

July 22, 2009

**ADOPT STUDENT CODE OF CONDUCT FOR CHICAGO PUBLIC SCHOOLS
FOR THE 2009-2010 SCHOOL YEAR**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education adopt the Student Code of Conduct ("SCC") for the 2009-2010 school year which is attached hereto. This SCC has been updated to reflect the Board's current organizational structure and policies. The 2009-2010 SCC will become effective September 17, 2009.

DESCRIPTION: Modifications from the previous year's Student Code of Conduct are summarized below.

Student Code of Conduct: has been modified to replace all references to the position of "Area Instruction Officer" with reference to the "Chief Area Officer."

Overview of the Student Discipline Process: *Step 6: Appeals* has been modified to clarify a student's/parent's right to report sexual harassment to the Board's Title IX Officer.

Appendices: name of Appendix F has been changed from "Notice to Parents and Students Regarding Student Records, Student Interventions and Student Surveys" to "Notice to Parents and Students Regarding Board Policies."

Appendix F has been modified to include language that defines the position "school official" for the

Dear Students, Parents, Teachers and Administrators:

As we begin an exciting new school year, I encourage you to take time to review the Chicago Public Schools Student Code of Conduct ("SCC").

The SCC was adopted by the Chicago Board of Education ("Board") to help create a safe environment for

all students and school personnel by providing a set of expected behaviors for students and a transparent process for administrators for correcting inappropriate behavior. However, the SCC is only a resource. It

environment.

September 17, 2009

Dear Students, Parents, Teachers and Administrators:

to review the 2009-2010 CPS Student Code of Conduct ("SCC").

The SCC was adopted by the Chicago Board of Education ("Board") to help create a safe environment for all students and school personnel. The SCC sets forth the expected behaviors for students and a transparent process for administrators to redirect inappropriate behavior. The SCC has been updated this year to reflect the Board's current policies and organizational structure.

However, the SCC is only a resource. It will take the collective efforts of students, parents, teachers and administrators to create a safe learning environment where all students can excel.

Administrators are expected to ensure that each student and parent receives a copy of the SCC. Administrators shall collect from each student a signed Acknowledgment of Receipt of the SCC ("Receipt"), located in Appendix H. When student misconduct occurs, administrators shall be guided by the recommendations in the SCC to ensure that students receive due process. Also, administrators are

Effective ~~September 11, 2008~~ September 17, 2009

**BOARD OF EDUCATION OF THE CITY OF CHICAGO
POLICY STATEMENT**

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

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

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

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

Balanced and Restorative Justice and the SCC

The Code also reflects alternative approaches to classroom management and student discipline. Specifically, the Board recognizes and embraces the philosophy of restorative justice.

Restorative justice principles involve those who have a stake in a specific offense in collectively identifying and addressing the harm done and the needs and obligations of all involved in order to

heal and correct the situation as fully as possible. The Board encourages principals and

Discipline in Charter, Contract and Performance Schools

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

Charter schools are not exempt from IDEA or from federal and state regulations as they pertain to discipline of students with disabilities. If a Charter school establishes their own discipline policies, they must incorporate language and comply with the guidelines for suspension and exclusion of

students with disabilities outlined in Appendix E of the SCC. Charter schools must also comply with policies and procedures established by the Office of Specialized Services for the discipline of

OVERVIEW OF THE STUDENT DISCIPLINE PROCESS

Step 1: School Officials Investigate

- ◆ The local school official in charge of discipline should talk to all students, teachers, school

personnel and other witnesses to the incident.

- ◆ The local school official in charge of discipline must make every reasonable effort to notify the parent/guardian of a student who has been injured as a result of an act of misconduct

- ◆ The investigation may necessitate a search of the student, his/her locker, desk or personal belongings. A search should be conducted only if necessary and any search that is conducted

shall be performed in compliance with Board Policy 02-0227-PO1, Procedures for Search, Seizure and the Use of Metal Detectors at School Facilities

Step 6: Appeals

- ◆ If a student, parent, or guardian feels that the intervention or consequence taken is unwarranted or excessive, he or she has the right to ask the principal to review the matter and to reconsider the decision.

▲ In the event that a parent or guardian wishes to appeal a principal's decision to suspend a

student, refer student for suspension. He or she must appeal to the Assistant Chief of Police.

If a proper official has any questions regarding the decision of whether to notify the police, he or she

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

1-2 Leaving the classroom without permission

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

2-1 Disrupting the school or school grounds by any of the following:

2-2 Leaving the school without permission

2-3 Interfering with school authorities and programs through walkouts or sit-ins

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

**3-2 Gambling

2 4 Profane, obscene, indecent, and immoral or seriously offensive language and gestures

These acts of misconduct include those student behaviors that

are

These acts of misconduct include those student behaviors that most seriously disrupt the orderly

educational process in the Chicago Public Schools, such as the following:

*5-1 Aggravated assault

*5-2 Burglary

*5-3 Theft or possession of stolen property exceeding \$450 in value

**5-4 Use of intimidation, credible threats of violence, coercion, persistent severe bullying

5-5 Gross disobedience to the authority of school personnel

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

*6.1 Use, possession, and/or concealment of a firearm/destructive device or other weapon or

"look alike" of weapons as defined in this Code, or use or intent to use any other object

Appendix A Sample Misconduct Report

Appendix B Exclusion Hearing and Emergency Alternative Placement Guidelines

Appendix C Glossary of Terms

Appendix D Reference Guide for Groups 4, 5 and 6 Inappropriate Behaviors Involving Dangerous Objects, Weapons or Look-Alike Weapons

Appendix E Procedural Guide for Students with Disabilities

Appendix F Notice to Parents and Students Regarding ~~Student Records, Student Interventions and Student Surveys~~ Board Policies

Appendix G Balanced and Restorative Justice Strategies

Appendix H Acknowledgment of Receipt of the COC

Appendix A

SAMPLE MISCONDUCT REPORT

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

Chicago Public Schools
Bureau of Safety and Security

~~MISCONDUCT REPORT~~

UNIT NUMBER: _____

Student ID Number: _____

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

Incident Report Number: _____

Narrative (if needed): _____

ACCIDENT REPORT COMPLETED: ☐ Yes ☐ No

GANG RELATED: ☐ Yes ☐ No

DISCIPLINARY ACTION TAKEN:

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

Area where misconduct occurred: _____

EXPULSION HEARING AND EMERGENCY ALTERNATIVE PLACEMENT GUIDELINES**Hearing Procedures**

- ◆ If a student engages in inappropriate behavior, a Misconduct Report is prepared and the parent or guardian and student are contacted, notifying them of the misconduct.
- ◆ When a student engages in an Inappropriate Behavior that results in a referral for a disciplinary hearing, the parent/guardian of the student will be sent a Notice of Request for Disciplinary Hearing letter and a Notice of Disciplinary Hearing letter. These notices will provide a description of the incident, the date of the incident, the SCC misconduct number, and the time and date for the disciplinary hearing.
- ◆ At the hearing, testimony from all witnesses for the Chief Executive Officer, as well as for the student, will be heard and documentary evidence may be introduced.
- ◆ After the hearing, the hearing officer provides an opinion to the Chief Executive Officer for final approval. The hearing officer's opinion shall set forth his or her recommended consequences as

intervention for the student's misconduct.

If a student in Grades 6-12 has not incurred any Group 5 or 6 violations during the previous nine

GLOSSARY OF TERMS

identity, or any assault against school personnel.

Aggravated battery: Any battery to another that either causes great harm, is done with a deadly

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

~~Due process. The notification to the student and the report concerning alleged act(s) of misconduct, the~~

~~right to appeal the opportunity to answer the charges and the reasons as to why intervention or~~

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

Murder - Killing of an individual without legal justification.

signs, symbols, and signals that signifies or exhibits an individual's affiliation with a gang that seriously disrupts the educational process. Gang affiliation can be implied from the character of the individual's acts as well as the circumstances surrounding the misconduct.

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

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

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

Trespassing - Entrance onto school grounds when previously prohibited or remaining on school grounds

REFERENCE GUIDE FOR GROUPS 4-5 AND 6 INAPPROPRIATE BEHAVIORS INVOLVING

DANGEROUS OBJECTS, WEAPONS OR LOOK-ALIKE WEAPONS

SECTIONS 4-13 AND 5-11

If a student simply has one of these objects in his or her possession, but does not use them, (e.g., has a knife in his pocket)

[REDACTED]

[REDACTED]

Other Objects - these include:

Blackjack
Slingshot
Sand club
Sandbag
Metal/brass knuckles
Throwing stars
Tasers/stun guns

“Look-Alike” Firearms - these include:

B.B. guns

Other objects, including “toys” or replicas that reasonably resemble real firearms

6-1 SPECIAL CONSIDERATION

If a student simply has any of these objects, or any other similar object in his/her possession, (s)he

should not be charged with a violation of the SCC. If a student uses, or intends to use, any of these objects to inflict bodily harm on someone, the student should be charged with a violation of Section 6-1.

Sporting Equipment - these include but are not limited to:

Baseball bats
Golf clubs

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

Combs with sharp handles
Tweezers

PROCEDURAL SAFEGUARDS FOR STUDENTS WITH DISABILITIES

School officials may suspend students with disabilities and cease educational services for a total of up to

10 consecutive or 10 cumulative school days in one school year without providing special education procedural safeguards. Saturday, and before- and after-school detentions do not count toward the 10-day limit. Additionally, as long as students with disabilities are being provided with special education

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

Federal regulations offer some flexibility in suspending students with disabilities in excess of 10 school days in the school year in certain circumstances. In order to determine whether the circumstances permit a suspension in excess of 10 days per school year, consultation by the school with the Office of Due

NOTICE TO PARENTS AND STUDENTS

REGARDING STUDENT RECORDS, STUDENT INTERVENTIONS AND STUDENT GRIEVANCE BOARD

POLICIES

Under the Federal Family Educational Rights and Privacy Act ("FERPA") and the Illinois School Student Records Act ("ISSRA"), students and their parents have certain rights with respect to the student's educational records. These rights transfer solely to the student who has reached the age of 18, graduated from secondary school, married or entered into military service, whichever comes first.

Student Records

The law requires the Board of Education of the City of Chicago (the "Board") to maintain educational records, which include both "educational records" and "non-educational records."

policy on "Parent and Student Rights of Access to and Confidentiality of Student Records"
(www.policy.org/1121116/documents/7062-116)

Generally, schools may not release student records information without written permission from the parent. However, the law allows the disclosure of records without consent to select parties, including:

Filing of Complaints

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

Student Interventions

The District maintains a policy on the use of momentary physical interventions to maintain the safety of students and staff and to remove disruptive students from the classroom. (<http://policy.cps.k12.il.us/documents/705.7.pdf>) The District also maintains a policy on the use of Behavioral Interventions, Physical Restraints and Isolated Time-Outs with Students with Disabilities (<http://policy.cps.k12.il.us/documents/202.4.pdf>). Copies of these policies can be obtained through the

BALANCED AND RESTORATIVE JUSTICE STRATEGIES

Following is a listing of generally accepted balanced and restorative justice strategies. Balanced and restorative justice strategies may be used at the discretion of the principal in lieu of certain other non-Group 5 or 6 interventions set forth in the SCC, when all parties voluntarily agree to participate and the appropriate resources are available to support a meaningful effort. These strategies may also be used in conjunction with other interventions. This list is not exhaustive of all balanced and restorative justice strategies.

Circles

(Also called Peacemaking Circles, Circles of Understanding)

victim, victim supporters, the offender, offender supporters, police, and all interested community

Goals

The goals of community service are to:

- Hold offenders accountable for the harm they have caused to the school community

~~Provide school communities with better resources that can assist in maintaining a positive~~

school climate

- Allow victims a voice and occasionally some direct benefit by recommending the type of community service performed

Implementation

~~Successful community service programs require a true partnership. Offenders in a school community can~~

The conference typically begins with the offender describing the incident, followed by each participant describing the impact of the incident on his or her life. It is preferable to allow the victim to start the discussion if they wish. Through these sessions, the offender is faced with the human impact of the

behavior on the victim, on those close to the victim, and on the offender's own family and friends. The victim has the opportunity to express feelings and ask questions about the incident. After a thorough

discussion of the impact of the behavior on those present, the victim is asked to identify desired outcomes from the conference, and thus help to shape the obligations that will be placed on the offender. All

Implementation

Many criminal and juvenile justice agencies have institutionalized victim impact panels as a sentencing option. Victim service organizations either implement the program for the court, or work in collaboration with justice personnel to conduct panels. Whatever the structure, victim service agencies are usually the best

ACKNOWLEDGEMENT OF RECEIPT OF THE STUDENT CODE OF CONDUCT

Chicago Public Schools
Student Code of Conduct
~~2008-2009~~
2009-2010

Student Agreement

_____, (print student's name) have received and read the

Student Code of Conduct ("SCC") for the Chicago Public Schools. I am aware of my rights and responsibilities under the SCC. Furthermore, I understand that acts of misconduct or inappropriate student behavior will result in interventions and consequences as stated under the SCC.

Student Signature

Date

Parent/Guardian Agreement

Parent or Guardian

Chicago Public Schools believes that you should be informed regarding our effort to