

**STUDENT CODE OF CONDUCT**

Descriptor: JICDA Issued: **Draft 7/6/2011**  
Rescinds: JICDA Issued: 10/27/2009

The primary responsibility for the conduct and personal appearance of a student rests with the student and the parents. Student and parents must recognize that discipline and order will be maintained in the school. Proper conduct and a clear mind are necessary for education to occur. In carrying out school regulations, students, parents, teachers and the administrative staff should observe the following:

A. Administrators and teachers shall hold students to strict account for violations of school policy, infractions of the Code of Conduct and other disorderly conduct as defined below at any school, on the way to and from school, on the playgrounds during recess, at school meetings, programs, functions and activities, and upon school buses. The superintendent, principal or administrator of any school may suspend any pupil from school for good cause in accordance with the policies of the Board.

B. The superintendent, the principal or an administrator shall have the power to suspend a pupil for any reason for which such pupil might be suspended, dismissed or expelled by the Board. However, such action of the superintendent, principal, or administrator shall be in accordance with the written policies of the Board.

C. The superintendent, principal or administrator is authorized to institute appropriate disciplinary action, including immediate suspension, if warranted, against any student for violations of school policy, infractions of the Code of Conduct and other disorderly conduct or misconduct, including, but not limited to the following:

1. Fighting;
2. Assault;
3. Physical altercation;
4. Disorderly conduct;
5. Sexual harassment, intimidation, or threats;
6. Disruption of school operations, functions, programs or activities;
7. Disobedience;
8. Disrespect;
9. Insubordination;
10. Insulting language;
11. Insulting behavior;
12. Obscene language/gesture;
13. Vandalism;
14. Malicious mischief;
15. Theft;
16. Damage to property, private or school;
17. Unauthorized use of school property;
18. Unauthorized entry on school premises;

19. Loitering;
20. Use of tobacco;
21. Use of alcoholic beverages;
22. Being under the influence of alcoholic beverages;
23. Use of illegal drugs;
24. Under the influence of illegal drugs;
25. Indecent exposure;
26. Public indecent displays of affection including in cars parked in the vicinity of any school building or activity;
27. Leaving class, school program or meeting without permission;
28. Threat of harm to others or threat of destruction of property;
29. Habitual violation of school rules;
30. Possession of any of the following items:
  - Illegal drugs/look-alike drugs
  - Alcoholic beverages
  - Fireworks, explosives, matches, lighters or incendiary materials
  - Knives, firearms, slingshots, any other weapon or look-alike
  - Pornographic materials
  - Drug paraphernalia
  - Stolen property
  - Tobacco
  - Gang-related paraphernalia
  - Cards or gambling paraphernalia
  - Noise making devices
  - Other disruptive materials
  - Other materials, possession of which is punishable by law
  - Any offense otherwise punishable by law.
31. Unauthorized use, possession, or sale of legal/prescription drugs

D. A student suspended by a superintendent, principal or other administrator shall be entitled to a review of the case in accordance with the policies of the Board.

E. Other disciplinary action may consist of **placement in an alternative learning center**, demerits, detention, loss of privileges, lower grade in citizenship, denial or participation in school activities, probation, or a combination of any one or more of such actions, including creative alternative sentences **discipline** or appropriate constructive assignments, depending on the seriousness and circumstances of the offense and the attitude of the student.

F. Teachers or administrators may impose detention as a disciplinary action upon students for violations, misconduct, or disorderly conduct not serious enough to require other disciplinary action. The imposition of a detention by a teacher or administrator shall not preclude the imposition of other disciplinary action. Detention classes shall be held at a place and time to be designated by the teacher or principal. Such classes may be held on Saturdays and shall constitute a school program. Any student failing to report for Saturday school or detention at the place and time designated shall be subject to other disciplinary action. The only permitted activity of students in such classes shall be study and homework. Any student serving detention

must provide for his **or her** own transportation. A detention shall be served the day following its issuance or as fixed by the teacher or principal. The number of detentions received by a student must be a consideration **in** determining the student's citizenship grade, privileges and participation in student activities. A student accumulating twelve (12) hours of detention may be required to show cause why he/she should not be suspended for repeated violations of school regulations.

The teacher is the authority in classroom matters and any decision he/she makes in compliance with the written discipline code of conduct shall be supported. The teacher shall have the right to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment. Similarly, a coach, teacher or other supervising staff member shall have the right to remove any student from a bus, activity or school function who, in the professional judgment of said staff member, is disrupting the operation of the school or school-related activity. The student shall be removed to the principal or assistant principal, who shall determine the proper placement for the student. The student may not be returned to the classroom until a conference of some kind has been held with the parent or guardian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. The conference may be held in person or via telephone. If the parent or guardian does not respond or refuses to participate, the teacher(s) and the principal or assistant principal shall prepare the plan and mail a copy to the parent or guardian. Once the plan is prepared, the student shall be notified that he or she may return to the classroom and/or school. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the principal, upon request from the teacher, must provide justification for his disapproval.

G. Any student who is thirteen (13) years of age or older for whom a behavior modification plan is developed by the school principal, reporting teacher and student's parent and who does not comply with the plan shall be deemed habitually disruptive and subject to automatic expulsion on the occurrence of the third act of disruptive behavior during a school year. After the second act of disruptive behavior during a school year by a student who is younger than thirteen (13) years of age, a psychological evaluation shall be performed on the child. **The psychological evaluation shall be at the expense of the parent or guardian.**

H. The superintendent, or designee, shall have authority to transfer to an alternative education program any student who has been arrested, arraigned for or convicted of or pleaded guilty or nolo contendere to a serious crime, as defined in this section, which occurred off of school property or away from school-related functions. A serious crime, for the purposes of this section, is an illegal act which indicates the capacity and willingness of the student to injure students and/or employees with bodily harm, or to threaten to cause bodily harm, or to place students and/or employees in danger of bodily harm or threaten to destroy property. The superintendent or designee will evaluate the circumstances of the serious crime to determine whether (1) the acts of the student indicate a present and possible danger to the health, safety, and welfare of a student(s) or employee(s) and (2) whether the more restrictive, security oriented environment of an alternative education program would serve the educational interests of the student while preserving the safety of students and employees. The Board shall review the student's placement

in any alternative program at the next regular meeting. Serious crimes shall include, without limitation, and as examples only:

1. Assault with a deadly weapon
2. Aggravated assault
3. Rape
4. Sexual battery, stalking, or other sexual crime
5. Armed or strong-armed robbery (or attempted)
6. Sale or distribution of a controlled substance

If the offense involves threat of harm to self, others or property, the student must be evaluated by a private licensed psychologist or psychiatrist to assist in determining appropriate action. The district must receive a report of the evaluation stating whether or not the student, in the opinion of the examiner, is a threat to self, to others, or to property.

#### CAMPUS SECURITY AND GENERAL CLASSROOM ORDER

A. Any student who starts, provokes or participates in a fight, as set forth in this policy, will be suspended from school immediately and the case reviewed to determine if more serious punishment is appropriate. Any student participating in any violence, or in any activity which significantly disrupts classroom order, the educational process, the order of any school activity, or in any activity which endangers the safety or security of any person may be suspended from school immediately while the matter is investigated and reviewed.

B. All persons other than school employees and pupils enrolled at a specific school must first go to the principal's office to secure admission when entering the campus. Otherwise, they will be considered to be trespassers and as such, subject to arrest and prosecution.

C. Any student who has in his/her possession an object that would be classified as a weapon while on school grounds or going to or from school will immediately be suspended by the principal in a manner as prescribed by Board policy.

#### DEFINITIONS

A. **FIGHT:** A fight is defined as any violent physical contact between two or more persons, which is intended to cause, or intentionally cause serious bodily harm or injury. If the physical contact was made knowingly and on purpose of sufficient force or character to cause serious bodily harm or injury, then intent is established, intended or not. The determination of intent and of serious bodily harm or injury shall be made in the sound judgment and discretion of the principal or designated school officials. A non-exclusive list of examples of serious bodily harm or injury follows:

1. Any blows to the face or head which cause or could cause bruising, bleeding, broken or chipped bones or teeth, significant swelling, concussion, injury to hearing or sight, severe pain, loss of consciousness;
2. Blows to the abdomen or groin;
3. Biting;
4. Bleeding, internal or external;

~~Broken, fractured or chipped bones or teeth;~~

5. Bruising;
6. Any wound requiring stitches;
7. Burns;
8. Loss of consciousness;
9. Application of hazardous chemicals;
10. Choking/strangulation;
11. Sprains/injury to joints;
12. Puncture wounds;
13. Intentional physical contact resulting in a fall which could cause any of the injuries listed above; or
14. Physical contact by any weapon capable of causing serious bodily injury or harm.

Each person who engages in a fight is guilty of a breach of the rules against fighting, regardless of who initiated the confrontation or the violence. Initiation and acceleration of a fight may be considered when imposing punishment, but these are not factors in determining whether or not a person is guilty of fighting. ~~Self defense is not an excuse, unless there was no reasonable means of escape or avoidance.~~

**B. PHYSICAL ALTERCATION/STRUGGLE:** A physical altercation or struggle is any disorderly or violent physical contact between two or more persons, which could result, or does result, in bodily harm or injury or in damaged property. A non-exclusive list of examples of physical altercations/struggles:

1. Pushing or shoving;
2. Wrestling;
3. Slapping or open-hand hitting which is not intended to cause serious bodily harm or injury;
4. Grabbing or holding; or
5. Violent physical horseplay.

**C. ASSAULT:** An assault is (a) the attempt to cause or the purposeful, knowing or reckless causing of bodily injury to another person, or (b) the negligent causing of bodily injury with a weapon or other means likely to produce death or serious bodily harm, or (c) the attempt by physical menace to put another person in fear or imminent serious bodily injury.

**D.SELF-DEFENSE:** Self-defense is the use of appropriate, reasonable force to defend or remove oneself, or another person against the assault of an aggressor when there is no reasonable avenue of escape or means of avoidance. **However, self-defense is not an excuse, unless there was no reasonable means of escape or avoidance.**

**E. DISRUPTIVE BEHAVIOR:** Conduct of a student that is so unruly, disruptive or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a

school or school-related activity, and which is not covered by other laws related to violence or possession of weapons or controlled substances on school property, school vehicles or at school-related activities. Such behaviors include, but are not limited to: foul, profane, obscene, threatening, defiant or abusive language or action toward teachers or other school employees; defiance, ridicule or verbal attack of a teacher; and willful, deliberate and overt acts of disobedience of the directions of a teacher.

**F. HABITUALLY DISRUPTIVE:** Actions of a student which cause disruption in a classroom, on school property or vehicles or at a school-related activity on more than two (2) occasions during a school year, and behavior that was initiated, willful and overt on the part of the student and which required the attention of school personnel to deal with the disruption. However, no student shall be considered to be habitually disruptive before the development of a behavior modification plan for the student in accordance with the code of student conduct and discipline plans of the school district.

**G. BEHAVIOR MODIFICATION PLAN:** A plan developed in a meeting of the principal, reporting teacher and parent of a student, who is at least 13 years old and who has been reported by a teacher for disrupting the learning environment, which reflects the agreement of all present at the meeting that no further disruption by the student will be tolerated.

**H. ALTERNATIVE LEARNING CENTER:** Additional choices of discipline that are alternatives to out-of-school suspension. Some options may include but are not limited to detention, Saturday school, or in-school suspension.

**Discipline Decision Matrix,**

The Discipline Decision Matrix attached as an exhibit to this policy, shall outline the discipline to be administered in the District.

**EXHIBITS**

JICDA-E1 TPSD Elementary Discipline Decision Matrix

JICDA-E2 TPSD Secondary Discipline Decision Matrix

**REFERENCES**

MCA §§37-11-54, 37-11-55

**FORMS**

None