

## SECTION VII

# » SCHOOL BOARD POLICIES

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### Keep up-to-date with policy changes.

The policies included in this handbook are current as of its publication date, but board policies are updated on a regular schedule and as needed. The Dubuque Community School District website has the most current version of all board policies.

See page:  
[www.dbqschools.org/schoolboard](http://www.dbqschools.org/schoolboard)

Or contact the board secretary at 563/552-3037 for a printed copy.

## ANTI-HARASSMENT/BULLYING #1001

Chapter 1: EDUCATIONAL PHILOSOPHY  
Chapter 1: EDUCATIONAL PHILOSOPHY

Harassment and bullying of students and staff members are against federal, state and local policy, and are not tolerated by the school district. The Dubuque Community School District is committed to providing all students and staff members with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, the board has in place policies, procedures, and practices that are designed to reduce and eliminate harassment and bullying as well as processes and procedures to deal with incidents of harassment and bullying. Harassment and bullying of students and staff members by students, staff, and volunteers who have direct contact with students and staff members will not be tolerated in the schools or school district.

The district prohibits harassment, bullying, hazing, initiations, or any other victimization, of students and staff members, based on any of the following actual or perceived traits or characteristics, including but not limited to, age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status.

This policy is in effect while students and staff members are on property within the jurisdiction of the board before, during and after school hours; while in school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the schools or school district.

If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures, which may include suspension or expulsion. If, after an investigation, a staff member is found to be in violation of this policy, the staff member shall be disciplined by appropriate measures, which may

include termination. If, after an investigation, a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures up to, and including, exclusion from schools and school grounds. "Volunteer" means an individual who has regular, significant contact with students and staff members.

When looking at the totality of the circumstances, harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student or staff member which is based on any actual or perceived trait or characteristic of the student or staff member and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student or staff member in reasonable fear of harm to the student's or staff member's person or property;
- Has a substantially detrimental effect on the student's or staff member's physical or mental health;
- Has the effect of substantially interfering with the student's academic performance; or
- Has the effect of substantially interfering with the student's or staff member's ability to participate in or benefit from the services, activities, or privileges provided by a school or school district.

"Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Hazing, initiations or any other victimization
- Repeated remarks of a demeaning nature
- Implied or explicit threats concerning one's grades, achievements, property, etc.
- Demeaning jokes, stories, or activities directed at the student/staff
- Unreasonable interference with a student's or staff member's performance

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either implicitly or explicitly a term or condition of the student's or staff member's education or benefits;
- Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student; or
- The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment;
- Submission to the conduct is an explicit term or condition of employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision;
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body. In situations between students, staff members, or volunteers who have direct contact with students, harassment and bullying may also include the following behaviors:

- Requiring that a student submit to harassment or bullying by another student, either explicitly or implicitly, as a term or condition of the targeted student's education or participation in school programs or activities; and/or
- Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.

Any person who promptly, reasonably, and in good faith reports an incident of harassment or bullying under this policy to a staff member shall be immune from civil or criminal liability relating to such report and to the person's participation in any administrative, judicial, or other proceeding relating to the report. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.

Retaliation against any person, because the person has filed a harassment or bullying complaint or assisted or participated in a harassment or bullying investigation or proceeding, is also prohibited. Individuals who knowingly file false harassment or bullying complaints and any person who gives false statements in an investigation shall be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy. Any student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any staff member found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have retaliated in violation of this

policy shall be subject to measures up to, and including, exclusion from schools and school grounds.

The school or school district will promptly and impartially investigate allegations of harassment and bullying of which it has notice using a preponderance of evidence standard. The superintendent or designee will be responsible for handling all complaints by students alleging harassment or bullying. The superintendent or designee will be responsible for handling all complaints by staff members alleging harassment.

It also is the responsibility of the superintendent to develop procedures regarding this policy. The superintendent also is responsible for organizing training programs for students, staff members, and volunteers who have direct contact with students and staff members. The training will include how to recognize harassment or bullying and what to do in case a student or staff is harassed or bullied. It will also include proven effective anti-harassment/bullying strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing harassment and bullying.

The board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in our student handbooks,
- Inclusion in our staff handbooks,
- Inclusion in our registration materials,
- Inclusion on our schools' and school district's web site, and a copy shall be made to any person at The Forum at 2300 Chaney Road.

Adopted: May 23, 1977  
Revised: April 9, 2012  
Revised: November 11, 2013

Legal References:  
Iowa Code §§ 280.28

NOTE: There is a grievance procedure in place to report alleged violations of this policy. Refer to the Anti-Harassment / Bullying / Discrimination Grievance Procedure included in this section of the handbook. If you feel an investigation is warranted, complete the Complainant Harassment, Bullying, and Discrimination Incident Report.



**FORM 13: Complainant Harassment, Bullying, and Discrimination Incident Report**

The form is available at the back of this handbook, in the school offices, and at [www.dbqschools.org/forms](http://www.dbqschools.org/forms).

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## ANTI-DISCRIMINATION #1005

Chapter 1: EDUCATIONAL PHILOSOPHY  
Chapter 1: EDUCATIONAL PHILOSOPHY

The board will not discriminate in its educational activities on the basis of age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status.

The board requires all agencies, vendors, contractors, and other persons and organizations doing business with or performing services for the school district to subscribe to all applicable federal and state laws, executive orders, rules and regulations pertaining to contract compliance and equal opportunity.

The board is committed to the policy that no otherwise qualified person will be excluded from educational activities on the basis of age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status.

Further, the board affirms the right of all students and staff members to be treated with respect and to be protected from intimidation, discrimination, physical harm and harassment.

Adopted: August 13, 2007  
Reviewed: March 4, 2013

Legal Reference:  
Iowa Code §§ 216.9; 256.11, .11A; 280.3 (2007).  
281 I.A.C. 12.

NOTE: There is a grievance procedure in place to report alleged violations of this policy. Refer to the Anti-Harassment / Bullying / Discrimination Grievance Procedure included in this section of the handbook. If you feel an investigation is warranted, complete the Complainant Harassment, Bullying, and Discrimination Incident Report.



### **FORM 13: Complainant Harassment, Bullying, and Discrimination Incident Report**

The form is available at the back of this handbook, in the school offices, and at [www.dbqschools.org/forms](http://www.dbqschools.org/forms).

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## ANTI-HARASSMENT / BULLYING / DISCRIMINATION GRIEVANCE PROCEDURE

### **LEVEL ONE - PRINCIPAL OR IMMEDIATE SUPERVISOR**

Students, parents of students, staff and applicants for employment in the school district will have the right to file a formal complaint alleging harassment, bullying, or discrimination under federal or state regulations requiring anti-harassment, bullying, and discrimination policies, programs, and employment.

A student, or a parent of a student, with a complaint of harassment, bullying, or discrimination based upon their age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status are encouraged to discuss it with a staff member directly involved.

Staff with a complaint of harassment, bullying, or discrimination based upon their age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status are encourage to discuss it with their immediate supervisor, with the objective of resolving the matter informally.

An applicant for employment with a complaint of discrimination based upon their age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or

disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status are encouraged to first discuss it with the Executive Director of Human Resource Services.

### **LEVEL TWO - SUPERINTENDENT'S DESIGNEE**

If the complaint is not resolved at LEVEL ONE to the complainant's satisfaction, the complainant may pursue the matter by filing a LEVEL TWO Anti-Harassment/Bullying/Discrimination Incident Report Form with the Superintendent's designee within twenty (20) working days of the resolution at LEVEL ONE. The complainant may request a meeting with the Superintendent's designee and may be accompanied by a family member, colleague, or legal counsel. The Superintendent's designee shall then investigate the complaint and attempt to resolve it. The Superintendent's designee shall, within fifteen (15) working days of receiving the complaint, unless extenuating circumstances prevent otherwise, file a written report with the Superintendent setting forth the Superintendent designee's resolution of the matter. Extenuating circumstances may include, but are not limited to, the unavailability of witnesses (including complainant or accused) within the time frames provided or the scope and/or severity of the complaint requires additional time for investigation.

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### LEVEL THREE - SUPERINTENDENT

If the complaint is not resolved at LEVEL TWO to the complainant's satisfaction, the complainant may pursue the matter by filing a LEVEL THREE Anti-Harassment/Bullying/Discrimination Incident Report Form with the Superintendent within ten(10) working days of the resolution at LEVEL TWO. The complainant may request a meeting with the Superintendent and may be accompanied by a family member, colleague, or legal counsel, although the Superintendent shall not be required to hold such a meeting. The Superintendent or his or her designee shall review the investigation performed at LEVELS ONE and TWO and may, if he or she deems necessary, order or conduct further investigation into the matter. The Superintendent shall, within fifteen (15) working days of receiving the complaint unless extenuating circumstances prevent otherwise, file a written decision resolving the matter.

### LEVEL FOUR - SCHOOL BOARD

If the complainant is not satisfied with the Superintendent's decision, the complainant can file an appeal with the school board within five (5) working days of the decision. It is within the discretion of the board to determine whether it will hear the appeal. The decision of the school board will be considered final.

This procedure in no way denies the right of the complainant to file a complaint with the Dubuque Human Rights Commission, the Iowa Civil Rights Commission, the Iowa Department of Education, the U.S. Department of Education Office for Civil Rights or Office of Special Education Programs, the Equal Employment Opportunity Commission, or to seek private counsel for complaints against harassment, bullying, or discrimination.

All questions regarding these procedures should be directed to:

Stan Rheingans  
Superintendent of Schools  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563) 552-3000  
srheingans@dbqschools.org

504 questions should be directed to:

Mae Hingtgen  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563) 552-3000  
mhingtgen@dbqschools.org

Title II questions and complaints should be directed to:

Shirley Horstman  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563) 552-3000  
shorstman@dbqschools.org

Further information may be posted on the district's web site:  
[www.dbqschools.org](http://www.dbqschools.org).

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES #4606

Chapter 4: PERSONNEL  
Section 7: MISCELLANEOUS

Physical or sexual abuse of students by school district employees will not be tolerated. "Physical abuse" means nonaccidental physical injury to the student as a result of the actions of an employee. "Sexual abuse" means any sexual offense as defined by Iowa Code Chapter 709 or Iowa Code Section 728.12(1). The term "sexual abuse" also encompasses acts of an employee that encourage a student to engage in prostitution as defined by Iowa law, as well as inappropriate, intentional sexual behavior, or sexual harassment by an employee toward a student. The term "employees" includes not only those who work for pay but also those who are volunteers of the school district under the direction and control of the school district. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

The school district will respond promptly to allegations of abuse of students by employees by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible. Employees are required to assist in the investigation when asked to provide information and to maintain the confidentiality of the reporting and investigation process.

The Board of Directors designates the Superintendent's designee as the primary investigator in cases of alleged physical or sexual abuse of students by employees. The alternate investigator is also a Superintendent's designee.

The investigator will review any allegation to determine whether or not a case of abuse took place. The investigation will be conducted pursuant to 281 Iowa Administrative Code Chapter 102. A copy of the investigator's report will be given to the employee's supervisor. In cases where the investigator determines a student was sexually abused in a physical manner or seriously physically (e.g. broken bones, internal injuries) abused, the investigator will notify local law enforcement authorities, in which case the investigation may be temporarily deferred to those authorities.

All founded cases of physical or sexual abuse shall be reported to the Iowa Board of Educational Examiners as required by Iowa Code Section 272.15, and to any other agency or authority as required by law.

Adopted: June 12, 1989  
Revised: May 24, 2010  
Reviewed: July 18, 2016

Legal Reference:  
Iowa Code Chapter 232.67.70.73.75; 235A;  
272A; 280.17; 709; 728.12(1)(1999).  
281 I.A.C. 12.3(6), 102; 103.  
441 I.A.C. 155; 175.  
1980 Op. Att'y Gen. 275.

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## SCHOOL ATTENDANCE #5107

Chapter 5: STUDENT PERSONNEL  
Section 2: STUDENT ATTENDANCE

### MANDATORY ATTENDANCE

According to Section 299.1 of the Iowa Code, the parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age is accountable for the child's attendance at school. Section 299.1A of the Iowa Code mandates that children who have reached the age of six and are under sixteen years of age by September 15 are of compulsory attendance age for that school year.

A child who has reached the age of five by September 15 and who is enrolled in a school district shall be considered to be of compulsory attendance age unless the parent or guardian of the child notifies the school district in writing of the parent's or guardian's intent to remove the child from enrollment in the school district.

A child who has reached the age of four by September 15 and who is enrolled in the statewide preschool program under chapter 256C shall be considered to be of compulsory attendance age unless the parent or guardian of the child submits written notice to the school district implementing the program of the parent's or guardian's intent to remove the child from enrollment in the preschool program.

### SCHOOL ATTENDANCE AND PUNCTUALITY

Any day or part day of instruction missed, whether excused or unexcused impacts a student's learning. Families play a key role in making sure their children attend school on time every day. It is important that both schools and families understand why attendance is important for school and success. Parents/guardians are strongly urged to schedule vacation during the summer and various breaks in the school calendar. All students including students over the compulsory attendance age will be held to the Dubuque Community School District attendance policy. Each school will have procedures to address school attendance and punctuality.

### ABSENCES

Parents will notify the school and provide the reason for each absence of their child. Schools will analyze attendance data and engage parents and students to generate solutions to improve school attendance. Generally, absences of 5% or less of current membership days represent good attendance. Missing between 5% and 10% of the current membership days can significantly impact a child's academic achievement. Chronic absenteeism is missing 10% or more of the school year. Based on the unique circumstances of each absence, the principal or designee will make the final decision on whether the absence is excused or unexcused. The principal or designee may request documentation or verification for any of the following absences and may consider an excess of absences (more than 10% of current membership days) as unexcused truant days.

### Excused Absence

The following reasons may be identified as possible excused absences: personal illness, professional appointments which cannot be arranged outside of school time, recognized religious observances, required court appearances, College visits, pre-arranged/ approved absences (contact school office in advance of absence), bereavement, and out-of-school suspensions.

### Unexcused Absence

Unexcused absences will include, but not be limited to, the following: class cuts, falsely informing the school about the reasons(s) for the absence, and failure to contact schools.

### TRUANCY

Students are expected to be in attendance every day of the school calendar and parents, guardians, legal or actual custodians are expected to assure attendance of their children. In accordance with 299.8 of the Iowa Code, any child of compulsory attendance age who fails to attend school as required by the school board's policy or who fails to attend competent private instruction under chapter 299A, without reasonable excuse for the absence, shall be deemed to be a truant.

According to Iowa Code, 299.5A, if a parent, guardian, legal or actual custodian, or child refuses to accept the school's attempt to assure the child's attendance or the school's attempt to assure the child's attendance is otherwise unsuccessful, the truancy liaison shall refer the matter to the county attorney for mediation or prosecution.

### ACADEMIC ACCOUNTABILITY

Students who are absent from school miss instruction which could negatively impact the student's grades. Students are required to do make-up work within a reasonable amount of time for all absences. Teachers will provide full credit and if necessary, additional and/or alternative instructional interventions for each and every absence. Additionally, no student will be dropped from classes based exclusively on attendance.

Absences may impact grades in the following ways:

- Failure to attend make-up sessions as assigned.
- Failure to complete make-up assignments satisfactorily within a reasonable time is a separate act and constitutes grounds for reduced grades.

### MEDIATION/PROSECUTION

In accordance with Section 299.1B of the Iowa Code, students under the age of 18 who are not in daily attendance may be referred by the superintendent to the Iowa Department of Transportation for the suspension of their driver's license.

If interventions have not resulted in satisfactory attendance, the case may be referred to the county

attorney's office as outlined in 299.5A, Mediation, of the Iowa Code. The school district shall be responsible for monitoring any agreements arrived at through mediation. If a parent, guardian, legal or actual custodian refuses to engage in mediation or violates a term of the agreement, the matter shall be referred to the county attorney's office for prosecution under section 299.8 of the Iowa Code.

The truancy liaison may refer a truant and his or her parents/guardian to the County Attorney's office if mediation breaks down without an agreement being reached. Any person who violates a mediation agreement is subject to Iowa Code 299.6.

Adopted: September 16, 1991  
Revised: April 19, 2010  
Revised: April 11, 2016

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## **ADMINISTRATIVE GUIDELINES FOR SCHOOL ATTENDANCE #5107 A1**

### **ABSENCES**

Principals will be responsible for designating school personnel who address attendance issues.

Elementary and Middle School: Students who arrive late, leave early or otherwise miss a block of time up to 90 minutes will be considered tardy. Time missed over 90 minutes will be a half day absence.

High School: Attendance is taken each class period. Each school will develop protocol to address tardiness.

### **INTERVENTIONS**

Each school's will include a series of interventions designed to provide school personnel with methods to work with families to improve student attendance and punctuality. These interventions begin with notification to students and their family and increase in intensity if attendance does not improve. It should be noted that notification alone is not considered an adequate response to persistent truancy. In choosing an intervention, authorized school personnel will consider the student's attendance history. Interventions will begin at the first sign of an attendance problem and may include, but are not limited to, the following:

- Student conference with school personnel (may include truancy liaison)
- Agency referral
- Consequences and interventions as stated in Policy 5200
- Medical evaluation
- Parent contact (phone calls/written communication/electronic communication)
- Parent conference with school personnel
- Referral to an alternate program
- Referral to truancy liaison for possible mediation
- Student improvement plans
- Suspension of Driver's License
- Referral for evaluation to determine eligibility for a 504 Plan

### **REVOKING DRIVER'S LICENSE**

Iowa code 299.1B Failure to Attend-Driver's License

A person who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or adult education classes shall not receive an intermediate or full driver's license until age eighteen.

A student who is 16 and no longer of compulsory attendance age, but who has not reached the age of 18, will have his/her driving privilege suspended if he/she no longer attends a public school, an accredited nonpublic school, competent private instruction, an alternative school, or adult education classes.

The building principal or designee shall make the referral using the Revoking Driver's License form and send the form to the Director of Student Services.

Upon review of the information, the Director of Student Services shall forward the information to the Superintendent of the Dubuque Schools for a signature.

The superintendent shall send the signed form to the Iowa Department of Transportation (IDOT).

If a student decides to re-enroll after having his/her license revoked, it is up to the student to work with the IDOT to prove he/she is re-enrolled and to provide appropriate documentation in an effort to regain his/her driver's license.

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# JUVENILE JUSTICE SYSTEM INFORMATION SHARING #5108

Chapter 5: STUDENT PERSONNEL  
Section 2: STUDENT ATTENDANCE

**Statement of Purpose:** It is the intent of the Dubuque Community School District to assist in reducing juvenile crime by promoting cooperation, collaboration and the sharing of appropriate information between the schools and agencies listed below, prior to a student's adjudication, in order to

- Improve school safety,
- Reduce alcohol and illegal drug use,
- Reduce truancy, and
- Reduce in-school and out-of-school suspensions.

To accomplish these goals, the School District will establish a formal agreement with each of the agencies identified below.

This agreement's further purpose is to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well-supervised educational programs and to supplement these educational programs with coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

**Identification of Agencies:** This agreement is between the Dubuque Community School District and the following juvenile justice agencies (hereinafter referred to as "agencies"):

- Department of Human Services
- Juvenile Court Services
- City of Dubuque Police Department
- Dubuque County Sheriff's Department

**Statutory Authority:** This agreement implements the provisions of Iowa Code 280.25.

### Conditions for Sharing Information:

- a. With the principal's permission, school staff may disclose to the agencies information contained in a student's record which is directly related to the juvenile justice system's ability to effectively serve the student. This may include, but is not limited to, information about academic performance, attendance, or school behavior.
  - b. If a student has not been adjudicated delinquent in juvenile court, this information may be disclosed by a school to the agencies without parental consent or a court order. [A delinquency adjudication is a Judge's formal determination that the student has committed an act which would be a crime if committed by an adult.]
  - c. If a student has been adjudicated delinquent in juvenile court, information may be disclosed by a school to the agencies only with parental consent or a court order.
1. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family, or to coordinate the delivery of programs and services to the student or the student's family.

2. Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.
3. Information obtained by the school from other juvenile justice agencies may not be used as the basis for disciplinary action of the student.
4. This agreement only governs a school district's ability to share information and the purpose for which that information can be used. Other agencies are bound by their own respective confidentiality policies.

**Confidentiality.** Confidential information shared between the schools and agencies, pursuant to this agreement, will remain confidential and will not be shared with any other person, unless otherwise provided by law. Agencies or individuals violating the terms of this agreement subject their entity represented and themselves personally to legal action pursuant to federal and state law.

**Amendments.** This agreement constitutes the entire agreement among the signature parties with respect to information sharing. Agencies may be added to this agreement only with Board approval.

**Signature Authority.** The Superintendent is authorized to sign this agreement on behalf of the district and will be responsible for monitoring implementation of its provisions and maintaining a file of signers to this agreement.

**Duration.** This agreement shall be effective from the date of signing and shall remain in effect until it is either revoked by the parties or superseded by state or federal statute.

**Termination.** Any party to this agreement may discontinue sharing information with any or all of the other signatories if the intent or letter of this agreement is violated

Adopted: February 9, 2004  
Revised: June 8, 2009  
Reviewed: June 3, 2014

Legal Reference:  
Iowa Code 280.25

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## HOMELESS CHILDREN AND YOUTH #5110

Chapter 5: STUDENT PERSONNEL  
Section 2: STUDENT ATTENDANCE

The Board will make reasonable efforts to identify homeless children and youth of school age within the district, encourage their enrollment, and eliminate existing barriers to their receiving education which may exist in district policies or practices.

The designated coordinator for identification of homeless children and for tracking and monitoring programs and activities for these children is the Director of Student Services. A homeless child or youth is defined as a child or youth from the age of 3 years through 21 years who lacks a fixed, regular, and adequate nighttime residence and includes the following:

1. A child or youth is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, trailer park, or camping grounds due to lack of alternative adequate accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital; or awaiting foster care placement;
2. A child or youth who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. A child or youth who is living in a car, park, public space abandoned building, substandard housing, bus or train station, or similar setting; or
4. A migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in paragraphs "1" through "3" above. So that enrollment of homeless children and youth of school age may be facilitated, the following policy areas shall be modified as follows:

**Enrollment Requirements:** Homeless students including unaccompanied youth will be enrolled immediately even if they are missing records and documents normally required for enrollment.

**Placement:** According to the McKinney Vento Act a child's district of origin is the school district or school where the child was last enrolled. The deciding factor shall be the welfare of the child. As much as possible, the child will not be required to change attendance centers within the district every time the child changes residence.

**Waiver of Fees and Charges:** Fees and charges which may present a barrier to the enrollment or transfer of a homeless child or youth may be waived at the discretion of the superintendent or designee.

**Transportation:** When students enroll in a new school, they must be provided with any transportation services that are offered to non-homeless students. In addition, homeless students may be provided transportation to their school of origin as required by the McKinney Vento Act.

**Special Services:** All services which are available to resident students are made available to homeless children or youths enrolled in the school district. Services include

special education, talented and gifted, title 1 programs, vocational education, English as a second language programs, health services and food and nutrition programs.

**Dispute Process:** If a dispute arises over any issue covered in this policy, the child or youth in transition will be admitted immediately to the school in which enrollment is sought, pending resolution of the dispute. The student will also have the right as a student in transition to all appropriate educational services, transportation, and free meals while the dispute is pending.

The school homeless liaison will provide the parent or unaccompanied youth with a written explanation of the district's decision on the disputed issue and the right of the parent or unaccompanied youth to appeal that decision. The parent or unaccompanied youth will be given every opportunity to participate meaningfully in the resolution of the dispute. The parent, unaccompanied youth, or school district may appeal the school district's decision as provided in the state's dispute resolution process.

Adopted: April 13, 2009  
Revised: January 13, 2014

Legal Reference:  
No Child Left Behind, Title X, Sec. 722, P.L. 107-110 (2002). 42  
U.S.C. §§ 11431 et seq. (2004).  
281 I.A.C. 33 (2007).



# STUDENT BEHAVIOR: EXPECTATIONS AND CONSEQUENCES #5200

Chapter 5: STUDENT PERSONNEL  
Section 3: STUDENT DISCIPLINE

## POLICY

### A. Statement of Beliefs for Policy 5200

In order to fulfill the mission of the Dubuque Community School District, and to develop world-class learners and citizens of character in a safe and inclusive learning community, student behavior expectations and consequences must be shared with and understood by the community. This community includes students, parents, teachers, administrators, school staff, volunteers, related community agencies, and the general public.

Students should conduct themselves in a manner fitting to their age level, intellectual ability, and maturity and with respect and consideration for the rights of others. Student behavior which interferes with the mission of the school or denies the rights of other students and staff is not acceptable and will not be allowed.

Policy 5200 addresses student behavior expectations and consequences, and district administration has the authority to develop guidelines for administration of this policy. This policy supports *the vision and values* already established by the school district and uses the following beliefs as the basis of this document.

1. **Rights carry responsibilities.** Students must be guided to make choices and take actions which respect the rights of others, recognize their impact on others and understand that all choices have consequences.
2. **Individuals can learn to demonstrate appropriate school and public behaviors.** Students need a school environment where they will experience success and learn from their mistakes.
3. **All students should have the right to achieve a quality education.** All students and staff have a joint responsibility to create learning conditions that result in substantial learning and respect the dignity of all people.
4. **The individual worth of each person must be valued.** Student behavior expectations are consistent. Consequences and interventions are appropriate to the situation and the student.
5. **Positive student behavior is based on a partnership between student, school, family, and community.** Quality, long-term relationships among family, educators, staff and the community result in greater learning, better use of resources and greater student satisfaction of school life.
6. **School must be a safe place for all.** Students must comply with all local, state and federal law, which enhance their personal safety and that of others. Unsafe and dangerous situations that threaten or harm others will not be tolerated.

### B. Student Behavior Expectations Apply In These Situations

A student's behavior is expected to conform to the school's rules of conduct in situations which influence the effective operation and welfare of the school. These include the following:

1. While in school or on any school district grounds.
2. While attending or engaged in school sponsored activities, whether at school or away from school, (see Policy 5305: Participation Code for Activities)
3. While in all officially sanctioned vehicles used for student transportation to and from school and school sponsored events. While on school-owned or school operated buses, vehicles or chartered buses.
4. While away from school grounds, if such conduct would distract from the learning environment or directly affect the good order, efficiency, management, and welfare of the school district, students, or staff.
5. While using district hardware, software or network. (see Policy 5504: Student Network/Internet Acceptable Use)

### C. Due Process

Due process serves the interest of the school in maintaining an orderly environment conducive to learning and the rights of the student.

For infractions, procedures will include:

- Notifying the student of the infraction.
- Explaining the evidence of such an infraction.
- Giving the student the opportunity to explain his or her side of the story.

### D. Consequences and Interventions

Student conduct which violates the beliefs and policies of the Dubuque Community School District is subject to intervention, correction, or other consequences determined by school officials as set forth in this policy, which may include suspension or expulsion. Consequences and interventions are listed in the Administrative Guidelines to this policy in order to provide the Principal/designee with options for improving student behavior. In choosing a consequence or intervention, authorized personnel will consider the facts and circumstances surrounding the incident including the student's past performance, the duration, intensity and frequency of the student's behavior, as well as seriousness of the incident.

### E. Appeal Process

An appeal process exists for students in the administration of consequences and interventions. Students, parents, or guardians wishing to appeal a consequence or intervention should first speak with the person administering the consequence or intervention. If the issue is not resolved, the order of levels to follow is:

- Level 1: Teacher or staff member
- Level 2: Student Needs Facilitator, Assistant Principal, Principal or other building level designee
- Level 3: Superintendent or designee
- Level 4: School Board\*

\*Only incidents involving suspension for more than 10 consecutive days or expulsion have a right to a hearing before the Board of Education. For consequences short of that, a student or parent may request a review by the Board of Education. Such review may be granted or denied at the discretion of the Board.

**F. Students identified for special education services**

shall receive all due process consideration required under federal and state law. State of Iowa law pertaining to special education is detailed in the Iowa Administrative Rules for Special Education.

A copy of this policy will be made available to each student and staff member in the district at the beginning of the school year, and to each new student who enters the school system during the academic year. In addition, copies of this policy are always available to students, parents or guardians, and staff at each school, at The Forum, 2300 Chaney Road, and on the district's website at [www.dbqschools.org](http://www.dbqschools.org).

Adopted: June 15, 1998  
Revised: August 13, 2007  
Revised: May 9, 2016

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**ADMINISTRATIVE GUIDELINES FOR STUDENT BEHAVIOR: EXPECTATIONS AND CONSEQUENCES #5200 A1**

**OFFENSES**

The following categories define behaviors which are prohibited because they are disruptive to the learning process, student achievement, and respectful relationships. This list is considered comprehensive, but not all inclusive. Any behavior that distracts from the learning environment or adversely affects the good order, efficiency, management, or welfare of the school is under the jurisdiction of this policy.

**Abusive/inappropriate language - profanity**

Student uses language that is offensive and includes swearing, name calling or use of words in an inappropriate way.

**Alcohol - Use/Possession**

Student is in possession of, is using, or is found to be under the influence of alcohol.

**Arson**

Student sets a fire, attempts to set fire, or uses incendiary devices with the intent of causing damage or creating a distraction.

**Bomb Threat/False Alarm**

Student uses any verbal, written or electronic transmission which causes or seeks to cause fear of the detonation of an explosive.

Student tampers with fire alarm equipment or turns in a false fire or explosive report.

**Broke Attendance Contract/Agreement**

Student violates agreement previously written and agreed upon to resolve attendance concerns.

**Bullying**

Student engages in behavior that is considered bullying as defined by Iowa Code 280.28. Bullying means any

electronic, written, verbal, or physical act or conduct towards any person which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property;
- Has a substantially detrimental effect on the student's physical or mental health;
- Has the effect of substantially interfering with the student's academic performance; or
- Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school. See Policies 1001 and 1005.

**Cell Phone Violation**

Cellular or other wireless communication devices may be allowed on school grounds only if their use is not disruptive to a productive and safe learning environment as determined by school officials. Students may not use electronic devices for any inappropriate, disruptive, or illegal purpose. Students may not use electronic devices for activities that disrupt the learning environment to include but not limited to: organizing fights, promoting disruptive or any illegal activity, harassing or bullying another person, or violating another person's privacy. See student acceptable use policy 5504.

**Combustibles - Use/Possession**

Student is in possession of or uses substances/objects readily capable of catching fire or burning and causing bodily harm and/or property damage (matches, lighters, firecrackers, gasoline, lighter fluid).

**Dating Violence**

Student engages in a pattern of behavior where as a dating partner, he/she threatens to use, or actually uses physical, sexual, verbal, or emotional behavior to harm, intimidate, or control another person in a current or past relationship. Abuse can occur in both heterosexual and same-sex or serious and casual relationships and covers a wide range of behaviors that include harassment, verbal, emotional and physical abuse, sexual abuse or stalking.

**Defiance/Insubordination/Non-compliance**

Student refuses to conform to reasonable requests or directives by teachers or other school personnel.

**Disrespect**

Student engages in behavior that is reasonably considered rude, impolite, or discourteous toward other individuals.

**Disruption**

Student engages in willful or continued disobedience of rules designed for the orderly operation of the school. Student demonstrates expression in any form, including electronic, or distribution by any means of material which is lewd, indecent, vulgar, obscene, libelous, slanderous, or which encourages violent or unlawful acts.

### **Dress Code Violation**

Students wears any form of clothing, apparel, or personal appearance which is indecent, lewd, immodest, vulgar, obscene, disruptive of the orderly operation of the school, or which constitute a health or safety hazard.

Students are also not allowed to wear or exhibit clothing, apparel, or personal appearance which depict, advertise, or promote any substance prohibited by these rules (including beer, alcohol, controlled substances, or tobacco products).

### **Drugs – Use/Possession**

Student uses, is in possession of, sells, supplies or is under the influence of any controlled or illegal substance (drugs) or has unlawful possession of a prescribed drug. The Board prohibits the distribution, dispensing, manufacture, possession, use, or being under the influence of controlled substances, synthetic substances, or “look alike” substances that appear to be tobacco, beer, wine, alcohol or controlled substances by students while on school district property or on property within the jurisdiction of the school district; while on school owned or operated school or chartered vehicles; while attending or engaged in school activities; or while away from school grounds if the misconduct will distract from the learning environment or adversely affects the good order, efficiency, management or welfare of the school district.

Student is in possession of paraphernalia related to the use or distribution of illegal substances. This includes but is not limited to: pipes, rolling papers, or scales.

Students who need to take medication during the school day or on a school sponsored activity should refer to Policy 7200.

### **Fighting**

Student engages in actions involving intentional physical contact where injury may occur (e.g., hitting, punching, hitting with an object, kicking, hair pulling, scratching, etc.).

### **Forgery/Plagiarism**

Student has signed a person’s name without that person’s permission or depicts himself/herself as another person. Student takes someone else’s work or ideas and passes them off as one’s own.

### **Gang Affiliation/Display**

The appearance of gangs and gang activities will cause a substantial disruption of or materially interfere with school and school activities. A “gang,” as defined in this policy and under Iowa Code 723A, means any on-going organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. The “pattern of criminal gang activity” means the commission, attempt to commit, conspiring to commit or solicitation of two or more criminal acts, provided the

criminal acts were committed on separate dates or by two or more persons who are members of, or belong to, the same criminal street gang. By this policy and Policy 5201 the Board acts to prohibit the existence of gangs and gang activities as follows:

Violation of this policy would include any of the following on or near school property or at any school activity:

- Student wears, possesses, uses, distributes, displays, or sells any clothing, jewelry, emblem, badge, symbol, sign, or other things which are evidence of membership in or affiliation with any gang;
- Student commits any act, uses any speech or other form of communication, either verbal or non-verbal (gestures, handshakes, etc.) as evidence of membership or affiliation with a gang;
- Student uses any speech or commits any act in furtherance of the interests of any gang or criminal gang activity, including, but not limited to:
  - soliciting others for membership in any gangs;
  - requesting a person to pay for “protection” or otherwise intimidating or threatening any person;
  - committing any illegal act or violation of school policies;
  - inciting another student to act with physical violence upon another person(s).

### **Harassment**

Student engages in behavior that is considered harassment as defined by federal or state law. Under federal law, discriminatory harassment is considered unwelcome conduct based on a protected class. These protected classes are: race, color, national origin, disability, age, sex and religion. Harassing conduct may take many forms, including

threats, physical assaults, and verbal and written abuse. This conduct may be physically threatening, degrading, or humiliating. Harassment can happen in person, by electronic device, or on the internet. Harassment creates a hostile environment when the conduct is sufficiently serious to interfere with or limit a student’s ability to participate in or benefit from the school’s program on the basis of a protected class.

Under Iowa law, harassment is paired with bullying. See bullying above and refer to district policies 1001 and 1005.

### **Inappropriate Display of Affection**

Student engages in any verbal or physical gesture or contact of a sexual nature with another student.

### **Inappropriate Location/Out of Bounds**

Students are not to be in areas of school property for which they have not been given permission or granted access.

Student is in an area that is outside of property within the jurisdiction of the school district, school owned and/or operated school or chartered vehicles, or area being used for school activities.

**Lying/Cheating**

Student delivers a message that is untrue and/or deliberately violates rules.

Student acts dishonestly or unfairly in order to gain advantage on academic assignments or examinations.

**Other Behavior**

Student engages in behavior that is detrimental to the best interest of the school, staff, students or self.

**Parking Violations**

Student parks a motorized vehicle in an unauthorized area or without a proper permit on school property or is in violation of any other parking lot rules of the school.

Parking vehicles on school premises is a privilege for which the district may charge a fee and for which the school may establish procedures and regulations.

**Peer Conflict**

Student engages in behavior that creates a physical, verbal or cyber conflict with a peer or peers. Peer conflict differs from bullying and harassment when the students have equal power, when the behavior is intermittent or accidental, when both parties are willing to resolve the conflict, or when the relationship is valued/maintained.

**Physical Aggression/Assault**

Student engages in any act which is intended to place another in fear, is intended to cause or does cause physical contact, which is offensive, insulting, painful, or injurious to another person, coupled with the apparent ability to execute the act. An assault may occur even though there is no physical contact or injury inflicted.

**Property Damage/Vandalism**

Student willfully defaces, destroys, or causes damage to school property or any person's property.

**Sexual Abuse**

The student engages in behaviors that demonstrate a broad continuum of sexually violating and abusive behaviors that include, but are not limited to: sexual assault, sexual harassment or sexting. The definition includes any completed or attempted physical contact when the victim is unable to consent (e.g. due to age or illness) or unable to refuse (e.g. due to physical violence or threats) or where consent is not obtained or able to be given freely, by any person regardless of their relationship to the targeted student.

**Stalking**

The student willfully engages in an intentional pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, and/or makes a threat with the intent to place the person in imminent fear of harm to the person, other persons or property.

**Skip Class**

Student leaves or misses class without permission.

**Skip Detention**

Student leaves or misses a previously assigned detention (lunch, after school or Saturday School).

**Tardy**

Student is tardy to class or school as defined in Policy 5107.

**Technology Violation**

Student transmits any material (e.g., pornography, obscene material) in violation of federal, state, or local law or uses any device for non-educational activities. Access to and use of Internet and other electronic communication is a privilege and not a right for students. A violation of the guidelines is explained fully in Policy 5504. Also see Policy 1001 regarding cyber-bullying.

**Theft**

Student takes or attempts to take property which belongs to another person or the school district.

**Tobacco - Use/Possession**

Student is in possession of or is using tobacco or other nicotine based products. See policy 4601.

**Truancy**

Students are expected to attend school regularly and punctually every day of the school year. See Policy 5107 for more detail.

**Verbal or Written Aggression**

Student engages in verbal or written communication (including cyber) which is intended to place another in fear or is offensive, insulting, painful, or hurtful to another person. Verbal or written aggression may occur without physical contact.

**Weapons - Look-Alike**

Student is in possession of or uses look-alike weapons, which are items resembling an actual weapon or dangerous object, including, but not limited to, squirt guns, water rifles or pistols, slingshots, toy guns, toy grenades, and other similar items.

The Principal shall have the authority to determine the extent and nature of the disciplinary action based upon the student's age, the actions of the student in possessing and using the look-alike weapon, and the student's intent, and the nature of the look-alike weapon's resemblance to a real weapon.

**Weapons - Firearms - Use and Possession**

Possession or use of firearms on school property or at school events is strictly prohibited. Any student found to be in possession of or who uses a firearm on school property or at a school event shall be immediately referred to law enforcement and, pursuant to federal law, expelled from school for not less than twelve months.

A firearm is defined as

- A. any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, including but not limited to, a shotgun,

a shortbarreled shotgun, rifle, short-barreled rifle, ammunition, armor piercing ammunition, machine gun, semi-automatic rifle, handgun, pistol, revolver, starter gun;

- B. The frame or receiver of any such weapon;
- C. Any firearm muffler or firearm silencer; or
- D. Any destructive device.
  - A "destructive device" is
    - 1. any explosive, incendiary or poison gas, including but not limited to, a bomb, grenade, rocket having propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device;
    - 2. any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
    - 3. any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

This section does not apply to:

- Students who possess firearms under the authority of a school district, such as for demonstration, rifle competition, or firearms safety courses;
- When it is determined by the Principal, in consultation with the superintendent that based on the student's age and intent, that expulsion is not appropriate under the circumstances.

### **Dangerous Weapon (other than firearm) - Use/Possession**

Student is in possession of or uses a dangerous weapon or threatens to use a dangerous weapon while having the apparent ability to do so. A "dangerous weapon" is any instrument or device that is not a firearm, designed primarily for use in inflicting death or injury upon another. "Dangerous weapons" include but are not limited to: any offensive weapon, dagger, razor, razor blade or similar instruments with sharp cutting edges, stiletto, switchblade knife, ballistic knife, knife, any portable weapon directing an electric current, impulse, wave or beam that produces a high-voltage pulse designed to immobilize a person, chains, pipes, ice picks, nunchuck sticks, brass knuckles, throwing stars, billy clubs, and shanks.

The Principal, in consultation with the Superintendent, shall have the authority to determine the extent and nature of the disciplinary action based upon the student's age, the actions of the student in possessing and using the weapon and the student's express or apparent intent. However, the following classifications may be taken into consideration in determining disciplinary action:

- Level 1: A student is in possession of a weapon but has no intention of using it or displaying it in a threatening manner. (e.g. hunting knife in a student's backpack).
- Level 2: A student is in possession of a weapon, is well aware that it's a weapon, and has intent to use it or threatens to use it.
- Level 3: A student is in possession of a weapon and either uses it for harm or displays it in a threatening manner.

If Level 2 or Level 3 apply, then in addition to any disciplinary action by the School, the student will be referred to law enforcement.

### **MENU OF CONSEQUENCES AND INTERVENTIONS**

The purpose of this section, Menu of Consequences and Interventions, is to provide the Principal/designee with potential options for improving student behavior.

#### **Interventions**

Interventions assume that the student's behavior is symptomatic of an underlying issue; therefore, actions taken with a student who has violated this policy will be intended to help the student understand and refrain from engaging in the behavior again. Factors such as the student's past performance, the circumstances of a specific infraction (including its frequency, intensity and duration), and the seriousness of any incident will also be taken into consideration.

#### **Attendance Contract/Agreement**

The student and parents/guardians may be asked to sign an agreement addressing the student's regular attendance in all scheduled classes. See Policy 5107.

#### **Community Service**

The student may be assigned duties directly related to the offense or infraction in the student's school building, in district facilities, district buses/vehicles, or in the community.

#### **Confiscation of Inappropriate or Dangerous Items or Materials**

Materials or items which are illegal, in violation of school rules, or used in a manner prohibited by this policy may be confiscated.

#### **Conflict Resolution or Mediation**

The student may be assigned participation in the process of conflict resolution or mediation facilitated by school officials, students, or community agencies agreeable to school officials to identify causes of unacceptable behavior, to examine alternative behaviors and develop a plan of action to resolve the conflict.

#### **IEP Meeting**

The student's IEP team may be called together for a meeting to determine if the student's actions are related to the identified disability and if determined, the appropriate measures to take to prevent the behavior from reoccurring.

#### **Individualized Instruction**

The Principal/designee may assign individualized instruction specifically related to the student's problem behaviors.

#### **Intervention**

In lieu of suspension a student may be temporarily assigned to a contracted facility for behavioral remediation. Interventions may also be specific activities addressed in the student's IEP, 504 plan, or behavioral plan.

### **Letter Sent**

A letter or another form of communication to the student's parents/guardians may be sent explaining the student's behavior and suggestions for improvement.

### **Mentoring**

The use of an adult mentor, including school officials and community members, may be used as a means of offering students support in adjusting their behavior.

### **None**

A Principal/designee may decide that the student's behavior does not warrant interventions or consequences.

### **Parent Conference**

Conferences with parents or guardians may be scheduled to review a student's conduct and to work collaboratively to alter that behavior.

### **Pending**

A Principal/designee may use additional time for investigation or decision making regarding the intervention or consequence to employ.

### **Physical Restraint**

Physical restraint or self-defense may be used if it is necessary to prevent a student from disrupting school activities or from injuring himself/herself, or others. All physical restraints will be conducted and documented according to Policy 5203.

### **Police Intervention**

School officials may call upon the police department to assist in situations involving illegal student behavior or where the immediacy, severity or chronic nature of the behavior poses a serious threat to staff or other students.

### **Referrals to Outside Agencies**

School officials may use referrals to external agencies to bring special expertise or resources to the modification of student behavior.

### **Saturday Success Lab**

A student may be required to attend classes/make up work on a Saturday.

A student may also be required to attend a Saturday session to re-learn bus safety expectations/guidelines.

### **Search**

This Student Search Rule is adopted for the purpose of implementing Iowa Code Chapter 808A, as amended. In order for searches to be conducted, there must be reasonable suspicion. Searches are based upon consideration of relevant factors, which include, but are not limited to, the following:

- the nature of the violation for which the search is being instituted;
- the age or ages and gender of the student who may be searched pursuant to the rule; and
- the objectives to be accomplished by the search.

Whenever an item, which is illegal or in violation of a school rule, is obtained by school officials, whether by the voluntary action of a student, by search of the student's person or locker, desk or other facilities or spaces owned by the school, or in any other lawful fashion, school authorities may seize such an item and may turn it over to law enforcement authorities. In the case of discovery of illegal items, the police will be contacted.

### **Inspection of school owned spaces may be conducted by school officials under the following circumstances:**

- a. Reasonable suspicion for suspecting that the search will produce evidence that the student has violated or is violating either the law or a school rule or regulation.
- b. Students, parents, guardians and legal custodians are put on notice that school officials may conduct periodic inspections of school owned spaces. Such inspections may be made without prior notice to the student or the student's parents, guardians, or legal custodians.
- c. Either of the above inspections shall occur either in the presence of the student whose locker is being inspected or in the presence of at least one other adult person.

### **Search of Protected Student Areas may be conducted by the Principal / designee if all of the following apply:**

- a. There is reasonable suspicion for suspecting that the search will produce evidence that a student is violating or has violated either the law or school rule or regulation.
- b. The search is conducted in a manner which is reasonably related to the objective of the search and which is not excessively intrusive in light of the age and gender of the student and the nature of the infraction. The search will be done by an official of the same sex. A strip search, a body cavity search or the use of sniffing animals will not be used. If a student is not or will not be present at the time of the search, the student will be informed of the search either prior to or as soon as reasonably practical after the search is conducted.

#### **1. Locker, desks, facilities, school owned spaces**

Lockers, desks, facilities and other school-owned spaces are the property of the school district and are provided as a courtesy to students. The furnishing of a school locker, desk, facility or other space owned by the school district shall not create a protected student area. Students shall not expect privacy with respect to that locker, desk, facility or space. Allowing students to use a separate lock on a locker, desk or other facility or space owned by the school and provided to the student shall also not create the expectation of privacy.

2. By accepting a locker, desk and other school-owned facilities or spaces, each student agrees that these are owned by the school district and provided as

a courtesy to the student. The school shall retain a master key and/or reference to the combination of each locker and will have access to desks and other school-owned facilities or spaces. Individual lockers, desks, facilities or other school-owned spaces may be inspected without notice by the Principal/designee if there are reasonable grounds for suspecting that the search will produce evidence that the student has violated or is violating either the law or a school rule or regulation.

**3. Vehicle**

Any vehicle parked on school premises is subject to search.

**4. Body, Clothing, Apparel, Containers**

“Protected student area” is defined to include, but is not limited to:

- a student’s body,
- clothing worn or carried by a student,
- a student’s purse, pocketbook, briefcase, duffel bag, bookbag, billfold, backpack, knapsack, cell phone, personal electronic device, or any other container used by a student for holding or carrying personal belongings of any kind and in the possession or immediate proximity of the student. However, a school locker, desk, or other facility or space owned by the school / school district are not protected student areas.

**Use of Police Canines in Searches**

In order to deter or detect the presence on school property of drugs or other contraband items, school officials may use trained, certified, and reliable police canines (drugdetecting or drug-sniffing dogs) to assist in the search of lockers, desks, facilities, school owned spaces and vehicles parked on school premises under the following conditions:

- a. The school Principal requests such assistance based upon reasonable suspicion that cannot be resolved by an individualized search.
- b. The Superintendent authorizes such assistance.
- c. The search is supervised at all times by school officials.
- d. The police canine is under control at all times by its police handler.
- e. All appropriate means are used to ensure that no contact occurs between students and the police canine.
- f. In addition to the above Principal-initiated searches, the Superintendent may schedule a canine-assisted search in any district facility to deter or detect the presence on school district property of drugs or other contraband items.

Canines will not be used to search “protected student areas” as defined in this policy.

**Student Conference**

Consequence for referral results in student meeting with administrator, staff, and/or parent (in any combination).

**Student Responsibility Plan**

Students, in cooperation with school staff, will develop a written plan to be used to correct an infraction. This will include desired behavior, action steps, and timeline.

**Truancy Mediation**

A truant student and the student’s parents/guardians may be required to meet with the district’s Truancy Liaison to establish a plan for regular school attendance as defined in Policy 5107.

**Warning**

Student may be given a warning that repetition of the identified behavior will result in more serious interventions or consequences.

**Consequences**

Consequences for any of the above infractions will be left to the discretion of the building administrator. Factors such as the student’s past performance, the circumstances of a specific infraction (including its frequency, intensity and duration), and the seriousness of any incident will be taken into consideration.

**Apology/Restitution**

The student may be required to submit an apology to another student, adult or the school body regarding misbehavior. This apology may be written, verbal or communicated electronically. A student may also be required to restore stolen or damaged property to its original state or engage in activities designed to restore the good order and effective management of the school.

**Board Hearing**

The student may be required to go before the DCSD Board of Education for determination of the consequences to behavior.

**Bus Suspension**

Students who violate rules established for appropriate behavior for school bus passengers may be denied opportunity to ride the bus for a specific period of time. Students who have lost the privilege of riding the bus may be required to attend sessions designed to reach bus behaviors in order to regain bus privileges. These sessions may be held during the school year or summer months.

**Detention**

Detention is before, during, or after school time as assigned.

**Eligibility**

School officials have the authority to deny privileges to participate in any extracurricular activity. The specifics of this action are addressed in Policy 5305.

**Expulsion**

Expulsion is the removal of a student from school by majority vote of the School Board of the school district, after which such student may be readmitted only after a majority vote of the School Board. The Board may expel any student from school for a violation of these rules established by the School Board, or when the presence of the student is detrimental to the best interests of the school.

The expulsion of any student shall be in compliance with the following procedures:

1. Superintendent is notified of incident. District Behavioral Support Specialist investigates the incident. If warranted, Superintendent receives a written recommendation for expulsion from the Principal.
2. Superintendent meets with Student and Parent/Guardian. If expulsion is recommended, a contract will be presented that sets forth the requirements that must be met before reinstatement by the Board may occur. At this time, parents may waive their right to a hearing.
3. A recommendation to the School Board that a student be expelled may be made by the Superintendent. When such a recommendation is made, a hearing by the School Board shall be set to consider the expulsion recommendation, unless the parent/s waive their right to a hearing.
4. A student may be temporarily dismissed (suspended) by a Principal/designee, or Superintendent for the conduct for which the student's expulsion is being considered. Such temporary dismissal shall be imposed in accordance with the usual procedure for temporary dismissal as described in these rules. If the Superintendent determines it is in the best interests of the school, or necessary for the orderly operation of the school, the Superintendent may continue the period of dismissal pending the hearing on expulsion, but in no case shall the total period of temporary dismissal exceed a total of 10 school days unless due to extraordinary circumstances determined by the Superintendent.
5. Notice of Hearing (if applicable). Written notice of the hearing shall be sent by certified mail or personally delivered at least 5 days prior to the hearing to the student's parents or guardian and to the student. The notice shall clearly state:
  - The name of the student whose expulsion is to be considered.
  - The time, date, and place of the hearing.
  - The fact that expulsion is being considered and a brief explanation of the effect of the expulsion.
  - The rule allegedly violated by the student or other cause of the possible expulsion.
  - A summary of the evidence to support the recommendation of expulsion. A copy of any written materials that will be presented at the hearing will be available to the student.
  - A brief summary of how the hearing will be conducted indicating that the student and parents or guardian will have an opportunity to be heard.
  - Notice that the student and parents or guardian may be present together with an attorney.
  - Notice of the names of witnesses against him or her unless the witnesses are students and the circumstances warrant that these witnesses remain unidentified.
  - Notice that the student or advocate has a right to cross examine adverse witnesses.
  - The fact that the board decision will be issued in writing to the student.

- Notice that the student may appeal any adverse decision.

### **In School Suspension**

During in-school suspension a student is isolated from one or more classes while remaining on school property. In-school suspension will be imposed only after an investigation by the Principal/designee shows that there is factual basis to believe that the student was involved in unacceptable conduct. Such investigation shall include notice to the student and parents of the allegations and an opportunity for the student to respond.

A student who is serving an in-school suspension will receive academic credit for work missed during the period of suspension if the student completes the work during the time period designated by school personnel. It shall be the responsibility of such a student to make all arrangements necessary for the completion of such work. Any in-school suspension shall be counted as an approved absence. The student's re-integration following the suspension will be at the discretion of the Principal/designee.

### **Interim Setting by School Personnel**

A student may be assigned to attend a suspension center on contract with the school district instead of an out of school suspension.

### **Legal**

The school district may refer a student's behavior to the police department and county attorney for consideration of criminal charges or municipal infractions.

### **Loss of Privilege**

A student may be denied privileges and access to equipment or specified areas.

### **Out of School Suspension**

Suspension is an exclusion from school for a specific period, not to exceed three (3) days for the same infraction. In order to suspend a student for a period longer than three (3) days for the same infraction, permission must be obtained from the Superintendent. The Principal / designee may suspend a student only after conducting an informal investigation of the charges against the student and providing the student with:

1. Oral or written notice of the allegations against the student.
2. An oral or written statement of the facts which are the basis for the allegations.
3. The opportunity for the student to respond to those charges. Nothing shall prevent the immediate suspension of a student when that student's continued presence would endanger the student's safety or well-being, the safety or wellbeing of the other members of the student body, teachers, or other personnel, or substantially interfere with the proper functioning of the school.



Notice of the suspension shall be given to the student's parents or guardians, the Superintendent of Schools, and the President of the School Board of the school district. Such notice may be given in writing or orally, but where given orally it shall be followed by the mailing of a written notice.

A student who is suspended from school will receive academic credit for work missed during the period of suspension if the student completes the work in a time period designated by the administrator. It shall be the responsibility of such a student to make all arrangements necessary for the completion of such work. Out-of-school suspension shall be counted as an approved absence. The student's re-integration following the suspension will be at the discretion of the Principal/designee.

**Removal (Permanent) From a Class**

Principal / designee may remove a student from a segment (class) of the school day or activity for the duration of a semester or trimester if the student's behavior is deemed substantially disruptive following several other intervention measures by school officials. The student may be assigned to a similar class.

**Removal (Temporary) From Class/Activity**

School officials may temporarily remove a student from one segment (class) of the school day or activity.

**Restrictions**

Consequences may result in a student being restricted from an area of school property or from school sponsored activities.

**Time in Office**

Consequence for referral results in student spending time in the office away from scheduled activities/ classes.

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## PHYSICAL RESTRAINT #5203

Chapter 5: STUDENT PERSONNEL  
Section 3: STUDENT DISCIPLINE

In order to provide for the safety and security of all students, an employee may use reasonable and necessary force, not designed or intended to cause pain, in order to accomplish any of the following:

- to quell a disturbance or prevent an act that threatens physical harm to any person;
- to obtain possession of a weapon or other dangerous object within a student's control;
- for the purposes of self-defense or defense of others as provided for in Iowa Code section 704.3;
- for the protection of property as provided for in Iowa Code section 704.4 or 704.5;
- to remove a disruptive student from class or any area of school premises or from schoolsponsored activities off school premises;
- to protect a student from the self-infliction of harm;
- to protect the safety of others.

In addition, no employee is prohibited from using incidental, minor, or reasonable physical contact in order to maintain order or control.

Reasonable physical force should be commensurate with the circumstances of the situation. The following factors should be considered in using reasonable physical force for the reasons stated in this policy:

1. the size and physical, mental, and psychological condition of the student;
2. the nature of the student's behavior or misconduct provoking the use of physical force;
3. the means or method used in applying the physical force;
4. the potential of injury to the student which may result from use of physical force;
5. the motivation of the school employee using physical force.

The principal or designee shall attempt to notify a student's parent or guardian on the same day the student is subjected to physical restraint or physical confinement or detention, and will send written documentation within three school days.

It is the responsibility of the superintendent to develop administrative guidelines regarding this policy.

Note: Physical restraint should not be confused with corporal punishment. Corporal punishment is defined as the intentional physical punishment of a student and is prohibited. This includes the use of unreasonable or unnecessary force or physical contact made with the intent to harm or cause pain.

Adopted: June 8, 2009  
Reviewed: May 6, 2014

Legal Reference:  
Ingraham v. Wright, 430 U.S. 651 (1977)  
Goss v. Lopez, 419 U.S. 565 (1975)  
Tinkham v. Kole, 252 Iowa 1303, 110 N.W.2d 258 (1961)  
Lai v. Erickson, PTPC Admin.Doc. 83-12 (1983)  
Iowa Code 279.8; 280.21 (2007)  
281 I.A.C. 12.3(6); 103.  
1980 Op. Att'y. Gen. 275

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### ADMINISTRATIVE GUIDELINES FOR USE OF PHYSICAL RESTRAINT #5203 A1

In implementing this policy, staff members will comply with the guidelines listed below.

1. Any physical force or contact employed in the restraint or detention of a student must be reasonable and necessary under the circumstances.
2. No employee shall inflict, or cause to be inflicted, any intentional physical (or corporal) punishment upon a student.
3. Corporal punishment does not include the following:
  - a. verbal chastisement directed at a student;
  - b. reasonable requests or requirements of a student engaged in activities associated with physical education class or extracurricular athletics;
  - c. activities consistent with and included in a student's individualized education program developed under the Individuals with Disabilities Education Act;
  - d. reasonable periods of detention, not in excess of school hours, or brief periods of beforeand after-school detention, in a seat, classroom or other part of a school facility.
4. If a student is physically confined and detained in a "time-out room" or some other enclosure from which the student's egress is restricted, the conditions of the confinement must meet all requirements of Iowa Code 281-103.6.
5. The Iowa Department of Education's rules prohibit the use of prone restraint except in an emergency situation and the "public agencies" must take immediate steps to terminate the prone restraint, subrule 103.8(1).
6. The principal or designee shall attempt to notify a student's parent or guardian on the same day the student is subjected to physical restraint or physical confinement or detention.
7. The student's parent or guardian must be provided a written copy of the documentation relating to physical restraint, confinement, or detention as required by law postmarked within three school days of the occurrence. Reports of physical restraint, confinement or detention will also be filed with the superintendent or designee at the same time documentation is sent to parents/guardians.
8. While an employee may use reasonable and necessary force for the reasons outlined in this policy, it is expected that school employees, before using physical restraint or physical confinement and detention, shall receive adequate and periodic training, which shall be documented and include training relating to this policy, these guidelines, and applicable Iowa law. Training will include positive behavior interventions and supports, disciplinary alternatives to seclusion and restraint, crisis prevention and intervention, crisis de-escalation techniques, student and staff debriefing, and the safe and effective use of physical restraint and physical confinement and detention.
9. Guidelines for implementation will be reviewed annually and updated as necessary.

# PARTICIPATION CODE FOR ACTIVITIES #5305

Chapter 5: STUDENT PERSONNEL  
Section 4: STUDENT ACTIVITIES

## BELIEF STATEMENTS

The Dubuque Community School District offers a variety of activities designed to enhance education by promoting additional interests and abilities in students during their school years and for a lifetime. The District believes that:

Participation in school activities is a privilege, conditioned upon meeting the eligibility criteria established by the board, administration, and individual activity coaches and sponsors.

Students who participate in activities serve as ambassadors of the school district throughout the calendar year, whether away from or at school.

Students who wish to exercise the privilege of participating in school activities must conduct themselves as good citizens both in and out of school at all times. They must serve as positive role models to other students and members of the community.

The middle schools and high schools will enforce the following policies and procedures for participation in activities. Activities include athletics, cheerleading, vocal and instrumental music, speech, and drama. Students participating in other activities such as student council, yearbook, newspaper, or school sponsored groups are covered by Policy 5200, Student Behavior: Expectations and Consequences, and bylaws of the sponsoring group.

## ACADEMIC ELIGIBILITY

### High Schools

To be eligible for an activity, a student must:

1. Be enrolled or dual-enrolled in school.
2. Be enrolled in at least four classes at all times.
3. Be under 20 years of age if participating in athletics, music or speech activities.
4. Be enrolled in high school for eight semesters or less if participating in athletics, music, or speech activities.
5. Have not been a member of a college athletic team nor trained with a college squad, nor participated in a college contest, nor engaged in that sport professionally.
6. Have met all transfer requirements, if the student is a transfer student or be eligible under state laws and regulations if the student is an open enrollment student.

Special education students or students covered by a Section 504-B plan that is directly related to their course work shall not be denied eligibility on the basis of scholarship if the student is making progress, as determined by the school officials, towards the goals and objectives on the student's IEP or accommodation plan.

Coursework taken under the provisions of Iowa Code Chapter 261C, Postsecondary Enrollment Options, shall be used in determining eligibility.

Grades will be checked four times per year: At the end of the first nine weeks, at the end of the first semester, at the end of the third nine weeks, and at the end of the second semester.

If a student is not passing all subjects at the end of the first nine (9) weeks of either semester, the school will provide appropriate interventions and academic supports.

### A. Athletics

1. If a student is not passing all subjects at the end of a grading period (semester), the student is ineligible for the first period of thirty (30) consecutive calendar days in the interscholastic athletic event in which the student is a contestant. Start Date as defined by IGHSAU/IHSAA.

### B. Music

1. If at the end of any grading period (semester) a participant receives a failing grade in any course for which credit is awarded, the participant is ineligible to participate in any competitive event sanctioned by the IHSMA or any IHSMA sponsored event that is nongraded (event doesn't affect course GPA) within a period of 30 consecutive calendar days. Students receiving a failing grade are ineligible to participate in non-graded music events which are not sponsored by the IHSMA (e.g. Musical). The period of ineligibility will begin with the first school day following the day grades are issued by the school district.
  - a. Students receiving a failing grade are ineligible to participate in non-graded music events which are not sponsored by the IHSMA (e.g. Musical).

### C. Speech & Theater

1. If at the end of any grading period (semester) a participant receives a failing grade in any course for which credit is awarded, the participant is ineligible to participate in any event sanctioned by the IHSSA or IHSSA sponsored event within a period of 30 consecutive calendar days. Students receiving a failing grade are ineligible to participate in speech and theater events, which are not sponsored by the IHSSA. The period of ineligibility will begin with the first school day following the day grades are issued by the school district.
  - a. Students receiving a failing grade are ineligible to participate in speech and theater events, which are not sponsored by the IHSSA.

## MIDDLE SCHOOLS

Any student who wishes to participate in activities must meet the scholarship requirements after each of the marking periods (Progress Reports and Report Cards)

### A. Athletics

Marking periods will be checked for eligibility every 20 calendar days.

- a. Students with one (1) failing grade will be on probation for competitions/performance until the next marking period.
  - i. If acceptable progress is achieved, the student will no longer be on probation and will be considered in good standing.
  - ii. If acceptable progress is not achieved, the student will become ineligible for competitions/performance until acceptable progress is achieved.

- Acceptable progress is determined by administrator/activities director.
- b. Students with two (2) or more failing grades will be ineligible for competitions/performances until acceptable progress is achieved.
  - i. All failing grades must meet acceptable progress in order to return to competitions/performances.

## B. Fine Arts

Marking periods will be checked for eligibility every 20 calendar days.

1. Musical  
30 calendar days prior to the first performance students with 2 or more failing grades may be ineligible for one or all performances.
2. Extra- Curricular Musical Activities  
Students with 1 failing grade will be on probation for competitions/performances until the next marking period.
  - If acceptable progress is achieved, the student will no longer be on probation and will be considered in good standing.
  - If acceptable progress is not achieved, the student will become ineligible for competitions/performances until acceptable progress is achieved.
  - Acceptable progress is determined by administrator/activities director.

Special education students or students covered by a Section 504-B plan that is directly related to their course work shall not be denied eligibility on the basis of scholarship if the student is making progress, as determined by the school officials towards the goals and objectives on the student's IEP or accommodation plan.

## ATTENDANCE

In order to participate in practice or in a contest/event on that day a student must attend the last three (3) periods of his/her school schedule. However, the student may be granted permission to participate by the Assistant Principal - Activities/Athletics or designee upon review of the reason for absence. Students are expected to be in attendance for all classes on the day following a contest/event.

## CONDUCT

Students participating in the Activities Program are expected to observe the DCSD Student Behavior Policy 5200 as well as the following:

Participants must refrain from –

1. Possession, use, purchase or sale of tobacco products, regardless of the student's age.
2. Possession\*, consumption, or purchase of alcoholic beverages. (Consumption includes having the odor of alcohol on one's breath.)
3. Possession\*, use, or purchase of illegal drugs or the unauthorized possession, use, or purchase of otherwise lawful drugs (including steroids), look-alike drugs, or drug paraphernalia.

4. Sale, distribution of, or providing location for the illegal consumption of controlled substances or alcohol. (Such a violation will carry a third offense penalty.)
5. Being in a car or in attendance at a social function or party where alcohol or other illegal drugs are illegally available to or being consumed illegally by minors.
6. Engaging in any act that would be grounds for arrest or citation in the criminal or juvenile court system, excluding minor traffic offenses, regardless of whether the student was cited, arrested, convicted or adjudicated for the act(s). Examples include, but are not limited to theft, possession of stolen property, vandalism.
7. Inappropriate or offensive behavior. Non-exclusive examples include fighting, insubordination, refusing to cooperate with authorities, teachers, or school administrators, hazing or harassment of others, or any behavior that is not in the best interest of the district. Hazing is defined as any humiliating or dangerous activity expected of a new or potential member of a group regardless of the individual's willingness to participate.

\*Possession in numbers 2, 3 and 5 is considered to be any presence while illegal transportation and/or consumption is taking place with knowledge that the illegal activity is occurring and failure to leave the location.

## CONSEQUENCES

When the administration has reasonable grounds to believe that a student has violated the above conduct rules, the following procedures may be followed:

1. Administrator and student conference. Communication with Parent/guardian
2. Suspension from a number of regularly scheduled contests/performances
  - A. First offense – Consult tables for specific penalty
  - B. Second offense – Consult tables for specific penalty
  - C. Third – One calendar year
  - D. Fourth Offense- Loss of extra-curricular participation
3. Communication to parent /guardian and coach/sponsor

Successful completion of a suspension includes the following guidelines:

1. If the student is currently involved in an activity, the suspension begins immediately and includes only those dates in which the student could or would have been a participant. State sponsored dates are included in the suspension. The suspension includes all scheduled events at the student's current level of competition.
2. If the suspension is not completed during a current activity, it will carry over to the next activity in which the student participates. No awards will be given until the suspension is completed.
3. To avoid participating in an activity for the purpose of fulfilling a suspension, the student must complete the season in good standing.
4. A student involved in two or more activities which occur simultaneously will be suspended from both (all) of them. (Consult tables)
5. The participant must attend all practices/rehearsals / contests during the period of suspension.

6. Violations will not be carried over as part of the record when the student moves from eighth to ninth grade. Prior violations will be carried over from ninth through twelfth grade.
7. In those activities that receive academic credit, suspension shall not affect the student's grade.
8. The penalties listed above are not exclusive. In addition to or in lieu of such penalties, a student may be denied the privilege to participate on a temporary or permanent basis.

**REDUCTION IN PENALTY**

1. Admission Prior To Determination: Self-reporting of any behavior that could be construed as a violation of the Participation Code prior to knowledge of civil or school authorities may result in the suspension being reduced by one half. The purpose of this option is to provide a mechanism in which the student can receive assistance.
2. Evaluation and Treatment: A student who has a violation of the alcohol, tobacco, or drug provisions of the Participation Code may elect to seek an evaluation performed outside school and, if recommended, treatment from a recognized substance facility at the student or student's parent/guardian's expense. If the student seeks the evaluation, agrees to waive confidentiality, and allows the facility to report the recommendations for treatment, the student's suspension may be reduced by one half upon written confirmation of participation in the treatment program.
3. Behavior: Students who have violated provisions regarding inappropriate or offensive behavior may seek to reduce the penalty by entering into a Behavior Contract. The contract shall be in writing and could include apologies to affected parties and restitution where appropriate. Signatures of student, parent(s), coach/sponsor, and administrator are required. The reduction shall not exceed one-third of the penalty.

**APPEAL PROCEDURE**

1. District Level Hearing
  - a. Date of request - Within 5 school days of notification of parents by principal/designee. Request should be made in writing to District Activities Director.
  - b. Date of hearing - Within 7 days from the day the request is received, unless an extension is mutually agreed upon.
  - c. Participants - Student, parent(s)/guardians, Administrative Review Board (Superintendent or designee, two administrators from schools other than the school from which the appeal is filed, two coaches from schools other than the school from which the appeal is filed).
  - d. Procedure
    - i. The hearing will be held in private. The Board may limit attendance to allow orderly procedure.
    - ii. A record of the hearing shall be made by tape recorder. The tape shall be kept by the district for a minimum of 30 days and shall be made available to student or parent(s)/guardians upon request.
    - iii. The principal or designee shall present evidence in behalf of the recommendation for suspension.
    - iv. The student, student's parent(s)/guardians, or attorney shall present the student's version of or

refutation of the allegation through explanation, documents, witnesses.

- v. Witnesses at the hearing or persons, whose testimony has been submitted, in written form, shall be subject to cross-examination by any party as is necessary for a full disclosure of the facts.
  - vi. The decision of the Administrative Review Board shall be based only on evidence introduced at the hearing.
- e. Results  
The Administrative Review Board shall report the decision to the District Activities Director who will inform the student and parent(s)/guardians of the decision.

Revised: March 14, 2004  
Revised: February 10, 2014  
Revised: July 17, 2017

Cross Reference:  
6209, 6210, 6213

**ADMINISTRATIVE GUIDELINES FOR PARTICIPATION CODE FOR ACTIVITIES #5305 A1**

**SUSPENSIONS**

**Athletics**

**High School**

SPORT	FIRST OFFENSE	SECOND OFFENSE
	(Dates on Schedule)	(Dates on Schedule)
Baseball	5	10
Basketball/Cheerleading	5	10
Bowling	3	6
Cross Country	2	4
Football/Cheerleading	2	4
Golf	3	6
Soccer	3	6
Softball	5	10
Swimming	3	6
Tennis	3	6
Track	4	8
Volleyball	4	8
Wrestling/Cheerleading	4	8

**Middle School**

SPORT	FIRST OFFENSE	SECOND OFFENSE
	(Dates on Schedule)	(Dates on Schedule)
Basketball	2	4
Cross Country	2	3
Dance	1	2
Football	1	3

» CONTINUED FROM PREVIOUS PAGE

Track	1	3
Volleyball	2	5
Wrestling	1	3

When a reduction of penalty occurs, the remaining penalty will be rounded up. (Ex. 5 game suspension, reduced to 2 ½, penalty would be 3 games)

\*Suspensions from a second offense are in addition to suspensions from a first offense.

## Music

### High School

Dubuque Community School District students involved in curricular music groups will be expected to participate in all graded (curricular) performances of the music group. Violations of the Participation Code for Activities will cause students to be withheld from the non-graded/extra-curricular portion of the music group's performance schedule at the same rate as that of activities that are totally non-graded/extra curricular.

Occasionally, students who participate in graded (curricular) music groups also participate in non-graded (extra-curricular) activities such as sports or clubs. Students participating in both graded and non-graded groups will be expected to participate in the graded (curricular) performances and suspended from the non-graded/extra-curricular performances as a result of the code violation.

## Music/Speech/Theatre

### Middle School/High School

#### ACTIVITY

Band, Color Guard, Orchestra, & Vocal Music

- FIRST OFFENSE: Extra-Curricular Event
- SECOND OFFENSE: Next 2 Extra-Curricular events

Musical

- FIRST OFFENSE: One performance
- SECOND OFFENSE: Two performances

## Speech/Theatre

### High School

#### ACTIVITY

Speech

*Individual Events*

- FIRST OFFENSE:
  - Removal from event.
  - Pay entry fee.
- SECOND OFFENSE:
  - Removal from event – Not allowed to audition or participate in the next speech event.
  - Pay entry fee.
  - Lose consideration for awards.

*Large Group*

- FIRST OFFENSE:
  - Prior to fourth week of rehearsal – Removal from event.
  - Pay portion of entry fee.
- After third week of rehearsal – Student is allowed to perform but not allowed to audition for speech next event.

- SECOND OFFENSE:
  - Removal from event.
  - Lose consideration for awards.
  - Not allowed to audition for or participate in next speech/theatre event.
  - Pay portion of entry fee.

Theatre

*Fall/Spring Production*

- FIRST OFFENSE:
  - Prior to third week of rehearsal – Removal from show.
  - After third week of rehearsal – Allowed to perform but cannot audition for next theatre event.
  - Lose consideration for awards.
- SECOND OFFENSE:
  - Prior to third week of rehearsal – Removal from show.
  - After third week of rehearsal – Allowed to perform but cannot audition for next two theatre events.
  - Lose consideration for awards.

*Unscripted*

- FIRST OFFENSE:
  - Removal from next two performances.
  - Removal from leadership positions.
  - Cannot audition for next speech/theatre event.
- SECOND OFFENSE:
  - Removal from Troupe for remainder of the school year.
  - Lose consideration for awards.

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## STUDENT NETWORK/INTERNET ACCEPTABLE USE POLICY #5504

**NOTE: This policy is scheduled for a significant revision in August 2017. Please see [www.dbqschools.org/schoolboard](http://www.dbqschools.org/schoolboard) for the most current version of the policy.**

Chapter 5: STUDENT PERSONNEL  
Section 6: MISCELLANEOUS RELATED MATTERS

The use of school-owned technology, including computers whether stand alone, local area network, part of a wide area network such as the Internet or other electronic communication services is a privilege and not a right. The use of Network/Internet resources must be consistent with the educational objectives of the Dubuque Community School District, and in accordance with the terms of this policy. Use of networks or electronic resources of any other organizations must comply with the rules and regulations relating to those networks.

**Network/Internet Acceptable Use Agreement.** Specific guidelines for use of Network/Internet resources will be outlined in a Network/Internet Acceptable Use Agreement which shall be updated as necessary by the Superintendent or his/her designee and made available online to students enrolled in the district. Each School will develop a procedure for discussing proper network participation with all students.

**Unacceptable Use.** Transmission of any material in violation of any United States, state, or local law, regulation, or board policy is prohibited. This includes, but is not limited to, transmission of copyrighted material, threatening or obscene material, or material protected by trade secret. Interruption of network services is not acceptable. Use for non-educational activities is not acceptable. Noneducational activities include, but are not limited to, product advertisement, political lobbying, game playing, unauthorized "chat," computer "hacking," knowingly spreading computer viruses, chain letter communication, or any other use for private benefit. Students' Internet activities will be monitored by the school district to assist in restricting students from accessing inappropriate sites that have visual depictions that include obscenity, child pornography or are harmful to minors. (The school district will use technology protection measures to comply with CIPA.)

Bullying and Cyberbullying - intimidation or harassment of a student or multiple students perpetuated by individuals or groups. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or damaging property; oral or written taunts, including name-calling, put-downs, extortion, or threats; threats of retaliation for reporting such acts; sending or posting harmful or cruel text or images using the Internet or other digital communication devices; sending or posting materials that threaten or raise concerns about violence against others, suicide or self-harm. Students will not be disciplined for speech in situations where the speech is protected by law.

**No Warranties.** No warranties of any kind, whether expressed or implied, for the services provided through Network/Internet are made by the Dubuque Community School District or any school within the District. Neither the District nor any school within the district will be

responsible for any damages users suffer, or liabilities, financial or otherwise, incurred through the use of Network/Internet. This includes violations of laws, contracts entered into on Network/Internet, loss of data resulting from backup procedures, delays, nondeliveries, misdeliveries, or service interruptions caused by user negligence, errors, or omissions. Use of any information obtained via Network/Internet is at the user's own risk. The Dubuque Community School District specifically denies any responsibility for the accuracy or quality of information obtained through electronic services.

**Privacy:** The Dubuque Community School District exercises exclusive control over all school-owned technology, and students should not expect privacy regarding their use of any such equipment or network because school property is subject to search and inspection at any time by school officials. This search and inspection includes, but is not limited to, electronic mail, Internet access, site storage and transfer. Students are responsible for whatever is contained in computer files assigned to them. All student Internet activities are subject to being monitored.

**Financial Responsibility.** The individual student and/or parent/guardian will be responsible for any financial obligation incurred through the use of Network/Internet.

**Security.** Security on any computer system is a high priority, especially when the system involves many users. Users must not share passwords with anyone. Anyone who attempts to use another person's account will be subject to sanctions as outlined in this policy or in the Network/Internet Acceptable User Agreement.

**Vandalism, Mischief, Tampering, Theft, and Crimes.** Acts of vandalism, mischief, tampering, theft and other criminal acts through the use of Network/Internet or other electronic communication services and/or the data infrastructure hardware and wiring used to access these services are prohibited. This prohibition includes, but is not limited to, interruption of network services, vandalizing computers and computer equipment, tampering with or attempting to harm or destroy data of another user or data on the Network/Internet, or to damage wiring hardware, or software, stealing computer equipment, and the uploading, downloading, or creation of computer viruses. This includes the content and functionality of the district web site, as well as individual school building web sites within the district.

**Sanctions.** A violation of the guidelines contained within this policy or within the Network/Internet Acceptable Use Agreement may result in sanctions against the user. These sanctions may include, but are not limited to, temporary or permanent suspension from the use of Network/Internet, suspension or expulsion from school, or any other appropriate disciplinary or legal action available to the district.

Adopted: November 10, 1997  
Revised: January 23, 2012  
Revised: May 30, 2012

# COMPETENT PRIVATE INSTRUCTION #6220

Chapter 6: EDUCATIONAL PROGRAM  
Section 3: INSTRUCTIONAL ARRANGEMENTS

Students who are 6 years old by September 15th and under the age of 16 by September 15th are required to attend school. Students between these ages may be exempted from this state attendance requirement if they are receiving competent private instruction (home schooling) under the provisions of Iowa law.

Adopted: March 11, 1996  
Revised: April 19, 2010  
Revised: March 14, 2016

Legal Reference:  
Code of Iowa, Ch. 299.1-.6,  
Code of Iowa, Ch. 299.A  
I.A.C., Ch. 281-31

## ADMINISTRATIVE GUIDELINES #6220 A1

Iowa law provides that students may receive competent private instruction as an alternative to attending an accredited public or private school. A parent, guardian, or legal custodian of a student receiving competent private instruction must notify the resident school district by the first day of school, or within 14 calendar days of removing the child from school, that the student will be receiving such instruction by filing Form A per guidelines outlined in the Iowa Department of Education Private Instruction Handbook with the Dubuque Community Schools home school coordinator, The Forum, 2300 Chaney Road, Dubuque, Iowa, 52001-3095.

All mandatory items on the form must be completed by the parent, guardian, or legal custodian in order for the report to be in compliance with the law.

Parent, guardian, or legal custodian of students receiving competent private instruction are expected to comply with the rules and regulations of the code.

### Dual Enrollment:

The parent, guardian, or legal custodian of a child of compulsory attendance age who is receiving competent private instruction may enroll the child under dual enrollment. Those desiring dual enrollment shall notify the district no later than September 15 of the school year for which dual enrollment is sought.

Dual enrolled students may enroll in a total of three-quarters of instruction by way of the district's academic programs and have at least one-quarter of the student's instruction by way of competent private instruction. Form A must be filed for all dual enrolled students. Annual assessment results must be filed with the district if student is dual enrolled not working with a licensed teacher or in a home school assistance program. Students requesting an academic class and/or an activity need to meet participation requirements (see Policy #5305) in order to be included in the class or activity.

Students receiving competent private instruction may

open enroll in another district for dual enrollment. The parent, guardian, or legal custodian must notify the superintendent by the legal deadline that the student will request open enrollment.

### Home Schooling Assistance Program:

Parent, guardian, or legal custodian of students receiving competent private instruction who wish to receive the services of the district's home schooling assistance program must:

1. Complete Form A for competent private instruction and provide two copies for the district's home schooling coordinator within the deadlines specified by code.
2. Meet with the home schooling assistance program teacher with the enrolled student at least four times per quarter during the period of instruction. Two of these visits need to be face-to-face with the student; the other two may be phone visits.

The responsibilities of the home schooling assistance program teacher include:

1. Assisting parent, guardian, or legal custodian in locating/using resources.
2. Administering standardized tests to students in the spring and fall of the school year.
3. Providing input and feedback to parent, guardian, or legal custodian regarding the lesson plans of the enrolled students.

The responsibilities of the parent, guardian, or legal custodian of student(s) receiving services from the home schooling assistance program teacher include:

1. Being in attendance at and prepared for the four required quarterly meetings with the home schooling assistance program teacher.
2. Providing a safe environment that is conducive for instruction during the home schooling assistance program teacher's four required quarterly meetings.
3. Demonstrating that the student(s) is making adequate and appropriate progress on learning goals and objectives that align with the student's age and expected grade placement.

Parent, guardian, or legal custodian who fail to demonstrate one or more of the listed responsibilities will be expected to work with the home schooling assistance program teacher or coordinator to remediate the problem within 3 weeks or by the next scheduled home schooling assistance program teacher's meeting. Parent, guardian, or legal custodian who do not fulfill the necessary responsibilities within the given time period will lose their eligibility for the services of the home schooling assistance program teacher.

The home schooling assistance program teacher is limited to serving 40 students or 20 families at one time.

### Procedures and Qualifications for Regular Enrollment:

Students who have previously received competent private instruction who are seeking regular enrollment in the district will be admitted to school as designated by district policies and guidelines.

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Elementary (K-5) – The principal of the neighborhood school in which the student is enrolling shall review the student’s test scores or portfolio, samples of the student’s work, the student’s age, and the student’s developmental level to determine grade placement. The principal may also administer competence tests or curriculum-based assessments to determine grade placement.

Middle School (6-8) – The principal shall review the student’s test scores or portfolio, samples of the student’s work, the student’s instructional lesson plans, and may administer competency tests in subject areas to determine grade level placement. Student age and developmental level will also be a consideration in grade level placement.

High School (9-12) – The principal shall review the student’s test scores or portfolio, samples of the student’s work, the student’s instructional lesson plans, and may administer competency tests in the subjects for which credit is sought. The principal shall place the student at the grade level which corresponds with the course work he/she has completed satisfactorily and is compatible with the course of study typical of most students at a given grade level.

**Credit Evaluation:**

Students at all levels will receive grades only for work performed while enrolled in Dubuque public schools. Grades from private instruction will not be included in grade point averages or class rank and will not be listed on the transcript.

**Graduation Credits:**

Regardless of the admission level status, the student must earn the number of credits in the subjects required by Board Policy #6210 to receive a Hempstead or Senior High School diploma. The principal or designee may grant credit(s) toward attainment of the diploma after verifying that a student’s previous instruction in a specified subject area met comparable time requirements for a credit, after reviewing the lesson plans for comparability to courses in the Board approved registration guide, and upon the student’s demonstrating competency in the subject area(s) through criterion and performance testing. Credits accepted through this administrative process will be noted on the transcript as “Home School Credit.” These credits will not be used in the computation of GPA or class rank. These accepted credits may be used to fulfill established district graduation requirements.

Home school and dual enrolled credit will not be considered toward fulfillment of graduation requirements until the student is enrolled as a full-time student.

**Diploma Eligibility:**

In order to receive a Hempstead or Senior diploma, a student who has been receiving competent private instruction must have earned 10.8 credits at Hempstead or Senior; fulfilled graduation credit requirements as specified in Board Policy #6210; and attended Hempstead or Senior fully enrolled (Policy #6209) for two consecutive semesters immediately prior to graduation.

**Scholastic Achievement and Honors:**

Students enrolled full time in any Dubuque public school will be eligible for honors and scholarships as defined by the honors and scholarship programs.

Students may receive recognition for scholastic achievement only by virtue of courses taken at the appropriate school. A parent, guardian, or legal custodian who wishes to have the student receive honors or scholarships is responsible for contacting the school to find out the requirements for the honors or scholarships and for having the student comply with the enrollment and performance requirements necessary for eligibility.

**Home School Limitations:**

1. Students in home school or dual enrollment are not eligible for dual enrollment in more than one school.
2. Students seeking dual enrollment or full time enrollment coming from home school will be subject to a review of prior disciplinary stipulation and full accountability of previous educational experiences. Any previous disciplinary determinations may be re-imposed at the discretion of the enrolling school.

**Appeal Process:**

The home schooling coordinator will establish a review committee composed of district and building administrators and teachers as a response to any parent appeal of home school related decisions made at the building level. The members and size of the committee will be determined by the nature of the decision being appealed. The parent, guardian or legal custodian of the student will have the right to make a final appeal to the Dubuque Community School District Board of Education. The decision by the Dubuque Community School District Board of Education may be appealed to the State of Iowa Board of Education pursuant to Iowa Code Section 290.1.

**Student Fees:**

Fees will be charged according to the fee schedule adopted annually by the Board of Education.

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## PUBLIC CONDUCT ON SCHOOL PREMISES #9005

Chapter 9: BUILDINGS AND SITES  
Section 1: MAINTENANCE AND OPERATIONS

The board expects that students, employees and visitors will treat each other with respect, engage in responsible behavior, exercise self-discipline and model fairness, equity and respect. Individuals violating this policy will be subject to discipline. Students will be disciplined consistent with Policy 5200. Employees will be disciplined consistent with employee discipline policies and laws. Others will be subject to discipline according to this policy.

Individuals are permitted to attend school-sponsored or approved activities or visit school premises only as guests of the school district; and, as a condition, they must comply with the school district's rules and policies. Individuals will not be allowed to interfere with or disrupt the education program or activity. Visitors, like the participants, are expected to display mature, responsible behavior. The failure of individuals to do so is not only disruptive but embarrassing to the students, the school district and the entire community.

To protect the rights of students to participate in the education program or activities without fear of interference or disruption and to permit the school officials, employees, activity sponsors and officials of to perform their duties without interference or disruption, the following provisions are in effect:

- Abusive verbal or physical conduct of individuals directed at students, school officials, employees, officials, and activity sponsors of sponsored or approved activities, or at other individuals will not be tolerated.
- Verbal or physical conduct of individuals that interferes with the performance of students, school officials, employees, officials, or activity sponsors of sponsored or approved activities will not be tolerated.

- The use of vulgar, obscene or demeaning expression directed at students, school officials, employees, officials, or activity sponsors of sponsored or approved activities or at other individuals will not be tolerated.

If an individual becomes physically or verbally abusive, uses vulgar, obscene or demeaning expression, or in any way interrupts an activity, the individual may be removed from the event by the individual in charge of the event. Law enforcement may be contacted for assistance.

Individuals removed from school premises have the ability to follow the Board's chain of command and complaint policies should they choose to do so. The exclusion remains in effect should the individual choose to appeal the decision of the superintendent. The term "individual" as used in the policy also includes students and employees.

If an individual has been notified of exclusion and thereafter tries to enter a school building or attends a sponsored or approved activity, the individual will be advised that his/her attendance will result in prosecution. The school district may obtain a court order for permanent exclusion from the school building or from future school-sponsored or approved activities.

This policy will be published annually in each school's student/parent handbook.

Adopted: December 13, 1999  
Revised: February 11, 2008  
Reviewed: April 7, 2014

Legal Reference:  
Iowa Code §§279.8, .66; 716.7 (2007)