

Policy JG: STUDENT DISCIPLINE

Status: DRAFT

Original Adopted Date: 04/21/2010 | Last Revised Date: 12/16/2020

24C UPDATE EXPLANATION

This policy has been updated to reflect the expectation of the Missouri School Improvement Program (MSIP), Version 6, CC1, which requires the distribution of the student code of conduct to employees.

MSBA has also modified the language pertaining to the "nexus" to the school environment. While off-campus activities might be protected speech, other activities, such as true threats and bullying, would still be within the district's ability to discipline a student.

Mahanoy Area Sch. Dist. v. B.L., 141 S. Ct. 2038 (2021), is a U.S. Supreme Court case that addresses the limitations of school regulation of student off-campus speech under the First Amendment. The Court said:

Given the many different kinds of off-campus speech, the different potential school-related and circumstance-specific justifications, and the differing extent to which those justifications may call for First Amendment leeway, we can, as a general matter, say little more than this: Taken together, these three features of much off-campus speech mean that the leeway the First Amendment grants to schools in light of their special characteristics is diminished. We leave for future cases to decide where, when, and how these features mean the speaker's off-campus location will make the critical difference.

A "nexus" alone is insufficient to establish qualifying, actual, or impending impacts on the educational environment from student off-campus speech.

It is essential that the district maintain a safe school environment and a climate that allows teachers to communicate effectively with all students in the class and allows all students in the class to learn. Discipline will be equitably applied and viewed as a learning opportunity with the ultimate goal of improving behavior, safety, and the school climate. The district seeks to minimize the unnecessary exclusion of students from classrooms and school and encourages the superintendent and district staff to exclude students only when necessary to maintain a safe and appropriate learning environment.

The superintendent or designee is authorized to contact the district's attorney for advice on the legality of district discipline or the discipline process. The board encourages the superintendent to recommend changes to board policy related to student discipline as needed.

Discipline Code

To assist district staff in maintaining the necessary education environment, the board of education has created a discipline code that addresses the consequences for students whose conduct is prejudicial to good order and discipline in the schools or impairs the morale or good conduct of other students.

The district's comprehensive written code of conduct includes, but is not limited to, this policy, JG-R1, JGA, JGB, JGD, JGE, JGF, and associated procedures. The district's comprehensive written code of conduct will be placed on the district's website, and a copy will be available in the superintendent's office during normal business hours. The district will distribute the code of conduct to all students, and their parents/guardians, and district staff at the beginning of each school year, which may be accomplished by directing students and parents/guardians to the district's website. These policies, regulations, and procedures will apply to all students in attendance in the district's instructional and support programs as well as at district-sponsored activities.

Equity

All district staff are required to enforce district policies, regulations, and procedures in a manner that is consistent, developmentally appropriate, and equitable. District staff who increase or decrease the consequences for student misconduct based on individual circumstances must document the reasons for the variance. The superintendent or designee will regularly review district discipline data to determine whether district policies are being equitably enforced and, when necessary, make recommendations to the board for policy changes, training, or resources to further the district's goals for providing equitable education to all students.

Discipline for Off-Campus Misconduct

Students may be disciplined for misconduct that occurs off district grounds and outside a district activity when allowed by law including, but not limited to, the following situations:

1. The district's technology is used.
2. The student's conduct negatively impacts the education environment or there is a nexus to the education environment and the conduct is not otherwise protected by law.
3. The student has been charged with, convicted of, or pled guilty to the commission of a felony in a court of general jurisdiction (not a juvenile court). The board may suspend such students after a hearing in accordance with law.
4. The student has been indicted on, charged with, or convicted of one of the specific crimes listed in § 167.171, RSMo. (see in policy JEC) or a petition has been filed or adjudicated in juvenile court involving one of the specific crimes listed in § 167.171, RSMo. The district shall exclude such students from school or from the general education environment after appropriate due process.
5. The student transfers to the district during a suspension or expulsion from another public school or a private or parochial school, and the district determines that the conduct would have resulted in a suspension or expulsion in this district. The district may honor a student's suspension or expulsion in such cases after providing appropriate due process when necessary.

Immediate Removal

The board authorizes the immediate removal of a student upon a finding by a principal or superintendent that the student poses a threat of harm to self or others, as evidenced by the prior conduct of such student. Any such removal will be subject to the appropriate due process procedures and in accordance with law.

Enforcement

Building principals are responsible for the development and enforcement of additional student conduct rules needed to maintain proper behavior in schools under their supervision. All such rules shall be consistent with board-adopted discipline policies and regulations.

Teachers have the authority and responsibility to make and enforce necessary rules for discipline in the classroom, subject to review by the building principal. The board expects each teacher to maintain a satisfactory standard of conduct in the classroom.

All district staff enforcing student discipline should seek to minimize, as much as possible, the amount of instructional time the student loses.

Training

All district employees shall annually receive instruction related to the specific contents of the district's comprehensive code of conduct and any interpretations necessary to implement its provisions including, but not limited to, confidentiality requirements and the approved methods for dealing with acts of school violence and disciplining students with disabilities.

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

§ 160.261, RSMo.

§ 160.262, RSMo.

§ 167.117, RSMo.

Description

[State Statute](#)

[State Statute](#)

[State Statute](#)

State References

§ 167.161, RSMo.

§ 167.171, RSMo.

§ 171.011, RSMo.

MO COURT

MO COURT

Description

[State Statute](#)

[State Statute](#)

[State Statute](#)

[D.J.M. v. Hannibal Pub. Sch. Dist., 647 F.3d 754 \(8th Cir. 2011\)](#)

[Mahanoy Area Sch. Dist. v. B.L., 141 S. Ct. 2038 \(2021\)](#)

Federal References

FEDERAL COURT

Description

[Beussink v. Woodland R-IV Sch. Dist., 30 F. Supp. 2d 1175 \(E.D. Mo 1998\)](#)

MSIP References

I-8

Description

[MSIP STANDARDS](#)

Cross References

AC

ACA

AH

ECD

EGAAA

EGAAA-AP(1)

GBH

IGBD

IKFB

ILA

Description

[PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT AND RETALIATION](#)

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