



Madison Metropolitan School District
Behavior Education Plan
for
Elementary School Students



Behavior Education Plan

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Message from the Board of Education

The MMSD Behavior Education Plan is a shift in philosophy and practice. School Districts all around the country are finally realizing that behavior systems based on punishment that takes children out of school and away from educational opportunities was not the way to solve problems or help students. Changing the focus from discipline and punishment to support and education begins to close opportunity gaps that have existed in our schools.

With better practices designed to teach our students how to correct bad behavior safely, learning will be enhanced, and all students will benefit. We believe we have the plan and resources to begin this work, and to truly make our schools places where no student will be deprived of their right to become ready for college, career and community.

Arlene Silveira, President

James Howard, Vice President

T.J. Mertz, Treasurer

Dean Loumos, Clerk

Mary Burke

Michael Flores

Ed Hughes



Message from the Superintendent

Dear MMSD Families and Community,

In MMSD, our vision is that every school will be a thriving school that prepares every student to graduate ready for college, career and community. In order to accomplish this vision and get the best results for all students, we need to ensure that each of our schools and classrooms is a place where all students are able and expected to learn.

We know, from national research and our own experience, that zero-tolerance policies that result in frequent removal from school are ineffective in changing student behavior and in fact have a negative impact on student outcomes – lower academic achievement, dropout rates and increased likelihood that a student will enter the criminal justice system. And, these policies disproportionately affect certain groups of students, especially our African American students and students with disabilities.

This reality signals a need for a shift in our system and our day-to-day practices. The good news is that this is a shift that many of our individual schools have been making through the establishment of consistent behavioral expectations and reinforcement of positive behavior, a focus on social emotional learning to explicitly teach students how to interact with one another in a caring way, and the introduction of more restorative practices so that when we respond to misbehavior we do so in a way that encourages students to learn from their mistakes. Developed with the input of community members, teachers, principals and students, the Behavior Education Plan marks the start of making that shift as an entire district.

If we are going to close opportunity gaps and make our vision as a district a reality, we need to ensure that all students are in school learning and all schools are provided the systems and supports to serve students better than ever before. We believe the Behavior Education Plan provides a powerful opportunity to do that.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Cheatham".

Jennifer Cheatham
Superintendent



Safe, Supportive and Thriving Learning Environments

In MMSD, our vision is that every school will be a thriving school that prepares every student to graduate ready for college, career and community. In order to accomplish this vision and get the best results for all students, we need to ensure that each of our schools is a place where all students are able and expected to learn. That means putting the right systems in place to support positive behavior in every student.

A Shift in Practice

This Behavior Education Plan (BEP) represents a shift in district philosophy and practice with respect to behavior and discipline. It moves us away from zero-tolerance policies and exclusionary practices toward proactive approaches that focus on building student and staff skills and competencies, which, in turn, lead to greater productivity and success. The BEP moves us from a singular focus on safety to a comprehensive focus on creating the conditions that make every classroom and every school a great place to learn and grow. It embodies our belief as a school district that children learn by pushing and testing limits, getting feedback about their behavioral choices and making the changes needed to become contributing members of a community of learners.

*"If a child doesn't know how to read, we teach.
If a child doesn't know how to swim, we teach.
If a child doesn't know how to multiply, we teach.
If a child doesn't know how to drive, we teach.
If a child doesn't know how to behave, we... teach?...
punish?
Why can't we finish the last sentence as automatically
as we do the others?"*

Tom Herner, President of the National Association of State Directors of Special Education, 1998

The BEP is also designed to reflect a commitment to student equity. This means that we hold all students to the same high expectations, but provide different kinds of support to reach those expectations. National research on school discipline reveals disturbing findings for several groups of students:

- African-American students and those with particular educational disabilities were disproportionately likely to be removed from the classroom for disciplinary reasons.
- Students who were suspended and/or expelled, particularly those who were repeatedly disciplined, were more likely to be held back a grade or to drop out than were students not involved in the disciplinary system.¹
- Nearly one-third of lesbian, gay, bisexual or transgender students drop out of high school to escape the violence and harassment they face there.²

¹ Fabelo, T., Thompson, M.D., Plotkin, M., Carmichael, D., Marchbanks, M.P., & Booth, E.A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York: Council of State Governments Justice Center.



MMSD behavior data reflects similar disparities. The BEP outlines a comprehensive approach to support student behavior that is focused first on keeping all students engaged in learning and reducing these disparities.

Purpose of the Behavior Education Plan

The Behavior Education Plan includes both proactive and responsive strategies and provides a continuum of interventions and consequences to address a range of student behaviors. The Behavior Education Plan is designed to accomplish the following purposes:

“Children and youth have a fundamental right to a public education that develops each individual’s full potential and guarantees equal educational opportunities for all.”
-Dignity in Schools Campaign

- To outline the rights and responsibilities as related to student behavior for students, parents/guardians, teachers/staff, school administrators, central office staff and Board of Education members, recognizing that all groups have a collective responsibility to support positive student behavior;
- To establish an expectation for adults to teach, model and reinforce the skills necessary for students to meet MMSD behavior expectations at all levels;
- To provide clear and explicit universal expectations for student behavior and to identify those behaviors which are inappropriate at school and school-sponsored events;
- To identify a range of reasonable, proportional and consistently applied interventions and consequences to respond to behavior and to support positive behavior change in students;
- To ensure students are treated fairly and without discrimination based on race, ethnicity, socioeconomic status, disability status, gender, sexual orientation, gender identity or religion;
- To set an expectation that schools work in partnership with parents/guardians with the belief that they play an essential role in the behavioral and academic success of students.

Because the district places such a strong emphasis on the safety of our students, it is critical that students understand that there are certain behaviors that are never acceptable in our schools. Examples of these behaviors include, but are not limited to, bullying, harassment and engaging in gang activity.

Prohibition of Bullying and Harassment

Bullying and harassment are prohibited on all school and district grounds and in all school and district buildings, as well as at school-sponsored events and on transportation used for school and school-sponsored activities. These behaviors can have a harmful social, physical, psychological and/or academic impact on students who are the victims of bullying and

² Office of Public Policy of the Gay, Lesbian and Straight Education Network (GLSEN), National School Climate Survey (2003).



harassment, students who engage in these behaviors and bystanders that observe bullying and harassing behaviors.

Prohibition of Gang Activity

Gangs or gang activity will not be tolerated in the Madison Metropolitan School District. Students are prohibited from engaging in any behaviors which are associated with gang-related affiliation including, but not limited to, violation of district dress code, use of gang symbols, use of graffiti, and intimidation of students or staff. Campus administrators may ban such dress or behaviors from school that are gang-related.

Scope of the Plan

The Behavior Education Plan applies to all schools and educational programs and placements within MMSD and will be published and made available to parents and students.

Interventions may be used in response to behaviors that occur outside of the district's disciplinary authority in order to avoid an escalation of the behavior at school and provide a safe, nurturing learning environment for all students.

Disciplinary consequences, however, may only be imposed for behaviors that occur within the reach of the district's disciplinary authority including behavior that occurs while the student is at school during school hours and immediately before and after school, participating in any school-sponsored and supervised activity, including athletic events and field trips, or under the direct supervision of a district employee or volunteer. Students may also be disciplined for behavior that occurs while using district-provided transportation (i.e. yellow buses).

Behavior that occurs outside the school day and off of school property generally will not fall under the BEP. Disciplinary consequences may be applied to a student's conduct when not at school or under the supervision of a school authority if that behavior endangers the property, health or safety of others while at school or under school supervision.

Consequences for a student's behavior while not at school or under school supervision may be applied if that conduct endangers the property, health or safety of any staff or school board member.

The BEP does not apply to behavior that occurs during activities and programs offered by Madison School & Community Recreation (MSCR).



Rights & Responsibilities

Supporting positive student behavior requires a high level of commitment from students, parents/guardians, staff, administrators and members of the Board of Education. These stakeholder groups have rights and responsibilities that are designed to reflect both the mutual respect and accountability required of all people involved in supporting student behavior. The rights and responsibilities for each group are outlined in this section.





Student Rights & Responsibilities

ALL STUDENTS HAVE THE RIGHT TO:

- Be treated with courtesy, respect and dignity.
- Attend school and be valued members of the school community.
- Learn in a safe environment that is free of bullying, harassment and discrimination.
- Receive instruction to learn school behavior expectations and social and emotional skills.
- Access appropriate supports and services to succeed in school.
- Receive a written copy and clear explanation of the Behavior Education Plan including the process to appeal disciplinary decisions.
- Tell their side of the story and/or report unfair treatment to a person in authority.
- Participate in decision-making to determine which interventions and consequences will be used in response to disciplinary issues.
- Maintain personal privacy. Personal belongings can be searched only if the principal has a reasonable suspicion that the student possesses evidence of a crime, stolen goods, drugs, weapons or other illegal or prohibited items (Board Policy 4132, Board Policy 4400).
- Have a parent/guardian or advocate present at readmission from out-of-school suspension conferences, conferences with the Assistant Superintendent and throughout the expulsion process.

ALL STUDENTS HAVE THE RESPONSIBILITY TO:

- Show respect and courtesy to all students, staff and school visitors. This includes respecting individual differences, cultural diversity, and the property of others.
- Attend school daily, be prepared for class, engage in classroom activities and complete all assignments.
- Contribute to a safe learning environment by managing their own behavior and reporting harmful or dangerous situations to an adult.
- Understand and follow all school rules and instructions given by school staff.
- Bring only those materials to school that are allowed.
- Inform parents/guardians of school-related issues and give them any materials sent home by the school or district.



Parent/Guardian Rights & Responsibilities

ALL PARENTS AND GUARDIANS HAVE THE RIGHT TO:

- Be treated with courtesy, respect and dignity.
- Feel welcomed, valued, and connected to school staff and the school community.
- Access opportunities to learn school behavior expectations.
- Receive a written copy and clear explanation of the Behavior Education Plan including the process to appeal disciplinary decisions in a language they understand.
- Work in partnership with school staff to support their child's learning and healthy development at home and at school.
- Engage in regular, two-way, meaningful communication with school staff regarding their child's academic and behavioral progress. This includes the right to be promptly notified when their child is removed from the instructional environment due to their behavior.
- Actively participate in problem solving with school staff related to their child's behavior.
- Advocate for their child and report any unfair treatment to a person in authority.

ALL PARENTS AND GUARDIANS HAVE THE RESPONSIBILITY TO:

- Show respect and courtesy to all students, staff and school visitors.
- Review the content of the Behavior Education Plan with their child.
- Understand the school's behavior expectations.
- Work with the school as a collaborative partner. This includes working with staff to maximize their child's strengths and support the child to make changes in his/her behavior as needed.
- Inform school officials about concerns in a timely and respectful manner.
- Support their child to resolve problems peacefully while at school in order to contribute to a safe and positive school climate. This includes helping the child express anger without verbal attacks or physical violence.



Teacher/Staff Rights and Responsibilities

ALL TEACHERS/STAFF HAVE THE RIGHT TO:

- Be treated with courtesy, respect and dignity.
- Work in a safe environment that maximizes staff performance and student learning.
- Access opportunities for professional development and training to assist in creating and maintaining a thriving classroom environment that is respectful, engaging, vibrant and culturally relevant.
- Access support for addressing student behavior when such conduct cannot be handled within the classroom environment (Response Level 2 and above).

ALL TEACHERS/STAFF HAVE THE RESPONSIBILITY TO:

- Show respect and courtesy to all students, staff and school visitors.
- Foster on-going, positive relationships with all students and families.
- Create a positive classroom and school climate for all students, using effective classroom management strategies that extend to all school environments.
- Explicitly teach, acknowledge and reinforce behavior expectations.
- Provide social and emotional skill instruction that meets the district Social Emotional Learning (SEL) standards using MMSD-approved curriculum and materials.
- Intervene promptly when inappropriate behavior occurs. This includes providing corrective feedback, re-teaching behavioral expectations, following Individual Education Plans and Behavior Support Plans of students, and adhering to procedures for student removals from the learning environment when needed.
- Work with students and their parents/guardians to develop, implement, and monitor behavior interventions that support students in changing their behavior, using a progressive system of support.
- Apply the Behavior Education Plan in a fair, equitable and consistent manner and accurately record inappropriate student behavior following the established protocol.
- Respect students' right to maintain personal privacy. Personal belongings can be searched only if the principal has a reasonable suspicion that the student possesses evidence of a crime, stolen goods, drugs, weapons or other illegal or prohibited items (Board Policy 4132, Board Policy 4400).
- Follow up promptly on reports of bullying as required by Board of Education Policy 4510.



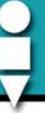
School Administrator Rights & Responsibilities

ALL SCHOOL ADMINISTRATORS HAVE THE RIGHT TO:

- Be treated with courtesy, respect and dignity.
- Work in a safe environment that maximizes staff performance and student learning.
- Access support from district central office to create and maintain a thriving school environment that is respectful, engaging, vibrant and culturally relevant.

ALL SCHOOL ADMINISTRATORS HAVE THE RESPONSIBILITY TO:

- Show respect and courtesy to all students, staff and school visitors.
- Foster on-going, positive relationships with all students and families.
- Create, monitor and assess a school-wide behavior management system.
- Create a safe and caring school climate that maximizes learning.
- Welcome parents/guardians as valued partners in their child's learning. This includes creating opportunities for regular, two-way communication and active participation at problem solving meetings by accommodating schedules and meeting language needs.
- Review the Behavior Education Plan with students, staff and parents at the beginning of each school year and revisit it as necessary throughout the year.
- Guide the School-Based Leadership Team and Student Support and Intervention Team in using and reviewing school-wide behavior data and evaluating the effectiveness of behavioral interventions. This includes monitoring data to identify and address disparities.
- Ensure that all school staff meet the expectations outlined in the section entitled "Teacher/Staff Responsibilities."
- Support staff in implementing appropriate behavior interventions.
- Apply the Behavior Education Plan in a fair, equitable and consistent manner and accurately record inappropriate student behavior and interventions and disciplinary responses following the established protocol.
- Follow procedures for student removals from the learning environment.
- Notify parents immediately if a student's inappropriate behavior results in an out-of-school suspension.
- Notify parents within 24 hours of inappropriate behavior and response, if there is not an out-of-school suspension. (Response Levels 2-4)
- Respect students' right to maintain personal privacy. Personal belongings can be searched only if the principal has a reasonable suspicion that the student possesses evidence of a crime, stolen goods, drugs, weapons or other illegal or prohibited items (Board Policy 4132, Board Policy 4400).
- Follow up promptly on reports of bullying as required by Board of Education Policy 4510.



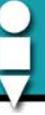
Central Office Rights & Responsibilities

ALL CENTRAL OFFICE STAFF HAVE THE RIGHT TO:

- Be treated with courtesy, respect and dignity.
- Work in a safe environment that maximizes staff performance.

ALL CENTRAL OFFICE STAFF HAVE THE RESPONSIBILITY TO:

- Show respect and courtesy to all students, staff and school/district visitors.
- Provide schools with the necessary resources, professional development and technical assistance to implement the Behavior Education Plan.
- Communicate to all district staff that creating a positive school culture, supporting positive student behavior and developing appropriate student discipline practices are critical district priorities.
- Ensure that appropriate data collection, monitoring and evaluation systems are available and utilized at the school and district levels. This includes using disaggregated data to allocate resources to support student behavior as well as evaluating program and staff effectiveness.
- Engage in on-going monitoring of the implementation of the Behavior Education Plan and intervene as needed to ensure that it is enforced in a fair and equitable manner.



Board of Education Rights & Responsibilities

ALL BOARD OF EDUCATION MEMBERS HAVE THE RIGHT TO:

- Be treated with courtesy, respect and dignity.

ALL BOARD OF EDUCATION MEMBERS HAVE THE RESPONSIBILITY TO:

- Show respect and courtesy to all students, staff, parents and administrators.
- Use qualitative and quantitative data to create and evaluate policies that promote thriving school environments that are respectful, engaging, vibrant and culturally relevant.
- Ensure that district administrators utilize appropriate data collection, monitoring and evaluation systems.
- Approve, modify or deny recommendations for student expulsions following review of an Order from an Independent Hearing Officer (IHO).

Protections for Students with a Disability

Nothing in the Behavior Education Plan replaces or substitutes any student rights as guaranteed by the Individuals with Disabilities Act (IDEA) or state law. Students with a disability will always be entitled to the rights and protections afforded to them by state and federal law and shall not be removed from the learning environment unless doing so is in accordance with the law.

A detailed summary of the rights and protections guaranteed to students with a disability can be found on page 39. (Discipline for Students with a Disability)



Positive Behavior Support

All schools in the Madison Metropolitan School District are expected to create positive learning environments where all students can experience academic, behavior and social emotional growth. The structure used to create this environment is called Positive Behavior Support (PBS).

Positive Behavior Support (PBS)

At the heart of the PBS system are five (5) critical elements that contribute to making our schools positive places where children love to learn and staff experience satisfaction in their work:

Behavior Expectations

Students must be provided with clear and consistent expectations for their behavior. The behavior expectations at each school must reflect the following district-wide expectations:

Be Respectful

- Treat others the way you wish to be treated
- Take care of private and public property
- Solve problems peacefully
- Respect the right of others to be different from you and think differently than you

Be Responsible

- Take ownership for your actions
- Be on time and ready to learn
- Follow classroom and school rules
- Do/Produce your own work
- Be a learner

Be Safe

- Behave in ways that make school a positive place
- Report bullying, harassment or unsafe incidents
- Refuse to spread rumors or gossip
- Find trusted adults who can mentor and support you

Teaching Behavior

Schools must be intentional about teaching students what is expected of them at all grade levels. This requires teaching behavior not only at the start of each school year but throughout the year, as needed.



Celebrating Positive Behavior

When students meet the behavior expectations set for them, staff acknowledge their efforts and let them know why they are being acknowledged. Recognition of student achievement is important in the area of behavioral growth just as it is in the area of academic growth.

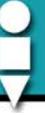
Student Intervention and Discipline

When students do not meet the behavior expectations set for them, staff respond to inappropriate behavior with strategies designed to help them learn from their mistakes and make better decisions in the future. Strategies used are described in the BEP as (1) Interventions, actions which provide opportunities for instruction, and (2) Discipline, actions that are typically viewed as consequences. It is expected that intervention will be used in all situations that require a behavior response. When discipline is used as a behavior response, it must be paired with one or more interventions.



Use of Data

Schools systematically collect data about student behavior and use it to guide the teaching and support that takes place at the individual student level, the classroom level and the school level. This data is examined on a regular basis to make sure that behavior practices are being implemented in ways that lead to positive and equitable outcomes for all students.



Positive Relationships

Research shows that positive relationships help children learn. Students are more likely to succeed when they feel connected to others in their school and classroom community and are less likely to behave in ways that disrupt the school environment.³ Skills and strategies to be used by staff for building positive relationships with students include:

- Know your students' strengths and cultural identities
- Communicate understanding and empathy
- Structure tasks for student success
- Reinforce behavior in a positive manner
- Use nonjudgmental language
- Ask open-ended questions
- Stay calm in tense situations
- Respond only when a response is necessary
- Remain neutral whenever possible



Effective Classroom Practices

Foundational to supporting positive behavior in all students is the use of effective, culturally relevant instruction. Research shows that there is a strong link between effective teaching practices and student engagement, an integral factor in creating a positive learning climate that fosters both social emotional growth and academic achievement. Establishing such a climate requires the use of effective classroom management strategies. In many cases, effective classroom management practices will reduce the occurrence of behaviors that require intervention and discipline. Examples of effective classroom management strategies include, but are not limited to:

³ Blum, Robert. "A Case for School Connectedness," *Educational Leadership*, April 2005



<ul style="list-style-type: none">• Verbal redirection or correction	<ul style="list-style-type: none">• Problem solving with a student about their behavior
<ul style="list-style-type: none">• Increasing teacher proximity to the student	<ul style="list-style-type: none">• Using nonjudgmental language
<ul style="list-style-type: none">• Changing student seating	<ul style="list-style-type: none">• Reinforcing positive student behavior
<ul style="list-style-type: none">• Re-teaching behavior expectations	

When classroom management strategies are insufficient to address inappropriate student behavior, interventions are essential to support students to make meaningful, sustainable changes in their behavior. By using interventions that engage students in meaningful ways, school staff members facilitate their students' academic, social emotional and behavioral growth. Some behaviors will result in the use of intervention only while other behaviors will result in the use of intervention and discipline. The next section describes these practices in more detail.





Progressive Intervention & Discipline

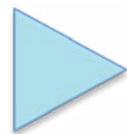
In a progressive approach to intervention and discipline, students have the space to make mistakes, learn from them and receive support to change their behavior over time. When a specific student behavior does not change using the lowest identified level of intervention and/or discipline, the next level may be used.

Every reasonable effort should be made to correct inappropriate student behavior using interventions and the least severe disciplinary responses possible. More significant responses, such as out-of-school suspension and expulsion, are used only for the most serious situations. When administrators use discipline to respond to inappropriate student behavior, the discipline must be paired with one or more interventions to support behavior change in students.

All interventions and discipline should be selected, implemented, and assessed to help students do the following:

- Understand why the behavior is unacceptable and the harm it has caused
- Take responsibility for their actions
- Understand what they could have done differently in the same situation
- Learn social strategies and skills to use in the future
- Understand the progression of more serious consequences if the behavior reoccurs

Because inappropriate behavior may be symptomatic of underlying problems that students are experiencing, it is critical that all staff be sensitive to issues that may influence student behavior and respond in ways that are most supportive of student needs. The interventions and discipline described here should be carefully matched to the needs of the student and the overall context of the situation.



Determining Intervention(s) and/or Discipline

The Behavior Response Chart on page 26 is provided to guide staff and administrator decisions about how to respond to student misbehavior. It is critical that the following factors be considered prior to determining the appropriate response:

- The student's age, maturity and understanding of the impact of their behavior
- The student's willingness to repair the harm caused by the behavior
- The student's disciplinary record including the nature of prior behavior, the number of prior instances of behavior, the interventions and consequences applied, etc.
- The nature, severity and scope of the behavior
- The circumstances and context in which the behavior occurred
- The student's Individualized Education Plan (IEP) or 504 Plan, if applicable



The Behavior Education Plan identifies five (5) levels of possible responses to inappropriate student behavior (Response Levels). Each behavior is assigned to one or more Response Levels. ***Principals and school staff are expected to use only the Response Levels identified for each behavior. If the behavior is assigned to two (2) or more Response Levels, the lowest level should be used first.***

For example, if a student engages in cheating, school staff should first use intervention strategies and responses in Response Level 1 before moving to Response Level 2. Progressive responses are confined to the current school year. At the beginning of each new school year, every student begins with a clean slate and responses to inappropriate and disruptive behavior should be the lowest assigned Response Level for a first occurrence of the behavior within the school year.

In most situations at the Response Levels 1 and 2, teachers and principals will make decisions about which intervention or disciplinary consequence to use. This is especially true when the behavior happens the first time.

In situations at Response Levels 3 and 4 or when behaviors are repeated, it is important to look more deeply at the student's needs to determine the best way to intervene. In these situations there may be a referral to the school's problem-solving team, the Student Support and Intervention Team (SSIT).

- **Student Support and Intervention Team**

The SSIT is an interdisciplinary team of adults, including the parent/guardian, that uses the problem solving process to serve two primary functions:

- o Analyze data to support, develop, select and evaluate social emotional & behavioral interventions
- o Address the needs of individual students who are not making expected progress

Looking more deeply at a student's behavior can also involve the use of assessments that help to identify the root cause of certain behaviors. These assessments are typically done by school psychologists, social workers, counselors or nurses and include examples such as:

- **Functional Behavioral Assessment (FBA)**

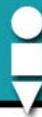
A formal assessment of a student's behavior focused on identifying the function or purpose behind the student's behavior. A FBA is used to better understand why a student behaved inappropriately.

- **Violence Risk Assessment**

A procedure and set of tools used when a student may pose a risk to the safety of others that may require immediate action, including aggression toward others, threats of aggression or harm toward others, and/or a pattern of behavior that raises suspicion of risk for violence (e.g., violent drawings, stories, internet communications). The purpose is to determine the degree of risk (high, moderate, low) in order to guide an intervention plan that results in a safe school environment.

- **Alcohol and Other Drug Abuse (AODA) Screener**

A procedure and set of tools used when a student is suspected of potential alcohol and other drug abuse that 1) identify students for screening based on behavioral concerns related to abuse, 2) screen for AODA and, 3) provide for efficient referral for the appropriate level of intervention.



Intervention

Interventions are actions that provide opportunities for instruction. While not intended to be sequential or exhaustive, the following list defines examples of interventions used in MMSD to support student behavior:

WHEN ONE-TO-ONE SUPPORT IS IMPORTANT FOR LEARNING:

- **Replacement Behaviors/Coping Strategies**

These are behaviors that are taught to take the place of behaviors that are inappropriate for the situation or setting. An example is teaching a student to ask politely to use a classmate's calculator rather than taking it without permission.

- **Reflective Activity**

An activity that helps a student think about his or her actions, why they might have done what they did and how they can "make things right." This might include a reflective essay or developing a "Fit-It Plan."

- **Take a Break (TAB) In**

TAB In provides an opportunity for students to correct their behavior and is available for all students. This involves students moving to a designated space within the classroom where they quietly pull themselves together and then rejoin their classmates.

- **Community Service Project**

This is an activity that allows the student to benefit the classroom community such as restoring a classroom display after mistreating classroom materials.

- **Behavior Contracts**

Behavior Contracts create agreements between the student and staff to clearly articulate expectations and outline ways the student will be supported to meet the

expectations. Monitoring of the contract might include student self-charting of behavior, staff feedback about progress after each class period, etc. and includes incentives for success and consequences for continuing problems.

- **Restorative Conference**

Students are supported and empowered to take responsibility for their actions and repair any harm that results from their actions. This may involve making an apology or making amends to others.

- **Home-School Communication System**

This system is designed to ensure that staff and parents/guardians are "on the same page" with respect to student behavior at home and at school. The goal is for ongoing, meaningful sharing of information and may include a communication notebook, daily emails, etc.

- **Problem-Solving Conference**

Parents/guardians, staff and the student sit down together to talk about the student's behavior and identify potential solutions to address the cause of the behavior.

- **Check-In Check-Out (CICO)**

Students check in with designated CICO facilitators before the beginning and at the end of each school day to receive positive contact, pre-corrects, reminders of school-wide expectations, etc. At the end of each class period, teachers provide behavioral feedback on a Daily Progress Monitoring Report.

- **Parent Shadowing**

Parent accompanies student to class(es) for an agreed upon portion of the day. Parent shadowing can be used to strengthen family-school relationships and develop a shared understanding of the student's behavior.

- **RENEW**

Through RENEW (Rehabilitation for Empowerment, Natural supports, Education



and Work), students develop a personal plan for the future and natural support network to achieve their goals which may include high school graduation, securing employment, and connecting with additional resources in the community to promote responsible independence.

- **Behavior Support Plans**

Behavior Support Plans are developed based on a Functional Behavioral Assessment(FBA). The FBA results are used to develop a plan that establishes proactive and responsive interventions. The Plan addresses how the student interacts with the environment and replaces inappropriate behavior with pro-social behavior.

WHEN GROUP INTERACTION IS IMPORTANT FOR LEARNING:

- **Social Emotional Learning Groups**

Group interventions focus on skill development and coping strategies to promote healthy social and emotional development and prevent potential problems. Examples of skills targeted through group interventions include managing emotions, coping with stress, problem solving, and communicating effectively.

- **Restorative Circle**

A group of students is supported by a facilitator, called a circle keeper, to identify and address the harm that was caused by the behavior of one or more students. Outcomes include developing a plan to heal and correct the situation.

WHEN AN ALTERNATIVE SPACE IS IMPORTANT FOR LEARNING:

- **Sensory Room**

An alternative space within the school building where students can take planned, proactive breaks to engage in activities that promote self-regulation.

- **Buddy Room**

Buddy Rooms provide an opportunity for students to correct their behavior in a new environment. Students move to another teacher's classroom, the Buddy Room, where they pull themselves together and reflect on their behavior. Once this is completed, students return to their classroom and are welcomed back by the teacher. Upon the student's return to the classroom, the teacher talks with the student about the behavior.

- **Planning Room**

An alternative classroom within the school building where a student can work with staff to calm down, reflect on his/her behavior and develop a plan to make different choices when they return to class.

- **Alternative Program**

Intensive programs that use specialized environments, curriculum, and instruction to support behavioral, social-emotional, and academic growth for students. Generally, alternative programs provide instruction in smaller environments that limit distractions and with lower student to staff ratios, which allows for greater individualization.

WHEN RESOURCES OUTSIDE THE SCHOOL MAY BE NEEDED:

- **Community Resource Referral**

Students can be referred to community organizations and resources that may provide counseling, substance abuse treatment, mental health services, etc.



- **Behavior Consultation Team Referral**

For students with disabilities in crisis or with extremely complex behaviors, a referral may be made to the Behavior Consultation Team (BCT). The team assists staff members and parents to better understand the emotional adjustment and behavior of these students so that effective interventions can be developed and implemented. It provides ongoing support to school staff members and parents to adjust interventions as well as secure additional supports and services in the community.



Discipline

In the BEP, discipline is identified as actions that are typically viewed as consequences. In MMSD, discipline is limited to:

- **Verbal Warning**

The classroom teacher reminds a student what he/she is expected to do.

- **Reprimand**

A stern direction to cease the inappropriate behavior followed by a brief explanation of the expected behavior.



- **Loss of Classroom Privileges**

A student can lose the right to participate in classroom activities on a short-term basis.

- **In-School-Suspension**

A student is removed from the classroom environment and assigned to work within the school for up to one day.

- **Out-of-School Suspension (Response Levels 3, 4 and 5)**

Out-of-School suspensions are not available as a disciplinary response at Response Levels 3 or 4 for students in 4k through 3rd grade.

Response Level 3 conduct may result in a fourth or fifth grade student being suspended out of school for up to 1 day unless prohibited by the IDEA and/or state law.

Response Level 4 conduct may result in a fourth or fifth grade student being suspended out of school for up to 3 days unless prohibited by the IDEA and/or state law.

Response Level 5 conduct requires a student to be suspended from school for 5 days and recommended for expulsion unless prohibited by the IDEA and/or state law. The district's legal basis for out-of-school suspensions and the steps to be followed are explained in Board Policy 4043 (Suspension). See page 48.

- **Expulsion from School (Response Level 5)**

Response Level 5 conduct will result in a student being recommended for expulsion from school unless prohibited by the IDEA and/or state law. The district's legal authority for expelling a student and the steps to be followed are explained in Board Policy 4045 (Expulsion). See page 50.

All recommendations for expulsion will be reviewed by the Coordinator for Expulsions and Disciplinary Training who will determine whether or not to approve moving forward



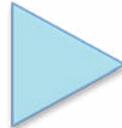
with the expulsion process. The Coordinator will disapprove moving forward with the expulsion whenever one or more of the following factors is/are applicable to the pending expulsion recommendation:

- the appropriate Assistant Superintendent dismissed the student's out-of-school suspension associated with the expulsion recommendation pursuant to the suspension appeal procedures;
- there is insufficient, credible evidence to prove the alleged violation of the Behavior Education Plan;
- in instances where the student is accused of engaging in physical contact with a staff member, and the staff member inappropriately provoked the student;
- in cases where the student has been identified as a student with a disability, the student's Individualized Education Plan (IEP) or evaluation is out of date or the student's Behavioral Intervention Plan (BIP) was not appropriately implemented; and/or
- in cases where there has been a request for the special education evaluation following the recommendation for expulsion, the expedited evaluation is not completed in a timely manner.

In circumstances where a student's conduct falls into Response Level 3 or 4 AND causes a serious physical injury to another person, the Principal or program administrator may seek permission from the Coordinator of Expulsions to

initiate a recommendation for expulsion. See the Glossary of Terms for the definition of "serious physical injury."

A student who is subject to an expulsion may have his/her record of expulsion expunged/removed if he/she meets all of the requirements set forth in Board Policy 4047 (Expungement).



Surrender for Safety

Surrender for safety acknowledges that students make mistakes and may unintentionally bring inappropriate items to school. Students are expected to learn from these mistakes.

If a student voluntarily surrenders possession of a weapon or other inappropriate item to a school or alternative program staff member before being asked about the item or being discovered to be in possession and before anyone has been threatened with and/or harmed by the weapon or other inappropriate item in his/her possession will not be subject to the disciplinary consequences set forth above.

Possession includes any weapon, other than a firearm, or an object that may be used as a weapon, or any other inappropriate item, such as, but not limited to, alcohol, drugs, any other inappropriate item/material (i.e., fireworks, smoke bombs, etc.).



Behavior Response Chart

RESPONSE LEVEL 1	CLASSROOM INTERVENTION AND/OR DISCIPLINE	
	INTERVENTION	DISCIPLINE
	<ul style="list-style-type: none"> Teach a replacement behavior or coping strategy Assign a reflective activity TAB In Use community service project in classroom Create a behavior contract or chart Conduct Restorative conference with student Provide sensory breaks Use Buddy Room 	<ul style="list-style-type: none"> Verbal warning Reprimand by teacher Loss of classroom privileges <p><i>When Disciplinary Responses are selected, they will be paired with Intervention Strategies to provide a comprehensive approach to creating behavior change.</i></p>
RESPONSE LEVEL 2	SUPPORT STAFF INTERVENTION AND/OR ADMINISTRATIVE DISCIPLINE	
	INTERVENTION	DISCIPLINE
	<ul style="list-style-type: none"> Intervention Strategies in Response Level 1, increased in intensity or frequency Enroll student in a Social Emotional Learning group for anger management, anxiety reduction, substance abuse, social skills, relationship skills, positive leadership Create home-school communication system Conduct problem-solving conference with parent and student Assign to Check-in Check-out Engage in Mediation/Conflict Resolution Participate in a Restorative Circle Parental Shadowing Planning Room 	<ul style="list-style-type: none"> Reprimand by administrator For students in fourth and fifth grade, In-School-Suspension up to 1 day <p><i>When Disciplinary Responses are selected, they will be paired with Intervention Strategies to provide a comprehensive approach to creating behavior change.</i></p>
RESPONSE LEVEL 3	INTENSIVE INTERVENTION AND/OR ADMINISTRATIVE DISCIPLINE	
	INTERVENTION	DISCIPLINE
	<ul style="list-style-type: none"> Intervention Strategies in Response Level 2, increased in intensity or frequency Refer to community resources for mental health, substance abuse, etc. Support provided by the Behavior Consultation Team or Autism Team Intensive Social Emotional Learning intervention by support staff (anger management, etc.) Develop Behavior Support Plan or 504 Plan 	<ul style="list-style-type: none"> In-School-Suspension up to one day For students in fourth and fifth grades, out-of-school suspension up to 1 day followed by a readmission conference that includes parent/guardian upon student's return to school <p><i>When Disciplinary Responses are selected, they will be paired with Intervention Strategies to provide a comprehensive approach to creating behavior change.</i></p>
RESPONSE LEVEL 4	INTENSIVE INTERVENTION AND/OR ADMINISTRATIVE DISCIPLINE	
	INTERVENTION	DISCIPLINE
	<ul style="list-style-type: none"> Intervention Strategies in Response Levels 2 and 3, increased in frequency and intensity Enrollment in alternative program for intensive behavior support 	<ul style="list-style-type: none"> In-School-Suspension up to 1 day For students in fourth and fifth grades, out-of-school suspension for up to 3 days followed by a readmission conference that includes parent/guardian upon student's return to school
RESPONSE LEVEL 5	LONG-TERM REMOVAL FROM SCHOOL AND RE-ENGAGEMENT STRATEGIES	
	INTERVENTION	DISCIPLINE
	<ul style="list-style-type: none"> Early Readmission services and supports Expulsion followed by Re-engagement Conference with parent and student to plan for positive transition back to school 	<ul style="list-style-type: none"> Mandatory 5-day out-of-school suspension and recommendation for expulsion



Inappropriate and Disruptive Behaviors and Response Levels

If a behavior is located in 2 or more Response Levels, the lowest Response Level should be used for the first occurrence during the current school year.

RESPONSE LEVEL 1	RESPONSE LEVEL 2	RESPONSE LEVEL 3	RESPONSE LEVEL 4	RESPONSE LEVEL 5	
Classroom Intervention and/or Discipline No Classroom Removals	Support Staff Intervention and/or Administrative Discipline For 4th and 5th graders, up to 1 day In-School-Suspension	Intensive Intervention and/or Administrative Discipline Up to 1 day In-School-Suspension For 4th and 5th graders, up to 1 day of Out-of-School Suspension	Intensive Intervention and/or Administrative Discipline Up to 1 Day In-School Suspension For 4th and 5th graders, up to 3 days of Out-of-School Suspension	Long-Term Removal from School and Re-Engagement Strategies Mandatory Out-of-School Suspension and Recommendation for Expulsion	
INAPPROPRIATE OR DISRUPTIVE BEHAVIOR					
ALCOHOL, DRUGS & TOBACCO	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Possession and/or use of any tobacco product or nicotine inhaler (i.e. electronic cigarette).		■	■		
Possession of an imitation controlled substance See <i>Glossary of Terms</i> for definition of "possession."		■	■		
Possession of any beverage containing alcohol or being under the influence of any alcoholic beverage. See <i>Glossary of Terms</i> for definition of "possession."		■	■		
Possession of drugs or being under the influence of any drug. See <i>Glossary of Terms</i> for definition of "possession" and "drugs."		■	■		
Possessing and distributing a beverage containing alcohol to another student. See <i>Glossary of Terms</i> for definition of "possession" and "distribution."		■	■		
Possessing and distributing a drug or drugs to another student, or possessing any drug, with evidence of the intent to distribute the drug to another person. See <i>Glossary of Terms</i> for definition of "possession," "drugs" and "distribution."			■	■	
Bullying/Harassment	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Engaging in an act of bullying. See <i>Glossary of Terms</i> for definition of "bullying."		■	■		



Inappropriate and Disruptive Behaviors and Response Levels

If a behavior is located in 2 or more Response Levels, the lowest Response Level should be used for the first occurrence during the current school year.

RESPONSE LEVEL 1 Classroom Intervention and/or Discipline No Classroom Removals	RESPONSE LEVEL 2 Support Staff Intervention and/or Administrative Discipline For 4 th and 5 th graders, up to 1 day In-School-Suspension	RESPONSE LEVEL 3 Intensive Intervention and/or Administrative Discipline Up to 1 day In-School-Suspension For 4 th and 5 th graders, up to 1 day of Out-of-School Suspension	RESPONSE LEVEL 4 Intensive Intervention and/or Administrative Discipline Up to 1 Day In-School Suspension For 4 th and 5 th graders, up to 3 days of Out-of-School Suspension	RESPONSE LEVEL 5 Long-Term Removal from School and Re-Engagement Strategies Mandatory Out-of-School Suspension and Recommendation for Expulsion	
INAPPROPRIATE OR DISRUPTIVE BEHAVIOR					
	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Engaging in an act of bullying, when such behavior is motivated, in part or in whole, on the target's protected class status or perceived protected class status. See <i>Glossary of Terms</i> for definition of "bullying" and "protected class status."		■	■		
Cheating					
Cheating. See <i>Glossary of Terms</i> for definition of "cheating."	■	■	■		
Cheating as part of a group of three or more students. See <i>Glossary of Terms</i> for definition of "cheating."		■	■		
Disruptive and Uncooperative Behaviors					
Defiance of Authority - Refusing to comply with school rules or with instructions of school authorities, including lying to a staff member or other school authority.	■	■			
Taunting, baiting, inciting and/or encouraging a fight, a disruption, or other violation of school rules.	■	■			
Volatile Acts – Disorderly, violent, or threatening conduct of a serious nature that significantly disrupts school, a school-sponsored activity, or a school-supervised activity held off school premises.		■	■		
Intentionally throwing or releasing an object (including a snowball) that has the potential to cause a disturbance, injury or property damage, when the act of throwing or releasing the object is not part of a supervised activity.	■	■			



Inappropriate and Disruptive Behaviors and Response Levels

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR				
LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Intentionally throwing or releasing an object and the object makes physical contact with any person, when the act of throwing or releasing the object is not part of a supervised activity.	■	■	■	
Any inappropriate or illegal act not otherwise addressed within this Code that directly or indirectly jeopardizes the health, safety or property of a school, the school district, school personnel, other students, one's self, or other individuals who are present or acting within the school's jurisdiction.			■	
Failure to respect materials, property of others				
Property damage where the total value of the property affected is no more than \$50. <i>See Glossary of Terms for definition of "property damage."</i>	■	■		
Stealing the money or property of another that is valued at no more than \$50.	■	■		
Property damage where the total value of the property affected is more than \$50. <i>See Glossary of Terms for definition of "property damage."</i>		■	■	
Stealing the money or property of another that is valued at more than \$50.		■	■	
Firearms/Weapons				
Possession of a toy weapon where the toy weapon is not used to threaten, intimidate, harm or cause a disruption.	■	■		



Inappropriate and Disruptive Behaviors and Response Levels

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR				
LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Possession of a toy weapon where the toy weapon is used to threaten, intimidate or harm another person or to cause a disruption.	■	■	■	
Possession of a weapon, other than a firearm or other gun. <i>See Glossary of Terms for definition of "weapon."</i>		■	■	■
Possession of and actual, attempted or threatened use of a weapon, other than a firearm or other gun, toward another person or to cause a disruption. <i>See Glossary of Terms for definition of "weapon."</i>			■	■
Possession of a firearm, as defined by 18 USC 921 of the federal code (e.g. handgun, rifle, shotgun, starter pistol etc.) <i>See also, possession of bomb or other explosive device.</i>				■
Possession of a gun of any kind, other than a firearm, whether loaded or unloaded, operable or inoperable. Examples include, but are not limited to, BB guns, pellet guns and air rifles.			■	■
Fires/Explosives/Flammables				
Setting a fire, or attempting to set a fire.		■	■	
False Alarms - Activating the school's fire and/or other alarm systems, reporting a fire when no fire exists or making a false alarm call to 911.		■	■	
Possession of fireworks, a smoke bomb, munitions, pepper spray/gas, MACE, tear gas, stink bomb or any inherently dangerous substance/object, or any illegal device, illegal product or illegal material that is not specifically covered elsewhere within the Behavior Education Plan. <i>See Glossary of Terms for definition of "possession."</i>		■	■	



Inappropriate and Disruptive Behaviors and Response Levels

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR				
LEVEL 1 LEVEL 2 LEVEL 3 LEVEL 4 LEVEL 5				
Possession of a bomb or other explosive device not covered elsewhere in the Behavior Education Plan. See <i>Glossary of Terms</i> for definition of "possession."				■
Attempting to or actually using a firework, smoke bomb, pepper spray/gas, MACE, tear gas or stink bomb.		■	■	■
Making a bomb threat, or threatening to set off an explosive device without actual possession of the bomb or explosive device. See <i>Glossary of Terms</i> for definition of "possession." 4k through 3rd grade		■	■	
4th and 5th grade			■	■
Forgery				
Forgery. See <i>Glossary of Terms</i> for definition of "forgery."	■	■		
Gambling				
Gambling. See <i>Glossary of Terms</i> for definition of "gambling."	■	■		
Inappropriate clothing				
Dress Code Violation. See <i>Dress Code</i> , pg. 38.	■	■		



Inappropriate and Disruptive Behaviors and Response Levels

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR					
INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Inappropriate language and/or expression					
Swearing, cursing, or making obscene gestures.	■	■			
Verbal, written and non-verbal threats toward another person where there is no reasonable apprehension of bodily harm.	■	■			
Swearing, cursing or making obscene gestures, or written or verbal put downs directed toward another person.	■	■			
Serious threats toward another person. <i>See Glossary of Terms for definition of "serious threat."</i>		■	■		
Inappropriate physical contact (non-sexual)					
Hitting, slapping, pushing, tripping, shoving, kicking, spitting or any other inappropriate physical act of aggression by one student directed at another student that does not involve bullying or harassment and does not rise to the level of a fight or physical attack.	■	■			
Physical attack against a student.		■	■		
Fighting.		■	■		



Inappropriate and Disruptive Behaviors and Response Levels

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR					
	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Use of physical force directly against or affecting a staff member of the MMSD or any adult who is legitimately exercising authority at the school or during any school activity.			■	■	
Inappropriate touching and/or sexual contact					
Touching, either directly or through clothing, the intimate parts of another person with any body part or object with the specific purpose of doing so, and without the consent of the other person. <i>4k through 3rd grade</i>	■	■	■		
<i>4th through 5th grade</i>		■	■		
Initiating non-consensual physical contact with another person for the purpose of sexually degrading the other person or sexually arousing or satisfying the student initiating contact.		■	■		
Consensual Sexual Activity – Participation in consensual sexual conduct, or other inappropriate consensual sexual contact.		■	■		
Engaging in non-consensual sexual contact with another student coupled with the use of force, a weapon, threat or coercion. <i>4k through 3rd grade</i>			■	■	
<i>4th and 5th grade</i>				■	■



Inappropriate and Disruptive Behaviors and Response Levels

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR					
	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Inappropriate use of technology					
Inappropriate use of district-provided information technology. See Policy 3721, pg. 45.	■	■	■		
Indecent exposure					
Physically displaying one's private parts 4k through 3rd grade	■	■			
4th and 5th grade		■	■		
Removing or adjusting, or attempting to remove or adjust, the clothing of another person (including, for example, pulling down another student's pants) in a manner that causes, or was an attempt to cause, the exposure of the other person's undergarments and/or intimate parts. 4k through 3rd grade	■	■			
4th and 5th grade		■	■		
Recordings/images of another person					
Making, transmitting or distributing any recording that has not been approved by or authorized by the school of the voice or image of any other student, staff member or other person in any non-emergency situation and without the consent of the person(s) so recorded.	■	■			



Inappropriate and Disruptive Behaviors and Response Levels

If a behavior is located in 2 or more Response Levels, the lowest Response Level should be used for the first occurrence during the current school year.

RESPONSE LEVEL 1	RESPONSE LEVEL 2	RESPONSE LEVEL 3	RESPONSE LEVEL 4	RESPONSE LEVEL 5	
Classroom Intervention and/or Discipline No Classroom Removals	Support Staff Intervention and/or Administrative Discipline For 4 th and 5 th graders, up to 1 day In-School-Suspension	Intensive Intervention and/or Administrative Discipline Up to 1 day In-School-Suspension For 4 th and 5 th graders, up to 1 day of Out-of-School Suspension	Intensive Intervention and/or Administrative Discipline Up to 1 Day In-School Suspension For 4 th and 5 th graders, up to 3 days of Out-of-School Suspension	Long-Term Removal from School and Re-Engagement Strategies Mandatory Out-of-School Suspension and Recommendation for Expulsion	
INAPPROPRIATE OR DISRUPTIVE BEHAVIOR					
	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5
Sexual, explicit, obscene or lewd materials					
Possessing pornographic material or observing pornographic material.	■	■	■		
Possessing, making, transmitting or disclosing any image of any student, minor, staff member, parent, school volunteer or other adult with supervisory authority in a nude or partially nude state, regardless of consent.		■	■		
Use of unauthorized items					
Use of any non-educationally required device, electronic or otherwise, that detracts from and/or disrupts learning of oneself, or others, is prohibited. See <i>Glossary of Terms</i> for definition of "non-educationally required device."	■	■			



Glossary of Terms

Bullying- The intentional action by an individual or group of individuals to inflict physical, emotional or mental harm or suffering to another individual or group of individuals when there is an imbalance of real or perceived power. Such action creates an objectively hostile or offensive environment for the target and causes or is likely to cause negative and harmful conditions for the target. See *Board Policy 4510 (Anti-Bullying)*.

Cheating- Using, submitting, obtaining or attempting to obtain data, questions or answers dishonestly, by deceit or by means other than those authorized by the teacher. Cheating includes submitting the work of others as your own and plagiarism.

Distribution- Sharing, selling (for money or other consideration) or giving away drugs or alcohol. A student may be found to have engaged in distribution if s/he participates as either the distributor OR the recipient of the drugs or alcohol. In instances of sharing (where no money or other consideration is exchanged), only the student who brought the drugs or alcohol to school or a school-sponsored event shall be cited for distribution. In such circumstances, the receiving student(s) shall be cited for possession and/or being under the influence of the drugs or alcohol, as appropriate.

Drugs- All illegal drugs, controlled substances, narcotics and prescription medications. The definition does not include

prescription medications that are possessed 1) while under the care of a licensed healthcare provider who prescribed the drug to the student AND 2) in conformance with school district policies regarding the administration of medication at school.

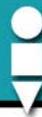
Forgery- Writing the name of another person to be represented as a writing or original signature of that other person or altering any written record or document (such as dates, times, passes and permits) without permission.

Gambling- Playing any game of chance or skill for money or any item of value.

Non-educationally Required Device- Any device that has the potential to detract from and/or disrupt student learning, whether electronic or otherwise, including, but not limited to, cellular phones, personal digital assistants (PDAs), personal music/video/gaming devices (e.g. Nintendo DS, iPods, MP3 players), electronic tablets, cameras and/or any other image/voice capturing device. See *Board Policy 4403 (Possession of a Personal Electronic Device)*.

Possession- Having an item on one's person or in one's locker, car/vehicle (if parked on district property), backpack, purse or other container.

Property Damage- The destruction, defacement or damaging of property or equipment belonging to the school, district or another person. The value of the property



that is damaged will be measured by the repair or replacement cost.

Protected Class Status (Harassment)- Any status expressly defined in and protected by federal, state or local law, regulation or ordinance including gender, race, national origin, ancestry, creed, religion, pregnancy, marital status, parental status, sexual orientation, gender identity, gender expression, or physical, mental, emotional or learning disability.

Serious Physical Injury- Serious physical injury is a bodily harm that results in one or more of the following:

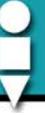
- a. substantial risk of death;
- b. permanent deformity or defect;
- c. coma;
- d. permanent or extended condition that causes extreme pain;
- e. permanent or protracted loss or impairment of the function of any body part; or
- f. results in admission to a hospital.

Serious physical injury includes, but is not limited to, fractured or broken bones (including the nose), and concussions. Serious physical injury does not include black eyes, welts, abrasions or bruises.

Serious Threat- Engaging in conduct that places a person in a reasonable apprehension of bodily harm including, but not limited to, non-verbal aggression/intimidation, verbal statements or written statements.

Toy Weapon- Toys that mimic real weapons, including firearms and other guns, but are intended to serve an item for entertaining children and are not dangerous.

Weapon- A device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury. Examples of weapons include, but are not limited to, firearms, bows and arrows, BB guns, paint ball guns, pellet guns, brass knuckles, knives (all knife types regardless of length of blade), cutting instruments (all objects whose primary intended purpose is to be used to cut something; e.g. box cutters, scissors, carpet cutter, razor blades, straight razors). Cutting instruments are **not** considered a weapon **IF** use of the instrument has been authorized by a staff member and/or provided to students by a staff member for a legitimate educational purpose (e.g. scissors for a classroom project) so long as the student uses the object **only** for the authorized purpose.



Dress Code

Generally, students may dress in any style they desire as long as their chosen attire does not cause a disruption or distraction in the school environment, reveal intimate body parts or pose a safety risk to the student or others. The following examples are intended to represent these limitations:

- Students may not wear hats during the school day.
- Students may not wear multi-fingered rings, large metal chains or other jewelry that may be used as a weapon.
- Students must wear their pants at a level that does not expose undergarments. Boxers, thong underwear and athletic shorts may not show over the waist band.
- Students may not wear clothing with vulgar or obscene statements or statements or pictures promoting illegal drugs, alcohol, sex, violence or gang activities.
- Students may not wear skirts or shorts that expose undergarments or the buttocks.
- See-through clothing items are not permitted. Tops should be sufficient so as not to expose a student's bra.
- Students must wear shoes or footwear.

Students who are dressed in a manner that does not fit within these guidelines may be asked by school staff to change their clothing or address the dress code violation. Students are expected to follow staff direction regarding dress code violations.



APPENDIX A: Discipline for Student with Disabilities





What does the law say about discipline for students with disabilities?

The Individuals with Disabilities Act (IDEA) 2004 focuses on preventing student behavior problems before they begin. However, even with excellent planning and positive behavior interventions, your child's behavior may result in disciplinary actions. To be an effective parent advocate for your child, you should know what your child's rights are. Hence, you need to understand what the law says about how our school district can discipline a child with a disability and what services must be provided. This brochure will explain what IDEA (2004) says about discipline procedures for students with disabilities, including removal from the school, manifestation determinations, and interim alternate educational settings (IAES).

IDEA regulations require that our school district follow certain procedures when we make discipline decisions for a child with a disability. Understanding these procedures and knowing the language and terms related to student discipline will help you support your child.

What kind of discipline can the school use?

The MMSD Student Conduct and Discipline Plan describes our district's discipline policy, and is included in the school's student handbook. You may obtain a copy of this handbook at your child's school. You can also view and/or print a copy of the MMSD Student Conduct and Discipline Plan located on our district website listed at the end of this brochure.

The MMSD discipline policy includes a variety of disciplinary options, and one of those options is removal from school (e.g. suspension). For serious behaviors, such as being in possession of a weapon, being involved in a transaction involving illegal drugs, and/or causing serious bodily injury, the school may recommend that

the child be expelled. Please see the MMSD Conduct and Discipline Plan for more specific information.

What is a removal?

Under IDEA, a "removal" means a disciplinary removal, and occurs if your child does not have the opportunity to:

- Continue to participate in the general education curriculum as defined in your child's Individual Education Plan (IEP)
- Continue to receive the services specified in your child's IEP, including specially designed instruction and, as appropriate, supplementary aids and services and/or related services
- Continue to participate with non-disabled children to the extent that he or she would have as defined by your child's IEP

Suspension and expulsion are examples of a removal. A suspension occurs when your child is not allowed to attend school and does not receive any educational services for a number of days. However, a removal may also include other instances when your child does not meet all three of the criteria listed above. To determine if a disciplinary action for your child counts as a removal, you should review your child's IEP. If you have questions, you should request a meeting with your child's case manager and/or your child's principal.

Can my child be removed?

In the MMSD, a child with a disability can be removed for a cumulative total of 10 school days in a school year regardless of whether the inappropriate behavior is part of his/her disability. Once your child has been removed for a cumulative total of 10 days, the school district cannot remove your child again before first holding an IEP team meeting and conducting a manifestation determination. As the child's parent, you are invited to be a member of the IEP team.



What is a manifestation determination?

A manifestation determination is a process conducted by an IEP team to decide whether a student's behavior is related to (i.e. a manifestation of) your child's disability. The IEP team must look at all available information about your child's disability. This information may include evaluation and diagnostic results, observations, your child's IEP, and information supplied by you as the parent. As part of the manifestation determination, the IEP team must answer these questions:

- Was the conduct (behavior) caused by, or does it have a direct and substantial relationship to, your child's disability(ies)?
- Was the conduct (behavior) the direct result of the district's failure to implement the IEP?

If either one of these questions is true, then the behavior is considered to be a manifestation of your child's disability.

However, if the IEP team finds that the behavior was not caused by or directly and substantially related to your child's disability and was not the direct result of the district's failure to implement the IEP, then the behavior is not considered to be a manifestation of your child's disability.

What happens if my child's behavior is found to be a manifestation of his/her disability?

If the behavior is a manifestation of your child's disability, then your child cannot be removed beyond 10 days in a school year and he/she must be allowed to return to school unless the behavior involves weapons, drug transactions, or serious bodily injury. In this case, he/she can be placed in an interim alternative educational setting for up to 45 school days (see *section on weapons, drug transaction, serious bodily injury*) regardless of whether the behavior is or is not a manifestation of your child's disability.

If your child's behavior is a manifestation of his/her disability, your child will return to school. However, the IEP team may decide to make changes to your child's IEP so that the programming your child will receive may look different than what he/she had been receiving. As a member of the IEP team, you will be involved in making these decisions.

The IEP team is also required to conduct a functional behavioral assessment (FBA) and to develop a behavior intervention plan (BIP), or, if a behavior plan was already developed, to review and revise the plan as needed.

The ultimate goal of conducting a functional behavioral assessment and developing a behavior intervention plan is to support your child in becoming a confident and successful learner.

What happens if the behavior is not a manifestation of my child's disability?

If the IEP team finds that the behavior is not a manifestation of your child's disability, then your child can be disciplined in the same way as students without disabilities. This discipline may include suspension or expulsion. However, starting on the 11th day of removal, the school must provide services to your child. In addition, when a child is removed for more than 10 days, the IEP team may conduct an FBA and develop a BIP as appropriate.

What happens if my child is recommended for expulsion?

When a child with a disability is recommended for expulsion, the IEP team must meet to determine if the behavior for which expulsion is recommended is a manifestation of your child's disability. If your child's IEP team finds that the behavior is a manifestation of your child's disability, then your child cannot be removed, or



expelled, for more than a cumulative total of 10 days in a school year.

If the IEP team finds that the behavior is not a manifestation of your child's disability, then your child may be disciplined in the same way that non-disabled children are disciplined for the same misbehavior. This may include being expelled. A student who is expelled is not allowed to attend any MMSD school for a period of time that will be determined by the Board of Education. However, because your child has a disability, he/she will receive educational services from MMSD beginning on the 11th day of removal that will enable your child to continue to progress in the general curriculum and to advance toward achieving the goals in his/her IEP. These services will continue for your child even if he/she is expelled from the district and will be provided to your child at an alternate setting.

What happens if my child has weapons at school, or is involved in a drug transaction, or causes serious bodily injury?

If your child has a weapon, or knowingly sells, or takes part in a transaction involving illegal drugs or controlled substances, or causes serious bodily injury, the school may remove your child to an interim alternative educational setting (IAES) for up to 45 school days. Your child may be placed in an IAES for code of conduct violations involving weapons, transaction of drugs/controlled substances, or for serious bodily injury even if the behavior is a manifestation of his/her disability. The IAES is described in more detail in the *Special Education Rights for Parents and Children* brochure that you have received as part of the IEP process. You may also view and/or print a copy of this brochure available on the DPI website listed at the end of this brochure. In MMSD, only students who are recommended for expulsion can be placed in an IAES. The IEP team is responsible for developing the services

your child will receive in the IAES, and for determining the site of the placement.

What kind of services will my child receive when they are removed from school?

Beginning on the 11th day of removal, (including suspension, placement in an interim alternative educational setting (IAES), and/or when expelled) your child must receive services to the extent necessary to enable your child to continue to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. The IEP team must develop an IEP that describes and reflects the services your child will receive while removed.

What is a functional behavioral assessment?

A functional behavioral assessment (FBA) is a process the IEP team uses to identify behaviors of concern, to identify what might be influencing your child's behavior, and to develop ideas about what function the behavior may serve for your child. This information is then used to develop an appropriate behavior plan (BIP) for your child.

What is a behavior intervention plan?

IDEA (2004) directs schools to focus on preventing behavior problems before they occur. The law directs schools to develop and use positive supports and strategies for children with disabilities. Your child's behavior plan is developed by the IEP team. The plan should include positive strategies and interventions to assist your child with meeting his/her IEP goals and to prevent inappropriate behavior from occurring. The plan may also include interventions the school should use if problem behavior does occur.

When does the school have to conduct a functional behavioral assessment (FBA) and develop a behavior plan (BIP)?



Whenever a school proposes removing a child with a disability for more than 10 days in a school year for a conduct code violation, an IEP team must meet to determine whether the behavior is a manifestation of the student's disability. If the behavior is a manifestation, the IEP team must conduct an FBA and develop a BIP, unless the student already has a behavior plan. If the student has a behavior plan, then the IEP team must review that plan and make changes as needed.

If, on the other hand, the behavior is not a manifestation of the child's disability, then the IEP team may conduct an FBA and develop a behavior plan if it is appropriate to do so. If the IEP team finds that it is appropriate to develop a behavior plan, the plan should include strategies to address the behavior that constituted the conduct code violation so the behavior is not likely to recur. If the student already has a behavior plan, the team should review the behavior plan and make any needed changes.

Where can I get additional information if I have questions?

The expulsion process and the rights that your child has as a student with a disability are complex, and causes confusion for many parents. You should not hesitate to ask questions and ask for support if your child becomes involved in this process.

If you have questions about the expulsion process, you may contact your child's principal or the MMSD Expulsion Coordinator. If you have questions about your child's rights and the manifestation determination process, you may contact your child's principal or the Special Education Coordinator for your child's school. You may reach the principal by calling your child's school. You may reach district staff at the numbers provided at the end of this brochure.

What if I don't agree with the decision of the IEP team?

If you do not agree with the decision of the IEP team, including the decision as to whether the behavior is or is not a manifestation of your child's disability, you may contact the Special Education Administrator assigned to your child's school to discuss your concerns. You can reach the Coordinator by calling:

Department of Educational Services

Special Education: 663-8442

You also have the right to request mediation and/or file a due process complaint. These rights are described in detail in the brochure *Special Education Rights for Parents and Children*, which you have received yearly. You may also request a copy from your child's school or obtain a copy from the website listed at the end of this brochure.





APPENDIX B: School Board Policies Referenced In Behavior Education Plan





3721 - STUDENT POLICY, PROCEDURES, AND RULES FOR USING INFORMATION TECHNOLOGY

It is the policy of the Board to mandate and expect that students will use District-provided information technology in a responsible manner. Accordingly, the BOARD has established a policy and procedures for the use of District-provided information technology along with rules governing the behavior of students who access such resources. Students who do not comply with the standards of behavior outlined in the Student Conduct and Discipline Plan or with the rules below may lose their privilege to use District-provided information technology resources and/or be subject to other disciplinary action.

PROCEDURE

STUDENT POLICY, PROCEDURES, AND 3721
RULES FOR USING INFORMATION Instruction
TECHNOLOGY

1. Unless a student's right to access have been limited or withdrawn as a disciplinary sanction, students will be permitted to access the Internet using District technology resources. The use of the Internet may be integrated within academic curriculum. Such access by students is subject to various legal requirements, including the restriction of content that may be harmful to minors. The District will meet such legal requirements by, for example, using security controls and filters that are administered by the District and/or by service providers.
2. All MMSD user accounts are owned by the MMSD and therefore are **not private**. All messages and files created, sent, received or stored using MMSD equipment, networks or communication systems are the property of the District. MMSD retains the right to review, audit, intercept, access and disclose all messages created, received, or sent over the electronic communication systems as necessary. The ADMINISTRATION may access any message for reasons including, but not limited to:
 - A. to find lost messages;
 - B. to study the effectiveness of the communication system;
 - C. to comply with investigations into suspected criminal acts or violations of BOARD policies, including investigations into allegations of electronic bullying using DISTRICT resources;
 - D. to recover from systems failures and other emergencies;
 - E. to respond to public records requests, subject to the limitations imposed by state and federal law and BOARD policy regarding the disclosure of personally identifiable student information;



- F. to comply with discovery proceedings or to be used as evidence in legal actions, subject to the limitations imposed by state and federal law and BOARD policy regarding the disclosure of personally identifiable student information;
 - G. as may otherwise be required and/or permitted by state or federal law.
3. Each year, prior to use, each student shall receive and discuss information from his/her teacher regarding:
- A. Internet safety and security, including:
 - the importance of understanding what materials are inappropriate to minors
 - safe use of electronic mail, chat rooms, web sites, web blogs, social network profiles and other direct forms of electronic communication and online fora including the importance of understanding that one should never provide personal information to a site on the Internet without the supervision of an adult; such personal information includes likeness, full name, address, phone number, credit card number, and Social Security number
 - the procedures for reporting occurrences of computer-based bullying and/or harassment (See Policy 4510)
 - B. Responsible use of information technology, including:
 - abiding by copyright laws
 - understanding that unethical and unlawful activities include unauthorized access to any data or communications equipment without the owner's permission, "hacking," or unauthorized disclosure, use, or dissemination of anyone's personal information
 - C. Measures the District has taken to restrict access to materials harmful to minors, including:
 - implementing Internet filtering
 - requiring adult supervision during student use of the Internet
4. An online presence includes, but is not limited to, web pages, web sites, social network profiles, posted comments, posted images or videos or other media, blogs and microblogs and participation in online fora. A public online presence is one which can be accessed by people who are not staff or students of the MMSD. A public online presence created with District-provided resources or pursuant to the District's educational or business purposes must:
- A. adhere to District policies and guidelines;
 - maintain confidentiality



- only use assigned log in information unless instructed otherwise
- may not contain or link directly to inappropriate content
- obtain all required permissions and clearances
- set privacy settings and access restrictions appropriately to the content on your site

B. adhere to the “user agreement” or “terms of service” for the hosting site;

C. indicate that the views expressed are those of the student and do not necessarily reflect the opinions/views of the Madison Metropolitan School District;

D. not violate copyright or privacy laws;

E. be kept current and monitored on a regular basis

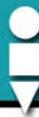
RULES STUDENT POLICY, PROCEDURES, AND 3721
 RULES FOR USING INFORMATION Instruction
 TECHNOLOGY

1. Students shall:

- adhere to same standard of conduct expected and required in a classroom;
- follow rules for applying for password and e-mail accounts;
- follow rules for using resources, time limits and printing instructions;
- log off the system as soon as finished to provide others with the opportunity to access the system;
- report violations of these rules;

2. Students shall not:

- lend their e-mail logins and passwords to anyone else;
- create a computer virus and place it on the network;
- send a message that is inconsistent with the school's code of conduct, written or implied;
- send messages that are inappropriate, obscene, sexist, contain obscenities, or contain inflammatory or abusive language (See Policy 8012);



- send messages or use DISTRICT information technology resources to engage in bullying or harassing behavior (See Policy 4510);
- send any message with someone else's name on it;
- read mail or files without the owner's permission;
 - interfere with the ability of other users to make effective use of school district computing and network resources.

12/19/11

4043 – OUT-OF-SCHOOL SUSPENSION

Pupils

POLICY

Out-of-School Suspension

1. The SUPERINTENDENT or any PRINCIPAL, ASSISTANT PRINCIPAL, PRINCIPAL DESIGNEE, DEAN OF STUDENTS, ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program, or teacher expressly designated by the SUPERINTENDENT, may make rules with the consent of the school board and may (1) suspend a pupil for not more than 5 school days, or (2) if a notice of expulsion hearing has been sent, for not more than a total of 15 consecutive school days for a regular education student or 10 days for a special education student (a) for non-compliance with such rules or school board rules, or (b) for knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or (c) for conduct by the pupil while at school or while under the supervision of a school authority which endangers the property, health or safety of others, or (d) for conduct while not at school or while not under the supervision of a school authority which endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled and for any other reason provided by law.

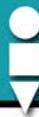
s. 120.13(1)
2. In accordance with the BOARD's statutory authority to establish rules for pupil conduct and to suspend a pupil from school attendance, the BOARD has adopted BOARD Policies 4502b (Behavior Education Plan- Elementary) and 4502c (Behavior Education Plan- Secondary), which set forth the behaviors that may result in a pupil being subject to an out-of-school suspension.
3. The SUPERINTENDENT will regularly report of out-of-school suspensions to the BOARD

**PROCEDURE****OUT-OF-SCHOOL SUSPENSION 4043**

Pupils

Out-of-School Suspension

1. When a pupil is being considered for an out-of-school suspension as a disciplinary consequence, as set forth in BOARD Policies 4502b and 4502c, the pupil shall be advised of the reason for her/his proposed out-of-school suspension and be given the opportunity to explain her/his version of the incident prior to being suspended out of school.
2. A pupil may be suspended out of school if it is determined that s/he is guilty of non-compliance with written rules of conduct set forth in BOARD Policies 4502b and 4502c that permit an out-of-school suspension. A first offense by a pupil which necessitates disciplinary action should be resolved by action other than out-of-school suspension unless Policy 4502b or 4502c provides otherwise..
3. When a pupil is suspended out of school:
 - a. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason therefor.
 - 1) The suspending authority (SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, PRINCIPAL DESIGNEE, DEAN OF STUDENTS, ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any public service or program or designated teacher) shall immediately contact the parents or guardian by telephone, if possible, and notify them of her/his decision to suspend the pupil.
 - 2) The suspended pupil shall remain at school until the end of the day unless arrangements can be made with the parents or guardian to take custody of the pupil prior to the end of the day.
 - 3) The suspending authority shall notify the parents or guardian in writing by U.S. mail, hand delivery or e-mail (with express consent from the parent or guardian) of the facts of the suspension. The notice shall specify the beginning and ending times of the suspension, the necessity for a parent-principal conference, and the procedures for arranging such conference. The notification to the parent or guardian should also indicate that a pupil or her/his parent or guardian may, within five (5) school days following mailing or delivery of the written suspension letter, have a conference with the SUPERINTENDENT or SUPERINTENDENT'S designee (generally an ASSISTANT SUPERINTENDENT), who shall be someone other than a principal, administrator, or teacher in the suspended pupil's school.



- 4) The PRINCIPAL shall send a copy of the notification letter to the appropriate ASSISTANT SUPERINTENDENT and place a copy of the notification letter in the pupil's record.
4. If the parent requests a conference with the SUPERINTENDENT or SUPERINTENDENT's designee, and after such conference the SUPERINTENDENT or SUPERINTENDENT's designee finds that the pupil was suspended out of school unfairly or unjustly, or that the out-of-school suspension was inappropriate in the nature of the alleged offense, or that the pupil suffered undue consequences or penalties as a result of the out-of-school suspension, reference to the out-of-school suspension shall be removed from the pupil's school record and the resulting absences shall be changed to reflect an excused absence. The decision regarding the appeal of an out-of-school suspension shall be made within fifteen (15) school days of the appeal conference.
5. A pupil suspended out of school shall not be denied the opportunity to take any examination missed during the suspension period. Course work missed during the period of suspension may be made up through a student's own initiative.
6. The out-of-school suspension may be terminated early by the PRINCIPAL unless the initial suspension was accompanied by a Recommendation for Expulsion.
7. A pupil shall not be suspended out of school for consecutive five-day periods for one offense.

7/14/14

4045 - EXPULSION

Pupils

Expulsion from School

1. The BOARD may expel a pupil from school whenever it finds the pupil (1) guilty of repeated refusal or neglect to obey the rules, or (2) finds that a pupil knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or (3) finds that the pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health, or safety of others, or (4) finds that a pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health, or safety of others at school, or under the supervision of a school authority or endangered the property, health, or safety of any employee or school board



member of the school district in which the pupil is enrolled, and (5) is satisfied that the interest of the school demands the pupil's expulsion.

2. In addition to the grounds set forth in paragraph 1 above, and for any other reason provided by law, the school board may expel from school a pupil who is at least 16 years old if the school board finds that the pupil repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under paragraph 1 above, and is satisfied that the interest of the school demands the pupil's expulsion.

s. 120.13(1)(c)

3. In accordance with the BOARD's statutory authority to expel a pupil from school, the BOARD has adopted BOARD Policies 4502b (Behavior Education Plan- Elementary) and 4502c (Behavior Education Plan- Secondary), which set forth the behaviors that will result in a pupil being recommended for expulsion and subject to the Procedure set forth below.

PROCEDURE

EXPULSION 4045

Pupils

Expulsion from School

1. Expulsion recommendations shall originate with and remain the responsibility of the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program.
2. A teacher or staff member shall advise the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program when s/he has information regarding a pupil engaging in inappropriate or disruptive behaviors that violated BOARD Policy 4502b or 4502c and will result in a pupil being recommended for expulsion.
3. The PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall investigate and evaluate the facts of the situation and shall review the complete record of the student if such record is available in the District.
4. If the pupil has been identified as having a disability, the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall involve the EXECUTIVE DIRECTOR OF STUDENT SERVICES or her/his



designee to determine how such identification and/or needs impact on the decision to recommend expulsion of the student.

5. The PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall make a good faith effort to notify the pupil and if the pupil is a minor, the pupil's parent or guardian listed in district records, of the possibility of expulsion and shall keep a record either that the pupil and/or her/his parent or guardian were so notified or a record of the efforts that were made to contact the pupil and/or her/his parent or guardian.
6. In those cases in which the BOARD has permitted, but not mandated that a pupil be recommended for expulsion for particular behavior, and where the pupil is not ultimately recommended for expulsion, the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall make a reasonable effort to seek the cooperation of the pupil, and if the pupil is a minor, the pupil's parent or guardian, to consider interventions that have the goal of providing behavioral support, facilitating reengagement within school community, and finding solutions to any problems that may be identified.
7. In all cases in which a student is ultimately recommended for expulsion, the schools shall consider available options within the process that will ultimately facilitate the pupil's future reengagement in the school community, including but not necessarily limited to, proposing possible conditions for early reinstatement.
8. In all cases where a decision is made to recommend an expulsion, the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall send a letter to the pupil and, if the pupil is a minor, the pupil's parent or guardian as listed in the District records, stating that she/he is recommending that the pupil be expelled from school.
9.
 - a. In those cases in which the BOARD has not mandated that a student be recommended for expulsion, after reviewing the written expulsion recommendation, which may be done in consultation with an ASSISTANT SUPERINTENDENT, GENERAL COUNSEL and/or the EXECUTIVE DIRECTOR FOR STUDENT SERVICES, as appropriate, the COORDINATOR FOR EXPULSIONS may approve the recommendation for the expulsion of the pupil and submit it to the BOARD or its designee; and
 - b. In those cases in which the BOARD has mandated that a student be recommended for expulsion, after reviewing the written expulsion recommendation, which may be done in consultation with an ASSISTANT SUPERINTENDENT, GENERAL COUNSEL and/or the EXECUTIVE DIRECTOR FOR STUDENT SERVICES, as appropriate, the COORDINATOR FOR EXPULSIONS shall approve the recommendation for the expulsion of the pupil and submit it to the BOARD or its designee unless the COORDINATOR FOR EXPULSIONS determines one



or more of the following factors is/are applicable, in which case the expulsion recommendation shall be dismissed:

- the appropriate ASSISTANT SUPERINTENDENT dismissed the student's out-of-school suspension associated with the expulsion recommendation pursuant to the suspension appeal procedures;
 - there is insufficient, credible evidence to prove the alleged violation of the Behavior Education Plan;
 - in instances where the student is accused of engaging in physical contact with a staff member, and the staff member inappropriately provoked the student;
 - in cases where the student has been identified as a student with a disability, the student's Individualized Education Plan (IEP) or evaluation is out of date or the student's Behavioral Intervention Plan (BIP) was not appropriately implemented; and/or
 - in cases where there has been a request for the special education evaluation following the recommendation for expulsion, the expedited evaluation is not completed in a timely manner.
10. A recommendation of expulsion to the BOARD or its designee shall be accompanied by the appropriate documentation. Such documentation may include existing psychological and/or psychiatric examinations, records and/or assistance, suspension reports, conference and/or meeting summaries, violence risk assessment, etc.
11. A pupil may be suspended for not more than five (5) school days or, if a notice of expulsion hearing has been sent, for not more than a total of 15 consecutive school days for a regular education student or 10 days for a special education student for inappropriate and/or disruptive behaviors as set forth in BOARD Policies 4502b and 4502c.
12. The PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any pupil service or program shall suspend a pupil for five (5) days, unless otherwise limited by state and/or federal laws pertaining to students with a disability, while the District is determining whether or not to seek the expulsion of the student.



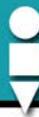
13. When a pupil is suspended and, pursuant to paragraph 14 below, is sent a written notice of an expulsion hearing, the pupil shall be placed into Off Campus Neutral Site programming and such placement shall continue either until the decision of the BOARD or hearing examiner/panel does not expel the pupil and the pupil returns to school, the BOARD reviews and affirms the hearing examiner's/panel's order to expel the pupil or until the BOARD decides to expel the pupil.
14. Prior to such expulsion, the BOARD shall hold a hearing thereon.
 - a. The investigating PRINCIPAL, ASSISTANT PRINCIPAL, ASSISTANT DIRECTOR OF STUDENT SERVICES responsible for serving as the administrator of any pupil service or program and/or other personnel selected by the COORDINATOR FOR EXPULSIONS shall be present at the BOARD hearing to offer evidence in support of recommendation for expulsion of the pupil.
 - b. Not less than 5 days prior to the date of the expulsion hearing, written notice of the hearing shall be sent, by Certified Mail, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian specifying the particulars of the alleged refusal, neglect, or conduct stating the time, date, and place of the hearing and stating that the hearing may result in the pupil's expulsion. The notice shall also advise that:
 - 1) Upon the request of the pupil, and if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.
 - 2) The pupil and, if the pupil is a minor, the parent or guardian, shall be given the names of attorneys or organizations, if available, who can provide indigent pupils with legal representation at no cost to the pupil or her/his parent or guardian.
 - 3) The pupil and, if the pupil is a minor, the parent or guardian may be represented by counsel and may confront and cross-examine any witness against the pupil, present a defense and that the pupil or the designated counsel shall be allowed to inspect at least 24 hours prior to the hearing the exhibits which will be presented in evidence.
 - 4) The pupil and, if the pupil is a minor, the parent or guardian, have a right to a transcript or BOARD minutes that shall be made of the hearing at the BOARD's expense.
 - 5) If the BOARD orders the expulsion of the pupil, the school district clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.
 - 6) If the pupil is expelled by the BOARD, the expelled pupil or, if the pupil is a minor, her/his parent or guardian, may appeal the expulsion to the STATE SUPERINTENDENT of PUBLIC INSTRUCTION.



- 7) The decision of the BOARD shall be enforced while the STATE SUPERINTENDENT of PUBLIC INSTRUCTION reviews the BOARD'S decision.
 - 8) An appeal from the decision of the STATE SUPERINTENDENT of PUBLIC INSTRUCTION may be taken within thirty (30) days to the CIRCUIT COURT of the county in which the school is located.
 - 9) The state statutes related to pupil expulsion are ss. 119.25 and 120.13(1).
15. At the hearing, prior to expelling the student, the SCHOOL BOARD must
- a. find that the pupil
 - 1) engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health, or safety of others or
 - 2) while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health, or safety of others at school, or under the supervision of a school authority or endangered the property, health, or safety of any employee or school board member of the school district in which the pupil is enrolled; and
 - b. be satisfied that the interest of the school demands the pupil's expulsion; and
 - c. make any other finding as required by law.
16. After the hearing, if the BOARD either orders the expulsion of the pupil or if the BOARD does not order the expulsion of the pupil, the SCHOOL DISTRICT CLERK or his/her designee shall provide a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.
- a. The expelled pupil or, if the pupil is a minor, her/his parent or guardian, may appeal the expulsion to the STATE SUPERINTENDENT of PUBLIC INSTRUCTION.



- b. An appeal from the decision of the STATE SUPERINTENDENT of PUBLIC INSTRUCTION may be taken within thirty (30) days to the CIRCUIT COURT of the county in which the school is located.
- 17.
- a. At the option of the BOARD, instead of using the process described above, the BOARD may adopt a resolution, which is effective only during the school year in which it is adopted, authorizing the appointment of a hearing officer or hearing panel to determine pupil expulsion from school. During any school year in which a resolution has been adopted, the hearing officer or panel appointed by the BOARD may expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion in accordance with the grounds that are set forth in this policy and that the interest of the school demands expulsion.
 - b. Should the BOARD adopt a resolution authorizing the use of a hearing examiner/panel, pursuant to paragraph 16.a above, the following procedure for assigning a hearing examiner/panel to an expulsion case shall be followed:
 - 1) At the time the pupil has been sent a written notice of her/his expulsion hearing pursuant to paragraph 18 below, the COORDINATOR FOR EXPULSIONS shall send to the pupil and, if the pupil is a minor, to the pupil's parent/guardian a notice:
 - a) That the COORDINATOR FOR EXPULSIONS or her/his designee shall randomly select and assign a hearing examiner/panel to the pupil's case from among the names of all hearing examiners/panelists authorized and available for such assignment.
- 18.
- Prior to such expulsion, the hearing officer or panel shall hold a hearing thereon.
- a. The investigating PRINCIPAL, ASSISTANT PRINCIPAL, ASSISTANT DIRECTOR OF STUDENT SERVICES responsible for serving as the administrator of any pupil service or program and/or other personnel selected by the COORDINATOR FOR EXPULSIONS shall be present at the hearing to offer evidence in support of the recommendation for expulsion of the pupil.
 - b. Not less than 5 days prior to the date of the expulsion hearing, written notice of the hearing shall be sent, by Certified Mail, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian specifying the particulars of the alleged refusal, neglect, or conduct stating the time, date, and place of the hearing and stating that the hearing may result in the pupil's expulsion. The notice shall also advise that:
 - 1) Upon the request of the pupil, and if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.



- 2) The pupil and, if the pupil is a minor, the parent or guardian, shall be given the names of attorneys or organizations, if available, who can provide indigent pupils with legal representation at no cost to the pupil or her/his parent or guardian.
- 3) The pupil and, if the pupil is a minor, the parent or guardian may be represented by counsel and may confront and cross-examine any witness against the pupil, present a defense and that the pupil or the designated counsel shall be allowed to inspect at least 24 hours prior to the hearing the exhibits which will be presented in evidence.
- 4) The pupil and, if the pupil is a minor, the parent or guardian, have a right to a transcript that shall be made of the hearing at the BOARD's expense.
- 5) If the hearing examiner/panel orders the expulsion of the pupil, LEGAL SERVICES shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.
- 6) If the pupil is expelled by the hearing examiner/panel, the expelled pupil or, if the pupil is a minor, her/his parent or guardian, may appeal the expulsion to the STATE SUPERINTENDENT of PUBLIC INSTRUCTION.
- 7) The decision of the hearing officer/panel shall be enforced while the STATE SUPERINTENDENT of PUBLIC INSTRUCTION reviews the BOARD'S decision.
- 8) An appeal from the decision of the STATE SUPERINTENDENT of PUBLIC INSTRUCTION may be taken within thirty (30) days to the CIRCUIT COURT of the county in which the school is located.
- 9) The state statutes related to pupil expulsion are ss. 119.25 and 120.13(1).

19. At the hearing, prior to ordering the expulsion of the student, the hearing officer or panel must:
- a. find that the pupil
 - 1) engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health, or safety of others or
 - 2) while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health, or safety of others at school, or under the supervision of a school authority or endangered the property, health, or safety of any employee or school board member of the school district in which the pupil is enrolled; and



- b. be satisfied that the interest of the school demands the pupil's expulsion; and
 - c. make any other finding as required by law.
20. After the hearing, the hearing officer or panel shall issue an Order and the SCHOOL DISTRICT shall provide:
- a. A copy of the order to the BOARD, the pupil and, if the pupil is a minor, the pupil's parent or guardian; and provide a letter to the pupil, and if the pupil is a minor, the pupil's parent or guardian, which indicates the date that the Board will meet to review the Hearing Examiner's Order.
21. Within thirty (30) days after the date on which the order is issued, the BOARD shall review the expulsion order and shall, upon review, approve, reverse, or modify the order. The order of the hearing officer or panel shall be enforced while the BOARD reviews the order. After the BOARD issues an Order, a copy of the BOARD'S Order shall be provided to the pupil and if the pupil is a minor, to the pupil's parent or guardian.
22. If the pupil's expulsion is approved by the BOARD, the expelled pupil and, if the pupil is a minor, the pupil's parent or guardian, may appeal the SCHOOL BOARD'S decision to the STATE SUPERINTENDENT of PUBLIC INSTRUCTION. The BOARD'S decision shall be enforced until the STATE SUPERINTENDENT of PUBLIC INSTRUCTION renders his/her decision.
23. An appeal from the decision of the STATE SUPERINTENDENT may be taken within thirty (30) days to the Circuit Court of the County in which the school is located.

BOARD OF EDUCATION Standard of Review of Hearing Officer/Panel Decisions

- 1. The BOARD will review:
 - a. Whether the record contains sufficient evidence to support the decision by the hearing office/panel , and if necessary, the BOARD may add, delete or modify findings as appropriate; and
 - b. The hearing officer's/panel's conclusion that the interest of the school demands the expulsion of the pupil; and



- c. The supplemental information contained in the Expulsion Off-Campus Instruction Form and the Case Summary from the Office of Legal Services on the issue of the length of the expulsion and the terms and conditions of early readmission.
2. The BOARD will ultimately decide:
 - a. Whether the decision of the hearing officer/panel to expel the pupil should be approved, reversed or modified; and
 - b. If the hearing officer's decision is modified, what the specific modification(s) will be.

DEFINITIONAL NOTE: (1) The “record” in an expulsion hearing consists of the transcript of the hearing proceeding, the exhibits received into evidence during the expulsion hearing, and the written decision of the Hearing Officer. The “supplemental information” that may be considered in an expulsion review consists of the Expulsion Off-Campus Instruction Form and the Case Summary from the Office of Legal Services.

7/14/14

4047 - EXPUNGEMENT

A student's record of expulsion may be expunged in accordance with the procedure that is set forth below.

PROCEDURE

EXPUNGEMENT 4047

1. The SUPERINTENDENT or his/her designee shall expunge (erase or wipe out) an expulsion from a student's record on the last day of the first complete semester following the student's return to school from a term of expulsion if (1) the underlying expulsion did not result from the student possessing a firearm, possessing a bomb or other explosive device, or engaging in non-consensual sexual contact with another student while using force, a weapon, threats or coercion; (2) he/she has not been suspended or recommended for expulsion since the student's return from expulsion; (3) he/she, since returning from being expelled, has earned a cumulative grade point average of at least 2.0 as documented by the MMSD or is in good standing in an MMSD alternative program, as determined by the SUPERINTENDENT or designee; and (4) he/she has not had more than 5 unexcused absences each semester after returning from being expelled.



2. If the student meets the necessary conditions, set forth in paragraph 1 above, to warrant an expungement, such expungement shall be effective on the last day of school during the school year the student qualifies for expungement.
3. Expungement is defined as the removal from the student's individual school record (including electronic records) the documentation of the expulsion. Expungement does not apply to District records (including records kept and maintained by the Expulsion Office), records sent to another school or school district prior to the date of the expungement, or if a student is referred for an expulsion a second time. The underlying suspension, of up to five (5) days, and the reason for underlying suspension shall remain in the student's individual school record and all other District records.
4. Should a student be expelled subsequent to the expungement of his/her expulsion record, the expulsion record shall be reinstated.
5. Expungement means that any information about the expulsion in the student's individual school records is expunged and that the school's administrative staff and guidance department staff will not disclose any information concerning the expulsion.
6. LEGAL COUNSEL or his/her designee shall include in his/her correspondence to the student and his/her parent(s), at the time of his/her recommendation for expulsion, (1) a copy of the Expungement Policy and (2) a Notice that the student's expulsion record may be expunged in accordance with such Policy.
7. The SUPERINTENDENT or his/her designee shall send to the student and his/her parent(s) a letter stating that in accordance with the BOARD'S Expungement Policy, the student's expulsion record has been expunged.
8. When an order of expulsion of a student is reversed by the STATE SUPERINTENDENT of PUBLIC INSTRUCTION or a court, and such reversal is not appealed by the BOARD, the student's record shall be expunged in accordance with paragraphs 3, 5 and 7 above.

7/14/14



4132 - WELFARE

Pupils

Locker Inspections

The provision of lockers to pupils is a privilege granted by the BOARD. The BOARD retains ownership and possessory control of all pupil lockers. Therefore, the PRINCIPAL of a school and/or his/her designee shall have the right to inspect pupil lockers.

s. 118.325

PROCEDURE

WELFARE 4132

Pupils

Locker Inspections

1. The assignment of lockers to pupils is a responsibility of the PRINCIPAL or her/his designee.
 - a. The PRINCIPAL and/or his/her designee retains the right to inspect any locker or lockers as may be necessary or appropriate. This right shall be exercised if and when, in the judgment of the PRINCIPAL, there may be reasonable suspicion to believe that a locker may be used to conceal anything illegal or evidence of a violation of school rules or Board Policy.
 - b. Whenever practicable, a student shall be notified before or be present when her/his locker is being inspected.
 - c. A pupil shall be required to open any personal belongings in a locker at the request of the PRINCIPAL.
2. This Policy and Procedure shall be duplicated in every published handbook or set of regulations for the conduct of pupils in the Madison Metropolitan School District.

s. 118.325

8/26/02

4400 - INVESTIGATION, INTERROGATION, ARREST AND SEARCH

Pupils

School officials shall cooperate with appropriate law enforcement agencies regarding the investigation, interrogation, arrest and search of students on school property or in the school building according to established procedure.

**PROCEDURE****INVESTIGATION, INTERROGATION, ARREST AND SEARCH 4400**

Pupils

Investigation in Schools

1. By Police, on request of School Authorities:
 - a. A PRINCIPAL may exercise her/his discretion in determining whether to request assistance of police in investigating a crime, or the allegation of a crime, committed in her/his school building and/or on school grounds during school hours. If assistance is so requested, it shall be directed to the Police Department of the municipality in which the school building and/or grounds are located.
 - b. If the PRINCIPAL requests assistance, a police officer may conduct an investigation within the school building and/or on school grounds and interview students as possible witnesses in school during the school day. The PRINCIPAL or her/his representative shall be present during the interview unless the student requests that they not be there. A non-uniformed police officer shall be used if possible.
 - c. If the investigation focuses on a particular student as a suspect of a crime, the PRINCIPAL and the police officer will follow the general guidelines herein set forth with respect to Interrogation of Suspects in Schools by police on request of School Authorities, Search, and Arrest.
2. By Police, without request of School Authorities:
 - a. Police officers will make every effort to interview students outside of school hours and outside of the building and/or school grounds in those cases in which assistance by School Authorities has not been requested. This requirement does not apply to circumstances in which there is an imminent threat to the health or safety of persons or property, including imminent threats to the health, safety or property of MMSD students, staff members or visitors who are at school. If there is not an imminent threat as described above, the police may interview a student if an adult student consents to the interview or the parent(s) or legal guardian of a minor student has given the police permission to do so or in cases of child abuse or neglect in which the parent or legal guardian or other member of the student's household is suspected of abusing or neglecting the child.
 - b. If the police deem it absolutely necessary to interview students at school and/or on school grounds, the Police Department shall first contact the PRINCIPAL or her/his representative regarding the planned visit and inform the PRINCIPAL (1) of the reason(s) why the police believe that it is necessary to interview the student(s) at school because of the imminent



threat to the health or safety of persons or property, including the imminent threat to the health, safety or property of MMSD students, staff members or visitors who are at school, (2) that an adult student consents to the interview, (3) that the police have been given permission by the minor student's parent(s) or legal guardian to interview the student(s) at school or (4) that there is a child abuse or neglect investigation in which the student's parent(s), legal guardian or member of the student's household is suspected of abusing or neglecting the child. The police officer shall not commence her/his investigation until the approval of the PRINCIPAL has been obtained. If the PRINCIPAL is unavailable, such permission may be secured from either the APPROPRIATE ASSISTANT SUPERINTENDENT or from the SUPERINTENDENT'S OFFICE. The Police Department may appeal to the SUPERINTENDENT if it is deemed that approval was unreasonably withheld.

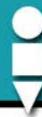
- c. Before the investigation is commenced, if criminal prosecution against a student is contemplated, the PRINCIPAL or his/her designee shall attempt to notify the student's parents or legal guardian and the PRINCIPAL or his/her designee or the police officer shall advise the student of the nature of the crime of which she or he is suspected, that s/he has a right to remain silent, that anything she or he says may be used against her/him in juvenile or criminal court, that s/he has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the child or parent may stop the interrogation at any time. The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility to insure that the student fully understands all of her/his rights.

Interrogation of Suspects in Schools:

1. By Police, on request of School Authorities:
 - a. If a PRINCIPAL has requested assistance by a Police Department to investigate a crime involving her/his school building and/or school grounds, or students, the police shall have permission to interrogate a student suspect in school and/or on school grounds during school hours. Unless advised otherwise by an adult student, the PRINCIPAL or the police shall first attempt to notify the parents or legal guardian of the student of the intended interrogation and shall inform the parents or legal guardian of the nature of the crime of which the student is suspected, that the student has a right to remain silent, that anything the student says may be used against her/him in juvenile or criminal court, that the student has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the student or parent may stop the interrogation at any time. The PRINCIPAL or a Staff member of the student's choice shall be present unless the student requests otherwise.



- b. Before the interrogation is commenced, the police officer shall advise the student of the nature of the crime of which she or he is suspected, that s/he has a right to remain silent, that anything she or he says may be used against her/him in juvenile or criminal court, that s/he has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the student or parent may stop the interrogation at any time. The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility to insure that the student fully understands all of her/his rights.
 - c. If criminal prosecution is contemplated by the police, except as provided below, interrogation shall not commence unless a parent or legal guardian of the student is present. This does not apply if either an adult student consents to the interrogation without his/her parent or legal guardian being present or the parent or guardian of a minor student waives their presence at the interrogation. In situations in which the legal guardian or parents cannot be reached, or are unwilling to attend, it is the PRINCIPAL's decision whether to proceed or not.
 - d. In certain situations, the use of a female police officer may be desirable in the interrogation of female students. A female staff member of the student's choice may be there unless the student decides otherwise.
2. By Police, without request of School Authorities:
- a. Police officers will make every effort to interrogate students outside of school hours and outside the school building and/or school grounds in those cases in which assistance has not been requested by school authorities. This requirement does not apply to circumstances in which there is an imminent threat to the health or safety of persons or property, including an imminent threat to the health, safety or property of MMSD students, staff members or visitors who are at school. If there is not an imminent threat as described in the previous sentence, the police may interrogate an adult student if he/she consents to the interrogation or if a minor student's parent(s) or legal guardian has given the police permission to do so.
 - b. If the police deem it necessary to interrogate students at school and/or on school grounds, the police shall first contact the PRINCIPAL regarding the planned interrogation, inform the PRINCIPAL (1) of the reason(s) why the police believe that it is necessary to interrogate the student(s) at school because of the imminent threat to the health or safety of persons or property, including an imminent threat to the health, safety or property of MMSD students, staff members or visitors who are at school or (2) that an adult student consents to the interrogation, (3) that the police have been given permission by a minor



student's parent(s) or legal guardian to interrogate the student(s) at school. The police officer shall not commence her/his interrogation until the approval of the PRINCIPAL has been obtained. If the PRINCIPAL gives his/her approval, the PRINCIPAL or his/her designee shall attempt to contact the parents or legal guardian of the student. Under circumstances in which the PRINCIPAL is not available to provide such approval, the approval may be obtained from her/his school representative. If the police believe approval is unreasonably withheld, an appeal may be made to the APPROPRIATE ASSISTANT SUPERINTENDENT and then to the SUPERINTENDENT.

- c. Before the interrogation occurs, if criminal prosecution against a student is contemplated, the PRINCIPAL or his/her designee shall attempt to notify the student's parents or legal guardian and the principal or his/her designee or the police officer shall advise the student of the nature of the crime of which she or he is suspected, that s/he has a right to remain silent, that anything she or he says may be used against her/him in juvenile or criminal court, that s/he has the right to have an attorney present or a court-appointed attorney if her/his parents cannot afford it, and that the child or parent may stop the interrogation at any time. The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility to insure that the student fully understands all of her/his rights.

3. By School Administrators:

- a. If upon interrogation relating to school matters, the PRINCIPAL has reason to believe that a crime has been committed and desires police involvement, s/he shall notify the police who will complete the investigation with all constitutional safeguards attached.

Arrest by Police Officers:

1. No police officer shall arrest or take into custody a student in the school building and/or on school grounds during school hours unless upon lawful request by the PRINCIPAL, or unless the officer has "Probable Cause" to arrest for a felony or misdemeanor, or has an arrest warrant or juvenile commitment order, which the issuing authority or juvenile court directs be served at school.
2. In cases where the student is to be taken into custody, the police officer shall first contact the PRINCIPAL and advise her/him of such fact. The student shall first be summoned to the office by the PRINCIPAL unless this could compromise the safety of the student, other students, staff or visitors to the school. If possible, a non-uniformed police officer shall make the arrest.
3. In emergency situations where the commission of a serious felony or misdemeanor has been witnessed by a police officer or if the police officer is in pursuit of a student for such crime, the

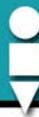


police shall have the legal right to apprehend such student. However, before removing such juvenile student from the school building and/or school grounds, the police officer shall inform the PRINCIPAL or her/his representative of such apprehension.

4. The PRINCIPAL shall record the name of the police officer, the time of the arrest, the name of the issuing authority of any arrest warrant, the nature of the crime for which apprehension is made, and the place of custody or detention. The parents or legal guardians of the student should be notified immediately thereof by the PRINCIPAL. It is of course also incumbent upon the police to notify parents immediately after an arrest of a student is made.

Search of School Building or on School Property:

1. By Police, on request of School Authorities:
 - a. If a PRINCIPAL has information that s/he believes to be true, i.e., that evidence of a crime, stolen goods, drugs, weapons, or other items of an illegal or prohibited nature, is located on a student's person, in a student's locker, desk, or student's or non-student's automobile, the PRINCIPAL shall request police assistance.
 - b. Periodic sweeps of common areas, storage facilities, vehicles parked on school property and lockers owned by the DISTRICT for contraband including drugs, weapons or other items of an illegal or prohibited nature may be conducted with cooperation by police and/or law enforcement.
 - i. Police-trained K9 teams (scent dogs and officer/handler) may be used to conduct such sweeps where there is a suspicion of illegal drug activity.
 - (1) K9 sweeps will only be conducted in secondary schools.
 - (2) K9 sweeps may only be conducted following consultation and coordination with the SUPERINTENDENT or his/her designee.
 - (3) K9 sweeps will be conducted by a team including. the PRINCIPAL or his/her designee, the school's Educational Resource Officer, if available, and the police-trained K9 team.
 - (4) K9 sweeps may only be conducted outside regular school hours or while students are in class unless exigent circumstances exist or with approval of the SUPERINTENDENT or his/her designee.



- (5) Examination of a student's person, including clothing while the student is wearing such clothing, by a K9 team is prohibited.
 - (6) If the K9 "alerts" to an item, vehicle or place, the PRINCIPAL or his/her designee will determine, in collaboration with the K9 officer or supervisor, the most appropriate course of action.
 - (7) If drugs, weapons or other contraband are found, they will be immediately seized and a police investigation will be conducted in compliance with the terms of this Policy with respect to investigation or interrogation.
 - c. Strip searches shall not be conducted by School District employees.
 - d. Strip searches shall be conducted by police and off school grounds unless the police determine that such search should be conducted on school premises.
2. By Police, without request of School Authorities:
- a. Police officers may not search students' lockers or desks or automobiles unless they have a search warrant or as otherwise provided by law, and may not search a student's person in the school building and/or on school grounds unless the student is under arrest or as otherwise provided by law.
3. By School Administrators:
- a. The school administration maintains control over lockers and desks loaned to students. The PRINCIPAL may search a locker or desk if s/he has reasonable suspicion to believe that missing school materials or items that would endanger the health or safety of the school population may be present or that other material or items are present which would constitute a violation of school rules, Board Policy or the law.
 - b. Whenever practicable, a student shall be present when her/his locker and/or desk is being searched.

Annual Inservice Training

Annually, Legal Counsel and/or his/her designee shall provide inservice training to all the Principals and Assistant Principals in the District relative to the provisions of this policy regarding the Investigation, Interrogation, Arrest and Search of students in the District. The inservice training shall include, but not be limited to, an in-depth explanation of the specific policy requirements, such as notification of parents and providing students and parents with information about their rights, the



basis for the interrogation, search and/or arrest of a student, etc., the importance of complying with the policy and the possible consequences for failing to comply with policy.

09/26/11

**POLICY****POSSESSION OF A PERSONAL ELECTRONIC DEVICE 4403**

Pupils

Pupils are permitted to possess a cellular phone, personal digital assistant, personal music/video/gaming device, camera, or other personal electronic device with communication functions or the capability to capture/record voice or image information, (collectively within this Policy, "Device" or "Devices"), provided that pupils refrain from using such Devices (1) in a manner that detracts from and/or disrupts the learning of oneself or others, (2) in a school bathroom, locker room, or other dressing area at any time, and (3) at such other times as have been identified in advance by a school-issued policy, rule or directive.

PROCEDURE**POSSESSION OF A PERSONAL ELECTRONIC DEVICE 4403**

Pupils

1. Any pupil who uses a Device and/or associated equipment in a manner that violates this Board Policy or any other policy or school rule shall be subject to consequences, including, but not necessarily limited to, disciplinary action, required surrender of the Device, and/or potentially having his/her right to possess a Device at school further restricted by the school PRINCIPAL or his/her designee. In any case where a Device is confiscated by a school, the Device shall be returned to the pupil or to a parent/guardian at an appropriate time.
2. Pupils who possess a Device do so at their own risk to possible loss, damage or liability.
3. If a school PRINCIPAL or his/her designee determines that a Device was used appropriately by a pupil in an emergency situation, the school will not discipline the pupil for such possession/use.
4. Pupils shall annually be provided with a copy of the rules that govern the possession and use of the Devices covered by this Policy.
5. Nothing within this Policy shall be construed to limit a pupil's ability to use a Device in a manner that functions as assistive technology necessary for a pupil's education and that is required under an Individualized Education Plan or a Section 504 agreement.

7/14/14



4510 - ANTI-BULLYING

Pupils

The Madison Metropolitan School District strives to provide an environment where every student feels safe, respected and welcomed and where every staff member can serve students in an atmosphere that is free from significant disruptions and obstacles that impede learning and performance. Bullying can have a harmful social, physical, psychological and/or academic impact on students who are the victims of bullying behaviors, students who engage in bullying behaviors and bystanders that observe acts of bullying. The School District does not allow bullying behavior toward or by students, school employees or volunteers on school/District grounds, at school/District-sponsored activities or on transportation to and from school or school/District-sponsored activities.

Defining Bullying Behavior:

1. Bullying is the intentional action by an individual or group of individuals to inflict physical, emotional or mental harm or suffering on another individual or group of individuals when there is an imbalance of real or perceived power. Bullying behavior creates an objectively hostile or offensive environment. Such an environment may cause, or be likely to cause, negative and harmful conditions such as the examples in the list below:
 - a. Places the individual in reasonable fear of harm to oneself or one's property.
 - b. Has a detrimental effect on the individual's personal, physical, emotional or mental health.
 - c. Has a detrimental effect on the individual's academic performance.
 - d. Has the effect of interfering with the individual's ability to participate in or benefit from any curricular, extracurricular, recreational, or any other activity provided by the school.
 - e. Creates an environment that intimidates, annoys or alarms another individual without legitimate purpose.
2. Bullying behavior may be motivated by an actual or perceived distinguishing characteristic such as, but not limited to, an individual's sex, race, national origin, ancestry, religion, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or disability.
3. Bullying behavior can be physical, verbal, non-verbal, indirect or direct. Bullying can occur, for example, in situations involving personal contact, and also electronically, in writing, or by using



other persons as intermediaries. Bullying often, but not always, involves repeated behavior.

Examples of bullying behavior include but are not limited to the following:

- Hitting, pushing, kicking and other acts that physically hurt another person
- Spreading negative rumors about or falsely accusing another person
- Excluding someone from a 'group'
- Threatening another person
- Manipulating friendships
- Posting or sending mean-spirited messages about someone using phones, electronic mail, websites, blogs, etc. (also known as cyber-bullying)
- Organizing others to threaten, tease, or exclude a targeted individual

4. "Electronic" (or "electronically") is defined as 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 and text messaging.
5. "Personal Contact" is defined as an encounter in which two or more people are in visual or physical proximity to each other and is not limited to physical contact.
6. "Volunteer" is defined as anyone who has regular, significant contact with students in the school setting or during school related activities.

Prohibiting Bullying Behavior: Bullying is prohibited on all school and District grounds and in all school and District buildings; at all school and District-sponsored activities; and on all vehicles used for transportation to and from school and school-sponsored/District-sponsored activities. It is the intent of this Policy that bullying behavior is prohibited in all educational environments, regardless of whether the facility/location is owned, leased, or otherwise used or provided by the School District. Educational environments include, but are not limited to, every activity under school supervision. Students who engage in bullying behavior in violation of this Policy or in retaliation against an individual for reporting bullying behavior shall be subject to school disciplinary measures consistent with MMSD policies and procedures up to and including suspension and/or expulsion.

Reporting Bullying Behavior: The prohibition against bullying and the MMSD "Report of Bullying Incident" form shall be included in student handbooks, employee orientation or training materials/handbooks, and District and school websites.

Reporting by Staff and School Officials: Staff or other school officials shall submit a report of bullying under this paragraph any time (1) a student or parent/guardian presents the staff member/official with a report clearly identified as a report of bullying under this Policy; (2) the staff member/official has knowledge of repeated behavior or any pattern of behavior by an individual (or group of persons) that is prohibited by this Policy (i.e., premised on an imbalance of real or perceived power and intended to inflict physical, emotional or mental harm or suffering (including fear or intimidation) on another person);



or (3) the staff member concludes that a student is being subjected to behavior that is physically, emotionally or mentally harming the student and is prohibited by this Policy. Unless impractical, reports made under this paragraph shall be in writing and should generally be provided on the same day the bullying behavior was observed or that the staff member/official becomes aware of the bullying behavior. For all school-based personnel, the report required by this paragraph should be provided directly to the school's Principal or an Assistant Principal assigned to the school unless the Principal has expressly identified another staff member to also be a recipient of such reports. For staff and officials not based in a school, such reports should be provided to a building Principal when the incident is tied to a particular school or to the head administrator in the staff member's/official's Department. Written reports are preferred, but if it is necessary to make a verbal report, the individual making the report should be clear that he/she is reporting bullying behavior under this Policy. It is understood that the reporting required by this paragraph requires a degree of judgment, and that there will be instances where a reasonable person holding a given position may, or may not, recognize a specific situation as involving behaviors prohibited by this Policy. However, it is the intent of this paragraph that no staff member/official may, by failing to submit a report, exhibit deliberate indifference to harm created by bullying behaviors of which they have knowledge.

Reporting by Students, Parents/Guardians, and Other Persons: Students, parents or guardians, and other persons are encouraged to make a verbal or written report regarding conduct they consider to be bullying. Written reports may be made on the form entitled "Report of Bullying Incident" and turned into any teacher, Student Services staff or administrator. Verbal reports of bullying under this Policy should be clearly identified as reports of bullying under this Policy and presented to a school-based administrator (such as a Principal or Assistant Principal), an Assistant Superintendent, or the head of any MMSD Department. The individual receiving a verbal report shall promptly document the complaint on the "Report of Bullying Incident" form. The written report shall be forwarded to the designated school administrator for investigation of the complaint.

Confidentiality of Reports of Bullying: A person making a report of bullying behavior may request that his/her identity remain confidential. While the District cannot guarantee absolute confidentiality in all circumstances, such as in a case where disclosure is necessary to alleviate a health or safety emergency, it is the District's policy to adhere to such a request to the extent possible. The District will notify the individual if the District determines that it is not possible to proceed on a confidential basis. In addition, the District will maintain the confidentiality of the report and any related pupil records in a manner consistent with applicable law.

If a victim/target of bullying behavior requests that his/her identity not be disclosed in connection with any investigation of the alleged bullying behavior, the Principal and/or other assigned administrator/investigator shall discuss with the student and his/her parent/guardian how such a request may affect the District's ability to investigate and/or resolve a given situation.



Anonymous Reports: Anonymous reports of bullying will be reviewed and reasonable action shall be taken to address such reports, consistent with the reliability of available information and taking into account the due process rights of the individual alleged to have committed the acts of bullying.

Investigating Bullying Behavior: Under the direction of a school administrator, all reports of bullying under this Policy shall be investigated and a written report of the investigation shall be prepared. Investigations shall begin promptly and should generally begin by contacting the identified victim(s)/target(s) of the bullying. The report of the investigation shall identify key facts about the incident, state a determination as to whether acts of bullying were verified, and identify recommendations for intervention, including disciplinary action if appropriate. In addition, the report shall identify steps taken to assist the target/s of the bullying.

Parents and/or guardians of each student involved in the bullying incident shall be notified prior to the conclusion of the investigation.

When acts of bullying are verified, the administrator investigating the incident shall implement the appropriate interventions as outlined in the MMSD Student Code of Conduct and document them in Infinite Campus.

Intervening with Students Who Engage in Bullying Behavior: Schools must create a culture in which bullying is not tolerated. Students must be supported and encouraged to report harassment and bullying and to assist peers who are bullied. Victims of bullying must be provided with tools to empower them to overcome the negative effects of bullying. Students who engage in bullying behavior must be held accountable for their actions and steps to achieve this include: (1) teaching new skills for communication and empathy, (2) communicating with parents/families, and (3) providing appropriate, incremental consequences and interventions.

The following steps provide a process that shall be used by the Principal or designee to intervene with the student who engages in bullying behavior as well as the student who is the target of bullying behavior:

Step 1

- Meet with student who engaged in bullying behavior
- Determine the underlying cause of behavior, if possible
- Warn the student of the consequences if bullying behavior continues
- Notify the student who engaged in bullying behavior that retaliation is prohibited and will lead to further consequences/interventions
- Outline plan for teaching positive communication and empathy-building skills
- Notify parent/family and teachers of student who engaged in bullying

Step 2

- Support student who was target of bullying by explaining reporting practices, creating a safety plan as appropriate and identifying staff who can provide assistance as needed



- Notify parent/family and teachers of student who was target of bullying behavior and discuss interventions to protect targeted student

Step 3

- Document the incident and appropriate Code of Conduct violation as well as the resolution in Infinite Campus

Step 4

- Follow up in a timely manner with student who engaged in bullying behavior to assess progress
- Follow up in a timely manner with student who was target of bullying behavior to ensure no new incidents of bullying have occurred

Step 5

- Implement school disciplinary measures consistent with MMSD policies and procedures up to and including suspension and/or expulsion when incidents of bullying are repeated and student does not respond to interventions.

7/12/10