

StEPP Attorney Manual
Madison Metropolitan School District
545 W. Dayton St. | Madison, WI 53703
(608) 663.1879

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Hearing Location and Opposing Attorney

Expulsion hearings will be held at the Madison Metropolitan School District's central office located at:

**545 West Dayton Avenue
Madison, WI 53703**

The opposing attorney position at expulsion hearings within the Madison Metropolitan School District is:

Currently Vacant (07/23/2015)

POLICY
EXPULSION 4045

Students

Expulsion from School

1. The BOARD may expel a student from school whenever it finds the student (1) guilty of repeated refusal or neglect to obey the rules, or (2) finds that a student 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 student 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 student 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 student is enrolled, and (5) is satisfied that the interest of the school demands the student'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 student who is at least 16 years old if the school board finds that the student 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 student's expulsion.
3. In accordance with the BOARD's statutory authority to expel a student 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 student being recommended for expulsion and subject to the Procedure set forth below.

s. 120.13(1)(c)

PROCEDURE
EXPULSION 4045

Students

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 student 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 student service or program when s/he has information regarding a student engaging in inappropriate or disruptive behaviors that violated BOARD Policy 4502b or 4502c and will result in a student being recommended for expulsion.
3. The PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any student 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 student 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 student 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 student service or program shall make a good faith effort to notify the student and if the student is a minor, the student's parent or guardian listed in district records, of the possibility of expulsion and shall keep a record either that the student and/or her/his parent or guardian were so notified or a record of the efforts that were made to contact the student and/or her/his parent or guardian.
6. In those cases in which the BOARD has permitted, but not mandated that a student be recommended for expulsion for particular behavior, and where the student is not ultimately recommended for expulsion, the PRINCIPAL, ASSISTANT PRINCIPAL, or ASSISTANT DIRECTOR FOR STUDENT SERVICES responsible for serving as the administrator of any student service or program shall make a reasonable effort to seek the cooperation of the student, and if the student is a minor, the student'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 student'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 student service or program shall send a letter to the student and, if the student is a minor, the student's parent or guardian as listed in the District

records, stating that she/he is recommending that the student 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 CHIEF of SCHOOLS - OPERATIONS, 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 student 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 CHIEF of SCHOOLS - OPERATIONS, 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 student 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 CHIEF of SCHOOLS - OPERATIONS 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 student 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 student service or program shall suspend a student 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 student is suspended and, pursuant to paragraph 14 below, is sent a written notice of an expulsion hearing, the student 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 student and the student returns to school, the BOARD reviews and affirms the hearing examiner's/panel's order to expel the student or until the BOARD decides to expel the student.
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 student 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 student.
 - 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 student and, if the student is a minor, to the student'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 student's expulsion. The notice shall also advise that:
 1. Upon the request of the student, and if the student is a minor, the student's parent or guardian, the hearing shall be closed.
 2. The student and, if the student is a minor, the parent or guardian, shall be given the names of attorneys or organizations, if available, who can provide indigent students with legal representation at no cost to the student or her/his parent or guardian.
 3. The student and, if the student is a minor, the parent or guardian may be represented by counsel and may confront and cross-examine any witness against the student, present a defense and that the student 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 student and, if the student 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 student, the school district clerk shall mail a copy of the order to the student and, if the student is a minor, to the student's parent or guardian.
6. If the student is expelled by the BOARD, the expelled student or, if the student 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 student 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 student
 0. 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
 1. 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 student is enrolled; and
 - b. be satisfied that the interest of the school demands the student'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 student or if the BOARD does not order the expulsion of the student, the SCHOOL DISTRICT CLERK or his/her designee shall provide a copy of the order to the student and, if the student is a minor, to the student's parent or guardian.
 - a. The expelled student or, if the student 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 student 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 student from school whenever the hearing officer or panel finds that the student 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:

0. At the time the student has been sent a written notice of her/his expulsion hearing pursuant to paragraph 18 below, the COORDINATOR FOR EXPULSIONS shall send to the student and, if the student is a minor, to the student'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 student'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 student 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 student.
- 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 student and, if the student is a minor, to the student'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 student's expulsion. The notice shall also advise that:

0. Upon the request of the student, and if the student is a minor, the student's parent or guardian, the hearing shall be closed.

1. The student and, if the student is a minor, the parent or guardian, shall be given the names of attorneys or organizations, if available, who can provide indigent students with legal representation at no cost to the student or her/his parent or guardian.

2. The student and, if the student is a minor, the parent or guardian may be represented by counsel and may confront and cross-examine any witness against the student, present a defense and that the student 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.

3. The student and, if the student 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.

4. If the hearing examiner/panel orders the expulsion of the student, LEGAL SERVICES shall mail a copy of the order to the student and, if the student is a minor, to the student's parent or guardian.

5. Within 30 days of the issuance of an expulsion order the school board shall review the order and shall, upon review, approve, reverse or modify the order.
6. If the student is expelled by the hearing examiner or panel, the order of the hearing officer or panel shall be enforced while the school board reviews the order.
7. If the student's expulsion is approved by the school board, the expelled student or, if the student is a minor, the student's parent or guardian may appeal the school board's decision to the department.
8. If the school board's decision is appealed to the department, within 60 days after the date on which the department receives the appeal, the department shall review the decision and shall, upon review, approve, reverse or modify the decision.
9. The decision of the BOARD shall be enforced while the STATE SUPERINTENDENT of PUBLIC INSTRUCTION reviews the BOARD'S decision.
10. 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.
11. The state statutes related to student 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 student
 0. 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
 1. 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 student is enrolled; and
 - b. be satisfied that the interest of the school demands the student'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 student and, if the student is a minor, the student's parent or guardian; and provide a letter to the student, and if the student is a minor, the student'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 student and if the student is a minor, to the student's parent or guardian.
 22. If the student's expulsion is approved by the BOARD, the expelled student and, if the student is a minor, the student'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 student; 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 student 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.

POLICY

EXPUNGEMENT 4047

STUDENTS

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

PROCEDURE

EXPUNGEMENT 4047

STUDENTS

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. If a student does not meet condition (3) during the first semester following his/her return from expulsion, he/she shall have his/her expulsion expunged on the last day of the semester that he/she actually meets all four conditions.
2. 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.
3. Should a student be expelled subsequent to the expungement of his/her expulsion record, the expulsion record shall be reinstated.
4. 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.
5. 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.
6. 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.

7. 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

11/24/14

POLICY

WELFARE 4031

Students

Locker Inspections

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

s. 118.325

PROCEDURE

WELFARE 4031

Students

Locker Inspections

1. The assignment of lockers to students is a responsibility of the PRINCIPAL or her/his designee.
 - a. The PRINCIPAL and/or his/her designee may inspect any student locker or lockers as may be necessary or appropriate. This right shall be exercised if and when, in the judgment of the PRINCIPAL, there is reasonable suspicion to believe that a locker may be used to conceal anything illegal, or there is 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 inspected.
 - c. A student shall 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 students in the Madison Metropolitan School District.

s. 118.325

8/26/02

Revised 11/24/2014

POLICY

CONDUCT

4221
STUDENTS

Use of Restraint and/or Seclusion

School discipline requires the guidance of students in a way which permits the orderly and efficient operation of the school. The BOARD does not condone the use of restraint or seclusion by employees when dealing with students, and corporal punishment and unreasonable use of physical force are expressly prohibited. The BOARD recognizes, however, that it may be necessary for school personnel to use reasonable and appropriate restraint and/or seclusion when a student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and it is the least restrictive intervention feasible.

PROCEDURE

CONDUCT

4221
STUDENTS

Use of Restraint and/or Seclusion

1. Reasonable Use of Restraint:
 - a. Reasonable restraint may be used by school personnel when necessary to restrain, remove, or disarm students whose behavior presents a clear, present, and imminent risk to the physical safety of the student or others.
 - b. Restraint is necessary only when it is the least restrictive intervention feasible.
 - c. In determining whether the use of restraint is reasonable and necessary, all circumstances surrounding the incident shall be considered, including without limitation, the seriousness of the problem and the threat posed by the student, and the availability and use of other means of intervention not involving the use of restraint.
 - d. The degree of force used and the duration of the restraint shall not exceed the degree and duration that are reasonable and necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.
2. Training related to the use of restraint:
 - a. Except in circumstances set forth in 2.b., no District employee shall engage in restraint unless he or she has received training in the use of restraint.
 - b. A District employee who has not received training in the use of restraint may engage in restraint only in an emergency and only if a District employee who has been trained in the use of restraint is not immediately available due the unforeseen nature of the emergency.
3. Reasonable Use of Seclusion:
 - a. Seclusion may be used on a student if the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and is the least restrictive intervention feasible.
 - b. Seclusion may be used only if a District employee maintains constant supervision of the student.

- c. Seclusion may be used only if the area or room used for seclusion is free of objects or fixtures that may injure the student.
 - d. If a student is secluded in a room, no door connecting the room may be capable of being locked.
 - e. If a student is secluded the student must have adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals and the duration of the seclusion is only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.
4. Reasonable use of physical intervention:
- a. Physical intervention may be used on a student if the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and is the least restrictive intervention feasible.
 - b. In determining whether the use of physical intervention is reasonable and necessary, all circumstances surrounding the incident shall be considered, including without limitation, the seriousness of the problem and the threat posed by the student, and the availability and use of other means of intervention not involving the use of physical intervention.
 - c. Examples of physical intervention that could be reasonable and necessary include, but are not limited to, the following:
 - 1. Using physical intervention to quell a disturbance or prevent an act that threatens physical injury to any person;
 - 2. Using physical intervention to obtain possession of a weapon or other dangerous object within a student's control;
 - 3. Using physical intervention for the purpose of self defense or the defense of others;
 - 4. Using physical intervention to prevent a student from inflicting harm on himself or herself.
5. Corporal Punishment and Unreasonable Use of Physical Intervention Prohibited:
- a. The unreasonable use of physical intervention occurs as a result of using physical intervention (1) when it is not necessary to use such physical intervention, or (2) when it is no longer necessary to use such physical intervention.
 - b. Corporal punishment is the unreasonable and unnecessary use of physical intervention. It is defined as the intentional infliction of physical pain which is used as a means of discipline.
 - c. Corporal punishment and the unreasonable use of physical intervention are prohibited.
 - d. Examples of corporal punishment and the unreasonable use of physical intervention are as follows:
 - 1. Slapping;
 - 2. Paddling;
 - 3. Punching;

4. Kicking;
 5. Pinching;
 6. Prolonged maintenance of physically painful position.
6. Reporting:
- a. Each incident of restraint or seclusion shall be reported to the Building Principal as soon as practicable after the incident of restraint or seclusion has ended.
 - b. Each incident of restraint or seclusion shall be reported to a student's parent no later than one business day after the incident.
 - c. Each incident of restraint or seclusion shall be documented by school personnel in a written report within 2 days after the incident.
 - d. Annually by September 1, beginning on September 1, 2013, each Principal shall submit to the Board of Education a report containing all the following:
 1. The total number of incidents of restraint and seclusion during the previous school year.
 2. The total number of students who were involved in incidents of restraint or seclusion.
 3. The number of children with disabilities who were involved in incidents of restraint or seclusion.
7. Definitions:
- a. In this Policy the following definitions apply:
 1. Restraint - a restriction that immobilizes or reduces the ability of a student to freely move his or her torso, arms, legs or head. The definition of restraint does not include briefly touching a student's hand, arm, shoulder or back to calm, comfort, or redirect the student.
 2. Seclusion - involuntary confinement of a student, apart from others, in a room or area from which the student is physically prevented from leaving. The definition of seclusion does not include the following:
 1. Directing a student who is disruptive to temporarily separate himself or herself from the general activity in the classroom to allow the student to regain behavioral control and the employee to maintain or regain classroom order if the student is not confined to an area from which he or she is physically prevented from leaving.
 2. Directing a student to temporarily remain in the classroom to complete tasks while other students participate in activities outside the classroom if the student is not physically prevented from leaving the classroom.

8/27/2012

POLICY

WEAPONS

**4234
STUDENTS**

Weapons

No person shall possess a knife, cutting instrument, weapon or dangerous weapon while s/he is either on school property or while s/he is participating in a school sponsored activity. This Policy does not apply to either law enforcement officers who are acting within the scope of their employment or to persons to whom the PRINCIPAL or her/his designee has given prior approval to possess a knife, a cutting instrument, or weapon when such possession has been determined by the PRINCIPAL or her/his designee to have a legitimate purpose.

Weapon -- means a device, instrument, material or substance, animate or inanimate, that is used for or is readily capable of causing death or serious bodily injury.

Dangerous weapon - means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

Great bodily harm - means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Knife -- refers to all types of knives, without regard to blade length.

Cutting Instrument -- refers to all objects that have as their primary intended purpose being an object utilized to cut something (e.g., box cutter, carpet cutter, razor blades, straight razor).

PROCEDURE

WEAPONS

**4234
STUDENTS**

Weapons

1. All persons, including students and employees, who violate this Policy may be referred to the police for prosecution.
2. Students who violate this Policy shall have such conduct addressed in a manner that comports with the interventions and discipline set forth in the appropriate Behavior Education Plan (Policies 4502B and 4502C).
3. Employees who violate this Policy may also be subject to disciplinary action up to and including termination of employment.

s. 939.22 (10) and (14), s. 948.61

8/26/02

Revised 11/24/2014

POLICY

ALCOHOL AND OTHER DRUG USE/ABUSE 4235

STUDENTS

The Madison Metropolitan School District shares with the community the responsibility to provide an optimal school environment for the intellectual, emotional, and physical development of its students and recognizes that alcohol and other drug use/abuse seriously affects that school environment. The Madison Metropolitan School District will join family and community efforts in providing necessary information, skills, role models, incentives, and experiences which discourage alcohol and other drug abuse and dependency, as well as enabling behaviors in its schools, and will strive to make the school environment supportive to students who are experiencing problems related to alcohol and other drugs.

A definition of terms can be found at the conclusion of the Procedure section for this policy.

PROCEDURE

ALCOHOL AND OTHER DRUG USE/ABUSE 4235

STUDENTS

I. Definitions

- A. AOD: Alcohol and other drugs.
- B. Alcohol: A drug capable of altering the physical, mental, and emotional state of the user. It is the active ingredient in beer, ale, wine, whiskey, and other distilled liquors.
- C. Behavior of Concern: Specific, observable behavior which is inappropriate, unacceptable, and irresponsible.
- D. Chemical: Alcohol and other drugs.
- E. Dependency: A condition in which the person no longer has the control to reduce or stop using alcohol or other drugs.
- F. Drug: 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.
- G. Drug Use: A reasonable ingestion of a mood-altering chemical or drug for a clearly defined, beneficial purpose and in a manner that is regulated by that purpose.
- H. Drug Misuse: An unreasonable ingestion of mood-altering chemical substances that is always potentially harmful to the misuser, is not controlled by a beneficial purpose, and employs the drug inappropriately, improperly, or in a manner outside its intended purpose. Intentional modification.
- I. Drug Abuse: An unreasonable ingestion of a mood-altering drug that causes actual harm or injury to the abuser and ordinarily to others.
- J. Enabling: Those attitudes, behaviors, and processes in society and interpersonal relationships which allow and encourage AOD consumption in others to progress to later and more serious stages by

preventing the dependent person from experiencing the consequences of her/his harmful chemical use.

- K. Intervention: The process by which the pattern of chemical dependency is interrupted in a manner intended to bring about change.
- L. Motor Vehicles Used by the School: A motor vehicle used by the school is defined as a motor vehicle owned, rented, or consigned to a school.
- M. Prevention: An active process which provides appropriate information and developmental experiences necessary to encourage the development of responsible decision-making skills.
- N. Treatment: A structured, supervised experience designed to help a person change behaviors which are creating serious problems for the person.

II. **Prevention**

All schools will establish an environment that discourages the use and abuse of and dependency on alcohol and other drugs.

1. The implementation of all BOARD Policies and Procedures regarding the use of alcohol and other drugs is the responsibility of the BUILDING ADMINISTRATOR who will:
 - a. Publish the Policies and Procedures in the Student Handbook or Newsletter;
 - b. Establish a team, which may consist of all or part of the student services team and/or the Student Support and Intervention Team (AOD Team). The AOD Team will:
 1. Select a chairperson who will convene the team, as appropriate when AOD referrals are made;
 2. Ensure that each member has secured, through appropriate training by the Madison Metropolitan School District, knowledge and skill in the area of AOD intervention;
 3. Institute the procedures to process referrals, conduct AOD screenings, and make recommendations (see Intervention below);
 4. Cooperate with community agencies which conduct support groups for students who are recovering from chemical dependency. Meeting space may be provided in schools as needed.
2. The Madison Metropolitan School District will continue to offer educational and staff development programs on AOD Use/Abuse for all employees. The K-12 curriculum will continue to be assessed for appropriate contributions to AOD education.
3. Students are encouraged to refer themselves or others for assistance with alcohol and other drug related problems and concerns.
 - a. Student confidentiality shall be maintained.
 - b. A student or other concerned person may:

1. Talk with a staff member, who can assist the student with completing a referral and send it to the AOD Team; or
2. Directly contact a AOD Team member; or
3. Make a referral to the AOD Team.

III. **Intervention**

No student shall possess, consume, or be under the influence of alcohol and/or other drugs in the school, on school grounds, in motor vehicles used by the school, or at school-sponsored events or activities on or off school grounds.

0. Responsibilities related to Medical Emergency Due to Ingestion of Alcohol and Other Drugs (loss of consciousness, disorientation, bizarre behavior, vomiting, seizure, etc.):

- a. Employees will:
 1. Remain with the person until the person is under professional care;
 2. Call or send for needed help from fire rescue and/or nurse and ensure that the BUILDING ADMINISTRATOR has been notified.
 - a. Madison Fire Rescue Conveyance (911) IN SITUATIONS OF NONVIOLENT BEHAVIOR; request transport of student to a Hospital's Emergency Room.
 - b. Madison Police Department (911) IF VIOLENT BEHAVIOR HAS BEEN EXHIBITED; request transport of student to a Hospital's Emergency Room.
 3. Complete and forward a referral to the AOD Team within one school day.
- b. The BUILDING ADMINISTRATOR will:
 1. Ensure emergency care is being given as needed;
 2. Ensure that appropriate emergency services have been called;
 3. Ensure that parent(s) have been notified;
 4. Consider intervention and discipline in accordance with the Behavior Education Plan;
 5. Ensure that the student has received an AOD assessment; if not, make an appointment for the student and/or parent(s) to see an AOD Team member for an AOD screening or a community agency for an AOD assessment.
 6. Request that the parent(s) and student sign consent forms for the release of information from the community AOD agency.
 7. When a referral is made for repeated use or possession, the BUILDING ADMINISTRATOR will request that the recommendations of the AOD Team or the community

AOD agency be followed, or either refer to Board Policy 4040 or refer the student for possible disciplinary action in accordance with the Behavior Education Plan. The disciplinary action will be based on the student's use and/or possession of AOD and/or the behavior related thereto.

- c. At least one member of the AOD Team will:
 - 1. Confer with the referring person;
 - 2. Conduct an initial screening;
 - 3. Make recommendations for assistance with the identified AOD related problems; may convey to the parent(s) that they have the major responsibility for implementing these recommendations; and may refer students and their families to community agencies which conduct AOD assessments and/or evaluations, all forms of detoxification, and ongoing treatment for cases of chemical dependency;
 - 4. Monitor incentives for students who are seeking assistance through treatment and recovery. Students entering treatment programs shall have the opportunity to earn credits through independent study. (See [Board Policy 3545](#): Independent Study.)

- 1. Responsibilities related to witnessed possession and consumption or obvious intoxication from alcohol and other drugs:

(See Board Policy 4132: Locker Inspection, and Board Policy 4400: Investigation, Interrogation, Arrest and Search.)

- 1. Employees will:
 - 1. Deny entrance of a student to the school-sponsored event, accompany the student to the BUILDING ADMINISTRATOR;
 - 2. Complete and forward a referral to the AOD Team within one school day.
- 2. The BUILDING ADMINISTRATOR will:
 - 1. Confiscate the alcohol and/or drug and/or paraphernalia, if possible;
 - 2. Notify the parent(s);
 - 3. Consider intervention and discipline in accordance with the Behavior Education Plan;
 - 4. Ensure that the student has received an AOD assessment; if not, make an appointment for the student and/or parent(s) to see a AOD Team member for an AOD screening or a community agency for an AOD assessment;
 - 5. Request that the parent(s) and student sign consent forms for the release of information from the community AOD agency.

6. When a referral is made for repeated use or possession, the BUILDING ADMINISTRATOR will request that the recommendations of the Building AOD Team or the community AOD agency be followed, or either refer to Board Policy 4040 or refer the student for possible disciplinary action in accordance with the Behavior Education Plan. The discipline will be based on the student's use and/or possession of AOD and/or the behavior related thereto.
3. At least one member of the AOD Team will:
 1. Confer with the referring person;
 2. Conduct an initial screening;
 3. Make recommendations for assistance with the identified AOD related problems; may convey to the parent(s) that they have the major responsibility for implementing these recommendations; and may refer students and their families to community agencies which conduct AOD assessments and/or evaluations, all forms of detoxification, and ongoing treatment for cases of chemical dependency;
 4. Monitor incentives for students who are seeking assistance through treatment and recovery. Students entering treatment programs shall have the opportunity to earn credits. (See Board Policy 3545: Independent Study.)
 2. Responsibilities related to ***suspected*** possession or consumption: (See [Board Policy 4132](#): Locker Inspection and [Board Policy 4400](#): Investigation, Interrogation, Arrest and Search.)
 - . Employees will:
 1. Inform the BUILDING ADMINISTRATOR;
 2. Complete and forward a referral to the AOD Team with a copy to the BUILDING ADMINISTRATOR.
 - a. The BUILDING ADMINISTRATOR will:
 1. Confer with the employee and representative from the AOD Team to determine the appropriate course of action when the student's behavior is NOT INTERFERING WITH THE FUNCTIONING OF THE CLASSROOM AND/OR SCHOOL-SPONSORED EVENT;
 2. Remove the student from the setting WHEN THE STUDENT'S BEHAVIOR IS INTERFERING WITH THE FUNCTIONING OF THE CLASSROOM AND/OR SCHOOL-SPONSORED EVENT; and
 - a. Notify the parent(s) immediately;
 - b. Make an appointment for the student and/or parent(s) to see a AOD Team member for an AOD

screening or a community agency for an AOD assessment.

- b. At least one member of the AOD Team will:
 - 1. Confer with the referring person;
 - 2. Conduct an initial screening;
 - 3. Make recommendations for assistance with the identified AOD related problems; may convey to the parent(s) that they have the major responsibility for implementing these recommendations; and may refer students and their families to community agencies which conduct AOD assessments and/or evaluations, all forms of detoxification, and ongoing treatment for cases of chemical dependency;
 - 4. Monitor incentives for students who are seeking assistance through treatment and recovery. Students entering treatment programs shall have the opportunity to earn credits through independent study. (See [Board Policy 3545](#): Independent Study.)

IV. **Dispensing Chemicals**

No person shall sell or give away alcohol and other drugs to students in the school, on school grounds, in motor vehicles used by the school, or at school-sponsored events or activities on or off school grounds.

0. Responsibilities regarding students who are dispensing AOD:
(See Board Policy 4132: Locker Inspection, and Board Policy 4400: Investigation, Interrogation, Arrest and Search.)

- . Employees will:
 - 1. Accompany the student to the BUILDING ADMINISTRATOR;
 - 2. Complete and forward a referral to the AOD Team within one school day.
- a. The BUILDING ADMINISTRATOR will:
 - 1. Confiscate the alcohol and/or other drug and/or paraphernalia, if possible;
 - 2. Notify the parent(s);
 - 3. Refer the student for possible intervention and discipline in accordance with the Behavior Education Plan.
- b. At least one member of the AOD Team will:
 - 1. Confer with the referring person;
 - 2. Conduct an initial screening;
 - 3. Make recommendations for assistance with the identified AOD related problems; may convey to the parent(s) that they have the major responsibility for implementing these recommendations; and may refer the students and their families to community agencies which conduct AOD assessments and/or evaluations, all

forms of detoxification, and ongoing treatment for cases of chemical dependency;

4. Monitor incentives for students who are seeking assistance through treatment and recovery. Students entering treatment programs shall have the opportunity to earn credits through independent study. (See Board Policy 3545: Independent Study.)
1. Responsibilities regarding other persons dispensing alcohol or other drugs:
 - . Employees will:
 1. Call for immediate assistance from law enforcement officials;
 2. Notify the BUILDING ADMINISTRATOR.

7/14/2014

POLICY

ACTIVITIES

**4311
STUDENTS**

Sororities, Fraternities and other Secret Societies

Sororities and fraternities under Greek letter, or any other designation, which admit or include school students in their membership shall be prohibited.

s. 120.12(1) and (2), s. 120.13(1), s. 120.44

PROCEDURE

ACTIVITIES

**4311
STUDENTS**

Sororities, Fraternities and Other Secret Societies

1. Any recognition of such organizations in any manner in school shall be prohibited.
2. Any activity by a student for such organizations on school property or at any school function shall be just cause for disciplinary action.
 - a. An activity shall include, but not be limited to,
 1. Conducting membership drives;
 2. Passing out invitations to teas or other social events;
 3. Selling of tickets;
 4. Carrying out initiations or any part of an initiation.
3. Any publicity promoted by any such organization associating, or attempting to associate, the organization with the Madison Metropolitan School District or Madison public schools shall be cause for intervention by the school administration.
4. A continuation of prohibited activities following any directive to cease such conduct may result in a student receiving intervention and/or discipline in accordance with Board Policy 4502C (Behavior Education Plan for Middle and High School Students).

8/26/02

Revised 11/24/2014

POLICY

INVESTIGATION, INTERROGATION, ARREST AND SEARCH 4400

Students

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

Students

Investigation in Schools

1. By Police, on request of School Authorities:
 - a. A PRINCIPAL, in accordance with available DISTRICT-level guidance, 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.
 - c. If the investigation focuses on a particular student as a suspect of a crime, the PRINCIPAL shall, prior to the commencement of the investigative interview, attempt to notify the student's parents or legal guardian, unless advised otherwise by an adult student, 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. Prior to commencing the investigative interview the PRINCIPAL shall advise the student of the nature of the crime of which she or he is suspected, and 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. School officials and/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. The investigative

interview should not commence unless a parent or legal guardian of the student is present except in circumstances where an adult student consents to the investigative interview without his/her parent or legal guardian being present or the parent or guardian of a minor student waives their presence at the investigative interview. 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.

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 and/or the members of the community. If there is not an imminent threat as described above, the police may interview a student if (1) 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 (2) 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.
 - c. The PRINCIPAL or his/her designee 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. The PRINCIPAL or a Staff member of the student's choice shall be present unless the student requests otherwise.

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. "Probable Cause" shall be determined by the arresting officer.
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.
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, which s/he believes to be true, that evidence of a crime 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 in accordance with written guidance by the SUPERINTENDENT or his/her designee.
 - 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 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 and/or the contents therein 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 that would constitute a violation of school rules, Board Policy or the law.
 - b. The school administration may verbally request that students empty their pockets, backpacks and other bags. Such requests must be reasonable in scope based on the information available at the time. School administration may also request that students disclose the content of their cellular phones or other communication devices.
 - c. 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 investigation, 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.

9/26/11
Revised 11/24/2014

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

Students 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 students 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
STUDENTS**

1. Any student 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 student or to a parent/guardian at an appropriate time.
2. Students 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 student in an emergency situation, the school will not discipline the student for such possession/use.
4. Students 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 student's ability to use a Device in a manner that functions as assistive technology necessary for a student's education and that is required under an Individualized Education Plan or a Section 504 agreement.

7/14/14

POLICY

CLASSROOM CODE OF CONDUCT 4502A

STUDENTS

Schools must be places where effective learning can occur. Schools must maintain standards of conduct and discipline because students and school personnel have a right to a safe and orderly learning environment. Therefore, students are prohibited from engaging in behaviors which are illegal, life or health threatening, or which impede the orderly operation of the classroom or school. Prompt and effective disciplinary action must be taken to correct these behaviors.

Fairness requires that all students be treated in a consistent, objective, and non-discriminatory manner. However, the student's grade, maturity, performance in school, and his/her contrition, as well as the gravity of the offense, prior infractions, deterrence, protection of the school community, effectiveness of prior disciplinary intervention strategies, etc., may be factors that are considered that could warrant the use of a certain option including the penalty for a particular offense. Depending upon the above referenced factors and other factors, the minimum penalties for certain offenses set forth in this plan may be exceeded.

THE RIGHTS AND RESPONSIBILITIES OF STUDENTS AND PARENTS

Students and parents have rights that schools must observe, but they must also understand that personal responsibilities accompany individual rights. Furthermore, the rights of students must be viewed in relationship to the safety and welfare of the majority of students in the schools. Above all, schools must maintain adequate discipline to conduct a quality educational program.

STUDENT AND PARENT RIGHTS

1. The Right to an Education: Every citizen in the State of Wisconsin has a right to a free, public education, regardless of race, creed, color, sex, or national origin.
2. The Right to Due Process of Law: A student has the right to due process whenever disciplinary actions that deny the right to an education are imposed. These disciplinary actions are suspension or expulsion. Due process in a suspension case includes an explanation to the student of the reason for the suspension and the opportunity for the student to respond. Written notice to the parent or guardian of the suspension and the reason therefor will follow. Procedural due process, in cases of expulsion, includes a notice of charges, a hearing, and an opportunity to challenge or otherwise explain conduct.
3. The Right to Free Speech and Expression: All citizens are guaranteed self-expression by the First and Fourteenth Amendments of the United States Constitution.
4. The Right to Privacy - Property of Students: Students shall have privacy of personal possessions unless appropriate school personnel have reasonable cause to believe a student possesses any object or material which is or could be disruptive or are prohibited by law or school policy. Guarantees of freedom from search and seizure of property are not unlimited, but must be balanced by the responsibility of the school to protect the safety and welfare of students. Lockers are the property of the school system on temporary loan

and the principal may inspect student lockers per Board of Education policy 4132.

5. The Right Not to be Discriminated Against: Students shall have the right not to be discriminated against on the basis of the students' sex, race, religion, origin, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or physical, mental or learning disability. If a student or his/her parents feel that the student has been treated in a discriminatory manner, the student or his/her parents can contact the District's Affirmative Action Officer to file a complaint or take other action.

[NOTE: The City of Madison defines gender expression in Madison City Ordinance Sec. 3.23 (2)(t) as follows:

Gender Identity is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one's biological or legal sex at birth, whether or not there has been a physical change of the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one's biological or legal sex at birth;

This means that gender identity refers to an individual's fundamental sense of themselves as being male or female, masculine or feminine. Gender identity does not always correspond to biological sex.

The City of Madison's Ordinance Sec. 3.23 (2)(t) continues its definition of gender identity with an explanation of what is referred to as gender expression.

3) lawfully displaying physical characteristics and/or behavioral characteristics and/or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one's biological or legal sex at birth, as when a male is perceived as feminine or a female is perceived as masculine; and/or 4) being physically and/or behaviorally androgynous.

This means that gender expression refers to the things like clothing and behavior that manifest a person's fundamental sense of themselves as masculine or feminine, and male or female. This can include but not be limited to dress, posture, hairstyle, jewelry, and vocal inflection.]

It should be noted that, depending upon the nature of the offense, the police may be involved. An example of certain offenses for which the police may be involved include possession of a firearm, physical attacks, sexual assaults, bomb threats, arson, etc.

STUDENT RESPONSIBILITIES

Students also have certain responsibilities, both as citizens and as members of the school community. These responsibilities are present whether the student is in the school building or traveling to or from school via transportation provided by the school system. In order to guarantee these rights, each person must assume responsibility for his or her own behavior and refrain from infringing upon the rights of others.

1. Active Participation: Students have the responsibility of actively engaging in the serious business of learning. For example, they must attend school regularly and be on time. They must remain in class until excused, pay attention

to instructions, complete assignments to the best of their ability, and exert every effort to achieve mastery of the lessons.

2. Obedience to Laws and Rules: The laws of society and school rules have been created to guarantee every person's rights. Students must assume personal responsibility for obedience to these laws and rules.
3. Responsible Exercise of Free Speech and Expression: While students have rights according to the First Amendment to express themselves they should express opinions in a manner which is not offensive, illegal, obscene, or inconsistent with the educational goals of the school. The rights of others should be respected, and there can be no interference with the orderly educational process.
4. Avoidance of Illegal or Dangerous Items: Students must not bring materials or objects to school or to school activities that are or could be disruptive or are prohibited by law or school policy. All non-essential educationally related items that are brought to school by students shall be stored in the students' lockers throughout the school day.

PARENT RESPONSIBILITIES

1. Support school officials in their efforts to develop and maintain well-disciplined schools
2. Teach the child socially acceptable standards of behavior
3. Teach the child to have respect for law, authority, and the rights and property of others
4. Teach the child to be accountable for his/her own actions and help the child to grow and develop into a self-controlled, self-disciplined citizen
5. Share the responsibility for student conduct with the school
6. Maintain an active interest in the student's school work and activities
7. Advocate for quality education for the child
8. Require prompt and regular attendance at school

TEACHER RIGHTS

Removing a Student from Class: A teacher may remove a student from the classroom/class for conduct or behavior which (a) violates the Classroom Code of Conduct or Student Conduct and Discipline Plan; (b) violates the behavioral rules and expectations set forth in the Student Handbook of the respective school; (c) is disruptive, dangerous or unruly; (d) otherwise interferes with the ability of the teacher to teach effectively; or (e) is incompatible with effective teaching and learning in the class.

TEACHER RESPONSIBILITIES

1. **Maintain an appropriate educational environment for the class as a whole**: Teachers have the responsibility to communicate behavior and academic expectations as clearly as possible
2. **Be familiar with the IEP of any student in his/her classroom**
3. **Intervene in minor disruptions while maintaining classroom supervision** by interventions such as:
 - o talking to the student
 - o communicating with parents/guardians

- referral to an appropriate support services staff person for assessment or intervention
 - sending a formal report of needed improvement to parents/guardians
 - withholding privileges
 - peer separation
4. **Follow Procedures for Temporary Removal of a Student From the Classroom**
- Warn a student that continued misbehavior might lead to temporary removal from class, except where the behavior is extreme, then an immediate response is required
 - If determined that short-term removal is appropriate:
 - instruct the student to go to the principal or other designated staff for the period of removal with a call or a note of explanation, or
 - obtain coverage for the class and escort the student to the main office, or
 - seek assistance from other available staff and
 - within twenty-four hours of the removal, ensure that the parent has been notified and submit to the building principal or designee a short and concise written explanation of the basis for the removal
5. **Procedures for Long-Term Removal of a Student From the Classroom**

After the teacher has removed the child from the class for the short-term and when the teacher believes that long-term removal is necessary, notify the building administrator in writing of:

- a record of teacher interventions and parent/guardian contacts
- the basis for the removal recommendation
- the alternatives, approaches and other steps considered or taken to avoid the need for removal
- the impact, positive and negative on the removed student
- the impact, positive and negative on the rest of the class

ADMINISTRATOR RESPONSIBILITIES

1. **Follow Procedures for Short-Term Removal of a Student from the Classroom**
- When the student arrives at the main office, give the student an opportunity to briefly explain the situation
 - Within 24 hours of the removal, ensure that a good faith effort has been made to inform the student's parents by phone or in person that the student was removed from class; ensure that written notice of the incident which occurred is provided to parents within 72 hours specifying:
 - the class from which the student was removed
 - the duration of the removal

- the basis for the removal as stated by the teacher and any consequences that were imposed
 - Ensure that the student is supervised during the short-term removal
 - Refer, if appropriate, to a support services staff person for assessment or intervention
 - Speak to the student, prior to allowing him/her to resume his/her normal schedule, to determine whether the student is or appears to be ready and able to return to class
- 2. **Follow Procedures for Long-Term Removal of a Student from the Classroom**
 - Consult with the teacher making the recommendation
 - Inform the student's parents of the request and make a decision within the requisite laws (such as IDEA) and MMSD policies to:
 - return the student to the class, or
 - place the student in another instructional setting, or
 - place the student in another class in the school, or
 - recommend to the appropriate Assistant Superintendent placement of the student in an MMSD alternative education program (final placement will be determined by the Assistant Superintendent for Alternative Programs)
 - Meet with the parents within three business days of the long-term removal request and inform the parents and/or student:
 - the basis for the removal
 - the alternatives considered
 - the basis for any decision
 - Inform referring teacher of outcome
- 3. **Notify staff, students and parents of the Code of Conduct including both the I. Classroom Code of Conduct and II. The Student Conduct and Discipline Plan**
 - Annually meet with staff to arrive at a consensus regarding the implementation and application of this plan
 - Annually publish this plan in the student Handbook and on the MMSD web site
 - Provide a written brochure

DEFINITIONS

Class / Classroom

A class is any class, immediate area around a classroom door, meeting, or activity, which students attend, or any educational/school environment in which they participate under the control or direction of a school district employee/teacher.

Teacher

A person holding a license or permit issued by the state superintendent whose employment by a school district requires that he or she hold that license or permit.

Long-Term Removal

Removal from class for greater than one day. (Student may also be suspended from the school environment)

Removal

The act by the teacher of separating the student from the instructional provider to another supervised environment within the school setting for violation of the Code of Conduct.

Short-Term Removal

Removal from class for one day or less to another supervised area within the school setting.

POLICY

ANTI-BULLYING 4510

Students

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 in 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.
 - a. Examples of actions that create an objectively hostile or offensive environment include but are not limited to:
 - Places the individual in reasonable fear of harm to oneself or one's property.
 - Has a detrimental effect on the individual's personal, physical, emotional or mental health.
 - Has a detrimental effect on the individual's academic performance.
 - 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.
 - Creates an environment that intimidates, annoys or alarms another individual without legitimate purpose.
 - b. Examples of an imbalance of real or perceived power include but are not limited to:
 - Physical strength/size
 - Access to embarrassing information
 - Popularity
 - Age or grade level
 - Athlete, scholar or other characteristic impacting a student's status
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 may occur, for example, in situations involving personal contact, and also electronically, in writing, or by using other persons as intermediaries. Bullying may involve 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.
7. "Report of Bullying Incident" is defined as a verbal or written (paper or electronic) notice given to any school district official or employee.

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, specifically the District's Behavior Education Plan. Interactions, including electronic communication, that do not fall under the above list may still be covered by this Policy when the impact of these actions are felt in the School District environment, as outlined in this section.

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. This policy does not require a student or parent to complete this form in

order to initiate an investigation. Notice is given to the District once a student or parent/guardian notifies a school official or other staff.

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 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 Principal, Assistant Principal, school-level staff designated by the Principal, 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 their identity remain confidential. If a target of bullying behavior requests that their 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 their parent/guardian

how such a request may affect the District's ability to investigate and/or resolve a given situation. While the District will protect an individual's confidentiality to the extent possible, the District's priority is to ensure the health and safety of all students and staff.

The District will make an effort to notify the individual if the District determines that it is not possible to proceed on a confidential basis, though the District will proceed if it determines that is in the best interests of all students and staff. In addition, the District will maintain the confidentiality of the report and any related student records in a manner consistent with applicable law.

Written reports of bullying and written investigation reports are education records and behavioral records as defined in Board Policy 4151 (Student Records/Definitions). The District may disclose such records to a parent/guardian of a student personally identified in the record or to a school district in which the student has enrolled or intends to enroll. The District may further disclose bullying reports and written investigation reports consistent with Board Policy 4150 (Student Records/Confidentiality).

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.

Retaliation: There shall be no retaliation against the individual(s) making a bullying report or the target of the bullying that is reported. Students engaging in retaliatory behavior may be subject to discipline consistent with the District's Behavior Education Plan. Staff engaging in retaliatory behavior may be subject to discipline.

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 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.

The District's Affirmative Action Officer shall be notified whenever bullying behavior is determined or alleged to be harassment. This is the case when behavior is determined or alleged to 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.

Parents and/or guardians of each student involved in incidents determined to be bullying 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 District's Behavior Education Plan and document them in Oasys.

In circumstances where the parents and/or guardians of either student disagree with the investigating administrator's conclusion, the parent may submit a written

appeal with the office of the Superintendent or his/her designee within five (5) school days of learning of the outcome. The Superintendent or his/her designee shall make a determination within 10 school days following receipt of the written appeal. The Superintendent or his/her designee shall meet with the parent/guardian and the student, as appropriate, prior to issuing a decision. The decision of the Superintendent or his/her designee shall be final. In circumstances where the Superintendent or his/her designee determines that bullying occurred, the school must follow the process set forth below to intervene with the student(s) who engaged in bullying behavior.

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. Targets 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 Principal or a staff member designated by the Principal shall follow the District's Behavior Education Plan to intervene with the student who engages in bullying behavior. The Principal or a staff member designated by the Principal shall also assist the student who is the target of bullying behavior with appropriate interventions.

7/12/10

Revised 05/18/15

POLICY

SECONDARY STUDENTS BILL OF RIGHTS 4600

Students

PREAMBLE

This document pertains to secondary students enrolled in the Madison Metropolitan School District and contains many rights to which these students are entitled. Student rights pertaining to interpretation and discipline are set forth in BOARD Policy 4502C – Behavior Education Plan – Middle and High Schools. Conflict, confrontation and controversy will be channeled constructively and positively if the rights and responsibilities of students are recognized and respected. Students have the responsibility to respect rights of all persons involved in the educational process and exercise the highest degree of self-discipline in observing and adhering to legitimate rules and regulations. Therefore, the following list of rights shall not be construed to deny or limit others retained by students on their own campus in their capacity as members of the student body or as citizens. Nothing set forth herein shall be construed as exempting a student from being subject to discipline for engaging in behavior that violates the law, or BOARD Policies such as the Student Behavioral Education Plan, Harassment, Discrimination, etc. Although the Secondary Student Bill of Rights does not exempt a student for being subject to discipline for engaging in behavior that violates the law or BOARD Policies, students are still entitled to due process relative to such violations.

1. FREEDOM OF SPEECH AND PRESS

- a. The school shall make no rules respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of people to peaceably assemble, and to petition the government for a redress of grievances.
 - i. Students shall have the right to post any literature of a noncommercial nature without prior censorship or approval by the Administration or School BOARD in any designated posting area, provided, however, the principal or designated representative shall be accorded the right to remove posted material they consider obscene, libelous, degrading or disparaging of a protected group or class of individuals, or will cause material disruption of the educational environment. The name and address of the person posting the literature must be listed on the literature itself to underscore its independence of the school. The removal of material by the principal or designee may be appealed to the SUPERINTENDENT or designee. The decision of the SUPERINTENDENT or designee may be appealed to the BOARD of Education at its next regular meeting after the decision of the principal or designee if the next regular meeting is scheduled to occur more than five days after the removal of the posted material by the principal or designee. If the removal is made within five days of the next regular meeting of the BOARD, the decision may be subject to appeal at the BOARD'S following meeting.

- ii. Students shall have the right to distribute newspapers or other printed material of a noncommercial nature both inside and outside the school building on school grounds without prior authorization of the school administration or School BOARD provided, however, the time, place and manner of distribution may be limited to prevent substantial interference with educational activities. The name and address of the person distributing or posting the literature must be listed on the literature itself to underscore its independence of the school. The principal or designee may curtail distribution of material they consider obscene, libelous, degrading or disparaging of a protected group or class of individuals, or will cause material disruption of the educational environment. The decision of the principal or designee may be appealed to the SUPERINTENDENT or designee. The decision of the SUPERINTENDENT or designee may be appealed to the BOARD of Education at its next regular meeting after the decision of the principal or designee if the next regular meeting is scheduled to occur more than five days after the original decision of the principal or designee. If the original suspension decision is made within five days of the next regular meeting of the BOARD, the decision may be subject to appeal at the BOARD'S following meeting.
- iii. All school sponsored student publications shall be produced by students. A school sponsored publication is one in which the school provides the resources to support the publication. Editing shall be done by student editors, chosen by the publications staff. The principal or designated representative shall be accorded the opportunity to review material to be printed prior to publication and may suspend publication of material they consider obscene, libelous, degrading or disparaging of a protected group or class of individuals, or will cause material disruption of the educational environment or for other reasons related to legitimate pedagogical concerns, e.g., disclosure of confidential student information. The decision of the principal or designee may be appealed to the SUPERINTENDENT or designee. The decision of the SUPERINTENDENT or designee may be appealed to the BOARD of Education at its next regular meeting after the decision of the principal or designee if the next regular meeting is scheduled to occur more than five days after the original decision of the principal or designee. If the original suspension decision is made within five days of the next regular meeting of the BOARD, the decision may be subject to appeal at the BOARD'S following meeting. The copy of the procedures should

- be submitted to all editors and staff members of school publications.
- iv. Students shall have the right to wear buttons, armbands, and other badges or symbolic expression provided these expressions are not obscene, libelous, degrading or disparaging of a protected group or class of individuals, or will cause material disruption of the educational environment.
 - v. Students shall have the right to choose their own dress and personal appearance, insofar as they do not violate the limitations set for the Secondary Behavior Education Plan. Religious headdress shall be permitted.
 - vi. Students shall have the right to demonstrate dissent in any lawful manner as long as they do not substantially disrupt, or pose a clear and present danger to school operations. Individual students who violate specific school rules or city ordinances are individually responsible for these acts and shall be dealt with according to established procedures.
 - vii. Students have the right to present petitions, complaints, or grievances to school authorities and the right to receive prompt authoritative replies from school authorities regarding the disposition of their petitions, complaints or grievances.
 - viii. Students have the right to respect from teachers and administrators, which would exclude their being subjected to cruel and unusual punishments, especially those which are demeaning or derogatory, or which diminish their self-esteem.

2. USE OF SCHOOL FACILITIES

- a. Any student, or group of students, may use any school facility (e.g., meeting rooms, reproduction machines, etc.) at cost, provided that it is not needed for scheduled educational purpose and pursuant to BOARD of Education Policy. During school hours, at the discretion of the Principal, students may use District space (e.g., meeting rooms) at no cost.
- b. Students shall have the right to a clean environment. All students shall have access to a clean restroom in adequate working condition. Any issues that interfere with the working condition of a restroom shall be addressed in a timely manner.
- c. Students waiting for transportation shall have a place inside the school where they are able to wait. Students have the right to such a place especially during inclement weather conditions. Schools shall make a location available to students for this purpose for at least 30 minutes after students are released.
- d. Students have the right to a comfortable school environment with a controlled temperature range. Schools should take immediate action to remediate the temperature, including but not limited to, moving classes and providing portable heating/cooling devices, when

classroom temperatures fall below 65F or exceed 80F during occupied times.

3. FREEDOM OF POLITICAL ACTIVITY

- a. Students may not be penalized for any political beliefs which they have though they may be held responsible for their actions taken in line with those beliefs.
- b. Students may form political organizations in the school so long as they do not have discriminatory membership restrictions.
- c. Students shall have the privilege to plan and carry out voluntary forums, assemblies, seminars and school programs of a political nature so long as they do not substantially disrupt or pose a clear and present danger to school operations.

4. DUE PROCESS

- a. All students shall have the right to due process of law.
- b. Students shall annually, upon the opening of school, be provided access to, whether in print or digitally, a publication including, with reasonable specificity, a list of school rules, Secondary Student Bill of Rights, procedural rights, and the penalties which may be imposed for the violation thereof.
- c. A student subject to expulsion shall be entitled to all elements of due process as set forth in BOARD Policy 4045 (Expulsion from School) and the law. However, if a student is not subject to expulsion and if the student so desires, s/he shall be entitled to a hearing before a Board of Inquiry to be conducted under certain rules, which include but are not limited to such rules as set forth herein in paragraphs a. through g. This Board shall be composed of one person appointed by the student's School Principal; one person appointed by the parent or guardian of the student; and one person appointed by the President of the BOARD of Education. Any decision of a majority of this Board shall be final. This hearing may be public or private at the option of the student and a written request for such hearing must be submitted to the building principal within seven days after the letter has been mailed. Any heretofore decreed punishment under this section shall be stayed pending this hearing which shall be held at the earliest moment practicable.
- d. A student may be only subject to a short-term out-of-school suspension (five days or less) only if the suspending authority provides the due process set forth in BOARD Policy 4043 (Out-of-School Suspension). Work missed during the period of suspension may be made up through a student's own initiative. The absence from school during a suspension shall be considered an excused absence.
- e. The school shall not collect or keep in its files any information which is not necessary for and directly relevant to a student's academic work and the school's education purpose.
 - i. A student and his/her parents shall have the right to examine his/her files by appointment. Students' records shall be under

the supervision of school personnel while being examined. A counselor or other appropriate school officials may be requested to aid in interpreting test scores and related material.

- ii. Files shall be made available to persons in accordance with student record confidentiality laws and BOARD policies related to student records.
- iii. Students and their parents shall have the right to write and insert in their files comments or responses to anything contained in the file.
- iv. Personal behavior files shall not be used as a method of evaluation of academic performance.
- v. Decisions concerning students' rights made by local school personnel are subject to review and may be appealed, in accordance with BOARD policy and state and federal law, to the SUPERINTENDENT or his/her designee, state and/or federal administrative agencies and/or the courts, as appropriate. Students may also use the District's General Complaint process.
- vi. Except with respect to participation in athletics and as provided in BOARD Policies [4502](#) and [4045](#), as well as Wis. Stats., Section 120.13(1)(c), students shall be free from the school's jurisdiction in all non-school activities, be it their conduct, their movements, their dress, or expression of ideas. Except with respect to participation in athletics and as provided in BOARD Policies [4502](#) and [4045](#), as well as Wis. Stats., Section 120.13(1)(c), no disciplinary action may be taken by the school for non-school activities provided the student does not claim, without authorization, to speak or act as a representative of the school. When a non-school activity results in police action, it is an infringement on the student's liberty for the school, except with respect to participants in athletics and as provided in BOARD Policies [4502](#) and [4045](#), as well as Wis. Stats., Section 120.13(1)(c), to punish the student for that activity, or to enter it on the school record, or report it to prospective employers or other agencies, unless authorized by the student.

5. STUDENT SOCIAL AND EMOTIONAL SUPPORT

- a. All students shall have the right to receive information in school on matters of personal concern pursuant to BOARD of Education policy and statutory limitation.
- b. In accordance with BOARD Policy and the law, counselors shall maintain confidentiality regarding information they receive from students.
- c. Students shall have access to a counselor that actively listens and gives feedback about personal and academic matters and concerns.

6. RIGHT TO A QUALITY EDUCATION

- a. Students shall have the opportunity of representation on curriculum planning committees and to the widest extent possible be included in other decision-making bodies affecting the quality of education. Applicable committees and decision-making bodies include, but are not limited to: District-wide and school-based learning materials review and evaluation committees, certain BOARD-appointed advisory committees, and committees convened for the specific purpose of considering program/school design at secondary schools.
- b. Students shall have the right to comment on the performances of administrators, faculty, and courses, to improve the quality of education. Each secondary school shall establish a system for students to provide such feedback. Schools shall annually inform students of the process and advise students how the information will be reviewed, shared and integrated into on-going school planning and improvement processes.
- c. Each student will have the right and responsibility for planning his/her education although students under 18 will require the consent of their parents. The interest, desires and capabilities of each individual student shall be considered in the planning of his/her academic program. The advice of the school professional staff is available to each student in his planning.
- d. Students shall have the privilege of open campus where the program presently exists. When determining whether the open campus privilege will be accorded in a particular school, the views of the surrounding community, the Administration, the teachers and the students of the school must be taken into account. The principal or parent has the right to revoke the open campus privilege of any individual.
- e. All Students are able to request assistance. English language learners and special education students may request additional assistance if needed.
- f. Students may request the creation of new classes if they are not currently available at their schools. If adding a new course is not possible, students may travel, at their own expense, to other MMSD schools to take the class that is unavailable at their school. If the class is not offered at any MMSD schools, the students shall be able to take an independent study on the topic of their interests if it is approved by Administration and in accordance with BOARD Policy 3545 (Independent Study) or apply for Youth Options.
- g. Students are encouraged to bring their concerns and complaints to the attention of their teachers for the purpose of having their concerns and complaints resolved by the teachers. However, a student has the right to either file a complaint under the District's complaint procedures, such as the General or Discrimination Complaint

Procedures or file a written complaint with the Principal or their designee. If a student files a written complaint with the Principal or their designee, the Principal or their designee shall respond to the complaint as soon as practicable. Such response may include investigation, mediation, taking or recommending that disciplinary action be taken, referral of the complaint to the appropriate District officials, etc. The resolution to the extent possible shall resolve the problem with respect to all parties involved. No student who files a complaint or expresses a concern shall be subject to recrimination.

- h. Students shall be consulted regarding any changes to the Student Bill of Rights. The Student Senate shall be formally consulted regarding any changes to the Student Bill of Rights.
- i. With respect to employment and personnel operations the Madison Metropolitan School District (MMSD) does not discriminate on the basis of: religion, race, color, national origin, ancestry, age, sex, physical appearance, marital status, handicap, arrest or conviction record, political belief, sexual orientation, gender identity, gender expression, less than honorable discharge, source of income or the fact that an individual is a student. Employees shall function in a harassment-free work atmosphere and enjoy working conditions free from physical, verbal or psychological harassment.
- j. With respect to educational programs no person shall be denied admission to any MMSD school, or be denied participation in, be denied the benefit of or be discriminated against in any curricular, extra-curricular, student services, recreational or other program or activity because of the person's sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression, or physical, mental, emotional or learning disability.
- k. If a student believes that they have been discriminated against or harassed, they may make a claim that their rights have been denied. Students are encouraged to bring their concerns, complaints and grievances to the attention of their teachers to help be resolved. However, a student has the right to either file a complaint under the District's complaint procedures or file a written complaint with the Principal or his/her designee. A student may obtain a copy of the grievance procedure and receive assistance in filing a complaint by contacting either the Affirmative Action/Title IX Coordinator, District Administration Building, 545 West Dayton Street, Madison, Wisconsin 53703, telephone 663-1530 or the District's Legal Counsel, District Administration Building, 545 W. Dayton Street, Madison, Wisconsin, 53703, telephone 663-1868.

03/01/04

Revised 05/18/15

POLICY**BEHAVIOR EDUCATION PLAN FOR 4502C
MIDDLE and HIGH SCHOOL STUDENTS Pupils**

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.

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

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.

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.

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

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:

- 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 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 be only 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 a safe and caring school climate that maximizes learning.
- Create, monitor and assess a school-wide management system.
- 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

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

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:

• Verbal redirection or correction	• Problem solving with a student about their behavior
• Increasing teacher proximity to the student	• Using nonjudgmental language
• Changing student seating	• Reinforcing positive student behavior
• 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.

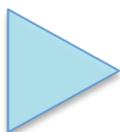
Every reasonable effort should be made to correct inappropriate student behavior using interventions and the least severe disciplinary responses possible. More significant responses, such as out-of-school suspension and expulsion, are used only for the most serious situations. When

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 27 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 MMUSD 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.

- **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. 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.
- **Conflict Resolution**
Students are supported and empowered to take responsibility for peacefully resolving conflicts. Students are taught skills including anger management, active listening and effective communication.
- **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.
- **Youth Court**
Students are issued "tickets" for inappropriate behavior. Student-jurors review information about the behavior incident, question the student involved and determine an appropriate outcome. Adult coordinators supervise the hearing.

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.
- **Take A Break (TAB) Out & Back**

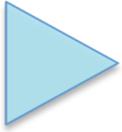
TAB Out & Back is an opportunity for students to correct their behavior in a new environment. Students move to their designated TAB Out classroom where they pull themselves together and reflect on their behavior. Once this is completed, students return to their classroom and are welcomed back by the teacher. At some point during the remainder of the day teachers will process with the student.

- **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)**

For 6th grade students, Response Level 3 conduct may result in a student being suspended out of school for 0 to 3 days.

For students in 7th through 12th grade, Level 3 conduct will result in a student being suspended out of school for 1 to 3 days unless prohibited by the IDEA and/or state law.

For 6th grade students, Response Level 4 conduct requires the student to be suspended out of school for 3 days.

For 7th through 12th grade students, Response Level 4 conduct requires the student be suspended out of school for 4 to 5 days unless prohibited by the IDEA and/or state law.

For all students, Response Level 5 conduct requires the 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 suspension 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 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.).



Surrender for Safety

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 TAB Out and Back 	<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 Restorative Circle Referral to Youth Court (High School) Parental Shadowing Planning Room 	<ul style="list-style-type: none"> Reprimand by administrator 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 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 Behavior Consultation Team or Autism Team Intensive Social Emotional Learning intervention by support staff (anger management, etc.) Enroll in RENEW or other wrap-around supports Develop Behavior Support Plan or 504 Plan 	<ul style="list-style-type: none"> Out-of-school suspension of 0 to 3 days for 6th grade students and 1 to 3 days for students in grades 7 through 12 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 ADMINISTRATIVE DISCIPLINE	
	INTERVENTION	DISCIPLINE
	<ul style="list-style-type: none"> Intervention Strategies in Response Levels 2 and 3, increased in frequency and intensity Enroll in an alternative program for intensive behavior support 	<ul style="list-style-type: none"> Out-of-school suspension for 3 days for 6th grades students and for 4-5 days for students in grades 7 through 12 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 Up to 1 day of In-School-Suspension	Intensive Intervention and Administrative Discipline 0 to 3 days of Out-of-School Suspension for 6th graders 1 to 3 days of Out-of-School Suspension for students in 7th through 12th grade	Intensive Intervention and Administrative Discipline 3 days of Out-of-School Suspension for 6th graders 4 to 5 days of Out-of-School Suspension for students in 7th through 12th grade	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
Alcohol, Drugs, Tobacco					
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					
Engaging in an act of bullying. See <i>Glossary of Terms</i> for definition of "bullying."		■	■	■	
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."		■	■	■	

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 Up to 1 day of In-School-Suspension	Intensive Intervention and Administrative Discipline 0 to 3 days of Out-of-School Suspension for 6th graders 1 to 3 days of Out-of-School Suspension for students in 7th through 12th grade	Intensive Intervention and Administrative Discipline 3 days of Out-of-School Suspension for 6th graders 4 to 5 days of Out-of-School Suspension for students in 7th through 12th grade	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
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.	■	■			
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.		■	■		

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 Up to 1 day of In-School-Suspension	Intensive Intervention and Administrative Discipline 0 to 3 days of Out-of-School Suspension for 6th graders 1 to 3 days of Out-of-School Suspension for students in 7th through 12th grade	Intensive Intervention and Administrative Discipline 3 days of Out-of-School Suspension for 6th graders 4 to 5 days of Out-of-School Suspension for students in 7th through 12th grade	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
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. See <i>Glossary of Terms</i> for definition of "property damage."	■	■	■		
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. See <i>Glossary of Terms</i> for definition of "property damage."		■	■	■	
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.	■	■			
Possession of a toy weapon where the toy weapon is used to threaten, intimidate or harm another person or to cause a disruption.		■	■		

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 Up to 1 day of In-School-Suspension	Intensive Intervention and Administrative Discipline 0 to 3 days of Out-of-School Suspension for 6th graders 1 to 3 days of Out-of-School Suspension for students in 7th through 12th grade	Intensive Intervention and Administrative Discipline 3 days of Out-of-School Suspension for 6th graders 4 to 5 days of Out-of-School Suspension for students in 7th through 12th grade	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
Possession of a weapon, other than a firearm or other gun. See <i>Glossary of Terms</i> for definition of "weapon."			■	■	
Possession and actual, attempted or threatened use of a weapon, other than a firearm or other gun, toward another person or to cause a disruption. See <i>Glossary of Terms</i> for definition of "weapon."					■
Possession of a firearm, as defined by 18 USC 921 of the federal code (e.g. handgun, rifle, shotgun, starter pistol etc.) See also, possession of bomb or other explosive device.					■
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. See <i>Glossary of Terms</i> for definition of "possession."		■	■		
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."					■

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 Up to 1 day of In-School-Suspension	Intensive Intervention and Administrative Discipline 0 to 3 days of Out-of-School Suspension for 6 th graders 1 to 3 days of Out-of-School Suspension for students in 7 th through 12 th grade	Intensive Intervention and Administrative Discipline 3 days of Out-of-School Suspension for 6 th graders 4 to 5 days of Out-of-School Suspension for students in 7 th through 12 th grade	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
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."				■	
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 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.	■	■	■		

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 Up to 1 day of In-School-Suspension	Intensive Intervention and Administrative Discipline 0 to 3 days of Out-of-School Suspension for 6th graders 1 to 3 days of Out-of-School Suspension for students in 7th through 12th grade	Intensive Intervention and Administrative Discipline 3 days of Out-of-School Suspension for 6th graders 4 to 5 days of Out-of-School Suspension for students in 7th through 12th grade	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
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.			■	■	
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.			■	■	
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.		■	■	■	

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 Up to 1 day of In-School-Suspension	RESPONSE LEVEL 3 Intensive Intervention and Administrative Discipline 0 to 3 days of Out-of-School Suspension for 6 th graders 1 to 3 days of Out-of-School Suspension for students in 7 th through 12 th grade	RESPONSE LEVEL 4 Intensive Intervention and Administrative Discipline 3 days of Out-of-School Suspension for 6 th graders 4 to 5 days of Out-of-School Suspension for students in 7 th through 12 th grade	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 non-consensual sexual contact with another student coupled with the use of force, a weapon, threat or coercion.					■
Inappropriate use of technology					
Inappropriate use of district-provided information technology. <i>See Policy 3721, pg. 45.</i>		■	■	■	
Indecent exposure					
Physically displaying one's private parts.		■	■		
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.			■	■	
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.		■	■		
Sexual, explicit, obscene or lewd materials					
Possessing pornographic material or observing pornographic material.		■	■		

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 Up to 1 day of In-School-Suspension	Intensive Intervention and Administrative Discipline 0 to 3 days of Out-of-School Suspension for 6th graders 1 to 3 days of Out-of-School Suspension for students in 7th through 12th grade	Intensive Intervention and Administrative Discipline 3 days of Out-of-School Suspension for 6th graders 4 to 5 days of Out-of-School Suspension for students in 7th through 12th grade	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
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.

7/14/14