

Student Code of Conduct Tips and Examples

Compiled by the Advancement Project

Includes:

- Advancement Project: Tips for Reforming Your Student Code of Conduct
- Advancement Project: Model School Discipline Policy
- Dignity in Schools – Model Code on Education and Dignity (executive summary)
- The Baltimore City Public Schools Code of Conduct - Excerpts
- The School District of Philadelphia Code of Student Conduct
- Denver Public Schools -- Discipline Ladder
- Buffalo Public Schools – Excerpts from Student Code of Conduct
- Los Angeles County Unified School District - School Climate Bill Of Rights

TIPS FOR REFORMING YOUR STUDENT CODE OF CONDUCT

IDENTIFYING THE ISSUE

Written policies never tell the whole story. Gathering information from students, parents, and teachers (via conversations, interviews, surveys, and town halls) about experiences with discipline and their concerns is a vital step to understanding what reforms are needed. Quantitative data is also an important tool. Your school's discipline data can be obtained from the U.S. Department of Education (ocrdata.ed.gov), or by filing public information requests with the district. The school's data should reveal who is being suspended, expelled, and arrested, and the reasons for such actions. With this information, the weaknesses in a Code of Conduct and its implementation will be much easier to spot.

The most common types of discipline that push students of color out of school and into the criminal justice system are:

- **OUT-OF-SCHOOL SUSPENSIONS**
- **EXPULSIONS**
- **TRANSFERS TO ALTERNATIVE SCHOOLS**
- **ARRESTS OR TICKETS**

INTENT

The stated goals and purposes of a Code of Conduct, and the School District's adherence to the goals, are important to moving away from exclusionary discipline. Introductory and explanatory language that explains the goals may not be binding, but it signals to administrators the priorities of the District, the intent of discipline, and the desired school culture. Baltimore, Denver, Philadelphia, and the model codes listed all offer great examples. Introductory language also provides an opportunity to be explicit about the intent to reduce racial and other disparities in the administration of school discipline.

DISCRETION

Discretion is often used in determining consequences for behaviors, and in determining whether some behaviors are subject to discipline in the first place. Discretion in determining consequences is a double-edged sword. Using discretion to consider the circumstances of a situation and appropriate supportive interventions is vital to a healthy school climate. However, discretion to impose exclusionary discipline or involve law enforcement when dealing with minor misbehavior is a direct cause of the racial disparities in school discipline we see today. Placing clear limits on the consequences that can be imposed, while still providing discretion to use a variety of interventions and responses short of those limits, often leads to better outcomes. Discretion is also used in identifying behaviors such as insubordination, disrespect, and disruption. There must be clearly

defined standards that apply to all students in determining when to discipline for these offenses. However, out-of-school suspensions are not appropriate for these behaviors.

INTERVENTIONS

The best Codes of Conduct offer and encourage teachers and administrators to use a mix of supportive, positive interventions and disciplinary consequences. Lists should not be exhaustive; educators should be able to use creative methods aimed at reconnecting students to their school community and keeping them on track academically.

DEFINITIONS

Review the glossary section of the Code of Conduct. Definitions should be clear. Examples may be helpful especially for subjective conduct such as disrespect, insubordination, and disruption. Broad terms such as weapons should also provide detailed definitions.

LAW ENFORCEMENT OR SECURITY

The role of law enforcement or security should be clearly defined. It is important to explore limitations on their role. The Code should specify the circumstances for arrests of students and the procedures that are used, including the circumstances under which a student will be informed of their right to remain silent to avoid possible incrimination. It is also important to review the type of training that is provided to law enforcement and security to ensure that it is appropriate for the school environment.

DUE PROCESS

Look for due process procedures that accompany out-of-school suspensions, transfers, and expulsions. An ideal Code of Conduct should provide an opportunity to challenge the disciplinary decision before a student is excluded from class time, include prompt notification of parents/guardians, and offer an appeals process.

DISABILITIES

A Code of Conduct should include relevant protections from state and federal law on the rights of students with disabilities and the responsibilities of the school in these cases.

ACCESSIBILITY TO PARENTS & STUDENTS

The Code of Conduct should be written so that it is easy to understand for students and parents. It may need to be shortened. Copies should be provided at the beginning of the school year in multiple languages for non-English speakers. It should also be on the school/district's website.



Model School Discipline Policy

(Based on actual policies from Denver Public Schools, Baltimore City Public Schools, Los Angeles Unified Public Schools, San Francisco Unified School District, New Orleans Recovery School District, and Chicago Public Schools)

NOTE:

This policy does not take into account local and state laws that may be applicable. We recommend that a lawyer be consulted for assurance that all policies are drafted in compliance with the law in your jurisdiction.

Section One - Introduction

A. Right to a High-Quality Education

All students have a right to a high-quality education. As such, school disciplinary measures should not be used to exclude students from school or otherwise deprive them of such an education, unless it is necessary to preserve the safety of students and staff.

B. General Principles

The goal of student discipline is to teach students to behave in ways that contribute to academic achievement and school success, and to support a school environment where students and staff are responsible and respectful. Successful school discipline is guided by the following principles:

- Effective and engaging instruction and classroom management are the foundation of effective discipline.
- School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.
- School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning.
- School staff should promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently correcting misbehavior as necessary.
- School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting the student re-engaged in learning.
- Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms due to misbehavior.

C. Reasonable Consequences

The District will make every reasonable effort to correct student misbehavior through school-based resources at the lowest possible level, and to support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior. The vast majority of disciplinary issues should be addressed at the classroom level by teachers. In all instances, school discipline should be reasonable, timely, fair, age-appropriate, and should match the severity of the student's misbehavior.

D. Use of Out-of-School Suspensions, Expulsions, and Referrals to Alternative Schools Should be Minimized

The use of measures such as out-of-school suspensions, expulsions, and referrals to alternative schools that exclude students from school should be minimized. These punitive measures have resulted in the loss of valuable instructional time and should be reserved for infractions that cannot be appropriately addressed through other interventions and disciplinary responses. Disproportionate use of out-of-school suspensions, expulsions, and referrals to alternative schools shall be cause for corrective action by the District.

E. Limited Role of Law Enforcement

This District seeks to avoid the unnecessary criminalization of our students; as such, police involvement should be limited to situations when it is necessary to protect the physical safety of students and staff or appropriate to address criminal behavior of persons other than students. Police involvement should not be requested in a situation that can be safely and appropriately handled by the District's internal disciplinary procedures. Disproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the District.

Additionally, law enforcement personnel working on school grounds should exercise their authority to arrest in a manner that is consistent with the goals and requirements of this Policy.

F. Addressing Racial Disparities in School Discipline

While overly harsh school discipline policies can affect all students, they have disproportionately impacted students of color. Black, Latino/Hispanic, and Native American students, in particular, are far more likely to be suspended, expelled, and arrested than their White peers, even for the same behavior. Students of color also tend to receive harsher punishments than their peers receive for the same offenses.

The systemic racial inequalities that persist in the administration of school discipline must be acknowledged, and this District must therefore eliminate institutional racism and any other form of discrimination or bias that presents barriers to success for our students.

Schools are charged with eliminating racial disparities in the administration of school discipline. Staff members are specifically charged with monitoring the impact of their actions on students from racial and ethnic groups or other protected classes that have historically been over-represented among those students who are suspended, expelled, referred to alternative schools, arrested, or referred to law enforcement. Evidence of punitive measures being used disproportionately against students of color shall be cause for corrective action by the District.

G. Students with Disabilities

Students with disabilities have too often had their education needlessly interrupted by inappropriate out-of-school suspensions, expulsions, referrals to alternative schools, and referrals to law enforcement. This is especially concerning when the behavior resulting in the punitive response was a manifestation of the student's disability.

Staff is charged with eliminating the over-punishment of students with disabilities, along with ensuring that any disciplinary consequences are in accordance with students' individualized education programs (IEPs), behavior intervention plans (if applicable), and 504 plans (if applicable).

H. Non-Discrimination

School district staff responsible for implementing this Policy shall do so without discrimination based on ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, age, or disability.

I. Due Process

The failure to provide students and parents/guardians with due process has resulted in a breakdown of trust between schools and the communities they serve. To restore that trust, and ensure correct results in disciplinary proceedings, there should be utmost respect for: parents'/guardians' right to be immediately notified when their child faces disciplinary action; students' right to a fair hearing before being suspended, expelled, or referred to an alternative school; and students' right to appeal suspensions, expulsions, and referrals to alternative schools.

J. Staff Training

One of the primary reasons for the over-reliance on punitive disciplinary measures is that many teachers and administrators have received insufficient training in classroom management, conflict resolution, and non-punitive approaches to discipline. Every school within the District shall make an annual allocation of their professional development time to these subjects in order to ensure that the disciplinary program in each school is effective and that relevant policies and procedures are equitably applied.

K. Individual School Policies

Schools may adopt their own school rules and Codes of Conduct so long as they are consistent with this Policy. Any such rules or codes shall be approved by the Superintendent or a designated district official and will be made available to students and their parents/guardians in a manner consistent with this Policy.

L. Community Involvement

Meaningful parent, student, and community involvement in the creation and application of school and district policy is essential for building effective schools with positive and inclusive learning environments. As such, parents/guardians, students, and community members should have input in the development of discipline rules for their school and classrooms.

M. Distribution of Policy

The District shall distribute a copy of this Policy to all students and their parents/guardians, in a language they can understand. It shall also be posted on the district web site and in an easily visible place within each school.

Section Two – Using Disciplinary Interventions

A. Types of Interventions

There are three types of intervention strategies that are available to teachers and administrators: Administrative, Restorative, and Skill-based/Therapeutic.

- Administrative Strategies are statutory, rule-based, or contract-based interventions done “to” the offender, such as detention or suspension.
- Restorative Strategies are problem solving interventions done “with” the offender. They focus on the harm caused and how it will be repaired. Examples may include:
 - o Family group conferencing
 - o Victim-offender mediation
 - o Classroom peace circles
- Therapeutic/Resource Strategies are done “by” the offender and require intrinsic motivational behavior change. Such interventions include:
 - o Mental health counseling
 - o Anger management classes
 - o Informal mentoring and behavior coaching

B. Strategies in Using Interventions

Teachers and administrators should consider utilizing different types of strategies, or multiple strategies simultaneously, to deal with misbehavior, especially for 2nd or 3rd instances of the same disruptive or inappropriate behavior. For example, in compliance with this Policy, the three types of interventions may be used in the following ways:

- Independently (e.g., 1-day after-school detention);
- As alternatives to each other (e.g., choice of peer mediation or 1-day detention); or
- In conjunction with each other (e.g., 2-day in-school suspension along with mediation).

C. Relevant Factors in Making Discipline Decisions

When choosing consequences for students’ misbehavior, teachers, administrators, and staff must consider the following factors:

- Age, health, and disability or special education status of the student;
- Appropriateness of student’s academic placement;
- Student’s prior conduct and record of behavior;
- Student’s attitude;
- Student’s willingness to repair the harm;
- Seriousness of the offense and the degree of harm caused; and
- Impact of the incident on overall school community.

Section Three – Description of Inappropriate and Disruptive Behaviors and Consequences

A. Disciplinary Consequences Matrix

The following is the Disciplinary Consequences Matrix, which contains a list of potential inappropriate or disruptive behaviors and the appropriate interventions or consequences.

Note: On the first instance of an inappropriate or disruptive behavior, use one or more interventions from the lowest level indicated for that behavior, or any lower level. If the same behavior is repeated during the same school year, one or more interventions or disciplinary responses from the next highest level may be used. Lower-level interventions may always be used, but interventions or disciplinary responses from the shaded boxes may never be used.					
Inappropriate or Disruptive Behavior	Levels				
	1	2	3	4	5
Academic Dishonesty (e.g. cheating or plagiarizing)	●	●	●		
Alcohol			●	●	
- Under the Influence, Using, or Possessin				●	
- Selling				●	
Assault or Battery				●	
- Simple Assault or Simple Battery				●	
- Assault with a Weapon or Battery Causing Serious Injury					●
Bullying		●	●	●	
Bus Disruptions				●	
- Minor Disruption on the Bus (e.g. eating, drinking; being too loud, standing, throwing objects from the bus)	●	●	●		
- Serious Disruption on the Bus				●	
Classroom Disruption (e.g. talking out in class or talking out of turn, throwing objects, and other behavior that distracts from student learning)	●	●	●		
Defiance of Authority and/or Insubordination (e.g. non-violent/non-physical, talking back to school staff, failure to follow directions, failure to respond to school staff questions or requests, refusal to participate in classroom activities, etc.)	●	●	●		
Disrespectful Behavior (e.g. verbal insults or put-downs, including the use of profane or offensive language; picking on, bothering, teasing, or distracting other students; making inappropriate gestures or comments; and other behavior that is rude or disrespectful)	●	●	●		
Dress Code Violation	●	●			
False Activation of a Fire Alarm			●	●	
Fighting		●	●	●	
- Physical Aggression (e.g., pushing and shoving)		●	●	●	
- More Serious Fighting (may include incidents involving minor injuries)				●	
Gambling		●	●	●	
Hallway Misbehavior. Running, Making Excessive Noise, or Loitering	●	●	●		
Harassment based on Race, Ethnicity, Gender, Sexual Orientation, Disability, or Religion Against Members of the School Community		●	●	●	
Illegal Drugs or Controlled Substances			●	●	
- Under the Influence, Using, or Possessing			●	●	
- Selling					●

Note: On the first instance of an inappropriate or disruptive behavior, use one or more interventions from the lowest level indicated for that behavior, or any lower level. If the same behavior is repeated during the same school year, one or more interventions or disciplinary responses from the next highest level may be used. Lower-level interventions may always be used, but interventions or disciplinary responses from the shaded boxes may never be used.

Inappropriate or Disruptive Behavior	Levels				
	1	2	3	4	5
Lying to, Giving False Information to, or Misleading School Personnel	●	●	●		
Portable Electronic Devices Use at Unauthorized Times	●	●	●		
Property Damage					
- Intentional Damage or Defacement of Another Person's or School Property (less than \$50)		●	●	●	
- Intentional Damage or Defacement of Another Person's or School Property (more than \$50)				●	
Sexually-Based Behaviors					
- Consensual Sexual Activity	●	●	●		
- Sexual Harassment (e.g. unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature)		●	●	●	
- Sexual Assault					●
Tardiness					
- Persistent or Excessive Tardiness to Class/School	●	●	●		
Theft					
- Less than \$50		●	●	●	
- Greater than \$50				●	
Trespassing (Level 5 interventions may only be used when a student has entered onto school property without permission and then refused to leave school property upon request)				●	●
Tobacco Possession or Use	●	●	●		
Unauthorized Use of School Equipment	●	●	●		
Unexcused Absence from School or Class Cutting	●	●	●		
Weapons, Firearms, and Explosives					
- Bringing or Possessing Fireworks	●	●	●		
- Igniting Fireworks				●	
- Bringing, Possessing, or Using Other Explosives (Non-Fireworks)					●
- Threat or False Report Related to Explosives					●
- Bringing, Possessing, or Using Firearms					●
- Bringing or Using Other Deadly Weapons					●
- Possessing Other Deadly Weapons				●	

B. Levels of Interventions and Disciplinary Responses

Each of the levels indicated in the Matrix above corresponds to a set of possible interventions and disciplinary responses:

Levels of Interventions and Disciplinary Responses	
Level 1	<ul style="list-style-type: none"> * Teacher/Student Conference * Reminders and Re-Direction * Teaching of Expectations and Skills * Written Apology
Level 2	<ul style="list-style-type: none"> * Reflective Essay or Other Reflective Activity * Independent Study * Role-Play
Level 2	<ul style="list-style-type: none"> * Any Lower-Level Interventions * Parent/Guardian Outreach * In-Class Time-Out * Seat Change * Self-Charting of Behaviors * Daily Report Card on Behavior, Task Completion, and Achievement
Level 2	<ul style="list-style-type: none"> * Reprimand by Administrator * Removal from Class to Supervised Time-Out in Another Classroom * Loss Of Privileges (e.g., exclusion from group lunch or extra activities) * Mini-Course/Training (e.g., conflict resolution, anger management, social skills, or appropriate behavior)
Level 3	<ul style="list-style-type: none"> * Any Lower-Level Interventions * Student/Teacher/Parent Conference * Referral to Support Staff (e.g., guidance counselor, social worker, psychologist, or nurse) * Short-term Behavioral Progress Reports * Behavioral Intervention Plan * Change in Schedule/Class * Referral to After-School Program * In-School Suspension - 1 day
Level 3	<ul style="list-style-type: none"> * Community Service * Mentoring Program * Peer Mediation * Functional Behavioral Assessment * Referral to School-based Health/Mental Health Clinics * Referral to Community-Based Services * Substance Abuse Treatment Services * Modification of IEP (if applicable)
Level 4	<ul style="list-style-type: none"> * Any Lower-Level Interventions * Detention * Saturday School * Restorative Justice * In-School Suspension - 1 to 3 days
Level 4	<ul style="list-style-type: none"> * Teen Court/Peer Jury * Restitution * Out-of-School Suspension - 1 day (if needed for "cooling off" period)
Level 5	<ul style="list-style-type: none"> * Any Lower-Level Interventions * Out-of-School Suspension - 1 to 10 days (and may be extended as necessary)
Level 5	<ul style="list-style-type: none"> * Alternative Educational Placement * Recommendation for Expulsion * Arrest or Referral to Law Enforcement

For more information on these interventions, see the Glossary attached as an Appendix. Note that this list is not intended to be exhaustive, and the use of additional interventions and disciplinary responses that are consistent with this Policy and its goals are encouraged.

C. Procedure and Guidelines for Interventions and Disciplinary Responses

The disciplinary levels above should be utilized as follows:

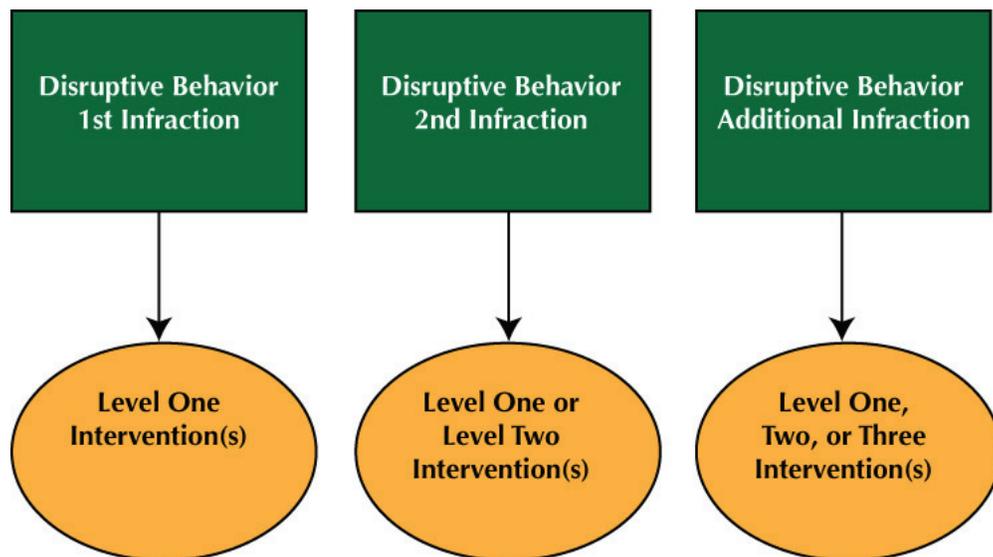
- In choosing one or more interventions or disciplinary responses for an inappropriate or disruptive behavior, school staff should locate that behavior on the Matrix.
- On the first instance of any inappropriate or disruptive behavior, school staff shall utilize one or more interventions or disciplinary responses from the lowest level indicated on the Matrix for that behavior (or one or more interventions or disciplinary responses from a lower level).
- If the same behavior is repeated during the same school year, school staff may utilize one or more interventions or disciplinary responses from the next highest level indicated on the Matrix for that behavior, or any lower level. If there is only one

level indicated for that offense, then any interventions or disciplinary responses utilized must be from that same level or a lower level.

- School staff may not utilize interventions and disciplinary responses from those boxes that are shaded dark gray.
- Staff is encouraged to implement several lower-level interventions before proceeding to higher levels that may involve disciplinary responses that remove the student from the classroom.

Example

If a student is disruptive in class and it is determined that an intervention or disciplinary response is needed, the teacher should utilize one or more interventions from Level One. If that student is again disruptive during the same school year, the teacher may utilize one or more interventions from Levels One or Two. If the interventions are unsuccessful and the student commits the same infraction a third time, then the teacher may utilize one or more interventions from Levels One, Two, or Three. If the behavior occurs again, one or more interventions from Levels One, Two, or Three may again be utilized, but under no circumstances should interventions from Levels Four or Five (shaded in gray) be utilized.



D. Behavior Off of School Property and Outside the School Day

A student may not be disciplined for conduct that occurs off of school property and outside the school day unless the conduct seriously endangers the safety of students or staff.

E. Use of Out-of-School Suspensions

Out-of-school suspensions are only to be used in the following circumstances: when a student has committed a Level Four behavior and a 1-day out-of-school suspension is necessary for the student to “cool off” (such as after a serious fight); and when a student has committed a Level Five behavior. For all other infractions, alternative interventions and disciplinary responses shall be utilized.

F. Extension of Out-of-School Suspensions

For Level Five behaviors in which an out-of-school suspension has been issued, the suspension may be extended beyond 10 days only if the student's presence in school threatens the safety of students or staff and there has been a recommendation to expel the student.

G. Use of Expulsions and Referrals to Alternative Schools

Recommendations for expulsion and referrals to alternative schools may only be made under the following circumstances:

- The student has committed a Level Five behavior;
- A 10-day out-of-school suspension and/or other interventions are inadequate to address the behavior; and
- The student's continued presence in the school endangers the safety of students or staff.

If all of these conditions are not met, the behavior must be addressed through alternative interventions and disciplinary responses.

Even if all of these conditions are met, school administrators should consider all of the factors identified above in Section 2(C) before recommending expulsion or referral to an alternative school.

H. Arrests and Referrals to Law Enforcement

The only infractions that may result in arrest or referral to law enforcement are Level Five behaviors. All other inappropriate or disruptive behaviors must be addressed through alternative interventions and disciplinary responses.

While Level Five behaviors may result in arrest or referral to law enforcement, such action should only be used as a last resort and incidents should be resolved without the involvement of law enforcement whenever practicable. School officials should use their discretion before notifying law enforcement, and should consider the following factors:

- Whether the misconduct was particularly egregious;
- Whether the student persists in misconduct after being told to cease such behavior, and continues to endanger the safety of others;
- The age of the student engaging in misconduct; and
- Whether the student's misconduct is specifically intended to cause, or irresponsibly causes, physical harm to others or endangers the safety of others.

Section Four – Procedures for In-School Suspensions, Out-of-School Suspensions, Expulsions, and Referrals to Alternative Schools

A. Procedures for In-School and Out-of-School Suspensions

Before a student is suspended in-school or out-of-school, he or she has the right to an informal conference with the principal or designee. At the conference, the student must:

- Be allowed to call a parent/guardian, and have the parent/guardian attend the conference if they are able to within a reasonable amount of time;
- Be informed of the allegations and evidence against him or her;
- Have an opportunity to respond to the allegations, verbally or in writing, and present his or her version of events;
- Be informed of the right not to submit a written statement, if a written statement is requested; and
- Have an opportunity to present evidence in his or her defense, including the right to have witnesses interviewed by the principal or designee.

If, after the informal conference, the principal or designee decides to issue an in-school or out-of-school suspension, the school must make a reasonable attempt to contact the parent/guardian at once by phone. The school must also provide a written notice of suspension in a language that the parent/guardian can understand. Both the oral and written notices must:

- Inform the parent/guardian that the student has been suspended;
- Include the grounds for the suspension, the period of the suspension, and offer to schedule a time and place for the parent/guardian to meet with the principal or designee to review the suspension prior to or concurrent with reinstatement; and
- State that make-up work will be provided during the period of suspension, and that the student has the right to appeal the suspension and how to do so.

If an emergency requires immediate removal of the student from school, the informal hearing shall follow as soon after the student's removal as practicable. If immediate removal from school is necessary, the school shall immediately notify the parent/guardian to determine the best way to transfer custody of the student to the parent/guardian.

While suspended in-school or out-of-school, students shall be provided the opportunity to earn equivalent grades and academic credits as other students. They must also be provided the opportunity to make up tests, final examinations, and complete class and homework assignments without penalty while on suspension or within a reasonable time following the completion of the suspension. The intent of this provision is to not doubly punish students with suspensions and academic sanctions, while also providing an opportunity for the student to reintegrate into the educational program of the district following the suspension period.

Students who are suspended in-school or out-of-school during the administration of state or district assessments must be provided an opportunity to take the test and may be al-

lowed to participate in related test preparation activities, upon approval by the school principal or a designee.

B. Right to Appeal In-School and Out-of-School Suspensions

Students have the following rights during the appeals process:

- The right to request a meeting with the school principal within five days of the incident;
- The right to a representative to be present at the meeting;
- The right to address the principal or other administrator or appropriate designee on the evidence and the appropriateness of the penalty; and
- The right to submit a dissenting opinion regarding the disciplinary action, and have it included in the student's disciplinary file.

The school administrator must do the following:

- Review all written documents;
- Make a determination of whether there was sufficient evidence to find:
 - That the alleged violation occurred; and
 - Whether the penalty imposed was appropriate.
- Provide a written decision within five days of the meeting.

If it is determined that no violation occurred, all school records pertaining to the suspension will be expunged from the student's file, and a corrected copy of the student's file will be provided to the student's parent or guardian by mail. If the penalty was not appropriate to the violation, all school records will be revised to indicate only the facts leading to the reduced penalty imposed by the principal.

If the school administrator denies the appeal, the student and his or her parent/guardian must be notified of the right to a second appeal of the disciplinary action to the Superintendent or a designee. That appeal will have identical procedures as the first appeal.

C. Procedures for Expulsions and Referrals to Alternative Schools

When a student is recommended for expulsion or referral to an alternative school, the school administrator must, at the time of making such recommendation, give the student and the student's parent/guardian written notice of the recommendation in a language that they can understand. The notice must contain:

- A statement of the reasons for the recommended action;
- A statement that a hearing will be held within ten days after the date of the notice; and
- A statement that the student may be present at the hearing to hear the evidence, may have an opportunity to present relevant evidence, and may be accompanied by a parent/guardian and a representative of choice.

There shall be no expulsion or referral to alternative school without a hearing at which

evidence may be presented on the student's behalf by the parent and/or an attorney or advocate of the parent/guardian's choice. Hearings must be conducted by a hearing officer, who may not be a current employee of the school, District, or Board of Education. The student, parent/guardian, or representative must be allowed to question individuals presenting information.

Written statements made by the student may not be used as evidence unless his or her parent/guardian was present at the time it was signed by the student, or school officials had made reasonable attempts to have the parent/guardian present at the time of signing.

The Superintendent or designee must review the recommended action and the report of the hearing officer. A written opinion notifying the student and his or her parent/guardian of the action taken must be issued within five days of the hearing. The period of expulsion or placement in an alternative school shall not exceed one calendar year.

The Superintendent or a designee must also notify the student and his or her parent/guardian of their right to appeal the decision to the Board of Education within ten calendar days of the receipt of the notice. The notice must be in a language that the parent/guardian can understand.

D. Right to Appeal Expulsions and Referrals to Alternative Schools

If an appeal is requested, the Board of Education must review the record and offer the opportunity for representatives of the District and the student to make statements to the Board. The Board must:

- Make a determination of whether there was sufficient evidence to find:
 - o That the alleged violation occurred; and
 - o Whether the penalty imposed was appropriate.
- Provide a written decision within five days of the meeting.

If it is determined that no violation occurred, all school records pertaining to the expulsion or referral to an alternative school will be expunged from the student's file, and a corrected copy of the student's file will be provided to the student's parent or guardian by mail. If the penalty was not appropriate to the violation, all school records will be revised to indicate only the facts leading to the reduced penalty imposed by the Board.

Information will be provided to the parent/guardian of every expelled student regarding educational alternatives available during the period of expulsion. If the parent/guardian desires a home-based educational program, curricula at the appropriate grade level will be made available.

Section Five – Data Collection and Monitoring

A. Quarterly Review of Data

Schools will collect and analyze school discipline data on a quarterly basis to identify those students and teachers who need assistance with discipline. Based on the review, schools will: identify areas of concern; provide targeted professional development, supports, and services; initiate appropriate corrective action; and revise school procedures as needed.

B. Annual Review and Report

Each individual school and the District will evaluate and monitor the effectiveness of their school discipline practices on an annual basis. Each school will review their school climate and discipline data and then submit a written report in a form to be prescribed to the Board of Education and the Superintendent. The review will include the following:

- Prevention and intervention strategies in use;
- The number of in-school suspensions, out-of-school suspensions, expulsions, referrals to alternative schools, arrests, and referrals to law enforcement, disaggregated by age, grade, gender, race/ethnicity, English language learner status, disability, school, teacher, offense, and punishment or alternative used;
- Differences in referrals among staff members; and
- The extent to which disciplinary actions are consistently applied to all students.

Based on the review, schools and the District will: identify areas of concern; provide targeted professional development, supports, and services; initiate appropriate corrective action; and revise school procedures as needed.

All reports will be made publicly available.

C. School Climate and Discipline Oversight Committees

Every school shall have a School Climate and Discipline Oversight Committee, comprised of school personnel, parents/guardians, and students (except at the elementary level). School discipline and attendance data should be provided to the committees on a quarterly basis. The purposes of the committees will be to:

- Monitor school climate;
- Handle complaints about discipline practices and conduct of security and school resource officers; and
- Develop, monitor, and evaluate school discipline policies and practices.

The committees shall submit their findings and any recommendations to the principal on at least an annual basis.

There shall also be a School Climate and Discipline Oversight Committee at the District level. The District Committee shall also be provided school discipline and attendance data on a quarterly basis. This Committee is charged with the following:

- Monitoring school climate district-wide;
- Reviewing complaints received by school-based committees regarding discipline practices or the conduct of school security and school resource officers; and
- Developing, monitoring, and evaluating school discipline policies and practices district-wide.

The committees shall submit their findings and any recommendations to the Board of Education and Superintendent on at least an annual basis.

Appendix

Glossary of Disciplinary Interventions or Responses

Behavioral Intervention Plan: A proactive plan designed by school staff to correct inappropriate or disruptive student behavior through positive behavioral interventions, strategies, and supports. This plan is appropriate for both students with and without disabilities.

Community Service: Allows the student to participate in some sort of activity to serve and benefit the community. Examples include working at a soup kitchen, cleaning up litter, helping at a facility for the aged, etc.

Conference: Conferences can involve students, teachers, administrators, and parents/guardians in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.

Functional Behavior Assessment: Involves gathering information about a student's inappropriate or disruptive behavior and determining approaches school staff should take to correct or manage the student's behavior.

Mentoring Program: A student is paired with a mentor (a counselor, teacher, student, or community member) who helps the student in personal, academic, and social development.

Parent/Guardian Outreach: Parent/guardian outreach requires school staff to inform parents/guardians of their child's behavior and seek the parents'/guardians' assistance with correcting inappropriate or disruptive behavior.

Peer Mediation: Peer mediation is a form of conflict resolution in which students help other students deal with, and develop solutions to conflicts.

Referral to Substance Abuse Treatment Services: Students with behavior related to substance abuse and/or when there is reason to believe substance abuse counseling is needed, may be referred to school-based or community-based services.

Referral to Community-Based Organizations: Students can be referred to community-based organizations for a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.

Referral to School-Based Health and Mental Health Clinics: These services provide counseling and assessments to students who are in need. Students are allowed to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success. In counseling sessions, students discuss goals and learn techniques that help them overcome personal challenges. Parents/guardians are to be regularly informed of student progress during counseling sessions and at school. Sessions can also involve family members or can be done in groups.

Restorative Justice Strategies: There are many examples of restorative justice practices, ranging from simple conversations with students who misbehave to more intensive interventions involving multiple actors. Below are some examples that may be used by communities seeking alternatives to out-of-school suspensions, expulsions, referrals to law enforcement, and arrests.

- *Community Accountability Panels* are meant to hold the offender accountable for the offense by imposing mutually agreed upon consequences to address harm or damage caused. The key participants in this model are the community panel members, the offender, and sometimes the victim, where appropriate.
- *Family Group Conferencing/Conferencing* brings together those involved in and affected by the offense to allow the offender to take responsibility, the victim to voice the impact of the offense, and community members to assist in the resolution of the offense. The facilitator acts as a guide for the dialogue between the victim and the offender to take place.
- *Victim-Offender Mediation* provides a forum for victims and offenders to meet in a safe and respectful environment with the assistance of a facilitator. The purpose of the meeting is to explore and discuss the effects of an offense, and the ways in which healing can take place.
- *Sentencing Circles* are community meetings designed to address both family and community circumstances that are underlying causes of misbehavior. They are meant to rebuild relationships, develop rehabilitative plans, and respond to victims' needs. They involve the offender(s), victim(s), the friends and families of each, community members, and spiritual advisors.

For more information, see www.safersanerschools.org; www.restorativejustice.org; and <http://www.iirp.org>.

**DIGNITY IN SCHOOLS' MODEL
CODE ON EDUCATION AND
DIGNITY (EXECUTIVE SUMMARY)**



A Model Code on Education and Dignity

Presenting a Human Rights Framework for Schools

Executive Summary

All children and youth have a human right to quality public education in safe and supportive environments, providing a foundation for access to higher education, meaningful employment and full participation in society. Yet current educational policies and practices are pushing millions of young people out of school. This “pushout” crisis is fueled by many factors, including zero-tolerance and other punitive discipline policies, one-size-fits-all educational models, a lack of adequate resources and support for teachers, and a lack of meaningful participation of students, parents and the larger community.

Each year, over 3 million students across the country are suspended and over 100,000 are expelled.ⁱ These punitive practices do not improve student behavior, but rather increase the likelihood that students will fall behind academically and drop out, contributing to an unhealthy atmosphere affecting the entire school community. Students of color, low-income students, students with disabilities and other marginalized communities are impacted the most by these barriers to education, resulting in millions of children and young people being pushed out of school and into poverty, unemployment and often prison. If we are to end this pushout crisis and improve educational outcomes for all our young people, educators, policy-makers, students, parents and communities must work together towards a new bold vision for education.

A Vision for Education and Dignity in the Model Code

This Model Code articulates a positive vision for ensuring a fundamental right to education based on the best practices, research and experiences of communities around the country, and on a human rights framework for schools grounded in principles of equity, dignity and community participation.ⁱⁱ The Code is the culmination of several years of research and dialogue with students, parents, educators, advocates and researchers who came together to envision a school system that supports all children and young people in reaching their full potential.

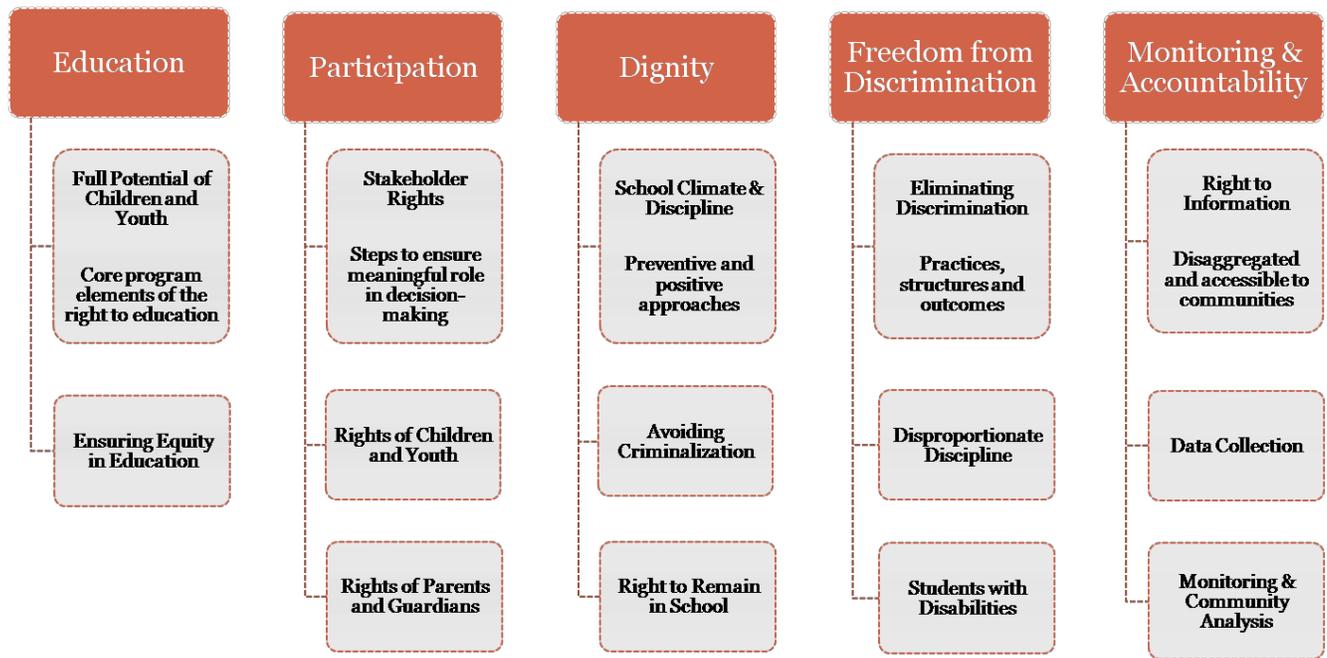
The Model Code presents policy-makers and communities with recommended language for alternatives to pushout and zero-tolerance practices. The recommendations are in the form of concrete guidelines, procedures, criteria and standards that can be used in developing laws and policies at the state, district and school levels. The different chapters and sections of the Model Code are designed so that communities and policy-makers can identify individual topic areas that are most relevant to them and implement the Code to meet the needs and characteristics of their particular schools.

Structure of the Model Code

The Model Code is organized into five chapters: 1) Education, 2) Participation, 3) Dignity, 4) Freedom from Discrimination, and 5) Data, Monitoring and Accountability. Each of these chapters addresses a different key component of providing a high quality education and reflects core human rights principles and values. Each chapter includes recommended policies for states, districts and schools.

Because the primary focus of the Code is on providing alternatives to school pushout and zero-tolerance discipline policies, Chapter 3 on Dignity is the most robust section in the Code, laying out detailed policies, practices and implementation guidelines for transforming school climate and discipline models and de-criminalizing our schools. However, because all of the policies in this Model Code are part of a broader focus on students’ human right to an education, we begin with Chapters 1 and 2 on Education and Participation. These outline broad principles and standards for ensuring high quality education and meaningful stakeholder participation, which are a necessary foundation for positive school discipline. Chapters 4 and 5 on Discrimination and Data, Monitoring and Accountability provide recommended policies and practices for addressing the disproportionate impact of punitive discipline, and ensuring that quality data is collected and implementation is monitored.

5 Chapters of the Model Code



Each Chapter of the Model Code contains the following elements:

Background: Describes current educational policies and practices that contribute to school pushout, as well as the research and best practices to support the positive solutions presented in the Code.

Sections and sub-sections: Each chapter is divided up into sections and sub-sections that address particular topic areas to help readers navigate the Model Code.

Human Rights Goal: Each individual sub-section identifies a Human Rights Goal reflecting the shift in values necessary to achieve not only a change in policy, but also create a culture that ensures the rights and meets the needs of students and other stakeholders.

Recommended Language: Each sub-section then includes the actual recommended language for policy-makers at the school, district or state level to adopt as law or regulation. This includes definitions, recommended policies and procedures, guidelines for creating stakeholder committees and planning teams, and requirements for trainings and evaluation processes.

Overview of the Model Code Chapters

Chapter 1: Education

In order to increase educational achievement, ensure college readiness and end school pushout, we must guarantee a fundamental right to a public education that prepares children to reach their fullest potential. While state constitutions afford protections for specific aspects of the right to education, and with a few exceptions attempt to establish some minimum standards,ⁱⁱⁱ our current legal and policy framework falls significantly short of ensuring equal access to high quality education for all our children and young people. Consequently, our school systems are failing entire communities, particularly students of color, low-income students, English Language Learners and members of other marginalized communities.

This chapter of the Model Code describes a human rights vision for education aimed at the full academic, social and emotional development of all children and youth. This chapter does not attempt to provide a comprehensive set of recommended policies or implementation guidelines, but rather to identify key principles and standards for federal, state and local governments to adopt that lay the groundwork for the rest of the Code. Chapter 1 is divided into two sections:

Section 1.1 on Fulfilling the Full Potential of Children and Youth lays out the core program elements of a right to education and calls on school systems to continuously evaluate and adjust their policies and practices to improve educational outcomes. The recommended language requires states, districts and schools to:

- Establish a right to education for all children and youth from birth to age 21;
- Empower young people to be critical participants in society and to achieve what they want to achieve;
- Implement curriculum that teaches critical thinking, the history and culture of the communities students come from, core subject areas and college-level courses, art, music, physical education and other creative and engaging subjects;
- Ensure access to recess and free play activities;
- Use diversified instructional methods for students with different learning styles;
- Create individualized educational assessment and academic intervention plans;
- Conduct assessments of students' progress that use multiple methods;
- Make fair decisions concerning program placement, promotion, and graduation; and
- Provide necessary resources and materials to fulfill the right to education

Section 1.2 on Ensuring Equity in Education identifies areas of policy and practice that school systems must address in order to level the playing field and create more equitable educational outcomes. The recommended language requires states, districts and schools to:

- Ensure access to a universal pre-k program geared toward creative thinking, identity development and school readiness preparation;
- Provide high quality instruction and curriculum, including advanced placement and college preparatory classes;
- Conduct needs assessments of districts and schools to establish the amount of educational resources needed for every student to meet the prescribed learning goals;
- Allocate and distribute funding to target resources to those students who need additional supports;
- Equitably distribute teachers, including creating incentives for recruiting highly skilled and specially trained teachers to work in historically underperforming districts and schools;
- Provide quality professional development, including ongoing mentor teacher programs; and
- Use strategies to recruit and retain teachers from the communities where schools are located and who reflect the demographics of the student population.

Chapter 2: Participation

Public education systems must be built on and bound by high quality stakeholder participation, evidenced by authentic buy-in, trust and mutual accountability among all of the people who comprise the school community. Ensuring that students, parents and other stakeholders have a voice in the vast range of school decisions enhances preparation for citizenship, improves schools, and leads to a well-supported educational system.^{iv} Creating democratic institutions in schools also gives teachers and other educational staff a voice in decisions that affect their employment, builds their investment in schools, and helps improve teacher retention.

Chapter 2 focuses on policies and practices for ensuring the participation of all stakeholders in designing, implementing and monitoring the educational system. The processes for stakeholder participation described should be used in implementing the other chapters of the code, especially where stakeholder committees and implementation teams are described. The chapter is divided into three sections:

Section 2.1 on Stakeholder Participation identifies students, parents or guardians, community members, teachers, school staff, administrators and all other members of the school community as stakeholders with a right to participate in decision-making. The recommended language requires states, districts and schools to:

- Establish an advisory committee to design and monitor effective processes for stakeholder participation;
- Ensure representation of each key stakeholder group on the advisory committee – at a minimum, school administration, teachers, parents or guardians, and students;
- Inform stakeholders of their rights and all methods of participation;
- Ensure participation in decisions affecting needs assessments, program planning, prevention and intervention strategies, training and monitoring;
- Give schools control over critical decisions on budgeting, class size, hiring and curriculum;
- Provide training for stakeholders in their rights and procedural protections, leadership and problem-solving skills, and restorative processes for gathering input and decision-making; and
- Conduct regular evaluations and surveys to assess and monitor stakeholder participation.

Section 2.2 on the Rights of Children and Youth to Participation describes the processes schools must create to ensure student participation in decisions affecting their right to education. The recommended language requires states, districts and schools to:

- Provide access to age-appropriate student councils and advisory bodies;
- Ensure student representation on school-wide decision-making bodies, and age-appropriate participation in hiring and training of school staff;
- Hold school-wide forums, such as town hall meetings, for students to voice opinions;
- Create peer-led disciplinary processes, such as peer mediation and restorative discipline;
- Engage students in developing A Students' Bill of Rights; and
- Use instructional techniques that encourage participation and leadership in the classroom.

Section 2.3 on the Rights of Parents and Guardians to Participation calls on schools to ensure their participation in decision-making. The recommended language requires states, districts and schools to:

- Create welcoming environments for parents and guardians;
- Ensure representation on school, district and state-level decision-making bodies;
- Hold regular, parent or guardian-led school forums;
- Ensure a right to visit schools and classrooms and to monitor schools without retaliation;
- Ensure participation in decisions affecting their individual child's education including, an "early warning" system for academic or behavioral challenges; and
- Pass legislation on the right to take reasonable leave from employment to participate in school activities.

Chapter 3: Dignity

In schools across the country, degrading school environments and exclusionary discipline practices are undermining teaching and learning and pushing young people out of school. Exclusionary discipline practices like suspension and expulsion result in a loss of valuable learning time and do not typically change student behavior or deter it from occurring again. To create safer more supportive school climates, states, districts and schools must adopt preventive and positive approaches to discipline that support students in building social and behavioral skills, resolving conflicts in a non-violent manner, and creating productive learning environments. Research has shown that positive approaches to discipline such as Restorative Practices and School-Wide Positive Behavior Interventions and Supports (SWPBIS) can reduce suspensions by up to 50%, improve school climate, increase teacher effectiveness and support better educational outcomes for all students.^v

Chapter 3 on Dignity is the most comprehensive and detailed chapter of the Model Code focused on transforming our school systems' approach to discipline to end the exclusion and criminalization of youth and create safe and supportive learning environments. The chapter is divided into three different sections:

Section 3.1 School Climate and Discipline

Sub-Section 3.1.a on Key Elements of Preventive and Positive Discipline outlines the essential elements needed for any discipline policy to be effective, including creating a positive school climate and an approach to discipline that responds to misbehavior in constructive ways. It also calls for the elimination of zero-tolerance policies and strict limits on the use of exclusion. The recommended language requires states, districts and schools to:

- Create a positive physical environment in schools, displaying positive visuals and avoiding bars on windows, gates in hallways or fences with barbed wire;
- Build a participatory and supportive school community through school-wide conversations in town hall meetings and advisory classes;
- Integrate the social and emotional development of students classroom and school-wide practices;
- Implement early intervention for students at risk of being pushed out of school;
- Adopt discipline policies aimed at:
 - Understanding and addressing the causes of behavior;
 - Resolving conflicts and repairing the harm done;
 - Restoring relationships; and
 - Reintegrating students into the school community;
- Create clear expectations and graduated levels of consequences for misbehavior that are individualized, consistent, reasonable, fair, age appropriate, and match the severity of the student's behavior;
- Use non-exclusionary discipline responses and alternatives to suspension, like mediation, restorative circles, counseling, and tiered support team interventions;
- Prohibit corporal punishment, restraints, seclusion or physical abuse;
- Eliminate zero-tolerance laws and policies which mandate suspension or expulsion for one or more listed offenses;
- Limit exclusion in the form of suspension and expulsion to only the most serious misbehaviors, and only after alternatives have been considered, tried and documented and it is determined that exclusion is absolutely necessary to protect the safety of the school community;
- Prevent and respond to bullying behavior through disciplinary methods that reflect a commitment to restorative practices and that do not criminalize student behavior; and
- Provide training, resources and monitoring to ensure implementation of positive discipline practices and policies, like SWPBIS and restorative practices.

After outlining the key elements described above, **Sub-Section 3.1.b. on Implementing Two Models for Preventive and Positive Discipline** provides detailed guidelines for implementing two proven approaches to discipline--School-wide Positive Behavior Interventions and Supports (SWPBIS) and Restorative Practices.

Sub-Section 3.1.c on Guidelines for Exclusion provides additional detailed policies for when and how to use exclusion in the form of suspensions and expulsions, what factors to consider before excluding a student, and what educational services students must receive during the period of exclusion. The recommended language requires states, districts and schools to:

- Define suspension as temporary exclusion from the student’s daily class schedule, not to exceed 5 consecutive days or 10 total days per school year;
- Define expulsion as any long-term exclusion from school attendance and school privileges for a period of more than 5 consecutive days or 10 cumulative days over the school year;
- Allow exclusion in the form of suspension and expulsion only when a student commits the most serious offenses and then:
 - Only after non-exclusionary alternatives have been considered, tried and documented;
 - Only after it is determined that exclusion is absolutely necessary to protect the safety of the school community; and
 - Only after schools consider whether factors outside of the student’s control contributed to the problem behavior and whether such behavior could be alleviated by helping the student deal with the factors causing the behavior;
- Limit exclusion (except for emergency removals as defined Section 3.1.d) in the following ways:
 - No student may be excluded from school for a first-time offense;
 - No student under the age of 10 may be excluded from school for disciplinary reasons;
 - No student under the age of 15 may receive a suspension of more than 3 days;
 - No student may be suspended for more than 5 consecutive days or 10 cumulative days during an academic year;
 - No student may receive an involuntary transfer for more than one school term and without a full hearing;
 - Suspension is prohibited for:
 - Being late to school or class or being absent;
 - Violating school dress code or uniform rules;
 - Minor behavior infractions, including but not limited to insubordinate behavior, defiance, disobedience, disrespect, or disruptive or rowdy behavior, classroom disruption or other disruption of school activity; and
 - Behavior that happens off school grounds and not as part of a school-sponsored activity; and
 - Schools shall not withhold recess as a punishment;
- Ensure that during exclusion, students have a right to remain in school and continue education, including a right to:
 - Complete regular academic work during the exclusion;
 - Earn credit towards promotion or graduation; and
 - Receive quality instruction in an alternative classroom or an alternative school by a certified teacher with grade and class appropriate material that allows the student to receive parallel education as if they had been in their regular class and to join their regular class on pace with their classroom peers.

Sub-Section 3.1.d on Due Process for Exclusion outlines standards for guaranteeing full due process rights for students facing suspension or expulsion. The recommended language requires states, districts and schools to:

- In the case of suspension, ensure that students and parents or guardians have a right to:
 - Written notice;

- An exclusion conference with a neutral decision-maker; and
- An appeal; and
- In the case of expulsion or involuntary transfer, ensure that students and parents or guardians have a right to a hearing and to:
 - Legal counsel at public expense;
 - Notice, including information on the charges the student is facing;
 - A hearing by a neutral hearing officer or panel;
 - Access to all evidence and to call and question witnesses;
 - Notice of the hearing decision within 48 hours; and
 - An appeal which shall be heard by a neutral hearing officer designated by the district or school board.

Section 3.2 Avoiding Criminalization

Sub-section 3.2.a on Law Enforcement calls on states, districts and schools to minimize the role of law enforcement in schools, including School Resources Officers, police, security guards and other law enforcement personnel, and to work towards eliminating their role in the future. The recommended language requires states, districts, schools and law enforcement agencies to:

- Reduce the presence of law enforcement in schools and replace them with community intervention workers, school aides, counselors, social workers and other support staff;
- Prohibit the permanent assignment of police officers in schools;
- Adopt clear and consistent rules of governance that recognize the principal as the primary authority responsible for school safety;
- Prohibit involvement of law enforcement in school disciplinary matters, including for disorderly conduct; insubordination, vandalism and/or graffiti and other listed behaviors;
- Prohibit arrests unless there is a finding of probable cause that a student has committed or is attempting to commit a serious crime—not a school discipline matter—supported by a real and immediate threat to the physical safety of a member of the school community;
- Consult the school principal before conducting an arrest, except in emergency circumstances;
- Conduct searches only if there is probable cause to suspect that a student has committed or is attempting to commit a criminal offense, and only after obtaining the permission of the school principal;
- Refrain from utilizing metal detectors, including by consulting stakeholders before installing a new metal detector, and conducting annual reviews on the impact of existing metal detectors to determine whether other positive approaches to safety can be used;
- Provide a clear, transparent and independent civilian complaint process; and
- Provide every School Resource Officer, police officer, security guard, other law enforcement personnel or community intervention worker with at least 60 hours of training before being assigned to schools, covering topics listed in the code, and at least 10 hours of annual professional development in the topics listed.

Sub-section 3.2.b on Drug Policy focuses on prevention and intervention for drug use rather than punishment and criminalization. The recommended language requires states, districts and schools to:

- Implement drug education programs that are age-appropriate, evidence-based and take a balanced, interactive approach that emphasizes safety and harm reduction;
- Prohibit unreasonable searches and seizures, random drug raids and random drug testing;
- Adopt a health-based approach to student drug use and abuse, using referrals to counseling and services rather than punishment; and
- In cases where students are suspected of selling or distributing drugs, encourage schools and law enforcement to work together to use school-based disciplinary interventions, whenever possible, to minimize arrests, and where arrests occur, to refer students to alternatives to incarceration.

Sub-section 3.2.c on Immigration Policy and Protection of Vulnerable Students provides guidelines for protecting the rights and preventing criminalization of undocumented and other vulnerable students.

Sub-section 3.2.d. on Reforming Status Offense Laws calls on school systems and juvenile and criminal justice systems to end the criminalization of students for status offenses, including for truancy. The recommended language states that:

- Schools shall not track or punish students based on previously criminalized status offenses;
- Juvenile and criminal justice authorities shall not impose criminal penalties (including ticketing, citations, fines, detention, probation violation, incarceration or deportation) on any student for any status offense; and
- Such matters shall be treated as issues in need of prevention, intervention and student and family outreach and supports.

Section 3.3 Right to Remain in School

Sub-Section 3.3.a on Truancy Prevention and Correction directs schools to respond to truancy and improve attendance rates through prevention and intervention strategies. The recommended language requires states, districts and schools to:

- Handle all responses to and consequences for truancy within the school setting;
- Upon five days of unexcused absences, initiate meaningful communications with the student and parent or guardian to determine the underlying cause of the absences and to develop a plan to prevent further absences;
- Upon ten days of unexcused absences, meet in person with the student and parent or guardian, conduct appropriate evaluations, and provide necessary supports and services;
- Prohibit exclusion as a response to truancy;
- Only after all school-based interventions have been exhausted and student and parent meetings have occurred, consider voluntary transfer of students to another school setting (involuntary transfers are not permitted for truancy);
- Ensure the rights of students with disabilities, homeless students and other vulnerable student populations are protected; and
- Prohibit court proceedings against a student for truancy.

Sub-Section 3.3.b on Alternative Schools sets out guidelines for voluntary transfer or placement for students who would benefit from an alternate learning environment. The recommended language requires states, districts and schools to:

- Ensure that alternative schools meet the same requirements and standards as any traditional public school and operate for a full school day of equal length to that provided to other students;
- Allow voluntary placement or transfer to an alternative school, including for students who are struggling in traditional school environments or returning to school after a period of absence;
- Prohibit involuntary transfer or placement for academic purposes only;
- Consider involuntary transfer or placement for disciplinary reasons only after a full hearing is conducted;
- Adopt proven academic and behavioral practices, such as individualized academic plans, experiential and service-based learning, counseling and mentoring;
- Ensure that alternative schools guarantee the rights and address the needs of students with disabilities and English Language Learners; and
- Monitor alternative schools frequently and ensure that reviews of student progress and length of stay occur at least once every semester.

Sub-Section 3.3.c on Right to Education for System-Involved Youth describes students' right to attend school during periods of detention or incarceration and to return immediately to school after the period of incarceration with the necessary transition plans and supports. The recommended language requires states, districts, schools, juvenile detention facilities, prisons and other "lock-ups" to:

- Provide all youth in custody with a quality, full-day educational program in a classroom setting;
- Ensure that lock-ups contain schools that meet state educational standards;
- Ensure that credits obtained in lock-ups are fully transferable to other schools and recognized by all institutions of higher learning;
- Identify a school district liaison, a transitional coordinator from the facility, and a transitional team to ensure a smooth transition to a new school setting after the period of detention or incarceration;
- Ensure that all necessary information, documents and credits are transferred to the students new school; and
- Provide wrap-around services and supports at the new school for a minimum of six months.

Sub-Section 3.3.d on Right to Resume Education after Expulsion describes the steps schools must take to ensure a smooth transition for students following the period of expulsion. The recommended language requires states, districts and schools to:

- Ensure students' right to re-integrate into school following expulsion;
- Create a transition team to develop an educational plan, set academic and behavioral goals, address any special education needs, and provide support to assist the student in completing school; and
- Maintain continuous contact with the parent or guardian and encourage parental involvement during every stage of the re-integration process.

Chapter 4: Freedom from Discrimination

In the United States, disparities in both access to educational opportunities and in educational outcomes are denying millions of students their right to quality education based on race, poverty, sexual orientation, gender and other factors. In particular, there is extensive research showing that students of color, students with disabilities, and other vulnerable populations, face disproportionately harsh and exclusionary discipline. Such discrimination may take the form of either policies that intentionally discriminate or policies that are not intentionally discriminatory but nevertheless have a disparate and negative impact on particular groups. Chapter 4 lays out key policies and practices for addressing discrimination in education with a focus on disparities in discipline and the rights of students with disabilities. It is divided into three sections:

Section 4.1 on the Right to Freedom from Discrimination defines discrimination to include policies that are intentionally discriminatory, as well as policies that are not intentionally discriminatory but have a disparate impact on educational services or outcomes. The recommended language requires states, districts and schools to:

- Eliminate discriminatory policies, practices and structures;
- Ensure equitable distribution of resources to address disparities;
- Address language and other barriers to effective communication and learning;
- Eliminate the segregation and tracking of students based on distinctions such as gifted or non-gifted, learning patterns or modes, disability, or other status;
- Provide training to any educators or staff who are identified as demonstrating discriminatory behavior and hold them accountable following those trainings; and
- Create a stakeholder team to identify, design and implement strategies for preventing and eliminating discrimination, including facilitating dialogues about race, class, sexuality and other identities to examine biases and how they impact the school community.

Section 4.2 on Eliminating Disproportionate Use of Discipline provides guidelines to eliminate disparities in disciplinary responses. The recommended language requires states, districts and schools to:

- Take steps to eliminate racial and other disparities in discipline, and to monitor for such disparities;
- Adopt preventive school-wide practices that build community, strengthen relationships, promote inclusiveness, and enhance communication and problem solving skills;
- Hold community dialogue sessions to combat bias that contributes to disproportionate discipline;
- Provide professional development for teachers and staff on cross-cultural understanding, culturally responsive positive behavior supports, classroom management and understanding disciplinary policies;
- Create student grievance procedures regarding biased or disproportionate disciplinary tactics; and
- Avoid subjective definitions of behavior in Discipline Codes, such as “disrespect” or “classroom disruption” that can be understood differently and allow for more bias.

Section 4.3 on Students with Disabilities describes guidelines for disciplinary processes to protect the rights of students with disabilities. The recommended language requires states, districts and schools to:

- Establish proactive systems that prevent problem behavior, reinforce appropriate behavior and have organized responses to misconduct;
- Prohibit any behavioral intervention that causes physical or psychological injury or harm;
- Strengthen procedural protections to ensure that students and parents are meaningful partners in the provision of special education services, particularly when addressing behavior problems;
- Strengthen requirements for evidence-based interventions as part of Individualized Education Programs;
- Prohibit referrals to law enforcement except when there is a real and immediate threat to physical safety;
- Strengthen limits on exclusion for behavior that is a manifestation of a student’s disability; and
- Ensure a right to counsel at public expense in all proceedings resulting from manifestation hearings.

Chapter 5: Data, Monitoring and Accountability

Parents, youth, educators and all stakeholders in the educational process have a right to know what is happening in the educational system, and a right to help shape school policies and practices with that knowledge. Therefore, substantive and detailed information must be collected for all key aspects of the educational process. In order for the data to be analyzed in an efficient and thorough manner, definitions of basic categories must be consistent across schools, districts and states, and data collection methods must be standardized. Once data is collected, it must be put to work. It is critical for institutional actors and stakeholders at the federal, state, district and school levels to use data in making decisions to guide educational policies and practices.

Chapter 5 includes guidelines for collecting and making data available in a readable and consistent way, as well as creating intentional structures that allow institutional actors and stakeholders to continuously monitor, evaluate and improve educational policies and practices. It is divided into three sections:

Section 5.1 on the Right to Information focuses on access for policy-makers and stakeholders to all relevant information on education. The recommended language requires states, districts and schools to:

- Ensure access to information on educational programs and services, assessments, school discipline, funding sources, budget allocations and educational outcomes;
- Provide information and data that is easily accessible and easy to understand and that allows stakeholders to assess the impact of education policies and practices, including disproportionate impacts on certain groups; and
- Ensure students, parents or guardians have access to personal student records upon request.

Section 5.2 Data Collection

Section 5.2.a on Standardized Data Collection requires that in order to accurately assess the effect of educational policies and practices, standardized data must be collected on all students broken down by demographic characteristics. The recommended language requires states, districts and schools to:

- Collect and disaggregate all data by age, race and ethnicity, gender, income level, disability and special education status, English Language Learners, court-involved youth, homeless youth and youth in foster care; and
- Standardize common terms and definitions for the graduation rate, attendance rate, dropout, voluntary transfer, involuntary transfer, expulsion, suspension, disparate impact and disparity.

Section 5.2.b on Required Categories for Data Collection lists the information and data that states, districts and schools must collect and make available. The recommended language requires states, districts and schools to:

- Collect and make available information and data on:
 - State and district learning goals;
 - State and district teaching standards;
 - Educational programs and services;
 - Assessment measures;
 - Policies and practices related to school climate and discipline;
 - Funding streams;
 - Grievance procedures and processes for assistance with school-related concerns;
 - Mechanisms for reviewing school-related data; and
 - Methods for developing and implementing education reforms;
- Collect and make available data on:
 - Graduation rates;
 - Test scores and other assessments;

- Enrollment;
- Attendance for students and teachers;
- Dropouts;
- Discharges;
- Transfers to alternative schools, remedial programs and GED programs;
- Disciplinary incidents and responses;
- Interactions with police and school resource officers;
- Reenrollment statistics of students returning from alternative schools and juvenile justice facilities; and
- Student, parent and teacher surveys.

Section 5.3 on Community Monitoring and Analysis describes processes for all stakeholders to monitor and improve education. The recommended language requires states, districts and schools to:

- Use data to frequently and effectively measure, monitor and analyze progress towards learning goals and to improve educational programs and services;
- Ensure that a formal audit of data occurs at least once a month;
- Provide training and support on data interpretation for school staff, administrators, parents, students, and communities; and
- Establish community-based, independent structures to ensure that parents, students, and the broader community are actively involved in the collection and use of data, can submit concerns or complaints regarding educational policies or outcomes, and can seek recourse.



Prepared by the Dignity in Schools Campaign

90 John Street, Suite 308
New York, NY 10038
212-253-1710 ext. 312

www.dignityinschools.org

The Dignity in Schools Campaign (DSC) challenges the systemic problem of pushout in our nation's schools and advocates for the human right of every child to a quality education and to be treated with dignity. The DSC unites parents, youth, educators and advocates to promote local and national alternatives to a culture of zero-tolerance, punishment and removal.

Endnotes

ⁱ OFFICE FOR CIVIL RIGHTS, DEPT. OF EDUC., CIVIL RIGHTS DATA COLLECTION 2006, ocrdata.ed.gov/ocr2006rv30.

ⁱⁱ Foundational human rights provisions for the right to education can be found in: Universal Declaration of Human Rights (UDHR), Article 26; International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 13; Convention on the Rights of the Child (CRC), Articles 28 and 29.

ⁱⁱⁱ GLOBAL RIGHTS, THE JUSTICIABILITY OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS IN THE U.S.: DOMESTIC IMPLEMENTATION OF THE RIGHT TO EQUAL EDUCATION: A PLAN FOR ACTION 13-15 (2004), available at http://www.globalrights.org/site/DocServer/Final_Right_to_Education__11.12.pdf?docID=1363; Roni R. Reed, Note, *Education and the State Constitutions: Alternatives for Suspended and Expelled Students*, 81 CORNELL L. REV. 582, 94 (1996).

^{iv} Neville Harris, *Playing Catch-Up in the Schoolyard? Children and Young People's 'Voice' and Education Rights in the U.K.*, 23 INT'L J. L. POL'Y & FAM. 331, 338 (2009).

^v SOUTHERN POVERTY LAW CENTER, EFFECTIVE DISCIPLINE FOR STUDENT SUCCESS: REDUCING STUDENT AND TEACHER DROPOUT RATES IN ALABAMA 11 (2008), available at http://cdna.splcenter.org/sites/default/files/downloads/Effective_Discipline_ALA.pdf.

**EXCERPTS FROM THE BALTIMORE
CITY PUBLIC SCHOOLS CODE OF
CONDUCT**

CREATING GREAT SCHOOL COMMUNITIES

BALTIMORE CITY PUBLIC SCHOOLS
2010-11 CODE OF CONDUCT



LEVELS OF INTERVENTIONS AND DISCIPLINARY RESPONSES

Level 1	<p>EXAMPLES OF CLASSROOM INTERVENTIONS AND RESPONSES</p> <p>These interventions aim to teach and correct alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies</p> <ul style="list-style-type: none"> ■ Contact Parent Via Telephone, E-mail or Text Message ■ Verbal Correction ■ Reminders and Redirection (i.e. Role Play) ■ Written Reflection or Apology ■ Seat Change ■ Parent or Guardian Conference ■ Parent or Guardian Accompany Student to School ■ Daily Progress Sheet on Behavior ■ In-Class Time-Out ■ Establish Buddy Teacher System ■ Loss of Classroom Privileges ■ Teacher or Student Conference ■ Detention
	<p>EXAMPLES OF STUDENT SUPPORT TEAM INTERVENTIONS AND RESPONSES</p> <p>These interventions often involve support staff, both school-based and within the broader community, and aim to engage the student's support system to ensure successful learning and consistency of interventions, and change the conditions that contribute to the student's inappropriate or disruptive behavior.</p> <ul style="list-style-type: none"> ■ Parent or Guardian Notification ■ Community Conferencing ■ Mentoring Program ■ Peer Mediation ■ Referral to IEP Team ■ Functional Behavioral Assessment ■ Referral to School-based Health or Mental Health Clinic ■ Referral to After-school Program ■ Service to School ■ Conflict Resolution ■ Restorative Justice ■ Community Mediation ■ Short-term Behavioral Progress Reports ■ Behavioral Intervention Plan ■ Referral to Community Organization ■ Develop 504 Plan
Level 2	<p>EXAMPLES OF INTENSIVE SUPPORT STAFF AND ADMINISTRATIVE INTERVENTIONS AND RESPONSES</p> <p>These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school.</p> <ul style="list-style-type: none"> ■ Change in Schedule or Class ■ Parent or Guardian Notification ■ Restorative Justice Strategies, including School and Community Service ■ Loss of Privileges ■ Restitution ■ Detention ■ Conflict Resolution ■ Peer Mediation ■ Reprimand by Appropriate Administrator ■ Referral to SST and when needed IEP Team ■ Revision to IEP (for students with disabilities) ■ Community Conferencing ■ In-School Suspension ■ Assignment of Work Projects ■ Mentoring
	<p>EXAMPLES OF SUSPENSION AND REFERRAL RESPONSES</p> <p>These interventions may involve the short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior.</p> <ul style="list-style-type: none"> ■ Parent or Guardian Notification ■ Short-term Suspension (one-five days) ■ Referral to SST ■ Referral to Substance Abuse Counseling ■ Referral to the Twilight and Credit Recovery Program ■ Referral to IEP Team (Students with Disabilities) ■ Revision to IEP (Students with Disabilities) as needed ■ Develop FBAs and BIPs ■ Referral to Community Organizations, including Community Conferencing and Community Mediation
Level 4	<p>EXAMPLES OF EXTENDED SUSPENSION AND REFERRAL RESPONSES</p> <p>These interventions involve the removal of a student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on maintaining the safety of the school community and ending self-destructive and dangerous behavior.</p> <ul style="list-style-type: none"> ■ Parent or Guardian Notification ■ Extended Suspension ■ Functional Behavioral Assessment ■ Community Conferencing ■ Referral to Community Organizations ■ Expulsion (serious behavioral infractions) ■ Referral to IEP Team (Students with Disabilities) for Manifestation Determination ■ Alternative Educational Placement by Office of Suspension Services ■ Behavioral Intervention Plan ■ Community Mediation ■ Referral to Substance Abuse Counseling ■ Permanent Expulsion (currently under review by the Board of School Commissioners)

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

LEVEL 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.	LEVEL 2: Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively impact the learning of the student and others
LEVEL 3: Suspension and Referral – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses)	LEVEL 4: Extended Suspension, Expulsion, and Referral – may be appropriate when student's behavior seriously impacts the safety of others in the school.

Inappropriate or Disruptive Behavior	Level 1	Level 2	Level 3	Level 4*	Must be Referred to School Police
ABSENCES (103)					
▪ Unexcused Absence from School	■				
▪ Persistent or Excessive Absences from School	■	■			
▪ Habitual Truancy (e.g. unlawfully absent from school for a number of days in excess of 15%, or 14 days, within any marking period, semester, or year)	■	■			
ACADEMIC DISHONESTY* (801)					
(e.g. cheating or plagiarizing)					
▪ Students may receive a failing grade for that assignment	■	■			
ALCOHOL* (201)					
▪ Under the Influence		■	■		
▪ Using, Possessing, Distributing or Selling (*School staff is required to refer students to appropriate substance abuse counseling)			■	■	■ Only repeat infractions that reach Level 4 may be reported to Police
ATTACK ON STUDENT (402)					
▪ No Injury (no visual, physical injuries; includes incidents of domestic violence or relationship disputes)		■	■		
▪ Bodily Injury for pre-k to Grade 4		■	■		
▪ Bodily Injury for Grades 5 to 12 (If administrators think Level 4 is warranted for students in Grade 5 to Grade 12, they must contact the executive directors of elementary or secondary schools, or student support services before giving Level 4 consequences)			■	■	■ Only repeat infractions that reach Level 4 may be reported to Police
BOMB THREAT (502)					
▪ Pre-k to Grade 4			■	■	
▪ Grades 5 to 12				■	■
BULLYING, INCLUDING CYBERBULLYING AND GANG-RELATED INCIDENTS (407)					
▪ Intentional conduct, including verbal, physical or written conduct, or electronic communication that is threatening or seriously intimidating and substantially disrupts the orderly operation of a school	■	■			
▪ Serious Bullying is defined as repeatedly over time engaging in intentional negative behaviors that adversely affect another student's ability to participate in or benefit from the school's education or extra-curricular programs.		■	■	■	
BUS VIOLATIONS (705)					
▪ Minor disruption on the bus (e.g., eating, drinking, being too loud, standing)	■	■			
▪ Serious disruption on the bus		■	■		
CLASS CUTTING (101)					
▪ Failure to appear or attend a scheduled class	■	■			

* Expulsions may be permanent for serious offenses.

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

LEVEL 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.

LEVEL 2: Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively impact the learning of the student and others

LEVEL 3: Suspension and Referral – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses)

LEVEL 4: Extended Suspension, Expulsion, and Referral – may be appropriate when student's behavior seriously impacts the safety of others in the school.

Inappropriate or Disruptive Behavior	Level 1	Level 2	Level 3	Level 4*	Must be Referred to School Police
CLASSROOM DISRUPTION (704)					
<ul style="list-style-type: none"> Talking out in class or talking out of turn, throwing objects, picking on, bothering, or teasing other students, and other behavior that distracts from student learning 	■	■	■ 1-2 day suspension maximum		
DEFIANCE OF AUTHORITY OR INSUBORDINATION (NON-VIOLENT OR NON-PHYSICAL)					
<ul style="list-style-type: none"> Failure to Follow Directions (807) Failure to Respond to School Staff Questions or Requests (702) 	■	■	■ 1-2 day suspension maximum		
	■	■	■ 1-2 day suspension maximum		
DISRESPECTFUL BEHAVIOR (701)					
<ul style="list-style-type: none"> Making inappropriate gestures, symbols, or comments, or using profane or offensive language Using verbal insults or put-downs, or lying to, misleading or giving false information to school staff 	■	■	■ 1-2 day suspension maximum		
	■	■	■ 1-2 day suspension maximum		
DRESS CODE VIOLATION (807)					
<ul style="list-style-type: none"> Refer to dress code standards listed on pages 28-30 	■	■			
DRUGS OR CONTROLLED SUBSTANCES* (at school, school-sponsored activities or when involved in incidents affecting the safety or welfare of the school community)					
<ul style="list-style-type: none"> Under the influence (203, 892) Using or possessing (203, 892) Distributing or selling (203, 891) <p>*School staff is required to refer students to appropriate substance abuse counseling.</p>		■	■		
			■	■	■
				■	■
EXTORTION (406) (e.g., taking or attempting to take from another money or property by threat of force, express or implied)					
<ul style="list-style-type: none"> Pre-k to Grade 4 Grades 5 to 12 		■	■		
			■	■	■ Only repeat infractions that reach Level 4 may be reported to Police
FALSE ACTIVATION OF A FIRE ALARM* (502)					
<ul style="list-style-type: none"> Pre-k to Grade 4 Grades 5 to 12 <p>*Students are required to complete a fire safety class.</p>			■	■	
				■	■

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

LEVEL 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.	LEVEL 2: Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively impact the learning of the student and others
LEVEL 3: Suspension and Referral – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses)	LEVEL 4: Extended Suspension, Expulsion, and Referral – may be appropriate when student's behavior seriously impacts the safety of others in the school.

Inappropriate or Disruptive Behavior	Level 1	Level 2	Level 3	Level 4*	Must be Referred to School Police
FIGHTING (405)					
<ul style="list-style-type: none"> Physical Aggression with Another Student (e.g., shoving or pushing) Minor Fighting (e.g., may include incidents resulting in minor injuries) 	■	■			
		■	■		
FIRE SETTING/ARSON* (501)					
*Students are required to complete any mandatory classes offered by the Baltimore City Fire Department				■	■
GAMBLING (807)					
<ul style="list-style-type: none"> Requiring the use of money or exchangeable goods 		■	■ 1-2 day suspension maximum		
HALLWAY MISBEHAVIOR (705)					
<ul style="list-style-type: none"> Running, making excessive noise or loitering 	■	■			
HARASSMENT BASED ON RACE, ETHNICITY, GENDER, SEXUAL ORIENTATION, DISABILITY, OR RELIGION, INCLUDING CYBER HARASSMENT, AGAINST MEMBERS OF THE SCHOOL COMMUNITY (703)					
<ul style="list-style-type: none"> Minor harassment (e.g., verbal discriminatory actions) Serious harassment (e.g., persistent or long-term harassment) 	■	■			
		■	■	■	
INCITING OR PARTICIPATING IN DISTURBANCE (705)					
<ul style="list-style-type: none"> Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption, such as a riot 		■	■	■	■ Only if School Police Officer is not assigned to school
INHALANTS*					
<ul style="list-style-type: none"> Under the influence (202, 892) Using or possessing (202, 892) Distributing or selling (202, 891) <p>*Medical personnel must be immediately notified if a student is found to be under the influence or using an inhalant. School staff is required to refer students to appropriate substance abuse counseling.</p>		■	■		
			■	■	■ Only repeat infractions that reach Level 4 may be reported to Police
				■	■ Only repeat infractions that reach Level 4 may be reported to Police
PHYSICAL CONTACT WITH SCHOOL PERSONNEL (401)					
<ul style="list-style-type: none"> Unintentional physical contact with school personnel Attack against school personnel: physically attacking an employee of City Schools or other adult, including striking a staff member who is intervening in a fight or other disruptive activity (Pre-k to Grade 4) Attack against school personnel (Grades 5 to 12) 	■				
			■	■	■
				■	■

* Expulsions may be permanent for serious offenses.

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

LEVEL 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.

LEVEL 2: Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively impact the learning of the student and others

LEVEL 3: Suspension and Referral – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses)

LEVEL 4: Extended Suspension, Expulsion, and Referral – may be appropriate when student's behavior seriously impacts the safety of others in the school.

Inappropriate or Disruptive Behavior	Level 1	Level 2	Level 3	Level 4*	Must be Referred to School Police
PORTABLE ELECTRONIC DEVICES USE AT UNAUTHORIZED TIMES* (802)					
<ul style="list-style-type: none"> Use of cell phones, PDAs, iPods, electronic game devices <p><i>*On the first infraction, students must only be given a warning. Only after the first infraction can the student be subject to Level 1 responses. On the second infraction, parent notification must occur.</i></p>	■	■			
PROPERTY DAMAGE, INCLUDING GRAFFITI (806)					
<ul style="list-style-type: none"> Minor or accidental damage (less than \$50) 	■	■			
<ul style="list-style-type: none"> Damage to another person's or school property (\$50 to \$500) 		■	■		
<ul style="list-style-type: none"> Damage to another person's or school property (over \$500) 			■	■	■
REFUSAL TO OBEY SCHOOL POLICIES (807)					
<ul style="list-style-type: none"> Failure to comply with school rules, regulations, policies and or procedures, not otherwise defined in the suspension code; includes toy guns that look like toys. 	■	■	■ 1-2 day suspension maximum		
SCHOOL EQUIPMENT USE WITHOUT PERMISSION (807)					
<ul style="list-style-type: none"> Use of computers, fax machines, phones, etc. 	■	■			
SERIOUS BODILY INJURY (408)					
<ul style="list-style-type: none"> Causing substantial risk of death or causing permanent or serious disfigurement, loss of function of any part of the body, or impairment of the function of any part of the body 				■	■
SEXUAL ASSAULT OR OFFENSE* (601)					
<ul style="list-style-type: none"> Forced sexual act <p><i>*School staff is required to refer students to appropriate counseling.</i></p>				■	■
SEXUALLY-BASED INFRACTION					
<ul style="list-style-type: none"> Sexual Harassment (602) (e.g., unwelcome sexual advances, requests for sexual favors, other inappropriate verbal, written, or physical conduct of a sexual nature) 		■	■		
<ul style="list-style-type: none"> Sexual Activity or Sexual Misconduct (603) (e.g., indecent exposure, engaging in sexual activity, etc.) (Pre-k to Grade 4) 	■	■			
<ul style="list-style-type: none"> Sexual Activity or Sexual Misconduct (603) (Grades 5 to 12) 			■	■	
TARDINESS (102)					
<ul style="list-style-type: none"> Persistent or excessive tardiness to class or school 	■	■			
TECHNOLOGY ACCEPTABLE USE POLICY VIOLATION (807)					
<ul style="list-style-type: none"> Please refer to pages 31-32 of this code for details 	■	■			

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

LEVEL 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.	LEVEL 2: Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively impact the learning of the student and others
LEVEL 3: Suspension and Referral – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses)	LEVEL 4: Extended Suspension, Expulsion, and Referral – may be appropriate when student's behavior seriously impacts the safety of others in the school.

Inappropriate or Disruptive Behavior	Level 1	Level 2	Level 3	Level 4*	Must be Referred to School Police
THREAT AGAINST SCHOOL PERSONNEL WRITTEN OR VERBAL (403)					
<ul style="list-style-type: none"> Pre-k to Grade 4 Grades 5 to 12 	■	■	■		
		■	■	■	■ Only repeat infractions that reach Level 4 may be reported to Police
THEFT (803)					
<ul style="list-style-type: none"> Less than \$500 Greater than \$500 (It is recommended that the police are not to be contacted for students in pre-k or kindergarten) 		■	■		
			■	■	■
TOBACCO POSSESSION OR USE* (204)					
*School staff is required to refer students to appropriate substance abuse counseling	■	■			
TRESPASSING (804)					
<ul style="list-style-type: none"> Being on school property without permission, including while suspended or expelled, includes breaking and entering 			■	■	■
UNAUTHORIZED SALE OR DISTRIBUTION (805) (e.g., unauthorized or unapproved selling or distributing of not otherwise included in this code)					
<ul style="list-style-type: none"> Items with little monetary value (under \$50) Items with significant monetary value 	■	■			
		■	■		
VERBAL OR PHYSICAL THREAT TO STUDENT (404)					
<ul style="list-style-type: none"> Threatening or aggressive language or gestures directed toward another student 	■	■	■ 1-2 day suspension maximum		
WEAPONS, FIREARMS AND EXPLOSIVES (at school, school-sponsored activities or when involved in incidents affecting the safety or welfare of the school community)					
<ul style="list-style-type: none"> Explosives (503, 892)* Possession, sale, distribution, detonation or threat of detonation of an incendiary or explosive material or devise including firecrackers, smoke bombs, flares or any combustible or explosive substances or combination of substance or articles, other than a firearm. 				■	■
<ul style="list-style-type: none"> Firearms (301, 893)* Possession of a firearm as defined in 18 USC 921 of the federal code (e.g., handguns, rifles, shotguns and bombs). 				■	■
<ul style="list-style-type: none"> Other guns (302, 893)* Possession of any gun, of any kind, loaded or unloaded, operable or inoperable, including any object that is a look-alike of a gun, other than a firearm (e.g., BB guns, pellet guns, water guns, etc.). 				■	■
<ul style="list-style-type: none"> Other weapons (303, 893)* Possession of any implement which could cause bodily harm, other firearm, or other gun. *Expulsion for no less than one calendar year is mandated by state law, but can be modified on a case-by-case basis by the CEO 				■	■

* Expulsions may be permanent for serious offenses.

**EXCERPTS FROM THE SCHOOL
DISTRICT OF PHILADELPHIA CODE
OF STUDENT CONDUCT**



The information in this handbook may be updated during the course of the school year.

The latest version is available on the School District's web site.

www.philasd.org

For copies in languages other than English, please contact Office of Translation and Interpretation Center at 215-400-6446.

The School District of Philadelphia, an equal opportunity employer, will not discriminate in employment or education programs or activities based on race, creed, color, national origin, religion, ancestry, age, marital status, sexual orientation (known or perceived), gender identity expression (known or perceived), sex, handicap, nationality, citizenship, union membership, or limited English proficiency. This policy of non-discrimination extends to all other legally protected classification. Publication of this in this document is in accordance with the state and federal laws including Title IX of the Education Amendments of 1972 and Sections 503 and 504 of the Rehabilitation Act of 1973. Inquiries should be directed to the Equal Opportunity Compliance Officer, Small Business Development, Third Floor, 440 North Broad Street, Philadelphia, PA 19130, (215) 400-4380.

The School District of Philadelphia
Education Center
440 North Broad Street
Philadelphia, PA 19130



2012-2013 Code of Student Conduct

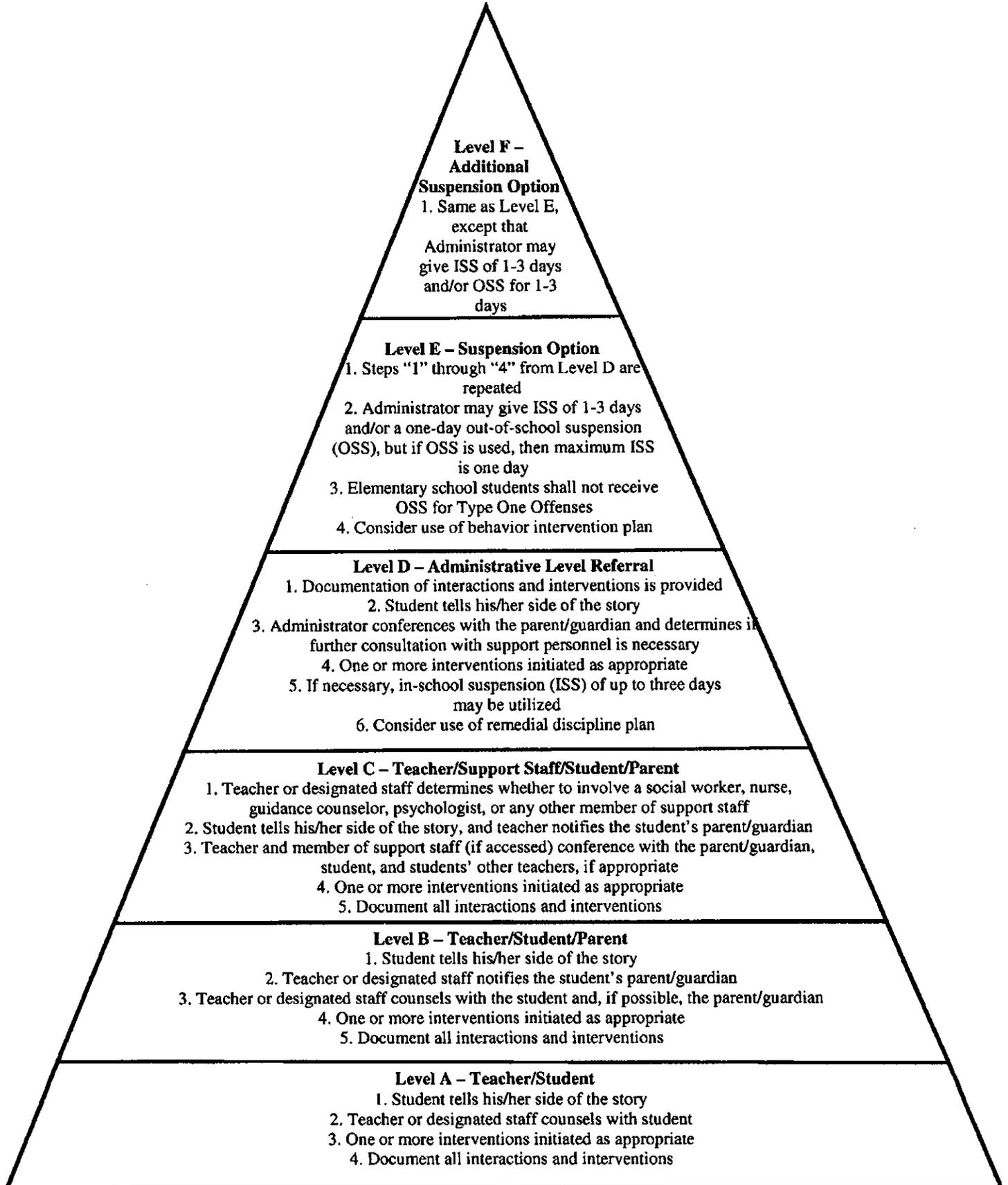
The School District of Philadelphia

Disruptive Behaviors	Rule	Interventions*				
		Level 1: In-School Interventions (including in- school suspension)	Level 2: Out-of- School Suspension	Level 3: Contract w/ Intervention or Lateral Transfer	Level 4: Disciplinary School Assignment	Level 5: Disciplinary School Assignment w/ Expulsion Referral
		Levels 3, 4, or 5 Interventions require a referral to the Office of Hearings and Expulsions.				
Failure to follow classroom rules/disruption	1A	✓				
Dress code violation	1B	✓				
Failure to carry hall-pass/appropriate ID	1C	✓				
Failure to participate in class/unpreparedness	1D	✓				
Truancy/excessive tardiness/cutting class	2	✓				
Possession of beepers/pagers/cell phones/other devices	3A	✓				
Possession of other inappropriate personal items	3B	✓				
Profane/obscene language or gestures.	4	✓				
Public display of affection/inappropriate touching	5A	✓	✓			
Inappropriate use of electronic devices	5B	✓	✓			
Fighting (two students engaged in mutual combat)	6	✓	✓			
Forgery of administrator, teacher, or parent's/guardian's signature	7	✓	✓			
Alteration of grade reporting/excuses/school documents	8	✓	✓	✓		
Destruction and/or theft of property (less than \$1,000)	9	✓	✓	✓		
Harassment/bullying/cyber-bullying/intimidation	10	✓	✓	✓	✓	
Sexual acts (consensual)	11		✓	✓		
Threatening students/staff with aggravated assault	12		✓	✓	✓	
Destruction and/or theft of property (totaling \$1,000 or more)	13		✓	✓	✓	
Breaking and entering school property	14		✓	✓	✓	
Robbery	15A		✓	✓	✓	
Extortion	15B		✓	✓	✓	
Mutual fight (w/ documented serious bodily injury)	16		✓	✓	✓	
Simple assault (documented unprovoked attack by one student on another)	17		✓	✓	✓	
Possession of alcohol or drugs – intent to use	18A		✓	✓	✓	✓
Possession of alcohol or drugs - intent to distribute	18B		✓	✓	✓	✓
Possession or use of fireworks/incendiary devices/explosives	19		✓	✓	✓	✓
Assault of school personnel	20		✓	✓	✓	✓
Instigation or participation in group assaults	21		✓	✓	✓	✓
Aggravated assault (documented serious bodily injury)	22				✓	✓
Sexual acts (non-consensual)	23				✓	✓
Possession of a weapon	24				✓	✓

*Intervention Levels are not mutually exclusive. For example, if a student is referred to the Office of Student Discipline, Hearings and Expulsions, that student will also be suspended out of school for some period between 1 – 10 days.

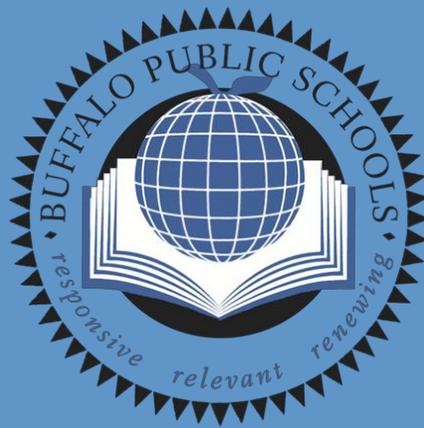
**DENVER PUBLIC SCHOOLS
DISCIPLINE LADDER**

Denver Public Schools Discipline Ladder



**BUFFALO PUBLIC SCHOOLS
EXCERPTS**

Developing Safe and Supportive Schools



**BUFFALO PUBLIC SCHOOLS
STANDARDS FOR
COMMUNITY-WIDE CONDUCT
AND INTERVENTION SUPPORTS
2013 - 2014**

Dr. Pamela C. Brown
Superintendent of Schools

www.buffaloschools.org

INTERVENTION RESPONSE: POSITIVE RELATIONSHIPS

Research shows that positive relationships help children learn. When our communities, schools and homes are free from fear, anger and other distractions, human development can occur. We know that students are more likely to succeed when they feel connected to others in their community, and are less likely to act out in ways that cause disruption to the school environment. (For more on this topic, see Bonnie Bernard's *Fostering Resiliency in Kids* or Robert Blum's "A Case for School Connectedness," *Educational Leadership*, April 2005)

Tips for Calming Conflict

- ◇ Show students you understand. Listen well, with sincere concern, to create positive relationships among students and adults. Trust then becomes the foundation for academic success and conflict resolution.
- ◇ Ask open-ended questions. Say, for example, "What was that like for you?" or "Tell me more about that." This gets more than a "Yes" or "No" response, and help students tell their story.
- ◇ Use reflective listening when intervening in a conflict. Get the attention of an angry person by reflecting back the feelings you hear in a nonjudgmental way. Let students tell their story – say just enough to help them do it.
- ◇ Help students problem-solve disputes. Use open-ended questions and reflective listening to help students think about what happened. Trust that, with guidance, students will identify a solution that works for them.

Skills and Strategies for Building Positive Relationships

- ◇ Communicating understanding
- ◇ Structuring task for student success
- ◇ Reinforcing student behavior in a positive manner
- ◇ Setting rules, limits and consequences
- ◇ Creating a safe and trusting environment
- ◇ Remaining neutral
- ◇ Using nonjudgmental language
- ◇ Responding only when a response is necessary
- ◇ Staying calm in tense situations
- ◇ Encouraging people to "vent" while being aware of safety
- ◇ Listening and repeating what students say (reflective listening)
- ◇ Identifying and labeling feelings, values and topics to be resolved (strategic listening)
- ◇ Asking open-ended questions
- ◇ Assisting people in using a positive problem-solving process

Suggested Practices for Establishing Positive Relationships

- ◇ Daily Rap. Students need to learn to communicate with one another in ways that help them build healthy relationships instead of records of suspension and arrests. The Daily Rap is an intervention designed around core categories of social and emotional skills. Working in dialogue circles, teachers and staff build open communication with students so that they can talk about topics and resolve issues before they escalate to violence.

PREVENTATIVE PRACTICES / INTERVENTION STRATEGIES

◇ **Morning Meetings.** Classroom meetings in which the teacher and all students come together are usually for one of two purposes: to build community at a relatively peaceful time or to resolve a conflict. At the morning meeting, students sit in a circle and do activities together that help build caring within the group and between individuals. The meeting provides a place students come to understand the truest meaning of “finding common ground.” They come to see, tolerate and appreciate the ways of one another, including their teachers. The most basic element of caring that aids this process is the genuine willingness to listen attentively.

◇ **Student Advisories.** Students meet in small groups with an adult advisor to focus on character and civic development. Students discuss day-to-day issues, define their values, develop a trusting relationship with an adult advocate, hone communication skills and participate in social justice or service learning projects. Student Advisories offer emotional support for students during adolescence. Ideally, the advisory teacher is someone students know they can trust and talk to about their progress in school. The activity can provide peer recognition in an accepting environment, and offset peer pressure and negative responses from peers in other areas.

◇ **Student Ambassadors.** The Student Ambassador goal is to engage students in activities that promote student connectedness and belonging to the school experience. Student Ambassadors serve as the youth voice for the student body. The students participate in team building activities and plan and conduct activities with their peers, in an effort to maintain a positive school climate and to motivate and engage the entire school community in addressing barriers to learning such as poor attendance.

PREVENTATIVE PRACTICES / INTERVENTION STRATEGIES

ADDITIONAL INTERVENTION STRATEGIES

To help students conduct themselves appropriately, *Buffalo Public Schools Standards for Community-wide Conduct and Intervention Supports 2013-2014* lists prevention and intervention strategies that may be used prior to or in addition to any disciplinary response to student behavior. Examples of such strategies include the following:

- ◇ Behavior Intervention Plan (BIP): An approach to correcting inappropriate or disruptive student behavior through a plan designed by school staff to offer positive behavioral interventions, strategies and supports. This plan is appropriate for students with and without disabilities. ABIP is developed based on the results of an FBA)
- ◇ Community Conferencing: Allows students, school staff and others involved in a conflict to discuss the conflict and how it affected them and to propose solutions.
- ◇ Community service: Allows students to participate in some sort of activity to serve and benefit the community. Examples include working in a soup kitchen, cleaning up public spaces, helping at a facility for the aged, or similar activities.
- ◇ Conference: Involves students, parents, guardians, teachers, school staff and principals in discussion about student misbehavior and potential solutions that address social, academic and personal issues related to the behavior.
- ◇ Conflict resolution: Empowers students to take responsibility for peacefully resolving conflicts. Students, parents, guardians, teachers, school staff and principals engage in activities that promote problem solving skills and techniques, such as conflict and anger management, active listening and effective communication.
- ◇ Functional Behavior Assessment (FBA): Involves gathering information about students' inappropriate or disruptive behavior and determining approaches that school staff should take to correct or manage student behavior. This information is used to develop a Behavior Intervention Plan for the student.
- ◇ Individual Education Program (IEP) teams: Includes groups of individuals who are responsible for identifying and evaluating students with disabilities; developing, reviewing and revising IEP's for students with disabilities, Functional Behavior Assessments and Behavior Intervention Plans, and determining the placement of students with disabilities in a least restrictive environment. (Note: Specific to students with disabilities or students suspected of having a disability)
- ◇ Mentoring program: Involves pairing students with mentors (a school counselor, teacher fellow student or community member) who help their personal, academic and social development.
- ◇ Parent outreach: Requires school staff to inform parents or guardians of their children's inappropriate or disruptive behavior. Outreach made in writing or by telephone is intended to make parents aware of the student's behavior, task completion and achievement, and can include a request for parents to accompany students to school.
- ◇ Peer mediation: A form of conflict resolution in which students help other students deal with and develop solutions to conflict.
- ◇ Referral to appropriate substance abuse counseling services: Occurs for behavior related to substance abuse, or with those for whom there is reason to believe substance abuse counseling is needed. Service can be school or community based.
- ◇ Referral to community-based organizations: Can involve a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution and tutoring.

PREVENTATIVE PRACTICES / INTERVENTION STRATEGIES

◆ **Referral to school-based health and mental health clinics or other social services:** Provides counseling and assessment to students in need. Students are encouraged to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success. In counseling sessions, students discuss goals and learn techniques that help them overcome personal challenges. Parents are to be regularly informed of student progress during counseling sessions and at school. Sessions can also involve family members or can be done in groups.

◆ **Restorative justice strategies:** Interventions designed to identify and address the harm caused by an incident, and to develop a plan to heal and correct the situation.

◆ **Student Support Team:** Consists of SST chair, school psychologists, school social worker and school counselor. The SST Team may work with the building principal, teachers, school nurses, mental health clinicians and external agency representatives to develop behavioral interventions and alternative strategies that will lead to student success. When student behavior requires intervention, parents, school staff and the principal may request that the Student Support Team develop a plan to address the student's behavioral needs. If the behavior does not improve after implementation, timely review and revision of the plan and is significantly interfering with the student's learning and academic progress, it may be necessary to refer the student for a CSE evaluation.

POLICIES AND CODES

C. TRAINING

Staff training will be provided as needed to ensure that the disciplinary practices in each school are effective and that relevant policies and procedures are equitably applied.

Training may include such topics as child and adolescent development and psychology; age-appropriate responses; culture competence; restorative justice techniques; special accommodations for students with disabilities; practices proven to improve school climate, and the creation of safe spaces for lesbian, gay, bisexual, transgender, and questioning students.

D. ANNUAL DATA COLLECTION AND REVIEW

Schools will annually review their school climate and submit a publicly available written report. Based on the review, schools will make changes consistent with the intent of this and other policies.

The review will include the following:

- a. The total enrollment for the school
- b. Average daily attendance rate at the school
- c. Dropout rates for grades seven through twelve
- d. Average class size calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school
- e. The school's policy concerning bullying prevention and education
- f. Intervention and prevention strategies
- g. Number of conduct and discipline code violations, including the following offenses, disaggregated by school, race, ethnicity, age grade, disability, ELL status, and gender of the student, where available
 - i. Possession of a dangerous weapon
 - ii. Use or possession of alcohol, drugs or controlled substances, or tobacco products
 - iii. Willful disobedience or open and persistent defiance
 - iv. Conduct equal to first degree, second degree, third degree, or vehicular assault
 - v. Behavior that is detrimental to the welfare or safety of other students or of other school personnel
- vi. Willful destruction or defacement of school property
- vii. Other violations of the Code of Conduct and disciplinary action, is consistently applied to all students
- viii. Other violations of the Code of Conduct and discipline that resulted in documentation of the conduct in a student's records
- ix. Referrals disaggregated by staff member and school
- x. The extent to which the policy, including but not limited to disciplinary action, is consistently applied to all students

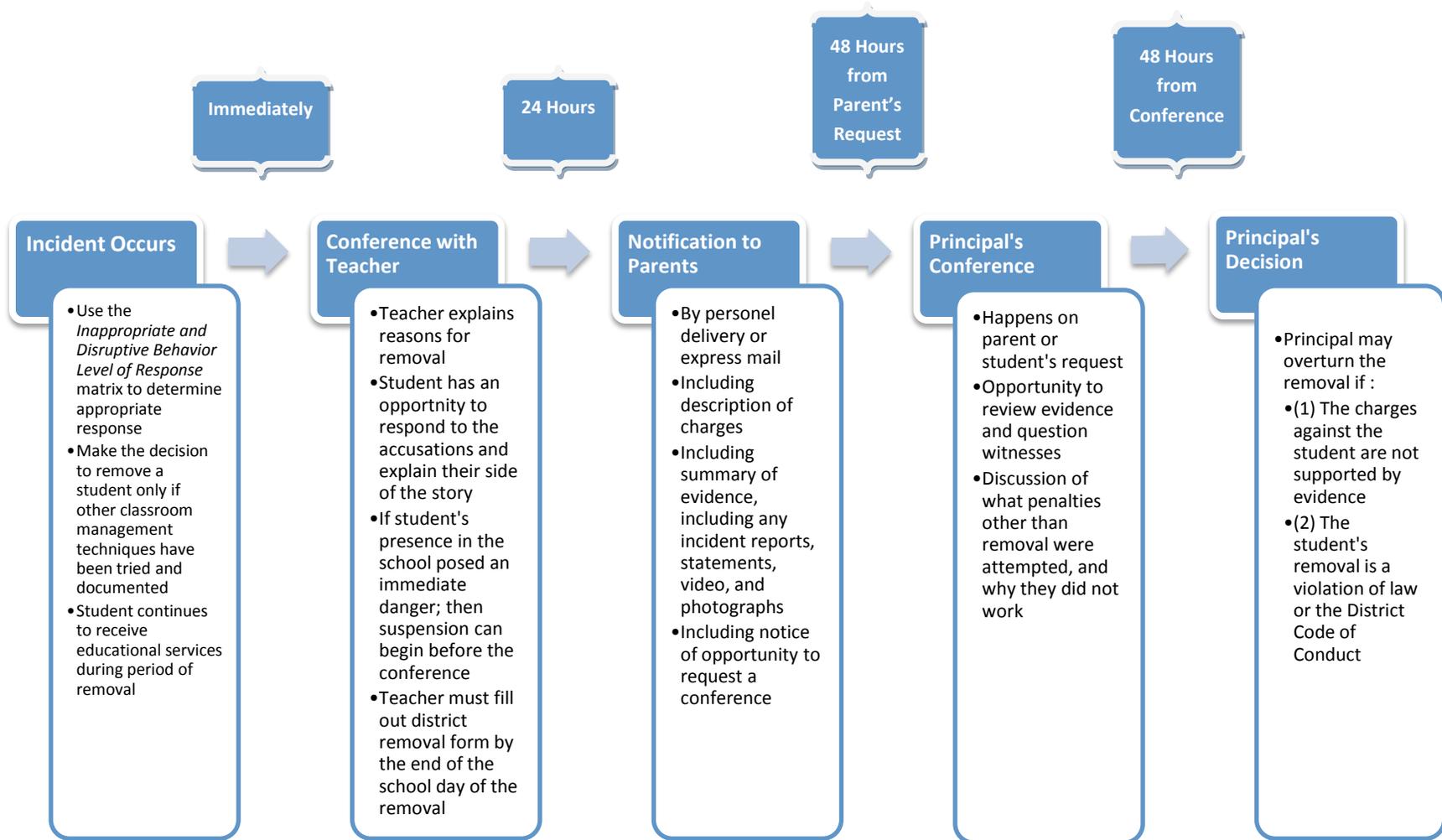
Based on the review, schools will make changes consistent with the intent of this and other policies.

◇ Dissemination and Review

The Board of Education will review these *Standards for Community-wide Conduct and Intervention Supports* every year and update them as necessary. In conducting the review, the Board will consider how effective the *Standard's* provisions have been and whether the *Standards* have been applied fairly and consistently. The Board may appoint an advisory committee to assist in reviewing the *Standards* and the District's response to the *Standards for Community-wide Conduct and Intervention Supports* violations. The committee will be made up of representatives of student, teacher, administrator, parents and community-based organizations, school safety personnel and other school personnel. Revisions to the *Standards* will be made only after at least one public hearing, which provides for the participation of school personnel, parents, students and any other interested party.

The District shall post the complete *Standards for Community-wide Conduct and Intervention Supports* (with all amendments and annual updates) on the District website, if available. The District shall file a copy of the *Standards for Community-wide Conduct and Intervention Supports* and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

Teacher Removal of Student from Classroom



**LOS ANGELES COUNTY UNIFIED
SCHOOL DISTRICT
SCHOOL CLIMATE BILL OF RIGHTS**

Resolution, Monica García - 2013 School Discipline Policy and School Climate Bill of Rights

Whereas, The Los Angeles Unified School District (LAUSD) understands that student achievement begins with keeping students in a safe classroom and healthy environment conducive to learning and free from disruption; and is committed to closing the achievement gap by providing access to all students a vigorous education that ensures all students will graduate college prepared and career ready;

Whereas, LAUSD is a proven model and continues improving discipline policies with the adoption of the Discipline Foundation Policy (BUL-3638.0) that establishes a consistent framework for implementing and developing a culture of discipline grounded in positive behavior interventions and away from punitive approaches that infringe on instruction time;

Whereas, Restorative Justice approaches build on and work in conjunction with the positive behavior interventions in the Discipline Foundation Policy because they are an appropriate prevention and intervention approach within the tiered intervention process and because they seek accountability through understanding the impact of school discipline incidents and repairing the harm caused through a shared decision-making process which addresses root causes to prevent future harm and supports the healing of all parties.

Whereas, The District's Student Discipline and Expulsion Support Unit has been a model for other school districts in the state and the nation due to the District's expulsion rate of 0.02% (136 of 595,314 enrolled students) for 2010-2011 school year; and is in compliance with AB 922 that provides educational and support services as well as facilitates the reinstatement process for all expelled students;

Whereas, The District requires full implementation of Discipline Foundation Policy: School-Wide Positive Behavior Support (SWPBS), where every school completes the Safe School Plan, Volume 1, including assessment of the implementation of the Discipline Foundation Policy, and identification of a goal addressing the implementation of the policy;

Whereas, Discipline and policy procedures such as The Guidelines for Student Suspensions (BUL- 5655.1) clearly stipulate that suspension, including supervised suspension, should be utilized for adjustment purposes only when other means of correction have failed to bring about proper conduct and/or safety is at risk, as well

as, provides alternatives to suspension that are age appropriate and designed to address and correct the student's specific misconduct;

Whereas, Discipline and policy procedures such as Expulsion of Students (BUL-4655.2) clearly stipulate that expulsion should be regarded as a *last resort* of intervention and should be considered only for those offenses that the principals are mandated to recommend expulsion, other means of correction have failed to bring about proper conduct, or when the misbehavior poses a serious safety risk to others;

Whereas, Studies by EdSource indicate that a large number of suspensions are commonly attributed to *Willful Defiance* (E.C. 48900) which account for nearly 42% of suspensions in California and 36% in the District;

Whereas, attachment G, *Top Ten Alternatives to Suspension*, and attachment I, *Consequences/School Reference Guide*, in the Discipline Foundation Policy (BUL-3638.0) as well as the *Matrix for Student Suspensions and Expulsion Recommendations* provide guidance on when suspension and expulsion are considered an appropriate response to misconduct;

Whereas, District data from the 2011-2012 Performance Meter indicates that the number of instruction days lost to suspension has impressively decreased since the inception of the Discipline Foundation Policy from 74,765 in 2006-07 to 26,286 in 2011-12;

Whereas, Studies indicate that suspension does not often result in positive behavior conditioning and furthermore can instead intensify misbehavior by increasing shame, alienation, and rejection amongst students, and a study from Texas found that students are 5 times more likely to dropout, 6 times more likely to repeat a grade, and 3 times more likely to have contact with the juvenile justice system if suspended;

Whereas, A disproportionate number of African American students and students with disabilities are suspended relative to their counterparts;

Whereas, The California Education Code and the California Penal Code clearly define the role of law enforcement agencies related to student safety and school based policing roles, so that the use of law enforcement is minimized when possible;

Resolved that the Superintendent shall amend the Discipline Foundation Policy and any related discipline or other policies to be in accordance with state law, as of January 1, 2013, as reflected in, AB 2616, AB 2537, AB 1729, SB 1088 and AB 1909;

Resolved that the Superintendent shall in keeping with the goals of AB 1729 develop an objective Discipline Matrix with the input of the SWPBIS Task Force as discussed further below that shall establish which interventions (a.k.a. “other means of correction”), at a minimum shall be utilized for all students and in a consistent and age appropriate manner prior to all suspensions, except those limited offenses where suspension is required under California Education Code §48915(c). The superintendent shall take steps to reinforce the legal process for issuing suspensions in LAUSD.

Resolved that the Superintendent shall establish a School Discipline Bill of Rights as follows:

Alternative to School Suspension: Unless suspension is required under category 1 (also known as Ed. Code §48915(c)), no student shall be suspended until a school demonstrates that it has exhausted all alternatives to suspension, as outlined in the Discipline Matrix. All students shall have the right to in and out of school alternatives to suspensions.

Disruption/Willful Defiance: Beginning Fall 2013, no student shall be suspended or expelled for a “willful defiance” (48900(k) offense.

Restorative Justice: By 2020, as an alternative to traditional school discipline, all schools shall develop and implement restorative justice defined as:

Practices that resolve school disciplinary incidents by having (personnel trained in restorative approaches) and all parties involved come together, identify the harm that was caused, and determine who was responsible. The group, generally through a circle conferencing process, then develops a shared process for repairing harm and addressing root causes to prevent future harm. Restorative Justice will be used as an intervention consistent with the SWPBIS policy for all school disciplinary incidents unless a

recommendation for expulsion is required as under California Education Code Section 48915.

Beginning 2015 and every year thereafter, the district shall provide training to school sites identified by the Superintendent based on suspension data in restorative justice as defined above within 60 days of:

- finding that any school has more than 15% of a particular subgroup or 10% of overall students, suspended, or 10% of a particular subgroup or 10% of overall students, arrested or given citations, from the prior school year. Such finding shall be made each October based on data collected from the prior year.
- Such training shall ensure that any student who requests this as an alternative to be utilized in the school shall have the right to have restorative justice utilized to address the harm to the school community and reintegrate the student.

Data: Every student and parent shall have a right to obtain the following aggregate data on discipline in the District on a monthly basis using website publishing by service area centers:

- In and Out-of-school suspension, involuntary transfer, opportunity transfer, expulsion, citation, police complaints, arrests and school-based arrest data for the school-site or the District for three months to a year preceding the request and the number of instructional days and amount of Average Daily Attendance funding lost to suspension, transfer, expulsion and arrest.
- Such data shall be disaggregated by all subgroups, including race, ethnicity, ELL status, disability and gender (include legal definition of gender), by socio-economic status and by offense, but shall be provided in a way to maintain the privacy of individual students.

School Wide Positive Behavior Intervention and Support:

- All students shall have the right to School-Wide Positive Behavior Interventions and Supports (SWPBIS) that reduce suspensions, increase attendance, improve test scores and has buy in and support from all school personnel.

- All students and parents have the right to file formal complaints if SWPBIS is not implemented in 60 days of student's request on campus. A finding of the failure to fully implement shall be redressed through an on-site process involving parents and students to develop a school-site implementation plan and the training and other tools necessary to resolve the failure to fully implement within 130 days. The failure to fully implement can be identified by the failure to among other things:
 - a. Include parents in the implementation efforts and provide training to parents on SWPBIS
 - b. To set publicly measurable outcomes and benchmarks for decreasing the number of students for each race and ethnic subgroup that are referred to the office, suspended, involuntarily transferred, or expelled from school;
 - c. To have a school-based team, which includes a parent, to guide the implementation efforts;
 - d. Have a clear set of positive behavior rewards and a positive behavior system that is evident and used by all staff and known to all students;
 - e. Have objective and simple behavior expectations that are defined and taught;
 - f. Have a three tiered intervention system with clear interventions available at each level and a system for identifying student in need and objectively and consistently providing such interventions;
 - g. Regularly collect and analyze discipline data and share it with the school community to inform their disciplinary practices and procedures.

Defining role of police on campus and limiting involvement in non-threatening school discipline actions:

- The District recognizes the serious potential consequences for youth of law enforcement and juvenile court involvement and wishes to prevent unnecessary criminalization of student behaviors at school. Students have the right to safe school environments that minimize the involvement of law enforcement, probation and the juvenile and criminal justice system, to the greatest extent possible.
- The District shall review and evaluate all current school police policies, practices and training relating to the equitable treatment of students.
- The District shall furthermore review the data on the use of school-based citations and arrests and identify and remedy frequent use at individual school sites.

- The District is committed to a non-criminal enforcement model that supports strategic problem-solving models rather than citation and arrest-driven enforcement.
- The majority of student conduct shall be handled administratively utilizing school-based interventions that are intended to maximize student engagement in the classroom and school setting.
- To the greatest extent possible, and in lieu of the use of citations and arrests, schools shall implement school-wide positive behavior interventions and supports and restorative justice programs that improve school safety and academic performance.
- Clear guidelines regarding the roles and responsibilities of campus police officers on campus shall be established and shall contain criteria to properly distinguish administrative responses to student conduct pursuant to school district policies and state law, from criminal responses.
- District policy regarding school police shall be updated and each year school safety plans shall be reviewed consistent with district policy to include clear guidelines regarding the roles and responsibilities of campus police officers and contain criteria to properly distinguish administrative responses to student conduct pursuant to school district policies and state law, from criminal responses.

Appeals to Suspensions and Grievance Process:

- To ensure that students and parents understand and have notice of their existing right pursuant to suspension policy (BUL-3819, pg. 14) and state and federal law, to appeal their suspensions, when suspension notifications are issued to parents/guardians, this notification will include clear information on the steps and timeline to initiate a suspension appeal.

Healthy, Holistic School Environments: All students have the right to holistic, healthy school environments that support students in all aspects of their health and well-being. The Superintendent shall work with community, business, and philanthropic partners to ensure schools have access to full service community schools.

Be it further resolved that the role of the SWPBIS Task Force established under the SWPBIS Policy shall be augmented to provide a stronger oversight role to achieve “full implementation” as follows, the SWPBIS Task Force shall:

- a. Make meetings times accessible to students during non-school hours;
- b. Within 60 days of this resolution develop the objective criteria by which full implementation of the SWPBIS Policy shall be measured, which shall include measurements for determining whether key elements have been met and to establish outcomes and benchmarks for reductions in office discipline referrals, suspensions, involuntary transfers, and expulsions in the District and from individual schools;
- c. Meet monthly at a regularly set time and with the appropriate notice required by and following the open meeting provisions of the Brown Act and shall have the authority to request access to all necessary documents and materials to be able to assess full implementation of the SWPBIS Policy;
- d. At each meeting, hear from individuals who have concerns about implementation and provide a forum to bring information or complaints to the attention of the SWPBIS Task Force;
- e. Report on its finding related to full implementation at least once per year at a School Board meeting at which the item shall be agendized;
- f. Have the authority to review and make recommendations regarding the Discipline Matrix developed by the Superintendent and shall recommend to approve such matrix prior to its implementation;
- g. The independent auditor required by the Policy (BUL-3638, pgs 7, 10-11), shall provide an annual report to the Board regarding findings of individual complaints and broader recommendations regarding implementation and monitoring;

Be it resolved that charter schools shall comply with the LAUSD Discipline Foundation Policy (BUL-3638) and the terms of the School Discipline Policy and School Climate Bill of Rights Resolution.

Finally, be it further resolved that the Superintendent shall:

1. Present a report to the Governing Board regarding how and when he will implement all of the above including implications for staffing and support for school sites and update the Discipline Policy to include these requirements within 120 days from passage of this resolution;

2. Make available the final resolution to the public, principals and necessary personnel 30 days after;
3. Develop and implement a training plan for school leadership and personnel, parents and students that shall be fully implemented in the 2013-2014 school year.
4. The Superintendent shall give quarterly updates on progress of the implementation of the Student Bill of Rights to the Board and SWPBIS Taskforce.
5. The Superintendent will do a yearly review and adjust for trends and outcomes as well as recommendations by community including but not limited to the SWPBIS Task Force.