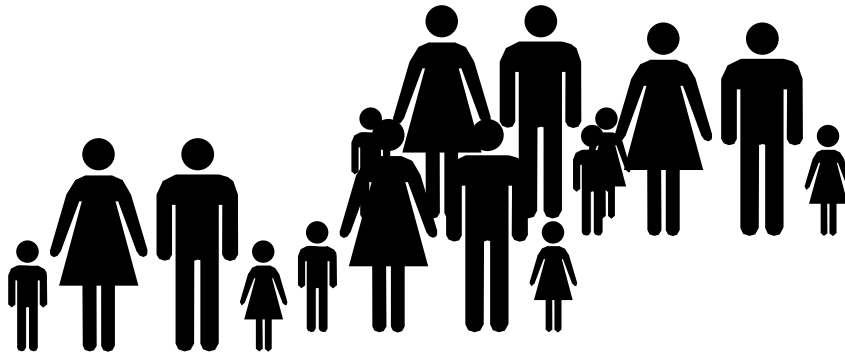


**Model Student and Parent Handbook**  
*Version #8*  
**To build a quality, healthy school district**



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# Table of Contents

	<b>Page</b>
<b>Mission of the School District</b>	
<b>Developing a Quality, Healthy School District</b>	7
1. Our District to Provide a Quality Education	7
2. Our District Rooted in a Moral Center	8
3. Our District to Keep Students in School Where They Can Learn	8
4. Students with Special Needs and Students with Disabilities	8
5. Remediating the Impact of Past Discrimination	9
6. Accounting for the Impact of Race, Poverty and Disability on Student Performance	9
7. Providing effective access to the school board, administrators, educators and school personnel	10
8. Encouraging Parent and Student Engagement	10
9. Keeping education stakeholders and the public informed	10
<b>About the School District Student and Parent Handbook</b>	10
1. Composition of the Committee	11
2. Provision of the Handbook to students and its general availability	12
<b>School District Enrollment and Admission</b>	11
<b>School Attendance</b>	13
1. Reports to the school attendance officer	14
2. Tardiness Policy	14
<b>Parent Access to School Premises</b>	15
<b>Conduct Policies and Procedures</b>	16
1. Expected Conduct	17
2. Prohibited Conduct	18
3. Student Dress Code	20
4. <b>Procedures for Addressing Breaches of Conduct Policies:</b> Interventions and Supports	21

5. Opportunities for Student Voices and Remedies for Student Concerns and Grievances	22
6. Restorative Justice	23
7. Conflict Resolution	25
8. Response to Intervention and Teacher Support Team	26
9. Positive Behavior Intervention Supports	28
10. Importance of meaningful participation by those who do wrong and those against whom wrong has been done	28
11. Abolition of Corporal Punishment	29
12. Due Process of Law	29
13. <b>Last Resort: Separation of a student from the Mainstream education process</b>	30
A. Report of Situation to the Principal	30
B. The Principal Conducts an Informal Hearing Process	31
C. The Principal Makes a Decision Regarding How Best to Proceed	32
D. The Principal Sets Remedies in Motion	32
E. Notice to the Student and to the Parent or Guardian	32
F. Student Right to Education Services While on Suspension	32
G. Principal Reports to the Superintendent	33
H. The Superintendent Makes a Decision Regarding How Best to Proceed	33
I. Notice to the Student and Parent or Guardian	33
J. Records	33
K. Student Right of Appeal to the Superintendent	33
L. Student Right of Appeal to the School Board	34
M. <b>Student Faculty Conduct Review Council</b>	35
Jurisdiction of the Council	35
Student Faculty Conduct Review Council to Conduct a <i>De Novo</i> Hearing	35
Notice to the Student and Parent or Guardian	35
Composition of the Student Faculty Conduct Review Council	36
How regular members of the Council are chosen	36
How alternate members of the Council are chosen	36
Timetable for Conducting a Hearing Before the Council	36
Conduct of the Council Hearing	36
Conflicts of Interests	37

Decisions by the Council after the Hearing	37
Records of the Hearing	38
Confidentiality of the Proceeding and the Privacy Rights of the Student	38
Review and Approval of Council Decisions by the Superintendent	38
Student Right of Appeal to the School Board	38
14. Re-Admission to any School within the School District of a Student Returning from Incarceration in a Juvenile or Adult Penal Institution	39
Exception for Permanent Expulsion	39
15. Search and Seizure Policy	40
16. Handling of Seized and Abandoned Property	40
17. Role of School Resource Officers	41
<b>APPENDIX A</b> – Memo from US Dept. of Special Education Programs re: Response to Intervention not to be used to deny students evaluation for disability	42

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## Mission of the School District

### Developing a Quality, Healthy School District

The mission of this school district is to develop a healthy school district in which every student is provided with a quality, first-rate education regardless of race, national origin, class, gender, disability, status, or sexual orientation.

While our goal is to develop an education process that merits a Star accountability ranking by the State Department of Education, such achievement will not be sufficient to fulfill our mission. We will make every effort to develop a healthy school district.

Toward these ends our strategies are intended to enable *every* student to perform at the highest level at which she or he is capable and to provide to each student the respect and support in the education process to which each is entitled. We will promote among teachers, administrators, school personnel, students and parents the highest expectations for students in all areas: academic, artistic, physical, health, citizenship and service. We will commit the resources necessary to establish and maintain:

- a. a respectful, caring, disciplined and safe environment;
- b. research based, student focused instruction;
- c. information-driven decision making;
- d. a focused and challenging curriculum relevant to student needs and goals;
- e. collaboration among teachers, among students and among teachers and students that is focused on improving student learning and performance;
- f. a culturally sensitive and responsive curriculum and environment attentive to the needs and interests of the communities in which our students live; and
- g. an active partnership between the school district, parents, students and community.

To accomplish this mission the following elements are considered integral to our mission:

#### 1. Our District to Provide a Quality Education

A quality education provides more than an effective academic experience. It also provides:

- a. development of the character and moral sensibilities of the student;
- b. an understanding of, a basis for commitment to, and a sense of responsibility toward fellow students as peers, family, other families and community;
- c. effective opportunities to learn how to create and sustain positive relationships with the people with whom they engage;
- d. effective opportunities for students to develop critical thinking and strategic planning skills, the capacity, tools and skills to engage in and hold civil society [i.e. public officials, educators, business people and law enforcement, for examples] accountable to the needs and interests of their communities, and to become architects rather than objects of public policies [i.e. to become the people who design and adopt public policies rather than to be the people on the sidelines who are affected by public policies, but who have no voice in the process].
- e. effective opportunities for all students to graduate either college-ready, employment-ready or both;

- f. development of creative skills related to writing, music, art, dance and technology.

## **2. Our District Rooted in a Moral Center**

The moral center of this school district is rooted in the premise that every person, including every student, is to be valued and respected for who they are regardless of their strengths, limitations and achievement. Therefore, every person, including every student, is entitled to the same effective access to the resources, programs, supports, teaching staff, administrators and other personnel of the school district.

## **3. Our District to Keep Students in School Where They Can Learn**

The objective of the school district is to:

- a. keep students in school where they can learn;
- b. eliminate policies, customs and practices that push students out of school on to the streets and into the pipeline from schoolhouse to jailhouse;
- c. intervene and provide supports in a timely manner to students who are having either academic or behavioral difficulties, or both;
- d. drastically reduce the student drop-out rate;
- e. reduce the rate of retention of students to minimize students repeating grades; and
- f. maximize the on-time, college-ready or job-ready graduation rate for students.

At the same time the school district is committed to providing a safe and orderly space in which the educational process can flourish and enable both teachers and students to undertake successfully their duties and responsibilities.

Therefore, students will only be separated from the educational process:

- a. when their conduct is so disruptive of a properly managed classroom or school building that the educational process or management of the building that separation, as a last resort, remains the only viable resolution of the situation; or
- b. when the student is clearly a danger to himself or to others and separation is necessary to the health, safety and welfare of the students, educators, administrators and personnel.

Even in these "last resort" circumstances provisions will be made to continue the educational opportunities of the student who has been separated from the mainstream educational process.

Ordinarily, these two values should not be in conflict. However, at times there will be difficult situations where the circumstances are complex and the determination whether supports or separation is most appropriate will be difficult. In these circumstances it will be incumbent on the school administration to find the facts, apply the applicable laws, regulations and rules, and exercise its judgment and discretion to follow a course that balances the commitment to support the student with the commitment to maintain the educational process in a safe and orderly framework.

## **4. Students with Special Needs and Students with Disabilities**

This school district recognizes the difficulties that children with special needs and/or disabilities, who should be receiving special education and related services, have had attempting to obtain all of the



services and supports to which they are entitled. It is the policy of this school district to implement all federal and state laws, rules and regulations, and to enforce all court orders that pertain to students with special needs and/or disabilities who should be receiving special education and related services. Our goal is to enable all students, to the extent possible, to learn in the most appropriate and least restrictive environment, to provide all necessary evaluations and assessments and other related services, and to work with parents or guardians and the students to provide them with the supportive services and processes to which they are entitled. The district will be pro-active in identifying students who would benefit from specialized services and put into place the mechanisms (such as IEP plans or 504 plans) that are needed to ensure that the students receive the services to which they are entitled.

The school district shall develop and promote self-determination and self-advocacy skills among children with special needs and/or disabilities. This shall include, but not be limited to, enabling children with special needs and/or disabilities to participate in the transition planning from middle to high school. It shall also include, but not be limited to, providing children with special needs and/or disabilities with leadership opportunities in their post-high school transition planning, such as planning and leading their IEP meetings at the high school level.

#### **5. Remedying the Impact of Past Discrimination**

Many people are reluctant to acknowledge or talk about the intended consequences of conscious policies regarding race. But we cannot solve problems we refuse to recognize. In Mississippi it is essential to understand the continuing role of race in the history, politics, culture and social relations because there remains a significant lingering burden on the students, parents, schools and the entire community from the period of school segregation. It is necessary to understand the impact of past discrimination in order to confront these burdens and implement effective remedies.

Therefore, this district will pursue strategies to build within our community an accurate understanding of our common history. As part of our academic learning and responsibility to community we will also maintain programs to build and sustain bridges between the past, the present, and the future designed to root out and dismantle systemic policies and practices that hang over from the framework of disparity.

We will substitute for the old practices of structured disparity bold policies, practices and a culturally sensitive curriculum that are designed to build for every student a framework of equity, fairness, self-esteem, self-respect, highest expectations and bright future, and a comparable structure of mutuality among the students, educators, administrators, school personnel and within the community at large.

#### **6. Accounting for the Impact of Race, Poverty and Disability on Student Performance**

National, regional and local studies document that *race*, *poverty* and *disability* have the most significant negative impact on student performance. These three factors correlate significantly with the provision to students of color, lower wealth and/or disability, less financial and other resources, fewer qualified teachers in the classroom and fewer supports for students with regard either to academic or behavior problems. Past efforts to reduce the impact of these factors have not had significant success. This data has major implications regarding how school administrations manage academic programs and utilize resources to dismantle these disparities. This school district is

committed to determining how best to proceed to reduce and ultimately eliminate the extent to which these three factors distort academic outcomes.

### **7. Providing effective access to school board, administrators, educators and personnel**

Every parent and student is entitled to effective access to the school board and its members, the superintendent, principals and other administrators and teachers to exchange information, make inquiries about academic programs and student outcomes generally, or to discuss matters relating to a particular student (subject to federal and state privacy laws and regulations), or to petition for redress of grievances.

### **8. Encouraging Parent and Student Engagement**

National studies document that meaningful parental and student engagement in the life of the school, including participation in policy formation and implementation, is one key to the development and sustenance of a quality, first rate public school. This school district will encourage increased and meaningful effective parent and student access to and participation in every aspect of the life of the district, subject only to those limitations that may be created by federal and state laws.

### **9. Keeping education stakeholders and the public informed**

The school district administration will make every effort to keep teachers, students, parents and the public fully informed regarding all data generated by the education process within the district, subject only to the privacy limitations set forth in federal and state laws. This means that the school district will be as prompt as is possible under the circumstances to share all data and information that constitute public records. The school district shall also provide to parents as promptly as possible all non-public records regarding education and health information to which they are entitled regarding their children enrolled in the district, as guaranteed by federal and state law.

The school district administration will make every effort to ensure that district documents and publications that are provided to the public shall be presented in ways that are readable and accessible to all education stakeholders. Longer documents shall have an executive summary to enable education stakeholders to know what is the purpose and content of the documents. Further, to the extent possible the school district administration will include in such documents a glossary of technical terms to ensure that education stakeholders have an effective opportunity to understand the documents. When necessary and appropriate, documents shall be translated into other languages for the benefit of education stakeholders.

## **About the School District Student and Parent Handbook**

This Handbook was prepared during the \_\_\_\_\_ school year by the *School District Student and Parent Handbook Committee* and is in full force and effect for the \_\_\_\_\_ school year. The *Handbook* was approved by the Superintendent of Schools and was adopted by the \_\_\_\_\_ School District Board of Trustees.

This Handbook is binding upon and intended to guide the work of the School Board members, Superintendent, administrators, educators, school personnel, independent contractors, students and parents during those periods when they are engaged with the operations of the school district. This

Handbook is designed to provide clear guidelines for the administration of school policies and to protect the due process rights of students, teachers, administrators and other school personnel. The Handbook Committee each year revises the Handbook to ensure that it is up to date to meet the needs of the school district, students and parents. The Handbook Committee is comprised of \_\_\_\_\_ persons and a new Committee is appointed each year. Committee members may be re-appointed to the Committee.

### **1. Composition of the Committee**

To the extent possible there shall be an equal number of educators, parents and students on the Handbook Committee. The Committee ought to have the following composition:

- a. \_\_\_\_\_ members of the Committee are teachers and administrators within the school district;
- b. \_\_\_\_\_ members are parents with children in attendance within the school district;
- c. \_\_\_\_\_ members are students in attendance within the school district; and
- d. \_\_\_\_\_ members are non-parent adults who live in the school district;
- e. The several school principals working together appoint \_\_\_\_\_ educators:
  - i. \_\_\_\_\_ to represent the elementary schools,
  - ii. \_\_\_\_\_ to represent the middle schools and
  - iii. \_\_\_\_\_ to represent the high schools.
- f. The superintendent appoints \_\_\_\_\_ administrators to represent the several schools.
- g. The several school principals working together appoint \_\_\_\_\_ parents to represent all of the schools; and
- h. The student members shall be chosen by lottery from among the students who have volunteered to serve on the Handbook Committee. All High School Juniors and Seniors shall be provided sufficient advance Notice of the opportunity to volunteer to serve on the Committee. Those students who volunteer but are not selected in the lottery process shall be designated as Alternate members of the Committee, in an order established by the lottery process, to serve in the event that a regular member of the Committee can no longer serve on the Committee. The school district shall notify in writing the parents, legal guardian or their designee of each student member or alternate member of the Committee that the student has volunteered and been selected to serve.

Each year in anticipation of the work of the Handbook Committee principals shall make known to parents and students that they can volunteer to serve on the Committee.

Prior to making any recommendations regarding Handbook content to the School Board, the Handbook Committee shall submit its draft Handbook for analysis and recommendations to volunteer student committees formed every year in each grade in each school in the district down to the 5<sup>th</sup> grade. In a timely manner and by a specific date the volunteer student committees shall report back to the Handbook Committee their assessments and recommendations either orally in writing, depending on the preferences of the individual student committees.

The extra work this process involves is worth the effort because it provides an extraordinary learning lab within the school setting for students, parents and educators working together regarding policy formation, accountable governance, and leadership development in the democratic process. This is the stuff of first-class citizenship and provides students, parents and educators with a hands-on

opportunity to engage together in the formation and adoption of policy in preparation for the leadership roles of the future.

## **2. Provision of the Handbook to students and its general availability**

At the commencement of each school year every student shall be provided a copy of the Handbook. In addition, several copies shall be kept and made available for reading in the library of each of the schools within the district.

## **School District Enrollment and Admission**

- a.** This school district will admit into its free public schools all eligible residents and legally transferred minor children who on September 1 of the school year are at least the minimum age required by law for school programs and not more than 20 years of age on September 1 of the school year.
- b.** Any new student enrolling in this school district or any continuing student whose residence has changed must be enrolled by a parent, guardian, adult custodian or adult agent of a social service agency of the district. The accompanying adult must provide evidence of residence within the district as part of the registration process. Evidence of residence includes, but is not limited to, such items as a light bill, water bill, or land line phone bill in the name of the parent and place of residence. Where more than one family lives at a residence the parent or guardian may use the same items in the name of the person who owns or rents the dwelling, accompanied by a written statement from the owner or renter that the parent or guardian of the child enrolling also resides there.
- c.** However, if a child is homeless, then the child shall all the rights and privileges set forth in the law and regulations created under the federal McKinney-Vento Homeless Children and Youth Program. The regulation created by the US Dept. of Education pursuant to Section 724(g) of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), as reauthorized by the No Child Left Behind Act of 2001 (NCLB) (Pub. L. 107–110), prescribes:

Under the McKinney-Vento Homeless Children and Youths Program, State educational agencies (SEAs) must ensure that homeless children and youth have equal access to the same free public education, including a public preschool education, as is provided to other children and youth. States must review and undertake steps to revise any laws, regulations, practices, or policies that may act as barriers to the enrollment, attendance, or success in school of homeless children and youth. School districts and schools may not separate homeless students from the mainstream school environment on the basis of their homelessness. Homeless students must also have access to the education and other services that they need to have an opportunity to meet the same challenging State academic achievement standards to which all students are held.

Section 725 of the McKinney-Vento Act defines the following terms:

(a) *Homeless children and youth*

means individuals who lack a fixed, regular, and adequate nighttime residence. The term includes—

(1) Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(2) Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965, as amended) who qualify as homeless because they are living in circumstances described in this definition.

(b) *Enroll* and *enrollment* include attending classes and participating fully in school activities.

(c) *Unaccompanied youth* includes a youth not in the physical custody of a parent or guardian.

- d. No child will be allowed to enroll in or attend any school without a certified birth certificate and valid immunization certificate.
- e. The citizenship status or legal status of the parent, parents or legal guardian shall **not** be a consideration in determining whether a child is eligible to enroll in the district.
- f. When ruled eligible according to the policies and operating procedures for the federal and state programs for exceptional children, a child may be enrolled in a program for the disabled.
- g. A student who has been expelled or suspended by another school district and who subsequently applies for admission to this school district ordinarily is **not** eligible for admission to any school in the district until that student would be eligible for readmission to the previous school where the student had been expelled or suspended. However, this school district shall have the discretion to consider the circumstances that led to the suspension or expulsion of the student and make an independent determination as to whether admission in this district is in the best interests of the child and of the school district.

## School Attendance

Under the State Compulsory School Attendance law, a parent, guardian or custodian of a compulsory school age child in this state is responsible to ensure that the child enrolls in and attends a public school or legitimate non-public school. Under this law “compulsory school-age child” means a child who has reached or will reach the age of six (6) years on or before September 1 of the calendar year and who has not reached the age of seventeen (17) years on or before September 1 of the calendar year. This law includes any child who has reached or will reach the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. Provided, however, that the parent or guardian of any child enrolled in a full day public school kindergarten program shall

be allowed to withdraw (dis-enroll) the child from the program on a one time basis. In this event, the child shall not be deemed a compulsory school age child until the child reaches the age of six (6) years. MS Code 37-13-91.

It is the responsibility and duty of the parent to see that their child attends school and may be held accountable under the law for chronic truancy on the part of the child.

### **1. Reports to the school attendance officer**

A student shall be reported by the *superintendent* to the school attendance officer:

- a. When a compulsory-school-age child has **not** been enrolled in school within fifteen (15) calendar days after the first day of the school year; OR
- b. When a student has accumulated five (5) *unexcused absences* during a single semester of the school year.

The superintendent, or the superintendent's designee, shall within two (2) school days or five (5) calendar days, whichever is less, report only unexcused absences to the school attendance officer on the form provided by the State Department of Education. MS Code 37-13-91.

An *unexcused absence* is an absence during a school day that is without a valid justification. Excused absences such as illness, physical injury, medical appointment, death in the family, or approved school activity away from the school campus, do not constitute unexcused absences and therefore cannot be regarded as acts of truancy. ***When a student has been suspended from school for disciplinary reasons those suspended days absent from school shall not be counted as unexcused absences since it is the district itself which has compelled the student to be absent and has precluded the student from appearing on campus.***

School attendance officers are responsible to ensure that that they carefully distinguish between *excused* absences and *unexcused* absences *prior to* inferring from the record that a student has been truant. School attendance officers shall have the responsibility to check the records to ensure that the absences which have been reported to them actually constitute *unexcused* absences. School attendance officers shall comply with all laws regarding the duties and responsibilities of truant officers.

### **2. Tardiness Policy**

Every student is expected to be in school, in class, and ready to work on time every school day. When a student is late to class the teacher shall record the tardiness and each week shall submit a report to the principal of all students who were tardy to a specific class and the number of times each student was tardy.

The principal, or the principal's designee, shall assess whether an individual student has a pattern of tardiness generally, or to certain classes in particular. If a pattern is deemed to exist, the Teacher Support Team shall be requested to intervene to work with the student to address the causes of the tardiness and to prescribe appropriate remedial measures. The parent or guardian of the student shall be included in this process as part of the Teacher Support Team.

The principal, or the principal's designee, shall assess whether an individual teacher has a pattern of tardiness for her or his classes generally, or to certain classes in particular. If a pattern is deemed to exist, the Teacher Support Team shall be requested to intervene to work with the teacher to assess what may be the causes of student tardiness and to fashion appropriate remedial measures.

## Parent Access to School Premises

This school district belongs to the residents of the district and the district wants to encourage and enable the effective access of parents, guardians and members of the community to the campus and programs of the district. Consistent with this commitment, it is the duty of school district to ensure the health, safety and welfare of the students, teachers, administrators and other school personnel.

With these concerns in mind, parents, guardians and members of the community shall have access to the school buildings and campus subject to the rules set forth below. The objectives are to ensure that the administration knows who is in the building, that the people in the building are there for a valid reason, and that the flow of persons who are not school employees, school volunteers or students is known and is appropriate. Safety requires that the district exclude intruders or other persons who do not have a valid reason to be moving about the buildings or campus. The rules are:

- a. When a parent, guardian or member of the community wants to meet with a teacher, administrator or other school personnel it is desirable if an appointment is made at least a day in advance so that the teacher or administrator can arrange her or his schedule appropriately. When a parent, guardian or member of the community arrives at the school for such an appointment the parent, guardian or community member must first go to the Principal's Office to let the school administration know that the person is there, the identity of the person, and that the purpose is to meet with a specific teacher, administrator or other school personnel pursuant to an appointment. The school secretary will at the appropriate time provide the person with a pass or badge to authorize the person to proceed to the meeting.
- b. However, events often move swiftly and such lead time may not be appropriate under the circumstances. In such instances a parent, guardian or member of the community ought to come to the Principal's Office in the school building to request to see the teacher or administrator. At the Principal's Office the person seeking a meeting must identify herself or himself to the office secretary, indicate with whom a meeting is requested, and provide a general purpose for such meeting. In this way the secretary can contact the teacher or administrator and provide the information needed for the teacher or administrator to determine whether the meeting is likely to be short or long and assess which time of the day will be best for such a meeting. The school secretary will at the appropriate time provide the person with a pass or badge to authorize the person to proceed to the meeting.
- c. In the event that a parent, guardian or community member has come to the school in response to an urgent request or emergency, the parent, guardian or community member must first report to the Principal's Office so that the school administration knows who is in the building and for what purpose. The school secretary will at the appropriate time provide the person with a pass or badge to authorize the person to proceed to the meeting.

In the event that a large number of parents and guardians come to the school at the same time in response to circumstances at the school, the school administration shall provide an appropriate place, such as the school auditorium or gymnasium, for the parents to assemble. An appropriate member of the school staff shall be designated to provide information to the parents and guardians and to keep them informed in a timely manner as to unfolding developments regarding the circumstances that caused the parents and guardians to come to the school.

- d.** Parents, guardians and members of the community are welcome to enter the school buildings to pick up their children who are leaving the school building, to attend school functions such as parent/teacher conferences, disciplinary proceedings involving their child or family member, or attend any event that is open to the public, such as sporting events, plays, public meetings, conferences, and similar occasions.
- e.** Persons who come to school to pick up children prior to the end of the school day, including but not limited to parents, legal guardians and relatives, will have to comply with such procedures as are adopted by the School Board and implemented by the school administration to ensure that only duly authorized persons are permitted to do so.

## Conduct Policies and Procedures

The District has established a Conduct Code, based on research-based evidence, that is applicable to all students enrolled in the school district. The purpose of the Conduct Policies is to assist in the creation of a healthy school district, which requires the district to:

- a.** protect the health, safety and welfare of the students, parents, educators and other personnel in the school district;
- b.** ensure that students receive the educational opportunities to which they are entitled without distraction or disruption;
- c.** ensure that teachers have the opportunity to teach and students have an opportunity to learn;
- d.** ensure the effective implementation of the programs of the school district; and
- e.** ensure that parents have an effective opportunity to learn which programs the school provides to its students, what the programs involve, and how the programs are designed to assist the students.

The school district administration will be pro-active in communicating with all education stakeholders the agreed-upon standards of conduct that are set forth in this Handbook. The goal is to ensure that all education stakeholders understand the mutual nature of these duties and responsibilities as a basis for developing and sustaining a healthy school district.

It is the duty and responsibility of the School Board, the superintendent, all administrators, teachers and other school personnel to abide by the guarantees and protections provided to students and parents by the United States and Mississippi Constitutions, federal and state law, and the state and school district regulations pertaining to public education.



National studies demonstrate that high rates of suspensions and expulsions tend to lower student performance, increase the rate of repeat offenders, increase student dropout rates, and lower student graduation rates on time. National studies also document that placing students in the juvenile justice system has the same negative impact: lower student performance, increase in repeat offenders, higher dropout rates and lower graduation rates on time.

Therefore, it is also the duty and responsibility of the School Board, the superintendent, all administrators, teachers and other school personnel to utilize every strategy and undertake every step necessary to keep students in school where they can learn, rather than to push them out of school on to the street and in to the schoolhouse to jailhouse pipeline.

District administrators and teachers will participate in professional development to increase the district's capacity to implement strategies designed to keep students in school and to minimize the use of last-resort only suspensions and expulsions.

For this process to work effectively it is important for students to have trust in, respect for and to take ownership of the Conduct Policies and Procedures. To achieve this outcome the system must be seen as fair and just. It is essential, therefore, that administrators and teachers must model fair and just behavior toward students in the administration of the Conduct Policies and Procedures. In addition, teachers, administrators and school board members shall comply with the Educator Code of Ethics of the State Board of Education.

### **1. Expected Conduct**

The following conduct is expected of all students and school personnel in the classrooms, buildings, school campuses, on school buses and at any school-sponsored event or at after-school functions:

- a.** As citizens of the school district, all students, teachers, administrators, school personnel and parents shall regard every person as worthwhile and treat every person with respect and compassion, regardless of race, ethnicity, class, gender, disability, medical condition, status or performance, and notwithstanding that a person may be acting out or inappropriately.
- b.** As citizens of the school district, all students, teachers, administrators, school personnel, school resource officers and parents shall work to guarantee and protect the health, safety and welfare of every person regardless of race, ethnicity, class, gender, disability or status.
- c.** As citizens of the school district, all students, teachers, administrators, school personnel, school resource officers and parents shall take responsibility for recognizing, resisting, preventing and reporting the bullying of any student by other students, teachers, administrators, school personnel, and school resource officers. The school district and each school shall provide a safe place where students can report bullying. In addition, students shall have the right to file this report with a person of the student's choice, such as an educator, guidance counselor, nurse or administrator.
- d.** The privacy of every person shall be respected and protected.
- e.** Teachers and administrators shall take advantage of professional development to deepen their knowledge and sharpen their tools and skills to build appropriate relationships with the students and parents in order to deliver to the students the quality of education to which they are entitled.

- f. Students shall work to the best of their abilities to obtain the knowledge, tools and skills to which they are entitled.
- g. Students and teachers shall come to school and to class on time and ready, willing and able to engage effectively in the educational process.
- h. When a student does not understand what the teacher is doing or is asking students to do, the student shall in an appropriate manner ask the teacher to explain or clarify what the teacher is doing or is asking students to do. The teacher shall respect this inquiry and in an appropriate manner seek to explain or clarify what the teacher is doing or is asking students to do. This exchange is a critical part of the teaching and learning process and is essential under Common Core Standards. Teachers shall ensure that the classroom is a safe space for students to inquire as a foundation for the learning process.
- i. When a student behaves in an inappropriate manner on school grounds or at a school event the teachers and administrators shall provide intervention and supports to assist the student to address the behavior rather than focusing on separation and exclusion from school.
- j. Students and or parents shall have the right to reach out for support from appropriate school personnel to assist them in dealing with what may be the causes of their behavior or academic issues. The school district shall have the corresponding duty to provide appropriate personnel and locations on the campus where students can obtain the support and assistance needed.

## **2. Prohibited Conduct**

The following conduct, whether by students or school personnel, is prohibited in the classrooms, buildings, school campuses, on school buses or at school functions:

- a. Leaving campus without permission of the principal or the principal's designee
- b. Vulgarity, profanity, or obscenity, whether written, spoken, or by gesture
- c. Verbal or physical abuse toward another student, parent or a school employee
- d. Threatening harm to a student, member of the faculty, administrator or school employee or anyone else on school property or while on a school bus
- e. Bullying, individually or in concert with others, by the use of physical or psychological means, to harass, intimidate, threaten, embarrass unduly, or otherwise abuse another
- f. Use of any form of social media, whether in school or out, to harass, intimidate, threaten, embarrass unduly or otherwise abuse another with the intent or effect of impairing the ability of the target of the abuse to obtain the benefits of and to participate fully in the life of the school district.

This provision shall not be interpreted to restrict the First Amendment right of every person to petition school authorities for a redress of grievances, to express disagreement or criticism of past, existing or proposed policies, regulations, customs and practices, or to express support for changes in policies, regulations, customs and practices. At the same time, there are corresponding responsibilities to exercise such right in a manner that does not abuse others. For example, libel and slander, lying and spreading of malicious rumors, incitement to violence

or other abusive acts, all of which do injury to others, are not acts protected by the First Amendment.

- g.** Intentional defacing or destruction of school property
- h.** Forging notes and excuses regarding absences from school
- i.** Refusal to comply with a reasonable and appropriate request by a teacher, administrator or other school employee who has the apparent authority to make such request of a student
- j.** Conduct which disrupts the education process in the classroom or which distracts, interrupts or hinders the teacher from teaching or the students from learning, or which causes or promotes a disturbance outside the classroom.
- k.** No student shall be disrespected, embarrassed, disciplined, punished, vilified or otherwise abused by a teacher or other students for asking appropriate questions in class in order to better understand what a teacher is doing or is asking students to do.
- l.** Consensual but inappropriate physical or sexual contact with another person.  
This provision is not intended to apply to the conduct of young children in the early grades who engage in innocent child-like touching that is inappropriate to interpret as sexual behavior. In those situations where a young child in the early grades does engage in behavior that is reasonably understood to be sexual in nature, the school district's response should be to provide appropriate evaluation, counseling and, if appropriate, support services and treatment.
- m.** Sexual harassment. Sexual harassment by any gender is defined as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive school environment.  
This provision is not intended to apply to young children in the early grades who engage in innocent child-like touching that is inappropriate to interpret as sexual behavior. In those situations where a young child in the early grades does engage in behavior that is reasonably understood to be sexual in nature, the school district's response should be to provide appropriate evaluation, counseling and, if appropriate, support services and treatment.
- n.** Being in the parking lot or elsewhere on the school campus at unauthorized times
- o.** Robbery, theft, receipt of stolen property, unlawful retention of the property belonging to another person
- p.** Extortion
- q.** Engaging in any form of gambling or games of chance for money, except for raffles.
- r.** Engaging in cheating on examinations, or facilitating others to cheat on examinations, or to engage in plagiarism on written assignments, or facilitating others to plagiarize on written assignments. "Plagiarism" occurs when a student copies the words written by another person and presents these words as if they were written by the student, without revealing that the words were actually written by another person.
- s.** Violation of the dress code (see dress code herein)
- t.** Tardiness to school or to class (see tardiness policy herein)

- u. Visiting another school campus within the district without proper approval of school officials
- v. Provoking a fight or engaging in a fight, except when circumstances necessitate engaging in self-defense to prevent injury or harm
- w. Possession, use of, sale or attempt to sell alcohol, tobacco products, illegal drugs, narcotics, or any other controlled substances for which the student does not have a valid prescription for personal use.
- x. The use of a weapon or any instrument that may be used as a weapon with the intent to cause bodily harm
- y. Possession of weapons on school grounds or within an automobile on school grounds under the control of the offending student or students, including such weapons as firearms, brass knuckles, mace, pepper spray, knives of any fashion or length, scissors, dirks, throwing stars, and all other such paraphernalia, or any sharp or pointed instrument or other item that can be used as a weapon, but excluding such items as tools and devices required for subject matter classes or other school programs (such as pens, pencils, rulers, protractors, compasses, locker locks, etc.) and conventional cosmetic devices (such as combs, hair clips, small nail files, small nail clippers, etc.)
- z. Possession of electronic devices including, but not limited to, computers, tablets, mp3 players, radios, TVs, tape players and tapes, compact disc players, video games, pagers, laser pointers, or any other similar devices, but excluding cell phones provided that cell phones are turned completely off at all times during class, assemblies and any school program. However, any device that is used in school in connection with the learning process shall not constitute a prohibited item.
- aa. Possession of candy and other food items brought to school to sell or exchange without prior approval by the principal, whether by students or school personnel.

### **3. Student Dress Code**

Effective education of the students is the highest priority of the school district. The School District Dress Code is intended to create the appropriate educational atmosphere and setting to enable students and teachers to focus on the educational work and to avoid inappropriate distractions. The Dress Code is intended to be a “common sense” guide for students and educators as to what constitutes appropriate attire in the educational setting. Students are expected to be mature enough and responsible to observe these rules without guidance from teachers and administrators. However, when appropriate, teachers and administrators may provide such guidance to students. Teachers and administrators are also expected to exercise professional discretion by wearing appropriate attire for educational settings.

- a. All students shall wear clothes appropriate to the educational setting, including shoes or athletic footwear. Slippers, flip flops and sandals are deemed inappropriate, unless there are specific medical reasons which necessitate their use.
- b. No student shall wear a skirt with a hemline above the top of the knee.
- c. No student shall wear jeans or pants that are worn below the waistline.

- d. No student shall wear clothing that has readily observable holes where holes are not normally supposed to be. "Holes" as a fashion statement may be appropriate when not on school grounds, but it is not appropriate on school grounds.
- e. Every student shall wear either a shirt with a collar or a blouse; no student shall wear a T-shirt, unless that T-shirt is covered by a shirt with a collar or a blouse.
- f. Pants length for all students shall extend between the knee and the ankle.
- g. No student shall dress so as to show a bare midriff.

#### 4. Procedures for Addressing Breaches of Conduct Policies: Interventions and Supports

The district seeks to transform the Conduct Policies as part of its effort to create a healthy school district as a keystone in the foundation of a healthy community. Traditionally when a student violates a school discipline code the student is regarded as a "defendant" from whom a "punishment" must be exacted to do justice. In these Conduct Policies the school district has made some major changes. These changes will require some major adjustments in the way people think about and react to breaches of the conduct policies. The district believes these changes in practices will result in a reduction in the incidence of infractions, the number of students alleged to be violators, and the number of students repeatedly alleged to be violators of the Code, reduce the number of suspensions and expulsions, dropouts and pushouts, and thereby reduce the number of students who enter the juvenile justice system.

The school district recognizes that professional development for teachers, administrators and other school personnel will be a critical part of how the school district introduces, implements and manages the transformation to new approaches outlined in these Conduct Policies.

Therefore, the school district will focus on new approaches to problem-solving. **Response to Intervention, Conflict Resolution** and **Restorative Justice**, described below, are the twin pillars of our new approach to problem-solving in the educational process. They are rooted in a moral center that values every student and that every student is entitled to fairness and justice in the disposition of disputes. The goal is to keep students in school where they can learn, and one of the key things they need to learn is how to build and sustain relationships, solve problems and avoid unwarranted resort to conflict and violence.

When a student experiences behavioral difficulties, "gets into trouble", or engages in "inappropriate conduct", whether or not there has been a violation of the Conduct Policies, the response of the school district shall be to *intervene* and provide *supports* to assist the student to take responsibility for such conduct, to understand the consequences that result from such conduct, and to act to redeem the situation, rather than to treat the student as a "defendant" who requires "punishment".

Under these Conduct Policies there are no "automatic" or "minimum mandatory" penalties for any particular conduct. Every situation will be judged "on the merits" of that situation after the facts and surrounding circumstances have been ascertained and due deliberation has been given to the input and feedback from all parties involved in or concerned with the appropriate resolution of the situation.

At the same time, students, parents, educators and administrators must understand that the school district will hold students accountable for their conduct and that the consequences are appropriate to the nature and extent of the breach of the Conduct Policies.

This new approach is consistent the goals set forth in MS Code 37-11-54, which states:

**§ 37-11-54. Conflict resolution and peer mediation; development of models and curricula**

The State Board of Education shall develop a list of recommended **conflict resolution** and mediation materials, models and curricula that are developed from **evidence-based practices and positive behavioral intervention supports** to address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation, and shall make the list available to local school administrative units and school buildings before the beginning of the 2007-2008 school year. **In addition, local school boards shall incorporate evidence-based practices and positive behavioral intervention supports into individual school district policies and Codes of Conduct.** In developing this list, the board shall emphasize materials, models and curricula that currently are being used in Mississippi and that the board determines to be effective. The board shall include at least one (1) model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one (1) model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum. [Emphasis added.]

**5. Opportunities for Student Voices and Remedies for Student Concerns and Grievances**

Students are the primary constituents of the educational process in this school district. Students have many important instincts, insights and keen understanding regarding what is needed to create a quality first-rate public education system. Students, like teachers, are important monitors and reporters of extensive experience in the classroom, especially in terms of what works and does not work. Students have a right and need to be involved in the formation and implementation of education policy in this district, whether that occurs in the classroom or at the school board. MS Code 37-1-2 states:

The legislature finds and determines that the quality of public education and its effect upon the social, cultural and economic enhancement of the people of Mississippi is a matter of public policy, the object of which is the education and performance of its children and youth. The legislature hereby declares the following to be the policy of the State of Mississippi:

(a) That the *students, parents, general citizenry, local schoolteachers and administrators, local governments, local school boards, and state government* have a *joint and shared responsibility for the quality of education delivered* through the public education system in the State of Mississippi; [Emphasis added.]

Customs and practices are an integral part and expression of the culture of the school district, and in some instances can be more powerful than written laws, rules and regulations. Students, like teachers, experience this culture first-hand and a part of the process that shapes and transforms the customs and practices.

Therefore, students need to have, and are being provided with, a structured opportunity to voice their individual or collective insights, concerns, feedback and grievances in order to fulfill their joint and shared responsibility for the quality of education delivered through the public education system.

When a student has insights, concerns, feedback or grievances regarding any aspect of the educational programs or procedures in the classroom, on campus or during transportation, a student shall have the right to bring such matters to the attention of any teacher, administrator or personnel in the school or school district without fear of disrespect, intimidation, sanction or reprisal.

The student shall have the prerogative to determine to whom to bring such concerns, feedback or grievances because it is the student who understands best with whom the student feels the safest and has the highest comfort level to discuss serious matters. Teachers, administrators and school personnel shall respect the student's choice and facilitate the opportunity for the student, in a timely manner, to meet with the student's choice.

The teacher, administrator or school personnel who receive this presentation of concerns, feedback or grievances from the student shall have a corresponding duty to set in motion in a timely manner a process to assess the validity of the information, and to share the information with the appropriate persons among the faculty and within the administration.

Members of the faculty and/or the administration to whom such information is brought, in a timely manner, shall determine what steps, if any, need to be taken to remedy a situation and or to improve the delivery of education to the student or students.

Subject to the laws and regulations regarding privacy, the student and the parent of the student who brought forward the concerns, feedback or grievances shall be informed as soon as is possible of the disposition of the matter.

## **6. Restorative Justice**

Restorative justice is concerned with healing the victims of wrongful conduct, assisting the students and school personnel who have caused harm to stop engaging in wrongful conduct, and repairing the harm that has been done to relationships among students and educators and within the community. Restorative justice as a process is intended to involve all stakeholders and provide opportunities for those most affected by the wrongdoing to be directly involved in the process of responding to the harm caused. This process requires bringing the students and/or school personnel and the victims of wrongful conduct together to address what happened and what the appropriate remedies ought to be.

A central premise of restorative justice is that students and/or school personnel, those impacted by student wrongdoing, and the affected communities are all key stakeholders in the restorative

process. Persons impacted by wrongdoing include not only those directly affected by the wrongful conduct, but also family members and members of the affected community. The safety, support, and needs of these persons are the starting points for any restorative justice process. Thus a primary objective is to attend to the needs of the persons who have suffered the wrongdoing, including material, financial, emotional, and social needs. Addressing these needs and the needs of the community is necessary in order to satisfy the desire among those impacted and within the public that some measure of justice be done.

The restorative justice approach requires the assumption that crimes or violations are committed against real individuals. Restorative justice, therefore, requires restitution to those impacted by the wrongdoing rather than retribution by the school district against the offender. Instead of implementing counter-productive retribution and punishment against the student who has engaged in wrongful conduct, restorative justice attempts to repair and restore relationships between the student and those impacted by the wrongdoing, and between the student, the school community and the community at-large.

At the same time, the restorative justice process aims to empower those impacted by the wrongdoing to participate effectively in dialogue, mediation or conflict resolution with the student who caused the problems. Victims of the wrongful conduct take an active role in directing the exchange that takes place, as well as defining or characterizing the responsibilities and obligations of the student and/or school personnel who engaged in the wrongdoing. The student and/or school personnel who engaged in wrongful conduct shall participate in this exchange, to understand the harm they have caused to others, and to take active responsibility for it. This means the student and/or school personnel must make the effort to set things right, to make amends for the wrongdoing, and to commit to certain obligations to others that may include reparations, restitution, or community work. While fulfilling these obligations may be experienced by the student and/or school personnel as difficult or “painful”, the goal is not punishment, retribution or revenge, but the restoration of healthy relationships between individuals and within communities that have been most affected by the wrongful conduct.

Restorative justice is a forward-looking, preventive response that strives to understand wrongful conduct in its social context. It challenges us to examine the root causes of wrongful conduct in order that these cycles might be broken. This approach is based on the assumption that wrongful conduct often has its origins in a variety of social conditions, and recognizes that students and/or school personnel themselves have often suffered harm from others. Therefore, the educational communities and communities at-large must both take some responsibility for remedying those conditions that contribute to wrongdoing and also work to promote healing.

Healing is crucial not just for those who suffer harm, but also for those who cause harm to others. Both the rehabilitation of those who engage wrongful conduct and their integration into, rather than their separation from, the community are vital aspects of restorative justice. Students and/or school personnel who engage in wrongful conduct ought to be treated respectfully and their needs ought to be addressed. Removing students from the educational process or from the community, or imposing any other severe restrictions, ought to be a last resort only after all other options have been effectively explored. In the restorative justice framework the understanding is that the best strategy



to prevent the recurrence of wrongdoing and recidivism is the effective integration into the mainstream of those who have engaged in wrongdoing.

This approach to problem solving ought to strengthen the school community and reduce the incidences of wrongdoing and recidivism in the future. In addition, it ought to assist both students and adults to learn how to solve problems and disputes without resort to violence or to the remedy of separating and excluding people from the community. Ultimately, these are important lessons in effective citizenship, a contribution to community which the school district is proud to make.

### **7. Conflict Resolution: Using Negotiation as Positive Alternative to Violence**

Conflict is normal. Differences of opinion and disagreements are a natural part of human society. Our backgrounds, culture, upbringing, and personal history lead us to have different points of view, and conflict results when these differences collide. So the problem in our schools, communities and nation is not conflict, but our inability to resolve conflicts effectively and without violence.

A Community Conflict Resolution Program for students and/or school personnel can enable communities to develop an effective local dispute resolution system based on a process rooted in *negotiation*. Negotiation is an informal process which brings people together who are in conflict with each other. The process helps people air their problems and *together* develop a way to resolve the dispute that is agreed upon by *all* parties involved.

In this model of conflict resolution, a team of trained people called a *Conflict Resolution Panel*, or *Team*, facilitate the process by helping the *disputants* communicate with each other and by helping them stay focused on the primary task of resolving the conflict. The Panel members DO NOT solve the conflict for the disputants. Instead, the Panel members, or Team, assist the disputants in developing the resolution of the conflict for themselves. The role of the Conflict Resolution Panel members is to stand in the middle, not to take sides with any of the disputants, or to make a judgment. The Panel, or Team, acts as an objective "go between."

The Community Conflict Resolution Program is based on the concept that it will be necessary to change the culture if the program is to be successful. The conflict resolution process will have to build trust, respect and an expectation of fairness and justice for those who participate in it. The conflict resolution process will also have to be accountable to the school community and neighborhood community by being responsive to its needs and interests. In other words, those who participate in the program will have to learn to be accountable by putting community interest over self-interest in order to build the foundation of trust and respect needed for the dispute-resolution process to succeed.

Unlike settling disputes through the courts or other mandatory discipline systems, disputants must come to the Community Conflict Resolution Program voluntarily. Each party must be willing to try to make the process work by:

- listening to each other,
- following the basic ground rules, and
- working toward a resolution.

If one party is not a willing participant, the negotiation process will break down. People are not forced to come to an agreement. The result is that the disputants are much more likely to abide by the resolution, because they participated voluntarily and helped to shape the final agreement.

Negotiation allows all parties to benefit. The Conflict Resolution Panel is not designed to judge, sentence, or blame the parties. The Panel, or Team, is supposed to guide the disputants toward the goal of creating a sustainable, mutually-agreeable resolution to the conflict. The negotiation process is supposed to encourage disputants to be honest, take risks, be flexible, listen, and be open-minded.

The Community Conflict Resolution Program is not a form of combat designed to create winners and losers, or people who feel as if they are either a winner or loser. The negotiation process is about people learning to work together to put their conflicts to rest. In this way, the disputants and the rest of the community can move on. The ultimate objective is to create negotiated solutions in which the parties come to understand that each side obtained a result, to the extent possible, which is a fair, equitable and just *compromise* for all sides.

*Compromise* means that each side gets something while giving up something. The core values of the Community Conflict Resolution Program require that the disputants:

- understand the process,
- are willing participants, and
- understand and help craft the compromise which is agreed upon.

It is not a compromise *by the disputants* if the result is imposed upon them by others. Real growth and learning on the part of the disputants cannot take place if the disputants neither understand the compromise, nor have any real part in the decision-making *negotiation* process which leads to the compromise.

Ultimately, it will take the involvement of the *whole* community to *change the culture* of conflict resolution within the community.

### **8. Response to Intervention (RTI) and Teacher Support Team (TST)**

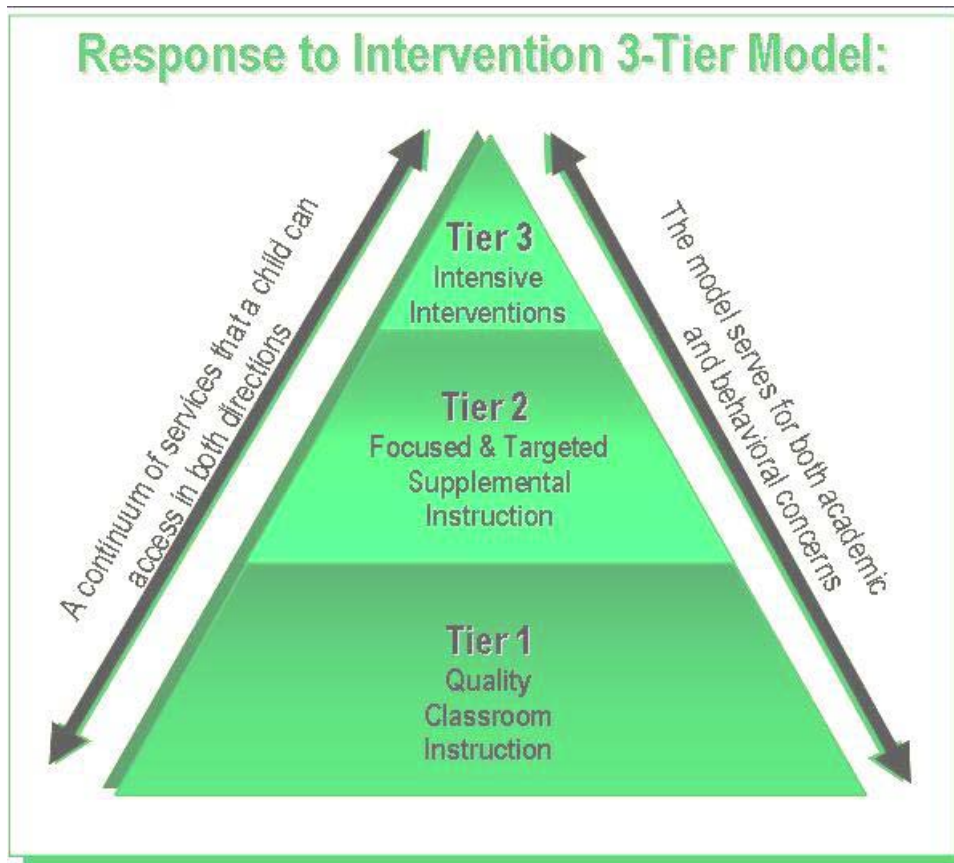
As schools become more aware of the need for prevention and early intervention when students have academic or behavioral difficulties, the “wait to fail” approach to verification of need for intervention has been increasingly seen as unacceptable. When schools use Response to Intervention, mandated by the State Board of Education, each student receives interventions as soon as a need is identified. Intervention is intensified progressively if the assessment data suggest that the student is not responding. See **State Board of Education Policy 4300**.

With implementation of Response to Intervention, schools no longer have to wait until students fall far behind their peers before they receive the kind of instruction they need. The process involves an intense case study of each child -- with repeated assessments over time -- which should reduce errors in decision making when the data are applied correctly in determining whether a student needs intervention. Since assessments involve sensitive indicators of the impact of different approaches, the results directly inform educators about strategies that work and do not work with a particular student.

Response to Intervention is a comprehensive, problem-solving, and multi-tiered strategy to enable early identification and intervention for ALL students who may be at academic or behavioral risk. The multiple tiers provide increasingly intense student-focused interventions. Response to Intervention is intended to be a well-integrated system of instruction with interventions guided by student outcome data.

Response to Intervention is a process that involves the early identification of students who need assistance with academics or behavior, provides scientific, research-based efforts to help students, and monitors progress of their responses to those efforts.

Response to Intervention has three tiers in its structure. Any student may move back and forth among the three tiers several times in his or her educational career. However, this is not an indication of a need for special education services.



Response to Intervention involves the gathering and examination of data for use in developing, analyzing, and implementing, research- or evidence-based interventions with students who may be at risk academically or behaviorally.

**Tier 1** is premised on the delivery to each student of a quality classroom instruction to meet and address the student's academic, behavioral and emotional needs.

**Tier 2 Strategic/Targeted Intervention and Supplemental Instruction** is designed for those students who are not progressing or responding to **Tier 1** instruction in the classroom as expected. In these cases, instruction and/or behavior management within the general classroom setting may not be sufficient for these students, and additional strategic, targeted intervention and supplemental instruction may be necessary.

**Tier 3 Intensive Interventions** are the academic and behavioral strategies, methodologies, and practices designed for students who:

- a. are having significant difficulties with the established grade-level objectives in the general education curriculum, or
- b. who demonstrate significant difficulties with behavioral and social competence.

**Tier 3** interventions are more intensive than those in **Tier 2**. **Tier 3** interventions are introduced when data suggest that a student has:

- a. failed to make progress or respond to the interventions in **Tier 2**, or
- b. the rate of progress or growth and level is such that the student is unlikely to narrow the performance gap.

A student may receive **Tier 3** interventions by skipping **Tier 2** when the school can demonstrate through data that the student's current level of performance is highly out of line with the performance of the student's peers. Finally, **State Board Policy 4300** states specifically which students should be referred to the **Teacher Support Team (TST)** to determine if **Tier 3** interventions are needed.

This district will *not* use RTI strategies to delay or deny to students a timely initial evaluation regarding whether a student has a disability. See **Section 612(a)(3) of the Individuals with Disabilities Education Act (IDEA)**. See **Appendix A, Letter of Melody Musgrove, Ed.D, Director of Office of Special Education Programs, Office of Special Education and Rehabilitative Services, United States Department of Education, January 21, 2011.**

## **9. Positive Behavior Intervention Supports**

PBIS is a school-wide, team-based, pro-active approach to encourage positive behavior as a strategy to prevent misbehavior before it starts. PBIS uses data and research to support the decision-making process. The PBIS team includes, but is not limited to teachers, parents, students, guidance counselors, nurses, and administrators.

This approach moves away from the traditional code of conduct model based on punishment, exclusion and counseling. PBIS is designed to transform the school culture from the punitive approach of "catching kids breaking the rules" to a culture based on encouraging students to engage in *positive behavior*.

## **10. Importance of meaningful participation by those who do wrong and those against whom wrong has been done**

Restorative Justice, Conflict Resolution, Response to Intervention and Positive Behavior Intervention Support are innovative alternatives to traditional "disciplinary" approaches. These new approaches

are designed to be cooperative and collaborative, rather than adversarial. To be effective these approaches require meaningful participation by the persons who have engaged in wrongdoing and the persons who have been affected by the wrongdoing. It is for this reason that the school district requires that every person involved in these situations participate fully.

The school district recognizes that most students, parents, teachers, administrators and other school personnel are not familiar with or have much experience with these new approaches. It is going to take a lot of training, professional development, hard work and patience to make a successful transition away from the older approaches to the newer ones and to build trust and confidence in these new approaches.

If persons who need to participate in the implementation of these approaches fail or refuse to do so, the school district will have to consider on a case by case basis the impact and consequences of non-cooperation. In short, the school district will have to resolve conflicts, breaches of the Code of Conduct and disruptions to the educational processes with or without the cooperation of all persons involved. In these situations, those who fail or refuse to cooperate may be dissatisfied with the outcomes and regard them as unfair because their views have not been taken into consideration. But that is the unfortunate, but natural consequence of non-cooperation.

#### **11. Abolition of Corporal Punishment**

Corporal punishment is controversial, but many parents and educators in Mississippi support its use as an appropriate disciplinary strategy. According to national studies Mississippi public schools utilize corporal punishment far more than any other state in the nation. National studies also document that there is no research-based evidence that any educational or behavioral benefit is derived from the use of corporal punishment. Furthermore, the use of physical force and violence by adult educators against students is not an appropriate model for how to resolve conflicts and disputes, how to handle the exercise of authority and power, and it undermines the building of trust and respect between students and educators, specifically, and between students and the education process, generally. Therefore, this school district is abolishing the use of any form of corporal punishment.

No educator, administrator, or school personnel shall have the authority to employ corporal punishment or otherwise engage in physical force or violence against a student, except in those situations when acting in self-defense against an actual use of force or violence by a student. Nor shall any parents or guardians be authorized or permitted to come to the school grounds to administer corporal punishment to their child or any other child.

#### **12. Due Process of Law**

When a student is confronted with a violation of the Conduct Policies, the School Board, administrators and teachers will afford the student the safeguards of due process as required by applicable laws and regulations. The student must be advised of his or her rights and the student has the right to obtain assistance at every proceeding from any person or organization, including attorneys, family members and those who are not attorneys.

All aspects, circumstances and records of the student's case are subject to federal and state privacy laws and regulations. It is the duty of the school district to treat such information and records as confidential. They are available only to authorized school officials dealing directly with the student or to the student's parents, legal guardians or attorneys for the student or for the School Board. At the same time, however, the right of privacy belongs to the student, not the school district. Therefore, the student has the right to share such information and records within the discretion of the student and the student has the right to require that such proceedings as are conducted be open to the public.

The superintendent and the principal of the school will have the power to suspend a pupil for such reasons as are set out in this Code. However, such action of the superintendent or principal will be subject to review by the school board as set forth herein. The parent or guardian of that child shall be advised by the superintendent or principal as to such rights as the student may have, and shall provide to the parent or guardian the proper forms needed to seek review of the decisions of the principal and superintendent. A student who has been suspended or expelled or otherwise denied admission to attend school within this district has the right to due process.

### **13. Last Resort: Separation of a student from the Mainstream education process**

It is the objective of these policies, to the extent possible, to address and resolve breaches of the Conduct Policies through conferences among the principal, educators and the student or students involved in each situation. When necessary, parents will be contacted and included in the conference process. Students shall be provided with intervention, assessments, counseling and supports consistent with our strategies regarding Restorative Justice, Conflict Resolution, Response to Intervention and Positive Behavior Intervention Supports set forth above.

If and when the application of these processes fails to achieve the necessary adjustments in the behavior of the student, then the matter will be referred to the Student Conduct Review Council for further proceedings as set forth in the section below entitled, "Student Conduct Review Council".

However, there is a critical exception to this set of procedures. When the conduct of a student has caused or threatens immediate harm to herself or himself, or to the health, safety and welfare of others, or to the buildings, grounds, equipment and materials of the school district, or has or threatens to so disrupt the educational process as to undermine it, then school administrators have the authority to move immediately to separate the student from the mainstream education processes while the choices of how best to proceed in the future are sorted out.

Separation from the mainstream may include in-school suspension, out-of-school suspension, assignment to the Alternative School, and expulsion. When a criminal act has been committed the school district also has the right to refer the student to the appropriate law enforcement agency.

Although the use of *last resort separation* by the school district is to be avoided if at all possible, there are occasions when the commitment to create healthy, safe schools within the district makes unavoidable the use of one or more of these *last resort* forms of separation from the mainstream education process.

In situations where a student engages in conduct that creates harm to self or other persons or property, or significant disruption of the education process, or where it appears that it will do so, the following sequence of procedures shall be utilized:

- A. Report of Situation to the Principal:** The teacher shall report the situation to the Principal and refer the student or students involved to the Principal.
- B. The Principal Conducts an Informal Hearing Process:** The Principal shall conduct an Informal Hearing Process.

As part of the Informal Hearing Process the Principal shall interview the student or students involved in the situation to ascertain the facts and explanations. The Principal shall inform the student or students of the alleged infractions with regard to breaches of the Conduct Policies and the facts alleged to support such allegations.

The Principal shall provide the student or students a full opportunity to respond to the allegation that an infraction has occurred, to present evidence and to provide explanations. The student or students shall have the right to have parents, guardians or other representatives of their choice, including attorneys, assist them in their own interviews. However, the unavailability of parents, guardians or other representatives of their choice to be present in a timely manner at the interviews with the student or students shall not preclude the Principal from proceeding with the initial interviews and informal hearing process.

The Principal shall interview as many of the witnesses as possible under the circumstances who have pertinent information regarding the situation in order to ascertain the facts.

The Principal shall not assume that simply because allegations have been brought that they must be true and shall give full consideration and due weight to all of the facts and explanations gathered during the Informal Hearing Process.

Principals shall have the duty to consider appropriate mitigating circumstances when holding students accountable for their behavior in violation of the Conduct Policies. "Mitigating circumstances" include, but are not necessarily limited to, the following factors:

- Age, health, maturity and any special circumstances of the student;
- Prior conduct of the student;
- Attitude of the student;
- Willingness of the student to take responsibility for her or his conduct; and
- The degree of risk of harm to herself or himself or to others, or to school property that the conduct of the student created.

Students shall have all of their rights under the United States Constitution 4<sup>th</sup> Amendment protection against search and seizure and the 5<sup>th</sup> Amendment right against self-incrimination, subject to the interpretations issued by the United States Supreme Court. If a student declines to provide information in response to the allegations made against the student, then

the Principal shall have the right to proceed based on the information available to the Principal.

- C. The Principal Makes a Decision Regarding How Best to Proceed:** Within 24 hours the Principal shall make an initial determination as to whether there is a present risk that the student will do harm to herself or himself, to others or to school property. If the Principal determines that the student has engaged in conduct that violates the Conduct Policies, but that ***there is no present risk of harm*** to the student or students, or to others, or to school property, or disruption of the education process, then the Principal shall chart a course and institute steps consistent with Restorative Justice, Conflict Resolution, Response to Intervention and Teacher Support Team, and Positive Behavior Intervention Supports, without the necessity of referring the matter to the Superintendent.

However, if the Principal determines that the conduct of the student has created ***a present risk of harm or disruption***, then the Principal shall have the **authority to suspend** the student immediately and without further delay, either to in-school or out-of-school suspension, for a period not to exceed five (5) days.

- D. The Principal Sets Remedies in Motion:** When a student is suspended the Principal shall initiate or continue the steps consistent with Restorative Justice, Conflict Resolution, Response to Intervention and Teacher Support Team, and Positive Behavior Intervention Supports. In the event that a student is suspended during a testing period, provision shall be made to enable the student to take the test at an appropriate time.

If the Principal makes the decision to suspend, the principal may immediately dismiss the student from school for the day when it is deemed necessary to restore order, to protect the safety of the student or others and/or to resume normal school functions. As soon as the Principal makes the decision to suspend, a parent or guardian of the student shall be informed immediately. The student shall not be sent home nor return to class, but rather shall remain in an appropriate location at school for release to the parent or guardian. When an immediate dismissal is appropriate, the student shall be instructed to return to school the following day with the student's parent, legal guardian or designee to receive a written "Notice of Suspension". Should the student not return as instructed, the principal shall mail to the legal guardian a "Notice of Suspension" for a maximum of five (5) days or less, as appropriate. The student shall have the right to return to class at the beginning of the day after which the suspension ends.

- E. Notice to the Student and to the Parent or Guardian:** Whatever decision is made by the Principal, the Principal shall immediately notify the student in writing and also send the written Notice of the decision to the last known address of the parent or guardian of the student. A record of the decision and the written Notice shall be maintained in the file of the student.
- F. Student Right to Education Services While on Suspension:** When a student has been suspended from school the administration has made a decision that the student has to be



separated for a period of time from the mainstream educational process. But the student has not forfeited the right of the student to a continuing education. Furthermore, if there is no method of continuing education, then the student will fall behind, or even further behind, which data shows is a major contributing factor to students acting out and engaging in counter-productive behavior that snowballs into a cycle of successive suspensions until the student cannot hope to succeed.

Therefore, it is the policy of the school district that when a student must be separated from the classroom the Principal shall ensure that mechanisms are in place for the student to continue to learn. Students shall be provided the work that is needed to keep up with the classroom work and shall be afforded the opportunity to take “substitute” weekly or 9-week tests, even if they must take the tests late. In this way the suspension process will not function to undermine the educational process. Students shall be provided the opportunity to take the statewide tests, either during the regular test or as a re-test.

- G. Principal Reports to the Superintendent:** The Principal shall *report to the Superintendent* without undue delay and **no later than 24 hours** from the time of making the decision to suspend, the findings of fact, student and teacher explanations, the Principal’s assessment with regard to the specter of harm, and the Principal’s recommendation as to what course of action ought to follow.

**Within 48 hours** of making the decision to suspend, the Principal shall prepare a written version of the content of the report to the Superintendent, including who was interviewed, the facts and explanations that were ascertained, the decisions and recommendations made, and the reasons behind them, all in order to preserve the record by creating an immediate account of the Informal Hearing Process.

- H. The Superintendent Makes a Decision Regarding How Best to Proceed:** After receiving the report from the Principal, without undue delay the Superintendent shall determine whether to continue or to lift the suspension of the student, whether to follow other recommendations by the Principal, or whether to follow a different course. The Superintendent shall have the authority to conduct an independent investigation of the facts and explanations to assess what constitutes the best course to follow.
- I. Notice to the Student and Parent or Guardian:** Whatever decision is made by the Superintendent, the Superintendent shall immediately notify the student and the parent or guardian of the student in writing and a record of the decision shall be maintained in the file of the student.
- J. Records:** Records of the disposition of these matters shall also be placed in the file of each of the teachers and other students who may be involved in the matter.
- K. Student Right of Appeal to the Superintendent:** As part of this process, whether before or after the Superintendent has made a decision, the student and their parents, guardians or representatives, including attorneys, shall have the Right to Appeal to the Superintendent to

seek review of what has transpired, to present additional information to the Superintendent, to present the perspectives of the student regarding the situation, and to request that the Superintendent overturn the decision of the Principal or to reconsider the decisions made by the Superintendent.

To the extent possible under the circumstances, the Superintendent shall make every effort to hear the student and render a decision in a timely manner so that the appeal is not mooted by the passage of time. In the event that the Superintendent is unavailable due to prior-scheduled events, vacation or illness, the Superintendent shall designate another person to fulfill these responsibilities. Nevertheless, the Superintendent shall retain responsibility to ensure that these matters are handled consistent with these policies.

Notwithstanding that the student may have already served the suspension, if the evidence warrants it, the Superintendent shall assist the student to correct the record, clear her or his name, and preclude the use of this situation in the future to treat the student as a repeat violator of the Conduct Policies.

- L. Student Right of Appeal to the School Board:** If the student is dissatisfied with the decisions of the Principal and or the Superintendent the student shall have the right to appeal to the School Board, where the student shall have the right to be represented by and supported by their parents, guardians or other representatives, including attorneys. The student shall have the right to testify, to present witnesses and evidence and to cross-examine witnesses.

The student shall also have the right to elect to have a School Board hearing on the appeal in an open meeting before the public or in executive session.

In order to perfect the appeal, within 10 school days of receiving notice of the decision, the student shall provide to the Superintendent a written Notice of Appeal in which the student identifies which decisions of the Principal or Superintendent that the student contests. The Notice of Appeal shall be regarded as a means to notify the School Board that there is an appeal, but shall not be regarded as a technical document which must specify each issue which forms the basis of appeal. Therefore, the School Board shall consider all the issues relevant to the matter that the student desires to raise, whether or not they are identified in the Notice of Appeal.

To the extent possible under the circumstances, the School Board shall make every effort to hear the student's Appeal and render a decision in a timely manner so that the Appeal is not mooted by the passage of time. If necessary, the School Board shall hold a *special call meeting* on the student Appeal to accomplish this objective.

The decisions of the School Board shall be considered a final action of the school district. Thereafter the student has the right to appeal to the state court system or may initiate an independent action in the federal court system.

## **M. Student Faculty Conduct Review Council**

**Jurisdiction of the Council:** When the Superintendent renders a decision that recommends that the student receive a suspension that is longer than five (5) days, assignment to the Alternative School, expulsion or other procedures that would remove the student from the mainstream education curriculum or programs, then the matter shall be referred by the Superintendent to the **Student Faculty Conduct Review Council**.

**Student Faculty Conduct Review Council to Conduct a *De Novo* Hearing:** The Student Faculty Conduct Review Council shall conduct a *de novo* hearing. A *de novo* hearing means that the hearing is an entirely new hearing in which the Council has the authority to hear all of the evidence that any party to the proceeding wants to present without regard to whether prior thereto that evidence had been presented to the Principal or the Superintendent.

**Notice to the Student and Parent or Guardian:** The Superintendent shall provide the student, in hand if possible, and send to the last known address of the parent or guardian of the student, a written notice that:

- States the date the Notice has been sent to the student and parents or guardian and that the matter has been referred to the Student Faculty Conduct Review Council;
- States the conduct infractions alleged against the student and the recommendations that are being made to separate the student from the mainstream or to change the student's placement;
- States the date, location and time of the hearing;
- States the reasons why the Superintendent has referred the student to the Council;
- States any recommendations that the Superintendent intends to make to the Council regarding the disposition of the matter;
- Advises the student of the student's right to counsel and representation in every phase of the proceedings;
- Advises the student of the student's right to present evidence, to testify, to present and examine witnesses on behalf of the student, and to cross-examine witnesses against the student;
- Advises the student of the right to record the proceedings using either video or audio equipment, or both, which equipment shall be provided by the student or the school district when the school district owns such equipment and the student requests the use of it. Either the student or the district shall have the right to utilize the services of a court reporter, in which event the party choosing the court reporter shall bear the expense of the court reporter's services and the cost of the transcript.
- Whether the proceedings are recorded using the equipment of the school or equipment brought to the school on behalf of the student, both the student and the school district shall be entitled to own and possess a copy of the video or audio recordings. The school district shall be responsible for maintaining the confidentiality of its copies of the recordings, consistent with the requirements of federal and state law.

**Composition of the Student Faculty Conduct Review Council:** The Conduct Review Council shall consist of seven (7) members, three (3) of whom are Juniors and two (2) of whom are Seniors in High School and two (2) of whom are members of the school district faculty.

**How regular members of the Council are chosen:** Each year during the first week of the beginning of the school year, before the selection process is made, the school district shall conduct a training workshop in the disciplines of Restorative Justice, Conflict Resolution, Response to Intervention and Positive Behavior Intervention Supports. Both faculty and students who are interested in serving on the Student Faculty Conduct Review Council shall attend the training as a pre-requisite to serving on the Council. The training shall be open to all students and faculty that are interested, notwithstanding that the students may not yet be Juniors or Seniors in High School. This training will be excellent preparation for all students to learn how to deal with problem solving generally, and to prepare them to participate in the work of the Council in the future.

After the training has been completed faculty and students may volunteer to serve on the Council. The Superintendent shall select the Council members from a list of nominees for the faculty positions who have participated in the training and that have been presented by the Principals of all the schools in the district. The Superintendent shall use a lottery system to select the student members from a list of students who have participated in the training and have volunteered to serve, or from a list of students who have participated in the training that are nominated by other students.

**How alternates members of the Council are chosen:** To ensure that there are enough to serve, the Superintendent shall also select two faculty alternates and 3 student alternates who have participated in the training to fill in when the regular members are unavailable. To build the experience level of the alternates, they may sit in on Council hearings when not serving as a member, but they shall not participate during such proceedings.

**Timetable for Conducting a Hearing Before the Council:** A hearing before the Conduct Review Council shall be scheduled no later than the sixth (6<sup>th</sup>) school day following the date of the Notice that has been provided to the student and parent or guardian that the matter has been referred to the Conduct Review Council.

**Conduct of the Council Hearing:** For each hearing to be conducted by the Council, the entire Conduct Review Council shall elect by majority vote the Chair of the hearing. The Chair shall be the primary manager of the hearing, but all voices of the Council must have a right to be heard on all issues before the Council. Decisions shall be made by a majority vote. The Chair shall have a vote.

In the event that a Council member *before* a hearing becomes ill or is called away to deal with other matters of pressing concern, an alternate member may be chosen to serve during the hearing. In the event that a Council member *during* a hearing becomes ill or is called away to deal with other matters of pressing concern, an alternate member who has been present and observing throughout the hearing may substitute for the regular member who cannot

continue. However, an alternate who has not been present and observed the entire hearing cannot substitute for the regular member who cannot continue.

Students who appear before the Council shall have the right to the presence and support during the hearing from parents, guardians, legal counsel, lay advocates and other members of their family. The student shall have the right to testify, to present witnesses and evidence and to cross-examine witnesses. The student shall have the right to record the proceedings using either video or audio equipment, or both, which equipment shall be provided by the student or the school district when the school district owns such equipment and the student requests the use of it. Either the student or the district shall have the right to utilize the services of a court reporter, in which event the party choosing the court reporter shall bear the expense.

**Conflicts of Interests:** Prior to any hearing it is incumbent upon the members of the Council to meet to determine whether any of the members may have a conflict of interest:

- by virtue of the relation to or connection with any of the parties to the proceeding,
- whether any of them were actually witnesses to one or more of the events that will be the subject matter of the hearing and as a result would be unduly influenced by what they thought they had observed, or
- have otherwise some reason why they could not keep an open and impartial mind in relation to this particular hearing.

If any member of the Council has such a conflict of interest, then that member shall not participate in the hearing as a member of the Council and an alternate member shall serve.

**Decisions by the Council after the Hearing:** After hearing all the witnesses and reviewing the evidence presented, the Council shall have the authority to enter into the deliberation phase, which the Council has the discretion to undertake in open or closed session. After finding the facts, the Council has the following options for recommendations to the Superintendent:

- Concur or not concur in the recommendations for additional suspension, assignment to the Alternative School or expulsion;
- Recommend that there be no further actions taken against the student and the student be returned forthwith and without delay to the mainstream education process; and/or
- Recommend any other services or actions the Council considers will benefit the student, the school and the school district.
- In the event that the vote of the Council on any matter results in a tie, and that matter is the subject of appeal to the School Board, then the vote shall be reported to the School Board as a tie vote in which the recommendation of the school administration has neither been accepted nor rejected.
- When the Council makes its determinations as to its recommendations, then the Council as a body shall report at the end of the hearing to the student, parents, guardians and legal counsel what recommendations have been made and the reasons for the recommendations.

**Records of the Hearing:** The Council Chair for this proceeding shall cause to be prepared a written summary of the hearing, finding of facts and recommendations made by the Council and forward it to the Superintendent no later than **two (2) school days** after completion of the hearing process.

**Confidentiality of the Proceedings and the Privacy Rights of the Student:** Prior to serving on the Council each faculty member and student on the Council shall execute a confidentiality agreement that the existence, nature and content of the proceedings before the Council shall not be shared with anyone who is not a party to the proceedings. At the same time the right of confidentiality runs to the student. The student shall have the right to disclose the existence, nature and content of the proceedings to others. However, the student must be aware that once the confidentiality has been breached that it is essentially waived and others may find out what has transpired as a result.

**Review and Approval of Council Decisions by the Superintendent:** All decisions and recommendations of the Council are subject to the review and approval by the Superintendent, who shall render his determination within five (5) school days after receipt of the Council written summary.

If the Superintendent concurs in the decisions of the Council, the Superintendent shall submit the recommendations to the School Board for final action. The Superintendent shall provide to the School Board the Council's summary of the proceedings and its recommendations.

If the Superintendent does not concur in the decisions of the Council, the Superintendent has the authority to alter the recommendations and submit his recommendations to the School Board for final action. However, the Superintendent shall at the same time also provide to the School Board the Council's summary of the proceedings and recommendations and an explanation as to why the Superintendent decided to reject all or part of the Council recommendations.

The Superintendent shall immediately notify the student in writing of his determinations and recommendations in this matter and the reasons therefor.

**Student Right of Appeal to the School Board:** If the student is dissatisfied with the decisions made by the Superintendent after completion of the Council hearing process, the student shall have the right to appeal to the School Board, where the student shall have the right to be represented and supported by parents, guardians or other representatives, including attorneys. The student shall have the right to elect to have a School Board hearing on the appeal in an open meeting before the public or in executive session.

In order to perfect the appeal, within 10 school days of receiving notice of the decision, the student shall provide to the Superintendent a **written Notice of Appeal** in which the student identifies which decisions of the Principal or Superintendent that the student contests.

At the hearing before the School Board the student shall have the right to be represented by and supported by their parents, guardians or other representatives, including attorneys. The student shall have the right to testify, to present witnesses and evidence and to cross-examine witnesses, as in a *de novo* hearing. The student shall have the right to record the proceedings using either video or audio equipment, or both, which equipment shall be provided by the student or the school district when the school district owns such equipment and the student requests the use of it. Since this proceeding represents a critical, and sometimes life-changing moment for a student, either the student or the district shall have the right to utilize the services of a court reporter, in which event the school district shall bear the expense.

To the extent possible under the circumstances, the School Board shall make every effort to hear the student's Appeal and render a decision in a timely manner so that the Appeal is not mooted by the passage of time. If necessary, the School Board shall hold a *special call meeting* on the student Appeal to accomplish this objective.

The decisions of the School Board shall be considered a final action of the school district. Thereafter the student has the right to appeal to the state court system or to initiate a new action in federal court.

#### **14. Re-Admission to any School within the School District of a Student Returning from Incarceration in a Juvenile or Adult Penal Institution**

The school district has several major responsibilities that relate to the re-admission of students to the school district and schools within the district when the student is returning from incarceration in a juvenile or adult penal institution. The district has to balance what is in the best interest of the student in terms of her or his education and well-being and what is in the best interests of the school district in terms of protecting the health, safety and welfare of the students, faculty, personnel, property and educational operation within the district.

To strike this balance in each individual case the district will begin with a rebuttable presumption that once the student has finished the incarceration process the student has completed her or his debt to society and has a fundamental and constitutional right to return to school in the student's community to resume the learning and growing process which the district provides.

At the same time it is incumbent on the school district to assess whether the student presents any risk of harm to herself or himself or to others, or to the educational process. In order to deny re-admission to a student there must be *clear and convincing evidence* that such risk of harm exists that outweighs the district's obligation to provide a mainstream education.

In the event that the evidence on balance justifies a denial of re-admission the school district is, nevertheless, obligated to ensure that the student has effective access to a meaningful educational opportunity and appropriate support services, whether in Alternative School or otherwise. When necessary an assessment shall be done to determine appropriate placement. Further, the school district must re-assess the situation no later than every 90 days to determine whether circumstances have changed such that re-admission to the mainstream educational process is appropriate. In the

event that re-admission to the mainstream is determined appropriate, then it shall be achieved at the earliest time to minimize the extent of the separation of the student from the mainstream learning and support process.

**Exception for Permanent Expulsion:** However, there is an exception to the re-admission policy. When the *clear and convincing evidence* demonstrates that the student's presence on campus, whether in the mainstream or at Alternative School, is such a *continuing* clear and present danger and risk of harm to the student or to others, then the district shall have the authority to treat the denial of admission as a permanent expulsion. However, this shall not relieve the school district of the obligation to make every reasonable effort to continue to educate the student. The school district shall not be obligated to continue efforts to educate the student when faced with significant failure of the student to participate. The student will have the right each year to request the school district to reconsider its determination regarding expulsion as a prelude to return to the educational process in the school district and the district shall provide the student with a timely response.

### **15. Search and Seizure Policy**

It is the duty of the school district to operate the school district to protect the health, safety and welfare of the students, educators, and other school personnel and to ensure that the students have access to the education to which they are entitled. Without compromising the constitutional and due process rights of students, the school district must have a clear policy to protect everyone on school grounds against the presence of weapons and contraband.

The school district acknowledges that before searching an individual's clothing, purse or book bags while on school grounds the school district must have *probable cause* to make such a search.

The student lockers are school property. Students are provided access to the lockers as a privilege and not a right. Students do not have a reasonable expectation of privacy as to items stored in the school's student lockers. Therefore, the school district has the right to search any student locker without suspicion or cause, and without prior notice to the student. However, the school district still must have reasonable individualized suspicion based on information provided to the administration, before searching book bags or purses stored in the student lockers.

### **16. Handling of Seized and Abandoned Student Property**

When a prohibited item is found in a student's possession, a teacher, principal, resource officer, or other district employee charged with enforcing district policy may confiscate such item(s). These items will be appropriately labeled with the student's name, grade, homeroom teacher, and school, and turned into the Principal's Office. The parent or legal guardian of the student may retrieve the confiscated item(s) in accordance with procedures that have been established for these purposes, provided that the items are not illegal drugs or illegal weapons. Confiscated illegal drugs and illegal weapons will be turned over to law enforcement authorities.

Notwithstanding any provision in this Handbook, the district shall guarantee and be responsible for the safekeeping or segregation of any confiscated item(s) and shall bear responsibility for the loss, damage or destruction of confiscated item(s), including those items that have been stolen, lost, or misplaced.



Six weeks (42 calendar days) after the last day for student attendance in each school year, all unclaimed item(s) will be deemed abandoned and the school district shall no longer bear responsibility for the safekeeping of the items. The school district, in its sole discretion, shall determine the appropriate disposition of any abandoned item(s).

### **17. Role of School Resource Officers**

It is the duty of the school district to protect the health, safety and welfare of the students, educators, and other school personnel to ensure that the students have access to the education to which they are entitled. With this in mind, and without compromising the constitutional and due process rights of students, the school district reserves the right to employ and deploy off-duty, retired or former police officers, or others appropriately trained, as School Resource Officers to provide security and support services to the school district.

Resource Officers shall have *not* have the authority to enter classrooms unless expressly requested to do so by a teacher or administrator. The Officers may *not* assist teachers in the classroom in discipline matters unless the teacher expressly requests assistance in a situation where the teacher cannot handle the situation without such assistance. Resource officers may interview students in the least intrusive manner in the presence of appropriate authority, whether school personnel or parents, interview unauthorized persons on the premises, conduct searches and seizures of students or unauthorized persons on the premises consistent with the regulations in this Handbook, secure and detain students on the campus until the situation has been de-fused or on-duty officers can arrive at the school, and may use only such force upon students or unauthorized persons as is necessary to end the conflict in order to secure the safety of the premises.

The Resource Officers shall participate in the training program regarding Restorative Justice, Conflict Resolution, Response to Intervention and Positive Behavior Intervention Supports, may wear a uniform but not a police or sheriff uniform and shall wear a pin that identifies the person as a Resource Officer. The Resource Officers shall not carry weapons, except insofar as they may be required to do so by virtue of their status as municipal or county law enforcement officers.

If a Resource Officer, or any law enforcement official, questions, interviews or interrogates a student regarding possible criminal activity on school grounds or in a school facility of any kind, then the officer must assess, based on the age and maturity of the child, whether the student understands that she or he does not have to answer such questions and that the student has the right to leave the presence of the Resource Officer. If the Officer or law enforcement official concludes that the student does not appreciate the right to refuse to answer questions or to leave the presence of the Officer or officials, then the Officer or law enforcement official has the duty to provide to the student a "*Miranda Warning*" which informs the student that:

- a. the statements provided by the student can be used against the student in a court of law;
- b. the student has the right to counsel before being questioned;
- c. if the student cannot afford an attorney then an attorney will be appointed to represent the student before questioning can begin; and
- d. the student is entitled to have the presence of a parent, legal guardian or a designee of the parent or legal guardian during any questioning of the student.

See **J.D.B. v. North Carolina, 131 S. Ct. 2394 (June 16, 2011)**.

**APPENDIX A**

UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

January 21, 2011

Contact Persons:

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OSEP 11- 07

**MEMORANDUM**

TO: State Directors of Special Education

FROM: Melody Musgrove, Ed.D.  
Director  
Office of Special Education Programs

SUBJECT: A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA)

The provisions related to child find in section 612(a)(3) of the Individuals with Disabilities Education Act (IDEA), require that a State have in effect policies and procedures to ensure that the State identifies, locates and evaluates all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services. It is critical that this identification occur in a timely manner and that no procedures or practices result in delaying or denying this identification. It has come to the attention of the Office of Special Education Programs (OSEP) that, in some instances, local educational agencies (LEAs) may be using Response to Intervention (RTI) strategies to delay or deny a timely initial evaluation for children suspected of having a disability. States and LEAs have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of an RTI strategy.

A multi-tiered instructional framework, often referred to as RTI, is a schoolwide approach that addresses the needs of all students, including struggling learners and students with disabilities, and integrates assessment and intervention within a multi-level instructional and behavioral system to maximize student achievement and reduce problem behaviors. With a multi-tiered instructional framework, schools identify students at-risk for poor learning outcomes, monitor student progress,

provide evidence-based interventions, and adjust the intensity and nature of those interventions depending on a student's responsiveness.

While the Department of Education does not subscribe to a particular RTI framework, the core characteristics that underpin all RTI models are: (1) students receive high quality research-based instruction in their general education setting; (2) continuous monitoring of student performance; (3) all students are screened for academic and behavioral problems; and (4) multiple levels (tiers) of instruction that are progressively more intense, based on the student's response to instruction. OSEP supports State and local implementation of RTI strategies to ensure that children who are struggling academically and behaviorally are identified early and provided needed interventions in a timely and effective manner. Many LEAs have implemented successful RTI strategies, thus ensuring that children who do not respond to interventions and are potentially eligible for special education and related services are referred for evaluation; and those children who simply need intense short-term interventions are provided those interventions.

The regulations implementing the 2004 Amendments to the IDEA include a provision mandating that States allow, as part of their criteria for determining whether a child has a specific learning disability (SLD), the use of a process based on the child's response to scientific, research-based intervention<sup>1</sup>. See 34 CFR §300.307(a)(2). OSEP continues to receive questions regarding the relationship of RTI to the evaluation provisions of the regulations. In particular, OSEP has heard that some LEAs may be using RTI to delay or deny a timely initial evaluation to determine if a child is a child with a disability and, therefore, eligible for special education and related services pursuant to an individualized education program.

Under 34 CFR §300.307, a State must adopt, consistent with 34 CFR §300.309, criteria for determining whether a child has a specific learning disability as defined in 34 CFR §300.8(c)(10). In addition, the criteria adopted by the State: (1) must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has an SLD; (2) must permit the use of a process based on the child's response to scientific, research-based intervention; and (3) may permit the use of other alternative research-based procedures for determining whether a child has an SLD. Although the regulations specifically address using the process based on the child's response to scientific, research-based interventions (i.e., RTI) for determining if a child has an SLD, information obtained through RTI strategies may also be used as a component of evaluations for children suspected of having other disabilities, if appropriate.

The regulations at 34 CFR §300.301(b) allow a parent to request an initial evaluation at any time to determine if a child is a child with a disability. The use of RTI strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 CFR §§300.304-300.311, to a child suspected of having a disability under 34 CFR §300.8. If the LEA agrees with a parent who refers their child for evaluation that the child may be a child who is eligible for special education and related services, the LEA must evaluate the child. The LEA must provide the parent with notice under 34 CFR §§300.503 and 300.504 and obtain informed parental consent, consistent with 34 CFR §300.9, before conducting the evaluation. Although the IDEA and its implementing regulations do not prescribe a specific timeframe from referral for evaluation to parental consent, it has been the

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<sup>1</sup> The Department has provided guidance regarding the use of RTI in the identification of specific learning disabilities in its letters to: Zirkel - 3-6-07, 8-15-07, 4-8-08, and 12-11-08; Clarke - 5-28-08; and Copenhaver - 10-19-07. Guidance related to the use of RTI for children ages 3 through 5 was provided in the letter to Brekken - 6-2-10. These letters can be found at <http://www2.ed.gov/policy/speced/guid/idea/index.html>.

Department's longstanding policy that the LEA must seek parental consent within a reasonable period of time after the referral for evaluation, if the LEA agrees that an initial evaluation is needed. See Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg., 46540, 46637 (August 14, 2006). An LEA must conduct the initial evaluation within 60 days of receiving parental consent for the evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. 34 CFR §300.301(c).

If, however, the LEA does not suspect that the child has a disability, and denies the request for an initial evaluation, the LEA must provide written notice to parents explaining why the public agency refuses to conduct an initial evaluation and the information that was used as the basis for this decision. 34 CFR §300.503(a) and (b). The parent can challenge this decision by requesting a due process hearing under 34 CFR §300.507 or filing a State complaint under 34 CFR §300.153 to resolve the dispute regarding the child's need for an evaluation. It would be inconsistent with the evaluation provisions at 34 CFR §§300.301 through 300.111 for an LEA to reject a referral and delay provision of an initial evaluation on the basis that a child has not participated in an RTI framework.

We hope this information is helpful in clarifying the relationship between RTI and evaluations pursuant to the IDEA. Please examine the procedures and practices in your State to ensure that any LEA implementing RTI strategies is appropriately using RTI, and that the use of RTI is not delaying or denying timely initial evaluations to children suspected of having a disability. If you have further questions, please do not hesitate to contact me or Ruth Ryder at 202-245-7513.

References:

- Questions and Answers on RTI and Coordinated Early Intervening Services (CEIS), January 2007
- Letter to Brekken, 6-2-2010
- Letter to Clarke, 4-28-08
- Letter to Copenhagen, 10-19-07
- Letters to Zirkel, 3-6-07, 8-15-07, 4-8-08 and 12-11-08

cc: Chief State School Officers  
Regional Resource Centers  
Parent Training Centers  
Protection and Advocacy Agencies  
Section 619 Coordinators