

## **DRAFT STUDENT DISCIPLINE POLICY/PROCEDURES – 6.14.11**

### **STUDENT DISCIPLINE POLICY**

#### General Disciplinary Authority

Because the Board of Education is entrusted with protecting the safety, health, and welfare of the students, staff and property of the School District, it may be necessary at times to discipline students whose conduct affects the well-being of the schools. The Board of Education hereby authorizes the use of discipline in accordance with this Policy. In accordance with constitutional due process and statutory requirements, the Board of Education may suspend or expel students from school and from the school bus for acts of gross disobedience or misconduct and otherwise maintain discipline in the schools. Only the Board of Education may determine to expel a student from school or from the school bus.

The Superintendent, Building Principal, and Assistant Building Principal or designee is authorized to impose disciplinary measures and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to 10 consecutive school days per incident, provided the appropriate procedures are followed. The Board of Education may suspend a student from riding the bus in excess of 10 days for safety reasons.

#### Prohibited Student Conduct

District administration is authorized to discipline students for gross disobedience or misconduct. Gross disobedience or misconduct is defined to include any behavior, conduct, or activity, as defined by the Board of Education in its policies, that is egregious in nature and/or causes, or may reasonably cause, school authorities to forecast substantial injury or disruption or material interference with school-related activities or the rights of other students or school personnel or the risk of same.

Gross disobedience or misconduct may occur on school grounds, on a school bus or at a school activity or activity reasonably related to school. It also may occur in a situation other than on school grounds or at a school-related activity, provided, however, that a reasonable relationship exists between the conduct of the student and a potential impact on the school, its processes or student environment.

Gross disobedience and misconduct also shall include, but is not limited to, the following types of conduct and such other conduct as may be designated from time to time by policy of the Board of Education or the administration:

1. Insubordination to school personnel, including failure to follow directions or to produce student identification passes.

2. Possession, use, purchase, sale, or distribution of, or any attempt to use or distribute,
  - 1) any illegal or controlled substance, including alcohol, drugs or any look-alike drug or tobacco product, or 2) drug paraphernalia.
    - a. “Controlled substance” means a drug or other substance identified under Sections I, II, III, IV or V in Section 202(c) of the *Controlled Substances Act*, 21 U.S.C. 812(c).
    - b. “Look-a-likes” means a substance not containing an illegal drug or controlled substance that the student believes or represents to be an illegal drug or controlled substance.
    - c. “Drug paraphernalia” means devices that are or can be used to: (a) consume, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances.
3. Possession, use, purchase, sale, or distribution of, or any attempt to use or distribute any performance-enhancing substance or anabolic steroid unless administered in accordance with a physician’s or licensed practitioner’s orders.
4. Possession, use, purchase sale, or distribution of, or any attempt to use or distribute any prescription drug or inhalant when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or physician’s orders.
5. Participation in gang, gang-like or gang-related activities.
6. Exhibition of aggressive behavior, hazing or any kind of bullying or aggressive behavior, including cyber-bullying, that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct as further defined in Board of Education Policy No. \_\_\_\_\_, *Bullying and Harassment of Students Prohibited*.
7. Intimidation of, or any attempt to intimidate, school personnel or other students.
8. Fighting with, or any assault of, school personnel or other students, or any use of violence, force, coercion, threats, intimidation, fear or other such conduct, or urging other students to engage in such conduct.
9. Theft of or intentional damage to, destruction of, or any attempt to damage or destroy, school property or property of school personnel or other students, including the sale or distribution of stolen property.
10. Verbal abuse of school personnel or other students, or use of profane or obscene words or gestures.

11. Endangering of the physical or psychological well-being of school personnel or other students by conduct or actions, including, but not limited to:
  - a. Improper release of a school fire alarm or tampering with fire extinguishers;
  - b. Starting, or any attempt to start, a fire on school property; or
  - c. Setting off, or any attempt to set off, explosive devices on school property.
12. Possession, use or display, control or transfer of a firearm, weapon as defined in the Administrative Procedures implementing this Policy.
13. Possession or use of a pager or other electronic signaling device, cellular phone or cellular radio telecommunication device while in any school building or on any school property, during regular school hours or at any other time except as authorized by Board Policy.
14. "Sexting"; defined as sending, forwarding, displaying, possessing, sharing, retaining, storing or posting sexually explicit, lewd, indecent, or pornographic photographs or messages, including text, audio, video and image media, by or on a cell phone, computer, or other electronic means including an electronic storage site on the internet, including but not limited to social networking sites.
15. Disruptive behavior or conduct.
16. Repeated incidents of misbehavior, including repeated refusal to comply with school rules.
17. Truancy, *i.e.*, absence from school or classes without valid cause during a school day or portion thereof, provided, however, that no student shall be subject to punitive action for chronic and habitual truancy, as that term is defined in the *School Code*, unless available supportive services have been provided to the student.
18. Any activity, on or off campus, that interferes with, may reasonably be forecast to disrupt, actually `disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a student or staff member; or (b) endanger the health or safety of students, staff, or school property; or (c) cause, or may reasonably cause substantial injury or disruption or material interference with school-related activities or the rights of other students or school personnel.
19. Academic dishonesty, including cheating and plagiarizing.

20. Any other acts which violate the law, other Board Policy or Administrative Procedures.

For purposes of this policy, the term "possession" includes having control, custody, or care, currently or in the past, of an object or substance, including situations where the item is: (a) on the student's person; (b) contained in another item belonging to, or under the control of, the student, such as in the student's clothing, backpack, or automobile; (c) in a school's student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event, including the bus or other District-sponsored transportation.

#### Progressive Discipline

Efforts, including the use of early intervention and progressive discipline, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical, emotional or physiological harm to someone else. Board Policy x:xxx, *Bullying and Harassment of Students*, will be used to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation bullying. The Superintendent or designee shall make every reasonable effort to notify the parent/guardian of a student who engages in aggressive behavior of the incident. The failure to provide such notification does not limit the Board's authority to impose discipline, including suspension or expulsion, for such behavior.

#### Mandatory Expulsion for Bringing Weapons to School

It is the policy of this Board of Education to expel from school for at least one calendar year (but no longer than two calendar years) any student who has possession or control of or uses or transfers a "weapon" at school, any school sponsored activity or event, or any activity or event which bears a reasonable relationship to school. The term "weapon" in this context is defined in the Administrative Procedures implementing this Policy. The Superintendent may modify this mandatory expulsion period, and the Superintendent's recommendation may be modified by the Board on a case by case basis. Students eligible for special education and related services shall be considered for expulsion or other discipline for bringing weapons to school pursuant to the *Individuals With Disabilities Education Act* and as set out in the procedures set forth in the Administrative Procedures accompanying this Policy.

#### Discipline Based on Parent Refusal to Administer or Consent to Administration of Certain Medications

No student shall be subject to any disciplinary action that is based either totally or in part on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. Nothing in this section, however, prohibits discipline of a student for violation of school behavior guidelines or engaging in gross disobedience or misconduct as defined in this Policy and its accompanying Administrative Procedures.

#### Maintenance of Discipline by Teachers and Other Employees

Teachers, other certificated employees, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student may use reasonable force as needed to maintain safety for other students, school personnel or persons, or for the purpose of self-defense or the defense of property. Teachers may remove students from the classroom for disruptive behavior.

Corporal punishment is prohibited. Corporal punishment is defined as slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property.

### Disciplinary Consequences

Disciplinary consequences may include, but are not limited to:

1. Notifying parents/guardians.
2. Disciplinary conference.
3. Withholding of privileges.
4. Seizure of contraband.
5. Temporary removal from the classroom.
6. Suspension of bus riding privileges.
7. In-school reassignment. Student is removed from his/her classroom to another room in the school. The Building Principal or designee shall ensure that the student is properly supervised.
8. Suspension from school and all school activities for up to 10 days, provided that appropriate procedures are followed. A suspended student is prohibited from being on school grounds and school related and/or sponsored events.
9. Expulsion from school and all school-sponsored activities and events for a definite time period not to exceed 2 calendar. An expelled student is prohibited from being on school grounds and school related and/or sponsored events.
10. Notifying juvenile authorities or other law enforcement whenever the conduct involves potential criminal offenses.

11. Community service with local public and nonprofit agencies that enhance community efforts to meet human, educational, environmental, or public safety needs. The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure giving the student and/or parent(s)/guardian(s) the choice.

### Students with Disabilities

The Board of Education shall abide by State and Federal laws and regulations when disciplining students with disabilities. The Superintendent shall establish administrative procedures that shall be followed when disciplining any student with a disability.

### Enrollment

The District shall not enroll a student who is under suspension or expulsion in the school district in which he/she was previously enrolled until such time as the duration of the suspension or expulsion imposed by the school district of prior enrollment is completed. The District is within their authority to require any incoming student to provide a Letter of Good Standing from an administrator from their previous public school district in which he/she was enrolled or a similar attestation from any private or out-of-state school. A student who is subject to suspension or expulsion may be eligible for a transfer to an alternative school program.

### Parent-Teacher Advisory Committee

The District shall maintain a parent-teacher advisory committee to develop with the Board policy guidelines on student discipline, including school searches, and such committee may review these guidelines on an annual basis. In addition, the advisory committee, in cooperation with local law enforcement agencies, shall establish and maintain a reciprocal reporting system between the District and the local law enforcement agencies regarding criminal offenses committed by students. The advisory committee, in cooperation with school bus personnel, shall establish and maintain school bus safety procedures. The Board, in consultation with the advisory committee and other community-based organizations, also shall develop Rules and Regulations containing parent notification and early intervention procedures aimed at students who have demonstrated behaviors that put them at risk for aggressive behavior, including but not limited to, bullying.

### Distribution of this Policy

Students shall be informed annually of the Board's discipline policy. Additionally, this policy shall be distributed to the parents or guardian of each student within fifteen days of the beginning of the school year, or within fifteen days after a transfer student begins classes in the School District.

### Administrative Procedures

The Superintendent is authorized to adopt administrative procedures to implement this Policy.

LEGAL REF.:Gun-Free Schools Act, 20 U.S.C. §7151 et seq.

Pro-Children Act of 1994, 20 U.S.C. §6081.

105 ILCS 5/10-20.5b, 5/10-20.14, 5/10-20.28, 5/10-20.36, 5/10-21.7, 5/10-21.10, 5/10-22.6, 5/10-27.1A, 5/10-27.1B, 5/24-24, 5/26-12, 5/27-23.7, and 5/31-3.

23 Ill.Admin.Code §1.280.

CROSS REF.:

Revised 4/25/07

Revised 7/13/10

Revised \_\_\_\_\_

## **STUDENT DISCIPLINE – ADMINISTRATIVE PROCEDURES**

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.

### **Suspensions**

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.

A student may be given a short-term suspension of up to ten (10) consecutive school days by the Superintendent, principal, assistant principal, or dean of students for each act of misconduct in violation of the disciplinary code of conduct, if so warranted.

The Superintendent, or designee, shall implement suspension procedures that provide, at a minimum, for the following:

1. When reasonable, before a student may be suspended, the student shall be provided a conference during which the charges will be explained and the student will be given an opportunity to respond to the charges.
2. However, a pre-suspension conference is not required and the student can be immediately suspended when, in the judgment of the responsible administrator, the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. Any suspension shall be reported immediately to the student's parent(s)/guardian(s). A written notice of the suspension shall state the behavior that resulted in the suspension, including any school rule that was violated, and a notice to the parent(s)/guardian(s) of their right to a review of the suspension.
4. Upon written request of the parent(s)/guardian(s), a review of the suspension shall be conducted by a hearing officer appointed by the Board. The student will serve the suspension as prescribed during the suspension review process. At the review, the student's parent(s)/guardian(s) may appear and discuss the suspension with the hearing officer, may be represented by counsel, and may present any evidence on their behalf or question the administration regarding any of their evidence. After receipt of the hearing officer's report, the Board shall take such action as it finds appropriate.



## Expulsions

"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 by the Board on a case by case basis. 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 will be observed.

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 gross disobedience or misconduct as defined and described in Board Policy [**insert number for discipline policy**]. 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.

Parents/guardians will receive written notice by registered or certified mail of the date, time and place of the expulsion hearing, the reasons for the expulsion referral and the date any subsequent expulsion would take effect.

## Weapons

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 at least one calendar year but not more than 2 calendar years:

- 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 1991.
- 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 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.

## Disabled Students

When a disabled student has committed an act of gross disobedience or misconduct which could result in an out-of-school suspension or referral for expulsion, the District shall notify the student's parents/guardian of the misconduct immediately or when reasonably practicable.

## Suspensions

As a result of gross disobedience or misconduct, a special education student ordinarily may be suspended for up to ten (10) *consecutive* school days without constituting a change in placement regardless of whether or not the misconduct is related to their disability. However, any suspension beyond ten (10) *cumulative* school days will require additional procedural safeguards.

After a special education student is removed from his or her placement for 10 cumulative school days in a year, for any subsequent removal, the District shall provide services to the extent necessary to enable the child the opportunity to participate appropriately in the general curriculum and advance appropriately toward achieving IEP goals as determined by the student's teacher and authorized administrator. In addition the District will comply with federal and state legal requirements regarding manifestation determination reviews and review, revision or development of a behavior intervention plan. .

## Interim Alternative Educational Setting

If a student carries or possesses a weapon to/at school or school premises or at a school function, knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function, or inflicts serious bodily injury upon another person while at school, on school premises or at a school function, school personnel are specifically authorized to place the student in an appropriate interim alternative educational setting or another setting for up to forty-five (45) school days without regard to whether the conduct was a manifestation of the student's disability.

## Manifestation Determination Review

If a student with disabilities reaches ten (10) school days of suspension, the IEP team or Section 504 team must convene, within ten (10) days an IEP or Section 504 meeting and conduct a review to determine the relationship, if any, between the student's disability and the conduct subject to the disciplinary action. The student's conduct will be considered a manifestation of the student's disability if the team determines that:

1. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; **OR**
2. The conduct in question was the direct result of the school district's failure to implement the IEP/504 Plan.

If the student's conduct is a manifestation of the student's disability, the IEP/Section 504 team must consider the appropriateness of the student's current educational placement. The student may be returned to his/her current placement with modifications to the IEP/Section 504 document or behavior intervention plan or the team may consider alternative placements. If the student does not have a behavior intervention plan in place, a functional behavioral analysis of the student will be conducted and a behavior intervention plan developed.

If the student's conduct is not a manifestation of the student's disability, the student may be disciplined under the District's discipline policy for regular education 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. behavior contract
6. detention

### Expulsions

If the IEP/Section 504 team determines that the student's misconduct was a manifestation of the student's disability, the student cannot be expelled. If the IEP/Section 504 team determines that the misconduct was *not* a manifestation of the student's disability, the student may be referred to the Board of Education for an expulsion hearing, but must be provided a free and appropriate public education during any subsequent period of expulsion. The extent of those services will be determined by that student's IEP/Section 504 team.

If a special education student is referred to the Board of Education for expulsion proceedings, the procedures outlined in Board Policy 5611 shall be followed.

### Reporting Firearm, Drug and Other Criminal Incidents

If a school official observes any person to be in possession of a firearm on the property comprising the school, on any conveyance used by the school to transport students to or from school-related activities, or on any public way within 1000 feet of the property comprising the school, the school official will immediately notify the office of the principal. Such notification may be delayed if necessary to avoid endangering students or the school official, but must be completed as soon as there is no longer immediate danger. (This provision does not apply when the school official knows the person to be a law enforcement official conducting official duties.)

Once the principal receives such a report from a school official or from any other person, the principal or his or her designee will immediately notify a local law enforcement agency. If the person found to be in possession of a firearm is a student, the principal or his or her designee also will immediately notify the student's parent or guardian. If the person found to be in possession of a firearm is a minor, the law enforcement agency will detain the person as required by law.

In addition, upon receipt of a report from any school personnel regarding a verified incident involving a firearm in a school, on school grounds, or on conveyance used to transport students, the Superintendent or his or her designee will report the incident immediately to local law

enforcement authorities and to the Department of State Police in a form, manner and frequency as prescribed by the State Police. For purposes of these reporting requirements, a “firearm” shall be as defined in the Administrative Procedures accompanying this Policy.

Upon receipt of a written complaint from any school personnel, the superintendent must report all incidents of battery committed against teachers, teacher personnel, administrative personnel or educational support personnel to the local law enforcement authorities immediately after the occurrence of the attack and to the Department of State Police’s Illinois Uniform Crime Reporting Program no later than 3 days after the occurrence of the attack.

Further, any incident of manufacture, delivery sale or possession with intent to deliver cannabis, a controlled substance or a look-alike occurring in a school, on school property, on a public way within 1000 feet of a school, or in a vehicle used to transport students must be reported to the police or the county sheriff by the Principal or designee within 48 hours of its occurrence.

If the District reports to a law enforcement agency any crime committed by a special education student, the District shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate agency authorities, to the extent permitted by the Family Educational Rights and Privacy Act, with prior written notice to the parents and in accordance with the Board of Education’s Policy on Student Records.

193494\_1.DOC