

## **DISCIPLINE/DUE PROCESS**

Attending Nyssa Middle School (NMS) is a privilege. Students are

- responsible for their actions and behavior
- accountable for the consequences of inappropriate actions or behavior.

A student who violates the Student Code of Conduct shall be subject to disciplinary action.

**Students should always remember that their behavior at school and school-related activities is a reflection not only on themselves but also on NMS. The following is what is expected from a NMS student.**

### **Student Code of Conduct**

The district has authority and control over a student at school during the regular school day, at any school-related activity, regardless of time or location and while being transported in district-provided transportation.

Students will be subject to discipline including detention, suspension, expulsion and/or referral to law enforcement officials for the following, including but not limited to:

1. Bringing, possessing, concealing or using a weapon to or on school property or at an activity under the jurisdiction of the school or at an interscholastic activity administered by a voluntary organization approved by the State Board of Education under ORS 339.430;
2. Substance abuse or any possession or use of tobacco, alcohol or unlawful drugs, including drug paraphernalia;
3. Assault or menacing of a district employee or another student. Menacing means by word or conduct the student intentionally attempts to place a district employee or another student in fear of imminent serious physical injury;
4. Use of threats, targeted lists, intimidation, harassment or coercion against any fellow student or district employee;
5. Willful damage or destruction of district property, or private property on district premises;
6. Open defiance of a teacher's authority;
7. Theft;
8. Use or display of profane or obscene language;
9. Violations of district transportation rules.

Under state and federal law, expulsion from school is required for a period of not less than one year for any student who is determined to have brought a weapon to school. The superintendent may modify the expulsion requirement for a student on a case-by case-basis. Additionally, in accordance with Oregon law, any person who intentionally possesses a firearm or other dangerous weapon in or on district property or recklessly discharges a firearm in school is subject to criminal prosecution, a maximum five (5) years imprisonment, \$100,000 fine and forfeiture of firearm and/or other dangerous weapons or both. Any person 13 to 17 years of age convicted of intentionally possessing a fire arm in a public building is subject to denial of driving privileges for 90 days.

Dangerous weapon is defined in Oregon law as any weapon, device, instrument, material or substance which, under the circumstance in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious injury.

Deadly weapon is defined as any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;

Firearm is defined in federal law as any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. This includes the frame or receiver of any such weapon or firearm, muffler or silencer.

Destructive device is defined as any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line throwing, safety or similar device.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A "school zone," as defined by federal law means, in or on school grounds or within 1,000 feet of school grounds.

In accordance with Oregon law, any person under age 18 possessing a tobacco product commits a Class D violation and is subject to a court imposed fine up to \$75 as provided by ORS 167.400. Any person who distributes, sells or causes to be sold, tobacco in any form or a tobacco burning device, to a person under 18 years of age commits a Class A violation and is subject to a fine of not less than \$100 and not exceeding \$600 as provided by ORS 163.575. An unlawful drug is any drug not prescribed by a licensed medical practitioner. Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of district property is a Class A felony. Punishment is a maximum of 20 years of imprisonment, \$300,000 fine or both as provided by ORS 475.999.

## **Classroom Conduct**

Students should:

1. be seated when the bell rings;
2. be courteous to teachers and other students;
3. follow all classroom rules and teachers and directions;
4. adhere to the Student Code of Conduct.

## **Schoolwide Agreements**

**Be Responsible**

**Be Respectful**

**Be Safe**

## **Violations**

A student who violates the Student Code of Conduct shall be subject to disciplinary action.

A student's due process rights will be observed in all such instances, including the right to appeal the discipline decisions of staff and administrators.

The district's disciplinary options include using one or more discipline management techniques including counseling by teachers, counselors and administrators, detention, suspension, expulsion loss of driving privileges and loss of right to apply for driving privileges and removal to an alternative education program. Disciplinary measures are applied depending on the nature of the offense. The age and past pattern of behavior of a student will be considered prior to any suspension or expulsion.

In addition, when a student commits substance abuse, drug or drug paraphernalia, alcohol and/or tobacco-related offenses or any other criminal act, he/she may also be referred to law enforcement officials. Violations of the district's weapons policy, as required by law, shall be reported to law enforcement.

### **MISCONDUCTS AND POINT VALUES:**

- A. **Behavior Citation –Class I - (5 points)** includes any inappropriate behavior or rule violation that occurs outside the classroom. These may include but are not limited to disruptions, disrespect, disobedience, and damage to property. (Damage to property will include payment for damages or replacement.)
- B. **Behavior Citation –Class II- (10 points)** includes harassment of others, disrespect of classroom instructors, any referrals from classroom instructors resulting from reaching the last step of the classroom management plan, vandalism, truancy, academic dishonesty, or any flagrant violation of classroom or school rules.
- C. **Behavior Citation- Class III- (20 points)** includes theft, fighting and use or possession of tobacco, alcohol, drugs or simulations thereof, any activity considered gang related, and physically or verbally threatening or abusing any school employee.

### **POINT ACCUMULATION AND CONSEQUENCES**

- A. All misconduct points will accumulate for the entire year. A 5 point/month deduction will be made for good behavior (no behavior citations or office interventions) or being selected as Student of the Week. The accumulated total may not be less than zero.
- B. Results of point accumulation.
  - 1. **5-10 points** = meeting with Vice Principal, parent contacted and noon detention(s).
  - 2. **20 points** = meeting with Vice Principal, parent contacted and suspension (either in-school or out of school)
  - 3. **30 points** = meeting with Vice Principal, parent contacted, Positive Behavior Support Committee meeting with parent must take place before student returns to school. Action taken by the Discipline Committee is subject to Vice Principal's approval/disapproval.
  - 4. **40 points** = meeting with Vice Principal, parent contacted, 2-4 day suspension (either in-school or out of school), and parent conference required with Vice Principal.
  - 5. **50 points** = meeting with Vice Principal, parent contacted, 3-5 day suspension (either in-school or out of school) and Positive Behavior Support Committee meeting with parent. Action taken by the Discipline Committee is subject to Vice Principal's approval/disapproval.
  - 6. **60 points** = meeting with Vice Principal, parent contacted, possible recommendation for expulsion; (students may be suspended up to 5 school days pending the outcome of the hearing).

\*Misbehaviors during In-School Suspension may result in Out-of-School Suspension (OSS). The remaining ISS days will be completed upon return.

### **Opportunity to Improve – Behavioral (Detention)**

A student may be detained outside of school hours [for not more than two hours] on one or more days if the student violates the Student Code of Conduct. The detention shall not begin, however, until the student's parents have been notified of the reason for the detention and can make arrangements for the student's transportation on the day(s) of the detention.

## **Suspension**

A student may be suspended from school for up to and including 10 school days for willful violations of the Student Code of Conduct. The district may require a student to attend school during non-school hours as an alternative to suspension.

An opportunity for the student to present his/her view of the alleged misconduct will be given. Each suspension will include a specification of the reasons for the suspension, the length of the suspension, a plan for readmission and an opportunity to appeal the decision.

Every reasonable and prompt effort will be made to notify the parents of a suspended student.

While under suspension, a student may not attend after school activities and athletic events, be present on district property or participate in activities directed or sponsored by the district.

Schoolwork missed by a student while on suspension may be made up upon the student's return to school if the work missed reflects achievement over a greater period of time than the length of the suspension. For example, a student will be allowed to make up final, mid-term and unit examinations without an academic penalty. Other work relating to that day of suspension will be a zero.

## **Expulsion**

A student may be expelled for severe or repeated violations of the Student Code of Conduct.

No student may be expelled without a hearing unless the student's parent or the student, if 18 years of age, waives the right to a hearing, either in writing or by failure to appear at a scheduled hearing.

An expulsion shall not extend beyond one calendar year.

The district will provide appropriate expulsion notification including expulsion hearing procedures, student and parent rights and alternative education provisions as required by law. See alternative education programs and alternative education notice in this handbook.

## **Discipline of Disabled Students**

A student being served by an Individualized Education Program (IEP) who engages in conduct which would warrant suspension for a non-disabled student may be suspended for up to and including 10 consecutive school days for violations of the Student Code of Conduct.

When a disabled student is suspended more than 10 consecutive school days or for more than 10 cumulative school days during a school year or is being expelled, the student's parents will be notified immediately (within 24 hours) of the circumstances of the misbehavior and the time and location of the student's IEP team meeting addressing the infraction and its relationship to the disability.

The IEP team will determine whether the misconduct is a manifestation of the student's disability. Should the IEP team conclude the misconduct has no relationship to the student's disability, the student may be disciplined in the same manner as would other students.

If the IEP team concludes the misconduct is a consequence of the student's disability, the team may recommend alternative placement for the student. The district may not expel a disabled student or terminate educational services for any behavior which is a consequence of the disability.

If the district determines that the student's behavior, which is related to his/her disability, poses imminent danger to others and the parent refuses to agree to a change of placement, the district may suspend the student for up to 10 consecutive school days or 10 cumulative school days, to provide a general planning and "cooling off" period. At the end of the 10 day period the student shall be allowed to stay put in his/her current school placement unless the district has obtained a hearings officer or court order to change the student's placement.

### **Library Book Overdue Policy**

Any student who has a book that is at least one week overdue will serve noon detention in the library the following school day and each subsequent day until the book is renewed, returned, or paid for. This means the student has had the book checked out for a total of three weeks before corrective action has been taken.

Students are given at least two chances to renew during their weekly library visit with their Language Arts or Reading class. The librarian announces the names of students with overdue books every morning, once at 7:45 AM and again at 7:55 AM. In addition, an overdue list is given to the appropriate teachers, showing each student who has an overdue book, to facilitate collection. An overdue list is also posted outside the library door on the wall.

The library is open from 7:30 AM to 4:00 PM. There are three book drops: one in the library and two in the Commons. All are clearly marked.

### **Fines Policy**

Any student who checks out a library book, is responsible for the damages incurred. They will be fined according to the damages, at the fee of a dollar per page, or to pay for the book, if the book is un-readable.

If the fines are not paid within a reasonable amount of time, they will serve noon detention, until those fees are paid in full.

The damaged books are put to the side until paid for. Anyone wishing to see the damages may see them at any time, until the book is paid for. After the book is paid for it will be repaired and put back on the shelves for other patrons to check out.

At the beginning of each school year, these rules and information are provided to students during orientation. As new students enroll throughout the year, they are informed of the rules individually.

### **DRUG, ALCOHOL AND TOBACCO PREVENTION PROGRAM**

The possession, selling and/or use of illegal and harmful drugs, alcohol and tobacco are strictly prohibited. This includes substance abuse and drug paraphernalia. This prohibition applies during the regular school day and/or at any district-related activity, regardless of time or location and while being transported on district-provided transportation. Students in violation of the district's drug, alcohol and tobacco policy will be subject to disciplinary action and referral to law enforcement officials, as appropriate, in accordance with the Student Code of Conduct.

Since drug, alcohol and tobacco use is illegal for students and interferes with both effective learning and the healthy development of students, the district has a fundamental and ethical obligation to prevent drug, alcohol and tobacco use and to maintain a drug-free educational environment.

An aggressive intervention program to eliminate drug, alcohol and tobacco use has been implemented throughout the district. As part of this program, an age-appropriate drug, alcohol and tobacco prevention curriculum will be taught annually to all students.

The program also includes staff training in district procedures for the identification and referral of students whose behavior is interfering with their potential success socially, emotionally, physiologically and/or legally as a result of illegal drug, alcohol and tobacco use.

The district's drug, alcohol and tobacco prevention program will be reviewed and updated annually. Parents are encouraged to contact the counseling office for information on district and community resources available to assist students in need.

### **TRAINING AND CONDUCT CODE**

Students will be permitted to participate in an athletic program if they abide by the conduct and training rules.

1. Use of tobacco or alcohol: **No** Nyssa Middle School student-athlete shall use, be under the influence of or have in possession any tobacco or alcohol in any form.
2. Use of drugs: **No** Nyssa Middle School student-athlete shall use, be under the influence of or have in possession any type of drugs or narcotics.
3. Theft: **No** Nyssa Middle School student-athlete shall steal or otherwise be involved in related illegal activity.
4. Misconduct and/or **No** Nyssa Middle School student-athlete shall exhibit flagrant misconduct or disobedience.

### **EXTRA - CURRICULAR ACTIVITIES**

#### **ELIGIBILITY & EXTRA CURRICULAR STANDARDS**

It is the desire of the Nyssa School Board and faculty to provide the best educational program and learning experiences possible to the students of the school district. Extra-curricular activities play an important role in the development of the students by providing educational, social and practical benefits through participation. The intent of this policy is to establish reasonable standards for participants which will upgrade the programs and those involved in them.

**Definition:** Any activity that is not a part of the normal classroom learning process will be considered an extra-curricular activity. Included in this category are the following: all athletic teams, letters clubs, cheerleaders, all student body officers, class and organization offices and parties. Scheduled activities that are related to beyond the regular classroom time will not be considered as extra-curricular. Emphasis for participation will be placed on academic achievement and the student's conduct, both in and out of school. In the event that a situation is not clearly understood, a decision will be rendered by the Principal.

**REQUIREMENTS FOR PARTICIPATION:** Students at NMS (grades six through eighth) are part of our eligibility policy.

- Maintain a 2.00 GPA (a "C" average)

- have no failing grades to participate in athletics, attend dances, parties, clubs
- Student Council. Class activities other than classroom requirements are extra-curricular and will be forfeited if a student becomes ineligible.
- Must uphold the District rules regarding the use/possession of alcohol, drugs or tobacco at all times.

(Failure to do so will result in the application of the consequences outlined in the District’s policies. )

Students on Individualized Educational Plans will have their eligibility determined on an individual basis. Determination will be made jointly by the Special Educational Director, Classroom teachers, parents, Athletic Director and Superintendent/ Principal within the IEP process.

Our policy involves three steps of student status:

- 1. Eligible** Student is maintaining a 2.00 GPA and has no failing grades.  
At the beginning of the school year, the student’s last report card from the previous year will be used to determine eligibility.
- 2. On Probation** Student’s GPA has fallen below a 2.00 or student has a failing grade since the last eligibility check (every 3 weeks.)  
(Athlete may practice and compete.)
- 3. Not Eligible** Student’s GPA is below a 2.00 or student has a failing grade after probationary period, for the next 3 weeks. Students will remain ineligible for the next 3 week period.  
Student’s cumulative disciplinary points reach or exceed 40 points.  
Student will become eligible again when the point total is below 40.  
(Students have 5 points deducted from their total for each month of good behavior.)  
(Athlete may practice but cannot compete, travel or sit with the team.)

Grade checks are made every three weeks of each quarter. Students have a chance then and only then to change their academic eligibility status.

**Important:** Students at step two (on probation) remain eligible during the 3 week period. Students at step three (not eligible) who bring their GPA to a 2.00 at then next eligibility check move back to step two (on probation) for the next 3 week period. They are eligible to participate but are still on probation. Students on probation (step two) or not eligible (step three) at the end of the school year will start the next school year on probation (step two).

To participate, students must also attend the full day of the scheduled activity to be considered eligible for participation. Exceptions may be made for students who have prearranged medical/dental appointments, interviews, school sponsored activities, funerals, or other emergency situations where approval has been given by the principal/designee.

### **CURRENT AND BETWEEN SEASONS**

Nyssa Middle School students must adhere to training and conduct codes during the season and between sports seasons throughout the entire school year. Violation of the training and conduct codes will result in immediate suspension from the team and the student will not be permitted to participate on an athletic team for the remainder of the school year.

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**NOTE:** Procedures for the Eligibility Policy

- At the end of every 3 weeks, students who are failing a class are placed on probation for 3 weeks. This usually includes attending the Opportunity to Improve (mandatory study hall) until the grade is raised.
- If the student raises his grade and is passing at the end of the probationary 3 weeks, the student is off probation.
- If the student does NOT raise his grade by the end of the probationary 3 weeks, the student is then ineligible for participation in extra-curricular activities. The student should attend in the Opportunity to Improve (mandatory study hall) until his/her grade(s) has been raised.
- If at the end of the 3 weeks of eligibility the student is passing all classes, he/she is then eligible for extra-curricular activities. If the student is still failing, he/she remains ineligible.

### **OPPORTUNITY TO IMPROVE (Mandatory Study Hall)**

Mandatory study hall is available to all students. As soon as a student is failing a class, he/she should be requested to attend mandatory study hall. When the student raises his/her grade(s), the student no longer needs to attend study hall but can continue if desired. Teachers have the option of requesting a student attend mandatory study hall, even though the student may not be failing.