

Student Code of Conduct

I. ON SCHOOL GROUNDS/AT SCHOOL-SPONSORED ACTIVITIES/SCHOOL TRANSPORTATION

A. Prohibited Conduct. The following conduct set forth in Paragraphs 1-27 constitutes Prohibited Conduct if the conduct occurs on school grounds, a school-sponsored activity or athletic event, or in a vehicle owned, leased, or contracted by Westside Community Schools being used for a school purpose or in a vehicle driven for a school purpose by a school employee or by his or her designee. The conduct set forth in Paragraph 9 also constitutes Prohibited Conduct regardless of where the conduct occurs.

1. Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;
2. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;
3. Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student;
4. Threatening or intimidating any student for the purpose of, or with the intent of, obtaining money or anything of value from such student;
5. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon. This includes, but is not limited to, firearms, knives and switchblades (regardless of blade length), B.B. guns, stun guns, air-soft guns, or any item that has the appearance of a weapon or that is portrayed by a student as a weapon;
6. Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401 of the Nebraska statutes, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103 of the Nebraska statutes, or being under the influence of a controlled substance or alcoholic liquor.
7. Public indecency as defined in Section 28-806 of the Nebraska Statutes, except that the definition of public indecency applies only to students at least twelve years of age, but less than nineteen years of age;
8. Engaging in bullying as defined in **Board Policy 5310**;

9. Sexual assault or attempted sexual assault of any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity, or event. For purposes of this policy, sexual assault means sexual assault in the first degree as defined in Section 28-319 of the Nebraska Statutes, sexual assault in the second degree as defined in Section 28-320 of the Nebraska Statutes, sexual assault of a child in the second or third degree as defined in Section 28-320.01 of the Nebraska Statutes, or sexual assault of a child in the first degree as defined in Section 28-319.01 of the Nebraska Statutes, as such sections now provide or may hereafter from time to time be amended.
10. Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes;
11. A repeated violation of any rules and standards in this Code of Conduct, if such violations constitute a substantial interference with school purposes;
12. Gambling;
13. Profanity or vulgar language or gestures;
14. Insubordination, dishonesty, or gross disrespect to teachers, school officials, other school employees, volunteers, or bus/van drivers.
15. Behavior that constitutes a danger to any other person or that is disruptive to, or seriously interferes with, class work, school activities, or school transportation.
16. Plagiarism or, cheating, or other academic dishonesty;
17. Skipping school, home room, or regulated time, being tardy, or being out of the building without permission;
18. Attending fewer than four classes (applicable to high school students only);
19. Use or possession of any form of tobacco, tobacco or nicotine delivery device, or tobacco-product look-alike, e-cigarette or vapor (“vape”) dispenser of any kind regardless of the substance, if any, that it contains;

20. Possession or use of any mood-altering or behavior-affecting substance regardless of whether possession or use is unlawful under the laws of the State of Nebraska;

21. Violation of student dress code;

22. Harassment or discrimination of any student, school district employee, volunteer, or bus/van driver on the basis of the individual's race, national origin, sex, disability, age, religious beliefs, personal appearance, sexual orientation or marital status; and

23. Retaliation against any student, school district employee, volunteer, or bus/van driver for reporting or asserting a claim of harassment, discrimination or bullying;

24. Falsely reporting or asserting a claim of harassment or discrimination, or bullying;

25. Participation in hazing in connection with initiation, orientation, or similar activities intended as an induction into any school program or activity; and

26. Violation of the Internet Acceptable Use Responsibility Agreement or any computer use agreement.

27. Photographing, videotaping or audio recording any student, school district employee, volunteer, or bus/van driver without prior consent of that person.

B. Disciplinary Action for Prohibited Conduct on School Grounds at a School-Sponsored Activity or Athletic Event, or in a Vehicle Being Used for School Purposes

Prohibited Conduct described in paragraphs (1) through (11) above constitute grounds for short or long-term suspension, expulsion, mandatory reassignment, and/or other disciplinary action. Prohibited Conduct described in paragraphs (11) through (25) above constitute grounds for short-term suspension and/or other disciplinary action. Alternatives to suspension or expulsion will be imposed against students who are truant, tardy, or otherwise absent from required school activities.

Procedures

The principal or designee will conduct a reasonable investigation of the alleged Prohibited Conduct, examine the facts and circumstances, contact law enforcement as required by law, and cooperate with any law enforcement investigation.

The student will be given an opportunity to present his or her version of the situation. The principal or designee will determine the appropriate disciplinary action based upon the severity and extent of the Prohibited Conduct. The principal or designee shall make a reasonable effort to notify the student's parents or guardians of the alleged behavior violation and the reasons for disciplinary action.

If the principal or designee determines that the appropriate disciplinary action is short-term suspension, the student and the student's parents/guardians will be given oral or written notice of the alleged behavior violation and resulting disciplinary action. The principal or designee shall make a reasonable effort to hold a conference with the parents/guardians before or at the time a student returns to school after a short-term suspension. At the time of the short-term suspension, the student and parents/guardians shall be provided with information regarding any opportunity to complete class work (including examinations) missed during the short-term suspension.

Any long-term suspension, expulsion, and mandatory reassignment for Prohibited Conduct shall be subject to the procedural requirements set forth in the Student Discipline Act of the Nebraska Statutes.

During any time period that a student is excluded from school due to short-term suspension, long-term suspension, expulsion, or emergency exclusion, the student will be prohibited from being on school grounds (except the location designated for alternative education), from attending any extracurricular activities that take place on District property, and from participating in any school-sponsored activities, clubs and athletic programs. Other disciplinary action may also be imposed in the form of additional restrictions (beyond the length of the suspension, expulsion or emergency exclusion) on the student's participation in school-sponsored activities, clubs and athletic programs, where such curtailment is necessary to aid the student, further school purposes, or prevent interference with the educational process.

If such other disciplinary action is imposed (in the form of restrictions on the students's participation in school-sponsored activities, clubs and/or athletic programs) beyond the time-period of the suspension, expulsion or exclusion, or is imposed in a situation where there has not been any accompanying suspension, expulsion or exclusion, the District shall provide such due process as is required by law, and the student and the student's parents/guardians will be provided with a copy of the District's procedures for contesting such restrictions.

School Transportation

The Code of Conduct requirements set forth in this policy apply equally to students when using any District-provided transportation.

Disciplinary action for behaviors that occur on District transportation includes, but is not limited to, temporary or permanent loss of riding privileges. During any period in which the transportation privilege is lost due to the misconduct of the student, transportation to and from school becomes the sole responsibility of the parent/guardian.

The Superintendent or designee will conduct a reasonable investigation of the alleged Prohibited Conduct, and shall make reasonable effort to notify the student's parents or guardian of the alleged behavior violation. The student will be given an opportunity to present his or her version of the situation. The Superintendent or designee will determine the appropriate disciplinary action based upon the severity and extent of the Prohibited Conduct, and shall make reasonable effort to notify the parent/guardian.

Any long-term suspension, expulsion, and mandatory reassignment from school for Prohibited Conduct shall be subject to the procedural requirements set forth in the Student Discipline Act of the Nebraska statutes.

II. OFF-SCHOOL GROUNDS/NOT AT SCHOOL SPONSORED ACTIVITY OR SCHOOL VEHICLE

A. Prohibited Conduct. The following constitutes Prohibited Conduct if the conduct occurs off school grounds, and not at a school-sponsored activity or athletic event or in a vehicle being used for a school purpose:

- Assault, attempted assault, or use of violence, threats, intimidation, or bullying of a student, staff member, or any other person
- Willfully damaging property, stealing, or attempting either;
- Causing or attempting to cause physical injury to a school employee, student, or other person;

- Illegal possession of a weapon or intending to use, attempting to use, or using a weapon;
- Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in Section 28-401 of the Nebraska Statutes, a substance represented to be a controlled substance, or alcoholic liquor as defined in Section 53-103 of the Nebraska Statutes, or being under the influence of a controlled substance or alcoholic liquor;
- Unlawful possession of drug paraphernalia, as defined in Section 28-441 of the Nebraska Statutes;
- Sexual assault or attempted sexual assault of, or unwanted sexual contact with, any person prior to, or in the absence of, a complaint being filed by a prosecutor in a court of competent jurisdiction.
- Participation in hazing in connection with initiation, orientation, or similar activities intended as an induction into any school program or activity; and
- Violation of the Internet Acceptable Use Responsibility Agreement or the terms of any computer user agreement.

B. Disciplinary Action for Prohibited Conduct Off School Grounds and not at a School-Sponsored Activity or Athletic Event or in a Vehicle Being Used for A School Purpose

Alleged Violation:

If the administration believes a student has been involved in Prohibited Conduct, a conference may be initiated with the student and his or her parents or guardians to discuss the matter and decide upon appropriate intervention, if any.

Evidence of Violation:

If the administration obtains direct evidence that a student has engaged in Prohibited Conduct, although not cited or charged, the administration may initiate an intervention procedure. This procedure may involve a conference with the student, parents or guardians, and the appropriate school officials to discuss the conduct and an appropriate intervention. Intervention may include open-mod in-school suspension (applicable to high school students only), in-school suspension, an approved counseling program or screening procedure (with written consent of parents or guardians), school attendance at times other than regular school hours, and short or long-term restrictions regarding the student's participation in school-sponsored activities, clubs and athletic programs.

Charged with Violation:

Any student receiving a citation and/or charged criminally for Prohibited Conduct or on whom a petition has been filed in juvenile court for Prohibited Conduct, wherever or whenever such conduct occurs, may be subject to disciplinary action. The disciplinary action may include in-school suspension, short-term suspension, an approved counseling program or screening procedure (with written consent of parents or guardians), and short or long-term restrictions regarding the student's participation in a school-sponsored activity, club and athletic programs for up to one school year.

Guilty of Violation:

If a student is found guilty of Prohibited Conduct, he or she shall be disciplined. The discipline may include short-term suspension from school or other disciplinary action.

Procedure for Short-Term Suspension:

In the event of short-term suspension, the student shall be given oral or written notice of the alleged Prohibited Conduct and an explanation of the evidence the principal or designee has to support the allegations, and the student shall have an opportunity to present his or her version. The principal or designee shall send a written statement to the student and to the student's parents or guardians describing the Prohibited Conduct and the reasons for the short-term suspension. The principal or designee shall make a reasonable effort to hold a conference with the parents or guardians before or at the time a student returns to school after a short-term suspension. At the time of the short-term suspension, the student and parents or guardians shall be provided with information regarding any opportunity to complete class work (including examinations) missed during the short-term suspension.

During the short-term suspension the student will be prohibited from being on school grounds and from attending any extracurricular activities that take place on District property and from participating in any school-sponsored activities, clubs and athletic programs. Additional restrictions (beyond the length of the short-term suspension) may also be imposed on the student's participation in school-sponsored activities, clubs and athletic programs where such curtailment is necessary to aid the student, further school purposes, or prevent interference with the educational process.

Appeal Process:

Any secondary student receiving a short-term suspension for Prohibited Conduct off school grounds and not at an educational function or event, a school-sponsored activity or athletic event or in a vehicle being used for school purposes may appeal the disciplinary decision to the Superintendent and may appeal the decision of the Superintendent to the Board of Education.

If restrictions are imposed on the student's participation in school sponsored activities, clubs and/or athletic programs beyond the time of the short-term suspension, or are imposed in a situation where there has not been any accompanying short-term suspension, the District shall provide such due process as is required by law, and the student and the students's parents/guardians will be provided with a copy of the District's procedures for contesting such other disciplinary action.

III. Other Disciplinary Provisions Applicable to All Students

Possession of a Firearm:

A student found to have knowingly and intentionally possessed, used, or transmitted a firearm (as defined in 18 U.S.C. 921) on school grounds, at a school sponsored activity or athletic event, or in a vehicle being used for a school purpose shall be expelled from school for a period not less than one calendar year. The period of expulsion may be extended beyond one year to the beginning of the semester following the one-year period. The Superintendent is authorized to modify the expulsion requirement on an individual basis.

Alternative Programs for Expelled Students:

Expelled students will be offered educational alternatives for the duration of their expulsion. The educational program may include, but shall not be limited to: (1) an educational program at an alternative school setting; (2) participating in an educational program in another District or educational institution; (3) individually prescribed educational and counseling programs; (4) community-centered classrooms with on-the-job training; or (5) specialized tutoring. Such programs will include an individualized learning program to enable the student to continue academic work for credit towards graduation during the term of their expulsion.

(Legal Reference: Statute 79-266)

Review of Long-Term Expulsion:

Any expulsion remaining in effect during the first semester of the following school year shall be reviewed prior to the start of the school year as follows:

1. A hearing examiner shall give notice to the student's parents/guardians and shall conduct the hearing.
2. The review shall be limited to new evidence or changes in the student's circumstances since the original hearing.
3. The hearing officer may recommend, based upon the new information, that the student be readmitted.
4. The student may be readmitted by the Superintendent unless the Board of Education or a committee of the Board took the original action to expel, in which case the student can be readmitted only through Board action.

Emergency Exclusion Up to Five Days:

The principal or designee may exclude a student from school for not more than five school days if:

1. The student has a dangerous communicable disease transmissible through normal school contacts and the student poses an imminent threat to the health and safety of the school community, or
2. The student's conduct presents a clear threat to the physical safety of the student or to others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

Before such emergency exclusion takes effect, the student shall be given oral or written notice of the reason for the exclusion, an explanation of the evidence supporting such exclusion, and be provided an opportunity to present his or her version. The principal or designee shall send a written statement to the student and the student's parents or guardians describing the reasons for the action taken. The principal or designee shall make a reasonable effort to hold a conference with the parents/guardians before or at the time the student returns to school.

Emergency Exclusion Beyond Five Days:

If the Superintendent or his/her designee determines that an emergency exclusion shall extend beyond the initial five school days, the following notice and hearing procedures shall be followed, and all procedures shall substantially comply with the provisions of Sections 79-266 to 79-287 of the Student Discipline Act:

1. Written notice of the basis for the emergency exclusion beyond five days shall be given to the student and the student's parents/guardians by personal delivery or sent by registered or certified mail on or before the sixth day of the emergency exclusion, and shall include:
 - a. A form on which the student or the student's parents/guardians may request a hearing, the date by which the hearing request must be received, and notice that, if such timely request is received, the requestor has a right to have that hearing held and a final determination made within ten school days after the first day of the emergency exclusion;
 - b. Hearing procedures and appeal procedures;
 - c. Advisement of the right to examine the student's academic and disciplinary records and any affidavits to be used and of the right to know the identity of witnesses and the substance of their testimony
2. If a timely request for a hearing is made, the Superintendent or his or her designee shall appoint a hearing examiner, and the hearing examiner shall give oral or written notice to the principal, the student, and the student's parents/guardians of the time and place for the hearing. If the request of the student or the student's parents/guardians is received after the deadline date provided on the request for hearing form, the same basic procedure shall be followed and the hearing should be an expedited one since the student is already out of school, but the hearing and determination need not be completed by the end of the tenth schoolday following the exclusion.

Rules Regarding Other Conduct:

In the event that individual coaches or sponsors of activities and/or clubs impose eligibility restrictions for student participation in school-sponsored activities for behavior other than those listed above, those restrictions or rules shall be written and communicated to the participating students. Violation of the restrictions or rules shall result in discipline ranging from a reprimand to permanent removal from the school sponsored activities and/or clubs.

Students with Disabilities:

Suspension, expulsion and/or emergency exclusion of verified or eligible disabled students under the Individuals with Disabilities Education Act or Section 504 shall comply with District procedures and state and federal law.

(Legal Reference: Statute 79-254-79-296)