

PROCEDURES FOR IMPLEMENTING BOARD POLICY: **DISCIPLINARY ACTION RELATIVE TO STUDENT MISCONDUCT 8410**

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Section A – Introduction

It is the intention of the School Board of District 225 to discourage and deter student disobedience, misconduct, gross misconduct, egregious misconduct, and gross disobedience as such behavior detracts from the safe and harmonious climate conducive to learning. The Board of Education authorizes the Superintendent, as its designee, to administer the following procedures for disciplinary action in cases of gross misconduct, egregious misconduct, or gross disobedience by students. The Superintendent shall have the right to appoint designees to act on the Superintendent's behalf, including but not limited to school principals.

Section B – Suspension

The school Principal or designee is authorized by the Board of Education of District 225 to suspend students guilty of disobedience, misconduct, gross misconduct, egregious misconduct, and gross disobedience, as gross disobedience, gross misconduct, and egregious misconduct are described in these policies for a period not to exceed ten school days.

1. Notice and Informal Hearing

In all cases involving a possible suspension, the Principal or designee shall follow the procedures below:

- a. Investigate the allegations before commencing with the suspension procedures.
- b. Provide the student with an informal hearing by:
 - i. Notifying the student orally, if the student is present, or in writing, of the allegations against the student and explaining the evidence substantiating the allegations and specifically stating the section or policies violated.
 - ii. Providing the student with an opportunity to respond to the allegations.
- c. Suspend the student if sufficient evidence of the violation has been found.
- d. The notice and informal hearing shall precede the student's removal from school. However, when, in the opinion of the Principal or designee, the student's presence would endanger persons or property or threatens to disrupt the academic process, removal of the student may precede the notice and informal hearing.

2. Suspension Procedures and Documentation

In all cases of suspension and following the informal hearing, the Principal or designee shall:

- a. Notify the student of the nature and the section(s) of the district's policy(ies) allegedly violated by the student's actions and inform the student that the student is suspended for a specific period of time.
- b. Notify the parent(s)/guardian(s) of the suspension and provide a written statement of the reasons for the suspension, the policy section(s) violated, and the options available to the parent(s)/guardian(s) in discussing the suspension, including their right to a formal review. The suspension decision shall also include a rationale as to the specific duration of the suspension. Notification is to be by telephone and in written form either by first class mail or electronically.
 - i. Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in the school would pose a threat to school safety or a disruption to other students' learning opportunities. "Threat" to school safety or a disruption to other students' learning opportunities shall be determined on a case-by-case basis by the school board or its designee. School administrators shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.
 - ii. Out-of-school suspensions of longer than 3 days, expulsions and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede or interfere with the operation of the school. "Threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by the school administration. The determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by the school administration. School administrators shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. It shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.
 - iii. Students who are suspended out-of-school for longer than 4 days shall be provided appropriate and available support services during the period of their suspension. "Appropriate and available support services" shall be

determined by the school administration. It will be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

iv. The school district may refer students who are expelled to appropriate and available support services.

c. Notify the parent(s)/guardian(s) orally and in writing that, if they wish to have an informal review to discuss the suspension, they must request said informal review from the building Principal in writing within three (3) school days after the date of suspension.

3. Informal Suspension Review

a. If the student or parent(s)/guardian(s) requests an informal review, the Principal or designee shall meet with the student and parent(s)/guardian(s) to review the suspension.

b. The Principal, or designee shall notify the student and parent(s)/guardian(s) by telephone or in writing within two (2) school days after the informal review meeting as to whether there will be any change in the suspension as a result of the informal review.

c. If the suspension is reversed or commuted upon the informal review, the student shall immediately be reinstated and the Principal or designee shall notify the student's teachers that the student is entitled to make up all work missed during the period of suspension-related absence without penalty to the student.

d. The Principal or designee shall notify the parent(s)/guardian(s) orally or in writing if the school requires an informal discussion with the parent(s)/guardian(s) prior to the reinstatement of the suspended student.

4. Formal Suspension Review

a. If the parent(s)/guardian(s) wish to appeal the suspension to the Superintendent and Board of Education, the parent(s)/guardian(s) must file a written request for an appeal of the informal review within five (5) school days after the Principal or designee first provides in writing the results of the informal review to the parent(s)/guardian(s). In the event the parent(s)/guardian(s) does not prevail at the informal review, the parent may request a formal suspension review by the Board of Education to the Principal no later than fifteen (15) days after the date of the informal review decision. Alternatively, if the parent(s)/guardian(s) do not request an appeal of the informal suspension review, but elect to proceed directly to a formal suspension review by the Board of Education, a written request must be made to the Principal no later than fifteen (15) days after the date of the suspension notice. The failure to file

any appeal within such deadlines shall be deemed a waiver of the right to all further appeals. In the event of an appeal, the Principal or designee shall forward the parent(s)/guardian(s)' request to the Superintendent, together with all supporting documents.

- b. The Superintendent shall analyze the school principal or designee's actions and recommendations and if the Superintendent does not uphold that suspension, the Superintendent shall direct the Principal to immediately reinstate the suspended student and to notify the student's teachers that the student is entitled to make up all work missed during the period of suspension-related absence without penalty to the student.
- c. If the Superintendent concurs with the principal or designee's actions, the Superintendent shall forward the request for a suspension review to the Board of Education and advise the parent(s)/guardian(s) in writing of the time, place, and nature of the suspension review and indicate to the parent(s)/guardian(s) that written evidence may be presented, and witnesses with personal knowledge of the incident leading to the suspension may be present to provide testimony before the Board of Education or a hearing officer appointed pursuant to Board policy. If the Superintendent forwards the request for a suspension review to the Board, the Board or its appointed hearing officer shall hear the evidence within thirty (30) school days after the request for a suspension review was received and the Board shall make a decision based upon its evaluation of the evidence.
- d. The Superintendent shall advise the parent(s)/guardian(s) and the Principal in writing of the decision of the Board of Education and, if the Board upholds the suspension, no further action shall be required. However, if the Board does not uphold the suspension, the Superintendent shall notify the Principal of the Board's determination and the Principal shall take the action consistent with the Board's determination.

5. Procedures for Saturday Detention Sessions

- a. The Dean of Students shall schedule a Saturday detention session whenever there are at least five students scheduled to attend the session.
- b. The Dean of Students may schedule a session for the last Saturday of the month, regardless of the number of student participants, provided that no other session has been held during the month.
- c. Saturday detention sessions shall be conducted in a manner similar to sessions of in-school suspensions; student participants are expected to bring their school materials and to perform school work during the detention session.
- d. Saturday detention sessions shall operate from 8:00 a.m. to 2:00 p.m.

- e. Students participating in the Saturday detention program shall provide their own lunch and their own transportation.
- f. Failure to attend a Saturday detention session may result in an in-school suspension assignment, which shall begin their assigned suspension on the school day following the missed Saturday detention session or as otherwise determined by the Dean of Students.
- g. Reasonable and prudent exceptions to the above Saturday Detention procedures may be made by the principal or designee of the building upon good cause shown.

Section C - Violations: Category I Infractions

Category I comprises acts of gross disobedience, egregious conduct, or gross misconduct such that a single violation may result in removal of the student from school. Examples of these acts could include, but are not limited to, striking or causing harm to another person or damage to property, using explosives, sounding a false fire alarm, violations of Policy 8450: Weapons Possession, or violations of Policy 8460: Illegal Substances and Paraphernalia. In these cases, the student may not withdraw from school to avoid discipline. The procedures for treating cases in Category I are as follows:

1. The Principal or designee shall notify the student's parent(s)/guardian(s) of the offense, the policy section(s) violated, and proposed actions by telephone and by mail.
2. The Principal or designee shall immediately suspend the student utilizing the procedures contained in Section B of this policy.
3. The Principal or designee shall notify the Assistant Principal for student services of the actions taken and reasons therefor.
4. The Principal or designee shall compile all disciplinary reports on the concerned student and submit them to the Principal if compiled by the designee.
5. The Principal or designee shall compile all relevant data contained in the Student Services and submit it to the Principal if compiled by the designee.
6. The Principal shall convene the Major Disciplinary Review Committee (MDRC) for the purpose of analyzing the case and making recommendations. The MDRC may convene independent of, or concurrently with, any informal suspension review.
7. The MDRC shall review the circumstances of the case and determine whether a violation of a Category I infraction has occurred and whether due process has been followed. The MDRC may recommend any one or more of the following actions to the Principal:

- a. Expulsion upon terms, conditions, offering of services, and assessment of costs as determined by the Board. When a case is referred to the Board for consideration of expulsion, the MDRC shall prepare a document to be transmitted to the Board containing all reports of the subject incident, relevant background information, and academic and disciplinary history of the student.
 - b. Other actions deemed appropriate by the MDRC, including, but not limited to, a determination that a violation did not occur and/or that due process was not followed.
8. The Principal shall analyze the findings and recommendations.
- a. If the Principal concurs with the findings and recommendations of the MDRC, the Principal shall forward to the Superintendent the Principal's response to the recommendations of the MDRC along with all the supporting documentation.
 - b. If the Principal does not concur, or if there is additional information that should be considered, the Principal shall return the findings and recommendations to the MDRC for further deliberation.
 - c. If after further deliberation by the MDRC, the Principal still does not concur with the recommendations, the Principal shall forward to the Superintendent the Principal's response based on the recommendations, along with all supporting documentation and recommendations from the MDRC.
 - d. The Principal shall notify the appropriate law enforcement authorities if the behavior may be a criminal offense.
9. The Superintendent shall review the findings, conclusions, and recommendations.
- a. If the Superintendent concurs with the Principal regarding the findings and recommendations of the MDRC, the Superintendent shall advise the Principal and the student's parent(s)/guardian(s) of the findings and recommendations as specified in paragraph #10 below.
 - b. If the Superintendent does not concur with the Principal regarding the findings and recommendations of the MDRC, the Superintendent shall advise the Principal accordingly and provide suggestions to the Principal for alternative actions.
 - c. Upon a finding by the Superintendent that the issue involves the determination and application of Board policies that merit Board review, the Superintendent shall refer the matter, without recommendation, to the Board for such action as the Board deems appropriate.

10. If 1) the Superintendent's recommendation is for referral to the Board for consideration of expulsion under Section C 9(a), or if 2) the Superintendent makes a finding under Section C 9(c):
 - a. The Superintendent shall notify the student's parent(s)/guardian(s) by certified or registered letter of the time and place of the expulsion hearing and of the student's and parent(s)/guardian(s)' rights at the hearing before the Board of Education or a hearing officer appointed pursuant to Board policy.
 - b. The Superintendent shall provide to the Board of Education supporting documents, recommendations and reports; and shall inform the Board of the consideration for expulsion; or the Superintendent shall inform the Board of the finding under Section C: 9(c).
 - c. The student and parent(s)/guardian(s) may meet with the Principal or designee and shall have the opportunity to waive their right to a hearing before the Board of Education or its designated hearing officer. In situations deemed appropriate by the Principal or designee, and provided an Alternative Discipline Plan (ADP) is authorized under this Policy, an ADP may be offered to the student or the student's parents/guardian (if the student is under age 18). In waiving the rights to a hearing, the student, with the parent(s)/guardian(s)' consent if the student is under age 18, must:
 - i. Admit to violating school board policy(ies).
 - ii. Agree to all the terms defined in the ADP within 5 school days, if offered, and acknowledge that violation of the terms therein could result in further sanctions that could include a recommendation to the Board of Education for consideration of expulsion.
 - iii. In the event that an ADP is not offered or not accepted, agree to have the matter referred to the Board of Education for consideration of expulsion.
11. If the student, and if necessary the parent(s)/guardian(s) on behalf of the student, waive their right to a hearing to consider the facts of the case and the student and parent(s)/guardian(s) stipulate to the facts, the Board shall review the evidence presented by the Superintendent, as well as the recommendations of the MDRC and/or the Superintendent, and make a determination of discipline. The Board shall not be bound by the recommendations of the MDRC or the Superintendent.
12. The Board's determination will be presented by the Superintendent to the student and/or parent(s)/guardian(s). If the student and/or parent(s)/guardian(s) accept the decision and conditions determined by the Board, said Board decision shall be implemented immediately. If the student and/or parent(s)/guardian(s) do not accept the decision and conditions determined by the Board, they may proceed with a hearing before the Board

of Education, or before a hearing officer assigned pursuant to Board policy, regarding the issues of punishment only.

13. If the student, and/or parent(s)/guardian(s) on behalf of the student, exercise their right to a hearing, the Board shall make a determination based upon its evaluation of the evidence and/or the written summary of the evidence prepared by the hearing officer. If a violation is found by the Board to have occurred, the Board shall make a determination of punishment, but shall not be bound by the recommendations of the MDRC or the administration.
14. Whether offering an ADP, or in the event an ADP is not offered or accepted, the Board's decision in any case involving this policy shall be made on a case-by-case basis and shall not be deemed precedential in effect.

Section D - Violations: Category II Infractions

Category II comprises an act or acts which either a) establishes a pattern of student behavior that fails to conform to minimal school expectations including, but not limited to two or more violations of Policies 8450 and 8460; or b) constitutes disobedience, gross disobedience, misconduct, gross misconduct, egregious conduct or includes violations of Policy 8470: Harassment-Students or 8480: Hazing, Bullying, and Aggressive Behavior. The procedures for treating these cases are as follows:

1. The Principal or designee shall notify the student's counselor of the nature and frequency of the disciplinary problems attributed to the student as soon as evidence indicates a serious behavior problem is developing.
2. The counselor, in conjunction with other student services staff as may be appropriate, shall continue to work with the student and parent(s)/guardian(s) in an effort to modify the behavior pattern and to help the student overcome the student's behavioral difficulties.
3. The counselor, social worker, or school psychologist may suggest a referral to consider if the student may require an evaluation to determine whether the student has a disability related to the student's misconduct.
4. The Principal may convene the Major Disciplinary Review Committee (MDRC) for the purpose of reviewing the case and making recommendations. The MDRC may convene independent of, or concurrently with, any informal suspension review.
5. The MDRC shall review the circumstances of the case and determine whether a violation of a Category II infraction has occurred and whether due process has been followed. The MDRC may recommend any one or more of the following actions to the principal:
 - a. Expulsion upon terms, conditions, offer of services, and assessment of costs as determined by the Board. When a case is referred to the Board for consideration

of expulsion, the MDRC shall prepare a document to be transmitted to the Board containing all reports of the subject incident, relevant background information, and academic and disciplinary history of the student.

- b. Other actions deemed appropriate by the MDRC, including, but not limited to, a determination that a violation did not occur, and/or that due process was not followed.
6. Procedures in Section C, paragraphs 8-14 will then be followed.

Section E - Students with Disabilities

If the student involved in the disciplinary incident or incidents has a disability, the student's IEP or Section 504 Team will be convened to determine whether or not the behavior in question is a manifestation of the student's disability prior to any long-term disciplinary removal and pursuant to the requirements of federal and State law.

1. If the IEP Team determines that the misconduct in question is not a manifestation of the student's disability, the matter will be referred back to the MDRC for review and determination in accordance with the procedures of this policy. Students whose behavior is not a manifestation of a disability shall be subject to the disciplinary actions applicable to non-disabled students.
2. If the IEP Team determines that the student's misconduct is a manifestation of the student's disability, the IEP or Section 504 Team will report their finding along with any changes made in the IEP to the MDRC as well as to the building Principal.

Section F – Professional Development

The school district shall make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

- Revised: July 14, 1986; July 28, 1986; August 26, 1996; August 25, 1997;
August 21, 2000; August 11, 2003
- Adopted: May 9, 2005 (Replaced Policy 8140: Major Disciplinary Problems and Policy 8120: Student Suspensions)
- Revised: June 26, 2006, July 9, 2007, June 22, 2015, September 26, 2016

ALTERNATIVE DISCIPLINE PLAN

We, student and parent(s)/legal guardian(s), admit that (insert name of student + ID#) has violated Board Policy(ies) (insert policy(ies)), and that the violation is an expellable offense under said Board Policy(ies), and under Section 5/10-22.6 of the Illinois School Code, 105 ILCS 5/10-22.6. We acknowledge we are aware the student is entitled to a due process hearing before the Board or its designated hearing officer to determine whether Board Policy(ies) have been violated, and expressly waive the right to a hearing on those issues, and agree to accept the proposed Alternative Discipline Plan (ADP).

We further agree and acknowledge (a) that in the event of a failure to comply with the terms outlined in the ADP according to the timeline provided for in the ADP (each a “Failure to Comply”), the Board may impose sanctions, including expulsion under the applicable Board Policy(ies), to the same extent as if this ADP had not been entered into, and (b) that in the event of a Failure to Comply, the Board may be entitled to reimbursement for all costs otherwise

assumed by the District under this ADP, along with all costs, expenses and attorneys’ fees incurred by the District in connection with enforcement of its rights herein.

We certify that we have read this document, and have had the opportunity to discuss its contents with a representative and/or attorney of our choosing, or have waived that opportunity and we have freely and voluntarily signed this document with the intention to be bound by its terms.

This ADP will remain available for acceptance and must be accepted by both student and parent(s)/guardian(s) by (insert date 5 school days beyond offering date). Parent(s)/guardian(s) and the student must commence compliance with all terms, provisions, and requirements of the ADP by (insert date 10 school days beyond offering date), and demonstrate that compliance to the Assistant Principal for Student Services or the SAP Coordinator. Active participation in the prescribed program, as reported by the provider, is required. Failure of both student and parent(s)/guardian(s) to agree to these terms by the above date will result in the revocation of the offer of this ADP and in the matter being remanded to the MDRC for further review and possible referral to the Board of Education for consideration of expulsion.

(Insert ADP provisions here.)

Student _____ Date _____

Parent/Legal Guardian _____ Date _____

Parent/Legal Guardian _____ Date _____

School Official _____ Date _____

VOLUNTARY WAIVER OF HEARING

1.) **WAIVER OF HEARING ON VIOLATION OF BOARD POLICY(IES):**

We, student/parent(s)/legal guardian(s), admit that (insert name of student + ID#) has violated Board Policy(ies) (insert policy(ies)), and that the violation is an expellable offense under Board Policy and Section 5/10-22.6 of the Illinois School Code, 105 ILCS 5/10-22.6. We acknowledge that we are aware the student is entitled to a hearing before the Board to determine whether Board Policy(ies) have been violated. However, we expressly waive the right to a hearing on that issue and agree that the Board may impose disciplinary sanctions, which may include expulsion.

2.) **WAIVER OF HEARING ON PENALTY IMPOSED FOR VIOLATION OF BOARD POLICY(IES):**

We further acknowledge that we are aware the student/parent(s)/legal guardian(s) may request and receive a hearing before the Board to determine the duration and conditions of the disciplinary action. However, we expressly waive the right to that hearing regarding the duration and conditions of the disciplinary action, and agree to allow the Board to review the evidence and recommendations of the administration and determine the duration and conditions of the disciplinary action.

3.) **APPEAL OF THE BOARD'S DECISION ON PENALTY IMPOSED FOR VIOLATION OF BOARD POLICY(IES)**

Notwithstanding the Board's final determination on the duration and conditions of the disciplinary action, we understand that we have the right to appeal the duration and conditions imposed before a hearing officer of the Board's choice.

If we exercise the option to appeal the Board's determination on the duration and conditions of the disciplinary action, we acknowledge that the Board has, with our permission, already reviewed the evidence and recommendations. Therefore, we agree that such prior review shall not constitute a violation of due process.

We agree that the Board may consider all evidence relating to the violation of Board Policy, as well as recommendations and case review of the Major Disciplinary Review Committee, the Administration's recommendation, and the student's grades, and disciplinary record. We further acknowledge that we are aware the Board may accept, reject or modify the recommendations of the Major Disciplinary Review Committee and Administration, and is not bound thereby.

We further agree the student's suspension shall continue until there is a final decision by the Board, or until the conclusion of the due process hearing, if requested, as to the duration and conditions of the expulsion.

We certify we have read this document, we have had the opportunity to discuss its contents with a representative and/or attorney of our choosing, and we have freely and voluntarily signed this document with the intention to be bound by its terms.

Student _____ Date _____

Parent/Legal Guardian _____ Date _____

Parent/Legal Guardian _____ Date _____

School Official _____ Date _____