



Oak Park Elementary School District 97

970 Madison ▪ Oak Park ▪ Illinois ▪ 60302 ▪ ph: 708.524.3000 ▪ fax: 708.524.3019 ▪ www.op97.org

**TO: Members, Board of Education
Dr. Albert Roberts, Superintendent**

FROM: Chris Jasculca

RE: Adoption of Discipline Policy

DATE: June 28, 2011

During its meeting on June 14, 2011, the District 97 Board of Education conducted a first reading of the new discipline policy and administrative guidelines that were drafted through the collective, collaborative efforts of the policy committee, Superintendent Roberts, the district's administrative discipline committee (comprised of central office administrators, principals and assistant principals) and Hodges Loizzi Eisenhammer Rodick & Kohn LLP (HLERK), the district's legal counsel. Several revisions were made to the policy and guidelines based on feedback from the board members and district staff, including:

- On the third page of the policy, item 13 was revised to include the name of the number of the board policy (5510 – Student Use of Cellular Telecommunication Devices) that details authorized use of cellular telephones or other telecommunication devices by students during the school day.
- The disciplinary action information listed on page four of the administrative guidelines was revised so it is consistent with the disciplinary consequences information listed on pages five and six of the policy.
- In the disciplinary action and disciplinary consequences sections mentioned in the previous bullet point, the phrase withholding of privileges will be used in both to ensure consistency. In addition, the phrase in-school reassignment will be changed back to in-school suspension, and will apply to situations that do not rise to the level of suspension or expulsion as defined in both sections.
- Detention/Saturday school was added as a disciplinary consequence on page five of the policy and page four of the administrative guidelines.
- In the Parent-Teacher Advisory Committee section on page six of the policy, the third sentence was changed from:

The advisory committee, in cooperation with school bus personnel shall establish and maintain school bus safety procedures.

to:

The advisory committee, in cooperation with the school administration and school bus personnel, shall establish and maintain school bus safety procedures.

- In the Suspensions section on the first two pages of the administrative guidelines, the first sentence of item three was changed from:

Any suspension shall be reported immediately to the student's parent(s)/guardian(s).

to:

The administration will make every reasonable effort to contact the student's parent(s)/guardian(s) and report the student's suspension.

In the same section, a fifth item regarding the reintegration process following the successful completion of a suspension has been added.

- In the second paragraph under the Expulsions section on page two of the administrative guidelines, the final sentence was changed from:

When a student is culpable of gross disobedience or misconduct, the district shall notify the student's parents/guardian of the misconduct immediately or, when reasonably practicable.

to:

When a student is culpable of gross disobedience or misconduct, the district shall make every reasonable effort to notify the student's parents/guardian of the misconduct immediately or, when reasonably practicable.

- The section titles Students with Disabilities on page six of the policy and Disabled Students on page three of the administrative guidelines were both changed to Students Eligible for Special Education.

The board members also asked three questions during the first reading that the policy committee directed to HLERK. Those questions and HLERK's answers are below.

Q. Can we include a section about reintegrating students back into the school system following a suspension?

A. Yes. However, we recommend including the information about the reintegration process in the administrative guidelines instead of the board policy. We will work with the administrative discipline committee to draft guidelines the district can use to help all parties involved (students, parents/guardians, staff) successfully complete the reintegration process, while also providing the district with flexibility based on factors such as the type of incident, student's previous disciplinary issues, etc. This process may include, but not be limited to, a reintegration meeting with the student and parents/guardians, developing a behavior contract the student must complete, performing community service, etc.

Q. Does the nexus of school language apply to off-campus incidents (e.g., ones that occur during non-school hours and/or off school property)? If so, how does it apply?

A. The nexus language comes directly from relevant case law in both federal and state court. To summarize, there is an outer boundary on the district's legal authority to discipline students. A district may discipline a student for conduct that occurs at school, during school activities or on a school bus. The more nebulous area/aspect is when a student engages in conduct that warrants disciplinary action, but occurs during non-school hours and/or off school property. Both federal and state courts have consistently held that a district may discipline a student for misconduct that occurs during non-school hours and/or off school property so long as a nexus exists between the conduct and the district's mission.

Whether a nexus exists between the misconduct and the district will always vary based on the facts of each situation—thus necessitating administrator judgment. In reviewing a district's decision to impose discipline for off-campus misconduct, the court will examine the nexus between the student's conduct and the school environment, specifically the effect the conduct has (or already had) on the school (impact on staff, students,

school operations, etc.). The district will need to show that the conduct, while during non-school hours and off school property, created, or threatened to create, a substantial disruption to the school environment. Alternatively, the misconduct must have occurred as a direct outgrowth of school (e.g., the misconduct began on school property but culminated off school property). For example, we do not believe that students can agree to fight at school, but only commence the fight after school and off school grounds—and, therefore, avoid school disciplinary consequences. Again, each situation has to be judged on its own unique set of facts/circumstances. In general, though, courts tend to give discretion to district authorities in determining the "reach" of its disciplinary powers.

In addition, we note that the district has much broader disciplinary authority relative to student access to extra-curricular activities. For example, a district may require students to avoid improper behaviors (e.g., alcohol or drug use) at all times and in all situations or face exclusion from extra-curricular activities.

Q. Does the policy language about the parent-teacher advisory committee come directly from state law?

A. Yes. Per Section 10-20.14 of the Illinois School Code, the board must “establish and maintain a parent-teacher advisory committee to develop, with the school board policy, guidelines on student discipline, including student searches, bus safety procedures and a reciprocal reporting system with local law enforcement.” The committee should meet annually to review the student discipline policy and corresponding guidelines. The committee may include parents/guardians, community members, staff, administrators and board members. Please note that this is an "advisory" committee. Only the elected Board of Education may set policy for the district. In addition, the administration maintains its authority/responsibility relative to the district’s administrative guidelines.

The revised final drafts of the discipline policy and administrative guidelines were made available for review by the general public via the policies page (<http://www.op97.k12.il.us/boe/policies.html>) on the district’s Web site.

The policy is being presented to the board tonight for adoption.

Attachments:

- Revised final draft of new discipline policy
- Revised final draft of new administrative guidelines that correspond with the new discipline policy