

**ADOPT UNIFORM DISCIPLINE CODE FOR
CHICAGO PUBLIC SCHOOLS FOR 2003-2004 SCHOOL YEAR**

The Chief Executive Officer recommends the following:

That the Chicago Board of Education adopt the 2003-2004 Uniform Discipline Code (UDC), to be effective as described below, by adding certain new acts of misconduct, adding new Glossary definitions and language commensurate with those acts and which expands and clarifies the definition of certain other disciplinary offenses, and by changing language to modify the actions that are necessary for certain types of disciplinary offenses. A copy of the UDC is on file in the Office of the Board. These changes shall be effective September 16, 2003.

DESCRIPTION:

Additional Language

Principal Responsibilities: emphasizes that principals are responsible for ensuring that all expulsion documentation sent to the Law Department is complete and properly written.

Additional Acts of Misconduct

Group 1-Acts of Misconduct: adds Act of Misconduct 1-9 to prohibit use of the CPS computer network to access non-educational material and adds option of disciplinary sanction of one to five day suspension of CPS network privileges for second violation of this misconduct.

Group 2-Acts of Misconduct: adds Act of Misconduct 2-11 to prohibit use of the CPS computer network to distribute or download non-educational material and adds option of disciplinary sanctions of five to ten day suspension of CPS network privileges for first violation of this misconduct and up to one semester for second violation.

Group 3-Acts of Misconduct: adds option of disciplinary sanction of suspension of CPS network privileges for up to one semester for first violation of Group 3 Acts of Misconduct and up to one year for second violation.

Group 4-Acts of Misconduct: adds Act of Misconduct 4-12 to prohibit using the CPS computer network to spread viruses, access student records or cause a security hazard and adds option of disciplinary sanction of suspension of CPS network privileges for up to one year for violation of this misconduct.

Group 5-Acts of Misconduct: adds Act of Misconduct 5-13 for inappropriate minor physical contact with school personnel.

Group 5-Acts of Misconduct: adds Act of Misconduct 5-14 for use of a computer or other technology based device to stalk, harass, or intimidate others and adds option of disciplinary sanction of suspension of CPS network privileges for up to two years for violation of this misconduct.

Group 6-Acts of Misconduct: adds Act of Misconduct 6-2 for intentionally causing or attempting to cause all or part of the CPS network to become inoperable and adds option of disciplinary sanction of suspension of CPS network privileges for an indefinite period.

Clarification/Modification of Current Language and Acts of Misconduct

Student Misconduct: modifies the "Student Misconduct" section prohibiting misconduct "in the school" to language emphasizing that misconduct may occur in places other than the school.

Student Misconduct: modifies the "Student Misconduct" section by adding language indicating that student misconduct includes improper use of computers and information technology devices and allows sanction of suspension of network privileges, in addition to other sanctions in the UDC.

Group 2-Acts of Misconduct: modifies Act of Misconduct 2-6 to clarify that students are prohibited from exhibiting offensive written materials as well as language and gestures.

Group 3-Acts of Misconduct: adds "plagiarizing" and the words "or other source" to broaden the scope of Act of Misconduct 3-8.

Group 3-Acts of Misconduct: modifies part of the footnote to Act of Misconduct 3-1 (disruptive behavior on the school bus), by clarifying that the suspension of bus privileges may apply to special education students.

Group 4-Acts of Misconduct: broadens the scope of Act of Misconduct 4-11 (trespassing) by adding language which prohibits "hacking" into the CPS computer network.

Group 5-Acts of Misconduct: moves Act of Misconduct 6-2 (possession of dangerous objects) from Group 6 to Act of Misconduct 5-11 and moves "look-alike" weapons from Act of Misconduct 6-1 to this category.

Group 5-Acts of Misconduct: modifies Group 5-6 Act of Misconduct by incorporating Act of Misconduct 5-11 (repeated overt displays of gang activity) into that act of misconduct.

Group 5-Disciplinary Action: modifies the Disciplinary Action language to make clear that a school need not refer a Group 5 violation for expulsion for first-time violations but must refer second-time violations, and changes the minimum number of days of suspension from six to five days.

Group 5-Disciplinary Action: adds footnote to new Act of Misconduct 5-11 using language from prior Group 6 Disciplinary Action which states that students under sixth grade should not be referred for expulsion for first-time possession of dangerous objects.

Groups 3, 4, 5, and 6-Acts of Misconduct: modifies introductory language in Groups 3, 4, 5, 6 Acts of Misconducts to parallel language in Code which emphasizes that students may be subject for discipline not only in school or on school grounds, but any time the misconduct disrupts the educational process in the Chicago Public Schools.

Expulsion Guidelines: adds language to clarify that student or parent has the right to have an attorney present at an expulsion hearing.

Glossary and Appendix Changes and Additions

Glossary Definition of "Aggravated Battery": modifies language from "any battery" to "the use of physical force" against school personnel

Glossary Definition of "CPS Network": adds the definition for Chicago Public Schools (computer) network

Glossary Definition of "Hacking": adds definition of the word "hacking" as applied to unauthorized access to computer or network

Glossary Definition of "Information Technology Devices": adds the definition of "information technology devices" to show breadth of computer or computer-like devices

Glossary Definition of "Inoperable Network": adds the definition of "inoperable network" to define when a network is considered inoperable

Glossary Definition of "Security Hazard": adds the definition of "security hazard" to define what constitutes danger to an information system

Glossary Definition of "Weapon": modifies the definition of "weapon" as used in this Code by removing the term "look-alikes" from that definition, thereby including it in Act of Misconduct 5-11

Appendix "A": Modifies Appendix A (descriptions of weapons violations) to include change of Act of Misconduct 6-2 to 5-11, along with inclusion of "look-alikes" in 5-11.

PRINCIPAL RESPONSIBILITIES

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.

STUDENT MISCONDUCT

This section describes a broad range of misconduct that is prohibited ~~in the school-~~ for Chicago Public School students.

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, and 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 that occur either off campus or during non-school hours when the misconduct disrupts or may disrupt the orderly educational process in the Chicago Public Schools. 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.

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 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
- ◆ Detention/In-school Service
 - 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.

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

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 and/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 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
- ◆ Detention/In-school service
 - 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.

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 in the classroom, in the school, and/or on the school grounds, such as the following:

- 3-1 Disruptive behavior on the school bus⁴
- **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 source⁵
- 3-9 Overt Display of Gang Affiliation (see glossary for definition)⁵
- 3-10 Bullying behaviors (see glossary for definition)
- 3-11 Unauthorized activation or use of pagers or cellular telephones

Disciplinary Action - Minimum to Maximum**FIRST VIOLATION**

- ◆ Teacher - Student - Resource Person - Administrator Conference
- ◆ In-School Suspension
- ◆ Detention/ In-School Service
 - 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.

⁴ 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. ~~Students receiving specialized services whose IEP requires bus service shall not be subject to suspension of bus privileges.~~

⁵ Repeated violations of Act of Misconduct 3-9 of the Uniform Discipline Code may will result in a referral for an expulsion hearing and should be submitted as a 5-6 44 Act of Misconduct.

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 in the classroom, in the school, and/or on the school grounds, 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

Disciplinary Action - Minimum to Maximum

- ◆ Teacher - Student - Resource Person - Administrator Conference
- ◆ In - School Suspension
- ◆ Detention/ In-School Service
 - Before School -After School -Saturday
- ◆ ~~Suspension (one to five days)~~
- ◆ Suspension (~~six~~ 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.

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 \$150.00 in value
- **5-4 Use of intimidation, credible threats of violence, coercion, persistent severe bullying.
- 5-5 Gross disobedience to the authority of school personnel
- *5-6 Gang activity, including repeated 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 process
- *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 Repeated overt displays of gang affiliation~~
- *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 personnel.
- *5-14 Use of any computer or information technology device to stalk, harass, or otherwise intimidate others.

Disciplinary Action - Minimum to Maximum

~~Suspension for (six to ten days) and/or Disciplinary Reassignment and/or expulsion. For first-time offenses of 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 5 or Group 6 violations during the current school year. 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.⁵ 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 ~~first-time~~ 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 ~~5 or~~ 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.

⁵ 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 Possession of any dangerous object that is not defined as a weapon for the purposes of this Code⁶~~
- *~~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 Kidnaping

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 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 schools year. A student who is recommended to attend a SMART program in lieu of an expulsion but who fails to successfully complete the program shall be expelled. ~~First-time violations of Act of Misconduct 6-2 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. Students in fifth grade and below who have committed two or more violations of Act of Misconduct 6-2 shall be referred for an expulsion hearing.~~ For offenses involving the improper use of the CPS network or Information Technology Devices, network privileges may be revoked indefinitely.

⁶ ~~In instances where students bring objects that are dangerous, but not normally used as weapons, and do not use them to inflict bodily harm or express the intent to use them for that purpose, the students should be charged with a group 6-2 violation of the UDC. See Appendix A.~~

GLOSSARY

Aggravated Battery- Any battery to another that causes great harm, or is committed with a deadly weapon, or is done by a person who conceals their identity. The use of physical force ~~any battery~~ against school personnel.

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

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

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.

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

Weapon – Any object that is commonly used to inflict bodily harm (e.g. pistol, revolver or other firearm, explosives, switchblade knife, bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles, ballistic knife, tear gas gun, projector bomb, or any object containing noxious liquid gas, grenade, bottle, or other container containing an explosive substance of over one quarter ounce, cartridge, or any components of a machine gun or rifle), 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 (e.g. box cutter, live ammunition, baseball bat, scissors, lock, laser pointer, other knife, razor, broken bottle or other piece of glass, or stun gun), or ~~"look-alikes" of such objects.~~ See Appendix A for more detail.


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

AFFIRMATIVE ACTION REVIEW: None.

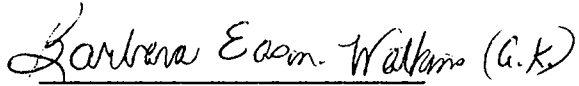
FINANCIAL: This action is of no cost to the Board.

PERSONNEL IMPLICATIONS: None.

Approved:


 Arne Duncan
 Chief Executive Officer *by TPA*

Approved for Consideration:


 Dr. Barbara Eason-Watkins
 Chief Education Officer

Approved as to Legal Form: 


 Ruth M. Moscovitch
 General Counsel

Appendix A – Reference Guide for Group 6 Acts of Misconduct

SECTION 6-1	SECTION 6-2 5-11	SPECIAL CONSIDERATION
<p>If a student simply 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</p>	<p>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-6-2 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.</p>	<p>If a student simply has any of these objects, or any other similar object in their 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.</p>
<p align="center">FIREARMS</p> <p>This includes...</p> <ul style="list-style-type: none"> o Pistol o Revolver o Other Firearms o Any part or portion of a machine gun or rifle, or a gun cartridge 	<p align="center">KNIVES</p> <p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> o Steak knife or other kitchen knives o Pen knives/ pocket knives o Hunting Knives o Swiss Army knife o Box cutters o Razors 	<p align="center">SPORTING EQUIPMENT</p> <p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> o Baseball Bat o Golf Clubs
<p align="center"><u>“LOOK ALIKE” FIREARMS</u></p> <p>This includes...</p> <ul style="list-style-type: none"> o B.B. Guns o Air guns o Other objects, including “toys” or replicas, that reasonably resemble real firearms 	<p align="center">TOOLS</p> <p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> o Hammers o Screwdrivers o Saws o Crowbars/ Metal Pipes o Other objects commonly used for construction or household repair 	<p align="center">PERSONAL GROOMING PRODUCTS</p> <p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> o Nail clippers/ files o Tweezers o Combs with sharp handles
<p align="center">KNIVES</p> <p>This includes only the following types of knives...</p> <ul style="list-style-type: none"> o Switchblade knives o Ballistic Knives (knives that are operated by an air or gas pump) 	<p align="center">OTHER OBJECTS</p> <p>These include, but are not limited to...</p> <ul style="list-style-type: none"> o Stun Guns o Mace/ Pepper Spray o Live Ammunition/ Bullets o Broken bottles, or other pieces of glass o Wooden sticks/ boards o Throwing stars 	<p align="center">SCHOOL SUPPLIES</p> <p>This includes, but is not limited to...</p> <ul style="list-style-type: none"> o Scissors o Pad locks/ combination locks o Pens/ pencils o Rulers o Other objects that are commonly used for educational purposes
<p align="center">EXPLOSIVE DEVICES/ GASES</p> <p>This includes...</p> <ul style="list-style-type: none"> o Tear gas guns o Projector bombs o Noxious Liquid Gas o Grenades o Other explosive substances 	<p align="center"><u>“LOOK-ALIKE” FIREARMS</u></p> <p align="center"><u>This includes...</u></p> <ul style="list-style-type: none"> o <u>B.B. Guns</u> o <u>Air guns</u> o <u>Other objects, including “toys” or replicas, that reasonably resemble real firearms</u> 	
<p align="center">OTHER OBJECTS</p> <ul style="list-style-type: none"> o Black Jacks o Billy Clubs o Sling Shots o Sand Club o Sand Bag o Metal/ Brass Knuckles 		