

Community Unit School District 200

**Student Disciplinary Policies and
Procedures**

*Middle Schools
2008-09*

Edison, Franklin, Hubble, & Monroe

DISCIPLINE POLICIES AND PROCEDURES

District 200 Middle Schools

The District 200 schools employ a variety of disciplinary measures to maintain a safe educational atmosphere. Students who display undesirable behavior are disciplined to help correct such behavior and to help them develop self-discipline. When a student is involved in a disciplinary action, the student will be afforded individual attention in a constructive manner. Discipline procedures will follow due process of law, including providing for appeals to other school authorities. For additional support, parents are informed of disciplinary action to enable the home and the school to work together to correct such behavior. A student's conduct is a personal matter of self-discipline that demonstrates respect for authority and concern for the rights of others. All students are expected to know school rules that relate to conduct and discipline because inappropriate behavior disrupts the opportunity to learn.

Disciplinary Principles

Four principles govern all rules at all District 200 schools:

1. Education is enhanced when student conduct is appropriate. Conduct that is disruptive to the educational process prohibits learning.
2. Educational opportunity is a right enjoyed by all students. Conduct that infringes the rights of others is prohibited.
3. School rules apply to all students while on school or District 200 property, and/or attendance/participation at any school-or District 200-sponsored activity.
4. Students will be afforded individual attention in a positive manner, including the proper steps of due process of law, as well as the procedure for appealing such actions to other school/district officials.

Application of Disciplinary Code

Grounds for disciplinary action apply whenever the student's conduct is reasonably related to school or school activities, including but not limited to conduct occurring:

1. On school grounds or commencing on school grounds but occurring off school grounds, before, during, or after school hours or at any other time the student is participating in or attending a school related activity;
2. Off school grounds at a school sponsored activity or event, or any activity or event which bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function or event in school provided and/or school authorized transportation;
4. Anywhere, if the conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member, hazing of a student, or an interference with school purposes or an educational function.

Prohibited Misconduct

Disciplinary action may be taken against any student who has engaged in gross disobedience or misconduct, including, but not limited to, the following:

1. Using, possessing, distributing, purchasing, or selling tobacco or tobacco products.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs and drug paraphernalia. Students who are under the influence are not permitted to attend school or school functions and are treated as though they had drugs in their possession.
4. Possession, use, control, or transfer or sale of any weapon. For the purposes of this section, weapon includes, but is not limited to: guns; knives; explosive devices; any other item which is typically used to cause bodily harm; any other item defined by Illinois law to be a weapon; items such as baseball bats, pipes, bottles, locks, sticks, compasses, pencils and pens if used, or attempted to be used, to cause bodily harm; and look-alike weapons.
5. Using electronic signaling and cellular radio-telecommunication devices, unless authorized and approved by the Building Principal or designee. Electronic signaling devices include pocket-- and all similar-- electronic paging devices, cellular phones, I-Pods, walkmans, personal digital assistants (PDAs) and blackberries.
6. Disobeying directives from staff members or school officials and/or rules and regulations governing student conduct.
7. Using violence, force, noise, coercion, threats, intimidation, fear, bullying or other comparable conduct toward anyone or urging other students to engage in such conduct. For the purposes of this section, the term “bullying” encompasses behaviors including, but not limited to any aggressive or negative gesture, or written, verbal, or physical act that places another student in reasonable fear of harm to his or her person or property, or that has the effect of insulting or demeaning any student in such a way as to disrupt or interfere with the school’s educational mission, or the education of any student. Such behavior may include but is not limited to: pushing, hitting, threatening, name-calling or other physical or verbal conduct of a belittling or browbeating nature.
8. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's personal property.
9. Unexcused absenteeism, however, the truancy statutes and Board policy will be utilized for chronic and habitual truants.
10. Being a member of or joining or promising to join, or becoming pledged to become a member of, soliciting any other person to join, promise to join, or be pledged to become a member of any public school fraternity, sorority or secret society.
11. Involvement in gangs or gang-related activities, including the display of gang symbols or paraphernalia.
12. Engaging in any activity that constitutes an interference with school purposes or an educational function or is disruptive.
13. Violation of the District’s sexual harassment policy.
14. Unsportsmanlike-like conduct.
15. Possession, use, sale or transfer of fireworks, explosives or unauthorized flammable substances.

16. Expression, written or oral, which is slanderous, libelous, obscene, profane or which advocates a violation of law or school rule; and
17. Making bomb threats, giving false fire alarms or unauthorized use of a fire extinguisher.
18. Acts of academic dishonesty.
19. Violation of the District's Technology Use Policy.
20. Gambling, i.e., to play a game for money or property, to bet on an uncertain outcome.
21. The unauthorized disclosure of confidential information of another student or staff member or any invasion of privacy of another, including but not limited to using a cellular telephone, personal digital assistant (PDA) or any other electronic or photographic device to take and/or transmit pictures of another without that person's consent. This prohibition does not include images taken in circumstances where a person has no reasonable expectation of privacy such as a spectator at, or participant in, an athletic contest.

Definitions

The following definitions apply to the above provisions:

Possession: having any knowledge of, and any control over, an item. Control includes, but is not limited to, having access to an item in a school locker, personal effects, or other place where the item is located. It is not necessary that a student intend to control the items. A student may acquire knowledge of an item visually, by being told about the item, or through other sensory perception. A student's knowledge will be determined based on the surrounding circumstances, not just the student's statements. For example, "forgetting" that an item is in one's locker, or personal effects, does not constitute lack of knowledge.

This provision on possession applies to any policy or rule that regulates or prohibits possession of any item, including but not limited to weapons or drug paraphernalia, and such substances as tobacco, alcohol, drugs and look-alikes of such items or substances.

Look-alike: any substance or item that is not, but reasonably appears to be, is believed to be, or is represented to be, the real substance or item. Examples are a toy gun that is very difficult to distinguish, except upon close examination, from an actual gun, or a green leafy plant which is not, but is claimed, believed or appears to be, marijuana.

Weapons: include, but are not limited to:

- guns, knives, explosive devices, any other item which is typically used to cause bodily harm and any other item defined by law to be a weapon;
- items such as baseball bats, pipes, bottles, locks, sticks, compasses, pencils and pens if used, or attempted to be used, to cause bodily harm; and
- look-alike weapons.

Possession and/or use of weapons may result in a minimum one-year expulsion in accordance with the federal Gun-Free Schools Act and the related provisions of the Illinois School Code.

The Board and the Superintendent, in consultation with the Board, may modify the requirement for a minimum one-year expulsion on a case-by-case basis. The Superintendent or

designee may grant an exception to this prohibition on weapons where the weapon is to be used in connection with a student activity such as for a school play.

Gang Activity: A “gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts or acts in violation of school rules, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in, or have engaged in, a pattern of criminal gang activity or activity relating to the violation of school rules. Gang activity includes, but is not limited to, any act in furtherance of the gang and possession or use of gang symbols, such as drawings, hand signs and attire.

Academic Dishonesty: actions a student may take to obtain (or assist in obtaining) credit for work that is not one’s own. Such actions may include but not be limited to the following:

- Submitting another student’s work as one’s own;
- Obtaining or accepting a copy of tests or scoring devices;
- Giving test questions or answers to a member of a later class or receiving test questions or answers from a member of an earlier class;
- Copying from another student’s test or allowing another student to copy during a test;
- Using materials or electronic or other technological devices which are not permitted during a test;
- Plagiarizing (present as one’s own material without adequate documentation from a published source);
- Copying or having someone other than the student prepare the student’s homework, project, report, paper or take-home test;
- Permitting another student to copy or writing another student’s homework, project, report, paper or take-home test;
- Impersonating another student, or falsely claiming illness to avoid the day on which a paper, project, report or presentation is due, or a test is given; and/or
- Changing grades in a grade book or computer grading program

Disciplinary Measures

Disciplinary measures may include:

1. Personal counseling.
2. Withholding of privileges.
3. Seizure of contraband.
4. Suspension from school and all school-sponsored events for up to 10 days,
5. Suspension of bus riding privileges,
6. Expulsion from school and all school-sponsored events,
7. Notification to law enforcement officials whenever the conduct involves illegal drugs (controlled substances), look-alikes, alcohol, or weapons.
8. Notification of parent(s)/guardian(s).
9. Removal from classroom.
10. In-school suspension for a period not to exceed 5 school days. The Building Principal or a designee shall ensure that the student is properly supervised.
11. Detention

12. Saturday school, (when available) provided the student's parent(s)/guardian(s) have been notified.
13. Grade reduction for unexcused absences only.
14. Restitution for property damage or theft. Other disciplinary action may also be taken in such cases.

Corporal punishment shall not be used. Corporal punishment is defined as slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include, and certificated personnel are permitted to use, reasonable force as needed to maintain safety for other students, school personnel, or persons, or for the purpose of self-defense or the defense of property.

Physical restraint may be used when necessary to protect the student or other individuals and/or property from harm.

Suspension Procedures

- Before suspension, the student will be provided oral or written notice of the charges. The student will then be provided the opportunity to respond to those charges. If the student denies the charges, the student shall be given an explanation of the evidence and an opportunity to present his or her version of the incident.
- Prior notice and hearing, as stated above, is not required and the student can be immediately suspended, when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the necessary notice and hearing shall follow as soon as practicable.
- Any suspension shall be reported immediately to the student's parent(s) or guardian(s). A written notice of the suspension shall contain a statement of the reason(s) for the suspension and a notice to the parent(s)/guardian(s) of their right to review the suspension.
- Upon request of the parent(s)/guardian(s), a hearing shall be conducted by a Board designated hearing officer to review the suspension. At the hearing, the student's parent(s)/guardian(s) may appear and discuss the suspension with the Board or its hearing officer and may be represented by counsel. If the matter is heard by a Board appointed hearing officer, the hearing officer shall draft a summary of the evidence heard at the hearing and present such summary in a report to the Board. After presentation of the evidence or receipt of the hearing officer's report, the Board shall determine whether the suspension should be upheld, overturned or whether some other disciplinary action should be imposed.
- Students who are suspended out of school are not permitted on school or district grounds, at any District 200 building or campus, or school bus transportation, at any school-sponsored activity. "Any school-sponsored activity" refers to any event which is sponsored by any District 200 school or in which any school participates whether on school/district property or at another location. This includes dances, athletic events, extra curricular and performing arts activities, end of year ceremonies, etc.
- A student assigned to Out-of-School Suspension may make up work missed due to the suspension, but may not receive full credit for class assignments, tests, etc., completed during the suspension period. As a result, suspension may have a negative effect on the student's academic progress.

- Students suspended from school may be required with their parents, to attend a re-entry conference prior to returning to school with appropriate school personnel. The purpose of this meeting is to discuss the incident and to discuss alternatives for future use.

Expulsion Procedures

The Board of Education is authorized to expel students guilty of gross disobedience or misconduct for a period not to exceed two years. The following procedures apply in cases where a student has been recommended for expulsion:

- Prior to expulsion, the student and the student's parents/guardians shall be provided with written notice of the charges and the time and place of a hearing to be conducted by a Board appointed hearing officer. This notice shall be sent by registered or certified mail.
- During the expulsion hearing, the student and the student's Parents/guardians may be represented by counsel, present witnesses and other evidence, and cross-examine any witnesses presented by the School District.
- At the expulsion hearing, the hearing officer shall hear evidence of whether the student is guilty of the gross disobedience or misconduct as charged. The hearing officer has neither the power to expel a student or permit the student to remain in school. Under the Illinois School Code, only the Board of Education has that authority. The hearing officer shall serve only as a fact finder.
- Following the expulsion hearing, the hearing officer shall prepare a written report summarizing the evidence presented at the expulsion hearing. A copy of this report shall be delivered to the Superintendent, the Board of Education, and the student's parents/guardians.
- The Board of Education shall make its expulsion decision at a date, time and place of which the student's parents/guardians shall be notified. The student and/or the student's parents/guardians may appear before the Board of Education in closed session at that time to further protect the student's interests.

Infractions and Consequences Issued by an Administrator

The following is a list of the discipline implemented for certain acts of gross disobedience or misconduct. The list is a guide and not meant to be exhaustive.

CONTROLLED SUBSTANCES/LOOK-ALIKE SUBSTANCES (including alcohol), OR DRUG PARAPHERNALIA

Possession and/or Use of a Controlled Substance (including alcohol), or Drug Paraphernalia

1st offense: 10-day OSS. Reduced to 5 days if an alternative is completed.

2nd offense: 10-day OSS.

3rd offense: 10-day OSS and recommendation for expulsion.

Police referral in all cases. On the first offense, if a student elects the option to pursue an alternative to suspension but then does not follow through, the additional five day out of school suspension will be enforced. If a student does not participate in an alternative program on the first offense, a second offense will result in a recommendation for expulsion.

Distribution of a Controlled Substance or Look-Alike Substance.

5-10-day OSS and recommendation for expulsion. Police referral.

Drug Related Drawings/Pictures.

1st offense: Detention - ISS

2nd offense: ISS - 2-day OSS.

3rd offense: 3-5-day OSS.

Smoking On or Near School Property/Possession of Tobacco.

1st offense: Detention - ISS Police referral.

2nd offense: 2-day OSS. Police referral.

3rd offense: 3-day OSS. Police referral.

The suspensions will increase by one day for every subsequent offense.

VIOLENCE/THREATS**Gang Activity Including Graffiti on Personal or School Property.**

1st offense: 1-10 day OSS. Police referral.*

2nd offense: 5-10 day OSS. Possible recommendation for expulsion. Police referral.*

3rd offense: 10 day OSS. Recommendation for expulsion. Police referral.*

*Any incident involving gang recruitment, intimidation, or fighting that is gang-related will receive a recommendation for expulsion.

Battery of a Staff Member.

10-day OSS. Recommendation for expulsion. Police referral.

Threat to a Staff Member or to a Staff Member's Property.

1st offense: 5-10 day OSS. Possible recommendation for expulsion. Police referral.

2nd offense: 10-day OSS. Recommendation for expulsion. Police referral.

Possession of a Weapon

10-day OSS. Recommendation for expulsion. Police referral.

Arson/Bomb Threat/False Fire Alarm

10-day OSS. Police referral. Possible recommendation for expulsion.

Possession of Fireworks/Use of Fireworks

Detention – 10-day OSS. Police referral.

Vandalism

1st offense: Detention -10 day OSS. Restitution for damages. Police referral.

2nd offense: 10-day OSS. Restitution for damages. Possible expulsion. Police referral.

3rd offense: 10-day OSS. Restitution for damages. Recommendation for expulsion. Police referral.

Fighting

- 1st offense: 2-10 day OSS. Police referral.
 2nd offense: 10-day OSS. Police referral. Possible recommendation for expulsion.
 3rd offense: 10-day OSS. Police referral. Recommendation for expulsion.

Threat to Another Student

- 1st offense: Detention - 5 day OSS. Police referral.
 2nd offense: 6-10 day OSS. Police referral.

Bullying/Intimidation/Harassment/Sexual Harassment

- 1st offense: Detention – OSS. Police referral.
 2nd offense: 5-10 day OSS. Police referral.

PROFANITY/OBSCENITY**Profanity/Profanity Directed at Another Student**

- 1st offense: Detention -10 day OSS. Police referral.
 2nd offense: 5-10 day OSS. Police referral.

Profanity or Gestures Directed at a Staff Member

- 1st offense: 3-10 day OSS. Police referral.
 2nd offense: 10-day OSS. Police referral. Possible recommendation for expulsion.
 3rd offense: 10-day OSS. Police referral. Recommendation for expulsion.

Possession/Distribution of Obscene Materials or Drawings

- 1st offense: Detention - ISS
 2nd offense: 2-day OSS
 3rd offense: 3-10 day OSS

Indecent Exposure

1-10 day OSS. Police referral. Possible recommendation for expulsion.

TARDINESS/TRUANCY/ATTENDANCE**Tardiness**

- Tardies 1-4: Detentions assigned per classroom rules. Parent contact by teacher.
 Tardies 5-7: Administrative referral. After school detention.
 Tardies 8+ Administrative referral. Detention. Parent conference.

Truancy

- 1-2 periods: After school detention/2 after school detentions.
 3+ periods: Detention for each period missed - ISS

Excessive truancy from a class may result in referral to DuPage County Truancy Officer.

DISRUPTION OF EDUCATION/INAPPROPRIATE DRESS

Disruptive in class/Education

- 1st Offense: After school detention
 2nd Offense: Detention/OSS

Wearing inappropriate dress: includes but not limited to dress code violations, hats, headgear, etc...

- 1st Offense: Warning/confiscation/change of clothing
 2nd Offense: Detention/confiscation/change of clothing

Public Display of Affection

- 1st offense: Warning.
 2nd offense: Detention.

THEFT

Theft/Attempted Theft

- 1st Offense: 1-10 day OSS. Restitution. Possible Police referral.
 2nd Offense: 5-10 day OSS. Restitution. Police referral.
 3rd Offense: 10 day OSS. Restitution. Police referral

Misuse of Pass/ Forgery of Pass/Possession of a Stolen Pass

- 1st Offense: Detention - ISS
 2nd Offense: ISS – 3 day OSS

Repeated Refusal or Neglect to Obey School Rules or Directions

- 1st Offense: Conference, detention – OSS

The above guidelines, although thorough, are not exhaustive and may be modified at the discretion of the administrator. Changes may be made in order to comply with federal, state, or local regulations or Board of Education policies.

Saturday School, if available, maybe used in lieu of suspension at the discretion of the administrator.

Search and Seizure

School searches are primarily for disciplinary purposes and are only conducted by school officials who, acting upon a reasonable suspicion, have been entrusted to protect the safety and well-being of all students. If a school administrator has a reasonable suspicion that a student has violated or intends to violate a law or school rule, the administrator has the right to search the following without notice, consent, or warrant:

- student's school locker
- student's bag or clothing

- student's desk or other assigned seating area
- student's person
- student's electronic devices and media (phones, music players...)

A school official may be required by Board policy or may deem it necessary to release information gained in the search of a student or his/her possessions to law enforcement authorities. In such cases the school official shall make every attempt to notify parents/guardians in advance of police notification. A search of one's person is generally restricted to unrolling cuffs and sleeves, emptying pockets, purses, and backpacks, and removing coats or jackets, sweaters worn as outer garments, hats, shoes, and socks. Parents/guardians shall be notified in advance if a more detailed search of a student is required. Random searches of campus and property on the campus may be conducted in conjunction with police officials. This includes the use of canine units to search lockers and vehicles on the premises.

Sexual Harassment Policy

It is the policy of Community Unit School District 200 that sexual harassment will not be tolerated.

Sexual harassment is illegal under the Illinois Human Rights Act, Illinois School Code, Title VII of the Civil Rights Act of 1964 and Title IX and will not be tolerated. Students who engage in sexual harassment on school premises or off school premises at a school- sponsored activity will be subject to appropriate discipline that may include suspension or expulsion for gross insubordination. Sexual harassment is any activity of a sexual nature that is unwanted or unwelcome, including but not limited to unwanted touching, verbal comments of a sexual nature, and/or pressure to engage in sexual activity. Should the harassed person feel that the situation cannot be resolved on a personal level, he/she is directed to *immediately* seek the help of an adult whom he or she trusts, such as a teacher, counselor, social worker, parent or guardian, or a building administrator. The school's normal disciplinary procedures will be followed in determining the appropriate consequence for the sexual harassment. In the event the administration recommends suspension or expulsion as a result of the conduct, due process will be afforded to the student in accordance with the district's suspension/expulsion procedures.

All school-level policies/procedures regarding sexual harassment are governed in detail by School Board Policy and are available in the Principal's Office and Superintendent's Office at 130 W. Park, Wheaton.

Special Education Student Discipline

Students who are eligible for special education services (have IEPs) or who have Section 504 Accommodation Plans are generally expected to comply with this Discipline Code but may also be subject to unique consideration of disciplinary action based on their disability and the relationship of that disability to the infraction. These actions are governed by the Illinois School Code, the Illinois Administrative Regulations for Special Education, and federal legislation and regulations pertaining to the Individuals with Disabilities Education.

Transfer Students

Students who transfer to the District currently on suspension or expulsion from another school may not be admitted to the District until that the period of suspension or expulsion is completed. Where the duration of the transferring student's suspension or expulsion is not indicated, the Superintendent will recommend, and the Board of Education will determine, the duration of the suspension or expulsion.

Parents may request a review of their child's expulsion from a transferring school only where the prior expulsion was issued by a private school and was for reasons other than the student's misconduct or disciplinary record. The request for such a review must be made to the Superintendent who may recommend to the Board of Education that the student be enrolled before the expiration of the expulsion.

Approved: June 2008