

Madison Metropolitan School District
Student Conduct and Discipline Plan Part II:
Student Code of Conduct
June 2010

I. Introduction

A. Title or Topic

The MMSD Student Conduct and Discipline Plan Part II: Code of Conduct is reviewed and revised annually. This year's recommended revisions represent the collective work of a multidisciplinary team including members from Educational Services, the Expulsions Office, Legal Services, Student Services and the Assistant Superintendents for Elementary and Secondary Schools who brought the voice of principals to the discussion.

B. Presenters

Dan Mallin, Legal Counsel
Pam Nash, Assistant Superintendent for Secondary Schools
Nancy Yoder, Director of Student Services and Alternative Education

C. Background Information

The district has developed over time a very detailed Student Code of Conduct that clearly outlines student misbehavior and prescribes suspension and expulsion as the specific responses for some misbehavior. While the current code is clear regarding which misbehaviors require suspension and a recommendation for expulsion, it does not offer administrators a sufficient array of options that can be used to intervene in order to support behavior change in students when suspension and expulsion are not an appropriate consequence.

Current research shows that a reactive model in the absence of positive, proactive strategies is ineffective. As an evidence-based national model that has recently been adopted at the state level in Wisconsin, Positive Behavior Supports (PBS) provides the mechanism for schools to shift to data driven decision making and practices grounded in a tiered approach that emphasizes teaching, modeling and reinforcing pro-social skills and behavior. Many districts across the country are developing Codes of Conduct that align with the PBS Model.

D. Action Requested

Approval to implement the proposed changes to the Student Conduct and Discipline Plan Part II: Student Code of Conduct for the 2010-11 school year is requested.

II. Summary of Current Information

A. Synthesis of Topic

As all elementary, middle and high schools move toward full implementation of Positive Behavior Supports (PBS), it is important that the Code of Conduct is aligned with the PBS model which is grounded in teaching appropriate behaviors to students and acknowledging students for learning and exhibiting positive behavior. PBS provides a framework for defining and teaching in positive terms what is expected from students as behavior expectations that are defined only by

rules and “what not to do” provide an inadequate understanding for students and families.

The proposed Code of Conduct represents a step toward improved alignment with the PBS model and reflects a shift in thinking from an approach that relies heavily on rules, consequences and reactive practices to an approach that provides a multi-tiered, progressive continuum of interventions to address a wide range of student behavior. While the current code is used primarily by administrators to determine which misbehaviors are appropriate for suspension and expulsion, the proposed code would also be used by teachers and other staff to determine which behaviors they are expected to handle in the classroom and which behaviors should be referred to the administrator or designee. It will provide all staff with multiple options in three (3) categories of intervention: Education, Restoration and Restriction (see details in attached chart). In addition, the proposed code presented in ‘chart form’ would be used as a teaching tool to give students a visual picture of the increasing severity of behaviors and the increasing intensity of interventions and consequences that result from engaging in inappropriate behaviors.

To accomplish this shift in practice, it will be critical to provide professional development for a wide variety of district staff. Principals, Assistant Principals and Principal Designees will receive this training in Fall 2010 and will be responsible for sharing the changes with building staff. In addition, the professional development provided by the PBS staff will include information that helps PBS Teams see the alignment of the Code of Conduct with the PBS Model.

B. Recommendations

It is recommended that the proposed Code of Conduct be adopted for use in all schools beginning in August 2010.

III. Implications

A. Budget

There are no specific budget implications for this change. Professional development costs are absorbed by using existing venues to share information such as principal meetings, PBS Team meetings, IRT meetings and Principal Designee trainings.

B. Strategic Plan

Several initiatives in the Strategic Plan clearly connect to the proposed Code of Conduct and related PBS work in the district. Within the Student Action Plan, Step 3 calls for the analysis of systems of support (such as PBS) to raise achievement for all students. Including new strategies for supporting student behavior within the Code of Conduct is an important part of meeting this goal. Within the Organization and Systems Plan, Step 4 calls for all schools to develop and implement behavior and discipline practices that are consistent, systematic, positive, restorative and data driven. The proposed Code of Conduct assists schools in implementing behavioral practices that meet the specified criteria.

C. Equity Plan

District data regarding student behavior that results in office referrals, suspension and recommendations for expulsion continues to show a disproportionate representation of students of color. The proposed Code of Conduct would offer a broader array of options that can be used to intervene and educate rather than relying solely on punitive measures. It is anticipated that this change in practice will result in fewer students of color being removed from instruction due to office referrals, suspensions and expulsions.

D. Implications for the Organization

The proposed changes to the Code of Conduct align well with the work of many entities in the district. Many schools have SIP goals related to student behavior and the proposed code offers more options to meet the needs of students with behavioral needs. The Department of Student Services is well-connected to this work in its efforts to provide social workers, psychologists and counselors with effective behavioral interventions to support students with challenging behaviors and other social-emotional needs. The continued work with Positive Behavior Supports provides a framework for schools to examine their practices regarding student behavior in an on-going manner and the proposed Code of Conduct is well-aligned with this work.

IV. Supporting Documentation

Attachment: DRAFT Student Code of Conduct: II. Student Conduct & Discipline Plan

MADISON METROPOLITAN SCHOOL DISTRICT
STUDENT CODE OF CONDUCT:
II. 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.

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

	Level I: Behaviors that negatively affect the orderly operation of the learning environment	Level II: Behaviors that significantly interfere with the learning and/or well-being of others	Level III: Behaviors that endanger the health and safety of others, damage property or cause serious disruption
	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"> Littering 105 		
2.	<ul style="list-style-type: none"> Possession or use of unauthorized and non-essential item 116 		
3.	<ul style="list-style-type: none"> Tardiness 109 		
4.	<ul style="list-style-type: none"> Violation of an Established Dress Code or Grooming Rule or Noticed Principal Directive (non-gang-related) 107 	<ul style="list-style-type: none"> Violation of an Established Dress Code or Grooming Rule or Noticed Principal Directive (non-gang-related) 107 	
5.	<ul style="list-style-type: none"> Cheating/Academic Dishonesty 218 	<ul style="list-style-type: none"> Cheating/Academic Dishonesty 218 	
6.		<ul style="list-style-type: none"> Forgery 219 	
7.		<ul style="list-style-type: none"> Gambling 220 	
8.	<ul style="list-style-type: none"> Throwing/releasing a non-authorized object 113 	<ul style="list-style-type: none"> Throwing/releasing a non-authorized object that makes contact with any person 223 	<ul style="list-style-type: none"> Recklessly throwing or otherwise using objects in a manner that is likely to cause injury or that causes an actual injury 322
9.	<ul style="list-style-type: none"> Profanity or otherwise inappropriate language or gestures 106, 110 	<ul style="list-style-type: none"> Abusive or profane/obscene language or gestures directed at another person 202, 205 	
10.	<ul style="list-style-type: none"> Disruption of the school environment 112 Uncooperative behavior 204 	<ul style="list-style-type: none"> Uncooperative Behavior or Disruptions & Failure to Respond to efforts to redirect and/or deescalate behavior 204 Providing false information to school authorities 204 Trespassing 203 Inciting or encouraging a fight, a disruption, or a violation of school rules 221 	<ul style="list-style-type: none"> Disorderly, violent or threatening conduct of a serious nature that causes a disruption 301 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
11.	<ul style="list-style-type: none"> Verbal teasing, insults or put-downs 110 	<ul style="list-style-type: none"> Non-physical acts of bullying/harassment 202 Verbal, written and non-verbal threats 206 	<ul style="list-style-type: none"> Serious and/or repeated non-physical threats or acts of bullying/harassment 310 "Hate-based" property damage 313 Other misconduct that jeopardizes health or safety 316
12.		<ul style="list-style-type: none"> Gang Expression (display of gang symbols, clothing, etc.) 114 Non-physical threats or acts of bullying/harassment as part of a gang or group of two or more persons. 215 	<ul style="list-style-type: none"> Engaging in gang activities within the school's jurisdiction ### Serious threats or any physical or violent acts of bullying/harassment as part of a gang or group 308

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

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

<p>RESTRICTION: 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"> • Temporary Removal from class or activity • Detention • Loss of privileges • Temporary Reassignment from class where problem occurred 	<p>RESTRICTION: 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"> • In School Suspension • Out of School Suspension • All interventions/consequences listed in Level I 	<p>RESTRICTION: 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"> • Suspension • Modified School Day • Expulsion Abeyance • Suspension with Recommendation for Expulsion • Expulsion • All interventions/consequences listed in Levels I and II <p>** REQUIRES A RECOMMENDATION FOR EXPULSION AT THE SCHOOL LEVEL, AND ABEYANCE <u>MAY</u> BE AN OPTION (MS/HS)</p> <p>*** REQUIRES A RECOMMENDATION FOR EXPULSION AT THE SCHOOL LEVEL, (ELEM./MS/HS), AND ABEYANCE IS <u>NOT</u> AN OPTION (MS/HS)</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; or through a formal IDEA manifestation determination 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. In such circumstances 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 his/her Principal and an instructional Assistant Superintendent. Students who are suspended from school shall be given the opportunity to make-up work to the extent required by state statute.

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 suspend the pupil for a minimum of 5 school days. If notice of an expulsion hearing has been sent, any initial period of suspension may be extended 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 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; or (3) the possession of a bomb or other significant explosive device combined with a threat to detonate the bomb/device, or 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 meets 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 may be made 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
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

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 (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.
 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.
 - b. **Secondary:** Incidents should be documented in the student's behavior record even if the teacher's consequences are deemed a sufficient resolution
 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).
 7. **Gambling (220):** Playing any game of chance or skill for money or items of value

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)
- 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)
- 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)

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

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

10. Disruptive and Uncooperative Behaviors

- a. Disruption (Level I) -Conduct that briefly 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, that does not rise to the level of disorderly, violent or threatening conduct. (112)
- b. Uncooperative Behavior (Level D)- Failure to comply with school rules, instructions or directives of school authorities, including lying or otherwise providing false information to a staff member or other school authority (204)
- c. Uncooperative Behavior or Disruptions & Failure to Respond (Level II)- Engaging in conduct that creates a disruption or 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 behavior (204)
- d. Lying or otherwise providing false information to school authorities (204)
- 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)
- f. Baiting, inciting and/or encouraging a fight, a disruption, or other violation of school rules (221)
- 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)
- 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)

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)
- b. Non-violent and non-physical acts of harassment/bullying/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; (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)

- 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)
- d. Using technology to harass, bully, threaten, coerce, extort from, or intimidate another person. (217)
- 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. (313)
- 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)
- g. Other inappropriate or illegal conduct which directly or indirectly jeopardizes the health or safety of any person within the school's jurisdiction. (316)

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)
- 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)
- 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)
- d. **Engaging in gang activities within the school's jurisdiction (###):**
 - 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 altercation (209) (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 the school determines that the conduct involves an element of maliciousness or other danger of escalation into a more serious 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. Fighting (309)
- e. Any attempted or actual physical attack or assault against another student (307)
- 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. Physical aggression against by a student against a staff member (or other adult) or any attempted or actual physical attack/assault of a staff member (or other adult) by a student. (403) 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 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 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.

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)
- 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)
- 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
 - 2 Second offense 401.a.i
- ii. Possession of a BB gun or pellet gun (401.b);
 - 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)
 - iv. Possession or use of any firearm; (401.d)
 - 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 adult for safety) (401.e);

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)
- 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)

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. (###)
- b. Property Damage: Property damage where the total value of the property affected is no more than \$200. (222)
- 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)
- d. "Major Property Damage" - Property damage where the total value of the property affected is more than \$200 (313)

- 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)
- 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. (316)

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

- a. Possessing Matches or any Igniter (e.g., cigarette lighter) (108)
- b. Attempting to set or setting a fire; attempting to ignite or igniting any non-explosive material (304)
- 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)
- d. Possession of munitions, tear gas, pepper gas, a bomb or other explosive device not covered elsewhere in the Plan (405)
- e. Attempting to detonate, or actually detonating any explosive device (including fireworks or smoke bombs) or chemicals (405)

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)
- 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)

19. Sexually explicit, obscene or lewd materials

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

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)
- 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)
- 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)

21. Indecent Exposure

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

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. (###)
- b. Consensual Sexual Activity – Participation in consensual sexual conduct, or other inappropriate consensual sexual contact. (321)
- 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)
- 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)
- e. Aggravated sexual assault -- sexual assault involving the use of force, threat, coercion or a weapon (407)

23. Tobacco Violations

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

24. Alcohol or Drugs In the School Environment

- a. Possession of an imitation controlled substance. (314)
- b. Being Under the Influence of Alcohol/Drugs (Alcohol = 317; Drugs = 318)
- c. Possession of drug paraphernalia (318)
- d. Possession of alcohol or drugs, 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 = 317; Drugs = 318)
- e. 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 = ###; Drugs = 402)
- f. 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 = ###; Drugs = 406)

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

- a. Repeated/multiple violations of Level I behaviors may be categorized as a Level II violation. (312)
- b. Repeated/multiple violations of Level II behaviors may be categorized as a Level III violation (312)
- c. Repeated/multiple violations at Level III of the Plan leads to a separate Level III violation denoting 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.

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
- 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".]