

# *Missouri School for the Blind - Code of Conduct*

*Revision Date: Summer 2006*

## **Code of Conduct Philosophy**

Missouri School for the Blind (MSB) administration, staff, students, parents and community stakeholders believe that students learn best in an environment where high expectations for learning and behavior are set and maintained. We also believe that students learn best in a safe and orderly environment where good citizenship is maintained and practiced. The Student Code of Conduct for MSB is designed to foster student responsibility, respect the rights of others and to insure the orderly and safe operation of the school and school sponsored events. No code can be expected to list each and every offense that may result in the use of disciplinary action. However, it is the purpose of this code to list specific offenses that, if committed by a student, will result in the imposition of a specific penalty.

The conduct referred to herein concerns conduct which might occur on school premises, on a school bus, during a school-sponsored function on/off school premises. The Code of Conduct also refers to conduct off the school premises which is prejudicial to good order and discipline in the school or school related activities or which tends to impair the morale or good conduct of the pupils.

Disciplinary actions are in line with the general provisions outlined in the Student Code of Conduct adopted by the State Board of Education. Administrators will follow the specific guidelines given for behavioral problems. Any conduct not included in the Student Code of Conduct, or an aggravated circumstance of any offense or an action involving a combination of offenses may result in disciplinary consequences that extend beyond this Code of Conduct as determined by the administration.

## **Rights and Responsibilities of Students, Parents and Staff**

### ***Students have the right:***

- to a quality education,
- to an environment conducive to learning,
- to be treated as an individual with special needs and wants,
- to be treated fairly in classes and in disciplinary matters ,
- to inspect their educational records and the right to have these records kept confidential,
- and to use the appeal process (See [Student Complaints and Grievances](#) below).

### ***Students have the responsibility:***

- to abide by the laws of the United States of America, the State of Missouri and the policies of the State Board of Education and MSB Code of Conduct,
- to come to school with books, materials, homework and the desire to learn and achieve,

- to attend classes regularly and punctually with completed homework, reading assignments and the necessary materials,
- to observe school and classroom rules and regulations,
- to participate as an active learner and ask questions if additional information is needed , and to accept constructive criticism.

***Parents have the right:***

- to expect a quality education for their child,
- to expect that their child will be taught properly and appropriately,
- to receive information regarding the progress of their child,
- and to work with the staff to correct disruptive and inappropriate behaviors .

***Parents have the responsibility:***

- to provide emotional support and encouragement,
- to provide MSB with contact information and/or emergency phone numbers,
- to communicate health problems and related information pertaining to your child,
- to carry out specific plans written for student medical concerns,
- to review information contained in the Code of Conduct with your child,
- to support school rules and help your child understand these rules,
- to participate in IEP and three year re-evaluations, to encourage timely completion of homework assignments,
- to communicate with school staff and maintain dialogue with the student's teacher(s) concerning your child's academic achievement ,
- and to review and discuss report cards, progress reports and/or unsatisfactory notices with your child.

***School staff has the right:***

- to teach and conduct school business in a atmosphere conducive to learning,
- to expect cooperation from parents and students,
- and to expect that the students will arrive to class on time with books, materials, and homework, ready to learn.

***School staff has the responsibility:***

- to abide by the laws of the United States of America, the State of Missouri, and the policies of the State Board of Education,
- to ensure equitable education opportunities to every student and to inspire, students to work to their full potential,
- to communicate academic achievements and concerns to the home in a timely manner, keep the lines of communication open and keep parents informed of the student's academic and social progress,
- to follow the MSB curriculum, to set reasonable expectations for students,
- to be fair, firm and consistent with all students,

- to provide appropriate modification to programs based on the individual student's visual, cognitive and affective needs,
- to be respectful of students' needs and individual differences and to employ classroom management techniques that demonstrate a high regard for human dignity and to encourage youth toward self-governance,
- to correct disruptive behavior and to maintain a positive learning environment for all students,
- to maintain accurate records , to submit IEP updates, Progress and Grade Reports on time,
- to encourage sports and recreational activities to enhance student's social development to celebrate and commemorate student achievement.

### **Behavioral Definitions and Expectations**

Parents, students, teachers and administrators have the right to expect the school will provide an atmosphere that is safe, cooperative, respectful and, therefore, conducive to learning. All students are expected to display proper respect for other students, for all employees of Missouri School for the Blind, school property, and the rights and welfare of all persons participating in educational and extra-curricular programs. The following listing includes inappropriate student behaviors; however, it is not intended to list all behavior that may interfere with the educational and extra-curricular programs. The following behavioral definitions and expectations apply to all students in attendance in instructional and support programs, on the school or charter bus, as well as school-sponsored activities and events either on or off campus.

### **Academic Preparedness**

Every student should arrive at school and at each class on time prepared to learn. Such preparedness includes, but is not limited to, having all necessary materials and supplies needed for class, and entering with the purpose of participating and exhibiting proper effort.

### **Alcohol, Drugs, and Drug Paraphernalia**

Students are not to possess, distribute, transfer, use, or be under the influence of controlled substances or illegal drugs including alcohol, while on school property or a school sponsored activities. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC 812 (c)). Illegal drug means a controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal Law. The use of a controlled substance and the unlawful possession of alcohol are wrong and harmful. The use, possession, distribution, transfer and/or sale of any drug, alcohol, narcotic or noxious substances, counterfeit (look-alike) drugs, depressants, drug related paraphernalia, stimulants or hallucinogens of any type is expressly prohibited. Offenders will be encouraged to seek help or counseling. Over-the-counter and prescription medications are to be kept in the Health Center and administered in accordance with the guidelines stated in the Clinical/Ancillary Handbook.

Offenders are subject to disciplinary action; police will be notified in all instances involving the possession or sale of illicit drugs.

### **Attendance**

Students are expected to attend school regularly. Regular school attendance is legally required of all students and is essential to maintain good academic performance. Parents are responsible for the attendance of their child. Parents are to notify the school in the event a student is absent, otherwise the absence will be considered truancy.

### **Assault/Verbal and Physical**

1. Assault is a vigorous physical, verbal, or an unprovoked attack that may or may not cause personal injury to another student, staff member, or anyone on school property.
2. Students are not to behave in ways that cause, or attempt to cause, apprehension of, or injury to another student or staff member.
3. A student who engages in verbal/physical assault will be subject to disciplinary action, police notification, and charges if warranted.
4. Any student who encourages or intensifies an assault or purposefully inhibits adults from interceding will be considered a participant.

### **Bomb Threats/False Alarms**

Students are not to tamper with or damage fire or emergency equipment, or threaten to damage school property in any way. Making a false report regarding the possession or location of explosive materials or activation of an emergency response when no emergency exists is a serious offense that may endanger the lives of others. Offenders are subject to disciplinary action, police notification, and charges if warranted.

### **Cheating**

Students are not to cheat, submit materials, or attempt to obtain data or answers dishonestly. Cheating is using, submitting, or attempting to obtain data or answers dishonestly, by deceit or by means other than those authorized by the teacher.

### **Destruction of Property/Vandalism**

Student may not vandalize or destroy school property. Students who are responsible for destruction, misuse, or damage to school property will be required to make restitution for damages. Police may be notified and charges filed if warranted.

### **Disorderly Conduct**

Students are not to disrupt classes or cause disturbances on school grounds, in school buildings, or elsewhere while attending a school-sponsored activity. The disruption of classes or causing

disturbances during the school day or at school-sponsored activities is considered disorderly conduct. Disorderly conduct includes, but is not limited to, running, pushing, shoving, or engaging in horseplay. Verbal or physical interactions, which result in a disruption, are also considered to be disorderly conduct.

### **Disrespect**

Students are expected to be respectful to all MSB students, staff, and visitors at all times. Any student, who displays a lack of cooperation, shows impoliteness, or insolence, either by word or actions toward school personnel, visitors to the school, or other students will be considered disrespectful.

### **Electronic Devices**

Students are not to bring radios, CD players, tape decks, video games, computer games, toys, things not related to instruction, to class unless authorized. Unauthorized items will be confiscated.

### **Electronic Tampering**

Students are not to electronically tamper with phones, computers, or electronic systems. Electronic tampering is any unauthorized access or alteration of electronic systems or data.

### **Extortion**

Students are not to use force or threats to demand money, goods, or information from others. Obtaining or attempting to obtain an item, information, or money by threats, force, fraud, or illegal use of authority is considered extortion.

### **Fighting**

Students are not to fight. Fighting is defined as physical and/or verbal abuse or other acts of violence where all parties have contributed to the conflict either verbally or physically. Students are expected to seek nonviolent means to solve disputes. Parties joining in or encouraging the fight may be considered as parties to a fight. A student who inhibits adults from interceding will be considered a participant. If physical confrontation is anticipated, students are to seek assistance from an administrator or teacher. Police will be notified and charges filed if warranted.

### **Fireworks and Explosive Devices**

Students may not possess or use fireworks or explosive devices. Fireworks and explosive devices will be confiscated and the police will be notified.

### **Food and Drink in Halls, Classrooms or School Buses**

Students may eat snacks and drink beverages in the hallway and lobby areas during break-time and after school. Food and beverages are prohibited during class time and on school buses unless authorized by the Assistant Superintendent or his/her designee. Items will be confiscated.

### **Forgery**

Students are not to present any document to school officials with an imitation signature intended to deceive. Forgery is the manual or electronic manipulation of data, or impersonation of another individual for the purpose of falsifying school-related information.

### **Gambling**

Students may not gamble. Gambling is the participation in any game in which money or other items are or may be exchanged. Gambling paraphernalia will be confiscated. Offenders are subject to disciplinary action, police notification, and charges filed if warranted.

### **Gangs/Secret Organizations**

Students may not participate in gangs or secret organizations. In order to prevent disruption and violence, gang membership and gang activities are strictly forbidden at school. Students who use gang language, gang symbols, and wear colors or clothing with the purpose of intimidation or threat of violence will be considered engaging in gang activity.

### **Harassment**

Students are not to intentionally threaten, intimidate, or harass another person by word, act, or deed. Harassment is considered to be words and/or actions directed toward an individual or group of individuals that intimidates, degrades, and/or fails to respect another person's dignity. Harassment includes, but is not limited to, references made to a person or groups based upon a person's age, sex, race, religion, ethnic origin, or disability. Verbal comments, sexual name-calling, gestures, jokes, slurs, and spreading sexual rumors directed toward an individual or groups are also considered harassment. Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature.

### **Improper Dress**

Students are expected to dress in a manner that does not jeopardize the student's health and safety or that of others, does not disrupt the teaching-learning process, create school disorder, or is immodest. Students need to be groomed and dressed appropriately for school. Brief clothing with undue exposure of the body is not permitted. Bare feet are not permitted. Safe footwear must be worn at all times. Insignia and slogans that are offensive, profane, or promote illegal substances are not permitted. Any attire that is gang related is prohibited. Articles of clothing are to be worn the way they were designed to be worn.

### **Inappropriate Language**

Students are expected to communicate respectfully to each other as well as MSB staff members. Any inappropriate comment, obscenity, obscene gesture, swearing, cursing, whether verbal or written, is considered inappropriate language.

### **Insubordination**

Students are to obey the direct request or order of teachers, administrators, or other school personnel.

### **Lack of Academic Effort**

Students are expected to put forth their best effort at all times. Continued lack of academic effort, i.e. not participating in class discussion, not turning in homework, with continued failure in more than half of a student's classes during a semester, will result in administrative intervention.

### **Late Arrivals/Early Departures**

Students are expected to arrive at school and to each class period in a timely manner and remain in school for the entirety of each school day. Students who arrive to school late or leave before the end of the school day are to check in/out officially through the Education Office. Students who leave school grounds without permission are considered truant.

### **Lockers/Desks**

Students are expected to use desks and lockers for their intended purposes only. School lockers and desks are the property of the school and are subject to periodic inspection without notice. The lockers and desks may be searched by school personnel who have a reasonable suspicion that the locker or desk contains drugs, alcohol, material of a disruptive nature, stolen properties, weapons, or other items posing a danger to the health or safety of students and school personnel.

### **Lying**

Students are expected to speak truthfully at all times. Students are forbidden to lie or misrepresent the truth in any manner. Lying is the presenting of false information or the withholding of accurate information which leads students or school personnel to erroneous conclusions.

### **Nuisance Items**

Students are not to bring nuisance items including but not limited to radios, stereos, toys, and other items that may disrupt orderly learning. Cell phones may be brought to school, but must be turned completely off during class periods. Cell phones may be used at lunch, during breaks and before and after school. Such items may be confiscated and later returned to the student, parent/guardian, or law enforcement agency as deemed appropriate by the Assistant Superintendent or designee.

## **Obstruction/Disruption of School**

Students are forbidden to disrupt learning. Obstruction or disruption of the school day includes acts that cause a substantial disruption or obstruction of the school day or school activities. This includes, but is not limited to:

- Occupying any school building, grounds, or school bus which deprives others of its use.
- Blocking the entrance or exit of any school building, corridor, doorway, or classroom passageway that deprives others' access; and/or blocking normal pedestrian/vehicular traffic on the school campus.
- Excessive talking or otherwise disrupting class.

## **Profanity**

Students are not to swear, curse, or make obscene gestures on school property or at school activities. *The American Heritage Dictionary* defines profanity as: Abusive, vulgar, or irreverent language. The social situation and good taste will be taken into consideration in enforcement.

## **Referral to Law Enforcement Agencies**

Students will be referred to the appropriate law enforcement agency for illegal and/or repeated misbehaviors.

## **Referral to Other Agencies**

Students are referred to other agencies, as appropriate, for further substance abuse assessment programs.

## **Restitution**

Students will be expected to pay for and/or restore school property, which they have vandalized, damaged, lost, or stolen. The parent/guardian will be notified.

## **School Bus**

Behavior on school busses is governed by all of the rules described within the Behavioral Expectations of the MSB Code of Conduct. In addition, the following bus safety rules apply specifically to behavior on school buses.

1. Follow the driver's, bus monitor or aide's instructions.
2. Do not eat, drink, or smoke on the bus.
3. Keep all harmful materials (drugs, tobacco, alcohol, weapons, etc.) of the bus.



4. Keep all parts of your body and objects to yourself and inside the bus.
5. Keep the noise level down and remain seated facing forward until the bus comes to a complete stop.
6. Keep the aisle clear and do not litter, write on, or damage the bus.
7. Wear seatbelts when available.

Riding on busses is a privilege, not a right. Bus services may be withdrawn from a student by the Assistant Superintendent.

### **School Identification Card**

Students and staff will uniformly wear their picture identification cards at the discretion of administration.

### **Sexual Misconduct**

A student shall not forcibly and/or intentionally touch another person's body and/or clothing in a way which constitutes sexual contact. Indecent exposure or sexual gestures constitute sexual misconduct. Students who engage in sexual assault are subject to disciplinary action, police notification, and charges if warranted.

### **Skateboards, Rollerblades and Bicycles**

Students are not to bring skateboards, rollerblades, or bikes on school property unless authorized by the Assistant Superintendent, during physical education or during instructor-supervised bike repair classes.

### **Smoking/Possession of Tobacco**

The use and/or possession of tobacco and/or smokeless tobacco products are not permitted in school buildings, or on school property, or at school-sponsored activities. Smoking paraphernalia, lighters, matches, etc., may be confiscated, and a police report may be filed.

### **Tardiness**

Students who are late to school or class, or do not report to their assigned area in a timely manner, are considered tardy. Students who are tardy in arriving to school are to check in at the Education Office before reporting to class.

### **Temporary/Permanent Removal from Class**

A student may be temporarily or permanently removed from a class. A conference between the student, parent, teacher, Assistant Superintendent, and/or other personnel may be held, if deemed necessary by the Assistant Superintendent.

### **Theft**

Students are not to take, steal, or accept property belonging to the school or other individuals. Theft is the acceptance, possession, purchase, taking, and/or transfer of property belonging to another. Offenders are subject to disciplinary action, police notification, legal prosecution and restitution.

### **Threats**

Students may not threaten others. Threats are any verbal or written statement made to harm an individual's life, physical well-being, emotional well-being, and/or personal property. Any comments, which could be construed as a threat will be taken seriously.

### **Throwing Objects**

For the safety of everyone, students are not to throw objects, including but not limited to rocks, dirt, paper, and/or snowballs.

### **Trespassing**

Students may not trespass on school property. Trespassing is unauthorized presence on school property or refusing to leave when directed to do so by a person of authority. During the time of a suspension from school, a suspended student is not allowed on any school property or to participate in school-sponsored, extracurricular activities. A police report may be filed.

### **Truancy**

Students who are absent from school or a class without the express consent and/or knowledge of their parents/guardians are considered truant from school. In accordance with state law, students must attend school regularly. Any student who is absent from school repeatedly and without justification will be considered to be truant, and a referral to the family court will follow.

### **Weapons**

A student shall not possess, handle, use or transmit guns, pistols, knives, chemicals, explosives, fireworks, or other weapons, facsimiles of weapons, or items whose presence or handling is dangerous. Weapon means dangerous weapon as defined under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code. A student will be considered to be in possession of a weapon if it is (1) on his/her person, (2) in anything which the student is carrying, (3) in a locker assigned to the student, (4) in a vehicle owned by a student or a member of the student's family on school premises and is proven to belong to the student, except in those

instances where the student demonstrates to the satisfaction of the administrator that he/she is not responsible for its presence at school.

A weapon shall be defined as any instrument or device customarily used for attack or defense against an opponent, adversary, or victim, or any instrument or device used to inflict physical injury or harm to another person. For the purposes of this policy, the term “weapon” shall also mean a “firearm” as defined under 18.U.S.C.921[.] and Section 571.010, RSMo, and the following items as defined in section 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a projectile weapon, a rifle, a shotgun, a spring gun or a switch blade knife.

### **Disciplinary Response to Student Misconduct**

An effective discipline program should break a pattern of behavior not consistent with school norms, or inconsistent with positive social standards. As instances of misbehavior reoccur the consequences will become more severe. **Severe consequences may be immediately applied to serious misbehaviors.** Consequences for inappropriate behavior must be known to the students. Students’ knowledge of school rules and consequences means that the students have the choice; if they choose to misbehave, then they choose to receive the consequences of their behavior.

## **Part II**

# **Disciplinary Actions and Consequences**

### **Disciplinary Actions**

(Consequences for failure to obey Standards of Conduct)

The following disciplinary actions reflect interventions that are available to the staff in handling disciplinary matters. At the discretion of the Assistant Superintendent, alternative actions including but not limited to, time out, a change in the student’s schedule or length of school day, isolation from peers at lunch or recess, or parents attending class with a student may be imposed.

### **At All Levels**

#### **Informal Talk/Counseling**

A school official (teacher or administrator) will talk to the student regarding the student’s behavior. The school official will review the student’s behavior and reinforce appropriate behaviors. The official will assure that the student understands the appropriate school behaviors and rules.

#### **Student Conference**

A formal conference is held between the student and one or more school officials. During this conference, the student must agree to correct his/her behavior. Action taken and results of the conference are recorded in the administrative log. The parent/guardian will be notified.

### **Behavioral Contract/Behavior Plan**

The administrator, advisor, or teacher in consultation with the parent and student may develop a behavioral contract. A behavioral contract identifies a specific behavior, describes how the student should behave, and clearly specifies the consequences of misbehavior. In cases when repeated behavioral interventions prove inadequate, a behavioral therapist may be consulted to create a formal behavior plan. In this case the formal behavior plan must be part of the IEP process.

### **Parent/Guardian Observation**

Parent(s)/guardian(s) attends class with the student.

### **Parent Involvement**

Parent(s) and/or legal guardian(s) are notified of disciplinary action by telephone, personal contact letter, or certified letter. A conference may be conducted between the student, his/her parents, a school administrator, and/or teacher as appropriate. Action taken and results of the conference are recorded in the administrative log.

### **Referral to Counselor**

Students may be referred to a counselor on a periodic basis. The counselor will advise students on ways of improving his/her behavior. The counselor may recommend special projects to the student including reading, attending seminars, etc.

### **Detention**

At the discretion of the Assistant Superintendent or his/her designee, students will be assigned to attend a detention. Detention will be held after school under the supervision of a staff member.

### **Assignment of Extra Duty or Extra Work**

Depending on the nature of the behavioral infraction, duties or extra work may be assigned to match the nature of the offense and are to be completed by the student on his/her own time. These duties or extra work shall be assigned and evaluated by a teacher or administrator.

### **Deprivation of Privileges**

Extracurricular activities are special privileges offered to enhance the student's overall learning experience. Field trips, attendance at non-academic assemblies, participation in sporting activities, and other special events are privileges, not rights. Any or all of these privileges may

be revoked. Actions taken and results are recorded in the administrative log, and parents/guardians will be notified.

### **Restitution**

Students will be expected to pay for and/or restore school property which they have vandalized, damaged, lost, or stolen. The parent/guardian will be notified.

### **Temporary/Permanent Removal from Class**

A student may be temporarily or permanently removed from a class. A conference between the student, parent, teacher, Assistant Superintendent, and/or other personnel may be held if deemed necessary by the Assistant Superintendent.

### **Referral to Law Enforcement Agencies**

Students will be referred to the appropriate law enforcement agency, for illegal and/or repeated misbehaviors.

### **Referral to Other Agencies**

Students are referred to other agencies, as appropriate, for further substance abuse assessment programs.

### **Assignment to the Alternative/In School Suspension Program**

The Assistant Superintendent may determine that the student be placed in an in-school suspension for a specified number of days during regular school hours. The student is required to complete class assignments and may earn credit for work completed. All extracurricular activities may be suspended for that day. Action taken and results are recorded in the administrative log, and the parent/guardian will be notified.

### **Out-Of-School Suspension**

The Assistant Superintendent can suspend a student for a period of time not to exceed ten school days. Depending on the severity of the incident, the Assistant Superintendent, after an administrative hearing/review, may refer a discipline case to the Superintendent, who may in turn extend the student's suspension for a period of time not to exceed 180 school days. Out-of-school suspension requires that the student be deprived of the privilege of attending school for the number of days specified. All extracurricular privileges are also suspended. A contract will be written which stipulates behavioral expectations and consequences for misbehavior. Any student who is on suspension for any offense identified in this Code, a Safe School violation, an act of violence or drug-related activity will have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any public school in Missouri where such student attends unless such student is under the direct supervision of the student's parent or legal guardian or custodian. If a student

who has been suspended from school is found on school property without permission, trespassing charges will be filed and additional disciplinary actions will be taken. Actions taken and results are recorded in the administrative log.

### **Expulsion**

Expulsion is the removal of a student from school by action of the State Board of Education. Only the State Board of Education can expel a student from school. The action taken and results are maintained by MSB.

### **Discipline**

- Ten school days or less: Your child may be removed from their current placement for ten school days or less by the agency to an appropriate interim alternative educational setting, another setting, or suspension without providing services, unless the conduct involves drugs, weapons, or serious bodily injury in which case the change may be for 45 school days and would require services in an alternative setting as explained below or if the conduct involved is unrelated to your child's disability, in which case the change may involve a long-term suspension or expulsion and would require services in an alternative setting as explained below.
- 45 school days: Your child's placement may be changed to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but not for more than 45 school days, unless the student's conduct is unrelated to their disability. A change of placement may occur if your child possessed a dangerous weapon at school or at a school function or your child knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school function or inflicted serious bodily injury while at school, on school premises, or at a school function. On the date on which the decision to take action is made, you must be notified of the decision and provided the Procedural Safeguards statement.

### **Disciplinary Procedures / Consequences**

The following chart shows the types of disciplinary action that will be taken for each disciplinary violation. In each instance a minimum and a maximum action is listed, as well as an action for the first occurrence and one for repeated occurrences. For the purpose of this section, STUDENT BEHAVIOR is categorized in four levels. The examples of student behavior provided in this section are not intended to be a complete listing of the offenses which may fall into the level; the examples are intended to serve as illustrations. Staff members consider the following circumstances prior to disciplinary action:

- The seriousness of the offense.
- The student's behavior.

- Past behavior of the student.
- The student's pattern of misconduct.
- The student's degree of cooperation.
- Attendance patterns and academic progress.
- The safety and welfare of the students.
- Age/academic placement of student.

The intent of discipline is to assist students in recognizing unacceptable behaviors and replacing those behaviors with acceptable behaviors. MSB supports the concept of progressive discipline to encourage the development of self-control. This process is intended to be instructional as well as corrective. A student who repeatedly fails to follow school rules or the reasonable directives of school personnel will face progressively more severe consequences. The administrative log will be reviewed prior to considering further disciplinary action. The maximum consequence is expulsion from school. A student who commits other acts of misconduct detrimental to the good order and discipline of the school, not covered in this handbook, will face disciplinary consequences to be determined by the appropriate professional staff member or governing body.

NOTE: All disciplinary actions will be determined at the discretion of the Assistant Superintendent.

## **LEVEL ONE**

**Description of Level One Misconduct:** Minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school. These misbehaviors can usually be handled by an individual staff member but sometimes require the intervention of other school support personnel.

### **Examples**

- Classroom disturbances, such as talking without permission
- Classroom tirades
- Improper dress
- Inappropriate behavior outside of the classroom (halls, cafeteria, rest room, gym, auditorium) such as throwing objects, and making loud noises
- Inappropriate display of affection
- Littering
- Inappropriate bus behavior, such as disturbing the bus driver or moving when the bus is in motion
- Abusive language, such as profanity, ethnic or gender slurs

### **Level One Consequences**

#### **Minimum**

- Warning
- Apology for inappropriate behavior

- Parental communication
- Withdrawal of privileges
- Counseling
- Temporary removal from class
- After school detention

### **Maximum**

- In-school suspension
- Detention
- Out-of-school suspension
- Referral to outside agency
- Schedule change
- Expulsion
- Documentation in student's record

## **LEVEL TWO**

**Description of Level Two Misconduct:** Misbehavior whose frequency or seriousness tends to disrupt the learning climate of the school. These infractions which usually result from the continuation of Level One misbehavior usually require the intervention of personnel on the administrative level because the execution of Level One disciplinary options has failed to correct the situation. Also included in this level are misbehaviors which do not represent a direct threat to the health and safety of others, but whose educational consequences are seriousness enough to require corrective action on the part of administrative personnel.

### **Examples**

- Continuation of Level One misbehavior
- Use of tobacco in any form
- Truancy
- Forgery of any school-related document
- Profane language
- Improper use of motorized vehicles
- Nuisance items
- Harassment
- Inappropriate use of computers and/or internet

### **Level Two Consequences**

#### **Minimum**

- Warning
- Apology for inappropriate behavior
- Parental communication
- Withdrawal of privileges



- Counseling
- Temporary removal from class
- After school detention

### **Maximum**

- In-school suspension
- Detention
- Out-of-school suspension
- Referral to outside agency
- Schedule change
- Expulsion
- Documentation in student's record
- Loss of computer privileges

## **LEVEL THREE**

**Description of Level Three Misconduct:** Acts directed against persons or property, but whose consequences may not seriously endanger the health or safety of others in the school. These acts might be considered criminal, but most frequently can be handled by the disciplinary mechanism in the school. Corrective measures which the school should undertake, however, depends on the extent of the school's resources for remediation of the situation in the best interest of all students.

### **Examples**

- Vandalism
- Possession/use of unauthorized substance
- Theft of items/cash valued at less than \$150.00
- Threats to others
- Possession of objects that have the potential for endangering health or safety (fireworks, explosives, etc.)
- Disobeying a directive
- Fighting
- Trespassing

### **Level Three Consequences**

#### **Minimum**

- Warning
- Apology for inappropriate behavior
- Parental communication
- Withdrawal of privileges
- Counseling

- Temporary removal from class
- After school detention

### **Maximum**

- In-school suspension
- Detention
- Out-of-school suspension
- Referral to outside agency
- Schedule change
- Expulsion
- Documentation in student's record

## **LEVEL FOUR**

**Description of Level Four Misconduct:** Acts which result in violence to another's person or property or which pose a direct threat to the safety of others in the school. These acts are clearly criminal and are so serious that they always require administrative actions which result in the immediate removal of the student from school, and/or the intervention of law enforcement authorities. Action by the State Board of Education may also be requested.

### **Examples**

- Continuation of unmodified Level Three misbehavior
- Extortion
- Bomb Threat
- Possession/use/transfer of dangerous weapons
- Repeated fighting or fighting between students which causes serious physical injury
- Theft of items/cash valued at more than \$150.00. Knowingly possessing or selling stolen property
- Assault/battery
- Arson
- Furnishing/selling and/or repeated possession or use of a controlled substance
- Illegal use of emergency equipment
- Vandalism (major)

### **Level Four Consequences**

#### **Minimum**

- Principal/student conference
- In-school suspension
- Out-of-school suspension

### **Maximum**

- Referral to outside agency
- Expulsion
- Documentation in student's record

## ***Federal Regulations Governing Discipline of Disabled Students as specified by IDEA***

### **Definitions**

For the purposes of this policy, the following terms are defined:

1. *Change of Placement*: Any removal of a disabled student from his or her assigned classroom or service specified in an IEP or by multidisciplinary committee responsible for determining placement for other than short-term crisis management, for a period of more than ten consecutive days or cumulative days within the year. Multiple suspensions, which accumulate to more than ten days, may constitute a change in placement if excessive, and should be evaluated on a case-by-case basis. Factors to be considered in determining whether an excessive pattern of suspension is present include the number and length of suspensions, their proximity to each other, and the total amount of time a student is suspended from school.

Interventions established by a multidisciplinary committee which continue the provision of special education and related services, or interventions which do not substantially interrupt the provision of services identified by a multidisciplinary committee, or those in an IEP, will not count toward the ten-day limit.

A disabled student who brings a firearm (as defined in 18 U.S.C 921) on school property may be placed in an interim appropriate educational setting for not more than 45 days.

2. *Disabled Student*: A student identified as disabled as defined in P.L. 94-142/IDEA or Section 504 of the Rehabilitation Act, or a student referred for a single disciplinary or multidisciplinary evaluation.

3. *Suspension*: Removal of a student from school for a definite period of time for misconduct. A suspension of more than ten days constitutes a change of placement.

4. *Expulsion*: Removal from school for an indefinite period of time for serious misconduct.

## **Procedures**

1. If a disabled student is charged with misconduct that may result in a suspension, the student and the student's parent(s) or guardian(s) shall be given oral and written notice of the charges. If the student denies the charges, the student, parent, or guardian shall be given an oral and written explanation of the facts that form the basis of the proposed suspension. The student, with assistance from a parent or guardian, shall then be given an opportunity to present his or her version of the incident.

2. The Assistant Superintendent shall keep a record of all disciplinary action taken against a disabled student who has been suspended, which, if continued for more than ten consecutive/cumulative days, would amount to a change in placement.

3. The student shall be accorded all procedural rights under federal and state law, including:

- a. notice of the proposed action
- b. the right to examine the record
- c. re-evaluation if a significant change in placement is proposed;
- d. a hearing with representation of counsel (counsel will be provided by the agency)
- e. the right to remain in the current placement during the pendency of the proceedings if consent is not obtained for a change; and
- f. the right to appeal

4. If the discipline proposed would result in a change in placement, the committee shall determine whether the behavior for which discipline is proposed is related to the child's disability, and whether the child is currently placed in the appropriate least restrictive environment based on a multidisciplinary evaluation.

5. If the committee determines that the behavior is unrelated to the disability, discipline resulting in a change of placement may be imposed, including suspension or expulsion. A determination that the student's behavior is unrelated to the disability indicates that normal disciplinary measures recommended by the administration are appropriate. The committee's determination may be appealed. The nature and extent of educational services to be provided during any such period of suspension or expulsion, if any, shall be based on recommendations of the multidisciplinary committee, subject to the right to appeal.

6. If the committee determines that the behavior is related to the student's disability, the student shall remain in the current placement pending completion of the administrative process. Disciplinary action resulting in a change in placement may not be taken against such a student. The committee shall modify the student's placement or IEP as appropriate.

7. Due process procedures, applicable to suspension or expulsion under state law as provided in sections 167.161 and 167.171, RSMO, shall be provided prior to suspension or expulsion of disabled students.

*Legal Refs: Individual with Disabilities Education Act, P.L. 94-142*

*SS 504 of the Rehabilitation Act of 1973*

*SS 160.261, 162.955-.963, 167.161-171, RSMO.*

*Honig v. Doe, 108 S. Ct. 592 (1988)*

*Americans with Disabilities Act (42 U.S.C. 12101 et seq.)*

### **Student Complaints and Grievances**

The purpose of a complaint procedure is to provide students with a channel of communication, which is fair, clear, and always available for finding solutions to problems. The grievance procedure provides both a remedy for the student and a process for the school to identify areas where changes need to be made. Nothing contained in this procedure shall deprive any student of any legal right or rights under existing school regulations or State Board of Education policies. Any alleged act of unfairness or any decision made by school personnel who students and/or parents/guardians believe to be unjust or in violation of pertinent policies of the Board or individual school rules, may be appealed to the Assistant Superintendent or a designated representative.

The following guidelines are established for the presentation of student complaints and grievances:

--The student will first attempt to resolve the problem informally. The student will meet with the person against whom he/she has the complaint in an effort to resolve the problem.

--If the problem is not resolved within three days to the satisfaction of the student, the student may appeal the complaint in writing to the Assistant Superintendent by requesting a conference if the matter has still not been resolved.

--The Assistant Superintendent shall schedule a conference in a timely manner with the student and any staff members involved to resolve the problem. Parents/guardians may be involved in the conference, or a conference for the parents/guardians may be scheduled at a later date at the discretion of the Assistant Superintendent.

--If the matter is not resolved to the satisfaction of the student, he/she may appeal to the Superintendent or his designee by submitting his/her complaint in writing to the Superintendent. The Superintendent shall arrange a conference with the student and any staff members involved to resolve the problem and inform participants of the action that will be taken. The superintendent will render his decision in writing and submit to the student.

--In the event the matter is not resolved to the satisfaction of the student through the preceding steps, he/she may appeal the decision of the Superintendent to the State Board of Education. The student will submit a written request to the State Board of Education. Within thirty (30) days, the State Board of Education will meet in executive session with parties involved toward the purpose of resolving the complaint. The decision of the Board will be entered in writing within five days. The decision of the Board will be final.

All persons are assured that they may utilize this procedure without reprisal. All records of notices, conferences, and actions taken to resolve student complaints and grievances will be filed and identified as grievance records and will not be placed in the individual's file.

#### **Associated Disciplinary Policies**

##### **Corporal Punishment (Prohibited)**

No person employed or volunteering on behalf of Missouri School for the Blind shall administer or cause to be administered corporal punishment upon a student attending Missouri School for the Blind. A staff member may, however, use reasonable physical force against a student without advance notice to the Assistant Superintendent, if it is essential for self-defense or for the protection of others persons or the property of the school. *Legal Reference: RSMo 160.261, 171.011, 563.062*

##### **Reporting of School Violence**

In compliance with 160.261, RSMo, administrators will, as required by law, report acts of school violence to teachers and other school employees on a need to know basis, in a timely manner. "Need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to another

person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School Administrators will report, in compliance with 160.261, RSMo, to law enforcement agencies any of the following felonies: murder, kidnapping, assault, rape, sodomy, burglary, robbery, distribution of drugs, arson, voluntary manslaughter, felonious restraint, property damage in the first degree possession of a weapon, child molestation, deviant sexual assault, sexual misconduct involving a child and sexual abuse. (See 160.261 for specific definitions and legal referents). ***Legal Reference: Subsection 2 of Section 160.261, RSMo.***

### **IEPs and Violent Students**

Any section of a student's individualized education plan that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. ***Legal Reference: Subsection 2 of Section 160.261, RSMo.***

#### **Use for the student grievance/complaint civil rights process:**

The Department of Elementary and Secondary Education and the Missouri School for the Blind (MSB) do not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities.

Inquiries related to MSB programs may be directed to the Jefferson State Office Building, Title IX Coordinator, 5th Floor, 205 Jefferson Street, Jefferson City, Missouri 65102-0480; telephone number 573-751-4212.