

## SECTION 9

### Consequences for Violations of Policies

Students are expected to display behavior that will contribute to a climate in which learning can take place. At no time will one student or group of students be allowed to interfere or stop the learning/teaching process without corrective measures being taken.

Conduct rules will apply to all students on the school grounds at all times, off the school grounds at a school sponsored activity or event, and en route to and from school.

#### Consequences for Violating School Rules

Consequences for violating school rules may include, but are not limited to the following:

- MIMINUM –
1. Student-Principal and/or Dean of Students conference. (Warning)
  2. Detention/Loss of privileges/Confiscation of items not allowed at school.
  3. Isolation
  4. In-school Suspension
  5. Principal and/or Dean of Students, student, parent conference.
  6. Corporal punishment (paddling).
  7. Out-of-School Suspension
- MAXIMUM - 8. Expulsion

Degree of corrective measures will be at the principal and/or Dean of Students' discretion.

#### Consequences for Violating Bus Rules

Consequences for violating bus rules may include, but are not limited to the following:

- MIMINUM -
1. Student-Principal and/or Dean of Students conference (Warning)
  2. Change of seating
  3. Corporal Punishment
  4. Parent/Principal and/or Dean of Students Conference
  5. Suspension
- MAXIMUM- 6. Removal from Bus

Degree of corrective measures will be at the principal and/or Dean of Students' discretion.

#### Corporal Punishment (Paddling)

##### School Board Policy – 4.39 Corporal Punishment

The Nemo Vista School Board authorizes the use of corporal punishment to be administered in accordance with this policy by the Superintendent or the superintendent's designated staff members who are required to have a state-issued license as a condition of their employment.

Prior to the administration of corporal punishment, the student receiving the corporal punishment shall be given an explanation of the reasons for the punishment and given an opportunity to refute the charges.

All corporal punishment shall be administered privately, i.e. out of the sight and hearing of other students, shall not be excessive, or administered with malice, and shall be administered in the presence of another school administrator or designee who shall be a licensed staff member employed by the District.

Corporal punishment shall not be used as a form of discipline for a student who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

Legal Reference: A.C.A. § 6-18-503-(b)

DESE Rules Governing Student Discipline and School Safety

DESE Rules Governing Special Education and Related Services Section 11.00-Discipline

Date Adopted: Oct. 2010

Last Revised: June 2020

## **Suspension and Expulsion**

### **School Board Policy – 4.30 Suspension from School**

Students who are not present at school cannot benefit from the educational opportunities the school environment affords. Administrators, therefore, shall strive to find ways to keep students in school as participants in the educational process. There are instances, however, when the needs of the other students or the interests of the orderly learning environment require the removal of a student from school. The Board authorizes school principals or their designees to suspend students for disciplinary reasons for a period of time not to exceed ten (10) school days, including the day upon which the suspension is imposed. The suspension may be in school or out of school. Students are responsible for their conduct that occurs:

- At any time on the school grounds;
- Off school grounds at a school-sponsored function, activity, or event; and
- Going to and from school or a school activity.

A student may be suspended for behavior including, but not limited, to that:

1. Is in violation of school policies, rules, or regulations;
2. Substantially interferes with the safe and orderly educational environment;
3. School administrators believe will result in the substantial interference with the safe and orderly educational environment; and/or
4. Is insubordinate, incorrigible, violent, or involves moral turpitude.

Out-of-school suspension (OSS) shall not be used to discipline a student in kindergarten through fifth (5<sup>th</sup>) grade unless the student's behavior:

- a. Poses a physical risk to himself or herself or to others;
- b. Causes a serious disruption that cannot be addressed through other means, or
- c. Is the act of bringing a firearm on school campus?

OSS shall not be used to discipline a student for skipping class, excessive absences, or other forms of truancy.

The school principal or designee shall proceed as follows in deciding whether or not to suspend a student.

1. The student shall be given written notice or advised orally of the charges against him/her;
2. If the student denies the charges, he/she shall be given an explanation of the evidence against him/her and be allowed to present his/her version of the facts; and
3. If the principal finds the student guilty of the misconduct, he/she may be suspended.

When possible, notice of the suspension, its duration, and any stipulations for the student's readmittance to class will be given to the parent(s), legal guardian(s), person(s) with lawful control of the student, person(s) standing in loco parentis, or the student if age eighteen (18) or older prior to the suspension. Such notice shall be handed to the parent(s), legal guardian(s), person(s) having lawful control of the student, person(s) standing in loco parentis, or to the student if age eighteen (18) or older or mailed to the last address reflected in the records of the school district.

Generally, notice and hearing should precede the student's removal from school, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable.

It is the responsibility of a student's parents, legal guardians, person having lawful control of the student, or person standing in loco parentis to provide current contact information to the district which the school shall use to immediately notify the parent, legal guardian, person having lawful control of a student, or person standing in loco parentis upon the suspension of a student. The notification shall be by one of the following means, listed in order of priority:

- A primary call number
  - The contact may be by voice, voice mail, or text message
- An email address
- A regular first class letter to the last known mailing address

The district shall keep a log of contacts attempted and made to the parent, legal guardian, person having lawful control of the student, or person standing in loco parentis.

The District shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student's period of OSS.

During the period of their suspension, students serving OSS are not being permitted on campus except to attend a student/parent/administrator/conference or when necessary as part of the District's engagement or access to education program.

During the period of their suspension, students serving in-school suspension shall not attend or participate in any school-sponsored activities during the imposed suspension.

Suspensions initiated by the principal or his/her designee may be appealed to the superintendent, but not the Board.

Suspensions initiated by the superintendent may be appealed to the Board.

Cross Reference: 4.7---ABSENCES

Legal References: A.C.A. § 6-18-507  
DESE Rules Governing Student Discipline and School Safety  
Goss v Lopez, 419 U.S. 565 (1975)

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## **Expulsion**

### **School Board Policy 4.31-Expulsion**

The Board of Education may expel a student for a period longer than ten (10) school days for violation of the District's written discipline policies. The Superintendent may make a recommendation of expulsion to the Board of Education for student conduct:

- Deemed to be of such gravity that suspension would be inappropriate;
- Where the student's continued attendance at school would disrupt the orderly learning environment; or
- Would pose an unreasonable danger to the welfare of other students or staff.

Expulsion shall not be used to discipline a student in kindergarten through fifth (5<sup>th</sup>) grade unless the student's behavior:

- a. Poses a physical risk to himself or herself or to others;
- b. Causes a serious disruption that cannot be addressed through other means; or

c. Is the act of bringing a firearm on school campus?

The Superintendent or his/her designee shall give written notice to the parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis. (mailed to the address reflected on the District's records) that he/she will recommend to the Board of Education that the student be expelled for the specified length of time and state the reasons for the recommendation to expel. The notice shall give the date, hour, and place where the Board of Education will consider and dispose of the recommendation.

The hearing shall be conducted not later than ten (10) school days following the date of the notice, except that representatives of the Board and student may agree in writing to a date not conforming to this limitation.

The President of the Board, Board attorney, or other designated Board member shall preside at the hearing. The student may choose to be represented by legal counsel. Both the district administration and School Board also may be represented by legal counsel. The hearing shall be conducted in open session of the Board unless the parent, legal guardian, person having lawful control of the student, person standing in loco parentis, or student if age eighteen (18) or older, requests that the hearing shall be conducted in executive session. Any action taken by the Board shall be in open session.

During the hearing, the Superintendent, or designee, or representative will present evidence, including the calling of witnesses, who gave rise to the recommendation of expulsion. The student, or his/her representative, may then present evidence including statements from persons with personal knowledge of the events or circumstances relevant to the charges against the student. Formal cross-examination will not be permitted. However, any member of the Board, the Superintendent, or designee, the student, or his/her representative may question anyone making a statement and/or the student. The presiding officer shall decide questions concerning the appropriateness or relevance or any questions asked during the hearing.

Except as permitted by policy 4.22, the Superintendent shall recommend the expulsion of any student for a period of one (1) year for possession of any firearm prohibited on school campus by law. The Superintendent shall, however, have the discretion to modify the expulsion recommendation for a student on a case-by-case basis. Parents, legal guardians, persons having lawful control of a student, or persons standing in loco parentis of a student enrolling from another school after the expiration of any expulsion period for a weapons policy violation shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a weapon on school property. The parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

The Superintendent and the Board of Education shall complete the expulsion process of any student that was initiated because the student possessed a firearm or other prohibited weapon on school property regardless of the enrollment status of the student.

The District shall establish programs, measures, or alternative means and methods to continue student engagement and access to education during a student's period of expulsion.

Cross Reference: Policy 4.22—WEAPONS AND DANGEROUS INSTRUMENTS

Legal Reference: A.C.A. § 6-18-507  
A.C.A. § 6-18-502  
DESE Rules Governing Student Discipline and School Safety

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Last Revised: July 2023

### **Suggested Expulsion Procedure**

1. The principal of a school may recommend that a student be expelled from school with loss of credit. A written recommendation to the superintendent shall include a statement of the charge against the student.
2. If the superintendent concurs with the recommendation, he/she shall schedule a hearing before the school board.
3. The school board may expel a student for the remainder of the semester, for the remainder of the school year, or permanently, for conduct it deems to be of such seriousness as to make a suspension inappropriate; where it finds that the student's continued attendance at school would be unacceptably disruptive to the educational program or would be attended with unreasonable danger to other students and faculty members.
4. Permanent expulsion is appropriate only for those instances in which serious bodily harm occurred or reasonably could have been expected to occur to another person.
5. The superintendent or designee shall give written notice mailed within ten calendar days from the alleged incident which caused the expulsion recommendation, to the parent, if the student is a minor, or to the student if he/she is an adult. Such hearings will be conducted not earlier than three calendar days or more than seven calendar days following the date of the notice except if the superintendent and the student and the student's parent may agree in writing to a date not conforming to this limitation.
6. The notice also will state charges against the student in clear and concise terms, the names of witnesses who will appear against the student, and a brief statement concerning the nature of their testimony.
7. In every case of a hearing held by a school board regarding the expulsion of a student, the president of the board, or in his/her absence, another member selected by the board shall preside at the hearing. The student shall be entitled to representation by a lawyer or lay counsel.
8. The superintendent or designee shall present evidence and may present witnesses or statements of those persons who have personal knowledge of the events or circumstances which gives rise to the expulsion recommendation at the hearing.
9. The student or representative may then present witnesses or statements by witnesses with personal knowledge of events or circumstances relevant to the issues.
10. Normally, formal cross-examination will not be permitted.
11. During the course of the hearing if the board determines that the credibility of any of the witnesses is at issue, it will permit cross-examination by the student, the superintendent or their representatives of those witnesses whose credibility has become an issue.
12. Cross-examination should ordinarily be limited to the question or questions on which the credibility of the witness has become an issue.
13. The student may observe all evidence offered against him/her.
14. Members of the board may question any witness.
15. At the conclusion of the hearing, the board may discuss the matter and dispose of it by vote.
16. If the board does not expel the pupil with loss of credit, it may impose less severe disciplinary actions, such as long-term suspension, which may be with or without opportunity for make-up of school work. The board shall briefly state its findings in writing within ten days after the hearing.
17. The board shall make a record of the evidence taken at the proceedings by use of either a court reporter or a tape recorder.
18. If the student wishes, the record will be transcribed and a copy furnished to the student. Copies of all statements used as evidence will be included with the record.
19. The school administration has the responsibility to present the evidence to the board, and the administration is entitled to open and conclude the hearings.

20. The president of the board or the presiding officer has the authority to limit unproductively long or irrelevant questioning by non-board members.

**Group Hearings for Suspension and Expulsion**

When two or more students are charged with violating the same rule and have acted in concert and the facts are basically the same for all such students, a single hearing may be conducted for them if the president of the board believes the following conditions exist:

1. A group hearing will not likely result in confusion, and
2. Students will not have their interest substantially prejudiced by group hearing.

If during the hearing, the president finds that a student's interest will be substantially prejudiced by the group hearing, a separate hearing may be ordered for the student.