student brings or knowingly possesses a weapon meeting the

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definition of a “firearm” under 18 U.S.C. Section 921 to school, a hearing will be held before the Board of Directors for expulsion of the student for a period of not less than one year as provided by law. The Superintendent shall have the authority to recommend this expulsion requirement be modified for a student on a case-by-case basis.

In consultation with Student and Family Services, the Principal shall have the authority to determine the extent and nature of the disciplinary action for a violation of this section based upon the student’s age, the actions of the student in possessing and using the prohibited item, the student’s intent, and any other relevant factors. Any recommendation for a suspension of greater than 10 days or an expulsion or cases where a student brings or knowingly possesses a weapon meeting the definition of a “firearm” under 18 U.S.C. Section 921 to school shall be handled by the Superintendent and the Board of Directors in accordance with the proper procedures.

21. Weapons/Look-Alike Weapons, Possession of

All look-alike weapons, which are items resembling an actual weapon or dangerous object, including, but not limited to, squirt guns, water rifles or pistols, slingshots, toy guns, toy grenades, and other similar items are prohibited. In consultation with Student and Family Services, the Principal shall have the authority to determine the extent and nature of the disciplinary action for a violation of this section based upon the student’s age, the actions of the student in possessing and using the look-alike weapon, the student’s intent, and the nature of the look-alike weapon’s resemblance to a real weapon, and any other relevant factor. Any recommendation for a suspension of greater than 10 school days or an expulsion shall be handled by the Superintendent and the Board of Directors in accordance with the proper procedures.

DUE PROCESS

Due process serves the interest of the school in maintaining an orderly environment conducive to learning and the rights of the student.

For disciplinary infractions involving suspensions of ten school days or less, procedures will include:

- Notifying the student of the infraction
- Explaining the evidence of such an infraction
- Giving the student the opportunity to explain his or her side of the story

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- Review any support plans that the student follows, including Individualized Education Programs, Behavior Intervention Plans, 504 and others.

Disciplinary infractions involving longer suspensions or expulsions will have more formal due process procedures.

Students identified for special education services shall receive all due process consideration required under federal and state law. In general, students with Individualized Education Programs (IEP's) are subject to the same code of conduct provisions as students without IEP's. However, discipline for students with IEP's may be different than for other students when a) an IEP or Behavior Intervention Plan has provisions for responding to a student's behavior that are different than the code of conduct and/or b) a disciplinary action constitutes a change in placement. The following will be considered in the determination:

- The involvement of special circumstances (i.e., weapons, drugs, or serious bodily injury)
- Whether the proposed intervention results in more than 10 consecutive days of suspension/expulsion for the student
- Whether the proposed intervention results in a cumulative total number of 10 or more suspension/expulsion days
- Whether the proposed intervention of suspension/expulsion cumulative total days constitute a pattern
- Whether the behavior was a manifestation of the student's disability based on conducting a manifestation determination

State of Iowa law pertaining to special education is detailed in the Iowa Administrative Rules for Special Education.

CONSEQUENCES AND INTERVENTIONS

In choosing a consequence or intervention, authorized personnel will consider the student's past performance, the circumstances of a specific infraction, the seriousness of any incident, the student's age and level of understanding and disability status, and any other relevant factors. Any recommendation of a suspension greater than 10 days must have approval of the Superintendent and Board of Directors.

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Federal law requires that a student in possession of a firearm shall be expelled for not less than twelve months. School administration may use interventions appropriate to the situation. The following list of consequences and interventions is in alphabetical order, not in an order of significance and is not all inclusive.

*An asterisk indicates those consequences and interventions which may also be administered by a teacher at the classroom level.

*1. Apology

The student or group may be asked to provide an oral apology/statement of regret or to write an appropriate letter of apology, which must be approved by the site administration.

*2. Confiscation of Inappropriate or Dangerous Items or Materials

Materials or items which are illegal, in violation of school rules, or used in a manner prohibited by this policy may be confiscated. Illegal items will be reported to the police. Other items will be safely stored in the main office area for parental pick up, or with parental permission, the item will be thrown away. Confiscated items cannot be returned directly to the student. See separate policy on cell phones and other electronic devices.

3. Conflict Resolution or Mediation

The student may be assigned participation in the process of conflict resolution or mediation facilitated by school officials, students, or community agencies agreeable to school officials to identify causes of unacceptable behavior, to examine alternative behaviors and choose a plan of action to resolve the conflict.

4. Denial of Extracurricular Activities

School officials have the authority to deny participation in any extracurricular activity. The specifics of this action are addressed in Policy 612.

*5. Denial of School Activities

School officials have the authority to deny participation in academic and non-academic school activities.

*6. Detention

Detention is time assigned before school, after school, during lunch or recess, and Saturdays. Students and a parent/guardian shall have a minimum of a 24 hour notice if

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needed to make alternate arrangements for transportation, child care, or other essential activities such as a doctor appointment.

7. Expulsion

Expulsion is the removal of a student from school by majority vote of the Board of the school district, after which such student may be readmitted only after a majority vote of the Board. The Board may expel any 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 interests of the school.

The expulsion of any student shall be in compliance with the following procedures:

- a. A recommendation to the Board that a student be expelled may be made by the Superintendent. When such a recommendation is made, a hearing by the Board shall be set to consider the expulsion recommendation.
- b. A student may be temporarily dismissed (suspended) by a Principal/designee, or Superintendent for the conduct for which the student's expulsion is being considered. Such temporary dismissal shall be imposed in accordance with the usual procedure for temporary dismissal as described in these rules. If the Superintendent determines it is in the best interests of the school, or necessary for the orderly operation of the school, the Superintendent may continue the period of dismissal pending the hearing on expulsion, but in no case shall the total period of temporary dismissal exceed a total of 10 consecutive school days.
- c. Written notice of the hearing shall be sent by certified mail or personally delivered at least 5 days prior to the hearing to the student's parent/guardian and to the student. The notice shall clearly state:
 - The name of the student whose expulsion is to be considered.
 - The time, date, and place of the hearing.
 - The fact that expulsion is being considered and a brief explanation of the effect of the expulsion on the student's academic progress.
 - The rule allegedly violated by the student or other cause of the possible expulsion.

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- A summary of the evidence to support the recommendation of expulsion, including the names of witnesses and a report on the facts to which they will testify (unless the witnesses are students whose names may be released at the discretion of the Superintendent). A copy of any written materials that will be presented at the hearing will be available to the student.

- A brief summary of how the hearing will be conducted indicating that the student and parent/guardian will have an opportunity to be heard and present a defense with oral testimony or written affidavits of witnesses and other documents.

- Notice that the student and parent/guardian may be present together with an attorney at their expense.

- Notice that the findings and conclusions of the Board will be in writing open to the student's inspection.

- Notice that the student may appeal any adverse decision.

8. Homebound Services

A student may be recommended to Student and Family Services for educational services in the home or other setting, rather than on district property.

9. Mentoring

The use of an adult mentor, including school officials and community members, may be used as a means of offering students support in adjusting their behavior.

*10. Parent Conferences

Conferences with a parent/ guardian may be conducted to review a student's conduct and to work collaboratively to alter that behavior.

*11. Physical Restraint/Confinement

Physical restraint and/or confinement may be used only if it is appropriate under the circumstances and is conducted in accordance with applicable law governing physical restraint, confinement and detention.

*12. Police Intervention

School officials may call upon the police department to assist in situations involving suspected illegal student behavior or where the immediacy, severity or chronic nature of the behavior poses a serious threat to staff or other students.

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13. Probation

Probation is the conditional attendance of a student for a trial period during which period the student must abide by specified directives, or be subject to more severe discipline such as suspension or expulsion. A student whose conduct warrants discipline may be placed on probationary status by a Principal/designee, at which time the student and parent/guardian is informed of the reasons for the proposed probation and has an opportunity to respond. Such a student will be informed, in writing, of:

- a. The conduct for which he/she is being placed on probation.
- b. The length of the probationary period, and the behavior which is required of the student during that period.
- c. The consequences to which the student may be subject, if he/she fails to conform his/her behavior as expected.

14. Reassignment

A building administrator may recommend to Student and Family Services that a student be reassigned to another program in the district.

*15. Referrals to Outside Agencies

School officials may, with parent/guardian consent, use referrals to external agencies to bring special expertise or resources to the modification of student behavior.

16. Removal From Bus

Students who violate rules established for appropriate behavior for school bus passengers may be denied opportunity to ride the bus for a specific period of time. See Student Transportation Regulations.

17. Removal From a Class or Activity

Principal/designee may remove a student from a segment of the school day or activity for no more than the duration of a semester or trimester if the student's behavior is deemed substantially disruptive following several other intervention measures by school officials. The student may be re-assigned to a similar class.

18. Searches

This Student Search Rule is adopted for the purpose of implementing Iowa Code Chapter 808A, as amended. In order for searches of students and protected student areas to be conducted there must be reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating the law or school rules. These

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grounds are based upon consideration of relevant factors, which include, but are not limited to eyewitness observations of school personnel, information received from reliable sources and suspicious behavior by the student. Any search must be reasonable in scope, which means the search measures used are reasonably related to the objectives of the search and the search is not excessively intrusive in light of the age and gender of the student and the nature of the infraction. Reasonableness of scope is based upon consideration of relevant factors such as the following: the nature of the violation for which the search is being instituted, the age or ages and gender of the student who may be searched pursuant to the rule, the objectives to be accomplished by the search and the urgency requiring the search without delay.

Whenever an item, which is illegal or in violation of a school rule, is obtained by school officials, whether by the voluntary action of a student, by search of the student's person or locker, desk or other facilities or spaces owned by the school, or in any other lawful fashion, school authorities may seize such an item and may turn it over to law enforcement authorities. In the case of discovery of illegal items, the police will be contacted. It is recognized that such illegal, unauthorized or contraband materials generally cause material and substantial disruption to the school environment or present a threat to the health and safety of students, employees or visitors on the school premises.

a. Lockers, desks, facilities, school owned spaces

Lockers, desks, facilities and other school-owned spaces are the property of the school district and are provided as a courtesy to students. The furnishing of a school locker, desk, facility or other space owned by the school district shall not create a protected student area. Students shall not expect privacy with respect to that locker, desk, facility or space. Allowing students to use a separate lock on a locker, desk or other facility or space owned by the school and provided to the student shall also not create any expectation of privacy.

By accepting a locker, desk and other school-owned facilities or spaces, each student agrees that these are owned by the school district and provided as a courtesy to the student. The school shall retain a master key and/or reference to the combination of each locker and will have access to lockers, desks and other school-owned facilities or spaces. School officials may, without prior notice, conduct periodic inspections of all, or a randomly selected number of, school lockers, desks, and other facilities or spaces

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owned by the school and provided as a courtesy to students. Locker inspections shall either occur in the presence of the students whose lockers are being inspected or the inspection shall be conducted in the presence two school officials. Each year when school begins, students and parent/guardian shall be provided written notice that school officials may conduct such periodic inspections of school lockers, desks, and other facilities or spaces owned by the school district and provided as a courtesy to students without prior notice. Individual lockers, desks, facilities or other school-owned spaces may also be searched if there are reasonable grounds for suspecting that the search will produce evidence that the student has violated or is violating the law, code of conduct, or a school rule or regulation.

b. Vehicle

Students are permitted to park on school premises as a matter of privilege, not a right. Any vehicle parked on school premises is subject to search in accordance with law. The school retains the authority to conduct routine patrols of the student parking lots. The interior of a student's automobile on the school premises may be searched if the school authority has reasonable suspicion to believe that illegal, unauthorized or contraband items are contained inside or that the search will otherwise turn up evidence that the student has violated or is violating the law or school rules.

c. Use of Police Canines in Inspections

In order to deter or detect the presence of drugs or other contraband items on school property, school officials may use trained, certified police canines (drug-detecting or drug-sniffing dogs) to assist in the inspection of lockers, desks, facilities, school owned spaces and vehicles parked on school premises under the following conditions:

- i. The Superintendent authorizes such assistance.
- ii. The inspection is supervised at all times by school officials.
- iii. The police canine is under control at all times by its police handler.
- iv. All appropriate means are used to ensure that no contact occurs between students and the police canine.
- v. In addition to Principal-initiated inspections, the Superintendent may schedule a canine-assisted inspection in any district facility to deter or detect the presence on school district property of drugs or other contraband items.

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Police canines will not be used by school officials to search "protected student areas" as defined in this policy.

d. Body, Clothing, Apparel, Containers

“Protected student area” is defined to include, but is not limited to:

- a student’s body,
- clothing worn or carried by a student,
- a student’s purse, pocketbook, briefcase, duffel bag, book bag, billfold, backpack, knapsack, cell phone, personal electronic device, or any other personal belonging or container used for holding or carrying personal belongings in the possession or immediate proximity of the student. However, a school locker, desk, or other facility or space owned by the school/school district is not a protected student area.

Search of Protected Student Areas may be conducted by school officials if all of the following apply:

- i. There are reasonable grounds for suspecting that the search will produce evidence that a student is violating or has violated either the law or school rule or regulation.
- ii. The search is conducted in a manner which is reasonably related to the objective of the search and which is not excessively intrusive in light of the age and gender of the student and the nature of the infraction. The search of a student will be done by an official of the same sex. A strip search, a body cavity search or the use of sniffing animals to search a student’s body will not be used. If a student is not or will not be present at the time of the search of a protected area, the student will be informed of the search either prior to or as soon as reasonably practicable after the search is conducted.

*19. Student Responsibility Plan (Behavior Contract)

Students, in cooperation with school officials, will develop a written plan to be used to correct an infraction.

20. Suspension (In-School)

During in-school suspension a student is isolated from one or more classes while under proper supervision.

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A student who is serving an in-school suspension will receive academic credit for work missed during the period of suspension if the student completes the work during the time period designated by school personnel. When special education students are assigned in-school suspension, that suspension shall be served according to their Individualized Education Program (IEP). Any in-school suspension shall be counted as an approved absence.

21. Suspension (Out-of-School)

Principals/designees have the authority to suspend a student for a period of up to 10 consecutive school days. Any recommendations for a suspension of greater than 10 school days or an expulsion shall be handled by the Superintendent and the Board of Directors in accordance with the proper procedures. The student will be provided:

- a. Oral or written notice of the allegations against the student.
- b. An oral or written statement of the facts which are the basis for the allegations.
- c. The opportunity for the student to respond to those charges. Nothing shall prevent the immediate suspension of a student when that student's continued presence would endanger the student's safety or well being, the safety or well-being of the other members of the student body, teachers, or other personnel, or substantially interfere with the proper functioning of the school.

Notice of the suspension shall be given to the student's parent/guardian.

A student who is suspended from school will receive academic credit for work missed during the period of suspension if the student completes the work in a time period designated by the administrator. Out-of-school suspension shall be counted as an approved absence.

22. Transfer within the Building

An administrator may transfer a student from a class or teacher to another.

23. Transfer within the District

An administrator may recommend to Student and Family Services a transfer to a different school.

24. Vehicle Privileges Suspended or Terminated

Principal/designee may suspend or terminate student vehicle privileges based on irresponsible and/or inappropriate use or parking of a vehicle or other violation of school vehicle/parking rules, per policy 518 and 518.1.

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Students under 18 years of age who are in violation of the compulsory attendance law may be reported to the Department of Transportation for possible revocation of their driver's license.

Other consequences or interventions deemed appropriate for the student by a building administrator may be used. In all cases, discipline for students receiving special education services shall be in accordance with federal and state law.

Cross Reference:
402, 502, 511, 513, 518, 518.1,
607, 612, Student Rights and Obligations

Legal Reference:
Iowa Code §§ 279.8, 280.21B,
280.22, 280.28, 282.3, .5,
708.1723A, 808A, 281 I.A.C.
12.3(6), 36.15(1), 41

Approved: July 18, 1989

Reviewed: _____

Revised: May 22, 2007

June 24, 2008

May 26, 2009

March 30, 2010

April 26, 2011 Effective July 1, 2011

May 27, 2014