

**ADOPT UNIFORM DISCIPLINE CODE FOR
CHICAGO PUBLIC SCHOOLS FOR 2004-2005 SCHOOL YEAR**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Chicago Board of Education adopt the Uniform Discipline Code (UDC) for the 2004-2005 school year which is attached hereto. This UDC has been updated to modify the actions necessary for disciplinary offenses, to clarify certain disciplinary actions, and to modify the actions necessary to discipline special education students. The 2004-2005 UDC will become effective September 13, 2004.

DESCRIPTION: Modifications from the previous year's UDC are summarized below and are noted on the attachment.

Additional Language

Principal Responsibilities: adds language to emphasize that all acts of misconduct must be documented in a Misconduct Report.

Expulsion Guidelines: adds language to explain when emergency placement referrals are used.

Group 3 – Acts of Misconduct: adds Act of Misconduct 3-12 for inappropriately wearing any JROTC or Military Academy Uniform

Clarification/Modification of Current Language and Acts of Misconduct

Procedural Guide for Students with Disabilities: adds language to clarify that the 10 day limit on suspension days for students with disabilities is only a maximum, and that the principal has discretion to suspend a student with disabilities for less than 10 days.

Procedural Guide for Students with Disabilities: adds language to emphasize that consultation with the Department of Due Process is necessary before a student with disabilities can be suspended when that student has already been suspended for 10 days consecutive or cumulative that school year.

Student Misconduct: adds language that clarifies that the UDC is not meant to punish poor academic behavior.

Group 2-Acts of Misconduct: modifies Act of Misconduct 2-4 to correct the spelling of "physcal" to "physical".

Group 5-Acts of Misconduct: adds a footnote to Act of Misconduct 5-8 to clarify that attempts to commit any act of illegal behavior is an illegal behavior itself.

Group 5-Acts of Misconduct: adds footnote to Act of Misconduct 5-13 providing an example of inappropriate minor physical contact with school personnel.

Groups 1, 2, 3, and 4-Acts of Misconduct: adds footnote to clarify "In-school Service."

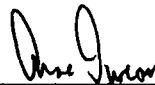
Groups 1, 2, 3 and 4 – disciplinary Action – Maximum to Minimum: adds language that clarifies that in-school suspensions may be awarded for a maximum of three school days.

Approved for Consideration:



**Barbara Eason-Watkins
Chief Education Officer**

Approved:



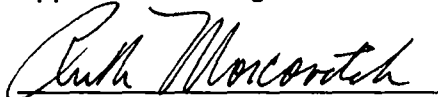
**Arne Duncan
Chief Executive Officer**

Noted:



**John Maiorca
Chief Financial Officer**

Approved as to Legal Form:



**Ruth Moscovitch
General Counsel**

UNIFORM DISCIPLINE CODE

2004-2005

BOARD OF EDUCATION OF THE CITY OF CHICAGO

POLICY STATEMENT

The Chicago Board of Education ("Board"), the governing body of the Chicago Public Schools, is responsible for establishing policies under which schools operate. To promote desirable student conduct and behavior, a Uniform Discipline Code (UDC) has been adopted. This Code recognizes that the Chicago Public Schools has the responsibility for ensuring that the school environment is safe for all students. Furthermore, it expects all students enrolled in the Chicago Public Schools to accept responsibility for their actions and behavior. Those who are found to possess illegal drugs, firearms, or other dangerous weapons, or those who commit acts of misconduct which seriously disrupt the orderly educational process will be suspended immediately and face possible expulsion.

The UDC is consistent with The School Code of Illinois, 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. The following goals have been established in regard to the UDC:

- Codify the penalties that shall be applicable systemwide, yet retain administrative flexibility in their application.
- Establish zero tolerance for certain acts of misconduct.
- Permit individual schools to adopt additional regulations governing actions not covered by the code of conduct. However, such additional regulations may neither substitute for nor negate any of the provisions or the spirit or intent of the UDC. Any modifications to this provision must be approved in writing by the Board or its designee.

PROCEDURAL GUIDE FOR STUDENTS WITH DISABILITIES

School officials may suspend students with disabilities and cease educational services for up to 10 consecutive or 10 cumulative school days in one school year without providing special education procedural safeguards. Principals do not have to suspend students with disabilities for the mandatory periods set forth in this Code for a single offense. The Principal has discretion to be flexible in the amount of days of suspension given to each special education student. Students with disabilities can be suspended in excess of 10 school days in certain circumstances. In order to suspend a student with a disability in excess of 10 school days, the Department of Due Process MUST first be consulted for approval. When school officials anticipate a referral for expulsion or ~~to an~~ for emergency alternative school placement, ~~or anticipate that suspensions may exceed 10 cumulative school days~~, the following apply:

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

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

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

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

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

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

~~If the parent requests a due process hearing, the alternative placement shall be limited to 45 days. The Chief Executive Officer may ask for a hearing officer to order a 45-day interim placement if the student is substantially likely to cause injury to himself/herself or others.~~

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

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

STUDENT RESPONSIBILITIES

ATTENDANCE

- Be punctual and attend every class
- Present a written excuse when absent or tardy
- Provide proper identification when requested

DRESS AND GROOMING

- Observe basic standards of cleanliness, modesty, and good grooming
- Dress in a manner that neither disrupts the educational program nor poses a safety hazard

CITIZENSHIP

- Do not take or damage property of other students, school personnel, or the Chicago Public Schools
- Return in the best condition possible any books, equipment, and other school materials
- Return all found property to the Lost and Found or to the school main office
- Behave in a manner that is consistent with the Uniform Discipline Code; know and follow school rules and procedures
- Have pride in your school

- Be honest and courteous
- Refrain from drug use, alcohol use, and possession, concealment, or use of illegal weapons
- Respect the rights of fellow students, school personnel, and others, while setting a good example
- Seek assistance from school personnel to prevent or resolve conflicts
- Report incidents or activities that may threaten or disrupt the school environment

ACADEMICS

- Do your best to achieve excellence in personal conduct and academics
- Make every effort to graduate on time
- Contribute to a good learning climate
- Improve your performance upon notice of unsatisfactory progress

EXTRACURRICULAR ACTIVITIES

- Behave in an exemplary manner (*misconduct at school-sponsored events is subject to code sanctions*)
- Show good sportsmanship (*students or teams violating the ethics of competition or principles of good sportsmanship during a sporting event may be subject to appropriate disciplinary action that can include barring from future participation as spectators or participants or both; details can be found in the constitution and bylaws of the Board of Athletic Control*)

STUDENT RIGHTS

A FREE AND APPROPRIATE PUBLIC SCHOOL EDUCATION

- Graded on their academic performance
- Given explanation of the basis for any grades received
- Allowed to make up classwork after an excused absence
- Given the right to appeal decisions regarding an absence

EQUAL TREATMENT IN ALL ASPECTS OF THE EDUCATION SYSTEM

- Due process in disciplinary reassignment, in-school suspension, suspension for 10 days or less, and expulsion
- Educational services, when married and/or pregnant, under the same conditions afforded other students
- Privacy in personal possessions (subject to school officials' right to conduct searches when they are reasonable)
- Liberty to distribute independent publications in school without substantial or material disruption to the educational process

FREE AND APPROPRIATE COUNSELING SERVICES

- Information about guidance services and cocurricular activities
- Help for an alcohol-, health-, or drug-related problem

PARENT RESPONSIBILITIES

- Present to school officials your case/cause in a calm, reasoned manner
- In the best interest of the student, work with the school on disciplinary matters
- Visit the school regularly; obtain a visitor's pass in the principal's office
- Plan the time and place for homework assignments and provide necessary supervision
- Talk with your child about school activities and expected behavior
- Assume responsibility for your child's prompt and regular compliance with attendance rules and procedures
- Recognize the authority of the teacher in the classroom

- Instill in the student respect of the law, including the rights of others
- Be responsible for the periodic student health examinations required by law
- Work to represent students' interests through the Local School Council, PTA, other school organizations, and committees
- Attend all requested conferences
- Volunteer three or more days per year

PARENT RIGHTS

- Receive regular official reports of the student's academic progress
- Inspect, copy, and challenge according to the appropriate guidelines any and all information contained in the student's records (*students 18 years or older become the recipient of these rights*)
- Receive an explanation of the basis of any grade given by the teacher
- Receive a prompt report of the student's tardiness or absence from one or more classes
- Receive information concerning the complete program offered in the school
- Participate in local school organizations and volunteer activities
- Receive, as requested, a conference with the teacher and/or the principal
- Receive copy of misconduct reports when issued by the school
- Exercise the right to appeal disciplinary actions, when appropriate

TEACHER RESPONSIBILITIES

- Use professional ethics in relationships with students, parents, the community, and other school personnel
- Know and enforce school rules courteously, consistently, and fairly, and deal with misconduct quickly, firmly, and impartially
- Devote school hours exclusively to official duties
- Inform parents about the academic progress and conduct of their children, using established citywide criteria
- Demonstrate by attitude and actions genuine concern and respect for each student
- Plan and conduct a program of instruction that captures the interest and meets the needs of each student
- Be sensitive to the behavior of each student, and work with the student assistance personnel
- Manage classroom routines to contribute to the program of instruction and to the development of civic responsibility
- Attend class on a regular basis and be punctual
- Observe the basic standards of cleanliness, modesty, and good grooming

TEACHER RIGHTS

- Be present at any disciplinary conference concerning serious classroom disruption
- Be free from any physical or verbal threats while carrying out teaching and other duties
- Have guarantees as cited in the Agreement between the Board of Education of the City of Chicago and the Chicago Teachers Union

LOCAL SCHOOL COUNCIL RESPONSIBILITIES

- Advise the principal concerning the attendance and disciplinary policies for the school
- Monitor and evaluate the implementation of those policies

PRINCIPAL RESPONSIBILITIES

- Use professional ethics in relationships with staff, students, parents, and the community
- Provide orientation to new teachers and continuing assistance to all school personnel to resolve problems as they arise
- Review, monitor, and evaluate the program of instruction, and articulate the program to parents and the community at-large on an ongoing basis
- Involve the teachers and the auxiliary staff and, when appropriate, the staff of public and private agencies, with parents and students to identify problems and resolutions
- Establish a discipline committee and work with the staff to develop and enforce school regulations, relating them to systemwide policies
- Seek the assistance of appropriate staff, parents, and community agencies as needed to provide for the welfare of the students
- Demonstrate by attitude and actions genuine concern and respect for all
- Confer with school personnel, parents, students, and appropriate community agencies to formulate procedures and programs that will ensure socially acceptable student conduct
- Prepare and submit incident reports for Group 4, 5 and 6 violations and misconduct reports for all violations to the Bureau of Safety and Security and the Office of the Chief Education Officer or designee. Misconduct reports must be prepared, recorded, and a copy forwarded to the student's parent or legal guardian for every act of misconduct.
- Notify the Chicago Police Department as necessary
- Provide assistance to the Law Department in expulsion proceedings, including identification and production of witnesses and transmittal of documents to the Chief Education Officer or designee, and review all documentation forwarded to ensure that it is complete, accurate and properly written

PRINCIPAL RIGHTS

- Cited in Section 34-8.1 of The School Code of Illinois, Board of Education Rule 6-12 and the Uniform Principal Performance Contract

CHIEF EDUCATION OFFICER OR DESIGNEE DISCIPLINARY RESPONSIBILITIES

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

Staff are reminded that Board of Education Rule 6-21 states: "No employee of the Board of Education may inflict corporal punishment of any kind upon persons attending the public schools of the City of Chicago."

It is the policy of the Board of Education of the City of Chicago to prohibit discrimination or harassment against any employee or student on the basis of the employee's or student's race, color, national origin, sex, gender, sexual orientation, age, religion, or disability. (Board Rule 1-14.)

STUDENT MISCONDUCT

This section describes a broad range of misconduct that is prohibited for Chicago Public Schools students. Because the following sections listing acts of misconduct do not include all types of misconduct, the student who commits an act of misconduct not listed under the sections herein shall be subjected to the discretionary authority of the classroom teacher and the principal or designee. Poor academic achievement is not considered an act of misconduct. Therefore, the UDC may not be used to discipline students for poor academic progress or failure to complete assignments.

All disciplinary actions for misconduct should include a conference between the teacher and/or principal or designee and the student, followed by notification to the parent(s) or guardian. Where schools have implemented School Peer Juries approved by the Chief Education Officer or designee, a student may be given the option of appearing before a Peer Jury for determination of the disciplinary actions to be taken for groups 1-3 Acts of Misconduct only. The student, parent, or guardian who feels that the disciplinary action taken is unwarranted or excessive has the right to appeal to the principal. The next level of appeal is to the Office of the Chief Education Officer or designee.

The disciplinary process is intended to be instructional and corrective, not punitive. In addition to the disciplinary actions listed in this policy, schools may assign students to workshops in truancy/violence prevention or in conflict resolution. In lieu of in-school or out-of-school suspensions for acts of misconduct in groups 1-4, a school may also assign students to before or after school or Saturday detention if such a program is available at the school. Students whose acts of misconduct most seriously disrupt the educational process may be subject to expulsion.

The policies and administrative procedures apply to actions of students during school hours, before and after school, while on school property, while traveling on vehicles funded by the Board, at all school-sponsored events, 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 serious acts of misconduct which occur either off campus or during non-school hours when the misconduct disrupts or may disrupt the orderly educational process in the Chicago Public Schools. For violations of the UDC that involve improper use of Information Technology Devices, the student may be subject to discipline pursuant to the UDC, in addition to having his/her network privileges suspended.

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

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

The range of disciplinary actions in this Code is listed from the least severe to the most severe. Staff members shall consider all mitigating circumstances prior to disciplinary action and ensure due process for each student. Mitigating circumstances include, but are not limited to, the following factors:

- Age, health, maturity, and academic placement of a student
- Prior conduct
- Attitude of a student
- Cooperation of parent/guardian
- Willingness to make restitution
- Seriousness of offense
- Willingness of student to enroll in a student assistance program

The acts of misconduct on the following pages which are preceded by an asterisk (*) also violate criminal laws, and the Chicago Police Department must be notified by the school for each violation. Acts of misconduct preceded by double asterisks (**) **may** also be violations of criminal law and **may** require police notification if the misconduct is serious and/or the student persists in misconduct after being told to cease such behavior. Whenever the school notifies the police concerning student misconduct, the school must also immediately attempt to contact the parent/guardian of that student. If questions occur concerning police notification, please consult the Law Department at (773) 553-1700.

APPEALS TO DISCIPLINARY ACTION

All appeals of a student's suspension, after a final decision by the principal, shall be made to the Chief Education Officer or designee (in writing if requested).

Appeals of the final determination of a student's expulsion shall be made in writing and sent, along with any additional evidence not available at the time of expulsion, to the Chief Education Officer. The Chief Education Officer's decision regarding the appeal is final.

GROUP 1 - ACTS OF MISCONDUCT

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

- 1-1 Running and/or making excessive noise in the hall or building
- 1-2 Leaving the classroom without permission
- 1-3 Being improperly dressed¹
- 1-4 Displaying any behavior that is disruptive to the orderly process of classroom instruction
- 1-5 Loitering
- 1-6 Failing to attend class without a valid excuse
- 1-7 Persistent tardiness to school or class
- 1-8 Unauthorized possession of pagers or cellular telephones²
- 1-9 Use of the CPS computer network for the purpose of accessing non-educational material³

Disciplinary Action - Minimum to Maximum

FIRST VIOLATION

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

SECOND VIOLATION

- ◆ Teacher-Student-Resource Person- Administrator Conference
- ◆ In-school Suspension (one to three days)
- ◆ Detention/In-school Service⁴
 - Before School -After School -Saturday
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by principal)
- ◆ Suspension of CPS Network privileges for improper use of the CPS network for one to five days, in addition to any other disciplinary action listed

¹ Students who fail to abide by the school uniform policies may not be suspended, expelled, or otherwise barred from attending school, but may lose extracurricular privileges.

² Upon written request from a parent or legal guardian, a principal may authorize a student to possess a pager or cellular telephone for medical and other family emergencies, or for any other good cause. A denial of authorization for possession or use of pagers or cellular telephones may be reviewed by the Chief Education Officer or designee.

³ Non-educational materials include, but are not limited to, games, pornographic material, or other inappropriate material.

⁴ In-school service does not indicate that students may be compelled to perform labor within the school, such as washing school walls. Rather, in-school service signifies that a student may serve their detention within the school building.

GROUP 2 - ACTS OF MISCONDUCT

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

- 2-1 Posting or distributing unauthorized or other written materials on school grounds
- 2-2 Leaving the school without permission
- 2-3 Interfering with school authorities and programs through walkouts or sit-ins
- 2-4 Initiating or participating in any unacceptable minor physical actions
- 2-5 Failing to abide by school rules and regulations
- 2-6 Exhibiting or publishing any profane, obscene, indecent, immoral, libelous, or offensive written materials, language or gestures
- 2-7 Possession of tobacco products, matches, cigarette lighters, or rolling papers
- 2-8 Defying (disobeying) the authority of school personnel
- 2-9 Failing to provide proper identification
- 2-10 Unauthorized use of school parking or other areas
- 2-11 Use of the CPS Computer Network for the purposes of distribution or downloading non-educational material

Disciplinary Action - Minimum to Maximum

FIRST VIOLATION

- ◆ Teacher-Student Conference
- ◆ Teacher-Student-Parent Conference
- ◆ Teacher-Student-Resource Person-Administrator Conference
- ◆ Suspension of CPS network privileges for improper use of the CPS network or Information Technology Devices for five to ten days, in addition to any disciplinary action listed.

SECOND VIOLATION

- ◆ In-school suspension (one to three days)
- ◆ Detention/In-school service⁵
 - Before School -After School -Saturday
- ◆ Suspension (one to five days)
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by the principal)
- ◆ Suspension of CPS network privileges for improper use of the CPS network or Information Technology Devices for up to one semester, in addition to any disciplinary action listed

⁵ In-school service does not indicate that students may be compelled to perform labor within the school, such as washing school walls. Rather, in-school service signifies that a student may serve their detention within the school building.

GROUP 3 - ACTS OF MISCONDUCT

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

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

Disciplinary Action - Minimum to Maximum

FIRST VIOLATION

- ◆ Teacher - Student - Resource Person - Administrator Conference
- ◆ In-School Suspension (one to three days)
- ◆ Detention/ In-School Service⁹
 - Before school - After School -Saturday
- ◆ Suspension (one to five days)
- ◆ Suspension of CPS network privileges for improper use of the CPS network or Information Technology Devices for up to one semester, in addition to any disciplinary action listed

SECOND VIOLATION

- ◆ Suspension (one to five days)
- ◆ Suspension (six to ten days) and/ or Disciplinary Reassignment.
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by the principal)
- ◆ Suspension of CPS network privileges for improper use of the CPS network or Information Technology Devices for up to one year, in addition to any disciplinary action listed

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

⁷ Repeated violations of Act of Misconduct 3-9 of the Uniform Discipline Code may result in a referral for an expulsion hearing and should be submitted as a 5-6 Act of Misconduct.

⁸ Students may be subject to disciplinary action for violations of Act of Misconduct 3-12 that occur either on or outside of school grounds.

⁹ In-school service does not indicate that students may be compelled to perform labor within the school, such as washing school walls. Rather, in-school service signifies that a student may serve their detention within the school building.

GROUP 4 - ACTS OF MISCONDUCT

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

- *4-1 False activation of a fire alarm
- *4-2 Extortion
- **4-3 Assault
- *4-4 Vandalism or criminal damage to property
- **4-5 Battery
- **4-6 Fighting - more than two people and/or involves injury or injuries
- *4-7 Theft or possession of stolen property not exceeding \$150 in value
- *4-8 Possession, use, or delivery of fireworks
- 4-9 Possession or use of pagers, cellular telephones or laser pointers without school permission
- **4-10 Disorderly conduct
- **4-11 Trespassing on CPS property or "hacking" into the CPS computer network
- *4-12 Knowingly or intentionally using the CPS Network or Information Technology Devices to spread viruses to the CPS Network, access student records or otherwise cause a serious hazard

Disciplinary Action - Minimum to Maximum

- ◆ Teacher - Student - Resource Person - Administrator Conference
- ◆ In - School Suspension (one to three days)
- ◆ Detention/ In-School Service¹⁰
-Before School -After School -Saturday
- ◆ Suspension (three to ten days) and/ or Disciplinary Reassignment
- ◆ Suspension of CPS Network Privileges for improper use of the CPS network or Information Technology Devices for up to one year in addition to other disciplinary actions listed

¹⁰ In-school service does not indicate that students may be compelled to perform labor within the school, such as washing school walls. Rather, in-school service signifies that a student may serve their detention within the school building.

GROUP 5 - ACTS OF MISCONDUCT

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

- *5-1 Aggravated assault
- *5-2 Burglary
- *5-3 Theft or possession of stolen property exceeding \$150 in value
- **5-4 Use of intimidation, credible threats of violence, coercion, persistent severe bullying
- 5-5 Gross disobedience to the authority of school personnel
- *5-6 Gang activity, including overt displays of gang affiliation
- *5-7 Inappropriate sexual conduct
- *5-8 Engaging in any other illegal behavior which interferes with the school's educational process¹¹
- *5-9 Persistent or severe acts of sexual harassment
- *5-10 False activation of a fire alarm which causes a school facility to be evacuated
- *5-11 Possession of any dangerous object or "look-alikes" of weapons, for purposes of this Code
- *5-12 Battery, or aiding or abetting in the commission of a battery, which results in a physical injury
- **5-13 Initiating or participating in any inappropriate, minor physical contact with school personnel¹²
- *5-14 Use of any computer or information technology device to stalk, harass, or otherwise intimidate others

Disciplinary Action - Minimum to Maximum

For first time violations of Group 5 Acts of Misconduct, a student shall be suspended for five to ten days, and may be referred for expulsion and/or disciplinary reassignment.¹³ For second time violations of Group 5 Acts of Misconduct, a student shall be suspended for ten days and subject to expulsion or Disciplinary Reassignment. For offenses involving the improper use of the CPS computer network or Information Technology Devices, network privileges may be revoked for up to two years, in addition to other disciplinary actions available.

For Group 5 Acts of Misconduct for which a student in the sixth grade or above is referred for expulsion, the student may be recommended by an expulsion hearing officer to attend the Board-sponsored SMART program in lieu of expulsion if he or she has no prior Group 6 violations during the current school year. Such recommendations are subject to approval of the Chief Education Officer. A student who is recommended to attend the SMART program in lieu of expulsion but who fails to successfully complete the program shall be expelled. If a student is expelled, Alternative Safe School Placement may be recommended for the period of the expulsion.

¹¹ Any attempt at an illegal behavior is an illegal behavior itself, and so is included as punishable under this code.

¹² An example of behavior that would constitute a 5-13 violation is a student, who being chased by security for participating in a fight, runs into a teacher during the chase. There is minor contact with school personnel, but no serious injury to the teacher.

¹³ First-time violations of Act of Misconduct 5-11 by a student in the fifth grade and below will result in a maximum of ten days suspension at the school level, and the student will not be referred for an expulsion hearing.

GROUP 6 - ACTS OF MISCONDUCT

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 as defined in this Code, or use or intent to use any other object to inflict bodily harm
- *6-2 Intentionally causing or attempting to cause all or a portion of the CPS Network to become inoperable
- *6-3 Arson
- *6-4 Bomb threat
- *6-5 Robbery
- *6-6 Use, possession, sale, or delivery of alcohol, illegal drugs, narcotics, controlled substances, "look-alikes" of such substances, or contraband, or use of any other substance for the purpose of intoxication
- *6-7 Sex violations
- *6-8 Aggravated battery
- *6-9 Murder
- *6-10 Attempted murder
- *6-11 Kidnapping

Disciplinary Action - Minimum to Maximum

Suspension for ten days and expulsion for a period of not less than one calendar year, or as modified on a case-by-case review by the Chief Executive Officer or designee. Alternative Safe School Placement may be recommended for the period of the expulsion. For first-time offenses of Group 6 Acts of Misconduct by students in the sixth grade or above which do not involve violence or the threat of violence or the use, possession, and/or concealment of a firearm/destructive device, or the sale or delivery of illegal substances, a student may be recommended by the expulsion hearing officer to attend the Board-sponsored SMART program in lieu of expulsion if he or she has no prior Group 5 or Group 6 violation during the current school year. A student who is recommended to attend a SMART program in lieu of expulsion but who fails to successfully complete the program shall be expelled. For offenses involving the improper use of the CPS Network or Information Technology Devices, network privileges may be revoked indefinitely.

EXPULSION GUIDELINES

- If a student commits a serious act of misconduct, a Misconduct Report is prepared and the parent/guardian/student is contacted notifying them of the misconduct.
- If the misconduct necessitates a referral for an expulsion hearing, the parent/guardian of the student will be sent a Notice of Request to Expel letter and a Notice of an Expulsion Hearing letter. These notices will provide a description of the incident, the date of the incident, the UDC misconduct, and the time and date for the expulsion hearing.
- A regular education student may be referred for emergency placement in an alternative school if the student commits a serious act of misconduct, such as: possession of firearms or other dangerous weapons, who engage in extreme acts of violence, or are in possession of large amounts of drugs, or whose misconduct presents a serious and credible threat of harm to themselves or others.
- Special education students may also be referred for emergency alternative placement when in possession of firearms or destructive devices, large amounts of drugs or for using a weapon or other object to inflict bodily harm on someone. For special education students whose misconduct presents a danger to themselves or others in a manner other than those specified above, please consult with the Office of Due Process and Mediation. Special education students may be placed in an alternative school for a maximum of forty-five days even in instances where the student's misconduct is ultimately determined to be a manifestation of his or her disability.
- 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, a written opinion is provided to the Chief Education Officer for final approval.
- Students who are expelled are not allowed to enroll in any Chicago public school during the term of their expulsion. Expelled students may be referred to alternative schools.

GLOSSARY

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

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

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

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

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

Assault - Any threat which causes a reasonable apprehension by the victim of receiving a battery.

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

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

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

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

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

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

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

Contraband - Property which is illegal to possess.

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

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

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

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

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

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

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

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

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

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

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

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

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

Indecent proposition - An unsolicited sexual proposal.

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

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

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

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

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

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

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

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

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

Murder - Killing of an individual without legal justification.

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

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

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

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

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

School Peer Juries - School Peer Juries are used in student courts as an alternative to other disciplinary action for Groups 1, 2, and 3 violations of the Uniform Discipline Code. The hearings are held in the school and all students serving on the Peer Jury must be attending the offender's school. In order to appear before a School Peer Jury, the offending student must admit to committing the misconduct, and the student and parent must agree to abide by the decisions of the School Peer Jury and complete the disciplinary actions it recommends. To participate in School Peer Juries, a student must be referred by the principal, or other school discipline administrator, as approved by the principal. The school's program must be approved by the Chief Education Officer or designee before a School Peer Jury is put into use, and School Peer Jury members must receive specialized training.

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

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

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

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

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

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

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

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

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

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

APPENDIX A - REFERENCE GUIDE FOR GROUPS 5 & 6 ACTS OF MISCONDUCT

SECTION 5-11

If a student simply has any of these objects in his or her possession, but does not use them, (s)he should be charged with a violation of Section 5-11 of the Uniform Discipline Code. *If a student uses, or threatens to use, any of these objects to inflict harm on someone, the student should be charged with a violation of Section 6-1.*

Knives - these include but are not limited to:

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

Tools - these include but are not limited to:

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

Other Objects - these include but are not limited to:

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

“Look-Alike” Firearms - these include:

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

APPENDIX A - REFERENCE GUIDE FOR GROUPS 5 & 6 ACTS OF MISCONDUCT

SECTION 6-1

If a student has any of these objects in his or her possession or uses any such objects, (s)he should be charged with a violation of Section 6-1 of the Uniform Discipline Code.

Firearms - these include:

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

Knives - these include only the following types of knives:

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

Explosive Devices/Gases - these include:

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

Other Objects - these include:

- Blackjack
- Billy club
- Slingshot
- Sand club
- Sandbag
- Metal/brass knuckles

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 Uniform Discipline Code. *If a student uses, or threatens 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:

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

School Supplies - these include but are not limited to:

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