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## **Student Code of Conduct**

### **1. Discipline Philosophy**

Our district or school takes a preventive, positive approach to discipline rather than focusing exclusively on “punishment.” We respond to misbehavior with interventions and consequences aimed at teaching alternative expected positive behaviors, understanding and addressing the root causes of the behavior, resolving conflicts, meeting students’ needs and keeping students in school. We take deliberate steps to create a positive school climate in which every student can learn, fully engage in a rigorous curriculum, and feel safe, nurtured, and welcome. In our district or school, we utilize school discipline as an opportunity for teaching, repairing relationships and fostering growth among the whole school community.

Our philosophy seeks to emphasize non-punitive, holistic, and inclusive of multiple, diverse perspectives. We use a restorative discipline approach that emphasizes relationships and community above rules and regulations. This is not a “soft” response to misbehavior nor does it fail to hold students accountable. Rather, restorative discipline can help students understand the impact of their behavior both on themselves and on others. Students also learn social and emotional skills to help them respond differently in the future. Through the use of restorative discipline, we hope to resolve conflicts, encourage our school community members to take responsibility for their behavior, repair any harm done, restore relationships, and reintegrate students into the school community.

We use school wide discipline policies developed and revised with meaningful input by the school community to create a positive and inclusive school climate for everyone. We are committed to applying school discipline policies and practices in a fair and equitable manner so as not to disproportionately impact students of color, students with disabilities, LGB/T students, students with limited English proficiency, or other at-risk students that have been historically marginalized in schools.

### **2. Rights and Responsibilities**

#### **Students have the right and responsibility to:**

- be respected as an individual and treated courteously, fairly and respectfully by other students and school staff;
- treat teachers, staff, other students, themselves and property with respect;
- take part in all school activities on an equal basis regardless of race, religion, religious practices, sex, sexual orientation, gender, gender identity, national origin, ethnic group, political affiliation, age, marital status, or disability; and
- attend school daily, be prepared for class and complete assignments to the best of their ability.

#### **Parents have the right and responsibility to:**

- be informed of their child’s attendance, performance and behavior concerns;

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- receive information and prompt notification of inappropriate or disruptive behaviors by their child and any disciplinary actions taken by principals or school staff and have a voice in how to address them in a proactive manner;
- assure their child brings to school only those things that are appropriate in a school setting;
- inform school personnel of any issues that may impact the educational experiences of their child; and
- participate in decision-making processes affecting school policies and procedures and the educational success of their child.

### **Teachers, principals and school staff have the right and responsibility to:**

- establish a sense of community in the classroom, including opportunities for members of the school community to learn about and be respectful of each other's cultures;
- be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities and for all students;
- enforce the policies, rules, and regulations of the district, school, classroom, and code of conduct, including preventive and positive disciplinary policies in cooperation with students, parents/guardians, and administrators;
- communicate policies, expectations, and concerns to students and parents/guardians, and respond to complaints or concerns from students and parents/guardians in a timely manner and in a language they understand;
- engage parents when their child is subject to disciplinary action; and
- seek and receive support in preventing and responding to student behaviors in a supportive manner, including classroom and behavioral management strategies.

### **District administrators have the responsibility to:**

- provide support and professional development training to principals and school staff to help them support all students, including students with disabilities and other special needs, particularly in areas of classroom/behavior management and instructional supports;
- ensure discipline policies are in compliance with civil rights laws, state and federal legislation and best practices in school discipline; and
- monitor discipline data to identify, investigate and address any disparities between students on the basis of disability, race, gender, or other student characteristics and to address unnecessary rates of school exclusion for all students.

### **Community-based/local organizations and agencies should:**

- share ideas and strategies for improving school climate and discipline practices;
- make reasonable efforts to confer, consult, and collaborate with school staff and/or parents/guardians on student misconduct and potential responses; and
- integrate proposed supports and strategies with existing school-based practices to create a cohesive school discipline framework.

### **3. Participation and Collaboration**

Our district or school provides structured opportunities for all stakeholders in our educational community to obtain information, help make decisions, and participate in the educational process. By stakeholders we mean: students, parents, guardians, district and school staff members (including bus drivers, cafeteria workers, security officers and school resource officers), teachers, school-based mental health professionals, administrators, members of the school board or governing body of a charter school, and community members. We recognize that involvement of these various stakeholders in our educational community is essential to the success of our school or district, and we actively foster engagement with parents, families and community members.

In our district or school, we maintain an active parent-teacher advisory committee, teachers' association and student association. We also maintain a community advisory board that involves representatives from various community organizations, including community social service agencies, mental and physical health providers, and juvenile authorities. We value a welcoming and inclusive school environment for all families. Our policies and meetings are intended to be culturally sensitive to the background of the families in our community, and our written and oral communication is language accessible to the greatest extent possible.

We provide a process for stakeholders in our school community to file grievances or complaints or to make suggestions regarding the implementation of this Code of Conduct. Any person wishing to file a grievance or complaint or to make a suggestion can contact the principal our school or district investigates and responds to grievances and complaints fully and equitably, and we seek to resolve them informally where possible. If a person filing a complaint or grievance is not satisfied with the process followed or the result, should contact the **Superintendent's Office**.

#### **Parent-Teacher Advisory Committee**

Our district or school establishes and maintains a parent-teacher advisory committee that is selected annually. Our aim is for this committee to be representative of the community of parents and guardians in the school population in terms of their student's grade level, demographic, including racial and ethnic background, discipline background, and academic achievement.

The parent-teacher advisory committee works together with the school board on the following tasks:

- Developing written policy guidelines and procedures on student discipline, including school searches and bullying prevention;
- Annually reviewing and recommending changes to our district or school's student discipline policies, the implementation and evaluation of these policies, and any other factors related to the safety of our educational community;

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- Creating varied opportunities for engagement of parents, guardians and students in our educational community;
- Mapping community organizations and services in the area for students who may require additional supports outside of the school. Such services might include after-school programs, restorative justice hubs, mental health and substance abuse support, violence and gang intervention support, and/or support programming on parenting.
- Collaborating with community organizations to include provisions in the school's student discipline policy to address the safety and support of students who have demonstrated behaviors that put them at risk for aggressive behavior, including bullying. (These provisions must include procedures for notifying parents or legal guardians and early intervention procedures based upon available community-based and district resources.);
- Working with non-teaching staff, such as school bus personnel, school resource officers and security officers, to recommend written policies that establish and maintain safety in their respective settings in a manner that reflects our district or school's commitment to a positive, prevention-oriented discipline philosophy.

### **Notification & Communication**

At the beginning of each school year, our district or school provides to parents and guardians a copy of our student handbook, which contains our student code of conduct and other important policy guidelines and procedures, as part of the school registration, orientation process or other wise on the student's first day of school. To ensure that policies are clearly communicated, we also provide a shortened version in English, and any other language spoken by a significant percentage of the population of our parents and guardians, that summarizes our expectations in a clear manner. Our student handbook and the shortened version are also annually updated and made available online on our district or school's website.

We clearly communicate our policies and behavioral expectations to all school stakeholders by:

- Displaying our positive core values and behavioral expectations prominently in a highly trafficked area of our school with expectations specific to each setting (e.g. hallways, bathrooms, etc.);
- Hosting assemblies, at least twice each school year, to teach these values, and discipline policies in an age-appropriate manner, as well as acknowledge positive expected behaviors;
- Conducting follow-up school wide teaching lessons based on data review and school wide need, as necessary;
- Developing classroom-based expectations and conducting classroom lessons on the core values, behavioral expectations, and discipline policies at least twice a year; Conducting classroom lessons more frequently as needed, based on data and classroom need; and

- Holding informational sessions for all or specific groups, including one before the start of the school year and at least two each school year, regarding the student code of conduct and seeking input on the behavioral expectations for the entire school.

### **Feedback and Evaluation**

We routinely evaluate our policies and procedures to make sure they are effective. We also regularly conduct a comprehensive review, at a minimum once every three years, by inviting the full participation of all stakeholders. We readjust as necessary our policies and procedures with meaningful input from all stakeholders and based on a review of data that informs our revision process.

## **4. Prevention, Intervention and Disciplinary Responses**

### **Pleas**

#### **4A. Discipline Framework**

Within a positive framework for discipline, our district or school provides proactive, differentiated interventions for students. These interventions are aimed at addressing the root causes of students' behaviors and focus on teaching behaviors rather than excluding students for punishment. Challenging behaviors must be addressed in the context of a comprehensive, multi-level approach to behavior support that is designed to teach, nurture, and encourage positive social behaviors.

We offer academic, behavioral, mental health, and social-emotional interventions and supports for students who have fallen behind academically and/or are being disciplined. We use school wide positive behavior support, social-emotional learning, and restorative practices. We employ an "early warning" system to allow us to identify students who are at risk of dropping out or being pushed out of school, using a systematic review of already existing data (e.g. course failures, discipline referrals, and attendance).

We limit the use of out-of-school student discipline to keep students connected to school so that they may graduate high school and be college- and/or career-ready. Every situation will be judged "on the merits" of that situation after gathering and analyzing the facts and surrounding circumstances carefully and objectively. Our schools redirect students to correct inappropriate behavior, teach positive and expected behaviors and minimize the possibility of the behavior escalating or recurring.

Our district or school recognizes that a safe, civil school environment is necessary for students to learn and achieve. To promote the physical and emotional safety of all our students, our district or school has adopted a bullying prevention policy that is available: on the West Harvey-Dixmoor School District #147 website. As part of that policy, we seek to prevent, respond to, and put an end to bullying behavior by students and adults using interventions and supports that reflect a commitment to our positive discipline philosophy. Our focus is on teaching, rather than punishing, by engaging in restorative practices to

repair relationships. We emphasize age-appropriate responses that help educate and rehabilitate the student responsible, while fully addressing the impact of the bullying on the targeted student.

#### **4B. Approach to Student Behaviors**

Our goal is to create a safe and supportive environment where all students can develop the academic, social, and emotional skills needed to become engaged citizens. Therefore, we are committed to addressing challenges in student conduct in the most constructive way possible. The goal of school discipline is to be instructional and corrective so as to reduce the likelihood of behaviors reoccurring.

Out-of-school suspensions and expulsions are the most serious form of disciplinary consequence and should be limited in number and duration to the extent practicable. When an incident occurs, consideration shall be given first as to whether the incident can be appropriately addressed using a restorative practice, through behavior support practices, or through another available, appropriate intervention that will enable the student to remain in school. To prevent students from being excluded from school unnecessarily, **school staff should, when appropriate, attempt non-exclusionary discipline prior to using out-of-school suspensions or expulsions, except in exigent and emergency situations involving school safety.**

Our discipline approach is tailored to the individual incident and varies in method and severity according to the nature of the behavior, the age and developmental level of the student, and the student's history of problem behaviors and performance. We use the approach illustrated in the graphic below as a means to identify classroom-based responses or other supports and interventions that can be used instead of suspension or expulsion.

#### **Our District or School Does Not...**

- Use zero-tolerance policies that require school staff to suspend or expel students for certain behaviors except if required by law (for example, for certain offenses involving weapons). This means out-of-school suspension cannot be a minimum or required consequence for any other offense. Therefore our district or school encourages the use of alternative approaches to zero tolerance. We support staff in delivering alternatives to suspension and expulsion, with a focus on restorative practices and the teaching of desired behaviors that will promote future success.
- Advise or encourage students to drop out voluntarily due to behavioral or academic difficulties or to leave the school voluntarily in order to avoid formal disciplinary proceedings through either formal or informal "push out" procedures.
- Issue a monetary fee or fine as a disciplinary consequence, although students can be asked to pay for lost, stolen or damaged property.
- Use corporal punishment.
- Use restraint or seclusion for punishment or discipline.
- Withhold recess or lunch as a punishment.

**If there is an incident, our district or school takes the following steps:**

1. Incident Occurs
2. Consider Immediate Classroom-Based or Restorative Interventions
  - Consider whether the incident can be appropriately responded to in the classroom, through restorative practices or through school-based interventions, without the need to gather additional information or make disciplinary referrals. Redirect students to correct inappropriate behavior and minimize the likelihood of the behavior escalating or recurring.
3. Gather Information
  - Meet with the student
  - Talk to all students, teachers, staff, witnesses
  - Identify contributory factors
  - Consider existing data, like disciplinary referrals and prior interventions attempted
  - Communicate with the student's parent or guardian
4. Review the Disciplinary Checklist
  - Consider all factors that may have contributed to the incident and whether supports could address those factors without removing the student from school. See the graphic below and the disciplinary checklist.
5. Refer Student to Appropriate Support Services or Restorative Interventions
  - Refer student to appropriate services or restorative interventions to assist student in understanding the consequences that result from such conduct. Empower the student to formulate solutions to restore the situation. This process is designed to be cooperative, rather than adversarial.
6. Document All Interventions & Measures
  - Document all positive interventions and other disciplinary measures used in addressing the student's behavior. Collect data regarding the outcomes of the intervention. Explain which measures worked or have not worked.
7. Impose Exclusionary Discipline Only as a Last Resort
  - Impose discipline that takes the student out of the classroom and/or school only as a last resort and when available alternatives have been exhausted or are determined to be inappropriate. Follow the steps in the due process framework when any exclusionary discipline is being considered.

After an incident, our district or school considers the following factors in analyzing the root causes of an incident and whether supports could address these factors without removing the student from school.

- Health, mental illness, or undiagnosed disabilities
- Appropriateness of the student's academic placement
- Peer factors, e.g. whether student has been bullying victim
- Prior experiences and exposure to trauma
- Family situations, e.g. homelessness, domestic violence, divorce or separation
- Substance abuse or addiction
- Any other events out of the ordinary

#### **4C. Disciplinary Checklist**

Our district or school limits the number of days the student is removed from school to as few as possible given our philosophy that students should be in school and learning. We provide all students, regardless of background or demographic characteristics, with adequate and meaningful due process prior to excluding a student from school for any length of time.

School staff should complete the checklist below before imposing a suspension or expulsion to determine whether other forms of intervention and support should be attempted first. Suspensions of more than three days are to be used only in certain situations as is defined further below.

### **Disciplinary Checklist: To Be Used Prior to Imposing Suspensions or Expulsions**

#### **1. Is the offense eligible for suspension?**

Suspension and expulsion are prohibited for:

- Being late to school or class or being absent, or
- Violating school dress code, cell phone policies or uniform rules.

This behavior can be handled through in-school interventions and consequences.

#### **2. Would the student's continuing presence in school cause a threat to school safety or a disruption to other students' learning opportunities?**

Short-term suspensions are only allowed if the student's continuing presence in school would pose a **threat** to school safety or a **disruption** to other students' learning opportunities.

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- School staff should be particularly mindful of this standard when imposing out of school discipline for offense categories that rely principally on staff's subjective interpretation (e.g., insubordinate behavior, defiance, disobedience, or disrespect).

Long-term suspensions, expulsions and disciplinary removals to alternative schools are allowed only if the student's continuing presence in school would either:

- Pose a **threat** to the safety of other students, staff or members of the school community  
OR
- **Substantially disrupt, impede or interfere** with the operation of the school.

Our district or school maintains a protocol to determine whether a student poses a threat to school safety or would disrupt the operation of the school. The determination of safety threats is based only on actual risks and objective evidence, and not on stereotypes or generalizations. In making the determination as to whether suspension or expulsion is warranted, school staff should consider the following factors:

- The conduct at issue, including the nature and severity;
- The root cause of the conduct and whether it has been addressed;
- Age of the student and ability to understand consequences;
- Capability of the student to carry out the threat;
- Student's discipline history and the frequency of inappropriate behavior;
- Credibility of the student and willingness to acknowledge his or her behavior; and
- Effect of the conduct on the school environment.

This is an individualized determination. School staff must make all reasonable efforts to resolve threats and address disruptions without the use of out of school suspensions and expulsions.

School staff should **minimize** the length of suspensions and expulsions to the extent practicable.

### **3. Has school staff used appropriate and available alternatives to suspension and expulsion?**

No out-of-school discipline should be employed unless available, appropriate behavioral and disciplinary interventions have been **attempted**. Before imposing discipline, school staff must first consider whether a restorative practice or another alternative to suspension or expulsion is an appropriate or available option. This determination should be made as early as possible following the incident.

Our district or school also consider whether previous interventions have been attempted and must document and evaluate their success.

Our district or school may also refer students to the appropriate services where the behavior results from:

- Family situations, trauma, or grief,
- Addiction, mental illness, or substance abuse, and/or

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- Bullying, abuse, or self-defense.

If prior interventions were NOT successful, school administrators should consider whether other interventions are available and appropriate. School staff should also consider whether there are academic, behavioral or other grounds that suggest the student may have a disability, and if so, refer the student for a special education screening or evaluation.

If prior interventions were attempted with moderate success, school administrators should consider whether the interventions can be enhanced or applied with greater consistency.

If interventions to address the student's conduct have not been attempted, then the team should determine the appropriate and available interventions to be attempted and a process for documenting them.

#### **4. Has school staff considered whether the student has a disability and provided all required procedural protections?**

- If a student has an Individualized Education Plan (IEP), Section 504 plan, or is currently being evaluated, follow the procedural protections for students with disabilities.
- If the student does not yet have an IEP or a Section 504 plan, school staff should discuss whether there are academic, behavioral or other grounds that reasonably give rise to a concern that a student may have a disability. The Child Find provision of the Individuals with Disabilities Education Act (IDEA) requires.
- School staff must invite the Department of Human Services to consult on suspensions or expulsions when mental illness might be a factor in the behavior.

*See Section 6 below on Procedural Guidelines for Discipline of Students with Disabilities.*

### **5. Due Process Procedures**

Our district or school implements fair, equitable and transparent due process procedures designed to give the student a full and meaningful opportunity to be heard. Suspensions and expulsions have serious, long-lasting effects on students. When these practices are being considered, schools must follow certain procedures to be sure that the student's rights are protected. These due process procedures are different depending on whether the student is being suspended or expelled. The chart below lays out the required procedures:

|                      |
|----------------------|
| <b>Investigation</b> |
|----------------------|

1. School staff must investigate a situation and gather evidence to determine what happened before making any disciplinary decisions or disciplinary referrals. School staff should consider whether the incident in question can be appropriately addressed directly with the student or students involved without making a disciplinary referral.

**Student Meeting**

2. School staff must give the student involved the opportunity to speak on his or her own behalf before deciding what violations have been committed and what form of discipline to use. School staff should also make reasonable efforts to speak with the student's parent before making any determination regarding school discipline.

**Disciplinary Alternatives**

3. School staff must consider and document whether a restorative practice or another intervention or support are appropriate and available to address the conduct in question before considering exclusionary discipline.

**Notice to Student**

4. School staff must tell the student specifically the part of the code he or she is accused of violating, the disciplinary measures the school will take, and the school's future expectations for the student. The student must be given a reasonable opportunity to respond to the school's charges.

**Notice to Parents**

5. School staff must provide the parent or guardian with written AND oral notice of the charge, discipline, and parents' and guardians' rights to hearing and/or appeal. No student shall be sent home before the end of the school day unless the school has established contact with the student's parent or guardian and provided at least oral notice of the suspension.

Suspension & Expulsion Notices:

- Suspension notices be sent by first-class mail, as well as by e-mail if there is an e-mail address on file. Expulsion Notices be sent by both certified and first class mail, as well as by e-mail if there is an e-mail address on file.
- Be provided in the **parent's primary language** unless not practicable. At a minimum, notices must be provided in Spanish to parents whose primary language is Spanish.
- Explain **the charges** the student is facing, including the excerpt from the school code relevant to the charge.
- Include **contact information** at the school for requesting that a meeting or hearing be rescheduled and answering questions.
- Include **information** regarding the parent's rights to a hearing and appeal and a list of free or low-cost attorneys who provide services in school hearings.
- Include a **statement** for the parents and student to sign (if able) acknowledging receipt and understanding of the information in the notice, but must NOT include any statement admitting the student's fault or waiving rights, including appeal or hearing.

For a suspension:

The notice must:

- Be sent as soon as practicable after the decision to suspend.
- Include an **invitation** to the parent or guardian to attend a suspension conference to discuss the proposed suspension at the parent or guardian's earliest possible availability.
- Provide a **full statement** of the reasons for the suspension, not just listing an offense; provide information about the **non-exclusionary interventions** that were attempted; and **describe the alternatives to suspension** that were considered and why they were rejected.
- Explain the **terms of the suspension**, including number of days, start date, and end date, and provide a justification for the duration of the suspension.
- Document the **support services** available during the suspension and the means by which the student will be reengaged upon return to the school community.
- Provide notice of the parent or guardian's **right to review**.

6. **Suspension conferences** with the parent or guardian must be held as soon as is practicable and convenient for the parent or guardian. The purpose of the conference is to discuss the explanation of the evidence and version of the facts that the school is relying on, the student's version of the facts and/or explanations for the alleged behavior, the availability of disciplinary alternatives, and whether or not the school's recommendation is consistent with the requirements of this Code.

- The student has the right to bring an attorney or advocate to the conference.
- After the suspension conference and any required review, the principal or a designee can choose to uphold the suspension or remove any part of the suspension already served from the student's record and permit the student to return to school.
- For students with a disability, any suspension days served count against the 10-day limit, even if otherwise removed from the student's record.

7. After the school has made a decision to suspend a student, students and their parents or guardians can seek a **review** of the suspension.

- A suspension review is a hearing that takes place before the district's school board or an impartial hearing officer appointed by the board. If the review is held before a hearing officer, the hearing officer provides a summary of his or her findings to the board, and the board makes its determination regarding the suspension.

**Suspension  
Conference**

**Suspension  
Review**

- The board must issue a written suspension decision detailing the **specific act of gross disobedience or misconduct** resulting in the decision to suspend and include a **rationale as to the specific duration** of the suspension.
- Even if the suspension has been fully served, the board can still decide to remove the violation from the student's record.

**Expulsion  
Hearing**

8. In the case of an **expulsion**, the hearing must take place before the student is expelled from the school. At a hearing, the student and the student's parent or guardian has the opportunity to present evidence that the student did not violate the code of conduct and/or that there are mitigating factors that mean the student should not be expelled.
- An expulsion hearing is held before the school board or an impartial hearing officer appointed by the board.
  - The student has the right to bring an attorney or advocate.
  - School staff must provide sufficient advance notice and flexibility to enable the student's parent or guardian as well as any attorney or advocate retained by the family to attend the expulsion hearing. School staff should grant at least one opportunity to reschedule a hearing date.

The following procedures apply to expulsion hearings:

- The student must be given an opportunity to present witnesses or evidence and to cross-examine witnesses.
- School staff must make a recording of the proceeding and give the parents or guardians and student a copy.
- Any written hearing officer recommendation must be provided to the parent or guardian before the final decision by the board of education.

The final decision on an expulsion must be made by the board of education based on a review of the evidence and relevant mitigating factors.

- In circumstances in which the board is considering a hearing officer's report, the board must allow the student and/or the student's parent or guardian an opportunity to address the board in closed session before the school board can decide to expel a student without educational services.

The student and the parent or guardian have a right to notice of the decision as soon as is practicable. The expulsion decision must:

- Provide a written explanation detailing the reasons for the decision.
- Detail the **specific reasons** why removing the student from the

- learning environment is in the best interest of the school.
- Include a **specific rationale** as to the duration of the expulsion.

## **6. Procedures Following Suspension and Expulsion**

Our district or school provides alternative educational options during suspension and expulsion. A reengagement plan should be developed following suspensions greater than four days (cumulatively or consecutively), expulsions, and transfers from alternative settings.

### **Post-Discipline**

Our district or school provides the following services to help the student successfully reenter school and prevent future incidents:

- i) **Exit Counseling and Provision of Academic Work:** School counselors will advise the student and the student's parents or guardian on what recommended steps they should take while the student is out of school to ensure the student's successful return and prevent future incidents.
  - For suspensions, school staff must provide all work and arrange make-up test dates in order to allow the student to return to school without further impacting his or her academic record or graduation. This provision also applies to students who are suspended from bus transportation whose parents cannot arrange alternative transportation.
  - School staff must provide a list of alternative schools to which the student may transfer during an expulsion.
  
- ii) **Academic and Behavioral Support Services:** Appropriate and available support services must be provided to students who are suspended out of school for four days or more. These services can include, but are not limited to:
  - Educational services in an alternative setting;
  - Access to online courses for academic credit;
  - Homework hotlines;
  - Peer tutoring;
  - Service learning credits for students who perform community service while on suspension or expulsion; and
  - Referrals to free or low-cost community resources, including providers of substance abuse, mental health, vocational training and mentoring services
  
- iii) **Entrance Counseling and Reengagement Planning:** School counselors will advise the student and his or her parents on how credits from alternate education will transfer back to the current program and how to catch up to where he or she should

be academically. Schools will convene a meeting with the students and the parents within two days upon return to school from suspension, expulsion or an alternative school setting to develop a plan for ensuring that the student is successfully reintegrated into the school community. In developing a reengagement plan, the school must consider ways to prevent future school exclusions, forms of restorative action, and supportive intervention to aid in the student's academic success.

- iv) **Services:** School counselors will recommend services the school will provide that will help the student return to and succeed in school, such as mediation.
- v) **Check In:** School counselors will prepare progress reports and check in with students every week for the first month to see if the student is having difficulties readjusting socially or academically. Thereafter, the counselor will meet with the student at least once every six months prior to graduation. Counselors should also regularly communicate with the student's parent or legal guardian regarding the transition process. During these meetings and conversations, the counselor will review whether the present strategies or services are the best way to help the student readjust and prevent the need for further disciplinary measures. If not, the counselor must revise the current plan.
- vi) **Students with Disabilities:** Students with disabilities must be provided with an appropriate education in an alternative educational setting during the period of any expulsion. School staff should contact the District Special Education Department to arrange for a prompt educational alternative.

## **7. Procedural Guidelines for Discipline of Students with Disabilities**

School staff must consider a student's disability and whether the student's Individualized Education Program ("IEP") was implemented as one factor in determining the response to any behavior incident. Our district or school has discretion to limit the use of consequences that remove students with disabilities from the classroom, which are otherwise permitted in this Code. School staff should consider whether the student's needs require individually tailored positive behavior supports beyond what is outlined in this Code.

Before recommending a consequence, school staff must review a student's IEP and any behavior intervention plan included in the IEP. If the IEP and this Code conflict, school staff must follow the IEP. After any discipline incident, school staff should consider whether a student's behavior is interfering with the student's learning or the learning of others, and, if

so, begin a functional behavior assessment (FBA) to develop a positive behavior intervention plan (BIP).

“Students with disabilities” include any student:

- with an Individualized Education Program (IEP);
- with a Section 504 Plan or eligible for a Section 504 plan;
- who is currently being evaluated for an IEP or 504 plan;
- whose parent has requested a special education evaluation; or
- about whom school staff has raised a question about a pattern of behavior or the need for special education services.

### **Manifestation Determination Review (“MDR”) Requirement**

When school staff anticipates that a student with a disability may be removed from school more than 10 consecutive days, including through an expulsion or change of placement, or the current removal is part of a pattern of removals resulting in more than 10 days of removal in the school year:

- 1) Staff must schedule a Manifestation Determination Review (MDR) meeting with the student’s IEP team within 10 school days of the decision to discipline the student.
- 2) Staff must provide written and verbal notice to the parent of the intervention or consequence being considered and the date of the MDR meeting. The notice must include a copy of the parent’s procedural safeguards.

The student cannot be removed more than 10 cumulative days for behavior that constitutes a pattern until the MDR has occurred. In-school suspension counts as a day of removal, unless the student continues to receive the services required by the student’s IEP. A student who is sent home early for behavior has been “removed” for that entire day. Any partial day counts as a full day for the 10-day rule.

At the MDR, the IEP team must:

- a. Review all relevant information about the student, including the student’s current IEP, any behavior plan, any behavior data, the latest school evaluations, any private evaluations, and any other information provided by the parent or any school staff.
- b. Review the behavior the student is accused of committing.
- c. Determine if the behavior is a manifestation of the student’s disability. The behavior is a manifestation if:
  - i. the conduct in question was caused by the student’s disability or has a direct and substantial relationship to the student’s disability; or
  - ii. the conduct in question was the direct result of the school’s failure to implement the student’s IEP.

- d. If the team does not have sufficient data to determine if the behavior is a manifestation, the MDR can be continued to obtain that data, including new evaluations.
- e. No matter the outcome of the MDR, the team must conduct a new functional behavior assessment (FBA) and create a new (or revise an existing) behavior intervention plan (BIP) to address the behavior for which the student is being disciplined.
- f. The team should develop an assessment plan as part of the FBA evaluation. This plan should include a determination of target behaviors, the method of data collection, and a time frame for completion of the assessment.
- g. In order to allow for a reasonable period of data collection, the team should draft an interim BIP.

If the student's behavior is a manifestation, the student may not be removed for more than 10 days, expelled, or subject to disciplinary transfer, and must remain in the student's educational placement prior to the disciplinary incident.

### **Limited Exception**

There are limited circumstances where a student may be removed for more than 10 cumulative days without an MDR. School staff must contact **Director of Pupil Personnel Service's Office** before removing a student for more than 10 days.

A student with a disability may be transferred to an interim alternative educational setting for up to 45 school days regardless of whether the student's conduct is a manifestation of the student's disability only if the student: 1) inflicts serious bodily harm (such as leading to a substantial risk of death), 2) brings a weapon to school, or 3) possesses, uses, sells, or solicits illegal drugs. If a school is considering this step, contact **Director of Pupil Personnel Service's Office** and the parent immediately. Even in an alternative setting (or during an expulsion), our district or school must continue to provide educational services to ensure that a student with a disability is participating in the general education curriculum and making adequate progress on the student's IEP goals.

## **8. Professional Development**

Our district or school provides professional development aimed at equipping our teachers and staff with the necessary training to effectively carry out these discipline responses, including using a "trauma-informed lens" and restorative practices. Our district or school has a professional development plan to ensure that all staff members have the tools, skills and support that they need to implement our discipline policy. We annually review and revise our district or school's professional development plan based on identified needs.

In particular, our district or school makes reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice

system involvement, effective classroom management strategies, culturally responsive discipline, implicit bias, bullying, and developmentally appropriate disciplinary methods that promote positive and healthy school climate. All teachers, classroom staff, and other staff potentially involved in situations leading to school discipline (including contracted service providers like bus drivers, cafeteria workers, and security staff) are regularly trained in youth development, the impact of trauma, implicit bias, positive behavior interventions, de-escalation techniques, and restorative practices.

Our trainings recognize and address the national data showing that African-American male students are disproportionately impacted by suspensions and expulsions, even though their behaviors are comparable to their same-age peers. Our trainings also address the disproportionate impact of suspensions and expulsions on students with disabilities, LGB/T students, and other vulnerable populations in our community.

## **9. Data Collection and Monitoring**

We employ a systematic data review process to determine if and where disparities exist, identify any overuse of exclusionary discipline and adjust our practices accordingly. Our district or school regularly collects, analyzes and makes public data on suspensions (in-school and out-of-school), expulsions, and transfer to alternative school settings in lieu of disciplinary action. Data is disaggregated by race/ethnicity, as well as by gender, age, grade level, limited English proficiency, special education status, free lunch eligibility, incident type, discipline duration and other characteristics viewed important for the particular school context.

Data is tracked to monitor discipline equity and use of exclusionary discipline and to inform discipline practices and code revisions. Data is made publically available twice per year: (1) data from the preceding fall semester is generally made available during the spring semester, and (2) data from the preceding school year is generally made available during the fall semester. Summaries of the data are also provided to the school board and made public during these time periods.

## **10. Definitions**

Short-Term Suspensions:

- The student is removed from school for three days or less. This also includes in-school suspensions or disciplinary removals from class for more than 60 minutes.
- A district or school's request for "early pick-up" due to a student's behavior is an exclusion from school. It must be documented and treated as a suspension, and the student should receive the same due process protections as if suspended.

Long-Term Suspensions:

- The student is removed from school for four to ten days.

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### Expulsions:

- The student is removed from the home school for more than ten days and up to two calendar years.
- “Involuntary transfers” for more than 10 days to Alternative Learning Opportunities Programs (ALOPs) and Regional Safe Schools Programs (RSSPs) also impact a student's educational rights, and students must receive the same due process protections as in expulsions. For students with disabilities the procedural protections set forth in Section 7 of this Code apply.