

## MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

### Administrative Policy and Procedure Manual

443.3

#### STUDENT ALCOHOL AND OTHER DRUG ABUSE

##### Policy

No student shall possess, use, sell, distribute or be under the influence of alcohol and/or other drugs not medically prescribed while on District property, in a motor vehicle owned or used by the District, or participating in a school-sponsored activity on or off school grounds. The possession, use or distribution of drug paraphernalia shall also be prohibited. Students shall be held accountable for their behavior and shall be disciplined accordingly if they violate provisions of this policy.

A student may be required to submit to a breath or other standard assessment test to determine the presence of alcohol or other drugs if a designated school official or law enforcement officer has reasonable suspicion that the student is under the influence of alcohol in violation of this policy. Such test shall be administered by a law enforcement officer or trained school district employee and shall meet state law requirements. A student may be disciplined for refusing to submit to such test.

The District recognizes that alcohol and other drug abuse (AODA) by a student, his/her family members and/or other significant persons in the student's life may have an adverse effect on the student's attitude, behavior, learning and/or general health. It may even lead to the illness of chemical dependency or co-dependency. Since early intervention and, whenever possible, prevention is deemed best, the District shall offer an AODA program that provides for prevention, intervention and promotion of a drug-free lifestyle. Specifically, the District will:

1. Identify students who are affected in some way by their own or others alcohol and other drug use and get them appropriate help within the District or the community. In dealing with AODA related concerns, the District's primary educational intent is to be helpful, not judgmental.
2. Work with students and provide them with direction and support for growth and responsible behavior.
3. Cooperate with parents/guardians and community agencies whenever possible to expedite appropriate AODA referrals.
4. Strive to make the school environment sensitive to the needs of students with AODA concerns.
5. Annually inform students and their parents/guardians of this policy and its implementing procedures.

LEGAL REF.: Sections 118.01(2)(d) Wisconsin Statutes  
118.126  
118.127  
118.257  
118.45  
120.13(1)  
125.02(8)(m)  
125.09(2)  
938.396

Chapter 961  
Individuals with Disabilities Education Act

CROSS REF.: 333, Parent Rights and Access to the Curriculum and Instructional Materials  
343.7, Student Surveys  
347, Student Records  
364, Counseling Program  
364.1, Parent Notification/Permission for Pupil Services Activities  
443, Student Conduct and Discipline  
443.5, Student Use and/or Possession of Two-Way Communication Devices  
445, Student Involvement with Law Enforcement Personnel at School  
446, Student Searches  
446.1, Locker Searches  
447.1, Corporal Punishment/Use of Physical Force by Staff  
447.3, Student Suspension/Expulsion  
453.1, Emergency Nursing Services  
453.4, Medication Administration to Students  
Student Code of Conduct  
Athletic/Activities Code Handbook

APPROVED: October 1990

REVISED: July 11, 2005  
January 11, 2013

# MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

## Administrative Policy and Procedure Manual

443.4

### STUDENT USE AND/OR POSSESSION OF ELECTRONIC DEVICES

#### Policy

Students are permitted to possess a cellular phone, personal digital assistant, personal music/video/gaming device, camera, or other personal electronic devices with communications functions or the capability to capture/record voice or image information, during the school day and during school activities, provided that the device remains stored, powered off, and unused. Students who possess such a device do so at their own risk to possible loss, damage or liability.

Principals are authorized to establish school rules and acceptable use guidelines for limited, non-disruptive use of electronic devices during the school day in the school building or during school activities for safety, medical, vocational or other legitimate reasons.

Cameras or electronic communication devices shall not be used:

- In areas where one would reasonably expect privacy, i.e. locker rooms, bathrooms, etc.
- To communicate test answers, photograph tests, or engage in any other conduct that enables students to cheat.
- To share or post personal information about, or images of, any other student or staff member without permission from that student or staff member.
- To engage in cyber-bullying – placing cell phone calls or sending text messages that ridicule, threaten or harass another student.
- To take, disseminate, transfer or share obscene, pornographic, lewd or otherwise illegal images or photographs.

Possession of an electronic device by a student is a privilege, which may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege.

Nothing within this policy shall be construed to limit a student's ability to use an electronic 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 plan.

The inappropriate use of electronic devices by students while on campus or engaging in school activities is subject to disciplinary action. The inappropriate use of such devices by students while off campus and not engaging in school activities may also be subject to disciplinary action if such conduct endangers the health, safety or property of others at school or under the supervision of school authorities and/or causes a material and substantial disruption to the school environment or school activities. Also, students involved in activities that interfere with the rights of other students to participate fully in school or extracurricular activities will be in violation of this policy.

Violation of this policy by students will result in disciplinary action which may include:

- Revocation of District technology use privileges
- Application of school disciplinary practices and procedures
- Notification of law enforcement officials
- Notification of parents/guardians or legal custodians

- Notification of the activities director and/or co-curricular coaches/advisors
- Notification of the Superintendent or designee
- Suspension from school
- Recommendation for expulsion

By exercising the privilege of bringing a cell phone or other electronic devices to school or school-sponsored events, the student and parents knowingly and voluntarily consent to the search of the device when school officials have a reasonable suspicion that such a search will reveal a violation of school rules. The scope of the search will be limited to the violation of which the student is accused. School officials as part of the search may request or require the student to disclose access information to enable access or observation of the contents of the electronic device, but school officials shall not request or require a student to disclose access information for the personal internet account(s) of the student. Content of images that violate state or federal laws will be referred to law enforcement.

The District shall notify students of the applicability of the above search authorization procedures through the student handbook and other methods as deemed appropriate by the administration.

Electronic devices that are inappropriately used may be confiscated and held by school officials for return to the student on minor infractions or parent(s)/guardians(s) for more severe infractions. The cell phone may be retained for disciplinary reasons, or turned over to law enforcement officers as described above.

The rules related to this policy will be published in student handbooks and distributed annually.

LEGAL REF.: Sections 118.258 Wisconsin Statutes  
120.13  
995.55(3)

CROSS REF.: 322, School Day  
363.2, Acceptable Use of the Internet and Other Computer-Related Technologies  
363.4, Technology to Assist Student Learning (Assistive Technology)  
440, Student Rights and Responsibilities  
443, Student Conduct and Discipline  
446, Student Searches  
447.3, Student Suspension/Expulsion  
512, Harassment  
720, Safety Program  
731.2, Locker Room Privacy  
Student Code of Conduct

APPROVED: November 9, 1992

REVISED: July 11, 2005  
January 28, 2010  
August 13, 2013  
August 22, 2014

# MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

## Administrative Policy and Procedure Manual

445

### STUDENT INVOLVEMENT WITH LAW ENFORCEMENT PERSONNEL AT SCHOOL

#### Policy

The District shall establish and maintain positive school-police relations. The District shall cooperate with appropriate law enforcement agencies regarding the investigation and interrogation of students in a manner which will respect the constitutional and legal rights of the individual students, the responsibilities of the District, and the obligations of the law enforcement agency(-ies).

At the sole discretion of the police agency, when a child is interviewed by the police on school grounds, interrogations may be audio or videotaped by the police in accordance with applicable state and federal law.

When requested by law enforcement representatives, District facilities will be made available for questioning of District students. Law enforcement representatives will be asked to make their initial contact with the appropriate administrator of the school in which the student is located.

The Superintendent shall establish appropriate administrative procedures to meet the intent of this policy, to ensure and maintain positive school-law enforcement agency relationships, and to protect the rights of all concerned parties.

#### Procedure

##### **Definitions Under this Procedure**

**Interview:** To question or converse in order to obtain information. A formal meeting for consultation.

**Interrogation:** Questioning with the force of an emphatic affirmation or denial. To question, typically with formality, command, and thoroughness, for full information and circumstantial detail.

**Parent/Guardian:** Note that herein when the phrase “parents/guardians will be contacted” is only applicable if the student is a minor pupil and/or if the adult pupil agrees to the parental contact.

##### A. Investigation in Schools

1. By police regarding incidents on school premises:
  - a. A building principal or designee may exercise his/her discretion in determining whether to request assistance of police if he/she has reasonable suspicion to believe an incidence of crime may occur or allegation of a crime committed in his/her school

building or school grounds during school hours or school activities or a situation endangering the health and safety of members of the school community.

- b. If the principal or designee requests assistance, the police officer may conduct an investigation within the school building and interview students as possible witnesses in school during the school day. The principal or designee shall be present during the interview. The police liaison shall be used if available; otherwise any other local law enforcement officer is acceptable. If a student is a witness to an offense or is a non-involved third party, meaning that he/she would not be a defendant in the action, the parents of the student will be called if permitted by law. The principal/designee will determine when to contact parents, before or after the interview, depending on the circumstances of the interview. The call may be placed by the principal/designee or law enforcement officer. If the call is placed by the law enforcement officer, he/she shall notify the principal or designee before the attempted call, if permitted by law. If an interview is held without parental contact, the principal or his/her designate will attempt to contact the parents after the fact and document those attempts. If during the interview, the student is deemed to be a suspect, the questioning will be tolled (paused) until the procedures for interrogation of a suspect are completed. The above procedures only require an attempt at parental contact, not parental consent for the interview where the student is not a suspect.
  - c. If the investigation focuses on a particular student as a suspect of a crime or other offense that may result in an arrest, the principal and the police officer will follow the general guidelines set forth with respect to the interrogation of suspects and arrest. When the police intend to interrogate a student in school and the student is a suspect, every attempt will be made to contact the parents prior to the questioning and the attempts will be documented.
    1. If the parent refuses permission for their child to be interrogated at school, the principal/designee or the officer will inform the parents that the officer may take the child into custody and question them without parental permission.
2. By Police, regarding incidents off school premises:
- a. Police officers will make every effort to interview students outside of school hours and outside of the school setting in those cases that originate off school premises. This procedure will not apply to circumstances where serious crimes are involved or where imminent threats to persons or property are involved.
  - b. If the police deem it necessary to interview students at school, the Police Department shall first contact the building principal or his/her designee regarding the police visit and inform the principal and/or designee of the reason to investigate within the school and obtain his/her approval. The police officer shall not commence his/her investigation until such approval is obtained. If the principal or designee is unavailable in any school, such permission may be secured through his/her school representative. The Police Department may appeal to the Superintendent if it is deemed that approval was unreasonably withheld. If a student is a witness to an offense or is a non-involved third party, meaning that he/she would not be a defendant in the action, the parents of the student will be called if permitted by law.

But if parents are not available, the officer may interview the student. If an interview is held without parental contact, the principal of his/her designate will attempt to contact the parents after the fact and document the attempts.

- c. County and/or municipal departments may contact, observe or interview a child at any location, including the school, without permission from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services.

B. Interrogation of Suspects in Schools

1. By Police Regarding incidents on school premises

- a. If a building principal or designee has requested assistance by a Police Officer to investigate a situation involving his/her school building or students, the police shall have permission to interrogate a student suspect in school during school hours.

If the subject of the interrogation concerns matters related to District operations or concerns, District representatives will ask to be present with the student at the time of the questioning. The school administration will abide by the directives of the law enforcement officials.

- b. If criminal prosecution is contemplated by the police, every effort will be made to contact a parent/guardian of the student prior to questioning as detailed above in section A-1-c.

2. By Police, Regarding incidents off school premises

- a. Police officers will make every effort to interview students outside of school hours and outside the school setting in cases where the incident happens off school premises.
- b. If the police deem it necessary to interrogate student suspects at school, the police shall first contact the building principal or designee regarding the planned interview, inform the principal or designee to the necessity to interrogate the student within the school, and to obtain the principal's or designee's approval. The police officer shall not commence his/her interrogate until such approval is obtained. Under the circumstances where the principal or designee is not available to provide such approval, the approval may be obtained from his/her school representative. If the police believe approval is unreasonably withheld, an appeal may be made to the Superintendent's Office.
- c. If criminal prosecution is contemplated by the police, every effort will be made to contact a parent/guardian of the student prior to questioning as detailed above in section A-1-c.

3. By School Administrators

- a. If upon interrogating students relating to school matters the building principal or designee has reason to believe that a crime has been committed the principal or designee may, in his/her judgment, continue to gather information for school purposes or suspend the school's investigation pending consultation with or involvement of law enforcement officials.

**C. Arrest by Police Officers**

1. In cases where the student is to be taken into custody, the police officer shall first contact the principal or designee and advise him/her of such fact. The student shall first be summoned to the office by the principal or designee.
2. In situations where the commission of a felony, misdemeanor, other offenses that may result in an arrest or issuance of a citation, have been witnessed by a police officer or if the police officer is in the pursuit of a student for such crime, the police shall have the legal right to apprehend such student. The police officer may also have the right to arrest the student where there exists an outstanding warrant for the arrest of the student.
3. In cases where the law enforcement officer takes the student into custody or asks the student to leave the school building and accompany the officer to another location for questioning or protection or services, the building principal or designee shall be notified of the action. If the student is a minor, the building principal or designee shall notify the student's parent or guardian that the student is no longer in school or under school supervision, except in cases involving allegations of child abuse or neglect.

**D. Child Abuse or Neglect Investigations**

When necessary, a law enforcement agency or county agency making an investigation to determine if the child is in need of protection or services under the child abuse law may observe or interview a child at any location on school grounds without permission from the child's parent, guardian, or legal custodian.

In the event that law enforcement officials or representatives of appropriate social services agencies request the opportunity to interview or question students with respect to any child abuse or neglect allegations, the same procedures as described above for police interrogations in this procedure shall be followed. The Wisconsin attorney general has issued an opinion in 1990 (79 OAG 49 (1990)) that §48.981 of the Wisconsin Statutes permits school personnel to be excluded from such interviews. The opinion further states that public school personnel may not require notification of the child's parents before permitting the child to be interviewed on school property. This procedure is intended to be consistent with that opinion.

It is recognized that such investigations may therefore legally exclude representatives of the District. However, in every case of investigation involving child abuse or neglect, a representative of the administration of the school which the child attends shall offer to sit in on any such interviews or interrogations. The district shall abide by any directions from law enforcement or social service departments to be excluded from such interviews.

Additionally, if requested by the law enforcement or social services individuals conducting the investigation or interviews, District administration officials shall not notify the parents or guardians of the students, either before or after the interview or investigation.

LEGAL REF.: Sections 48.19 Wisconsin Statutes  
48.981(3)(c)  
51.15  
118.125  
118.127  
118.257  
118.325  
120.13(1)  
938.195  
938.396  
946.40  
946.41

OAG 5-94 (Attorney General's Opinion)

CROSS REF.: 322, School Day  
347, Student Records  
446, Student Searches  
446.1, Locker Searches  
720, Safety Program  
882, Relations with External Agencies  
882.1, Police-School Liaison Program

APPROVED: July 24, 1989

REVISED: July 12, 2005  
August 4, 2005  
May 31, 2013  
September 3, 2013  
September 6, 2013

# MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

## Administrative Policy and Procedure Manual

446.1

### LOCKER SEARCHES

#### Policy

Student lockers, desks and other such school property are under the ownership and possessory control of the Middleton-Cross Plains Area School District and students should have no expectation of privacy regarding items placed in them. They are provided for students to be used solely and exclusively for authorized purposes. At no time does the District relinquish control of such school property. Students are responsible for their assigned locker and its contents.

A locker may be searched as determined necessary or appropriate without notice, without student consent, and without a search warrant. The search may be conducted by the Superintendent, a building principal, designee, or school resource officer with school personnel.

Any unauthorized item found in the locker may be removed. Items removed from the locker may be held by the school for return to the parent(s)/guardian or the student, retained for disciplinary proceedings, or turned over to appropriate legal authorities. The adult student or parent/guardian of a minor student shall be notified of items removed from the locker and turned over to law enforcement officials.

The District shall include a copy of this policy in the student handbook that is distributed annually to each student enrolled in the District. This information can also be found on the District website.

LEGAL REF.: Section 118.325 Wisconsin Statutes  
U.S. Supreme Court Decision - New Jersey v. T.L.O. (105 S. Ct. 733, 1985)  
Wisconsin Supreme Court Decision - In the Interest of Angelia D.B. (Case No. 95-3104)

CROSS REF.: 445, Student Involvement with Law Enforcement Personnel at School  
446, Student Searches  
Student Code of Conduct  
School Safety Plans

APPROVED: December 2004

REVISED: May 30, 2013  
March 15, 2019

## MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

### Administrative Policy and Procedure Manual

440

#### STUDENT RIGHTS AND RESPONSIBILITIES

##### Policy

Students shall have the right to advocate change of any law, policy or regulation. Students may exercise their rights to freedom of expression through speech, petition and other lawful means. Every right has its limitation. The freedom of an individual or group to exercise rights ceases when that exercise unduly infringes upon the rights of others. Teachers and students should promote tolerance for the views and opinions of others, as well as for the right of an individual to form and hold different opinions or beliefs.

Each student has the right to an education. Each student has the right to due process guaranteed to him/her by law prior to any disciplinary action taken such as suspension or expulsion.

LEGAL REF.: Article I and Article X-Section 3, Wisconsin Constitution  
Sections 118.13 Wisconsin Statutes  
120.13(1)  
PI 9, Wisconsin Administrative Code

CROSS REF.: 347, Student Records  
372, Student Publications  
381, Controversial Issues  
411, Equal Educational Opportunities  
443, Student Conduct and Discipline  
443.1, Student Dress Code  
447.3, Student Suspension/Expulsion  
Student Code of Conduct

APPROVED: August 2002

REVISED: December 2004

# MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

## Administrative Policy and Procedure Manual

447.5

### SECLUSION AND RESTRAINT OF STUDENTS

#### Policy

The purpose of seclusion or physical restraint in a school is to defuse a dangerous situation, protect the student and others from injury and regain a safe, controlled, productive learning environment.

No individual who is employed by the Middleton-Cross Plains Area School District (“District”), under contract with the District Board of Education (“Board”) as an independent contractor to provide services for the benefit of the schools, employed by a person/entity under contract with the Board to provide such services (excluding law enforcement officers), or engaging in student teaching under the supervision of a District employee or independent contractor providing services for the benefit of the schools (hereinafter referred to as “Covered Individual”), may use seclusion or physical restraint on a student at school except in accordance with state law and this Administrative Policy.

The District shall not discriminate in disciplinary measures, including the application of seclusion or physical restraint of students, on the basis of sex, race, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, transgender status, gender expression, gender identity, gender nonconformity or change of sex, or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established procedures.

#### A. Definitions

1. Seclusion: The involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving.

Provided a student is not confined to an area from which they are not physically prevented from leaving, seclusion does not include:

- In-school suspension;
  - Detention;
  - Student-requested break;
  - Directing a student to temporarily separate themselves from the general activity to allow the student to regain behavioral control and staff to maintain or regain classroom order; or
  - Directing a student to temporarily remain in the classroom to complete tasks while students participate in activities outside of the classroom
2. Physical Restraint: Restriction that immobilizes or reduces the ability of the student to freely move their torso, arms, legs, or head. Physical restraint does not include:
    - Briefly touching or holding a student’s hand, arm, shoulder, or back to calm, comfort, or redirect the student;
    - Holding a student’s hand or arm to escort the student safely from one area to another when the student is complying with the request to move; or
    - Using protective, assistive, or stabilizing devices, including adaptive equipment prescribed by a health care professional; sensory supports such as a weighted vest; and a weighted glove or wide arm cuff to protect the student’s arms by preventing stereotypy and to work with the free arm/hand.

**B. Seclusion – Conditions for Use**

Seclusion may only be used on a student if all of the following apply:

1. Less restrictive or alternative approaches have been considered, attempted, or deemed inappropriate.
2. The 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.
3. Constant supervision of the student is maintained, either by remaining in the room or area with the student or by observing the student through a window that allows the student to be seen at all times.
4. The room or area in which the student is secluded is free of objects or fixtures that may injure the student.
5. The student has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.
6. 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 and others.
7. No door connecting the room or area in which the student is secluded is capable of being locked.
8. Seclusion is used in a humane, safe, and effective manner considering known medical or psychological limitations of the student.

**C. Physical Restraint – Conditions for Use**

Physical restraint may only be used if all of the following apply:

1. Less restrictive or alternative approaches have been considered, attempted, or deemed inappropriate.
2. The 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.
3. Covered Individuals certified in Non-Violent Crisis Intervention (NVCI) are applying physical restraint in accordance with NVCI procedures.
4. The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the risk.
5. Physical restraint is applied in a humane, safe, and effective manner considering known medical or psychological limitations of the student.
6. There are no medical contradictions to the use of physical restraint.
7. The restraint does not constitute corporal punishment, which is the intentional infliction of physical pain as a means of discipline.
8. Neither mechanical nor chemical restraints are used.
9. None of the following maneuvers or techniques are used:
  - a. Those that do not give adequate attention and care to protecting the student's head.
  - b. Those that cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back, or abdomen.
  - c. Those that place pressure or weight on the student's neck or throat, on an artery, or on the back of the student's head or neck, or that otherwise obstruct the student's circulation or breathing.

**D. Students with Disabilities**

1. The first time that seclusion or physical restraint is used on a student with a disability, the student's Individualized Education Program (IEP) team shall convene as soon as possible after the incident to:
  - a. Review the student's IEP to ensure that it contains appropriate positive behavioral interventions and supports to address the behavior of concern; and
  - b. Revise the IEP if necessary.

2. If the student's IEP team determines that the use of seclusion or physical restraint may be reasonably anticipated with the student, the IEP team must:
  - a. Conduct a Functional Behavioral Assessment (FBA) if one has not been completed already for the behavior of concern;
  - b. Develop or determine an appropriate BIP based upon the FBA addressing the behavior of concern;
  - c. Include the use of seclusion or restraint in the IEP and BIP; and
  - d. Ensure that the BIP includes positive behavior supports.

**E. Documentation and Notification/Reporting**

The building principal or their designee is required to complete all of the following whenever seclusion or physical restraint is used on a student by a Covered Individual or by law enforcement:

1. Notify the student's parent(s)/guardian(s) of the incident and the availability of a written report (see below) as soon as practical but no later than one business day after the incident.
2. Facilitate a debriefing meeting with all Covered Individuals involved as soon as practical, but no later than two business days after the incident.
3. Complete a seclusion/restraint report in Educlimber no later than two business days after the incident that includes all of the following information:
  - a. The student's name.
  - b. The date, time, and duration of the use of seclusion or physical restraint.
  - c. A description of the incident, including a description of the actions of the student before, during, and after the incident.
  - d. The names and titles of the Covered Individuals present during the incident.
4. Make the seclusion/restraint report available for review by the student's parent(s)/guardian(s) within three business days of the incident.
5. Share copy of the seclusion/restraint report to the building level Principal, Student Services Coordinator, and the Director of Student Services.
6. Annually, by September 1, the principal of each school or his or her designee should submit a report to the Board containing the following:
  - a. The number of incidents of seclusion and physical restraint in the school during the previous year for all students;
  - b. The total number of students involved in the incidents;
  - c. The number of incidents of seclusion and physical restraint in the school during the previous year for students with disabilities; and
  - d. The number of students with disabilities involved in the incidents.

**F. Staff Training Requirement and Documentation**

The District has implemented Non-Violent Crisis Intervention Training (NVCI) from the Crisis Prevention Institute. This training meets and/or exceeds all legal requirements for training under state law.

1. Seclusion and restraint shall be implemented only by Covered Individuals who have a valid training status.
2. A Covered Individual who is not trained or who has an invalid training status may use physical restraint on a student only in an emergency and only if a trained Covered Individual with a valid status is not immediately available due to the unforeseen nature of the emergency.
3. All building-level administrators, deans, and student services coordinators will be trained in each school building and will maintain a valid training status.
4. The Director of Student Services or designee shall maintain a list of all Covered Individuals who have completed NVCI Training and the period of time for which the training is considered valid.

LEGAL REF: Wisconsin Statutes, Sections: 118.305  
115.787(3)  
118.13  
118.31

Individuals with Disabilities Education Act  
Section 504 of the Rehabilitation Act of 1973

CROSS REF: Exhibit 447.5, Student Summary Log for Seclusion  
Procedure 411, Equal Educational Opportunities (Student Discrimination)  
443, Student Conduct and Discipline  
447.1, Corporal Punishment/Staff Use of Physical Force  
720, Safety Program  
Student Code of Conduct  
Special Education Policy and Procedure Manual

APPROVED: August 14, 2006

REVISED: November 13, 2006  
November 9, 2011  
September 12, 2012  
December 18, 2014  
August 21, 2015  
March 1, 2019

STUDENT CONDUCT AND DISCIPLINE

**Policy**

The District recognizes and accepts its responsibility to create, foster and maintain an orderly and safe school environment conducive to teaching and to the learning processes. Every member of the school community is expected to cooperate in this central mission. Staff, including administrators and teachers, must use their training, experience and authority to create schools where effective learning is possible. Students are expected to come to school, and to every class, ready and willing to learn. Parents/guardians should be aware of their children's activities, performance and behavior in school and are asked to cooperate and consult with the school to prevent or address problems.

The Superintendent shall approve a district-wide Student Code of Conduct. The Student Code of Conduct will be reviewed periodically and made available to all students. Students are expected to abide by the district's Student Code of Conduct, student conduct rules and codes established by the building principal, and all board policies relating to student conduct. These student conduct expectations shall be communicated to students and parents and guardians annually through student handbooks and through other appropriate means as necessary to make them known and understood.

The building principal has primary responsibility for ensuring proper student conduct is maintained in the school building and during school-sponsored activities under their charge. District staff members have responsibility for supervising the behavior of students and for seeing that they comply with student conduct policies, rules and codes.

Students failing to abide by the established rules of conduct shall be subject to disciplinary action as outlined in the Code and applicable district policies and procedures.

The District shall not discriminate in standards and rules of behavior or disciplinary actions, including student harassment, suspension or expulsion, on the basis of sex, race, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation including transgender status, gender expression, gender identity, gender nonconformity or change of sex, physical, mental, emotional or learning disability or handicap. Discrimination complaints shall be processed in accordance with established procedures.

LEGAL REF.: Sections 118.13 Wisconsin Statutes  
118.164  
118.257  
120.13(1)  
PI 9.03(1), Wisconsin administrative Code

CROSS REF.: 310, Philosophy of Educational Programs, Instruction and Materials  
343.6, Videotaping and/or Photographing of Students  
347, Student Records  
352, Field Trips  
363.2, Acceptable Use of the Internet and Other Computer-Related Technologies  
370, Co-Curricular Activities  
371, School Clubs/Organizations  
411, Equal Educational Opportunities  
431, Student Attendance  
440, Student Rights and Responsibilities

443.1, Student Dress Code  
443.4, Student Alcohol and Other Drug Abuse  
443.5, Student Use and/or Possession of Two-Way Communication Devices  
443.7, Youth Gangs  
445, Student Involvement with Law Enforcement Personnel at School  
446, Student Searches  
446.1, Locker Searches  
447.1, Corporal Punishment/Use of Physical Force by Staff  
447.3, Student Suspension/Expulsion  
455.1, Supervision of Students  
720, Safety Program  
751, Student Transportation Services  
832, Weapons on School Premises  
Student Code of Conduct  
Athletic/Activities Code Handbook

APPROVED: August 2002

REVISED: December 2004  
April 26, 2019

## MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT CODE OF CONDUCT PROCEDURES

The Middleton Cross Plains Area School District (MCPASD) is a place of education where each student has the right to learn and grow in a supportive environment among people who are caring and cooperative. MCPASD is committed to working with our students and staff to create a system of accountability that sets clear limits and supports a respectful, school-wide learning community.

**The code has been guided by the following philosophy:**

All members of the learning community (students, staff, parents, and community) are essential to creating and maintaining a positive learning environment.

- The school environment must be physically, socially, and emotionally safe for everyone.
- The code of conduct is a framework to facilitate teaching and learning by establishing clear expectations and appropriate consequences.
- Desired behaviors should be communicated, taught, and modeled continually throughout the school year at all levels.
- Systematic communication and reflection, based on data and observations, on an individual and collective basis are vital to the successful implementation of the code of conduct.
- Conflicts will be handled with respect for the rights of all involved.

The code of conduct that follows assists both students and teachers/staff in creating a safe community which fosters personal growth both behaviorally and academically.

Consistent with these philosophies, the district may utilize restorative practices as a response to behavior which impacts the community. Restorative practices are designed to resolve behavioral concerns within the community. They are further designed to allow interested victims to meet offenders in a safe and structured setting. Offenders are held directly accountable for their behavior and encouraged to return and positively contribute to the community. In order to participate in the above restorative practices, any affected minor pupil must receive written parental consent if such participation would result in the disclosure of pupil behavioral records of the pupil. In order to participate in the above, any affected adult pupil must provide written consent if such participation would result in the disclosure of pupil behavioral records of the pupil. The written consent would be in accordance with the District’s release of information form and would authorize the release of behavioral records that are directly related to the restorative practice that is being implemented.

Parents/guardians are valued members of our learning communities and are critical resources in helping students learn to resolve code of conduct violations and behave in a manner that creates the safe learning environment for all. We will encourage and support parents/guardians in playing an active role in this process.

<b>CODE OF CONDUCT – LEVEL 1 - MINOR</b>	
<b>Least Serious Infractions (may be handled by classroom teacher / staff)</b>	
<p><b>STUDENT BEHAVIOR</b> – May Included / Not Limited to:</p> <ul style="list-style-type: none"> <li>• Cheating</li> <li>• Derogatory comments</li> <li>• Destruction of property/belongings</li> <li>• Disrespect</li> <li>• Dress code violations</li> <li>• Failure to identify self</li> <li>• Horseplay/unruly behavior</li> <li>• Insubordination</li> <li>• Profanity</li> <li>• Tardiness</li> <li>• Taunting</li> <li>• Use of communication device during school day</li> <li>• Use of non-sanctioned electronic devices</li> <li>• Violation of internet and other technology use agreement</li> </ul>	<p><b>POSSIBLE INTERVENTION / CONSEQUENCES</b> – May include documentation.</p> <ul style="list-style-type: none"> <li>• Educate/conference with student of appropriate behavior</li> <li>• Provide restorative circle/conference</li> <li>• Discuss behaviors and reach agreement for future behaviors</li> <li>• Mediation</li> <li>• Monitor and provide feedback on behaviors</li> <li>• Restitution</li> <li>• Involve parents/guardians to assist in modifying behaviors</li> <li>• Consult student services staff</li> <li>• Behavior contracts</li> <li>• Temporary removal</li> <li>• Detention/loss of privileges</li> <li>• Reflective activity</li> </ul>

**CODE OF CONDUCT – LEVEL II - MAJOR**

**More Serious and/or Chronic Infractions (likely referred to building administration)**

<p><b>STUDENT BEHAVIOR</b> – May Include / Not Limited to:</p> <ul style="list-style-type: none"> <li>• Profanity directed at staff</li> <li>• Cheating/plagiarism</li> <li>• Theft</li> <li>• Harassment/bullying/extortion</li> <li>• Vandalism</li> <li>• Repeated/significant dress code violation</li> <li>• Chronic/severe insubordination</li> <li>• Leaving classroom without permission</li> <li>• Students who are repeatedly found in the hallways during instructional time. *</li> <li>• Disruptive use of communication device/electronic device(see district student use and/or possession of electronic devices policy)</li> <li>• Pornography/obscene materials</li> <li>• Disorderly conduct</li> <li>• Truancy</li> <li>• Possession of pyrotechnic (e.g. lighter, fireworks)</li> <li>• Possession of tobacco, nicotine or alternative smoking products</li> <li>• Gang related expression, community and activity</li> <li>• Fighting/battery</li> <li>• Lying/obstructing</li> <li>• Gambling</li> <li>• Possession of non-dangerous knife which is not used in a threatening manner</li> <li>• Repeated violations of Level I code of conduct</li> </ul>	<p><b>POSSIBLE INTERVENTIONS / CONSEQUENCES</b> – Must include documentation</p> <ul style="list-style-type: none"> <li>• All interventions listed under Level I</li> <li>• Suspension (in or out of school)</li> <li>• Involvement of student services and functional behavioral analysis</li> <li>• Involvement of outside agencies</li> <li>• Involvement of police</li> <li>• Short term removal from setting</li> <li>• Long term removal from setting</li> </ul> <p>* May be sent to supervised study for the remainder of that block. Students that refused to go to supervised study may be suspended.</p> <p>A functional behavior analysis (FBA) is mandatory when there are three or more violations of Level II or higher within a semester. The FBA may lead to the creation of a behavior intervention plan (BIP).</p>
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**CODE OF CONDUCT – LEVEL III - MAJOR**

**Most Serious Offenses which Jeopardize Health / Safety of Others**

<p><b>STUDENT BEHAVIOR</b> – May Include / Not Limited to:</p> <ul style="list-style-type: none"> <li>• Weapons (including look-alikes)</li> <li>• Sexual Harassment</li> <li>• Sexting</li> <li>• Sexual assault</li> <li>• Distribution of controlled substance* (including look-alikes)</li> <li>• Possession/use of controlled substance(s)*, or other drug paraphernalia</li> <li>• Arson</li> <li>• Unauthorized access and/or destruction of electronic data</li> <li>• Significant property destruction</li> <li>• Physical assault</li> <li>• Bomb threats</li> <li>• Intentional false fire alarm</li> <li>• “Felony” theft</li> <li>• Serious threats/significant harassment</li> <li>• Repeated violations of Level II code of conduct</li> <li>• Hate Speech</li> <li>• Racial Slur</li> </ul> <p>* Controlled substances include alcohol, drugs, or any other mind-altering substance (e.g. salvia, spice, etc.)</p>	<p><b>INTERVENTION / CONSEQUENCES</b> – Must include documentation</p> <p>POSSIBLE:</p> <ul style="list-style-type: none"> <li>• Suspension*</li> <li>• Police involvement*</li> <li>• Student services involvement</li> </ul> <p>MAY ALSO INCLUDE</p> <ul style="list-style-type: none"> <li>• All interventions in Levels I &amp; II</li> <li>• Abeyance Agreement</li> <li>• Expulsion</li> <li>• Release of information from outside providers</li> <li>• Recommendation of outside of school assessments</li> </ul> <p>* Optional at elementary level</p> <p>NOTE: Wisconsin statute 120.13 requires the initiation of the expulsion process and expulsion for at least one year for possession of a firearm while at school or under school supervision. Even though the law requires a one-year expulsion for firearms that meet the federal definition, school boards may modify the order on a case-by-case basis, s. 120.13(1)(g), Wis. Stats</p>
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## MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

### Administrative Policy and Procedure Manual

443.2

#### STUDENT CONDUCT ON SCHOOL BUSES

##### Policy

Students shall conduct themselves while on the bus in a manner consistent with established standards. A set of bus rider rules shall be adopted and communicated to all families where students qualify for bus transportation.

When a student fails to conduct him/herself properly, such misconduct shall be brought to the attention of the school principal by the bus driver. Where continuing or serious problems exist, the student's bus riding privileges may be suspended.

The District shall not discriminate in standards and rules of behavior or disciplinary measures on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established procedures.

##### Procedure

The following rules apply to transportation to and from school and school-sponsored activities. Students on trips must respect the instructions of the chaperones who have been appointed by school officials to accompany the bus riders.

##### Loading/Unloading

1. Students shall ride on assigned buses. Parental requests for exceptions shall be made in writing to the school principal.
2. Students shall get on and off the bus at their regular stop unless a written parental request for change, signed by the principal, has been presented to the bus driver.
3. Students shall be on time at the designated school bus stop, and shall help keep the bus on schedule.
4. Students shall walk on the side of the road facing traffic to get to the bus stop and shall stay off the road while waiting for the bus.
5. When leaving the bus, students should cross the road at least 10 feet in front of the bus, but only after checking to be sure no traffic is approaching and/or after receiving a signal from the driver. Students should be alert to the danger signal from the driver.
6. Students shall be courteous, behave in an orderly fashion, and help look after the comfort and safety of small children.

Conduct While On The Bus

1. Students shall obey the driver.
2. Students shall assist in keeping the bus safe and sanitary at all times.
3. Students shall sit in their assigned seats, if applicable, and remain seated while the bus is in motion.
4. Students shall not throw anything inside the bus or out of the bus windows and should keep hands and head inside the bus at all times.
5. Students shall never tamper with the bus or any of its equipment. Damage shall be paid for by the offender.
6. Students shall use PBIS voice levels and refrain from loud talking /laughing or unnecessary confusion as it can divert the driver's attention and could cause an accident. When approaching a railroad crossing stop, riders shall remain silent.
7. Students shall remain in the bus in case of road emergency, unless directed to do otherwise by the driver.
8. Transporting live animals, glass articles, or skateboards on the bus is not permitted because of the potential safety hazard.
9. Students shall keep personal items out of the aisles.
10. Obscene or vulgar language is not allowed.
11. Food or beverages are not to be consumed on the bus, unless it is a medical necessity and preapproved by the district except as per #13 below.
12. The first three seats on the bus will not be used by students while eating under any circumstances.
13. Food and beverages not containing peanuts, tree nuts, fish, shellfish, or eggs may be consumed for athletic/co-curricular events occurring during the meal hours.
14. Students shall not utilize the back row of seats except when the bus is filled.
15. The use of tobacco is prohibited.

Disciplinary Procedures

Since safety is a prime concern, no misbehavior will be tolerated. Students violating these rules shall be subject to disciplinary procedures such as:

- Student conference
- Parent conference
- Written warning
- Suspension of riding privileges
- Suspension in school
- Suspension out of school
- Referral to appropriate law enforcement agency
- Expulsion

Consequences may be modified for students with disabilities.



# MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

## Administrative Policy and Procedure Manual

446

### STUDENT SEARCHES

#### Policy

The District considers the maintenance of order and safety within the school environment to be of utmost importance. In order to secure the school environment so learning can take place and to protect students, staff and others from potential harm, it may be necessary for designated school officials to conduct reasonable searches of students while on school premises, on school buses or while participating in school-sponsored activities.

A student or his/her personal belongings (backpacks, purses, duffle bags, electronic devices, etc.) may be searched under the following conditions:

1. There are reasonable grounds to suspect the search will reveal evidence of violations of the law, District policy or school rules. This includes situations when school officials have reasonable cause to suspect that a student is in possession of drugs, alcohol, weapons or other materials or items (contraband) in violation of law, policy or school rules.
2. The manner in which the search is conducted is reasonably related to the objectives of the search and is not overly intrusive in light of the age and sex of the student and the nature of the infraction. School officials, employees or agents shall not conduct a strip search of any student.

A student or his/her belongings may also be searched with the consent of the student in accordance with applicable legal requirements and District procedures.

School officials may search student-operated vehicles parked on school premises when there is reasonable suspicion of a violation of the law, District policy or school rules or the student has given consent to the search of the vehicle.

To the extent permitted by law, a school official conducting student-related search activities under this or any other Board policy may request the active assistance of a school resource officer or other law enforcement official. School officials may remove any unauthorized item found as a result of a search. Items belonging to the student but removed or temporarily confiscated by the District will generally be held by the school for return to the student's parent or guardian (for students who are minors) or, if appropriate, turned over to law enforcement. The student and his/her parent or guardian shall be notified of any unauthorized item belonging to the student/family that has been found and turned over to law enforcement officials.

#### Procedure

- A. Conducting a Search - If a school official has reasonable suspicion that a student is in possession of contraband in violation of a law, policy or school rule or that a search will reveal other evidence of a law, policy or school rule violation, he/she may institute a search. Reasonable suspicion does not mean absolute certainty. Rather, it refers to the sort of common-sense conclusion about human behavior upon which practical people are entitled to rely. The following standards and criteria should be used by school officials in determining when reasonable grounds to initiate a search are present: (a) the sex, age, history and school record of the student to be searched; (b) the prevalence and seriousness of the problem in the school to which the search is directed; (c) any exigency requiring a search without delay; (d) the probative value and reliability of the information used as justification for initiating the search; and (e) the school official's prior experience with the student.

Although the following procedures for conducting a search are suggested they are not mandated, except as otherwise noted, because the circumstances attendant to the need for each search may vary.

1. The student should ordinarily be required to be present and asked to consent to the search. A student can only give valid consent to a search of places or things that are owned or controlled by the student (for example, containers or objects belonging to the student that are kept in a locker, the student's clothing, backpack, etc., or the student's car parked on school premises).

The school official should consider some of the following factors (that have been reviewed by courts) when deciding whether consent was given voluntarily by the student:

- a. whether the student was informed of the right to refuse to consent;
- b. the student's age, intelligence, and physical and mental condition;
- c. whether the student appeared to be under the influence of alcohol or other drugs when asked to give consent;
- d. the student's prior experience with the police or school officials;
- e. the presence of a trusted adult; and
- f. the student's cultural background.

2. If after being informed of the basis for the school official's reason to search the student does not consent to the search, the student's parent or guardian should be called and informed of the circumstances. If the parent or guardian will not consent to the search, the school official may proceed with the search, contact security, or if necessary call law enforcement authorities.
3. Ordinarily, and if circumstances permit, the search of a person or his/her effects should be conducted out of the presence of other students.
4. A school official of the same gender as the student should do any physical touching of the student.

B. Use of Canines - The administration is authorized to utilize trained canines, whose reliability and accuracy for sniffing out contraband, explosive devices, or other illegal items/substances had been established, to aid in the search for contraband, explosive devices, or other illegal items/substances in school-owned property and student vehicles parked on school premises. Canines shall not be used to search students themselves. The canines must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions. An indication by the dog that contraband, explosive devices, or other illegal items/substances is present on school property or in a student-operated vehicle parked on school premises shall be reasonable suspicion for a further search by school officials.

C. Use of Metal Detectors (Magnetometers) - When the administration has reasonable cause to believe that weapons are in the possession of unidentified persons found at a school or when violence involving weapons has occurred at a school, the administration is authorized to use stationary or mobile metal detectors to determine whether a further physical search is appropriate.

If a metal detector is to be used in a particular school, the students will be notified via the loudspeaker, at an assembly, or by similar means of its use. On the day of its use signs will be posted to warn students that each student will be required to submit to a screening for metal as a condition of entering or remaining at school.

When a metal detector is being used, students will be allowed to use only the entries to the building that are designated. If a metal detector activates on a student, the student should be asked to remove metal objects from his/her person and walk through or be scanned again. If, after the removal of other metal objects and a third activation by the metal detector on the student, the student should be taken to a room out of view from the other students where the procedures suggested above for a search would be applicable.

- D. To the extent prohibited by law, school employees shall not request or require a student to disclose the access information for any of the student's personal Internet accounts. When the administration determines that a search of a student's personal electronic communication device (e.g., cell phone) is reasonably justified, the search should be as narrow in scope as possible to avoid inappropriately interfering with a student's right to privacy in the contents of the device. The scope of the search should be limited to those parts of the device's contents that are reasonably related to the sought-after evidence of the particular policy/rule violation or illegal conduct.
- E. Notices - Students will be provided a copy of this Policy/Procedure through the student handbook or by supplemental publication. A copy of this Policy/Procedure will also be posted in the principal's office or another prominent place in each secondary school. If a metal detector is to be used, the additional notices required for its use will be given.

LEGAL REF.: Sections 118.32 Wisconsin Statutes  
118.325  
[118.45](#)  
948.50  
[995.55\(3\)](#)

Fourth Amendment, U.S. Constitution  
U.S. Supreme Court Decision - New Jersey v. T.L.O. (105 S. Ct. 733, 1985)  
Wisconsin Court of Appeals Decision - In re L.L. (90 Wis. 2d 585, 280 N.W. 2d 343, 1979)  
Wisconsin Supreme Court Decision - In the Interest of Angelia D.B. (Case No. 95-3104)

CROSS REF.: 443.3, Student Alcohol and Other Drug Abuse  
443.5, Weapons on School Premises  
445, Student Involvement with Law Enforcement Personnel at School  
446.1, Locker Searches  
455.2, Student Automobile and Bicycle Use  
832, Weapons on School Premises  
882.1, Police-School Liaison Program  
Student Code of Conduct

APPROVED: December 2004

REVISED: May 30, 2013  
March 10, 2020

## MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

### Administrative Policy and Procedure Manual

447.3

#### STUDENT SUSPENSION/EXPULSION

##### **SUSPENSION**

The Superintendent and/or principal or designee may suspend a student from school for the maximum period of time authorized by law for a violation of school policies or rules; for knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; for conduct while at school or under the supervision of a school authority which endangers the health, safety or property of others; or, for conduct while not at school or under supervision of a school authority which endangers the property, health or safety of others at school or under supervision of a school authority or endangers the health, safety or property of any employee or Board of Education member of the District.

All student suspensions shall be administered in accordance with state law and established District procedures. Prior to any suspension, the student shall be advised of the reason for the proposed suspension.

The student must be given notice of the misconduct charged against them and an explanation of the evidence resulting in the charge(s). The student will have an opportunity to state their side of the story.

The principal or designee shall be expected to notify the student's parent/guardian by phone the same day that the incident occurred and in writing within 24 hours of the suspension and the reason for the suspension. The suspended student or their parent/guardian may, within five school days following the commencement of the suspension, have a conference with the Superintendent or designee. If the Superintendent or designee finds that the student was suspended unfairly or unjustly or that the suspension was inappropriate, given the nature of the alleged offense, or that the student suffered undue consequences or penalties as a result of the suspension, reference to the suspension on the student's school record shall be expunged. Such finding shall be made within 15 days of said conference.

Students suspended from school shall have the same work make-up privileges as a student with an excused absence.

##### **ABEYANCE**

The Disciplinary Review Committee may recommend the abeyance agreement as an alternative to the formal expulsion process. The abeyance agreement is to be utilized only in cases where the school administration deems that it is in the best interest of the student to have an opportunity to remain in school and the administration is satisfied that the interest of the school does not demand the student's immediate expulsion. When an abeyance agreement is reached, the expulsion hearing is held in abeyance pursuant to the terms of the agreement. If the student meets the conditions of the agreement for the term of the abeyance the expulsion abeyance is concluded. The abeyance agreement would not be expunged until the student graduates and has no other expellable occurrences.

##### **EXPULSION**

###### **Recommendation for Expulsion**

The recommendation for expulsion is the first step in the expulsion process. In virtually all cases, the recommendation for expelling a student begins at the building level. The recommendation for expulsion should be a concise memorandum in which the building administration recommends to the Disciplinary Review Team that a student be considered for expulsion. If the student is a student with a disability and has an Individual Education Plan (IEP), a manifestation determination review must be convened prior to a

recommendation coming to the Disciplinary Review Team. The recommendation should cite the statutory reference, WI Stats. 120.13(1)(c)(1)(2) (2m) that is the basis for the recommendation. The statutory references are:

1. A student is guilty of repeated refusal or neglect to obey the rules;
2. A student knowingly conveyed or caused to be conveyed any threat of false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
3. A 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;
4. 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;
5. A student engaged in conduct which endangered the property, health or safety of any employee or school board member of the school district in which the student is enrolled;
6. A student is at least 16 years old repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability by a school authority and that such conduct does not constitute other ground for expulsion under WI Stats. 120.13(1)(c)(1);
7. A student while at school or under the supervision of a school authority possessed a firearm (as defined by (USC 921 (a) (3)).

The recommendation for expulsion should also provide the case facts and evidence and the related student records summary of the specific behavior(s) or incident that meet the criteria of #1-7 listed above. The behavior(s) or incident must fit one of the seven categories

#### **Expulsion Case Summary and Student Records Summary**

The notice of suspension and disciplinary notice are forms that are sent to the student, and if a minor, to the student's parent or guardian to inform them about the suspension. Copies should be included in the expulsion case summary, along with a detailed report of the incident that generated the recommendation for expulsion. The expulsion case summary should include a signed statement completed by the student who is being recommended for expulsion, as well as, any signed statements from other students or staff who may have witnessed the conduct in question. If the police are called to investigate the incident, be sure to include a copy of the police report if available/applicable. A school administrator shall participate with the police in interviews of students and witnesses unless the student or their parent or guardian requests otherwise. According to a Wisconsin Attorney General's opinion [79 Op. Att'y. Gen. 49 (1990)], county departments of social services investigating child abuse and neglect may in some instances properly request the cooperation of a school teacher, counselor, or other person whose presence would aid in the interview process. They may also, in the exercise of professional judgment and in accordance with department standards, exclude school personnel from the interview.

Background information about the student can be obtained through the student's records. An attendance and discipline summary for the previous school year and the current school year should be included in the expulsion case summary, as well as, all grade and progress reports that are available. All standardized test scores group and/or individual tests should be provided either in summary form or report form.

The Middleton-Cross Plains Area School District Board of Education has adopted a resolution under Sec. 120.13(1)(e) to appoint an independent hearing officer to determine student expulsion from school. The resolution to appoint an independent hearing officer must be renewed annually. Expulsion hearings shall be heard by the Middleton-Cross Plains Area School District's expulsion hearing officer if a resolution is not adopted and in effect in a particular school year.

The hearing officer may expel a student from school whenever they find that the student engaged in conduct that constitutes grounds for expulsion under WI Stats. 120.13(c)(1)(2) or 120.13(c)(2m).

Prior to expelling a student, the hearing officer shall hold a hearing. Upon request of the student and, if a minor, the student's parent or guardian, the hearing shall be closed. The student and, if a minor, the student's parent or guardian may be represented by counsel.

The hearing officer shall keep a full record of the hearing and shall inform each party of the right to complete record of the proceeding. Upon request, the hearing officer shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the student and, if a minor, the student's parent or guardian.

Within 30 days after the date on which the order is issued, the school board shall review the expulsion order and shall, upon review, approve, reverse, or modify the order. The order of the hearing officer shall be enforced while the school board reviews the order.

The expelled student or if a minor, the student's parent or guardian may appeal the school board's decision to the State Superintendent. Within 60 days of receipt of the appeal, the State Superintendent shall review the decision, and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the State superintendent reviews the decision.

An appeal from the decision of the State Superintendent may be taken within 30 days to the circuit court of the county in which the school is located.

#### **Expulsion Review for Special Education Needs**

This review is crucial to determine whether a regular education student is eligible to receive special education services or should be referred for an assessment to determine eligibility for special education. The Director of Student Services or Assistant Director of Student Services will review the information provided in the case summary and records summary which are submitted by the school. The review document is included in this packet.

#### **Additional Expulsion Considerations for a Student in Special Education**

If a student is eligible to receive or is receiving special education services, the school district does not have the ability to unilaterally change a special education student's placement, but may in limited circumstances place the student in an interim alternative educational setting. Section 504 of the Rehabilitation Act of 1973 includes a manifestation determination requirement, similar to the Individuals with Disabilities Education Act (IDEA), in connection with student discipline. In general, any placement changes must be made by the Individual Education Program (IEP) team, and additional procedural protections are provided. They include:

1. Any removal from school for more than 10 consecutive days constitutes a change in the student's educational placement except as provided for in 4, below. Therefore, an expulsion hearing must be held within 10 consecutive days of the student's suspension.
2. The student's IEP team is required to consider the relationship between the student's behavior and the child's disability. This is known as a manifestation determination. This manifestation determination must be made using the district form and must be in writing and a copy provided to the student and, if a minor, the parent or guardian along with notice of the parents' procedural rights and protections under special education statutes.
3. If the student's suspension exceeds a total of 10 cumulative days of removal during a school year, the IEP team must meet to determine the appropriateness of the Individual Education Program plan and to provide educational services to that student.

4. If a special education student carries a weapon to school or school function, or knowingly possesses, uses, or sells illegal drugs, or sells or solicits the sale of a controlled substance while at school or at a school function, or causes serious bodily injury to another person at school (see 20 U.S.C. § 1415(k)(1); 34 C.F.R. §§300.530-300.533). The IEP team can determine an interim placement in an alternative setting for up to 45 days. If the IEP team conducts a manifestation determination and determines that the student's conduct is a manifestation of the disability, the school district may initiate change in placement but may not expel or suspend long-term (20 U.S. Code § 1415. If the student's conduct is not a manifestation of the student's disability, the school district may expel the student.
5. If the IEP team concludes that the student's behavior was not a manifestation of the disability, the parents may request a hearing. This is an appeal to the DPI who appoints an administrative law judge to hear the case. The hearing officer's decision is final unless appealed in state circuit court or federal district court. "Stay put" no longer applies to disciplinary removals. The child remains in the setting to which they have moved until the hearing is completed or until the original removal period expires, unless the parent and the LEA agree otherwise.
6. All special education students must continue to receive educational services after expulsion. The student's IEP team determines the nature and extent of those services.
7. A regular education student or, if a minor, the student's parent or guardian may request an expedited special educational evaluation if they believe that the student may have special education needs that the district had not previously identified. If the district asserts that it had no basis of knowledge that the student had a disability, it may expel the student in the same manner as it would any regular education student. If at the conclusion of the evaluation, the student is determined to be eligible for special education, the student is then entitled to all of the protections for special education students.
8. If a special education student possesses a firearm at school, the same provisions as #4 apply. However, WI Statute 120.13(1)(c)(2m) provides that the school board "shall commence proceedings under subd.3. and expel a student from school for not less than one year whenever it finds that the student, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921(a)(3). Even though the law requires a one-year expulsion for firearms that meet the federal definition, the school board may modify the order on a case-by-case basis pursuant to s. 120.13(1)(g), Wis. Stats.

This listing of additional expulsion considerations is by no means inclusive. Instead, it highlights the common exceptions or differences as they apply to special education students. If a special educational student is being considered for expulsion, legal counsel should be sought to ensure compliance with state and federal law and due process rights.

### **Notice of Expulsion Hearing**

There is statutory language in WI Stats. 120.13(1)(e)(4) that specifies conditions about a notice of expulsion hearing.

The written notice of an expulsion hearing must be sent not less than five days prior to the hearing to the student and, if a minor, to the student's parent or guardian. The written notices must be separate notices and mailings/service to each of the above parties.

The written notice shall state the following:

1. The specific grounds under WI Stats. 120.13(1)(c)(1)(2)(2m) and the particulars of the student's alleged conduct upon which the expulsion proceeding is based.
2. The time and place of the hearing.
3. That the hearing may result in the student's expulsion.
4. Upon request of the student and, if a minor, the student's parent/guardian, the hearing shall be closed.

5. That the student, and if a minor, the student's parent or guardian may be represented at the hearing by counsel.
6. That the hearing officer shall keep a full record of the hearing and, upon request, the hearing officer shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the student and, if a minor, the student's parent or guardian.
7. That if the hearing officer orders the expulsion of the student, the school district shall mail a copy of the order to the school board, the student and, if a minor, to the student's parent or guardian.
8. That 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.
9. That, if the student is expelled by the hearing officer, the order of the hearing officer shall be enforced while the school board reviews the order.
10. That, if the student's expulsion is approved by the school board, the expelled student or, if a minor, the student's parent or guardian may appeal the school board's decision to the Department of Public Instruction.
11. That if the school board's decision is appealed to the Department of Public Instruction, 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. The decision of the school board shall be enforced while the Department of Public Instruction reviews the school board's decision.
12. That an appeal from the decision of the Department of Public Instruction may be taken within 30 days to the circuit court for the county in which the school is located.

#### **Early Reinstatement of an Expelled Student**

Section 120.13(1)(h) provides for the conditional early reinstatement of students who have been expelled from school. This statute, Section 120.13(1)(h) provides an opportunity for a school board or hearing officer to impose conditions that a student must meet before being granted early reinstatement. An early reinstatement condition may be either of the following:

1. A condition that a student is required to meet before they may be granted early reinstatement; or
2. A condition that a student is required to meet after their early reinstatement but before the end of the term of the expulsion specified in the expulsion order.

All early reinstatement conditions must be related to the reasons for the student's expulsion and must be specified in the expulsion order. The statutes do not permit a board to attach conditions to readmission after the period of expulsion has expired. However, the board or hearing officer may combine a brief period of expulsion with other lesser discipline, such as exclusion from co-curricular activities. Lesser forms of discipline deprive a student of a privilege and not a right.

The statute does not specify conditions for early reinstatement, leaving that to the discretion of the board or hearing officer. Common conditions include completion of community service, completion of AODA treatment program, restitution, drug testing, random search of belongings, educational meetings with student services staff, etc. Since a student can be expelled up to age 21, early reinstatement can be an incentive for a student to return to their regular school program at an earlier date than provided for in the expulsion order.

Statute 120.12(1)(h)(2) provides that within 15 days after the date on which an expulsion order is issued by an independent hearing officer, the expelled student, or if a minor, the student's parent or guardian may appeal the determination regarding whether an early reinstatement condition specified in the expulsion order is related to the reasons for the student's expulsion to the school board. The decision of the school board regarding that determination is final and not subject to appeal.

The Disciplinary Review Team determines that a student has met the early reinstatement conditions based on evidence that those conditions have been met (summary of program completion, physicians report, etc.)

If a student violates an early reinstatement condition after reinstatement but before the expiration of the term of the expulsion, Disciplinary Review Team may revoke the student's early reinstatement. Before revoking the student's early reinstatement, Disciplinary Review Team shall advise the student of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the student with an opportunity to present their explanation of the alleged violation and make a determination that the student violated the early reinstatement condition and that the revocation of the student's early reinstatement is appropriate. The Disciplinary Review Team shall give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the student, and if a minor, to the student's parent or guardian.

Within five school days after the revocation of a student's early reinstatement, the student, or if a minor, the student's parent or guardian, may request a conference with the Disciplinary Review Team who shall be someone other than a staff member in the student's school. If a conference is requested, it shall be held within five school days following the request. The decision of the school district administrator or designee shall be final. If the school district administrator or designee finds that the revocation was appropriate, they shall mail separate copies of the decision to the student and, if a minor, to the student's parent or guardian.

### **Withdrawal in Lieu of Expulsion**

The withdrawal of a student from school does not negate the school's authority to take action for conduct that occurred while the student was enrolled. Therefore, the district may pursue expulsion, even if a student withdraws.

#### **LEGAL REF.:**

##### **Wisconsin Statutes**

Section 115.787(3)	[individualized education program for students with disabilities; positive behavior interventions and supports]
Section 118.13	[student discrimination prohibited]
Section 118.16(4)(c)	[assignment of student to detention/supervised study for truancy]
Section 118.164	[student removal from class]
Section 118.305	[use of seclusion and restraint]
Section 118.31	[staff use of physical force; corporal punishment prohibited]
Section 120.13(1)	[requirements for code of classroom conduct; board powers to establish rules of conduct and discipline students, including suspensions and expulsions]

##### **Wisconsin Administrative Code**

PI 9.03 (1) [student nondiscrimination in student conduct and discipline policies]

##### **Federal Laws**

Individuals with Disabilities Education Act [programs and services for students with disabilities, includes requirements related to change of placements]

Section 504 of the Rehabilitation Act of 1973 [Section 504 includes a manifestation determination requirement, similar to the IDEA, in connection with student discipline]

CROSS REF.: 411, Equal Educational Opportunities  
431, Student Attendance  
440, Student Rights and Responsibilities  
443, Student Conduct and Discipline  
832, Weapons on School Premises  
Student Code of Conduct Code  
Special Education Policy and Procedure Manual

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# MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

## Administrative Policy and Procedure Manual

443.7

### HANDLING THREATS TO OR BY STUDENTS

#### Procedure

1. Any threats to or by students must be reported to the adult in charge, to the building principal or designee. He/she (they) will act with discretion in giving out the name(s) of the informant(s), consistent with applicable laws and District procedures.
2. The principal or designee shall report any medium or high level incidents to the Superintendent or designee and/or the police and juvenile authorities.
3. All threats that predict severe physical harm or loss of life that are accompanied by malicious intent, will be referred to the principal or designee who will inform the police and Superintendent or designee and juvenile authorities if appropriate.
4. Disciplinary action shall be taken in accordance with the District's "Student Code of Conduct" and threat assessment procedures.
5. This protocol is applicable during any school-sponsored event or function, held on or off of school property, or threats directed towards the school, staff and/or students.

LEGAL REF.: Sections 120.13(1)(a) Wisconsin Statutes  
121.02(1)(i)

CROSS REF: 347, Student Records  
443, Student Conduct and Discipline  
443.6, Youth Gangs  
445, Student Involvement with Law Enforcement Personnel at School  
446, Student Searches  
446.1, Locker Searches  
447.3, Student Suspension/Expulsion  
720, Safety Program  
723, Emergency/Crisis Management Plan and Drills  
882.1, Police-School Liaison Program  
Student Code of Conduct  
School Safety Plans  
Student Threat Assessment Procedures for Responding to Violent Behavior or Serious Threats

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# MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

## Administrative Policy and Procedure Manual

443.6

### YOUTH GANGS

#### Policy

The District recognizes that a school must create and maintain a safe and orderly environment within which learning can occur. The presence of gangs, gang affiliations and gang-related activities in or at school functions disrupts the safety and learning environment of the students, staff and parents/guardians and causes an overall disruption to and interference with the academic process. With this in mind:

1. Students are not permitted to send gang signs either through their body language or in the manner in which they wear their clothing.
2. Student gatherings that are identified by school personnel as gang-related are not permitted on school property or at school-related activities at any time. Such meetings or congregating is contrary to and disrupts and interferes with the purpose of an educational institution.
3. No gang insignia may be worn, possessed, used, distributed, displayed, carried or sold by any students on school grounds/property or at school-related functions at any time. This includes but is not limited to:
  - a. Hats, caps, jackets, headbands, shirts or other clothing that has come to be identified with a gang.
  - b. Tattoos or other material imprinted on the body that are either intended to be permanent or are easily removed and which identify gang members or gang affiliation or which have come to represent a gang.
  - c. Medallions or other jewelry that identify gang members or gang affiliation or which have come to represent a gang.
4. The act of enlisting new members in a gang by any means is not permitted on school grounds or at any school function, nor is any attempt to threaten or intimidate students wishing to withdraw from a gang.

LEGAL REF.: Sections 120.13(1) Wisconsin Statutes  
121.02(1)(i)  
895.035  
895.77(2)  
943.017  
947.01  
947.013  
Chapter 948

CROSS REF.: 347, Student Records  
440, Student Rights and Responsibilities  
443, Student Conduct and Discipline  
443.1, Student Dress Code  
443.4, Student Alcohol and Other Drug Abuse  
443.5, Student Use and/or Possession of Two-Way Communication Devices  
445, Student Involvement with Law Enforcement Personnel at School  
447.3, Student Suspension/Expulsion  
720, Safety Program  
832, Weapons on School Premises  
Student Code of Conduct

APPROVED: December 2004