

# Oak Park Elementary School District #97

## Bylaws & Policies

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### **5600 - STUDENT DISCIPLINE**

The Board of Education acknowledges that conduct is closely related to learning and that an effective instructional program requires an orderly school environment, which is, in part, reflected in the behavior of students.

The Board believes that students should learn to assume responsibility for their own behavior and the consequences of their actions. The Board believes that negative behavior on school grounds and in the classroom has negative impacts for both the student, those around the student, and the classroom. Therefore, action must be taken to help the student change behavior to promote the optimal learning environment of all of the students.

The Board shall require each student of this District to adhere to the Effective Student Behavior Handbook promulgated by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. A parent-teacher advisory committee on student discipline and school bus safety shall be established and maintained under the direction of the Superintendent to review, develop and make recommendations to the Board regarding the provisions of the Effective Student Behavior Handbook including school searches. Such rules shall require that students:

- A. conform to reasonable standards of socially-acceptable behavior;
- B. respect the person and property of others;
- C. preserve the degree of order to optimize to the educational program in which they are engaged;
- D. respect the rights of others;
- E. obey constituted authority and respond to those who hold that authority;
- F. have expectations and receive consequences of behavior that are the same regardless of race, gender, etc.

The Board shall attempt to provide, as resources permit, alternative programs and activities for disruptive students as a means to prevent or reduce discipline problems. In planning such programs, the Superintendent shall include procedures which ensure cooperation with those community agencies and organizations which can provide assistance to such students.

A copy of the Effective Student Behavior shall be provided to the parents or guardian of each student within fifteen (15) days after the start of the school term, or within fifteen (15) days after starting classes for a student who transfers into the District during the school term.

The Superintendent shall publish to all students the rules of this District regarding student conduct, the sanctions which may be imposed for breach of those rules, and the due process procedures that will be followed in administering the Effective Student Behavior Handbook.

The Superintendent, principals, and assistant principals, may suspend students guilty of gross disobedience or misconduct for a period not to exceed ten (10) school days. Suspensions are subject to review by the Board of Education upon parent/guardian request.

The Building Principal shall have the authority to assign discipline to students, subject to District administrative guidelines and the student's due process right to notice, hearing, and appeal. Behavior expectations and discipline assigned should be consistent regardless of race, gender, and economic status.

Teachers and other employees of this Board having authority over students shall have the authority to take such means as may be necessary to control the disorderly conduct of students.

Maintaining order on school buses or contracted vehicles transporting students to and from school shall be the responsibility of the driver. When District vehicles are used for field trips and other District activities, however, the teacher, coach, or advisor shall be responsible for maintaining order. Drivers will report any incidences to the school principal. Discipline will be the responsibility of the school principal. If a student becomes a serious discipline problem on the vehicle, the Superintendent, principals, and assistant principals may suspend the transportation privileges of the student for up to ten (10) school days providing such suspension conforms with due process. The Board may suspend a student in excess of ten (10) days for transportation safety reasons.

105/10-20.14, 105/24-24

Revised 11/29/06

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**5601 - SERIOUS MISCONDUCT**

Certain misbehaviors will always be viewed as serious misconduct. Whenever such misbehavior occurs the teacher will notify the principal. The student's parent or guardian will also be notified. Consequences for such misbehavior could include suspension and/or expulsion

Serious misbehaviors include:

- A. possession of any weapon - any knife, any type of gun (including pellet guns or toy guns that look real), razors, explosives (including firecrackers, cherry bombs, etc.), or other objects designed or intended to be used as weapons (martial arts accessories, for example);
- B. intentionally physically injuring or attempting to injure another student or staff member;
- C. bullying (hurting or frightening someone), threatening, or otherwise intimidating another student or school personnel);
- D. sexual harassment, including inappropriate sexual advances or touching, requests for sexual favors, physical gestures or verbal insults of a sexual nature;
- E. sexual orientation harassment, including unwelcome physical, verbal or nonverbal contact based upon an individual's sexual orientation
- F. directing racial or ethnic slurs at another student or school personnel;
- G. wearing gang clothing, displaying gang insignias or signals, or belonging to a gang;
- H. buying, selling, possessing, or using alcoholic beverages, illegal drugs, or other controlled substances;
- I. buying, selling, possessing, or using any illegal substance, or look alike or substance presented as an illegal drug;
- J. buying, selling, possessing, or using tobacco products or tobacco paraphernalia (lighters, papers, matches);
- K. theft of another's property, including school property or property of school personnel or another student;

- L. damaging school property, another's personal property either intentionally or through negligence, or using computers or other technology to intimidate another student or interfere with another student's schoolwork;
- M. directing profanity at school personnel or at another student;
- N. repeated or willful misbehavior that shows a disregard for school rules and standards, or willful disregard of directions from school personnel;
- O. pulling a false fire alarm;
- P. violating any State or local law.

It should be noted that criminal offenses considered felonies will be referred to the police, including gang activities and false fire alarms. All standards of conduct apply traveling to and from school, on school field trips, and during extra curricular activities.

**ZERO-TOLERANCE FOR WEAPONS** (see Policy [5772](#))

Weapons - or items that may be perceived as weapons, such as toy guns - will not be tolerated. Any student who has such an item in school will be suspended and referred to the Superintendent for a pre-expulsion review. Students who defy this ban on weapons can expect expulsion from school for a period of six (6) weeks to a year.

**SAFE ENVIRONMENT/HUMAN DIGNITY** (see Policy 5113.02)

Each student has the right to a safe learning environment - physically and emotionally.

No student shall physically harm any other student. Fighting is not an acceptable approach to settling differences.

Bullying, sexual harassment, sexual orientation harassment, racial or ethnic slurs, or other behaviors that impugn another student's dignity shall not be tolerated.

Possession of weapons, or engaging in gang activities/wearing gang clothing/displaying gang insignias/representing gang signs shall not be tolerated.

Students who violate this code of behavior shall be subject to corrective disciplinary measures, including suspension and expulsion.

**REMOVAL FROM CLASSROOM** (see Policy [5610](#))

The Board of Education recognizes that teachers have the primary responsibility for the maintenance of discipline in their classes.

- A. A teacher may temporarily exclude a student from a class when, in the opinion of the teacher, the grossness of any offense, the persistence of the behavior (subsequent to warning), or the effects of the student's actions makes the continued presence of the

student in the classroom unacceptable. The teacher shall discuss the matter with the student and make an effort to ensure that the student understands the nature of the problem.

- B. If the issue is not resolved, the student shall be sent to the building principal's office for the resolution of the problem by either the building principal or the principal's designee.

#### **DETENTION** (see Policy 5610.02)

After-school detention may be used with a student as a corrective disciplinary measure, provided that the student's parents/guardian have been notified by the teacher and/or building principal.

Detention shall be served on the day assigned unless other arrangements are made between the school and home.

Students who are detained after school shall be supervised by the teacher who detains them or by the building principal or by the building principal's designee.

#### **CORPORAL PUNISHMENT/STUDENT RESTRAINT** (see Policy [5630](#))

There shall be no corporal punishment of students in the District 97 schools. Corporal punishment is defined as inflicting physical pain or restraints upon a student in order to punish him/her for misconduct.

Classroom teachers and other staff members also shall refrain from using disciplinary methods which may be psychologically damaging to children such as ridicule, excessive display of temper, etc.

Physical restraint may be used when necessary to protect the student or other individuals from physical harm and/or property from damage. Teachers may physically direct a child from one (1) place to another.

#### **SUSPENSION** (see Policy [5610](#))

The building principal is authorized to suspend students guilty of serious misconduct from school (and all school functions) for a period not to exceed ten (10) school days following due process. This suspension may be in the form of in school or out of school suspension.

#### **EXPULSION** (see Policy [5610](#))

The Board of Education is authorized to expel students guilty of serious misconduct for up to one (1) year or for a shorter period as determined by the Board of Education following due process.

#### **DUE PROCESS RIGHTS** (see Policy [5611](#))

- A. Students subject to short-term suspension: A student must be given notice of his/her

suspension and the reasons therefore, and the opportunity to respond to the charges against him/her prior to the suspension. The length of a suspension shall not exceed ten (10) days. A suspension may be appealed to the Board of Education.

- B. Students subject to long-term suspensions and expulsion: A student and his/her parent or guardian must be given written notice via certified or registered mail of the intention to suspend or expel and the reasons therefore, and an opportunity to appear with a representative before the Board or a hearing officer appointed by the Board to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and of the hearing procedure, a list of the witnesses who will provide testimony to the Board, and a summary of the facts to which the witnesses will testify. The hearing may be private, but the Board must act publicly.

**SERIOUS MISCONDUCT OF A DISABLED STUDENT** (see Policy 5610.01)

When any student with disabilities is guilty of serious misconduct, the District shall notify the student's parents/guardian of the serious misconduct within twenty-four (24) hours, the length of time the student will be suspended, and a time and location of a scheduled Individual Educational Plan (IEP) meeting.

If the IEP team determines that the student's serious misconduct is not causally related to the student's disability, the student shall be disciplined under the District's discipline policy for regular students.

Revised 3/9/10

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**5605 - SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES**

In addition to following the requirements and procedures set forth for all students in Policy [5610](#), the Board of Education shall also abide by State and Federal laws and regulations when disciplining students with disabilities through removal by suspension and/or expulsion.

The Superintendent shall establish administrative guidelines that shall be followed when disciplining any student with a disability.

20 U.S.C. Section 1401 et seq.  
Section 504, 1973 Rehab. Act  
29 U.S.C. 701 et seq.  
34 C.F.R. 300.530-537

Cross Reference: 5601 and 5610

Adopted 11/30/10

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#### **5610 - SUSPENSION AND EXPULSION NON-DISABLED STUDENTS**

The Board of Education recognizes that exclusion from the educational programs of the District, whether by suspension or expulsion, is a serious sanction. Prior to any suspension or expulsion, the District will provide appropriate due process as required by State and Federal law.

For purposes of this policy, "suspension" shall be the short-term removal (not more than ten (10) school days) of a student from a regular District program and loss of access to any school activity, whether conducted on or off District property, or to school property during the period of suspension.

"Expulsion" shall be the long-term exclusion or permanent exclusion by the Board of a student from the schools of this District for a period not to exceed two (2) calendar years as determined on a case by case basis. School district administrators may recommend that a student be expelled for serious misconduct but only the Board of Education has the authority to expel students for a determined period of time for such offenses. Such exclusion includes access to any school activity, whether conducted on or off District property, and to any District property. A student may be expelled for serious misconduct or disobedience as defined and described in school disciplinary rules or for misconduct that is serious by any standard. When a student is guilty of serious misconduct the District shall notify the student's parents/guardian of the serious misconduct immediately.

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event which bears a reasonable relationship to school shall be expelled for a period of not less than one (1) year:

- A. A firearm, defined as any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Illinois Criminal Code of 1961.
- B. A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any object that is used or attempted to be used to cause bodily harm, including look-alikes of any of these weapons or the firearms as defined in paragraph (A) above.

The expulsion periods in paragraphs A. and B. above may be modified by the Superintendent or designee, and the Superintendent's or designee's determination may be modified by the Board on a case-by-case basis. Any such modification by the Superintendent or designee or the Board shall be in writing.

The Superintendent or designee shall, as required by the applicable provisions of the School Code and Federal law, report all firearms related incidents occurring in a school or on school grounds to the local law enforcement authorities and to the Department of State Police in a form, manner, and frequency as prescribed by the Department of State Police. The Superintendent or designee shall also refer any student who brings a firearm or weapon (as defined by 18 U.S.C. 921(a)) to school to the criminal justice or juvenile delinquency system.



A student may be given a short-term suspension of up to ten (10) school days by the Superintendent, principal, assistant principal, or dean of students. An appeal of a suspension shall be addressed to the Board.

The Superintendent or designee may recommend and the Board may expel a student from school for gross disobedience or misconduct. In all cases, appropriate due process rights described in Policy [5611](#) will be observed.

In the event that a transfer student was suspended or expelled from any other public or private school, the District may require the student to complete the entire term of the suspension or expulsion prior to being admitted.

As a condition of enrollment, the parents or guardian may be required to sign a release that provides the District with relevant student discipline information from the prior school. Based on this information, the District may require the student to complete the remainder of an existing suspension or expulsion.

Expulsion or suspension shall be construed in a manner consistent with the Federal Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

## **SUSPENSION AND EXPULSION OF DISABLED STUDENTS**

When the disabled student is guilty of serious misconduct the District shall notify the student's parents/guardian of the serious misconduct immediately and whether the student will be suspended and the time and location of a meeting of the student's Individual Educational Placement (IEP) team. This information shall be confirmed in writing and the parents/guardian shall be advised as follows:

- A. that a written report of the student's serious misconduct has been prepared and is attached to the student's records;
- B. that the IEP team shall meet as soon as possible to determine whether a causal relationship exists between the student's handicapping condition and the student's serious misconduct;
- C. that the student's parents/guardian are requested to attend the IEP team meeting and the date, time and location of the meeting;
- D. that no later than ten (10) days after the student's serious misconduct occurred and the review of the student's serious misconduct by the IEP team, a report regarding the student's appropriate placement shall be given to the District Administrator and parents/guardian;
- E. that during the time the IEP team meets and a report is given to the District Administrator, one (1) or a combination of the following disciplinary actions may be taken against the student:
  1. restricted to a study carrel;
  2. restricted to an alternative classroom;
  3. restricted from participation in extracurricular activities;
  4. suspended from attending school for up to ten (10) days.
- F. The IEP team may determine that the student's serious misconduct is not causally related to the student's handicapping condition, therefore, the student shall be disciplined under the District's discipline policy for regular students. Disciplinary action taken against the student may include but not be limited to:
  1. expulsion

2. suspension (in-school and out-of-school)
3. removal from the classroom
4. denial of privileges
5. probation
6. detention

The IEP team may determine that the student's serious misconduct is causally related to the student's handicapping condition and ask that the parents/guardian accept a change in the educational placement of their child. At the same time the parents/guardian shall be informed of their right to object and of the procedures to be followed to make such an objection.

Should the parents/guardian object to the proposed change in the educational placement of their child, and should the District contend that the student's behavior poses a continuing physical danger to himself/herself or to others in the school, the District shall seek a court order for the purpose of either changing the student's placement or suspending the student for more than ten (10) days.

105 ILCS 5/10.14, 5/10-22.6, 5/2-3.13a  
18 U.S.C. 921(a)  
20 U.S.C. 7151

Revised 4/25/07  
Revised 7/13/10

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**5610.02 - IN-SCHOOL SUSPENSION**

It is the goal of the Board of Education to provide an alternative to out-of-school suspensions whenever possible.

The Superintendent is to establish administrative guidelines for the proper operation of such programs and to ensure that appropriate due-process procedures are followed as applicable.

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**5610.03 - SUSPENSION – ATHLETICS/EXTRA CURRICULAR ACTIVITIES**

A student may be suspended or dropped from an athletic team or extra curricular activity for:

- A. failure to maintain the prescribed academic standards;
- B. displays of inappropriate or unsportsman like behavior;
- C. after injury, failure to receive a medical release statement from a physician.

The Superintendent or designee shall establish the rules and regulations for meeting the academic standards, and delineate an appropriate code of conduct.

Revised 4/25/07

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### **5611 - DUE PROCESS RIGHTS**

The Board of Education recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following guidelines:

**A. Students subject to short-term suspension:**

A student must be given notice of his/her suspension and the reasons therefore, and the opportunity to respond to the charges against him/her prior to the suspension. The length of a suspension shall not exceed ten (10) days. A suspension may be appealed to the Board of Education.

**B. Students subject to long-term suspension and expulsion:**

A student and his/her parent or guardian must be given written notice via certified or registered mail of the intention to suspend or expel and the reasons therefore, and an opportunity to appear with a representative before the Board or a hearing officer appointed by the Board to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and of the hearing procedure, a list of the witnesses who will provide testimony to the Board, and a summary of the facts to which the witnesses will testify. The hearing may be private, but the Board must act publicly.

The Superintendent shall establish procedures to ensure that all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

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**5630 - CORPORAL PUNISHMENT/STUDENT RESTRAINT**

**CORPORAL PUNISHMENT**

While recognizing that students may require disciplinary action in various forms, the Board of Education cannot condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to the removal of the student from the classroom or school through suspension or expulsion procedures.

In accordance with State law, corporal punishment shall not be permitted. If any staff member, full-time, part-time, or substitute deliberately inflicts, or causes to be inflicted, physical pain by hitting, paddling, spanking, slapping, or makes use of any other kind of physical force as a means of disciplining a student, s/he may be subject to discipline by this Board and possibly criminal assault charges as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

**STUDENT RESTRAINT**

Professional staff as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to:

- A. remove a student who refuses to comply with a request to behave or report to the office;
- B. quell a disturbance threatening physical injury to self or others;
- C. obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

105/24-24

Revised 4/25/07

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### **5771 - SEARCH AND SEIZURE**

The Board of Education has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers, closets and desks, used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

#### **School Property**

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy as to prevent examination by a school official. All storage places remain District property that is subject to search at any time, with or without notice. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places.

#### **Student Person and Possessions**

The Board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, the circumstances of the case, and the student's disciplinary history.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Administrators are authorized to arrange for the use of breath-test instruments with appropriate, trained law enforcement authorities for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal. S/He shall attempt to obtain the freely-offered consent of the student to the inspection; however, provided there is reasonable suspicion, s/he may conduct the search without such consent. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

#### **Use of Dogs**

The Board authorizes the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

- A. The presence of the dogs on school property is authorized in advance by the Superintendent or is pursuant to a court order or warrant.
- B. The dog must be handled by a law enforcement officer or certified organization specially trained to safely and competently work with the dog.
- C. The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.
- D. The dog may be allowed to examine school property such as lockers as permitted by the building principal. Any limitation as to areas of school property to be examined by the dog shall be established by the Superintendent at the time the use of dogs is authorized.

The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student. The Board authorizes the superintendent to compile records and report to the Board on an annual basis.

The Superintendent may request the assistance of a law enforcement agency in implementing any aspect of this policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the Superintendent, the search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to law enforcement officers.

Anything found in the course of a search pursuant to this policy which constitutes evidence of a violation of a law or a school rule or which endangers the safety or health of any person shall be seized and utilized as evidence if appropriate. Seized items of value shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items of no value and seized items that may not lawfully be possessed by the owner shall be destroyed. If outside authorities are called the Superintendent will notify the Board in a regular weekly update.

105 ILCS 5/10-22.10a  
U.S. Constitution, 4th Amendment

Revised 4/25/07



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### **5772 - WEAPONS**

The Board of Education has a zero-tolerance for weapons, and prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle.

The term "weapon" means (1) possession, use, control, or transfer of any gun, rifle, shotgun, weapon as defined in USC 921, firearm as described in Section 1.1 of the Firearm Owners Identification Act [430 ILCS 65/1.1], or use of a weapon as defined in Section 24-1 of the Criminal Code [720 ILCS 5/24-1], (2) and other object if used or attempted to be used to cause bodily harm, including but not limited to, knives, brass knuckles, or billy clubs, or (3) "look alike" of any weapon as defined in this section.

This definition shall also encompass bomb threats, false fire alarms, or intentional calls to falsely report a dangerous condition.

The Superintendent will develop procedures which require students to immediately report knowledge of weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject the student to discipline up to and including suspension and expulsion from school.

Any student who violates this policy will be suspended and referred to the Superintendent for a pre-expulsion hearing. Students who defy this ban on weapons can expect expulsion from school for a period of six (6) weeks to two (2) years.

Policy exceptions include:

- A. weapons under the control of law enforcement personnel;
- B. items pre-approved by the building principal as part of a class or individual presentation under adult supervision, if used for the purpose and in the manner approved;
- C. theatrical props used in appropriate settings.

20 U.S.C. 7151  
18 U.S.C. 921

Adopted 11/9/05  
Revised 10/4/06