

Comparison of Major Substantive Changes in Proposed (DRAFT) Student Conduct and Discipline Plan

July 8, 2010

**I. SUBSTANTIVE / IMPORTANT CHANGES SINCE THE JUNE 2010 DRAFT WAS PRESENTED TO THE SCHOOL BOARD**

NOTE: Page numbers in the second column of the chart below refer to the draft of the SC&DP as presented in the applicable appendix for the July 2010 School Board Meeting). The draft presented for approval at the July 2010 Board meeting also shows additional minor clarifying edits and organizational-related changes in the same “strike-through” (deletions) and “underlined” (additions) text.

Issue	Proposed Revision/Clarification	June 2010 Draft / Existing Code
Exposure of the Physical Privacy of Others	<ul style="list-style-type: none"> <li>This item, although present in the prior draft, was moved from a Level II violation to a Level III violation based on discussion about the potential impact of the behavior on victims, the fact that the nature of the physical contact often can be analogous to an assault, and overall consideration (see line 21 of the chart and also page 20).</li> </ul> <p>In moving the behavior to Level III, it is <u>not</u> proposed that this behavior would require an automatic recommendation for expulsion at the school level.</p>	<ul style="list-style-type: none"> <li>In the June 2010 draft, this item was identified as a Level II behavior. In the existing code, the behavior is a “300” level violation.</li> </ul>
Inappropriate personal possession of over-the-counter or prescribed medication	<ul style="list-style-type: none"> <li>Because of the approach under which all possession of illegal drugs at school will result in a mandatory recommendation for expulsion at the school level, with review by the Assistant Superintendent to determine whether to go forward, it was seen as important to allow for the circumstance of inappropriate <u>personal</u> possession of otherwise legitimate medication without generating an expulsion recommendation. A new Level II violation has been created to address this situation. (see line 24 of the chart and also p. 21)</li> </ul>	<ul style="list-style-type: none"> <li>In the June 2010 draft, inappropriate personal possession of over-the-counter or prescribed medication would have yielded an expulsion recommendation at the school level. In the existing code, this behavior is a 300-level violation that does not require or typically result in a recommendation for expulsion.</li> </ul>

Issue	Proposed Revision/Clarification	June 2010 Draft / Existing Code
Permission to be at school while suspended or expelled	<ul style="list-style-type: none"> <li>This item was clarified to differentiate two different circumstances: (1) necessary attendance at a meeting called by the school; and (2) a request for special permission (such as a request for permission to take the ACT at an MMSD high school during a period of suspension). Under the first scenario, it was determined that principal permission should be sufficient. (See p. 10)</li> </ul>	<ul style="list-style-type: none"> <li>The original draft assumed that the Assistant Superintendent would be granting permission even for permission to attend meetings called by the school. The existing Code does not expressly address this issue.</li> </ul>
Recommendations for Expulsion at the Elementary Level	<ul style="list-style-type: none"> <li>To be consistent with the chart's classification of offenses that require a <u>school-level</u> recommendation for expulsion at the elementary level, "possession of a weapon combined with a threat to use, actual use, or attempted use to cause harm" was added to the list of behaviors for which an elementary principal may make an expulsion recommendation without first consulting with the Assistant Superintendent. It is critical to keep in mind that the Assistant Superintendent would still have discretion to withdraw the recommendation and modify any suspension even if she is not consulted prior to submission. Further, in practice, nothing would prevent the Principal from consulting with the Assistant Superintendent. (see p. 11 and chart line 14)</li> </ul>	<ul style="list-style-type: none"> <li>In the June 2010 Draft, the chart and the list of behaviors on p. 11 of the narrative were inconsistent. In the current Code, the consequences are more differentiated based on age and whether actual injury occurs, but with the revisions the Assistant Superintendent should still be able to exercise similar discretion and consider similar factors.</li> </ul>
Actual / attempted detonation of a bomb or similarly dangerous explosive device	<ul style="list-style-type: none"> <li>This was added to the list of items for which abeyance will not be considered. (See chart line 17).</li> </ul>	<ul style="list-style-type: none"> <li>In the June 2010 draft, this behavior generated a mandatory recommendation for expulsion, but abeyance was theoretically available.</li> </ul>
Inappropriate physical contact with a staff member	<ul style="list-style-type: none"> <li>In the July 2010 draft, and based upon Principal feedback, this item has been moved from a Level II to Level III behavior to emphasize the significance of avoiding physical contact with staff members at all times even where the conduct qualifies as fleeting and minor contact incidental to some other purpose (versus actual/attempted assault). (see chart line 13)</li> </ul>	<ul style="list-style-type: none"> <li>In the existing Code, differentiating among the seriousness of "use of force" against staff was primarily a function of discretion exercised by the Assistant Superintendent and Hearing Officers and the Board.</li> </ul>

**I. ITEMS PREVIOUSLY IDENTIFIED FOR THE BOARD IN DRAFTS DISCUSSED DURING JUNE 2010**

NOTE: Page numbers in the second column of the chart below refer to Appendix LLL-12-11 (June Board Meeting).

Issue	Proposed Revision/Clarification	Existing Code
Jurisdiction	<ul style="list-style-type: none"> <li>• Express statement concerning the District’s ability to impose sanctions connected with behavior that occurs “on school property” at any time (as distinct and separate from the District’s supervisory jurisdiction. (page 6)</li> <li>• Where incident is within the District’s disciplinary jurisdiction (e.g., on school property) <u>and</u> occurs in connection with an MSCR activity, any restrictive consequences affecting school attendance must be processed through the school principal <u>and</u> must be approved by an instructional Assistant Superintendent. (page 6)</li> </ul>	<ul style="list-style-type: none"> <li>• This element of the District’s disciplinary jurisdiction has been applied inconsistently. For example, incidents of vandalism have been pursued, but fights/assaults occurring “after school” have not.</li> <li>• No express statement; presumption has been that school consequences should <u>never</u> attach to conduct that occurs in connection with an MSCR activity.</li> </ul>
Expellable Offenses: Middle Schools and High Schools	<ul style="list-style-type: none"> <li>• Certain offenses <u>must</u> generate a recommendation at the school level (see “**” designation in chart)</li> <li>• Certain offenses <u>must</u> generate a recommendation for expulsion, and abeyance will not be offered. (see “****” designation in chart)</li> <li>• All “Level III” violations may lead to a recommendation for expulsion (p. 8);</li> <li>• Multiple/repeated violations of “Level III” rules can lead to expulsion; mandatory expulsion prevention/plan meeting will be continued. (p.9)</li> <li>• Multiple/repeated violations of “Level II” rules expressly brought and noticed as a “Level III” offense can be counted toward a recommendation for expulsion (subject to Assistant Superintendent review) (p.9)</li> </ul>	<ul style="list-style-type: none"> <li>• Akin to old “400-level” rules</li> <li>• No equivalent because abeyance concept is new.</li> <li>• Akin to old “300-level” rules</li> <li>• Substantially similar to 2009-2010 practice under Code Section “312”</li> <li>• “200-level” violations did not “aggregate” into a “300-level” offense that was considered for possible expulsion.</li> </ul>

Issue	Proposed Revision/Clarification	Existing Code
Expellable Offenses: Elementary	<ul style="list-style-type: none"> <li>All recommendations for expulsion must be approved in advance by the Assistant Superintendent for Elementary Schools, except for (1) aggravated sexual assault; (2) possession of a firearm; and (3) possession of a bomb/explosive device combined with threatened, actual or attempted detonation. The latter three violations are to be brought as a recommendation for expulsion at the school level. (p. 7)</li> </ul>	<ul style="list-style-type: none"> <li>Entirely separate section of Elementary consequences, divided by age and number of violations to define length of suspensions and expulsions. Rarely needed in practice.</li> </ul>
Aggravating Factors (MS/HS)	<ul style="list-style-type: none"> <li>Made an express part of the Code; any single incident not involving an aggravating factor or other mandatory recommendation shall not be brought for expulsion except through consultation with and advance approval of an instructional Assistant Superintendent (p. 8-9)</li> <li>Property factor broadened to deal with items (like keys and credit cards) that create a threat to security of a person and/or property, but that do not have an easily defined “value” (p.8)</li> <li>Instructional time aggravating factor made slightly more discretionary to allow for accounting of all circumstances. (p. 8)</li> </ul>	<ul style="list-style-type: none"> <li>Constituted part of how the administration exercised its discretion in cases where the Board stated that expulsion was possible, but the factors were not a part of Board policy.</li> <li>Property factor focused on value of repair/replacement</li> <li>Strict 50-hour line—regardless of whether any individual student lost an appreciable amount of time.</li> </ul>
Possession of Weapons (MS/HS)	<ul style="list-style-type: none"> <li>Will work substantially the same, although “intent to use” (if known or inferred from totality of circumstances) will just be part of the factual presentation surrounding a recommendation in connection with possession judged to create a substantial threat to health and safety. (pp. 13-14)</li> <li>5-day minimum suspension at Middle/High remains part of the code. (p. 9)</li> </ul>	<ul style="list-style-type: none"> <li>Specified a violation for possession with “intent to use”, where proof was often challenged and subjective to</li> <li>Same.</li> </ul>
Possession of Drugs/Alcohol (MS/HS)	<ul style="list-style-type: none"> <li>Possession of alcohol/drugs will lead to a school-level recommendation; the recommendation may be withdrawn at the Assistant Superintendent level after review of the totality of the circumstances. (see chart, page 2 and p. 16)</li> </ul> <p>Short of some other related concrete act in the school environment (actual distribution, attempted distribution, a drug transaction, etc.), the specific “charge” will be for possession that endangers health, safety, and or property; the charge will not refer to the student’s “subjective intent.” (see chart, page 2 and p. 16)</p>	<ul style="list-style-type: none"> <li>A possession offense exists for which no recommendation for expulsion is mandatory; schools look for evidence such as type, amount and packaging to determine “intent to distribute,” but cases have been dismissed where hearing examiners question proof of “intent” based on these circumstantial factors.</li> </ul>

Issue	Proposed Revision/Clarification	Existing Code
Intentional Use of Force Against Staff (MS/HS)	<ul style="list-style-type: none"> <li>Specifies that an attempted assault will result in a school level violation that is equally serious to an actual assault. (p.13)</li> <li>A specific "Level II" violation for incidental, non-aggressive/non-escalating, but still inappropriate physical contact is created. (p.13)</li> </ul>	<ul style="list-style-type: none"> <li>Did not expressly address "attempted assault"</li> <li>These types of slightly less severe incidents have been handled in varying ways at the school level and/or by decisions of the Assistant Superintendent.</li> </ul>
Bomb Threats (MS/HS)	<ul style="list-style-type: none"> <li>All bomb threats must generate a recommendation for expulsion at the school level; like other recommendations, this can be withdrawn by Asst. Superintendent based on analysis that reveals circumstances similar to existing "non-disruptive" incidents. (p.15)</li> </ul>	<ul style="list-style-type: none"> <li>An offense exists for bomb threats where there is no serious disruption and no actual device for which no recommendation for expulsion is mandatory.</li> </ul>
Gang Activity	<ul style="list-style-type: none"> <li>Creates a category of offenses that tie specifically into gang/group behavior. It may be difficult to prove "gang-relatedness" at times, but the idea of adding a specific category is thought prudent in connection with safety/security and the behaviors that could occur (p.12)</li> </ul>	<ul style="list-style-type: none"> <li>Some differentiation of gang/group activity for harassment, intimidation, etc. in the existing code, but not to the point of expressly identifying "recruitment" or "initiation" activities etc.</li> </ul>
"Low Level Conduct"	<ul style="list-style-type: none"> <li>Tried to identify behaviors that the District really expects to be handled at the classroom level, and factors that suggest the need for a Principal's intervention and documentation.</li> </ul> <p>As an example, the differing levels of "uncooperative behavior" as specified in line 10 of the main chart and further explained on p. 11.</p> <p>Another example is the difference between "theft" and "failure to respect property of others" (as specified in line 16 of the main chart and further explained on p. 14).</p>	

MADISON METROPOLITAN SCHOOL DISTRICT  
**II. STUDENT CONDUCT AND DISCIPLINE PLAN**

**THE RIGHTS AND RESPONSIBILITIES OF STUDENTS AND PARENTS**

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

**STUDENT AND PARENT RIGHTS**

1. The Right to an Education: Every citizen in the State of Wisconsin has a right to a free, public education, regardless of race, creed, color, sex, or national origin.
2. The Right to Due Process of Law: A student has the right to due process whenever disciplinary actions that deny the right to an education are imposed. These disciplinary actions are suspension or expulsion. Due process in a suspension case includes notice to the student of the reason for the suspension and the opportunity for the student to respond. Written notice to the parent or guardian of the suspension and the reason therefor will follow. Procedural due process, in cases of expulsion, includes a notice of charges, a hearing, and an opportunity to challenge or otherwise explain conduct.
3. The Right to Free Speech and Expression: All citizens are guaranteed self-expression by the First and Fourteenth Amendments of the United States Constitution.
4. The Right to Privacy - Property of Students: Students shall have privacy of personal possessions unless appropriate school personnel have reasonable cause to believe a student possesses any object or material which is or could be disruptive or are prohibited by law or school policy. Guarantees of freedom from search and seizure of property are not unlimited, but must be balanced by the responsibility of the school to protect the safety and welfare of students. Lockers are the property of the school system on temporary loan and the principal may inspect student lockers per Board of Education policy 4132.
5. The Right Not to be Discriminated Against: Students shall have the right not to be discriminated against on the basis of the students' sex, race, religion, origin, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or physical, mental, or learning disability. If a student or his/her parents feel that the student has been treated in a discriminatory manner, the student or his/her parents can contact the District's Affirmative Action Officer to file a complaint or take other action.

**[NOTE:** The City of Madison defines gender expression in Madison City Ordinance Sec. ~~39.03 3-23~~(2)(t) as follows:  
*Gender Identity is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one's biological or legal sex at birth, whether or not there has been a physical change of the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one's biological or legal sex at birth;*

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

The City of Madison's Ordinance Sec. ~~3-23-39.03~~(2)(t) continues its definition of gender identity with an explanation of what is referred to as gender expression:

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

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

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

## STUDENT RESPONSIBILITIES

Students also have certain responsibilities, both as citizens and as members of the school community. These responsibilities are present, for example, when the student is on school property, at a school-sponsored activity, under supervision by a school authority, or traveling to or from school via transportation provided by the school system. In order to guarantee these rights, each person must assume responsibility for his or her own behavior and refrain from infringing upon the rights of others.

1. Active Participation: Students have the responsibility of actively engaging in the serious business of learning. For example, they must attend school regularly and be on time. They must remain in class until excused, pay attention to instructions, complete assignments to the best of their ability, and exert every effort to achieve mastery of the lessons.
2. Obedience to Laws and Rules: The laws of society and school rules have been created to guarantee every person's rights. Students must assume personal responsibility for obedience to these laws and rules.
3. Responsible Exercise of Free Speech and Expression: While students have rights according to the First Amendment to express themselves they should express opinions in a manner which is not offensive, illegal, obscene, or inconsistent with the rules or the educational goals of the school. The rights of others should be respected, and there can be no disruption to the educational process.
4. Avoidance of Illegal or Dangerous Items: Students must not bring materials or objects to school or to school-sponsored or school-supervised activities that are or could be disruptive or that are prohibited by law or school policy.

## PARENT RESPONSIBILITIES

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

*BOE Revised: 5/19/2008*

## STUDENT CONDUCT & DISCIPLINE PLAN

The Madison Metropolitan School District strives to provide every student with a safe, respectful and welcoming environment, and an environment in which staff members can serve students in an atmosphere that is free from significant disruptions and obstacles that impede learning and performance. To promote this environment, the District is committed to implementing systems and practices that support the development of positive behavior in every student, the capacity of every staff member to foster this development, and the creation of school communities where the contributions of all individuals are valued and respected.

The MMSD Student Code of Conduct, including this Student Conduct & Discipline Plan ("Plan"), is grounded in the belief that all members of the school community - students, staff and families - have a collective responsibility to create and sustain a safe environment that is respectful, engaging, vibrant and culturally responsive. This model emphasizes positive, proactive strategies that are intended to be effective by providing a continuum of consequences and interventions that work together to address a range of student behaviors.

The Student Conduct & Discipline Plan is grounded in three (3) district-wide expectations for all members of the school community:

### BE RESPECTFUL:

- Treat others the way one wishes to be treated
- Take care of private and public property
- Solve problems peacefully
- Respect the right of others to be different from oneself

### BE RESPONSIBLE:

- Take ownership for one's actions
- Be on time and ready to learn
- Follow classroom and school rules
- Do/Produce one's own work

### BE SAFE (Physical and Emotional Safety):

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

A school environment that reflects these qualities is most likely to occur when the behaviors we expect from students are clearly defined, taught to all, shaped over time and responded to in ways that encourage students to change. Because it is also important that students know which behaviors are inappropriate for school, the Student Conduct & Discipline Plan identifies behaviors that interfere with the safe and orderly operation of the classroom or school. When misbehavior occurs, prompt and appropriate interventions must be implemented to first restore order and safety with the ultimate goal of problem solving and teaching the appropriate behavior. Parents/Caregivers play an essential role in student success in school and are welcomed as active partners in shaping and supporting student behavior at school.



## STUDENT CONDUCT & DISCIPLINE PLAN:

### General Categories of MMSD Rules & Offenses

1. Littering
2. Unauthorized Items/Objects
3. Tardiness / Skipping class
4. Inappropriate Clothing; Dress Code or Grooming Violation—Non-Gang Related
5. Cheating / Academic Dishonesty
6. Forgery
7. Gambling
8. Throwing/Releasing Any Unauthorized Object
9. Inappropriate Language/Expression (e.g., Gestures)
10. Disruptive and Uncooperative Behaviors
11. Harassment, Bullying, and Threats (Non Gang or Group Related)
12. Gang-Related and Group-Related Expression and Activity
13. Inappropriate Physical Contact/Aggression, Fighting, Physical attacks and Assaults (Non-Weapons Related)
14. Weapons-Related Offenses
15. Inappropriate Use of Technology
16. Failure to Respect Materials, Belongings or Work of Others
17. Fires, Explosives, Munitions and other Inherently Dangerous Objects
18. False Alarms and Bomb Threats
19. Sexually Explicit, Obscene or Lewd Materials
20. Recordings of the Voice or Image of Another Person
21. Indecent Exposure
22. Touching of the Intimate Parts of Others / Sexual Contact / Sexual Assault
23. Tobacco Violations
24. Alcohol or Drugs In the School Environment
25. Repeated/Multiple Violations of School Rules

The general categories identified above correspond by number (1-25) to the line numbers (1-25) in the chart that begins on the next page of this Plan. The specific rules/behaviors/offenses falling within each general category are explained within the chart and within the later section of this Plan that is titled "Additional Statement and Explanation of Conduct Rules & Terms" (this important section of the Plan begins on page 14 and uses the same numbering system (1-25) for each "general category" identified in the list above).

# Code of Conduct: Part II

## MMSD Student Conduct & Discipline Plan

### \* BE SAFE \* BE RESPECTFUL \* BE RESPONSIBLE \*

The Student Conduct and Discipline Plan is based on three (3) key district-wide expectations: Be Safe, Be Respectful, Be Responsible.

When district-wide expectations are not met, the Code of Conduct requires that prompt and appropriate interventions are implemented to first restore order and safety in the classroom or school environment with the ultimate goal of problem solving with a student and teaching the appropriate behavior. A more complete and detailed explanation of the prohibited behaviors summarized below is provided later in the Student Conduct and Discipline Plan

	<b>Level I:</b> <b>Behaviors that negatively affect the orderly operation of the learning environment</b>	<b>Level II:</b> <b>Behaviors that significantly interfere with the learning and/or well-being of others</b>	<b>Level III:</b> <b>Behaviors that endanger the health and safety of others, damage property or cause serious disruption</b>
	Usually handled by staff member directly involved; Suspension is not an appropriate intervention for a single incident	Handled by principal or designee; Office referral required; Must be recorded in Infinite Campus.	Handled by principal, Office referral required; Must be recorded in Infinite Campus.
1.	<ul style="list-style-type: none"> <li>Littering 105</li> </ul>		
2.	<ul style="list-style-type: none"> <li>Possession or use of unauthorized and non-essential item 116</li> </ul>		
3.	<ul style="list-style-type: none"> <li>Tardiness/Skipping Class 109</li> </ul>		
4.	<ul style="list-style-type: none"> <li>Violation of an Established Dress Code or Grooming Rule or Noticed Principal Directive (non-gang-related) 107</li> </ul>	<ul style="list-style-type: none"> <li>Violation of an Established Dress Code or Grooming Rule or Noticed Principal Directive (non-gang-related) 107</li> </ul>	
5.	<ul style="list-style-type: none"> <li>Cheating/Academic Dishonesty 218</li> </ul>	<ul style="list-style-type: none"> <li>Cheating/Academic Dishonesty 218</li> </ul>	
6.		<ul style="list-style-type: none"> <li>Forgery 219</li> </ul>	
7.		<ul style="list-style-type: none"> <li>Gambling 220</li> </ul>	
8.	<ul style="list-style-type: none"> <li>Throwing/releasing a non-authorized object 113</li> </ul>	<ul style="list-style-type: none"> <li>Throwing/releasing a non-authorized object that makes contact with any person 223</li> </ul>	<ul style="list-style-type: none"> <li>Recklessly throwing or otherwise using objects in a manner that is likely to cause injury or that causes an actual injury 322</li> </ul>
9.	<ul style="list-style-type: none"> <li>Profanity or otherwise inappropriate language or gestures 106, 110</li> </ul>	<ul style="list-style-type: none"> <li>Abusive or profane/obscene language or gestures directed at another person (at student=202, at staff/adult=205)</li> </ul>	
10.	<ul style="list-style-type: none"> <li>Disruption of the school environment 112</li> <li>Uncooperative behavior 204, 120</li> </ul>	<ul style="list-style-type: none"> <li>Disruptions or uncooperative behavior or Disruptions &amp; Failure to Respond to efforts to redirect and/or deescalate behavior 204</li> <li>Providing false information to school authorities 204</li> <li>Trespassing 203</li> <li>Inciting or encouraging a fight, a disruption, or a violation of school rules 221</li> </ul>	<ul style="list-style-type: none"> <li>Disorderly, violent or threatening conduct of a serious nature that causes a disruption 301</li> <li>Students at least 16 years of age who repeatedly engage in conduct that disrupts the ability of school administrators to maintain order or an educational atmosphere 311</li> </ul>
11.	<ul style="list-style-type: none"> <li>Verbal teasing, insults or put-downs 110</li> </ul>	<ul style="list-style-type: none"> <li>Non-physical acts of bullying/harassment/aggression 202</li> <li>Verbal, written and non-verbal threats 206</li> <li>(See also misuse of technology, below)</li> </ul>	<ul style="list-style-type: none"> <li>Serious and/or repeated non-physical threats or acts of bullying/harassment 310</li> <li>"Hate-based" property damage 313, 328</li> <li>Other misconduct that jeopardizes health or safety 316</li> </ul>
12.		<ul style="list-style-type: none"> <li>Gang Expression (display of gang symbols, clothing, etc.) 114</li> <li>Non-physical threats or acts of bullying/harassment as part of a gang or group of two or more persons. 215</li> </ul>	<ul style="list-style-type: none"> <li>Engaging in gang activities within the school's jurisdiction ###327</li> <li>Serious threats or any physical or violent acts of bullying/harassment as part of a gang or group 308</li> </ul>

	<u>Level I</u>	<u>Level II</u>	<u>Level III</u>
13.	<ul style="list-style-type: none"> <li>Inappropriate physical contact with another student (non-sexual in nature) 209<u>119</u></li> </ul>	<ul style="list-style-type: none"> <li>Physical aggression toward any other student that does not escalate into a Level III offense or threaten to seriously disrupt school or the educational environment (non-sexual in nature) 209</li> <li><del>Inappropriate physical contact with a staff member (non-sexual in nature) ###</del></li> </ul>	<ul style="list-style-type: none"> <li>Fighting 309</li> <li>Using an object to threaten or attempt to cause harm; including throwing objects 322</li> <li><del>Inappropriate physical contact with a staff member (non-sexual in nature) 333</del></li> <li>Physical or violent acts of bullying/harassment or other serious threats that involve physical aggression and physical contact (not gang/group related) 310</li> <li>Physical attack/assault against another student (attempted or actual) 307</li> <li><del>Physical aggression against staff or any attempted or actual physical attack/assault against staff 403 **</del></li> <li><del>Other physical or violent conduct that jeopardizes health or safety 316</del></li> </ul>
14.		<ul style="list-style-type: none"> <li>Possession of a toy weapon, other than a toy or imitation firearm 210</li> </ul>	<ul style="list-style-type: none"> <li>Using any toy/imitation weapon to threaten, intimidate, cause harm or cause a disruption; or possession of a toy, imitation or "look alike" firearm 315</li> <li>Simple possession of a weapon (not guns/firearms) (1<sup>st</sup> time = 401.a.i; 2<sup>nd</sup> = 401.a.ii)**</li> <li>Possession of a BB-gun, pellet gun 401.b **</li> <li>Possession of any weapon plus any threat to use, attempt to use or actual use to cause harm 401.c ***</li> <li>Possession or use of a firearm 401.d ***</li> <li>Possession <u>and</u> transfer of any weapon 401.e **</li> </ul>
15.		<ul style="list-style-type: none"> <li>Misuse of computers, electronic networks, or other technology 217</li> </ul>	<ul style="list-style-type: none"> <li>Serious misuse of computers, electronic networks, or other technology 323</li> </ul>
16.	<ul style="list-style-type: none"> <li>Failing to respect materials, belongings, or work of others ###<u>117</u></li> </ul>	<ul style="list-style-type: none"> <li>Property damage (\$200 or less) 222</li> <li>Theft (\$200 or less) 213</li> </ul>	<ul style="list-style-type: none"> <li>Major property damage 313</li> <li>Major theft 319</li> <li>Other conduct that endangers the property of others 316</li> </ul>
17.		<ul style="list-style-type: none"> <li>Possessing matches, lighters or other igniters 108</li> </ul>	<ul style="list-style-type: none"> <li>Attempting to set or setting a fire; Attempting to or igniting any non-explosive 304</li> <li>Possessing fireworks, smoke bombs, or other inherently dangerous or illegal item not covered by other rules 306</li> <li>Possessing or maintaining control over any bomb, munitions, tear gas, pepper gas, or other type of explosive device 405 **</li> <li>Attempting to or actually igniting or detonating <u>any</u> type of explosive device or chemicals 405 ** (***) <u>when device is a bomb or similar level of danger</u></li> </ul>
18.			<ul style="list-style-type: none"> <li>False alarms (fire alarm, call to 9-1-1) 305</li> <li>Making a bomb threat 405 **</li> </ul>
19.		<ul style="list-style-type: none"> <li>Creating or possessing material with sexually explicit, obscene or lewd content 214</li> </ul>	<ul style="list-style-type: none"> <li>Distributing pornography or other material with sexually explicit, obscene or lewd content <u>329</u></li> </ul>
20.		<ul style="list-style-type: none"> <li>Possessing, making or distributing any recording of voice or image of someone without consent (<u>not including secret/hidden recordings</u>) 224</li> </ul>	<ul style="list-style-type: none"> <li>Possessing, making or distributing any <u>secret or hidden</u> recording of voice or image without consent 324</li> <li>Possessing, making or disclosing <u>an image</u> of any person in a nude or partially nude state 325</li> </ul>
21.		<ul style="list-style-type: none"> <li>Indecent exposure 216</li> <li><del>Exposing physical privacy of others 326</del></li> </ul>	<ul style="list-style-type: none"> <li><del>Exposing physical privacy of others 326</del></li> </ul>
22.	<ul style="list-style-type: none"> <li>Inappropriate touching (K-1) ###<u>118</u></li> </ul>	<ul style="list-style-type: none"> <li>Consensual sexual activity 321</li> </ul>	<ul style="list-style-type: none"> <li>Nonconsensual sexual contact/sexual assault 303</li> <li>Initiating non-consensual physical contact of a sexual nature 303</li> <li>Aggravated sexual assault 407 ***</li> </ul>
23.		<ul style="list-style-type: none"> <li>Possessing tobacco 108</li> <li>Using, selling, purchasing or distributing tobacco 201</li> </ul>	
24.		<ul style="list-style-type: none"> <li>Possession of an imitation controlled substance 314</li> <li>Being under the influence of alcohol (317) or drugs (318)</li> <li><del>Inappropriate personal possession of over-the-counter or prescribed medication 332</del></li> </ul>	<ul style="list-style-type: none"> <li>Possession of drug paraphernalia (318)</li> <li>Possession of <u>any</u> drugs <u>not covered by Level II</u> (331<u>18</u> **) or alcohol (317-330**) </li> <li>Attempted or actual distribution of drugs (402**) or alcohol (###-<u>408</u> **)</li> <li>Participating in a drug transaction (406 **) or alcohol transaction (###-<u>409</u> **)</li> </ul>
25.		<ul style="list-style-type: none"> <li>Repeated Acts of Level I Behaviors <u>342226</u></li> </ul>	<ul style="list-style-type: none"> <li>Repeated Acts of Level II and/or III Behaviors 312</li> </ul>

# MMSD Student Conduct & Discipline Plan

## Interventions and Consequences

### \* BE SAFE \* BE RESPECTFUL \* BE RESPONSIBLE \*

The Student Conduct and Discipline Plan is based on three (3) key district-wide expectations: Be Safe, Be Respectful, Be Responsible. When district-wide expectations are not met, the Code of Conduct requires that prompt and appropriate interventions are implemented to first restore order and safety in the classroom or school environment with the ultimate goal of problem solving with a student and teaching the appropriate behavior.

<u>Level I:</u>	<u>Level II:</u>	<u>Level III:</u>
<b>It is critical to work in partnership with parents/care givers when misbehavior occurs.</b>	<b>It is critical to work in partnership with parents/care givers when misbehavior occurs</b>	<b>It is critical to work in partnership with parents/care givers when misbehavior occurs</b>
<b>EDUCATION:</b> <ul style="list-style-type: none"> <li>• Re-teach the behavioral expectation</li> <li>• Warning/Discuss incident with student</li> <li>• Teach a replacement behavior or coping strategy</li> <li>• Create a behavior contract that includes behavior expectations, consequences and incentives for demonstrating expected behaviors</li> <li>• Provide a reflective activity</li> <li>• Assign special work assignment</li> <li>• Engage in collaborative problem-solving with student and/or other involved staff</li> </ul>	<b>EDUCATION:</b> <ul style="list-style-type: none"> <li>• Create a home/school communication system</li> <li>• Require daily or weekly check-in with student services staff or administrator for a defined period of time</li> <li>• Refer to SSIT for Functional Behavioral Analysis</li> <li>• Refer to student services or other appropriate staff for support related to behavior change</li> <li>• Participate in school-based program that focuses on promoting positive behaviors</li> <li>• Refer for Substance Abuse Assessment</li> <li>• Referral to PBST or other district-wide support</li> <li>• Complete Violence Risk Assessment Checklist</li>   <li>• All interventions/consequences listed in Level I</li> </ul>	<b>EDUCATION:</b> <ul style="list-style-type: none"> <li>• Expulsion Prevention Plan – required after two Level 3 behaviors</li> <li>• Conduct complete Violence Risk Assessment (VRA)</li>   <li>• All interventions/consequences listed in Levels I &amp; II</li> </ul>
<b>RESTORATION:</b> <b>Offer opportunity to engage in:</b> <ul style="list-style-type: none"> <li>• Community service task within classroom</li> <li>• Making amends or apologizing to those harmed or offended</li> <li>• Taking action to repair harm</li> <li>• Restorative circle/conference within the classroom</li> <li>• Social/emotional learning activities in the classroom</li> <li>• Restorative Youth Court</li> <li>• Restitution</li> </ul>	<b>RESTORATION:</b> <b>Offer opportunity to engage in:</b> <ul style="list-style-type: none"> <li>• Restorative Circles</li> <li>• Community service task within school</li> <li>• Student-Mentor relationship focused on implementing a plan for positive engagement in school</li> <li>• Mediation</li>   <li>• All interventions/consequences listed in Level I</li> </ul>	<b>RESTORATION:</b> <b>Offer opportunity to engage in:</b> <ul style="list-style-type: none"> <li>• All interventions/consequences listed in Levels I &amp; II</li> </ul>

<p><b>RESTRICTION:</b> When used, this should be paired with a strategy from Education and/or Restoration. Following restriction, a restorative, re-engagement process should occur to transition student back to class.</p> <ul style="list-style-type: none"> <li>• Temporary Removal from class or activity</li> <li>• Detention</li> <li>• Loss of privileges</li> <li>• Temporary Reassignment from class where problem occurred</li> </ul>	<p><b>RESTRICTION:</b> When used, this should be paired with a strategy from Education and/or Restoration. Following restriction, a restorative, re-engagement process should occur to transition student back to class.</p> <ul style="list-style-type: none"> <li>• In School Suspension</li> <li>• Out of School Suspension (<u>up to 3 days unless up to two additional days are expressly approved in advance by the Assistant Superintendent</u>)</li> <li>• All interventions/consequences listed in Level I</li> </ul>	<p><b>RESTRICTION:</b> When used, this should be paired with a strategy from Education and/or Restoration. Following restriction, a restorative, re-engagement process should occur to transition student back to class.</p> <ul style="list-style-type: none"> <li>• Suspension (<u>up to 5 days</u>)</li> <li>• Modified School Day</li> <li>• <u>Initial 5-day Suspension with Recommendation for Expulsion</u></li> <li>• Expulsion Abeyance</li> <li>• <del>Suspension with Recommendation for Expulsion</del></li> <li>• Expulsion</li> <li>• All interventions/consequences listed in Levels I and II</li> </ul> <p><b>** REQUIRES A RECOMMENDATION FOR EXPULSION AT THE SCHOOL LEVEL, AND ABEYANCE <u>MAY BE CONSIDERED AS AN POSSIBLE OPTION (MS/HS Middle School/High School)</u></b></p> <p><b>*** REQUIRES A RECOMMENDATION FOR EXPULSION AT THE SCHOOL LEVEL (ELEM./MS/HS All Grade Levels), AND ABEYANCE IS <u>NOT AN OPTION (Middle School/High School MS/HS)</u></b></p> <p><i>(Note: Wisconsin State Statute 120.13 requires expulsion for at least one year for possession of a firearm while at school or under the supervision of a school authority.)</i></p>
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## **Application of the Student Conduct & Discipline Plan**

The Student Conduct & Discipline Plan applies to students in all MMSD schools, alternative educational programs and alternative school sites in the District (including instrumentality Charter schools), and it shall be published and made available to parents and students. Individual schools may develop and give notice of additional rules or directives governing student conduct not otherwise covered by the Student Conduct & Discipline Plan, and such school-based rules or directives shall be considered "Level I" conduct rules.

Nothing in the Student Conduct & Discipline Plan shall be construed to require a disciplinary removal pending expulsion, an expulsion recommendation and/or an expulsion hearing when a specific incident involves a student with a disability and where it is determined through a formal administrative process that the interests of the school do not demand suspension/expulsion. Similarly, after ~~;~~ or through a formal IDEA manifestation determination concluding that (1) the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (2) the conduct was a direct result of the school's failure to implement the IEP, the disciplinary and educational status of the student shall be reviewed and modified, if necessary, in a manner that is consistent with applicable law. In such-circumstances covered by this paragraph, consistent with the IDEA and state law, there shall be appropriate and timely follow-up to review the student's IEP and/or Behavior Intervention Plan in response to the incident. The actual days of suspension for a student with a disability, in all cases, shall be consistent with the IDEA requirements regarding "removals" and changes in educational placement.

When a student is referred for possible expulsion at the school level, the Superintendent or an instructional Assistant Superintendent may, upon review of the totality of the circumstances involved in the referral and consideration of the interests of the school, withdraw, modify or implement the recommendation for possible expulsion. Conditional abeyance of specific discipline is an approved method of modifying any form of a restrictive disciplinary consequence (up to and including expulsion except in those limited cases where the Plan expressly provides that abeyance shall not be available). The Superintendents' authority to withdraw a recommendation for expulsion (including withdrawing or modifying any associated period of suspension) includes withdrawals for procedural concerns, due to concerns about adequate proof of the conduct or other grounds for expulsion, or due to the conclusion that the interests of the school do not demand expulsion and/or other restrictive consequence. In cases where an expulsion recommendation proceeds to a hearing, the Superintendent or designee shall also consider the totality of the circumstances involved in the conduct when making a specific recommendation as to the length of the proposed expulsion and the proposed timing and conditions of any opportunity for early readmission that may be recommended.

The Student Conduct & Discipline Plan shall be implemented in a manner that does not discriminate against any student on the basis of the students' sex, race, religion, national origin, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or physical, mental, or learning disability. If a student or his/her parents are concerned that the student may have been treated in a discriminatory manner, the student or his/her parents can contact the District's Affirmative Action Officer to file a complaint with the District or take other action.

## **The School District's Jurisdiction for Suspension and Expulsion**

The Madison Metropolitan School District retains, and exercises at its discretion in a manner consistent with its published policies and procedures, the full scope of its statutory jurisdiction to suspend and expel pupils. The District's statutory jurisdiction for suspension and expulsion includes, but is not limited to, student conduct/behavior that occurs while the student is (1) at school or participating in a school-sponsored activity; (2) under the supervision of school authority; (3) on District property at any time; or (4) while using school-provided transportation. The full scope of and related limitations on the School District's statutory jurisdiction for suspension and expulsion are identified in Wisconsin Statute § 120.13(1). For conduct that occurs within the scope of the School District's disciplinary jurisdiction for students and in connection with a program operated and supervised through Madison School & Community Recreation, no restrictive consequences affecting school attendance shall be imposed except through the involvement of the Principal of the school the student attends and except with the specific approval of an instructional Assistant Superintendent who makes the determination that such school-related consequences are necessary to adequately address endangerment to health, safety or property within the school environment.

When a student is suspended or expelled from school, the student may not be on School District property or attend or participate in any school-sponsored activities without the advance, written permission of (1) his/her school Principal (or Principal designee) for meetings with school officials requiring the student's attendance; and or (2) an instructional Assistant Superintendent for other types of events or activities. Permission by an Assistant Superintendent may be granted only in exceptional cases where the educational need for the individual to be present is high, and the danger to property and to the health, safety, education and welfare of other persons is low. Students who are suspended from school shall be given the opportunity to make-up work to the extent required by state statute. Students who are suspended or expelled from school are not eligible to participate in extra-curricular activities, and may be subject to further restriction/consequences under the District's athletic code.

### **Length of Out-of-School Suspensions**

A school-level administrator or designee may suspend a student who engages in any of the behaviors categorized at "Level II" (including progressive discipline for repeated/multiple violations of Level I behaviors). Such a suspension shall generally be for 3 school days or fewer.

A student who engages in any of the behaviors categorized at "Level III" (including progressive discipline for repeated/multiple violations of Level II behaviors), or who the school has brought forward as a party to the prohibited behavior(s), may be suspended from school for up to 5 school days, and a school-level administrator or designee may recommend that the student be expelled. If a recommendation for expulsion occurs at the school level, the school shall initially suspend the pupil for a minimum of 5 school days (the maximum suspension permitted until notice of an expulsion hearing is approved and sent to the pupil). If notice of an expulsion hearing has been sent, any initial period of suspension may be extended by the District for up to a total period of 15 consecutive school days. (NOTE: All suspensions of a student with a disability must be consistent with IDEA rules concerning limitations on disciplinary removals.)

### **Consequences for Participation as a Party to Prohibited Behaviors**

A student is a "party to prohibited behavior(s)" when the student willfully (i.e., not under compelling duress or coercion) participates in or otherwise actively plans or facilitates any of the behaviors prohibited by the Student Code of Conduct and Student Conduct & Discipline Plan. A student who is a "party to prohibited behavior(s)" may be charged with and disciplined for any of the prohibited behaviors that occur in connection with the student's participation, planning or facilitation. For example, if a student acts as a "lookout" for two other students who physically attack and seriously injure a victim, the "lookout" may also be charged with and disciplined for the attack (up to and including possible expulsion) as a "party to the prohibited behaviors," even if the "lookout" did not specifically know that others involved in the conduct would use force capable of inflicting serious injury.

### **"Surrender for Safety" Policy**

A pupil who possesses a knife or other type of weapon other than a firearm, a non-authorized object that may be used as a weapon, or any other inappropriate and prohibited item/material, and surrenders the item/material to a school staff member, before being discovered in possession of the item may have the disciplinary consequences for the inappropriate conduct reduced or withdrawn. An investigation will occur into the circumstances involving the possession and surrender of the item, and a decision will be made whether to discipline the pupil, or not, after a consultation between the Principal and the appropriate Assistant Superintendent.

### **Recommendations for Expulsion Made at the School Level: Elementary School Students**

Elementary principals and assistant principals shall consult with and receive the approval of an instructional Assistant Superintendent (or the Superintendent) before recommending any elementary student for expulsion, except

that no such consultation and approval is needed to issue a recommendation in any case involving (1) aggravated sexual assault; (2) the possession of a firearm; (3) possession of any weapon combined with any threat to use, attempt to use or actual use to cause harm or (34) the possession of a bomb or other significant explosive device combined with the actual or attempted detonation of the bomb/device. The school Principal and other administrators and staff shall consider a student's developmental level and understanding of the gravity of an offense when imposing restrictive disciplinary consequences that involve removal from school. In no case shall an elementary school student be recommended for expulsion for an incident/violation for which a middle school or high school student would not be recommended for expulsion.

### **Recommendations for Expulsion Made at the School Level: Secondary School Students**

At the middle and high school levels, some Level III violations require the Principal/Designee to prepare and forward a recommendation for expulsion for review by the appropriate Assistant Superintendent, and those violations are specifically identified elsewhere within the Plan. For other Level III violations/behaviors, a recommendation for expulsion may be made by a school Principal or his/her designee following an evaluation of the totality of the circumstances.

#### **A. "AGGRAVATING FACTORS" THAT WILL LEAD TO A SCHOOL-LEVEL RECOMMENDATION FOR POSSIBLE EXPULSION**

For incidents involving Level III behaviors by a middle school or high school student where an expulsion recommendation at the school level is not identified as being mandatory in all cases, Principals/Designees shall evaluate the incident for the presence or absence of the following "aggravating factors." The Principal/Designee shall make a recommendation for expulsion at the school level whenever one or more of the following is determined to be present:

1. **Significant Bodily Injury:** The issue is whether significant bodily injury was sustained by anyone as a consequence of the student misconduct. "Significant bodily injury" means bodily injury that: (1) a school official has determined requires a referral for medical care that is beyond the care that is normally provided by staff at a school health office, or (2) the injured person subsequently secures treatment from a health care provider, typically within forty-eight (48) hours of the incident, for a serious bodily injury that resulted from the student misconduct. Subsequently treated "serious injuries" include, but are not limited to: a fracture or dislocation, traumatic brain injury such as a serious concussion, loss or disruption of vision, internal organ damage, spinal injury, and dental injuries. Examples of non-serious bodily injuries, subsequently treated, include but are not limited to: sprains or strains, bruises, minor cuts.
2. **Significant Property Damage or Loss:** Where the value of the damage or loss caused by the conduct can be measured by repair or replacement costs, "significant property damage or loss" means the damage to or loss of property exceeded \$1,000. This may be measured by either repair or replacement costs, where applicable. The temporary deprivation of property (such as stolen items that are recovered and returned to the owner) shall be considered a "loss" of property for these purposes. Further, a school may consider the loss or damage of certain difficult-to-value personal items (such as stolen credit/bank cards, personal identification documents, keys, etc.) to be a "significant loss" under this factor where the circumstances involved in the loss or deprivation of the property create a risk to a person's personal or financial security and/or a significant hardship in replacing the items or alleviating the security risk caused by the theft.
3. **Significant Loss of Instructional Time or Significant Disruption/Cancellation of a School Activity:** A non-exhaustive example of a "significant" loss of instructional time would be an incident that causes an aggregate loss of instructional time for all students affected that exceeds 50 total hours, and each individual student within the aggregated total lost at least one full class period in connection with the incident.
4. **Second-Time Simple Possession of a Weapon (other than a firearm, bb gun or pellet gun):** If a student in an MMSD secondary school or program is found to be in possession of an item that meet's



the Plan's definition of a "weapon" more than once while in high school or within any consecutive four-year period as a secondary school student, the violation shall be considered a "second-time simple possession of a weapon." First-time simple possession of such an item does not require a recommendation for expulsion, although a recommendation for expulsion may be made at the school level for first-time simple possession based on an overall assessment of the degree of the threat to health and safety within the school environment.

5. **Substantial Endangerment of the Health, Safety or Property of a School, the School District or Any Person, Where Not Covered by One of the Four Factors Listed Above:** When none of the four factors listed above applies directly, the school will still consider whether the pupil's behavior was so serious as to necessitate a recommendation for possible expulsion at the school level. The Principal, or his/her designee, will carefully examine the student's behavior and the totality of the circumstances to determine the overall degree of the danger to health, safety or property. The direct involvement of law enforcement is not necessary for this aggravating factor, or any other, to be applied to specific student conduct.

The absence of one of the aggravating factors identified above precludes a school-level recommendation for expulsion for any single incident for which a recommendation is not otherwise mandatory except upon advance consultation with and the express approval of the Superintendent or the Assistant Superintendent for Secondary Schools.

Facts connecting to any of "aggravating factors" listed above may also be considered as factors to guide decisions determining the recommendation that the School District makes for the length of any possible expulsion that goes forward to a hearing. Generally speaking, the more serious the conduct and the circumstances surrounding the conduct, the longer the period that the student may potentially serve under any expulsion.

## B. MULTIPLE/REPEATED VIOLATIONS OF RULES CAN LEAD TO EXPULSION

Students who break multiple rules over the course of a school year may also be recommended for expulsion at the school level, even when there were no "aggravating factors" associated with any of the individual incidents. All students should be aware that they are risking possible expulsion from school any time their record shows multiple violations/incidents that have been properly documented as "Level III" violations/incidents.

In the middle schools and high schools, a review for a possible expulsion recommendation shall occur at the school level any time a student's record shows **three or more separate incidents that involve violations of any Level III behavior rule(s) within the same school year**. In the event a student's record, as a means of imposing progressive discipline, reflects specific documentation and notice to a student of a Level III violation for "repeated violations of one or more Level II rule(s)," such a Level III violation shall be considered a single "incident" in determining the total number of Level III incidents in a student's record, regardless of the number of underlying Level II behaviors/incidents that occurred leading up to the imposition and notice of such a Level III violation.

## C. FIRST-TIME SIMPLE POSSESSION OF AN ITEM THAT MEETS THE PLAN'S DEFINITION OF CERTAIN "WEAPONS"

A school is not required to recommend a student for expulsion for the first-time simple possession of a weapon other than a firearm, bb-gun or pellet gun (i.e., a student is discovered to be in possession of an item that meets the Plan's definition of such a weapon, but the student has not transferred the weapon to another person or threatened to use, attempted to use or actually used the weapon to harm anyone). However, the school shall impose a five (5) day out-of-school suspension even when no recommendation for expulsion accompanies the first-time simple possession of a weapon.

Whenever, in addition to imposing a suspension, a student is recommended for expulsion solely for first-time simple possession of a weapon other than a firearm, bb-gun or pellet gun, the decision to recommend expulsion shall be based on a written assessment of the overall degree of the threat to the health and safety of persons within the MMSD's jurisdiction, including at least the following factors (to be documented in the Principal's written report to the appropriate instructional Assistant Superintendent):

- a. the nature and type of the weapon;
- b. the circumstances under which the weapon was discovered;
- c. the extent to which there is evidence that the possession was (or was not) inadvertent; and
- d. the extent to which there is evidence that the student held a sincere and good-faith belief that the object was possessed for some legitimate purpose, even where that belief is incorrect.

## **STUDENT CONDUCT & DISCIPLINE PLAN:**

### Additional Statement and Explanation of Conduct Rules & Terms

1. **Littering (105):** Throwing paper, trash or other materials on the floor inside school buildings or on school grounds; leaving trash in a location other than a garbage can. (Level I)
2. **Unauthorized items/objects (116):** Possession of non-essential items that are not suitable for school because they tend to disrupt the learning environment and/or are specifically restricted by District, school, or classroom rules. This rule does not prohibit the possession of an item that the school determines is needed to enable the student to benefit from his/her education. (Level I)

More specifically, this rule prohibits the possession of any legal, but non-essential:

- a. cellular phone, personal music/video/gaming device, camera, or other personal electronic device with communications functions or the capability to capture/record voice, images, or data, including any related equipment for such devices, unless the device is stored and used/left unused as provided by Board Policy 4403; or
  - b. item or object that a student brings to school, that is not directly covered by any more-specific code section, and that either causes an actual disruption within the school, could reasonably be expected to cause a disruption, or has been prohibited by any school rule, order or other directive.
3. **Tardiness/Skipping Class (109):** Arriving at school or class after the designated time, or failure to appropriately attend a scheduled class or activity while at school, without permission or acceptable excuse. (Level I)
  4. **Inappropriate Clothing; Dress Code or Grooming Violation—Non-Gang Related (107)** Dressing or grooming in a manner which the school has determined disrupts the ability of the school to maintain order or an appropriate educational atmosphere and/or which violates a school's established dress code or the noticed directive of a Principal. Unless otherwise approved by the Principal, students are required to keep hats and other headwear (e.g., bandanas, hairnets, scarves, sweatbands, do-rags, hoods, etc.) and coats in lockers while in school.
    - a. Elementary: Violations should generally be handled at classroom level (Level I) except in unusual circumstances.
    - b. Secondary: Violations may be handled at classroom level (Level I) when the student cooperatively remedies and responds to the issue and where the behavior is not repeated; otherwise document as a Level II violation in the behavior record.
  5. **Cheating / Academic Dishonesty (218):** Using, submitting, obtaining or attempting to obtain data, questions, answers, or other school work dishonestly, by deceit, or by means other than those authorized by the teacher. Submitting the work of others as your own and plagiarism are forms of cheating. In addition to academic/classroom consequences imposed by the teacher, consequences under the Plan may be imposed.
    - a. Elementary: Incidents are generally handled at the classroom level. (Level I)
    - b. Secondary: Incidents should be documented in the student's behavior record even if the teacher's classroom/academic consequences are deemed a sufficient resolution by the Principal/Designee. (Level II)
  6. **Forgery (219):** Writing the name of another person to be represented as a writing or original signature of that other person or altering without authority any written record or document (such as times, dates, grades, passes or permits). (Level II)

7. **Gambling (220):** Playing any game of chance or skill for money or items of value. (Level II)

**8. Throwing/Releasing Any Unauthorized Object**

- a. Throwing or otherwise releasing any non-authorized object (including a snowball) that may be reasonably capable of causing a disturbance, injury, or property damage, but without intent to cause and without actually causing a disturbance, injury or property damage. (113) (Level I)
- b. Throwing or otherwise releasing any non-authorized object that is reasonably capable of causing a disturbance, injury, or property damage, and the object makes or causes physical contact with any person but does not cause any injury or property damage. (223) (Level II)
- c. The intentional or reckless throwing/releasing of any object that is reasonably capable of causing injury either at or in the immediate vicinity of another person in a manner likely to cause injury or that causes an actual injury. (322) (Level III)

**9. Inappropriate Language/Expression (e.g., Gestures)**

- a. Swearing, cursing, or making profane or obscene statements or gestures (106) (Level I)
- b. Abusive language (verbal, written or electronic) or profane or obscene language/gestures directed toward another student (202) (Level II), or toward a staff member/other non-student adult (205) (Level II)

**10. Disruptive and Uncooperative Behaviors**

- a. ~~Disruption (Level-I) -Conduct that only briefly and insubstantially disrupts the ability of school authorities to carry out planned instruction or activities, or to maintain order or an appropriate educational atmosphere at school or in connection with any school-sponsored or school-supervised activity; the student's response to efforts to redirect/deescalate behavior are reasonable and timely, and the conduct, that does not rise to the level of disorderly, violent or threatening conduct. (112) (Level I)~~
- b. ~~Uncooperative Behavior (Level-I)- Failure to comply with school rules, instructions or directives of school authorities, but any disruption is brief and insubstantial and the student reasonably and timely responds to efforts to redirect and/or deescalate the behavior. -including lying or otherwise providing false information to a staff member or other school authority. (204) (Level I)~~
- c. ~~Disruptions or Uncooperative Behavior or Disruptions & Failure to Respond (Level-II)- Engaging in conduct (1) that creates a material disruption to the school environment (that does not rise to the level of disorderly, violent or threatening conduct), or (2) that is uncooperative, as defined above in this section, coupled with a failure to reasonably and timely respond to efforts to redirect and/or deescalate the behavior (204) (Level II)~~
- d. ~~Lying or otherwise providing false information to school authorities. (204) (Level II)~~
- e. ~~Trespassing-Being in a school building or on school grounds without permission or refusing to comply with a request to leave school premises. (203) (Level II)~~
- f. ~~Baiting, inciting and/or encouraging a fight, a disruption, or other violation of school rules. (221) (Level II)~~
- g. ~~Disorderly, violent, or threatening conduct of a serious nature that disrupts the ability of school authorities to carry out planned instruction or activities, or to maintain order or an appropriate educational atmosphere at school or in connection with any school-sponsored or school-supervised activity. (301) (Level III)~~
- h. ~~Repeatedly engaging in conduct by a student at least 16 years old who disrupts the ability of school administrators to maintain order or an educational atmosphere (as provided under state law) (311) (Level III)~~

**11. Harassment, Bullying, and Non-Violent Threats (Non Gang or Group Related)**

- a. Teasing, insults, or put-downs of others. Teasing includes using words or gestures to mock or make fun of another person. (110) (Level I)
- b. Non-violent and non-physical acts of harassment/bullying/aggression/extortion/coercion by **any individual** – Examples include (1) limiting another person’s freedom of movement; (2) intimidating or taunting another person; (3) verbally abusing another person (including obscene/profane language directed toward another student); (4) obtaining or attempting to obtain money or property from an unwilling person; (5) forcing or attempting to force an unwilling individual to act; or (6) non-physical acts of harassment based on a person’s protected status (as defined in the definitions section) that are not determined to constitute a serious threat. (202) (Level II)
- c. Verbal, written and non-verbal threats to a student, staff member, or other individual who is present or acting within the school’s jurisdiction where there is no imminent danger or reasonable apprehension of bodily harm. (206) (Level II)
- d. Using technology to harass, bully, threaten, coerce, extort from, or intimidate another person. (217) (Level II)
- e. “Hate-based” property damage is property damage, regardless of value, where either (1) the property that is damaged is selected in whole or in part based on the actor’s belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, or ancestry of the owner of the property; or (2) the manner in which the property is damaged is selected in whole or in part with intent to demean, intimidate, or communicate animosity toward any person or group of persons based upon the actor’s belief or perception regarding the person(s) race, religion, color, disability, sexual orientation, national origin, or ancestry. (313328) (Level III)
- f. Serious threats to a student, staff member, or other individual who is present or acting within the school’s jurisdiction. Serious threats include intentionally engaging in conduct that places another person in reasonable apprehension of bodily harm, and such threats may involve non-verbal aggression/intimidation or verbal or written statements and may or may not involve physical contact or an attempt to cause bodily harm. Very serious acts of non-physical bullying/harassment, due to their nature and/or repetition, may be determined to constitute a “serious threat.” (310) (Level III) (see also paragraph 13.h, below, when a staff member is involved)
- g. Other inappropriate or illegal conduct which directly or indirectly jeopardizes the health or safety of any person within the school’s jurisdiction. (316) (Level III)

**12. Gang-Related and Group-Related Expression and Activity**

- a. Display of messages, symbols, jewelry, insignia and/or clothing that is known to serve the purpose of identifying a gang, showing support for a gang or signifying gang membership (114) (Level II)
- b. Engaging in or participating in any way in any non-violent and non-physical threatening conduct or act of harassment, bullying, intimidation, coercion, or extortion, as part of a gang or group of two or more persons. (215) (Level II)
- c. Physical or violent acts of harassment, bullying, intimidation, coercion, or extortion as part of a gang or group of two or more persons; or serious threats (as defined above in Section 11) as part of a gang or a group two or more persons. (308) (Level III)
- d. Engaging in gang activities within the school’s jurisdiction (###):(327) (Level III):
  - i. Engaging in any gang recruitment or gang-member initiation activities
  - ii. Violations of school rules committed with the intent or purpose:
    - 1. To promote, further, or assist in any criminal conduct by a gang;
    - 2. To gain admission, prestige, or promotion within a gang;
    - 3. To increase or maintain the prestige, dominance, or control of a gang in any geographical area;
    - 4. To exact revenge or retribution for the gang or any member of the gang;

5. To obstruct the work of law enforcement or the work of school officials to prevent gang activity in the schools;
6. To intimidate or eliminate any witness against a gang or any member of the gang
7. To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any drug

**13. Inappropriate physical contact/aggression, fighting, physical attacks and assaults (non-weapons related)**

- a. Inappropriate physical contact between students (non-sexual in nature): “play fighting,” physical horseplay, or similar conduct involving physical contact between students that fails to respect another person’s physical space where the school determines that that the conduct involves an element of mutual participation and/or a lack of indicators of maliciousness or other danger of escalation into a more serious disruption or altercation; student(s) involved respond to correction in a reasonable and timely fashion. (209119) (Level I)
- b. Inappropriate physical aggression between students: “play fighting,” physical horseplay, and other conduct involving physical contact that fails to respect another person’s physical space where either (1) the student(s) involved fail to respond to correction in a reasonable and timely fashion; or (2) where the school determines that the conduct involves an element of maliciousness or other danger of escalation into a more serious disruption or altercation. (209) (Level II)
- ~~c. A student’s inappropriate physical contact with a staff member (or other adult; non-sexual in nature): Incidents in which a student makes inappropriate, but insubstantial physical contact with a staff member in the sense that there is an insubstantial risk of personal injury due to nature of the contact and the contact is either fleeting, primarily communicative, and/or incidental to some other purpose. (209)~~
- d.c. Fighting (309) (Level III)
- d. Using any object to threaten, attempt to cause or to cause bodily harm to another person (including throwing objects). (322) (Level III)
- e. A student’s inappropriate physical contact with a staff member or other non-student adult (non-sexual in nature): Incidents in which a student makes inappropriate, but insubstantial physical contact with a staff member in the sense that there is an insubstantial risk of personal injury due to nature of the contact (e.g., the contact is fleeting) and because the contact is primarily communicative and/or incidental to some other purpose. (333) (Level III)
- f. Physical or violent acts of bullying/harassment or other serious threats that involve physical aggression and/or physical contact (not gang/group related). “Serious threats” include physical or violent acts that place another person in reasonable apprehension of bodily harm. (310) (Level III) (see also paragraph 13.h, below, when a staff member is involved)
- ~~e.g. Any attempted or actual physical attack or assault against another student (307) (Level III)~~
- ~~f. Inappropriate physical contact between two students that places another person in reasonable apprehension of bodily harm. (310)~~
- ~~g. Using any object to threaten, attempt or cause bodily harm to another person. (322)~~
- ~~h. Other inappropriate or illegal physical or violent conduct which directly or indirectly jeopardizes the health or safety of any person within the school’s jurisdiction. (316)~~
- i.h. Physical aggression by a student against a staff member (or other non-student adult) or any attempted or actual physical attack/assault of a staff member (or other non-student adult) by a student. (403 \*\*) (Level III). For example, this rule prohibits:
  - i. Attempted or actual physical attacks/assaults against a staff member whether the attack/assault involves direct bodily contact or involves an object;
  - ii. A student from providing active and substantial physical resistance to the direction of an adult in a situation involving physical contact between the individuals to the point where

a reasonable person would conclude there was a direct and substantial risk of bodily injury to the adult;

- iii. A student from physically assaulting a staff member (or other non-student adult) by an act done with the intent to assault or harm another person in circumstances where it could have been reasonably anticipated that the attempted assault of another may affect a staff member (or other non-student adult). For example, striking a staff member while attempting to strike another student who is being restrained by that staff member constitutes a violation of this rule.

However, this rule shall not be applied by an Asst. Principal, Principal, Asst. Superintendent, or Superintendent who determines after an investigation that a student's physical aggression or other act was inappropriately provoked by actions of the staff member or non-staff member adult that were unreasonable under the circumstances and that would be reasonably likely to incite a response that includes the type of response given by the student.

- i. Other inappropriate or illegal physical or violent conduct which directly or indirectly jeopardizes the health or safety of any person within the school's jurisdiction. (316) (Level III)

#### 14. Weapons-Related Offenses

- a. Possession of a toy weapon other than a toy or imitation gun/firearm, where the toy weapon is not used to threaten, intimidate, harm or cause a disruption. (210) (Level II)
- b. Possession of any toy or imitation gun/firearm that is not otherwise defined as a "weapon" within the Student Conduct & Discipline Plan, or possession of any toy weapon that is used to threaten, intimidate, harm or cause a disruption. (315) (Level III)
- c. Weapons Violations
  - i. Simple possession of a weapon, except a firearm, pellet gun, or BB gun, meaning that the student has possession of the item but has not threatened to harm, attempted to harm or caused harm to another with the weapon, and the weapon has not been transferred or made available to another person.
    - 1. First offense; 401.a.i (Level III)
    - 2. Second or greater offense; 401.a.ii \*\* (Level III)
  - ii. Possession of a BB gun or pellet gun; (401.b \*\*) (Level III);
  - iii. Possession of a weapon, coupled with a student's threat to use, attempt to use, or actual use of the weapon to cause harm to another; (401.c \*\*\*) (Level III)
  - iv. Possession or use of any firearm; (401.d \*\*\*) (Level III)
  - v. Possession of a weapon by a student who knowingly transfers or intentionally provides access to the weapon to another person (other than giving the weapon to an non-student adult for safety) (401.e \*\*) (Level III);

#### 15. Inappropriate Use of Technology

- a. Inappropriate use of the School District's Computerized Communication System (System) includes, but is not limited to: sending or attempting to send a message that threatens to harm any person or any person's property; sending or attempting to send an annoying, abusive, frightening, threatening, defamatory, intimidating, offensive, harassing, etc., message or a discriminatory message based upon a protected status (e.g., race, gender, sexual orientation); sending or attempting to send a message that contains obscene, lewd, vulgar, profane language, etc.; sending a message anonymously or using someone else's name to send a message; using the System to plagiarize by downloading information and submitting, claiming or using it as one's own work; using the System to engage in unauthorized non-school related correspondence or activities; accessing, reviewing, uploading, downloading, storing, printing, posting, distributing, or attempting to distribute sexually explicit, lewd, obscene material, etc.; using the System for political or commercial purposes; sending a message in which the student falsely indicates that

he/she is representing an individual school or the School District. This section covers the inappropriate use of non-District computer resources where the inappropriate use invokes the disciplinary jurisdiction of the District. (217) (Level II)

- b. Serious misuse of the District's Computerized Communication System (System) includes, but is not limited to: disrupting or attempting to disrupt the operation of the System; interfering or attempting to interfere with the ability of other users to effectively use the System; damaging, destroying, modifying or attempting to damage, destroy or modify computer data or programs, including the hardware and software components of a computer or computer system, etc.; accessing and/or posting or attempting to access and/or post restricted confidential information such as a person's social security number, student records, passwords, data, messages, etc.; disclosing or attempting to disclose restricted access codes or other restricted access information to unauthorized persons; placing a virus or keylogging software application on the System; hacking or attempting to hack, into the System to, for example, change a student's grade, an employee's salary, etc.; using or attempting to use the System to engage in any illegal conduct. This section also covers the serious misuse of non-District computer resources where the use invokes the disciplinary jurisdiction of the District. (323) (Level III)

#### **16. Failure to Respect Materials, Belongings or Work of Others**

- a. Failure to respect the materials, belongings or work of others, such as grabbing or hiding the item(s) or, where the items are readily replaceable and of nominal value, breaking, defacing or destroying items or work belonging to someone else. (###)(117) (Level I)
- b. Property Damage: Property damage where the total value of the property affected is no more than \$200. (222) (Level II)
- c. Theft - Stealing the money or property of another that is valued at no more than \$200 (not including personal items of the type identified under "major theft"). (213) (Level II)
- d. "Major Property Damage" – Property damage where the total value of the property affected is more than \$200 (313) (Level III)
- e. "Major Theft" – Stealing the money or property of another that is valued at more than \$200; or stealing certain difficult-to-value personal items (such as stolen credit/bank cards, personal identification documents, keys, etc.) where the circumstances involved in the loss or deprivation of the property create a risk to a person's personal or financial security and/or a significant hardship in replacing the items or alleviating the security risk caused by the theft. (319) (Level III)
- f. Any other inappropriate or illegal act which directly or indirectly jeopardizes the property of a school, the school district, school personnel, other students, or other individuals who are present or acting within the school's jurisdiction– (for example, being in possession of stolen property or possessing property of substantial value without the owner's consent). (316) (Level III)

#### **17. Fires, Explosives, Munitions and other Inherently Dangerous Objects**

- a. Possessing Matches or any Igniter (e.g., cigarette lighter) (108) (Level II)
- b. Attempting to set or setting a fire; attempting to ignite or igniting any non-explosive material (304) (Level III)
- c. Possession of fireworks, a smoke bomb, or any inherently dangerous substance/object, or any illegal device, illegal product or illegal material that is not specifically covered elsewhere within the Student Conduct & Discipline Plan. (306) (Level III)
- d. Possession of or maintaining control over ~~of~~ munitions, tear gas, pepper gas, a bomb or other explosive device not covered elsewhere in the Plan (405 \*\*) (Level III)
- e. Attempting to detonate, or actually detonating any explosive device (including fireworks or smoke bombs) or chemicals (405 \*\* / but \*\*\* when the device is a bomb or creates a similar level of danger) (Level III)



## **18. False Alarms and Bomb Threats**

- a. False Alarms – Activating the school’s fire and/or other alarm systems, reporting a fire when no fire exists, or making a false alarm call to 911. (305) (Level III)
- b. Making a bomb threat, including threatening to set off any bomb or explosive device or conveying false information about the threat or alleged threat of danger from a bomb or other explosive device. (405 \*\*) (Level III)

## **19. Sexually explicit, obscene or lewd materials (where not covered by paragraph 20.c., below)**

- a. Creating or possessing material with sexually explicit, obscene or lewd content (214) (Level II)
- b. Distributing pornography or other material with sexually explicit, obscene or lewd content (###)(329) (Level III)

## **20. Recordings of the Voice or Image of Another Person**

- a. Making, transmitting or distributing any recording that has not been approved by or authorized by the school (excluding any secret or hidden recording) of the voice or image of any other student, staff member or other person in any non-emergency situation and without the consent of the person(s) so recorded. (224) (Level II)
- b. Making, transmitting or distributing any secret or hidden recording of the voice or image of any other student, staff member or other person in any non-emergency situation. (324) (Level III)
- c. Possessing, making, transmitting or disclosing any image of any student, minor, staff member, parent, school volunteer or other adult with supervisory authority in a nude or partially nude state, regardless of consent. (325) (Level III)

## **21. Indecent Exposure**

- a. Indecent Exposure (i.e., publicly displaying one’s private parts). (216) (Level II)
- b. Removing or adjusting, or attempting to remove or adjust, the clothing of another person (including, for example, pulling down another students pants) in a manner that causes, or was an attempt to cause, the exposure of the other person’s undergarments and/or intimate parts. (326) (Level III)

## **22. Touching of the Intimate Parts of Others / Sexual Contact / Sexual Assault**

- a. Elementary at grades K-1: Intentionally touching or causing to be touched, either directly or through clothing, the intimate parts of another person and the conduct is determined to be connected to a developmental behavior and that is not repeated. (###)(118) (Level I)
- b. Consensual Sexual Activity – Participation in consensual sexual conduct, or other inappropriate consensual sexual contact. (321) (Level II)
- c. Intentionally and with the specific purpose of (1) touching, either directly or through clothing, the intimate parts of another person by the use of any body part or object; or (2) forcing a person to touch the intimate parts of another person, either directly or through clothing; (303) (Level III)
- d. Initiating non-consensual physical contact that is done for the purpose of sexually degrading the other person, or sexually arousing or satisfying the pupil initiating the physical contact. (303) (Level III)
- e. Aggravated sexual assault -- sexual assault involving the use of force, threat, coercion or a weapon (407 \*\*\*) (Level III)

## **23. Tobacco Violations**

- a. Possessing any tobacco product (108) (Level II)
- b. Using, selling, purchasing or distributing tobacco (201) (Level II)

#### 24. Alcohol or Drugs In the School Environment

- a. Possession of an imitation controlled substance. (314) (Level II)
- b. Being under the influence of alcohol or drugs (Alcohol = 317; Drugs = 318) (Level II)
- c. Inappropriate personal possession of over-the-counter medication or medication that has been prescribed to the student by a licensed health care provider where, although legally possessed consistent with a medically-appropriate purpose, (1) the student has not followed school district policies regarding the administration of medication at school; and (2) all facts and circumstances are consistent with exclusive personal possession and medically-appropriate use. 332 (Level II)
- ~~e.d.~~ Possession of drug paraphernalia (318) (Level III)
- ~~e.e.~~ Possession of alcohol or drugs of any kind, except for (1) inappropriate personal possession of over-the-counter or prescription medication where defined as a Level II violation, or (2) possession and/or use of drugs in compliance unless the drugs are (1) legally possessed or possessed while under the supervision of a licensed health care provider who prescribed the drug, and (2) possessed and used in conformance with school district policies regarding the administration of medication at school. (Alcohol = 347330 \*\*; Drugs = 348331 \*\*) (Level III)
- ~~e.f.~~ Possession of alcohol or any drug coupled with actual or attempted distribution of the alcohol/drug. An example of "distribution" under this rule includes a student who brings the alcohol/drug into the school environment (with the ability to control/determine its possible distribution) and who then transfers possession of the contraband (temporarily or permanently) to one or more other persons. (Alcohol = ###; 408 \*\*; Drugs = 402 \*\*) (Level III)
- ~~f.g.~~ Participating or attempting to participate in a transaction, or any portion of a transaction, involving alcohol or drugs, whether as the seller, purchaser, or intermediary facilitating the transaction. (Alcohol = ###; 409 \*\*; Drugs = 406 \*\*) (Level III)

#### 25. Repeated/Multiple Violations of School Rules (312)

- a. Repeated/multiple violations of Level I behaviors may be categorized as a Level II violation. (342226) (Level II)
- b. Repeated/multiple violations of Level II behaviors may be categorized as a Level III violation (312) (Level III)
- c. Repeated/multiple violations at Level III of the Plan can lead to a separate Level III violation ~~denoting documenting~~ multiple and/or repeated serious behavioral incidents. In accordance with other provisions within the Plan, a school may make a recommendation for expulsion in connection with such a pattern of conduct, even if no recommendation for expulsion would have been made for any of the individual underlying incidents standing on its own. (312) (Level III)

**\*\* REQUIRES A RECOMMENDATION FOR EXPULSION AT THE SCHOOL LEVEL, AND ABEYANCE OF EXPULSION PROCEEDINGS MAY BE CONSIDERED AS A POSSIBLE OPTION AT THE DISTRICT'S DISCRETION (Middle School/High School)**

**\*\*\* REQUIRES A RECOMMENDATION FOR EXPULSION AT THE SCHOOL LEVEL (All Schools/Programs & Grade Levels), AND ABEYANCE IS NOT AN OPTION (Middle School Students / High School Students)**

**DEFINITION OF SPECIFIC TERMS:** As used in the Student Conduct & Discipline Plan, the following terms or phrases shall be defined as follows:

1. The term “**bullying**” is as defined in the School Board’s anti-bullying policy. In particular, bullying includes intentional action by an individual or group of individuals to inflict physical, emotional or mental harm or suffering on another individual or group of individuals when there is an imbalance of real or perceived power.
2. The term “**drugs,**” means all illegal drugs, controlled substances, mind-altering substances/chemicals, narcotics and over-the-counter and prescription medications, but excludes alcohol.
3. The term “**gang**” mean an 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, which association/group 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 in the community. The “**pattern of criminal gang activity in the community**” means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of, or belong to, the same criminal street gang.
4. The phrase “**possession of a weapon**” for purposes of applying Rule 401.a and Rule 411, shall not be construed to include the possession of a knife, cutting instrument, or other similar object that has been authorized by and/or provided to students by the school for a legitimate educational purpose (e.g., cutting instruments used for science labs or art projects) provided that the student uses the object solely for its limited and authorized purpose(s). [See also the definitions of “**Weapon**” and “**Surrender for Safety Policy**”.]
5. The term “**property damage**” shall mean the destruction, defacement or damaging of school property or equipment; staff property or equipment; student property or equipment; or the property or equipment of others who are on the premises of the school or who have left their property or equipment on school premises. The term “**property damage**” shall not be applied to accidental property damage so long as the property damage was not a reasonably foreseeable consequence of a student’s reckless conduct or intentional misconduct. For purposes of the Rules prohibiting property damage, the value of property that is damaged may be measured at its repair or replacement costs.
6. The phrase “**protected status**” means sex, race, national origin, ancestry, creed/religion, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression, or physical, mental, emotional or learning disability and also includes any other protected status expressly defined in any state, federal or local law, regulation or ordinance as may be applicable under the specific circumstances. A “**protected status**” may apply to other students, staff, school visitors or other persons.
7. The term “**school**” when used as a noun to denote a place or property, shall be inclusive of all MMSD properties and other places or properties legitimately within the MMSD’s disciplinary jurisdiction.
8. The term “**staff**”, whenever used in the Student Conduct & Discipline Plan, shall be interpreted to encompass, among others, all MMSD employees, other adults exercising legitimate school authority (e.g., approved volunteers, chaperones, student teachers, contractors, guests of the school), and the members of the School Board.
9. The District’s “**statutory jurisdiction for suspension**” is defined in Wisconsin Statute § 120.13 and includes the following: A pupil may be suspended from school for any of the following reasons: (1) Noncompliance with established school rules, including School Board rules; (2) 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; (3) Conduct by the pupil while at school or while under the supervision of a school authority that endangers the property, health or safety of others—including the

making of a threat to the health or safety of a person or the making a threat to damage property; or (4) Conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled—including the making of a threat to the health or safety of a person or the making a threat to damage property.

10. The District’s “**statutory jurisdiction for expulsion**” is defined in Wisconsin Statute § 120.13 and includes the following: The school board (or an appointed hearing officer) may expel a pupil from school whenever (1) it finds the pupil guilty of repeated refusal or neglect to obey the rules; or (2) finds that a pupil knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; or (3) finds that the pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others; or (4) finds that a pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of others at school or under the supervision of a school authority, or endangered the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled; and is satisfied that the interest of the school demands the pupil's expulsion. Conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property. In addition to and separate from the grounds set forth above in this paragraph, the school board may expel from school a pupil who is at least 16 years old if the school board finds that the pupil repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and is satisfied that the interest of the school demands the pupil’s expulsion.
11. The term “**weapon**,” means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. (e.g. pistols, rifles, shotguns, regardless of whether exploding powder or air is used to propel its ammunition; bow and arrows; BB guns; paint-ball guns; pellet guns; brass knuckles; knife (“**knife**” refers to knives of all types, without regard to blade length); and cutting instrument (“**cutting instrument**” refers to all objects that have as their primary intended purpose being an object utilized to cut something (e.g. box cutter, carpet cutter, razor blades, straight razor, is an illustrative but not exhaustive list))). [See also the definition of “Possession of a Weapon” and the “Surrender for Safety Policy”.]