

# Behavior Information

# Behavior of Students

## I. General Authority

Because the Board of Education is entrusted with protecting the safety, health, and welfare of the students, staff, and property of the School District, it may be necessary at times to provide consequences for students whose conduct affects the wellbeing of the schools. In accordance with constitutional due process and statutory requirements, the Board of Education may suspend or expel students from school and from the school bus for acts of gross disobedience or misconduct and otherwise maintain behavior in the schools. Only the Board of Education may determine to expel a student from school or from the school bus. The superintendent, assistant superintendent, principal, and assistant principal may suspend students from school or the school bus for up to ten (10) school days.

Suspensions or expulsions of students shall occur in compliance with procedural regulations to be promulgated and implemented by the administration of the district. Consequences measures other than suspension or expulsion shall be determined by the administration and established in general regulations governing student behavior.

## II. Student Behavior

The goals and objectives of this policy are to provide effective discipline practices that: (1) ensure the safety and dignity of students and staff; (2) maintain a positive, weapons-free, and drug-free learning environment; (3) keep school property and the property of others secure; (4) address the causes of a student's misbehavior and provide opportunities for all individuals involved in an incident to participate in its resolution; and (5) teach students positive behavioral skills to become independent, self-disciplined citizens in the school community and society.

### When and Where Conduct Rules Apply

A student is subject to disciplinary action for engaging in *prohibited student conduct*, as described in the section with that name below, whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

1. On, or within sight of, school grounds before, during, or after school hours or at any time;
2. Off school grounds at a school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school;
3. Traveling to or from school or a school activity, function, or event; or
4. Anywhere, if the conduct interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including, but not limited to, conduct that may reasonably be considered to: (a) be a threat or an attempted intimidation of a staff member; or (b) endanger the health or safety of students, staff, or school property.

### Prohibited Student Conduct

The school administration is authorized to administer discipline to students for gross disobedience or misconduct, including but not limited to:

1. Using, possessing, distributing, purchasing, selling, or offering for sale tobacco or nicotine materials, including without limitation, electronic cigarettes, e-cigarettes, vapes, vape pens or other vaping related products.
2. Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who are under the influence of an alcoholic beverage are not permitted to attend school or school functions and are treated as though they had alcohol in their possession.
3. Using, possessing, distributing, purchasing, selling, or offering for sale:
  - a. Any illegal drug or controlled substance, or cannabis (including marijuana, hashish, and medical cannabis unless the student is authorized to be administered a medical cannabis infused product under Ashley's Law,).
  - b. Any anabolic steroid unless it is being administered in accordance with a physician's or licensed practitioner's prescription.
  - c. Any performance-enhancing substance on the Illinois High School Association's most current banned substance list unless administered in accordance with a physician's or licensed practitioner's prescription.
  - d. Any prescription drug when not prescribed for the student by a physician or licensed practitioner, or when used in a manner inconsistent with the prescription or prescribing physician's or licensed practitioner's instructions. The use or possession of medical cannabis, even by a student for whom medical cannabis has been prescribed, is prohibited unless the student is authorized to be administered a medical cannabis infused product under *Ashley's Law*.
  - e. Any inhalant, regardless of whether it contains an illegal drug or controlled substance: (a) that a student believes is, or represents to be capable of, causing intoxication, hallucination, excitement, or dulling of the brain or nervous system; or (b) about which the student engaged in behavior that would lead a reasonable person to believe that the student intended the inhalant to cause intoxication, hallucination, excitement, or dulling of the brain or nervous system. The prohibition in this section does not apply to a student's use of asthma or other legally prescribed inhalant medications.

- f. Any substance inhaled, injected, smoked, consumed, or otherwise ingested or absorbed with the intention of causing a physiological or psychological change in the body, including without limitation, pure caffeine in tablet or powdered form. This includes devices such as vapes, regardless of substance used in the device.
- g. “Look-alike” or counterfeit drugs, including a substance that is not prohibited by this policy, but one: (a) that a student believes to be, or represents to be, an illegal drug, controlled substance, or other substance that is prohibited by this policy; or (b) about which a student engaged in behavior that would lead a reasonable person to believe that the student expressly or impliedly represented to be an illegal drug, controlled substance, or other substance that is prohibited by this policy.
- h. Drug paraphernalia, including devices that are or can be used to: (a) ingest, inhale, or inject cannabis or controlled substances into the body; and (b) grow, process, store, or conceal cannabis or controlled substances.

Students who are under the influence of any prohibited substance are not permitted to attend school or school functions and are treated as though they had the prohibited substance, as applicable, in their possession.

- 4. Using, possessing, controlling, or transferring a “weapon” as that term is defined in the Weapons section of this policy, or violating the Weapons section of this policy.
- 5. Using or possessing an electronic paging device. Using a cellular telephone, video recording device, personal digital assistant (PDA), or other electronic device in any manner that disrupts the educational environment or violates the rights of others, including using the device to take photographs in locker rooms or bathrooms, cheat, or otherwise violate student conduct rules. Prohibited conduct specifically includes, without limitation, creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person through the use of a computer, electronic communication device, or cellular phone. Unless otherwise banned under this policy or by the Building Principal, all electronic devices must be kept powered-off and out-of-sight during the regular school day unless: (a) the supervising teacher grants permission; (b) use of the device is provided in a student’s individualized education program (IEP); (c) it is used during the student’s lunch period, or (d) it is needed in an emergency that threatens the safety of students, staff, or other individuals.
- 6. Using or possessing a laser pointer unless under a staff member’s direct supervision and in the context of instruction.
- 7. Disobeying rules of student conduct or directives from staff members or school officials. Examples of disobeying staff directives include refusing a District staff member’s request to stop, present school identification, or submit to a search.
- 8. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, altering report cards, and wrongfully obtaining test copies or scores.
- 9. Engaging in hazing or any kind of bullying or aggressive behavior that does physical or psychological harm to a staff person or another student, or urging other students to engage in such conduct. Prohibited conduct specifically includes, without limitation, any use of violence, intimidation, force, noise, coercion, threats, stalking, harassment, sexual harassment, public humiliation, theft, or destruction of property, retaliation, hazing, bullying, bullying using a school computer or a school computer network, or other comparable conduct.
- 10. Engaging in any sexual activity, including without limitation, offensive touching, sexual harassment, indecent exposure (including mooning), and sexual assault. This does not include the non-disruptive: (a) expression of gender or sexual orientation or preference, or (b) display of affection during non-instructional time.
- 11. Teen dating violence, as described in Board policy 7:185, *Teen Dating Violence Prohibited*.
- 12. Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s personal property.
- 13. Entering school property or a school facility without proper authorization.
- 14. In the absence of a reasonable belief that an emergency exists, calling emergency responders (such as calling 911); signaling or setting off alarms or signals indicating the presence of an emergency; or indicating the presence of a bomb or explosive device on school grounds, school bus, or at any school activity.
- 15. Being absent without a recognized excuse; State law and School Board policy regarding truancy control will be used with chronic and habitual truant.
- 16. Being involved with any public school fraternity, sorority, or secret society, by: (a) being a member; (b) promising to join; (c) pledging to become a member; or (d) soliciting any other person to join, promise to join, or be pledged to become a member.
- 17. Being involved in gangs or gang-related activities, including displaying gang symbols or paraphernalia.
- 18. Violating any criminal law, including but not limited to, assault, battery, arson, theft, gambling, eavesdropping, vandalism, and hazing.
- 19. Making an explicit threat on an Internet website against a school employee, a student, or any school-related personnel if the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.
- 20. Operating an unmanned aircraft system (UAS) or drone for any purpose on school grounds or at any school event unless granted permission by the Superintendent or designee.

21. Engaging in any activity, on or off campus, that interferes with, disrupts, or adversely affects the school environment, school operations, or an educational function, including but not limited to, conduct that may reasonably be considered to:
- (a) be a threat or an attempted intimidation of a staff member; or
  - (b) endanger the health or safety of students, staff, or school property.

For purposes of this policy, the term “possession” includes having control, custody, or care, currently or in the past, of an object or substance, including situations in which the item is: (a) on the student’s person; (b) contained in another item belonging to, or under the control of, the student, such as in the student’s clothing, backpack, or automobile; (c) in a school’s student locker, desk, or other school property; or (d) at any location on school property or at a school-sponsored event.

Efforts, including the use of positive interventions and supports, shall be made to deter students, while at school or a school-related event, from engaging in aggressive behavior that may reasonably produce physical or psychological harm to someone else. The Superintendent or designee shall ensure that the parent/guardian of a student who engages in aggressive behavior is notified of the incident. The failure to provide such notification does not limit the Board’s authority to impose consequences, including suspension or expulsion, for such behavior.

No disciplinary action shall be taken against any student that is based totally or in part on the refusal of the student’s parent/guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student.

### **Disciplinary Measures**

School officials shall limit the number and duration of expulsions and out-of-school suspensions to the greatest extent practicable, and, where practicable and reasonable, shall consider forms of non-exclusionary behavior before using out-of-school suspensions or expulsions. School personnel shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties. Potential disciplinary measures include, without limitation, any of the following:

1. Notifying parent(s)/guardian(s).
2. Disciplinary-conference.
3. Withholding of privileges.
4. Temporary removal from the classroom.
5. Return of property or restitution for lost, stolen, or damaged property.
6. In-school suspension. The Building Principal or designee shall ensure that the student is properly supervised.
7. After-school study provided the student’s parent/guardian has been notified. If transportation arrangements cannot be agreed upon, an alternative disciplinary measure must be used. The student must be supervised by the detaining teacher or the Building Principal or designee.
8. Community service with local public and nonprofit agencies that enhances community efforts to meet human, educational, environmental, or public safety needs. The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure, giving the student and/or parent/guardian the choice.
9. Seizure of contraband; confiscation and temporary retention of personal property that was used to violate this policy or school disciplinary rules.
10. Suspension of bus riding privileges in accordance with Board policy 7:220, *Bus Conduct*.
11. Out-of-school suspension from school and all school activities in accordance with Board policy 7:200, *Suspension Procedures*. A student who has been suspended may also be restricted from being on school grounds and at school activities.
12. Expulsion from school and all school activities for a definite time period not to exceed 2 calendar years in accordance with Board policy 7:210, *Expulsion Procedures*. A student who has been expelled may also be restricted from being on school grounds and at school activities.
13. Transfer to an alternative program if the student is expelled or otherwise qualifies for the transfer under State law. The transfer shall be in the manner provided in Article 13A or 13B of the School Code.
14. Notifying juvenile authorities or other law enforcement whenever the conduct involves criminal activity, including but not limited to, illegal drugs (controlled substances), “look-alikes,” alcohol, or weapons or in other circumstances as authorized by the reciprocal reporting agreement between the District and local law enforcement agencies.

The above list of disciplinary measures is a range of options that will not always be applicable in every case. In some circumstances, it may not be possible to avoid suspending or expelling a student because behavioral interventions, other than a suspension and expulsion, will not be appropriate and available, and the only reasonable and practical way to resolve the threat and/or address the disruption is a suspension or expulsion.

### **Corporal Punishment**

Corporal punishment is prohibited. Corporal punishment is defined as slapping, paddling, or prolonged maintenance of students in physically painful positions, or intentional infliction of bodily harm. Corporal punishment does not include reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property.

## **Isolated Time Out, Time Out, and Physical Restraint**

Neither isolated time out, time out, nor physical restraint shall be used to discipline or punish a student. These methods are only authorized for use as permitted in 105 ILCS 5/10-20.33, State Board of Education rules (23 Ill. Admin Code §§ 1.280, 1.285), and the District's procedure(s).

### **Weapons**

A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of at least one calendar year but not more than 2 calendar years:

1. A firearm, meaning any gun, rifle, shotgun, or weapon as defined by Section 921 of Title 18 of the United States Code (18 U.S.C. § 921), firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/), or firearm as defined in Section 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1).
2. A knife, brass knuckles, or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look-alikes" of any firearm as defined above.

The expulsion requirement under either paragraph 1 or 2 above may be modified by the Superintendent, and the Superintendent's determination may be modified by the Board on a case-by-case basis. The Superintendent or designee may grant an exception to this policy, upon the prior request of an adult supervisor, for students in theatre, cooking, ROTC, martial arts, and similar programs, whether or not school-sponsored, provided the item is not equipped, nor intended, to do bodily harm.

This policy's prohibitions concerning weapons apply regardless of whether: (1) a student is licensed to carry a concealed firearm, or (2) the Board permits visitors, who are licensed to carry a concealed firearm, to store a firearm in a locked vehicle in a school parking area.

### **Gang Activity Prohibited**

Students are prohibited from engaging in gang activity. A *gang* is any group of 2 or more persons whose purpose includes the commission of illegal acts.

No student shall engage in any gang activity, including but not limited to:

1. Wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that are evidence of membership or affiliation in any gang;
2. Committing any act or omission, or using any speech, either verbal or non-verbal (such as gestures or hand-shakes) showing membership or affiliation in a gang; and
3. Using any speech or committing any act or omission in furtherance of any gang or gang activity, including but not limited to: (a) soliciting others for membership in any gangs, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school district policies, (d) inciting other students to act with physical violence upon any other person.

Students engaging in any gang-related activity will be subject to one or more of the following disciplinary actions:

- Removal from extracurricular and athletic activities
- Conference with parent(s)/guardian(s)
- Referral to appropriate law enforcement agency
- Suspension for up to 10 days
- Expulsion not to exceed 2 calendar years

### **Re-Engagement of Returning Students**

The Superintendent or designee shall maintain a process to facilitate the re-engagement of students who are returning from an out-of-school suspension, expulsion, or an alternative school setting. The goal of re-engagement shall be to support the student's ability to be successful in school following a period of exclusionary discipline and shall include the opportunity for students who have been suspended to complete or make up work for equivalent academic credit.

### **Required Notices**

A school staff member shall immediately notify the office of the Building Principal in the event that he or she: (1) observes any person in possession of a firearm on or around school grounds; however, such action may be delayed if immediate notice would endanger students under his or her supervision, (2) observes or has reason to suspect that any person on school grounds is or was involved in a drug-related incident, or (3) observes a battery committed against any staff member. Upon receiving such a report, the Building Principal or designee shall immediately notify the local law enforcement agency, State Police, and any involved student's parent/guardian. "School grounds" includes modes of transportation to school activities and any public way within 1000 feet of the school, as well as school property itself.

### **Delegation of Authority**

Each teacher, and any other school personnel when students are under his or her charge, is authorized to impose any consequence, other than suspension, expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with the policies and rules on student behavior. Teachers, other certificated [licensed] educational employees, and other persons providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for other students, school personnel, or other persons, or for the purpose of self-defense or defense of property. Teachers may temporarily remove students from a classroom for disruptive behavior.

The Superintendent, Building Principal, Assistant Building Principal, or Dean of Students is authorized to impose the same consequences as teachers and may suspend students guilty of gross disobedience or misconduct from school (including all school functions) and from riding the school bus, up to 10 consecutive school days, provided the appropriate procedures are followed. The Board may suspend a student from riding the bus in excess of 10 school days for safety reasons.

### **III. Prevention of and Response to Bullying, Intimidation, and Harassment**

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important District goals.

Bullying on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in each of the following situations:

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a non-school-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the School District or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This paragraph (item #4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred; it does not require staff members to monitor any non-school-related activity, function, or program.

#### Definitions from Section 27-23.7 of the School Code (105 ILCS 5/27-23.7)

*Bullying* includes *cyber-bullying* and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or
4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

*Bullying* may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

*Cyber-bullying* means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyber-bullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying. *Cyber-bullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

*Restorative measures* means a continuum of school-based alternatives to exclusionary behavior, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school

safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act.

*School personnel* means persons employed by, on contract with, or who volunteer in a school district, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

#### Bullying Prevention and Response Plan

The Superintendent or designee shall develop and maintain a bullying prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the requirements listed below; each numbered requirement, 1-12, corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12.

1. The District uses the definition of *bullying* as provided in this policy.
2. Bullying is contrary to State law and the policy of this District. However, nothing in the District's bullying prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking. Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying. Anonymous reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

#### **Nondiscrimination Coordinator:**

Derek Hacke

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4. Consistent with federal and State laws and rules governing student privacy rights, the Superintendent or designee shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.

5. The Superintendent or designee shall promptly investigate and address reports of bullying, by, among other things:
  - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
  - b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
  - c. Notifying the Building Principal or school administrator or designee of the reported incident of bullying as soon as possible after the report is received.
  - d. Consistent with federal and State laws and rules governing student privacy rights, providing parents/guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the Building Principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The Superintendent or designee shall investigate whether a reported incident of bullying is within the permissible scope of the District's jurisdiction and shall require that the District provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs.

6. The Superintendent or designee shall use interventions to address bullying, that may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.
7. A reprisal or retaliation against any person who reports an act of bullying **is prohibited**. Any person's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion with regard to students.
8. A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, a person who is found to have falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided false information will be treated as either: (a) *bullying*, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.
9. The District's bullying prevention and response plan is based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. The Superintendent or designee shall post this policy on the District's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty.
11. Pursuant to State law and policy 2:240, *Board Policy Development*, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Superintendent or designee shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. This process shall include, without limitation:
  - a. The frequency of victimization;
  - b. Student, staff, and family observations of safety at a school;
  - c. Identification of areas of a school where bullying occurs;
  - d. The types of bullying utilized; and
  - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

- 1) An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
- 2) If no revisions are deemed necessary, a copy of board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary; or
- 3) A signed statement from the Board President indicating that the Board re-evaluated the policy and no changes to it were necessary.

The Superintendent or designee must post the information developed as a result of the policy re-evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board



members, school personnel, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

12. The Superintendent or designee shall fully implement the Board policies, including without limitation, the following:
  - a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about bullying.
  - b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
  - c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
  - d. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
  - e. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
  - f. 7:20, *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
  - g. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
  - h. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
  - i. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

## **IV. Behavioral Interventions for Students with Disabilities**

### **MISCONDUCT BY STUDENTS WITH DISABILITIES**

#### **Behavioral Interventions**

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. The School Board will establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for children with disabilities.

#### **Behavior of Special Education Students**

The District shall comply with the Individuals with Disabilities Education Improvement Act of 2004 and the Illinois State Board of Education's *Special Education* rules when consequences are necessary for special education students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of his or her disability.

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

As required by Public Act 87-1103, Highland CUSD No. 5 will maintain a parent-teacher advisory committee. This committee shall develop, in cooperation with Highland CUSD No. 5, Behavioral Intervention Committee, and the Board of Education, policy guidelines on pupil behavior for students with disabilities. These guidelines will be furnished to the parents or guardians of each student with behavioral problems which interfere with learning. In addition, each district will inform its students of the contents of its policy on student behavior.

#### **Behavioral Intervention Consultant Teams**

Highland CUSD No. 5 will designate a behavioral intervention consultation team. At least one team member should have documented training in behavior analysis and behavioral intervention procedures with an emphasis on positive behavioral interventions. Competency in the following areas should be considered desirable for persons serving on behavioral intervention teams:

- A. basic concepts and principles of human learning
- B. methods of measuring human behavior including recording, displaying, and interpreting data on human behavior

- C. identification and explanation of behavior including behavioral assessment and functional analysis
- D. intervention alternatives, including ecological manipulations, positive programming, and direct interventions
- E. empirical and clinical methods for determining the effectiveness of behavioral interventions
- F. legal and ethical issues relating to behavioral programming

Behavioral intervention consultants may be any appropriately trained certified staff member including, but not limited to, a resource specialist, school psychologist, social worker, supervisor, or teacher. The duties of the behavioral intervention consultants shall include, but are not limited to, assisting IEP teams in the development of behavioral intervention plans, consulting with teachers and other staff members on the proper use of behavioral interventions, supervising the implementation of intervention plan procedures, and ensuring that restricting behavioral interventions are implemented appropriately and in a humane fashion.

## **Protection and Due Process Rights**

### **Family Involvement**

Parents and/or guardians have the right and are encouraged to be involved actively in the development of any behavioral management plan unitizing restrictive procedures. Such involvement includes, but is not limited to, participation in the design, implementation, and evaluation of interventions. Parents and guardians will be provided with copies and/or explanations of the functional analysis conducted and the behavioral management plan developed for their child.

### **Notification**

The student's parent or guardian shall be informed fully of the rationale, procedures, and possible outcomes of a behavior management plan developed at an IEP meeting. In addition, the parents will be provided this information in writing.

### **Documentation in the IEP**

All children have a right to a free and appropriate public education. For students receiving special education services, development of the IEP is the process for ensuring that a student is provided appropriate educational and related services. Because behavioral procedures represent powerful interventions designed to enhance the benefits a student derives from the educational setting, the use of behavioral procedures will be documented in the child's IEP. It will be noted on the IEP that a behavioral management plan has been developed to address a specific behavior and a copy of the plan is to be attached to the IEP document. Under no circumstances shall a behavioral management plan be implemented without its inclusion in the child's IEP. If a child's Behavioral Modification Plan (BMP) needs to be modified, an IEP meeting must be reconvened in order to develop the behavior management plan.

### **Appeal and Due Process Procedures**

All procedural safeguards, including rights to conflict resolution, mediation, and an impartial due process hearing, as required through the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, Americans With Disabilities Act, and the School Code, shall be applicable to the resolution of disputes involving behavioral intervention plans.

If the parent or guardian disagrees with a proposed behavioral intervention or any aspect of the implementation of a restrictive intervention, the district should work with the parent to attempt resolution of the dispute. The parents or district may request a due process hearing as provided by Sections 226.605 and 226.615 of 23 Illinois Administrative Code, or according to the provision of Section 504 of the Rehabilitation Act of 1973. Districts shall ensure that parents are fully informed of their due process rights.

### **Staff Training and Professional Development**

Highland CUSD No. 5 will provide ongoing professional training in the use of behavioral interventions. Since students with special needs are included in regular education classes, training efforts will be available to all teachers and staff. Training of school personnel who have the most contact with students who exhibit behavioral difficulties will be particularly emphasized. Continued competency in the areas of behavioral assessment and interventions requires ongoing professional development, and the provision of such training activities will be documented.

Training activities offered through Highland CUSD No. 5 may include in-services given by external consultants, workshops conducted by district personnel, professional conferences, and university training. Highland CUSD No. 5 ensures that training activities are conducted by qualified individuals who have expertise in relevant areas of behavioral assessment and intervention.

### **Highland CUSD No. 5 Behavioral Intervention Review Committee**

A minimum of three individuals who have training in the use of behavioral intervention, preferably one teacher and one school psychologist or social worker, and Highland CUSD No. 5 Director of Special Education will comprise this committee. This committee will meet quarterly. Their responsibilities will include the following:

- review and monitor incidents involving the emergency use of restrictive behavioral interventions;
- develop/review and monitor behavioral intervention involving the use of restrictive procedures;

- inform staff of in-service opportunities in the area of behavioral interventions;
- advise the district on issues arising from the use of restrictive behavioral interventions; and
- identify qualified Behavior Intervention Consultants.

### **Report of Progress on Annual Goals**

Student's progress must be reported at least as often as the students in the regular classroom programs.

### **Functional Behavioral Assessment**

A Functional Behavioral Assessment will be completed to determine the need for a Behavioral Intervention Plan. If used in developing a Behavioral Intervention Plan, the Functional Behavioral Assessment must be reviewed at an IEP meeting and may be attached to the IEP.

### **Manifestation Determination**

The manifestation determination must be made by an IEP team. After reviewing all relevant information, in terms of the behavior subject to disciplinary action, it is the responsibility of the IEP team to determine if the behavior was a manifestation of the student's disability.

Upon completion of the MDR meeting, the district must provide a copy of the MDR report and documentation of determination to the parent(s). A copy of the IEP, together with all documentation upon which it is based, shall be kept on file by the local district.

## **V. Student Appearance**

Students' dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. The building principal is the final authority for judging the appropriateness of a student's appearance at school. If a teacher or staff member finds a student's dress to be a disruption in the classroom, or building, the student will be sent to the office. No hats/head gear or bandanas are allowed in the building without administrative approval. Sunglasses should not be worn in the building. Removable chains are considered a safety issue and not allowed at school. Students should remove all removable chains from clothing before coming to school. Students in violation of the dress code policy will be asked to change clothes at school. If further consequences are needed, students will be placed on our progressive behavior program.

Faculty and staff will make every effort to be consistent in the manner in which they determine the appropriateness of student dress. If a teacher finds student dress to be a disruption in the classroom, the student will be sent to the office. Students will be asked to change or leave the school grounds if they are found in violation of the above guidelines. All dress code violations, even those classified as warnings will be documented by the teacher or office staff. Multiple violations of the dress code guidelines will be considered insubordination pursuant to the student behavior policy and consequences under the progressive behavior system.

It is important to recognize that school is a place of learning. The following items are NOT appropriate school attire:

**Backs/Bras/Bellies** - Halter, one-shoulder, tube, crop or spaghetti string tops are not permitted; bellies, and bras should not be seen. No outfits that reveal breast/cleavage.

**Bottoms** - Shorts and skirts are to be modest length for standing, sitting and bending. Bottoms that ride low are not permitted. When selecting your apparel, holes in inappropriate places will not be permitted. Underwear, backsides, and bellies are not to be visible during the school day.

Any clothing that depicts drugs, alcohol, inappropriate or offensive language or pictures is unacceptable. The faculty and administration may judge other attire inappropriate at their discretion. You will be asked to change or leave the school grounds if you do not respect the rules indicated above.

While Prom, homecoming, and semi-formal functions are considered special events, we remind you to be modest in the selection of a dress or outfit.

The administration reserves the right, if necessary, to modify the dress code policies to include any items that affect the safety and/or security of the school, disrupts the learning environment or are not conducive to a school setting.

## **VI. Students Search and Seizure**

In order to maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects. "School authorities" includes school liaison police officers.

### **School Property and Equipment as well as Personal Effects Left There by Students**

School authorities may inspect and search school property and equipment owned or controlled by the school (such as lockers, desks, and parking lots), as well as personal effects left there by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there. The Superintendent may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs.

### **Students**

School authorities may search a student and/or the student's personal effects in the student's possession (such as purses, wallets, knapsacks, book bags, lunch boxes, etc.) when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of the student's age and sex, and the nature of the infraction. When feasible, the search should be conducted as follows:

1. Outside the view of others, including students,
2. In the presence of a school administrator or adult witness, and
3. By a certificated employee or liaison police officer of the same sex as the student.

Immediately following a search, a written report shall be made by the school authority who conducted the search, and given to the Superintendent.

### **Seizure of Property**

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

### **Notification Regarding Student Accounts or Profiles on Social Networking Websites**

The Superintendent or designee shall notify students and their parents/guardians of each of the following in accordance with the Right to Privacy in the School Setting Act, 105 ILCS 75/:

1. School officials may not request or require a student or his or her parent/guardian to provide a password or other related account information to gain access to the student's account or profile on a social networking website.
2. School officials may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to allow school officials to make a factual determination.

## **VII. Nondiscrimination Clause**

Highland CUSD No. 5 shall not discriminate on the basis of color, race, nationality, religion, sex, sexual orientation, ancestry, age, marital status, or physical or mental handicap.

Any person in need of an accommodation due to a disability for the purpose of attending parent conferences, school programs, and school board meetings shall contact the building principal or superintendent to make specific requests.

Highland CUSD No. 5 shall not segregate or stigmatize homeless students.

## **VIII. Uniform Grievance Procedures**

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972)
7. Bullying, 105 ILCS 5/27-23.7
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
9. Curriculum, instructional materials, and/or programs
10. Victims' Economic Security and Safety Act, 820 ILCS 180

11. Illinois Equal Pay Act of 2003, 820 ILCS 112
12. Provision of services to homeless students
13. Illinois Whistleblower Act, 740 ILCS 174/.
14. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.)
15. Employee Credit Privacy Act, 820 ILCS 70/.

The Complaint Manager will attempt to resolve complaints without resorting to this grievance procedure, and if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. All deadlines under this procedure may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, "school business days" means days on which the District's main office is open.

### **Filing a Complaint**

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

### **Investigation**

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law, this policy, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time. If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the Board, which will make a decision in accordance with the following section of this policy. The Superintendent will keep the Board informed of all complaints.

### **Decision and Appeal**

Within 5 school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant by U.S. mail, first class, as well as to the Complaint Manager.

Within 10 school business days after receiving the Superintendent's decision, the Complainant may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board. Within 30 school business days, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within 5 school business days of the Board's decision, the Superintendent shall inform the Complainant of the Board's action.

This grievance procedure shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

### **Appointing Nondiscrimination Coordinator and Complaint Managers**

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others.

The Superintendent shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint 2 Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

#### **Nondiscrimination Coordinator:**

Derek Hacke  
400 Broadway, Highland, IL 62249  
618-654-2106

**Complaint Managers:**

Chris Becker	Julie Korte
12760 Troxler Ave.	1800 Lindenthal
Highland, IL 62249	Highland, IL 62249
618-654-7131	618-654-2107

The District, including all staff members will not retaliate against any person who makes a report or files a complaint alleging sexual harassment or otherwise engages in an activity protected by Title IX. Students, families, and staff shall maintain their right to file a complaint with the District or external agencies such as the Office of Civil Rights if they feel they have been retaliated against for reporting sex discrimination or sexual harassment.

The contact information for the Office for Civil Rights (OCR) is 800-421-3481 to report any educational discrimination on the basis of race, sex, disability, etc., request information on civil rights compliance programs, procedures for filing discrimination complaints, or access to civil rights regulatory and policy documents. The local number in Washington, D.C. is 202-453-6100.

## **IX. Hazing Prohibited**

Soliciting, encouraging, aiding, or engaging in hazing, no matter when or where it occurs, is prohibited. "Hazing" means any intentional, knowing, or reckless act directed against a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students.

Students engaging in hazing will be subject to one or more of the following behavior consequences:

1. Removal from the extracurricular activities,
2. Conference with parents/guardians, and/or
3. Referral to appropriate law enforcement agency.

Students engaging in hazing that endanger the mental or physical health or safety of another person may also be subject to:

1. Suspension for up to 10 days, and/or
2. Expulsion for the remainder of the school term.

# **RULES AND REGULATIONS “BEHAVIOR OF STUDENTS”**

## **I. General**

- A. Students committing acts of gross disobedience or misconduct as defined in Board Policy No. 7:190 may be placed on probation, detained during non-school hours, suspended in-school, suspended from school, suspended from riding the school bus, expelled from school, transferred to or placed in an alternative educational placement or school, or otherwise given consequences. Such behavior, however, shall not include: slapping, paddling, prolonged maintenance of students in physically painful positions, or the intentional infliction of bodily harm upon students.
- B. Suspension or expulsion shall include suspension from school and all school activities and a prohibition from being present on school grounds.
- C. Students eligible for special education and whose Individual Education Programs include a behavior management plan may only be subject to behavior pursuant to the provisions of that plan, except as may be required on an emergency basis and as otherwise provided in Section VI of these Rules and Regulations.
- D. At the discretion of the superintendent, or the Board of Education upon review, a student may be permitted to make up school work and examinations missed as a result of a suspension or an expulsion.
- E. Authorized personnel may place on probation, detain after school, suspend in-school, or otherwise given consequences a student. The superintendent, assistant superintendent, principal, and/or assistant principal are authorized to suspend a student from school or from riding the school bus. Teachers may remove disruptive students from the classroom.
- F. Prior to removing any student from the school or the school bus during the regular school day, the authorized administrator shall make reasonable efforts to notify the parents by telephone and take any other steps reasonably necessary to ensure the safety of the student being removed from school or the school bus.
- G. No student who is chronically or habitually truant shall be subject to consequences unless appropriate supportive services have first been provided to the student and have either failed to result in cessation of the chronic or habitual truancy or have been offered and refused.

## **II. Suspension/Expulsion Procedures**

### **Suspension Procedures**

#### **In-School Suspension**

The Superintendent or designee is authorized to maintain an in-school suspension program. The program shall include, at a minimum, each of the following:

- 1. Before assigning a student to in-school suspension, the charges will be explained and the student will be given an opportunity to respond to the charges.
- 2. Students are supervised by licensed school personnel.
- 3. Students are given the opportunity to complete classroom work during the in-school suspension for equivalent academic credit.

#### **Out-of-School Suspension**

The Superintendent or designee shall implement suspension procedures that provide, at a minimum, for each of the following:

- 1. A conference during which the charges will be explained and the student will be given an opportunity to respond to the charges before he or she may be suspended.
- 2. A pre-suspension conference is not required, and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
- 3. An attempted phone call to the student's parent(s)/guardian(s).
- 4. A written notice of the suspension to the parent(s)/guardian(s) and the student, which shall:
  - a. Provide notice to the parent(s)/guardian(s) of their child's right to a review of the suspension;
  - b. Include information about an opportunity to make up work missed during the suspension for equivalent academic credit;
  - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to suspend;
  - d. Provide rationale or an explanation of how the chosen number of suspension days will address the threat or disruption posed by the student or his or her act of gross disobedience or misconduct; and
  - e. Depending upon the length of the out-of-school suspension, include the following applicable information:
    - i. For a suspension of 3 school days or less, an explanation that the student's continuing presence in school would either pose:

- a) A threat to school safety, or
  - b) A disruption to other students' learning opportunities.
  - ii. For a suspension of 4 or more school days, an explanation:
    - a) That other appropriate and available behavioral and disciplinary interventions have been exhausted,
    - b) As to whether school officials attempted other interventions or determined that no other interventions were available for the student, and
    - c) That 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.
  - iii. For a suspension of 5 or more school days, the information listed in section 4.e.ii., above, along with documentation by the Superintendent or designee determining what, if any, appropriate and available support services will be provided to the student during the length of his or her suspension.
5. A summary of the notice, including the reason for the suspension and the suspension length, must be given to the Board by the Superintendent or designee.
  6. Upon request of the parent(s)/guardian(s), a review of the suspension shall be conducted by the Board or a hearing officer appointed by the Board. At the review, the student's parent(s)/guardian(s) may appear and discuss the suspension with the Board or its hearing officer and may be represented by counsel. Whenever there is evidence that mental illness may be the cause for the suspension, the Superintendent or designee shall invite a representative from the Department of Human Services to consult with the Board. After presentation of the evidence or receipt of the hearing officer's report, the Board shall take such action as it finds appropriate. If the suspension is upheld, the Board's written suspension decision shall specifically detail items (a) and (e) in number 4, above.

## **Expulsion Procedures**

The Superintendent or designee shall implement expulsion procedures that provide, at a minimum, for the following:

1. Before a student may be expelled, the student and his or her parent(s)/guardian(s) shall be provided a written request to appear at a hearing to determine whether the student should be expelled. The request shall be sent by registered or certified mail, return receipt requested. The request shall:
  - a. Include the time, date, and place for the hearing.
  - b. Briefly describe what will happen during the hearing.
  - c. Detail the specific act of gross disobedience or misconduct resulting in the decision to recommend expulsion.
  - d. List the student's prior suspension(s).
  - e. State that the School Code allows the School Board to expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis.
  - f. Ask that the student or parent(s)/guardian(s) or attorney inform the Superintendent or Board Attorney if the student will be represented by an attorney and, if so, the attorney's name and contact information.
2. Unless the student and parent(s)/guardian(s) indicate that they do not want a hearing or fail to appear at the designated time and place, the hearing will proceed. It shall be conducted by the School Board or a hearing officer appointed by it. If a hearing officer is appointed, he or she shall report to the Board the evidence presented at the hearing and the Board shall take such final action as it finds appropriate. Whenever there is evidence that mental illness may be the cause for the recommended expulsion, the Superintendent or designee shall invite a representative from the Dept. of Human Services to consult with the Board.
3. During the expulsion hearing, the Board or hearing officer shall hear evidence concerning whether the student is guilty of the gross disobedience or misconduct as charged. School officials must provide: (1) testimony of any other interventions attempted and exhausted or of their determination that no other appropriate and available interventions were available for the student, and (2) evidence of the threat or disruption posed by the student. The student and his or her parent(s)/guardian(s) may be represented by counsel, offer evidence, present witnesses, cross-examine witnesses who testified, and otherwise present reasons why the student should not be expelled. After presentation of the evidence or receipt of the hearing officer's report, the Board shall decide the issue of guilt and take such action as it finds appropriate.
4. If the Board acts to expel the student, its written expulsion decision shall:
  - a. Detail the specific reason why removing the student from his or her learning environment is in the best interest of the school.
  - b. Provide a rationale for the specific duration of the recommended expulsion.
  - c. Document how school officials determined that all behavioral and consequence interventions have been exhausted by specifying which interventions were attempted or whether school officials determined that no other appropriate and available interventions existed for the student.
  - d. Document how the student's continuing presence in school would (1) pose a threat to the safety of other students, staff, or members of the school community, or (2) substantially disrupt, impede, or interfere with the operation of the school.
5. Upon expulsion, the District may refer the student to appropriate and available support services.



### III. Lesser Disciplinary Measures

#### A. Detention and in-school suspensions

Detention, probation, in-school suspensions, removal from the classroom, or other consequences may be imposed for student disobedience or misconduct warranting lesser penalties. Student disobedience or misconduct warranting lesser behavior penalties than suspension or a recommendation for expulsion may be subject to other consequences, including, but not limited to, detention, probation, in-school suspensions, removal from the classroom, Individual/ Student Services (I.S.S.), Detention Hall, or Directed Study Room (D.S.R.).

1. Students shall be notified of the rules, as established by the local school, which will lead to imposition of lesser consequences if violated. If a student is to be detained after school for behavior reasons, school personnel will give the student 24-hour notice and will attempt to reach the parent and give the parent 24-hour notice of the detention. If there is mutual agreement (verbal or written) between the teacher and the parent, the 24-hour notice may be waived.
2. Students shall have no right of review by the Board of Education for the imposition of the lesser consequence of this section.

#### B. Isolated Time Out and Physical Restraint

This administrative procedure applies to all students. Isolated time out, time out, and physical restraint shall only be used if the student's behavior presents an imminent danger of serious physical harm to student or others, and other less restrictive and intrusive measures were tried and proven ineffective in stopping it. The District may not use isolated time out, time out, or physical restraint as discipline or punishment, convenience for staff, retaliation, a substitute for appropriate educational or behavioral support, a routine safety matter, or to prevent property damage in the absence of imminent danger of serious physical harm to the student or others. Any use of isolated time out, time out, or physical restraint by any staff member shall comply with the Ill. State Board of Education (ISBE) rules, Section 1.285, "Requirements for the Use of Isolated Time Out, Time Out, and Physical Restraint."

For further guidance, see ISBE's *Permanent Regulations for the Use of Time Out, Isolated Time Out, and Physical Restraint: Guidance and Frequently Asked Questions*, available at: [www.isbe.net/Pages/restraint-time-out.aspx](http://www.isbe.net/Pages/restraint-time-out.aspx). **Note:** The special education committee of the Ill. Council of School Attorneys collaborated with ISBE on this guidance in its continuing commitment to help school boards and their districts comply with ISBE requirements.

A written record of each episode of isolated time out, time out, or physical restraint must be created by the Superintendent or designee using the ISBE *Physical Restraint and Time Out* form, available at: [www.isbe.net/Pages/restraint-time-out.aspx](http://www.isbe.net/Pages/restraint-time-out.aspx). Additionally, ISBE's *Physical Restraint, Time Out, and Isolated Time Out Bill of Rights*, at: [www.isbe.net/Documents/RTO-Bill-of-Rights.pdf](http://www.isbe.net/Documents/RTO-Bill-of-Rights.pdf), or a similar document can be provided to parents/guardians within one business day after each incident of isolated time out, time out, or physical restraint to meet notification requirements in 105 ILCS 5/10-22.33(g) and 23 Ill.Admin.Code §1.285(g)(3).

Isolated time out and physical restraint are defined as follows:

**Isolated time out** the involuntary confinement of a student alone in a time out room or other enclosure outside the classroom without a supervising adult in the time out room or enclosure. Isolated time out does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment.

**Time Out** - a behavior management technique for the purposes of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with an adult trained under 23 Ill.Admin.Code §1.285(i) for part of the school day, only for a brief time, in a non-locked setting. Time out does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment.

**Physical restraint** - holding a student or otherwise restricting a student's movements using a specific, planned technique.

A physical restraint shall not impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's ability to speak.

*Prone physical restraint* is a physical restraint in which a student is held face-down on the floor or other surface and physical pressure is applied to the student's body to keep the student in the prone position. Prone physical restraint is prohibited except in special education nonpublic facilities under 105 ILCS 5/14-7.02 when all of the criteria in 23 Ill.Admin.Code §1.285(d)(4) are met. Prone physical restraint is entirely prohibited after the 2021-2022 school year. 23 Ill.Admin.Code §1.285(d)(4)(F).

*Supine physical restraint* is a physical restraint in which a student is held face up on the floor or other surface and physical pressure is applied to the student's body to keep the student in the supine position. Supine physical restraint is prohibited unless all of the criteria in 23 Ill.Admin.Code §1.285(d)(5) are met.

Restraint does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to: (1) prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or (2) remove a disruptive student who is unwilling to leave the area voluntarily.

"Momentary periods of physical restriction" are considered physical escorts under the definition provided by the U.S. Department of Education. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. A physical escort that meets the U.S. Department of Education definition of physical escort is not considered a physical restraint.

**The following shall also apply:**

1. The circumstances under which isolated time out, time out, or physical restraint will be applied are limited to maintaining a safe and orderly learning environment, to the extent necessary to preserve the safety of the student and others. 23 Ill.Admin Code §1.285(j)(1).
2. The ISBE rules are adopted as the district's written procedure to be followed by staff for the use of isolated time out or physical restraint. 23 Ill.Admin.Code §1.285(j)(2).
3. Staff members shall inform the Building Principal whenever isolated time out, time out, or physical restraint is used, and the Building Principal shall maintain the documentation required according to Section 1.285(j)(3). 23 Ill.Admin.Code §1.285(j)(3). 23 Ill.Admin.Code §1.285(j)(4).
4. The building principal shall investigate and evaluate any incident that results in an injury that the affected student, parent/guardian, staff member, or other individual identifies as serious.
5. The superintendent or designee shall compile an annual review of the use of isolated time out, time out, or physical restraint. The building principal shall report the following information to the superintendent or designee in order to facilitate the report's compilation. 23 Ill.Admin.Code §1.285(j)(5).
  - a. the number of incidents involving the use of these interventions;
  - b. the location and duration of each incident;
  - c. identification of the staff members who were involved;
  - d. any injuries or property damage that occurred; and
  - e. the timeliness of parental or guardian notification and timelines for agency notification and administrative review.

## **IV. Administrative Procedure-Misconduct by Students with Disabilities**

### **A. Special Education Suspension Procedures**

1. All suspension notices and suspension review procedures established by The School Code shall be followed when suspending a special education student. In addition, a special education student who is suspended from school shall receive educational services in accordance with the IDEA.
2. The first time a student is removed for more than 10 cumulative days during the school year, days after the decision to suspend a student is made, convene an IEP meeting to review and, if appropriate, modify the student's behavior intervention plan, as necessary, to address the student's behavior. If no behavior intervention plan is in place, the IEP team shall develop a plan for a functional behavioral assessment that must be used to develop a behavior intervention plan.
3. For all subsequent removals of the student that do not constitute a change in placement, the IEP team members must review the behavior intervention plan and its implementation. If any team member indicates that the plan may need to be modified, the IEP team must be convened to review the plan and revise it, if appropriate.
4. For all removals that exceed 10 cumulative days during one school year, the district must provide services to the student. School personnel, in conjunction with the student's special education teacher, shall determine the services to be provided. Such services must be designed to enable the student to progress in the general curriculum and advance toward his or her IEP goals.

### **B. Special Education Expulsion Procedures**

1. The district shall promptly notify the student's parent(s)/guardian(s) of the disobedience or misconduct and whether the student shall be recommended for expulsion. All procedural protections pertaining to notice provided under the district's behavior policy shall apply to a notice of recommended expulsion in the case of a special education student. The parent(s)/guardian(s) shall also receive written notification that:

- a. An IEP conference shall be convened to determine whether the student's act of gross disobedience or misconduct is a manifestation of his or her disability. The IEP meeting shall take place as soon as possible, but no later than 10 school days after the decision to provide consequences for the student is made.
- b. The student's parent(s)/guardian(s) are requested to attend the IEP team meeting at the date, time, and location specified in the notice.
2. For purposes of such manifestation determination review, the IEP team shall include the members of the student's IEP team and other qualified personnel including, but not limited to, the authorized administrator familiar with the act of misconduct.
3. In carrying out the manifestation determination review, the team shall consider, in terms of the behavior subject to the consequences, all relevant information including:
  - a. evaluation and diagnostic results, including relevant information supplied by the parents;
  - b. observations of the student; and
  - c. the student's IEP and placement.
4. The team may determine that the subject behavior was not a manifestation of the student's disability only if it is determined that:
  - a. the student's IEP and placement were appropriate and special education, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;
  - b. the student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to the consequence; and
  - c. the student's disability did not impair the ability of the student to control the behavior subject to the consequence.
5. If, at the manifestation determination review conference, it is determined that the behavior of the student was a manifestation of his or her disability, the authorized administrator shall not continue with his or her recommendation for expulsion. The authorized administrator may request a review of the appropriateness of the educational placement of the student in accordance with the ISBE Special Education Rules and Regulations. During the period necessary to propose a new placement, the student will remain in his or her then-current placement unless:
  - a. the student has not served a full 10 school day suspension imposed for the offense, in which case the student may be required to serve the remaining days of his or her suspension; or
  - b. the parent(s)/guardian(s) and the District agree on an interim placement; or
  - c. the District obtains an order from a court of competent jurisdiction or a State of Illinois hearing officer changing the then current placement or providing for other appropriate relief.
6. If, at the manifestation determination review conference, it is determined that the behavior of the student was not a manifestation of his or her disability, the authorized administrator may continue with his or her recommendation that the student be considered for expulsion by the School Board. The parent(s)/guardian(s) shall receive written notice that includes the following provisions:
  - a. The parent(s)/guardian(s) are entitled to all rights provided under the IDEA and those set forth in the ISBE Special Education Rules and Regulations, as available to the parent(s)/guardian(s) from the district. A copy of the parent(s)/guardian(s) rights shall be included with the expulsion hearing notice.
  - b. In addition to issues regularly determined at an expulsion hearing, the authorized administrator must present evidence that the manifestation determination review team met and concluded that the student's misconduct was not a manifestation of his or her disability, which shall be duly noted by the School Board.
  - c. The administration shall ensure that relevant special education and behavior records of the student are transmitted for consideration by the School Board.
7. If a special education student is expelled from school in accordance with the procedures set forth above, the district shall convene an IEP meeting to develop an educational program to deliver educational services to the student during such period of expulsion.

### **C. Weapon and Drug Offenses**

In accordance with the above procedures, the district may take one or more of the following steps when a student with a disability carries a weapon to school or to a school function or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school-related function:

1. suspend the student from school for 10 school days or less.
2. convene an IEP conference to: (a) determine placement in an interim alternative educational setting for up to 45 calendar days, (b) review and, if appropriate, modify the student's behavior intervention plan, as necessary, to address the student's behavior, (if no behavior intervention plan is in place, the IEP team shall develop a plan for a functional behavioral assessment that must be used to develop a behavior intervention plan), and (c) conduct a manifestation determination review. The student may be placed in an interim alternative educational setting even if the behavior is a manifestation of the student's disability.
3. The interim alternative educational setting must:
  - a. enable the student to continue to progress in the general curriculum;

- b. enable the student to receive the services and modifications set forth in his or her IEP; and
  - c. include services and modifications designed to address the misconduct to prevent it from recurring.
4. If the parent(s)/guardian(s) disagree with the alternative educational placement or with the district-proposed placement and initiate a due process hearing, the student must remain in the alternative educational setting during the authorized review proceedings, unless the parent(s)/guardian(s) and the district agree on another placement.

**D. Change of Placement if Maintenance of Current Placement Is Likely to Result in Injury**

In the event that maintenance of a student’s current placement is substantially likely to result in injury to the student or to others, the district may seek an order from a court of competent jurisdiction or a State of Illinois Due Process Hearing Officer to change the student’s placement to an appropriate interim alternative educational setting for one or more 45-day periods after convening an IEP meeting to:

- 1. conduct a manifestation determination review following procedures described under subheading “Special Education Expulsion Procedures,” paragraph numbers 3 and 4, and
- 2. determine a proposed interim alternative educational setting that meets the requirements under sub-heading “Weapon and Drug Offenses,” in paragraph number 3.

The length of time a student with a disability is placed in an alternative educational setting must be the same amount of time that a student without a disability would be subject to the consequence.

HCUSD No. 5 does not discriminate against any student/employee by reason of gender, identity, sex, sexual orientation, religion, race, age, creed, color, disability or national