

Chicago Public Schools Policy Manual

Title: STUDENT CODE OF CONDUCT (FORMERLY THE UNIFORM DISCIPLINE CODE) FOR CHICAGO PUBLIC SCHOOLS EFFECTIVE SEPTEMBER 12, 2006
Section: 705.5
Board Report: 06-0823-PO3 **Date Adopted:** August 23, 2006

Policy:

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Chicago Board of Education amend the Student Code of Conduct (SCC) which is attached hereto. This SCC has been updated to modify the actions necessary for disciplinary offenses, to clarify certain disciplinary actions, and to clarify that the policy pertains to disciplinary actions and behavioral expectations for all Chicago Public Schools students. The SCC will become effective September 12, 2006. The SCC is being amended to add several footnotes and to correct various typographical and numbering errors. These changes are highlighted on the attachment.

During the 2006-2007 school year, the Chief Executive Officer or designee intends to work with various stakeholders to develop a new Student Code of Conduct and accompanying school supports for 2007-2008 that will reflect a comprehensive approach to student discipline and that includes components of restorative justice, alternatives to out of school suspension, and additional measures aimed to ensure a safe and positive environment for students and school personnel.

DESCRIPTION: Modifications from the previous year's Uniform Discipline Code are summarized below.

Title of Policy: changes name of the policy to clarify that the Student Code of Conduct is the policy that addresses discipline of students in the Chicago Public Schools.

Policy Statement: has been modified to clarify the purpose of the policy and to reinforce that discipline should be instructional and corrective, not punitive. This section also includes a brief statement detailing the Board's support for restorative justice measures where available and appropriate.

Procedural Guide of Students With Disabilities: has been placed in the appendix as Exhibit E.

Student and Parent Rights and Responsibilities: has been removed, and the pertinent statements from this section have been added to more appropriate sections of the policy.

Teacher Rights and Responsibilities: has been removed, and the pertinent statements from this section have been added to more appropriate sections of the policy.

Principal Responsibilities: has been moved to another section of the policy and modified to adequately reflect what principals' key responsibilities are in ensuring that the SCC is properly implemented at the local school level.

Student Misconduct: the heading of this section has been removed and the contents of the section modified to make the information contained in this section easier to read and understand, including a step by step overview of the student discipline process.

Groups 1-6 -- Acts of Misconduct, and Disciplinary Actions: The term "acts of misconduct" has been replaced with the term "inappropriate behaviors" and the term "Disciplinary Actions" has been replaced with the term "interventions and consequences" to reflect and support the statement in the policy statement section of the Code which indicates that discipline is meant to be instructive and corrective, not punitive.

Group 4 – Inappropriate Behaviors ("IB"): adds language that modifies IB 4-4 for "Vandalism or criminal damage to property" to "Vandalism or criminal damage to property resulting in damages not exceeding \$500".

Group 4 – Inappropriate Behaviors: removes "or look-alikes of weapons" from IB 4-13 to comply with state law which defines "look-alikes" of weapons as weapons. (105 ILCS 10/22.6(g)).

Group 5 – Inappropriate Behaviors: adds IB 5-15 “Vandalism or criminal damage to property that results in damage exceeding \$500 or that is done to personal property belonging to any school personnel.”

Group 6 – Inappropriate Behaviors: adds the phrase “or ‘look-alikes’ of weapons” to IB 6-1 to correctly reflect that such items are considered weapons according to state law.

Group 6 – Inappropriate Behaviors: adds the phrase “or aiding and abetting in the commission of a sex violation” to IB 6-7 to allow all students who participate in sex violations to be disciplined accordingly.

Expulsion Guidelines: has been moved to Appendix – Exhibit B.

Appendix Exhibit A: provides a sample of the CPS Misconduct Report

Appendix Exhibit B: provides guidelines for expulsion hearings and the emergency alternative school referral process.

Appendix Exhibit C: the glossary has been moved into this appendix.

Appendix Exhibit D: the reference guide for Groups 4, 5 and 6 Inappropriate Behaviors has been moved to this appendix. Additionally, the language has been modified in the reference guide to reflect the statutory inclusion of “look-alikes” as weapons.

Appendix Exhibit E: the procedural guidelines for students with disabilities has been moved to this appendix.

Appendix Exhibit F: the notice to students and parents regarding student records has been moved to the appendix.

LSC REVIEW: The Local School Council Advisory Board has reviewed these amendments.

FINANCIAL: This action is of no cost to the Board.

THE STUDENT CODE OF CONDUCT
Formerly the Uniform Discipline Code
Effective September 12, 2006

BOARD OF EDUCATION OF THE CITY OF CHICAGO
POLICY STATEMENT

The Chicago Board of Education ("Board"), the governing body of the Chicago Public Schools, is responsible for establishing policies under which schools operate. To promote desirable student conduct and behavior, the Board has adopted the Student Code of Conduct ("SCC" or "Code").

The SCC is consistent with Illinois School Code, the Rules of the Board of Education of the City of Chicago, negotiated agreements with employee groups, and all other applicable state and federal laws.

This Code recognizes that the Chicago Public Schools has the responsibility to ensure that the school environment is safe for all students and school personnel and that it is important to provide students with a consistent set of expectations for behavior. The Board expects all students to respect the rights of fellow students, personnel and others, and to behave in a manner that does not violate school rules, procedures, Board policy or the law. Students shall be encouraged to seek assistance from school personnel to prevent or resolve conflicts and to report incidents or activities that may threaten or disrupt the educational environment. The SCC requires all students enrolled in the Chicago Public Schools to accept responsibility and the appropriate consequences for their actions and behavior.

The disciplinary process set forth in this SCC is intended to be instructional and corrective, not punitive. All students shall be entitled to receive due process in disciplinary reassignment, in-school or out of school suspension and expulsion. Moreover, students shall be entitled to appeal the issuance of certain intervention or consequences, as provided herein. Pursuant to Board of Education Rule 6-21, "no employee of the Board of Education may inflict corporal punishment of any kind upon persons attending the public schools of the City of Chicago."

The Code also reflects alternative approaches to classroom management and student discipline. Specifically, the Board recognizes and embraces the philosophy of restorative justice. Restorative justice principles involve those who have a stake in a specific offense in collectively identifying and addressing the harm done and the needs and obligations of all involved in order to heal and correct the situation as fully as possible. The Board encourages principals and administrators to adopt and implement restorative justice philosophies and practices as additional tools to address student misconduct. When restorative justice practices are available and adequate and when all parties voluntarily embrace and participate in restorative justice practices, these practices should be utilized as outlined in the SCC.

Schools are also encouraged to establish a team to assist school officials with the development of local school regulations. A positive and safe school climate significantly contributes to student academic achievement. The Board strongly encourages schools to establish measures designed to foster incident avoidance. Where possible, schools should explore the use of prevention strategies aimed at minimizing the number of incidents requiring student discipline.

PURPOSE AND GOALS

Through the establishment of the SCC, the Board seeks to: (1) create a consistent set of expectations for student behavior for the Chicago Public Schools system and all students; (2) outline the interventions and consequences for students who engage in inappropriate behavior; and (3) reinforce positive behavior and provide students with opportunities to develop appropriate behavioral skills.

SCOPE OF THE STUDENT CODE OF CONDUCT

The SCC is not intended to address the entire spectrum of student misbehavior that may occur at school or on school property. Instead, the SCC outlines a range of appropriate responses for certain inappropriate behaviors. Local school officials retain the discretion to address student misconduct that is not specifically included in the SCC. However, poor academic achievement is not considered an act of misconduct. Therefore, the SCC may not be used to discipline students for poor academic progress or failure to complete assignments.

The SCC applies to actions of students during school hours, before and after school, while on school property, while traveling on vehicles funded by the Board, at all school-sponsored events, and while using the CPS Network or any computer or Information Technology Devices, when the actions affect the mission or operation of the Chicago Public Schools. Students may also be subject to discipline for Group 5 or 6 Inappropriate Behaviors that occur either off campus or during non-school hours when the misconduct disrupts or may disrupt the orderly educational process in the Chicago Public Schools.

Students who are suspended or expelled from school may not participate in extracurricular activities or school-sponsored events during the period of the suspension or expulsion. However, students on suspension during the administration of state assessments shall be provided an opportunity to enter the school for the purpose of taking the test and may be allowed to participate in related test preparation activities, upon approval by the Area Instruction Officer. For violations of the SCC that involve improper use of Information Technology Devices, the student may be subject to discipline pursuant to the SCC, in addition to having his/her network privileges suspended.

The SCC does not apply to students attending pre-kindergarten and kindergarten and strict application of the Code to pre-kindergarten and kindergarten students is prohibited. School officials may refer to the SCC as a guide and may exercise discretion to issue appropriate interventions and consequences for students in pre-kindergarten or kindergarten who engage in inappropriate behavior. However, any decision to suspend, expel or reassign a pre-kindergarten or kindergarten student must be reviewed and approved by the appropriate Area Instruction Officer or designee.

The SCC provides a variety of interventions and consequences to address student misconduct that range from the least severe to expulsion. Before any intervention or consequence is issued, school officials shall consider all mitigating circumstances and shall ensure that the student receives due process. Mitigating circumstances include, but are not limited to, the following factors:

- the student's age, health, maturity, and academic placement;
- the student's prior conduct and record of behavior;
- the student's attitude;
- the level of parent/guardian cooperation and/or involvement;
- the student's willingness to make restitution;
- the seriousness of the offense; and
- the student's willingness to enroll in a student assistance program.

Moreover, the following require special application of the SCC:

Student Uniforms and Dress Code Policies

Schools are allowed to institute a uniform policy that requires students to wear a specific uniform. Except as provided below in the section on Discipline in Military Academies and JROTC Programs, students who fail to abide by a school's uniform policy may not be given in-school or out of school suspension or detention or otherwise be barred from attending class. However, students who fail to adhere to such policies may be subject to the loss of extracurricular activities.

Schools may also institute dress code policies that do not require students to wear a specific uniform, but that prohibit students from wearing certain items or particular styles of attire and/or accessories. A dress code violation may be considered an inappropriate behavior under the SCC. Dress codes are often designed to address gang-related activities or to prevent serious disruption to the orderly educational process of the school. Students who wear clothing or accessories that display affiliation with gangs or other criminally motivated organizations or students who dress in a manner that causes serious disruption to the orderly educational process may be subject to discipline in accordance with the terms of the Code.

Discipline in Military Academies and JROTC Programs

In addition to the standards of conduct and intervention or consequences described in this Code, Board-designated military academies and other JROTC programs may enforce standards of conduct and intervention or consequences that are consistent with the military nature of those schools and programs. Students enrolled in a military academy who repeatedly engage in acts of gross misconduct or insubordination, or who repeatedly fail or refuse to wear the required military uniform, may be subject to disciplinary reassignment by the military academy principal to another school (or in the case of a JROTC program, dismissal from the program). Prior to a disciplinary reassignment, a conference must be held with the parents/guardians, student, military academy principal, and a designee of the Chief Executive Officer. Students who have been reassigned for disciplinary reasons from any military academy must be accepted by their nearest non-military attendance area school. Students who have been given a disciplinary reassignment to another Chicago public school or expelled from the Chicago Public Schools lose all rank and privileges at the JROTC military academies and must reapply to the JROTC program and the military academies for enrollment.

Upon their child's enrollment at a military academy, parents/guardians shall be informed of the uniform policy, expectations of the military academy, and the disciplinary reassignment policy, and shall indicate by signature their agreement to adhere to the terms of these policies.

Discipline in Charter, Contract and Performance Schools

Pursuant to the Charter Schools Law, Illinois School Law, 105 ILCS 5/27A, all charter schools are exempt from local school board policies, including the Student Code of Conduct. Charter schools are free to adopt the SCC or to establish their own discipline policies.

Contract and Performance Schools have the option to apply the SCC as set forth herein or to modify the SCC for use at the school so long as any such modification has been approved by the Board and is consistent with the educational philosophy and mission of the school. Any modifications to the SCC must comply with applicable provisions of the Illinois School Code and Board Rules. Upon their child's enrollment at a contract or performance school that has established modifications to the SCC, parents/guardians shall be informed of the modifications, expectations at the school and the disciplinary reassignment policy that would apply if a student violated the school's modified code of conduct.

OVERVIEW OF THE STUDENT DISCIPLINE PROCESS

Step 1: School Officials Investigate

- ◆ The local school official in charge of discipline should talk to all students, teachers, school personnel and other witnesses to the incident.
- ◆ The investigation may necessitate a search of the student, his locker, desk or personal belongings. A search should be conducted only if necessary and any search that is conducted shall be performed in compliance with Board Policy 02-0227-PO1, Procedures for Search, Seizure and the Use of Metal Detectors at School Facilities.

Step 2: School Affords Student Due Process

- ◆ The school official should assess the information gathered through the investigation, determine whether the student's behavior falls within the scope of the SCC, identify the student's misconduct among the list of inappropriate behaviors and determine whether the student's behavior should be addressed by the SCC.
- ◆ If the SCC applies, the school official should inform the student of the allegation(s) being made and the range of sanctions the student faces. The student must be afforded an opportunity to respond to the charges and the school official should make a reasonable effort to contact the parent to alert him/her to what is happening before any sanction is enacted. No disciplinary action may be taken against a student before the student has been afforded the opportunity to respond to the allegations.
- ◆ If necessary, and only after a reasonable effort has been made to contact the student's parent/guardian, the Chicago Police Department should be notified.
- ◆ School officials should inform the student and parent(s)/guardian(s) that the student has the right to appeal the disciplinary decision.

Step 3: Fill Out the Necessary Paperwork

- ◆ The school official must complete an official CPS Misconduct Report for ALL inappropriate behaviors under the SCC (Groups 1-6). See appendix, Ex. A for sample Misconduct Report.
- ◆ The school official must also send a copy of the Misconduct Report home to the parent/guardian.

Step 4: Discipline According to the SCC

- ◆ Any disciplinary action taken against a student must conform to the interventions or consequences outlined in the SCC.
- ◆ Suspensions may not exceed 10 days for one incident for any reason.
- ◆ Students may not attend school-sponsored events and are not allowed on school grounds during the term of suspension. They must be allowed to return for statewide assessment testing periods unless the student is available to take the tests during a scheduled make-up testing period.
- ◆ Students must be assigned homework during in-school or out-of-school suspension and must be given the opportunity to make up any in-class tests or quizzes given during the period of suspension.

Step 5: Expulsion or Alternative Placement/Reassignment Hearings (For Groups 5 and 6 ONLY)

- ◆ If a student's misconduct falls within the Group 5 and is the student's first occurrence of Group 5 misconduct, a school principal retains the discretion to refer a student for expulsion or alternative placement/reassignment, but any decision to do so must be approved by the Area Instruction Officer or designee.
- ◆ If a student's misconduct falls within the Group 6 SCC Category or if a student's misconduct is the second occurrence of misconduct that falls within the Group 5 SCC Category within a nine-month period, a hearing must be held prior to a student's expulsion, assignment to SMART or issuance of any other sanction that results in a student's alternative placement or reassignment.
- ◆ For additional information about Expulsion or Alternative Placement/Reassignment Hearings, see Appendix, Ex. B, Expulsion Hearing and Emergency Alternative Placement Guidelines.

Step 6: Appeals

- ◆ If a student, parent, or guardian feels that the intervention or consequence taken is unwarranted or excessive, he or she has the right to ask the principal to review the matter and to reconsider the decision.
- ◆ In the event that a parent or guardian wishes to appeal a principal's decision to suspend a student or refer a student for expulsion, he or she must appeal to the Area Instruction Officer or designee (in writing if requested).
- ◆ Any appeal of the final determination of a student's expulsion must be made in writing and sent, along with any additional evidence not available at the time of expulsion, to the Chief Executive Officer or designee. The Chief Executive Officer or designee's decision regarding the appeal shall be final.
- ◆ The term of a student's suspension or expulsion is not halted by an appeal to the Area Instruction Officer or to the Chief Executive Officer.

POLICE NOTIFICATION

When certain misconduct by a student amounts to a criminal act or poses danger to the health, safety or welfare of other students and staff at a school, it may be necessary and appropriate to contact the Chicago Police Department (CPD) and to seek their assistance. The inappropriate behaviors that require a school official to notify the CPD are identified throughout the SCC by the placement of an asterisk (*) preceding the specific inappropriate behavior. If a student engages in such behavior, a school official must contact the CPD. Whenever the school notifies the police concerning student misconduct, the school must also immediately attempt to contact the parent/guardian of that student. If questions arise concerning police notification, please consult the appropriate Area Office or the Law Department at (773) 553-1700.

However, there are other inappropriate behavior by students where it is necessary for a school official to assess the nature of the misconduct and the extent to which the health, safety or welfare of other persons are placed in danger by a student's actions. In those instances, school officials must make a judgment call as to whether contacting CPD is appropriate. To assist school officials in making this determination, the inappropriate behaviors preceded by double asterisks (**) are those the SCC considers possible violations of criminal law, depending on the specific facts and circumstances, and **may** require police

notification. School officials should consider whether the misconduct is particularly egregious and/or the student persists in misconduct after being told to cease such behavior and continues to endanger the health, safety or welfare of others.

The discretionary exercise of a school official's authority to notify the CPD should involve the consideration of a variety of factors. Those factors include, but are not limited to:

- The age of the student engaging in misconduct;
- The extent to which the student acted intentionally or recklessly;
- Whether the student has received prior warnings; and
- Whether the student's misconduct is specifically intended to cause others physical harm or endanger the health, safety or welfare of others.

If a school official has any questions regarding the decision of whether to notify the police, he or she should contact the appropriate Area Office or, if necessary, the Law Department, as soon as possible and before notifying the police. However, at no time should the safety of students and/or staff be compromised to adhere to this provision of the SCC.

IMPLEMENTATION OF THE STUDENT CODE OF CONDUCT

It shall be the responsibility of each school principal to:

- ◆ Confer with school personnel, parents, students, and appropriate community agencies to formulate procedures and programs that will foster socially acceptable student conduct;
- ◆ Prepare and submit copies of Incident Reports for Group 4, 5 and 6 violations of the SCC to the Bureau of Safety and Security and the Office of the Chief Executive Officer or designee;
- ◆ Prepare and submit copies of Misconduct Reports to the Bureau of Safety and Security and the Office of the Chief Executive Officer or designee for any violation of the SCC. All Misconduct Reports must be prepared, recorded, and sent to the student's parent/guardian for every occurrence of inappropriate behavior;
- ◆ Notify the Chicago Police Department as necessary to protect the safety, health and welfare of students and staff;
- ◆ Assist central office and the Law Department with expulsion proceedings by identifying and producing witnesses and transmitting documents to the Chief Executive Officer or designee and by reviewing all documentation regarding an incident to ensure that it is complete, accurate and properly written;
- ◆ Make a reasonable effort to meet with the student's parent/guardian or to ensure that another school official meets with the student's parent/guardian following every act of misconduct;
- ◆ Encourage positive behavior by students; and
- ◆ Ensure that students who are suspended receive homework assignments and are given the opportunity to participate in any statewide assessments given during the period of a student's suspension.

It shall be the responsibility of the Chief Executive Officer or designee to accomplish the following:

- ◆ Review school intervention or consequences and hear appeals regarding such actions;
- ◆ Monitor the implementation of prevention strategies and the safety/security program in each school;
- ◆ Systematically monitor suspension, expulsion, and other disciplinary data by race, ethnicity, and sex of student, and prepare recommendations for improvement of school discipline; and
- ◆ Provide assistance to the Law Department in expulsion proceedings, including transmittal of documents and monitoring of school compliance.

GROUP 1 - INAPPROPRIATE BEHAVIORS

These acts of misconduct include *inappropriate* student behaviors in the classroom or on the school grounds, such as the following:

- 1-1 Running and/or making excessive noise in the hall or building
- 1-2 Leaving the classroom without permission
- 1-3 Displaying any behavior that is disruptive to the orderly process of classroom instruction
- 1-4 Loitering
- 1-5 Failing to attend class without a valid excuse
- 1-6 Persistent tardiness to school or class
- 1-7 Use of the CPS Network for the purpose of accessing non-educational material.¹

INTERVENTIONS AND CONSEQUENCES

FIRST VIOLATION

- ◆ Teacher-Student Conference
- ◆ Teacher-Student-Parent Conference

REPEATED VIOLATIONS

- ◆ Teacher-Student-Resource Person- Administrator Conference
- ◆ In-school Suspension (one to three days)
- ◆ Detention
 - Before School -After School -Saturday
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by principal)
- ◆ Suspension of CPS Network privileges for improper use of the CPS Network for one to five days, in addition to any other disciplinary action listed.²

¹ Non-educational materials include, but are not limited to, games, pornographic material, or other inappropriate material.

² Disciplinary actions regarding network privileges only apply to network offenses.

GROUP 2 - INAPPROPRIATE BEHAVIORS

These acts of misconduct include those student behaviors that *disrupt* the orderly educational process in the school or on the school grounds, such as the following:

- 2-1 Posting or distributing unauthorized or other written materials on school grounds
- 2-2 Leaving the school without permission
- 2-3 Interfering with school authorities and programs through walkouts or sit-ins
- 2-4 Initiating or participating in any unacceptable minor physical actions
- 2-5 Failing to abide by school rules and regulations not otherwise listed in the SCC.
- 2-6 Exhibiting or publishing any profane, obscene, indecent, immoral, libelous, or offensive written materials, language or gestures
- 2-7 Possession and/or use of tobacco products, matches, cigarette lighters, or rolling papers
- 2-8 Defying (disobeying) the authority of school personnel
- 2-9 Failing to provide proper identification
- 2-10 Unauthorized use of school parking or other areas
- 2-11 Use of the CPS Network for the purposes of distribution or downloading non-educational material
- 2-12 Unauthorized possession of pagers or cellular telephones³

INTERVENTIONS AND CONSEQUENCES

FIRST VIOLATION

- ◆ Teacher-Student Conference
- ◆ Teacher-Student-Parent Conference
- ◆ Teacher-Student-Resource Person-Administrator Conference
- ◆ Suspension of CPS Network privileges for improper use of the CPS Network or Information Technology Devices for five to ten days, in addition to any disciplinary action listed.⁴
- ◆ In-school Suspension (one to five days)
- ◆ Detention
 - Before School -After School -Saturday

REPEATED VIOLATIONS

- ◆ In-school suspension (one to five days)
- ◆ Detention
 - Before School -After School -Saturday
- ◆ Suspension (one to five days)
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by the principal)
- ◆ Suspension of CPS Network privileges for improper use of the CPS Network or Information Technology Devices for up to one semester, in addition to any disciplinary action listed.⁵

³ Upon written request from a parent or legal guardian, a principal may authorize a student to possess a pager or cellular telephone for medical and other family emergencies, or for any other good cause. A denial of authorization for possession or use of pagers or cellular telephones may be reviewed by the Chief Executive Officer or designee.

⁴ Disciplinary actions regarding network privileges only apply to network offenses.

⁵ Disciplinary actions regarding network privileges only apply to network offenses.

GROUP 3 - INAPPROPRIATE BEHAVIORS

These acts of misconduct include those student behaviors that *seriously disrupt* the orderly educational process of the Chicago Public Schools, such as the following:

- 3-1 Disruptive behavior on the school bus⁶
- **3-2 Gambling
- 3-3 Fighting-two people, no injuries
- 3-4 Profane, obscene, indecent, and immoral or seriously offensive language and gestures, propositions, behavior, or harassment based on race, color, national origin, sex, gender, sexual orientation, age, religion, or disability
- 3-5 Persisting in serious acts of disobedience or misconduct listed in Groups 1 through 3 of this Code
- 3-6 Any behavior not otherwise listed in Groups 1 through 3 of this Code, the commission of which is seriously disruptive to the educational process
- ** 3-7 Forgery
- 3-8 Plagiarizing, cheating and/or copying the work of another student or other source
- 3-9 Overt Display of Gang Affiliation (see glossary for definition)⁷
- 3-10 Bullying behaviors (see glossary for definition)
- 3-11 Unauthorized activation or use of pagers or cellular telephones
- 3-12 Inappropriately wearing any JROTC or Military Academy Uniform⁸
- 3-13 Use of the CPS Network or any Information Technology Device for any unauthorized purpose not otherwise listed in this Code

INTERVENTIONS AND CONSEQUENCES

FIRST VIOLATION

- ◆ Teacher - Student - Resource Person - Administrator Conference
- ◆ In-School Suspension (one to five days)
- ◆ Detention
 - Before School -After School -Saturday
- ◆ Suspension (one to five days)
- ◆ Suspension of CPS Network privileges for improper use of the CPS Network or Information Technology Devices for up to one semester, in addition to any disciplinary action listed.⁹

REPEATED VIOLATIONS

- ◆ Suspension (one to ten days) and/ or disciplinary reassignment per Area approval.
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by the principal)
- ◆ Suspension of CPS Network privileges for improper use of the CPS Network or Information Technology Devices for up to one year, in addition to any disciplinary action listed.¹⁰

** Inappropriate Behaviors marked with two asterisks indicate that the school may use its discretion in notifying police about the incident. Police notification is not required for these Inappropriate Behaviors.

⁶ In addition to other disciplinary actions, a student who engages in disruptive behavior on the school bus may be subject to suspension from bus service for a period to be determined by the school principal with review by Chief Executive Officer or designee.

⁷ Repeated violations of Inappropriate Behavior 3-9 of the SCC may result in a referral for an expulsion hearing and should be submitted as a 5-6 Inappropriate Behavior.

⁸ Students may be subject to disciplinary action for violations of Inappropriate Behavior that occur either on or outside of school grounds.

⁹ Disciplinary actions regarding network privileges only apply to network offenses.

¹⁰ Disciplinary actions regarding network privileges only apply to network offenses.

GROUP 4 - INAPPROPRIATE BEHAVIORS

These acts of misconduct include those student behaviors that *very seriously disrupt* the orderly educational process of the Chicago Public Schools, such as the following:

- **4-1 False activation of a fire alarm that does not cause a school facility to be evacuated or does not cause emergency services to be notified
- **4-2 Extortion
- **4-3 Assault
- *4-4 Vandalism or criminal damage to property resulting in damages not exceeding \$500
- **4-5 Battery or aiding or abetting in the commission of a battery which does not result in a physical injury
- **4-6 Fighting - more than two people and/or involves injury or injuries
- **4-7 Theft or possession of stolen property not exceeding \$150 in value
- **4-8 Possession, use, or delivery of fireworks
- 4-9 Any behavior not otherwise listed in Groups 1 through 4 of this Code, the commission of which is very seriously disruptive to the educational process
- **4-10 Disorderly conduct
- **4-11 Trespassing on CPS property
- *4-12 Knowingly or intentionally using the CPS Network or Information Technology Devices to spread viruses to the CPS Network
- 4-13 Possession of any dangerous object for purposes of this Code¹¹

INTERVENTIONS AND CONSEQUENCES

- ◆ Teacher-Student-Resource Person-Administrator Conference
- ◆ In - School Suspension (one to five days)
- ◆ Detention
 - Before School -After School -Saturday
- ◆ Suspension (one to ten days) and/ or Disciplinary Reassignment per Area approval
- ◆ Suspension of CPS Network Privileges for improper use of the CPS Network or Information Technology Devices for up to one year in addition to other disciplinary actions listed.¹²

* Inappropriate Behaviors marked with a single asterisk indicate that the school must notify the police of the incident.

** Inappropriate Behaviors marked with two asterisks indicate that the school may use its discretion in notifying police about the incident. Police notification is not required for these Inappropriate Behaviors.

¹¹ Disciplinary actions regarding network privileges only apply to network offenses.

¹² Second or repeated violations of Inappropriate Behavior 4-13 may result in an expulsion hearing and should be submitted as an Inappropriate Behavior 5-11.

GROUP 5 - INAPPROPRIATE BEHAVIORS

These acts of misconduct include those student behaviors that *most seriously disrupt* the orderly educational process in the Chicago Public Schools, such as the following:

- *5-1 Aggravated assault
- *5-2 Burglary
- *5-3 Theft or possession of stolen property exceeding \$150.00 in value
- **5-4 Use of intimidation, credible threats of violence, coercion, persistent severe bullying.
- 5-5 Gross disobedience to the authority of school personnel
- *5-6 Gang activity, including overt displays of gang affiliation
- *5-7 Inappropriate sexual conduct
- *5-8 Engaging in any other illegal behavior which interferes with the school's educational process¹³
- *5-9 Persistent or severe acts of sexual harassment
- *5-10 False activation of a fire alarm which causes a school facility to be evacuated
- 5-11 Second or repeated violation of Inappropriate Behavior 4-13 possession of any dangerous object, for purposes of this Code
- *5-12 Battery, or aiding or abetting in the commission of a battery, which results in a physical injury.
- **5-13 Initiating or participating in any inappropriate, minor physical contact with school personnel.¹⁴
- *5-14 Hacking into the CPS Network or use of any computer or information technology device to stalk, harass, or otherwise intimidate others, to access student records or other unauthorized information, and/or to otherwise cause a security hazard.
- *5-15 Vandalism or criminal damage to property that results in damage exceeding \$500 or that is done to personal property belonging to any school personnel

INTERVENTIONS AND CONSEQUENCES

For first-time violations of Group 5 Inappropriate Behaviors, a student shall be suspended for five to ten days, and may be referred for expulsion and/or disciplinary reassignment.¹⁵ For second-time violations of Group 5 Inappropriate Behaviors, a student shall be suspended for ten days and subject to expulsion or Disciplinary Reassignment. For offenses involving the improper use of the CPS Network or Information Technology Devices, network privileges may be revoked for up to two years, in addition to other disciplinary actions available.

For Group 5 Inappropriate Behaviors for which a student in the sixth grade or above is referred for expulsion, the student may be recommended by an expulsion hearing officer to attend the Board-sponsored SMART program in lieu of expulsion if he or she has no prior Group 5 or Group 6 violations and/or has not engaged in behaviors which involve violence or the threat of violence within the previous nine months. Such recommendations are subject to approval of the Chief Executive Officer. A student who is recommended for participation in the SMART program in lieu of expulsion but who fails to successfully complete the program shall be expelled. If a student is expelled, Alternative Safe School Placement may be recommended for the period of the expulsion.

* Inappropriate Behaviors marked with a single asterisk indicate that the school must notify the police of the incident.

** Inappropriate Behaviors marked with two asterisks indicate that the school may use its discretion in notifying police about the incident. Police notification is not required for these inappropriate behaviors.

¹³ Any attempt at an illegal behavior is an illegal behavior itself, and so is included as punishable under this code.

¹⁴ An example of behavior that would constitute a 5-13 violation is a student pushing school personnel out of the way in order to physically fight with another student.

¹⁵ First-time violations of Inappropriate Behavior 5-11 by a student in the fifth grade and below will result in a maximum of ten days suspension at the school level, and the student will not be referred for an expulsion hearing.

GROUP 6 - INAPPROPRIATE BEHAVIORS

These acts of misconduct include illegal student behaviors that not only *most seriously disrupt* the orderly educational process in the Chicago Public Schools but also mandate the disciplinary action described below:

- *6-1 Use, possession, and/or concealment of a firearm/destructive device or other weapon or “look-alikes” of weapons as defined in this Code, or use or intent to use any other object to inflict bodily harm
- *6-2 Intentionally causing or attempting to cause all or a portion of the CPS Network to become inoperable
- *6-3 Arson
- *6-4 Bomb threat
- *6-5 Robbery
- *6-6 Use, possession, sale, or delivery of alcohol, illegal drugs, narcotics, controlled substances, “look-alikes” of such substances, or contraband, or use of any other substance for the purpose of intoxication
- *6-7 Sex violations or aiding and abetting in the commission of a sex violation
- *6-8 Aggravated battery, or aiding and abetting in the commission of an aggravated battery
- *6-9 Murder
- *6-10 Attempted murder
- *6-11 Kidnapping

INTERVENTIONS AND CONSEQUENCES

Suspension for ten days and expulsion for a period of not less than one calendar year, or as modified on a case-by-case review by the Chief Executive Officer or designee. Alternative Safe School Placement may be recommended for the period of the expulsion.

For first-time offenses of Group 6 Inappropriate Behaviors by students in the sixth grade or above which do not involve violence or the threat of violence or the use, possession, and/or concealment of a firearm/destructive device, or the sale or delivery of illegal substances, a student may be recommended by the expulsion hearing officer to attend the Board-sponsored SMART program in lieu of expulsion if he or she has no prior Group 5 or Group 6 violations during the previous nine months. A student who is recommended for participation in the SMART program in lieu of expulsion but who fails to successfully complete the program shall be expelled. For offenses involving the improper use of the CPS Network or Information Technology Devices, network privileges may be revoked indefinitely.

* Inappropriate Behaviors marked with a single asterisk indicate that the school must notify the police of the incident.

APPENDIX

| | |
|-----------|--|
| Exhibit A | Sample Misconduct Report |
| Exhibit B | Expulsion Hearing and Emergency Alternative Placement Guidelines |
| Exhibit C | Glossary of Terms |
| Exhibit D | Reference Guide for Groups 4, 5 and 6 Inappropriate Behaviors |
| Exhibit E | Procedural Guide for Students with Disabilities |
| Exhibit F | Notice to Parents and Students Regarding Student Records |

Exhibit A

SAMPLE MISCONDUCT REPORT

B.S.S. 138 (Revised 4/98)
Comm. No. 100

Chicago Public Schools
Bureau of Safety and Security

MISCONDUCT REPORT

SCHOOL: _____ STUDENT/OFFENDER NAME: _____
Last *First*

UNIT NUMBER: _____ Student ID Number: _____

Misconduct No: _____ Date: _____ Time: _____ Non CPS Student

Incident Report Number: _____

Narrative (if needed): _____ ACCIDENT REPORT COMPLETED: Yes No

GANG RELATED: Yes No

DISCIPLINARY ACTION TAKEN:

- Teacher/Student Conference
- Teacher/Student/Parent Conference
- Teacher/Student/Parent/Res/Adm Conference

Area where misconduct occurred:

- (Check one) Classroom Halls Bus Washroom
- Out -of-school Other _____

In-School Suspension _____ Days

Suspension _____ Day(s)

NOTE: NUMBER OF DAYS MUST BE STATED

Disciplinary Reassignment

Hearing/Conference Date: _____

Participants: _____ Police Notification

Report completed by: _____ Arrest: P.D. RD.#

Suspension Homework Assigned by: _____ Expulsion

APPROVED BY: _____

DEAR PARENT OR GUARDIAN:

NAME: _____

ADDRESS: _____ Chicago, IL 606 _____ DATE: _____

In accordance with the provisions of the Rules of the Board of Education as authorized by the Illinois School Code _____

_____ a student in this school residing at _____ Age: _____

Grade: _____ Room/Division: _____ has been suspended from school this day for a period of _____ school days until the opening of school on _____. The cause of this action is listed above. You are invited to attend a conference regarding this suspension. Please call me at _____ to discuss this matter.

NOTE: _____

Sincerely,

Principal

Telephone Number

SPECIAL EDUCATION STUDENT ONLY: _____ total days suspended this year.

THE REGIONAL EDUCATION OFFICER OF REGION NUMBER _____ WHOSE OFFICE IS LOCATED AT: _____ HAS BEEN NOTIFIED OF THE SUSPENSION

Exhibit B

EXPULSION HEARING AND EMERGENCY ALTERNATIVE PLACEMENT GUIDELINES

Hearing Procedures

- ◆ If a student engages in inappropriate behavior, a Misconduct Report is prepared and the parent or guardian and student are contacted, notifying them of the misconduct.
- ◆ When a student engages in an Inappropriate Behavior that results in a referral for a disciplinary hearing, the parent/guardian of the student will be sent a Notice of Request for Disciplinary Hearing letter and a Notice of Disciplinary Hearing letter. These notices will provide a description of the incident, the date of the incident, the SCC misconduct number, and the time and date for the disciplinary hearing.
- ◆ At the hearing, testimony from all witnesses for the Chief Executive Officer, as well as for the student, will be heard and documentary evidence may be introduced.
- ◆ After the hearing, the hearing officer provides an opinion to the Chief Executive Officer for final approval. The hearing officer's opinion shall set forth his or her recommended consequence or intervention for the student's misconduct.
- ◆ If a student in grades 6-12 has not incurred any Group 5 or 6 violations during the previous nine months and the behavior for which the student was referred for expulsion does not involve violence or the threat of violence, the hearing officer may recommend that the student attend the Board-sponsored SMART program in lieu of expulsion. Such recommendations are subject to approval of the Chief Executive Officer. A student who is recommended to attend the SMART program in lieu of expulsion but who fails to successfully complete the program shall be expelled.
- ◆ The hearing officer may also issue a recommendation that a student be expelled for up to two calendar years or as modified on a case-by-case basis by the Chief Executive Officer or designee. If a student is expelled, Alternative Safe School Placement may be recommended for the period of the expulsion.

Emergency Referral to Alternative Placement

- ◆ Students who commit extremely serious infractions of Groups 5 and 6 of the Student Code of Conduct may be referred for placement in an interim alternative setting in addition to being referred for expulsion. This placement would be effective following a student's designated term of suspension and would not be considered permanent; therefore, no hearing is required prior to referring a student for emergency alternative placement.
- ◆ A general education student may be referred for emergency placement in an alternative school if the student commits a serious act of misconduct that presents a serious and credible threat of harm to themselves or others.
- ◆ Students with disabilities may also be referred for emergency alternative placement when in possession of firearms, destructive devices, or large amounts of drugs; for using a weapon or other object to inflict bodily harm on someone; or for causing serious bodily injury to another student when the misconduct occurred on school grounds or at a school-sponsored event. For special education students whose misconduct presents a danger to themselves or others in a manner other than those specified above, please consult with the Office of Due Process and Mediation. Special education students may be placed in an alternative school for a maximum period up to 45 school days even in instances where the student's misconduct is ultimately determined to be a manifestation of his or her disability.

Exhibit C

GLOSSARY OF TERMS

Aggravated assault - Any assault done with a deadly weapon or done by a person who conceals his/her identity, or any assault against school personnel.

Aggravated battery - Any battery to another that either causes great harm, is done with a deadly weapon, or is done by a person who conceals his/her identity. The use of physical force against school personnel.

Alternative school placement - Disciplinary reassignment to the Safe Schools Alternative Program; serves students in grades 6-12 and offers specialized curriculum, smaller teacher-student ratios, and support services.

Arrest - Detention of a person by a police officer resulting from a criminal charge and a complaint filed with the police by school personnel or the victim. When an act of misconduct warrants arrest, the victim, principal or his designee must serve as a complaining witness.

Arson - The act of knowingly damaging, by means of fire or explosive, a building and/or the personal property of others.

Assault - An attempt or reasonable threat to inflict injury on someone which is accompanied by a show of force which would cause the victim to expect an immediate battery. An assault may be committed without actually touching, striking or injuring the victim.

Attempted murder - Any act which constitutes a substantial step toward intended commission of murder.

Ballistic knife - A device that projects a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas.

Battery - The act of causing bodily harm to, or unwanted bodily contact with, another without legal justification, such as self-defense.

Bomb threat - A false indication that a bomb or other explosive of any nature is concealed in a place that would endanger human life if activated.

Bullying behaviors - Verbal or nonverbal behavior that occurs repeatedly over time, and causes physical and/or emotional harm to another. Such behavior may include, but is not limited to, teasing, taunting, threatening, hitting, stealing, or destroying personal property.

Burglary - Knowingly and without authority entering or remaining within a building or vehicle with intent to commit therein a felony or theft.

Chicago Public Schools' Electronic Network-Related Technologies and Access ("CPS Network") - The system of computers, terminals, servers, databases, routers, hubs, switches and distance learning equipment connected to the CPS Network. These components may function in conjunction with established hardware or wireless systems running over access lines owned or leased by CPS.

Contraband - Property which is illegal to possess.

Delivery - The act of selling or distributing fireworks, alcohol, illegal drugs, narcotics, controlled substances, contraband or "look-alikes" of such substances to others for the purpose of intoxication or profit.

Disciplinary Reassignment – The transfer of a student from his or her current CPS school to another CPS school for disciplinary reasons. Disciplinary Reassignments are reserved only for students who have been determined, pursuant to the SCC, to have engaged in continually disruptive or very serious acts of misconduct. All Disciplinary Reassignments must be approved and facilitated by the AIO or their designee, or if an AIO is not assigned to the school, the Chief Executive Officer or designee. For further information, refer to the Board's Comprehensive Policy on the Enrollment and Transfer of Students in the Chicago Public Schools (as may be amended).

Disorderly conduct - An act done in an unreasonable manner so as to alarm or disturb others and which provokes a breach of the peace.

Due process - The notification to the student and the parent concerning alleged act(s) of misconduct, the right to appeal, the opportunity to answer the charges, and the reason as to why intervention or consequence is necessary.

Expulsion - The removal of a student from school for 11 days or more, to a maximum of two calendar years. An expulsion requires a due process hearing including written notification of charges. The student and parent are informed of the due process hearing by registered or certified mail or by personal delivery. This definition does not apply to exclusion of a student from school for failure to comply with immunization requirements.

Extortion - The obtaining of money or information from another by coercion or intimidation.

Fighting - Physical contact between two or more individuals with intent to harm. (It is not an act of misconduct to defend oneself as provided by the law.)

Firearm - The term "firearm/destructive device" as defined in 18 U.S.C. Section 921 includes, but is not limited to, handguns, rifles, automatic weapons, bombs, or other incendiary devices and parts thereof.

Forgery - The false and fraudulent making or altering of a document or the use of such a document.

Gambling - Participation in games of chance or skill for money and/or things of value.

Gang - Any ongoing organization or group of three or more persons having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity.

Gang activity - Any act, e.g., recruitment with use of intimidation, tagging or marking, assault, battery, theft, trespassing, or extortion, performed by a gang member or on behalf of a gang, and intended to further a common criminal objective. Intent can be implied from the character of the individual's acts as well as the circumstances surrounding the misconduct.

Hacking - Intentionally gaining access to a computer or computer network by illegal means or without authorization.

Inappropriate sexual conduct - Includes unwelcome sexual contact or consensual but inappropriate displays of affection; indecent exposure or other sex crimes which do not involve the use of force.

Indecent proposition - An unsolicited sexual proposal.

Information Technology Devices - These include, but are not limited to: computers, cellular phones used to exchange or access information, pagers, and personal digital assistants, that are used to access the internet, electronic mail or other information sites and that may or may not be physically connected to the network infrastructure.

Inoperable Network - A network is considered inoperable for purposes of this Code when it is unable to perform at the level of functionality intended by its maintainers.

In-school suspension - The student remains in school. All privileges are suspended, classes are not attended. The action is recorded in the student's file. In-school suspension shall not exceed five days and parents must be notified. (Subject to review by the Chief Executive Officer or designee.)

Insubordination - The act of a student enrolled in a military academy or JROTC program which defies a lawful and appropriate direct order of a superior ranked officer, staff member, or student.

Intimidation - Engaging in behavior that prevents or discourages another student from exercising his/her right to education. Such prohibited behavior includes the use of threats, coercion, or force against students, school personnel and school visitors.

Kidnapping - Secret confinement of another against his/her will or transportation of another by force or deceit from one place to another with the intent to secretly confine.

Leaving the grounds without permission - "School grounds" refers to the school and the school property adjacent to the building.

Loitering - Occupying an unauthorized place in the school or on the school grounds.

"Look-alike" substance - Any substance which by appearance, representation, or manner of distribution would lead a reasonable person to believe that the substance is an illegal drug or other controlled substance.

Murder - Killing of an individual without legal justification.

Overt display of gang affiliation - Any act, e.g., wearing clothing or paraphernalia, the display of gang signs, symbols, and signals, that signifies or exhibits an individual's affiliation with a gang that seriously disrupts the educational process. Gang affiliation can be implied from the character of the individual's acts as well as the circumstances surrounding the misconduct.

Police notification - A report filed with the Police Department. The action is recorded in the student's file.

Possession - Physical control over real or personal property (whether lost, found, mislaid, or stolen), such as clothing, lockers, or bags.

Prohibited devices - Prohibited devices, such as pagers, are listed in the Illinois School Code Section 34-18.9.

Restorative Justice - A way of thinking and responding to conflict and problems that involves all participants in figuring out what happened, how it affected everyone and how to make things right-- Everyone involved is part of the problem-solving process.

Robbery - The taking of personal property in the possession of another by use of force or by threatening the imminent use of force.

School Peer Juries - School Peer Juries are used in student courts as an alternative to other intervention or consequence. The hearings may be held in the school that is attended by the offender or in a school within the Area of the offender's school. In order to appear before a School Peer Jury, the offending student must admit to committing the misconduct, and the student and parent must agree to abide by the decisions of the School Peer Jury and complete the disciplinary actions it recommends. To participate in School Peer Juries, a student must be referred by the principal, or other school discipline administrator, as approved by the principal. Any individual school's program must be approved by the Chief Executive Officer or designee before a School Peer Jury is put into use, and School Peer Jury members must receive specialized training.

Security Hazard - Anything that undermines, disrupts, or circumvents an information security system, regardless of intent.

Sex violations - Sex crimes which include the use of force such as criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, and aggravated criminal sexual abuse.

Sexual harassment - Unwelcome sexual or gender-based conduct (either physical or verbal) and/or conduct of a sexual nature which is sufficiently severe, persistent or pervasive so as to limit a student's ability to participate in or benefit from the educational program or which creates a hostile or abusive school environment.

SMART (Saturday Morning Alternative Reach-Out and Teach Program) - A comprehensive and integrated eight-session Saturday morning program which includes the attendance of an adult representative at two meetings and the completion of outside community service. The SMART program provides students with character building and conflict resolution skills as well as prevention, intervention, referral, and support services for amelioration of alcohol- or drug-related problems and misconduct in general.

Suspension - The involuntary removal of a student from class attendance or school attendance for 10 days or less. (Any such removal requires parent notification and minimal due process, including oral or written notification of the charges and an opportunity for the student and/or parent to respond to the charges.) Suspension may not be used serially for a single act of misconduct. A student may be considered as trespassing if present on school grounds during the period of suspension. Appeals to suspensions may be made to the Chief Executive Officer or designee. Schools should attempt to ensure the student's receipt of class assignments for the period of the suspension, and the academic grade will not be affected when class assignments are completed satisfactorily.

Switchblade knife - A knife with a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.

Theft - The obtaining or exerting of unauthorized control over the personal property of another.

Trespassing - Entrance onto school grounds when previously prohibited or remaining on school grounds after receiving request to depart.

Vandalism - The willful or malicious destruction or defacing of school property or the property of others.

Weapon - Any object that is commonly used to inflict bodily harm, and/or an object that is used or intended to be used in a manner that may inflict bodily harm, even though its normal use is not as a weapon. See Exhibit D for more detail.

Exhibit D

REFERENCE GUIDE FOR GROUPS 4, 5 AND 6 INAPPROPRIATE BEHAVIORS INVOLVING DANGEROUS OBJECTS, WEAPONS OR LOOK-ALIKE WEAPONS

SECTIONS 4-13 AND 5-11

If a student simply has any of these objects in his or her possession, but does not use them, (s)he should be charged with a violation of Section 4-13 of the SCC for a first-time violation or 5-11 of the SCC for a second or repeated violation. *If a student uses, or intends to use, any of these objects to inflict harm on someone, the student should be charged with a violation of Section 6-1.*

Knives - these include but are not limited to:

- Steak knife or other kitchen knives
- Pen knives/Pocket knives
- Hunting knives
- Swiss Army knife
- Box cutters
- Razors

Tools - these include but are not limited to:

- Hammers
- Screwdrivers
- Saws
- Crowbars/Metal pipes
- Other objects commonly used for construction or household repair

Other Objects - these include but are not limited to:

- Mace/Pepper spray
- Live ammunition/Live bullets
- Broken bottles or other pieces of glass
- Wooden sticks/boards

SECTION 6-1

If a student has any of these objects in his or her possession or uses any of these objects, (s)he should be charged with a violation of Section 5-1 of the SCC.

Firearms - these include:

- Pistol
- Revolver
- Other firearms
- Any part or portion of a machine gun or rifle, or a gun cartridge

Knives - these include only the following types of knives:

- Switchblade knives
- Ballistic knives (knives that are operated by an air or gas pump)

Explosive Devices/Gases - these include:

- Tear gas guns
- Projector bombs
- Noxious liquid gas
- Grenades
- Other explosive substances

Other Objects - these include:

- Blackjack
- Slingshot
- Sand club
- Sandbag
- Metal/brass knuckles
- Throwing stars

“Look-Alike” Firearms - these include:

- B.B. guns
- Air guns
- Other objects, including “toys” or replicas, that reasonably resemble real firearms

6-1 SPECIAL CONSIDERATION

If a student simply has any of these objects, or any other similar object in his/her possession, (s)he should not be charged with a violation of the SCC. *If a student uses, or intends to use any of these objects to inflict bodily harm on someone, the student should be charged with a violation of Section 6-1.*

Tasers/stun guns

Sporting Equipment - these include but are not limited to:

- Baseball bats
- Golf clubs

Personal Grooming Products - these include but are not limited to:

- Nail clippers/files
- Combs with sharp handles
- Tweezers

School Supplies - these include but are not limited to:

- Scissors
- Rulers
- Laser pointers
- Padlocks/Combination locks
- Pens/Pencils
- Other objects commonly used for educational purposes

Exhibit E

PROCEDURAL GUIDE FOR STUDENTS WITH DISABILITIES

School officials may suspend students with disabilities and cease educational services for a total of up to 10 consecutive or 10 cumulative school days in one school year without providing special education procedural safeguards. Saturday, and before- and after-school detentions do not count toward the 10-day limit. Additionally, as long as students with disabilities are being provided with special education services, in-school suspensions do not count towards the 10-day limit. Principals do not have to suspend students with disabilities for the mandatory periods set forth in this Code for a single offense. The Principal has discretion to be flexible in the amount of days of suspension given to each special education student with disabilities. Students with disabilities can be suspended in excess of 10 school days in certain circumstances. **In order to suspend a student with a disability in excess of 10 school days, the Office of Due Process and Mediation at (773) 553-1905 MUST first be consulted for approval.** When school officials anticipate a referral for expulsion or for emergency alternative placement, the following apply:

1. Provide written notice to the parent/guardian or surrogate parent of the intervention or consequence being considered and the date of an Individualized Education Program (IEP) meeting, which must be held within 10 days of the date of the decision to discipline the student.
2. The IEP team must:
 - A. Determine whether the misconduct is related to the student's disability by reviewing evaluation and diagnostic results, information from the parent/guardian, observations of the student, and the student's IEP and placement. The behavior is not a manifestation of the student's disability if:
 - 1) the student was given appropriate special education supplementary aids and intervention strategies; and
 - 2) the disability does not impair the ability to control behavior.
 - B. Review and revise, if necessary, the behavior intervention plan or, as necessary, develop a functional behavior assessment and intervention plan to address the misconduct.
 - C. Determine the appropriateness of an interim alternative educational setting, and as indicated, include in the IEP those services and modifications that will enable the student to continue to participate in the general curriculum and address the behavior so that it will not recur.

If the student's behavior is not a manifestation of the disability, school officials may apply the Student Code of Conduct, taking into consideration the student's special education and disciplinary records. In no event, however, may the student be suspended without providing appropriate educational services for more than 10 consecutive or cumulative school days in a school year.

If the student's behavior is a manifestation of the disability, the student's placement may be changed to an appropriate interim educational setting if the student carried a weapon to school or a school function or knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school function.

Special education students with disabilities may be placed in an alternative school on an interim basis for a maximum of 45 school days, even in instances where the student's misconduct is ultimately determined to be a manifestation of his or her disability.

Special education students with disabilities may be referred for emergency alternative placement when in possession of firearms or destructive devices, large amounts of drugs, for inflicting serious bodily injury on someone, or for using a weapon or other object to inflict bodily harm on someone. The parent or legal guardian may request a due process hearing to challenge the emergency alternative placement.

For special education students with disabilities whose misconduct presents a danger to themselves or others in a manner other than those specified above, please consult with the Office of Due Process and Mediation, as the Chief Executive Officer may request that a hearing officer order a 45-day emergency alternative placement.

Students with disabilities, even if expelled, must be provided with an appropriate education in an alternative education setting.

New Federal regulations offer some flexibility in suspending students with disabilities in excess of 10 school days in the school year in certain circumstances. In order to determine whether the circumstances permit a suspension in excess of 10 days per school year, consultation by the school with the Office of Due Process and Remediation (773-553-1905) is absolutely necessary. **Without such consultation and approval from the Department, the current procedures limiting suspensions for disabled students to 10 school days in a school year will continue to apply.**

Exhibit F

NOTICE TO PARENTS AND STUDENTS REGARDING STUDENT RECORDS

Under the Federal Family Educational Rights and Privacy Act ("FERPA") and the Illinois School Student Records Act, parents and students have certain rights with respect to their children's educational records. These rights transfer solely to the student ("Emancipated Student") who has reached the age of 18, graduated from secondary school, married or entered into military service, unless the parent or the Illinois Department of Children and Family Services continues as the student's guardian beyond the age of 18.

Student Records

The law requires the Board of Education of the City of Chicago (the "Board") to maintain educational records, which includes both "permanent records" and "temporary records." A student's permanent record contains the student's name, date of birth, address, grade level, grades, parent(s) name(s) and address(es), attendance records, and other minimal personal information necessary for use by the school or mandated by the Illinois State Board of Education. The student's temporary records include all information not contained in the permanent record.

Notice of Student Record Retention and Disposal

The Board has determined that retention of student records based on the student's date of birth is the most practical and feasible operating method to comply with the five-year State of Illinois retention requirement for student temporary records. According to Board policy, the retention periods for these records are as follows:

- The Student Cumulative (or Temporary) Folder for elementary school students shall be kept until the Emancipated Student is 21 years old.
- The Student Cumulative (or Temporary) Folder for high school students shall be kept until the Emancipated Student is 27 years old.
- The Special Education Student Folder shall be kept until the Emancipated Student is 27 years old.

In accordance with Illinois law, the Board is currently retaining permanent student records for at least 60 years after the student has transferred, graduated, or otherwise permanently withdrawn from the school.

The Board will follow the above retention schedule and will destroy these student records in the natural course of business when the records are eligible for disposal.

Right to Review and Challenge Student Records

Parents or students, regardless of whether the student is an Emancipated Student or not, have the right to inspect and copy all of the student's educational records maintained by the school or the Board unless the parent is prohibited by an order of protection from obtaining those records. Parents and Emancipated Students have the right to review and copy records proposed to be destroyed by the school.

When a student is transferring to a school outside the Chicago Public Schools district, parents have the right to inspect and copy and to challenge their children's temporary and permanent student records prior to the time records are transferred to the out-of-district school.

Schools may not charge to search for or retrieve information, though schools may charge a reasonable fee to copy records. *No parent or student shall be denied a copy of the student records due to their inability to pay.*

Parents and Emancipated Students have the right to request that a school correct recorded information (with the exception of academic grades) that they believe is inaccurate, irrelevant or inappropriate through an informal conference at the local school. If the school decides not to amend the records, the parent or Emancipated Student has the right to request a formal hearing by submitting a written request to the Board. Parents of elementary school students should contact the Elementary Areas and Schools Officer, Chicago Public Schools, 125 S. Clark Street, 10th Floor, Chicago, IL 60603, for a formal hearing, and parents of high school students or Emancipated Students should contact the Office of High School Programs, 125 S. Clark St., 9th Floor, Chicago, IL 60603. After the hearing, if the Board decides not to amend the record, the parent or Emancipated Student has the right to place a statement with the records

commenting on the contested information in the record. The parent or Emancipated Student may appeal the Board's decision by contacting the Illinois State Board of Education (ISBE), Division Supervisor for the Division of Accountability, 100 W. Randolph St., Suite 14-300, Chicago, IL 60601. For more information on how to review and/or challenge a student's record, review the Board's policy on "Parent and Student Rights of Access to and Confidentiality of Student Records" (www.policy.cps.k12.il.us/documents/706.3.pdf).

Release of Student Records

Generally, schools may not release student records information without written permission from the parent or Emancipated Student. However, the law allows the school to disclose records, without consent, to select parties, including:

- School district employees or officials who have an academic or administrative interest in the student;
- Schools to which the student is transferring, upon the request of the parent or student;
- Certain officials as required by State or Federal law;
- Persons conducting studies, provided no student can be individually identified;
- Individuals who have obtained a court order regarding the records, provided the parents are notified;
- Persons who need the information in light of a health or safety emergency; and
- State and local authorities in the juvenile justice system.

A school may also disclose, without consent, certain "Directory Information" such as a student's name, address, telephone number, date and place of birth, and awards and dates of attendance, provided that prior to the release of the Directory Information the parents or Emancipated Student are given the opportunity to object to the release of this information, in which case the information will not be released. For more information on how to "opt out" of the release of directory information, please see the Board's Policy on "Parent and Student Rights of Access to and Confidentiality of Student Records" (www.policy.cps.k12.il.us/documents/706.3.pdf).

Release of Records to Military Recruiters

Pursuant to the No Child Left Behind Act ("NCLB") and the Illinois School Code, school districts must provide the names, addresses and telephone numbers of all 10th, 11th and 12th grade students to military recruiters or institutions of higher learning upon their request. Parents and students, regardless of whether the student is an "Emancipated Student," may request that their information not be disclosed.

If a parent or student does not wish to have their information released to military recruiters or institutions of higher education, they must notify the Office of High School Programs, Chicago Public Schools, 125 S. Clark St., 9th Floor, Chicago, IL 60603, (773) 553-3540, FAX (773) 553-2148. The request to opt out must include the student's name, ID number and school. For convenience, the Board has developed an opt out form. Please request a copy of the form from your school. Parents and students must contact the Office of High School Development by March 15th if they wish to opt out of releasing student records to military recruiters.

Board Policy on Student Records

For more information concerning the Board of Education's handling of student records, please review the Board's policy on "Parent and Student Rights of Access to and Confidentiality of Student Records" and "Guidelines for Maintenance of Student Records." For a copy of the policies, log on to www.policy.cps.k12.il.us/documents/706.3.pdf and www.policy.cps.k12.il.us/documents/706.1.pdf or write to Board Secretary, Board of Education of the City of Chicago, 125 S. Clark St., 6th Floor, Chicago, IL 60603.

Filing of Complaints

Parents and Emancipated Students have the right to file a complaint with the U.S. Department of Education if they believe the school district has failed to abide by the requirements of FERPA by contacting the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5901.

Amends/Rescinds: Amends 06-0726-PO8
Cross References: 05-0727-PO1; 04-0728-PO2; 03-0723-PO02; 02-0626-PO01; 01-0627-EX8;
00-0628-PO1; 99-0127-PO1; 98-0722-EX2
Legal References: