



2009-2010

**ELEMENTARY
STUDENT DISCIPLINE CODE & PROCEDURES**

May 15, 2009

Philosophy for Discipline

Discipline in the Des Moines Public Schools is a joint responsibility that should be shared by school staff, students, and their families. It is designed to promote behavior that will enable students to function successfully in their educational and social environments. The *District Discipline Code* is to be applied consistently and uniformly throughout the District so that students are treated fairly and equitably. The *District Discipline Code* is developed to help students understand their obligations to others in the school setting, and is reflective of the concern for the dignity and growth potential of each student as well as the commitment to the safety interests of all students, staff and the community.

Student Misconduct

The *District Discipline Code* provides a description of a broad range of behavior considered to be student misconduct. The behavior described should be viewed as representative of the misconduct that most frequently causes a disruption to the orderly educational process.

The acts of misconduct listed in Levels I, II, III are not inclusive. The student who commits an act of misconduct that may be classified into any of the three levels will be subject to disciplinary action by the classroom teacher, dean of students, vice principal, or principal. Des Moines Public Schools administration reserves the right to make final decisions regarding disciplinary consequences.

General Discipline Guidelines for Assessing Penalties

The District may impose disciplinary consequences for conduct that interferes with the educational environment. When administering discipline, district personnel shall adhere to the following general guidelines:

1. Discipline shall be administered when necessary to protect students, school employees, or property and to maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of circumstances of each case. Factors that will be considered in the administration of student discipline and factors that will be considered in determining the length of any suspension or alternate education placement, or expulsion may include but is not limited to:
 - a. Seriousness of offense
 - b. Student's age and intent or lack of intent at the time the student engaged in the conduct
 - c. Student's disciplinary history
 - d. Student's attitude
 - e. Potential effect of the misconduct on the school environment
 - f. State law requirements for certain disciplinary consequences
 - g. Whether the facts of the case warrant consideration of self-defense as a mitigating factor in the assessment of the punishment
 - h. Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

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3. Serious offenses are those that substantially disrupt or materially interfere with the orderly process in the classroom, DMPS transportation, the school, or any school-related activity and may include persistent misbehavior of Level II or higher misconduct. An administrator may find, on the basis of the facts and circumstances of the case, that a Level III offense constitutes a serious offense. Finally, a finding that a student has engaged in any offense listed as an offense under Level III or constitutes a finding that the student has engaged in serious misbehavior.

Definitions

1. AEP (Alternate Educational Placement): Students are placed in an educational setting determined by the District for a period not to exceed two academic semesters. However, if it is determined that the student is a threat to the safety of other students or a threat to District employees and it is determined that placement is in the best interest of the student, then the student's placement may be for a longer duration. In that situation, there is no limitation on the length of placement of a student in an AEP. Students are placed on a behavior improvement contract during their period of alternate educational placement. Serious violations of the discipline policy by students during the period of placement may result in a recommendation for expulsion. AEP placements are monitored by the Learning Services Department.
2. Expulsion: The Board of Directors for the District may, by a majority vote, expel a student from school for a violation of the regulations or rules established by the Board, or when the presence of the student is detrimental to the best interest of the school. When a student is expelled he or she is not eligible to receive educational services from the District. The period of expulsion will not exceed two academic semesters.
3. Persistent: More than one instance of similar type misconduct.
4. Possession: Actual care, custody, control, or management. A student shall be considered to be in possession of any substance or object prohibited or regulated by the Discipline Policy if the substance or object is (1) on the student's person or in the student's personal property, such as the student's clothing, purse, book bag, or backpack; (2) in any private vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) in any school property used by the student, such as a locker or desk.
5. Serious Offenses: Substantial disruption or material interference with the orderly process in the classroom or school building.

General Procedures for Resolving School Problems

School problems can best be resolved at the campus level, where problems start. In order to resolve problems, parents, guardians, or students can meet with a teacher at appropriate times to discuss existing problems. If the parents, guardians, or students are dissatisfied with the teacher's decision or explanation, they can meet with the building administrator to review the area of concern.

If further assistance is needed, then parents, guardians, or students can meet with the executive director and/or regional superintendent. Parents, guardians, and students who wish to appeal the Alternate Educational Placement, or who wish to appeal an expulsion, should refer to the section of the *Code* relating to procedures for appropriate guidance.

Rights and Responsibilities in Discipline

Parents/Guardians

Have a responsibility to:

1. Assist school staff by sharing ideas for improving your child's learning and preventing or resolving student discipline problems.
2. Provide supervision for the child's health, physical and emotional well-being, and ensure prompt and regular attendance.
3. Provide the school with documentation for absences or tardiness.
4. Help enforce student compliance with school rules and expectations.
5. Attend parent conferences.
6. Provide appropriate supervision of students before and after school.
7. Review and discuss this document with students, as well as other similar materials such as school handbooks.

Have a right to:

1. Receive regular official reports of the child's academic progress and attendance.
2. Make recommendations and give ideas for educational planning.
3. Participate in conferences with teachers and/or the administration.
4. Receive explanations from teachers for child's grades.
5. Read all school records pertaining to their child, within appropriate guidelines.
6. Obtain further clarification, upon request, on any rights referred to in this handbook.
7. Whenever possible, receive information in a language they can understand.

Students

Have a responsibility to:

1. Attend school regularly, arrive on time, bring appropriate materials and be prepared to participate in class.
2. Do homework.
3. Strive for academic growth.
4. Respect the rights, feelings, and property of fellow students, parents/guardians, school personnel, visitors, guests and school neighbors.
5. Conduct themselves properly on school grounds, school buses, at bus stops, at any school-related activities, and in the classroom so as not to interfere with the rights of others.
6. Follow discipline guidelines adopted by the school and the District.
7. Read and understand the *District Discipline Code and Procedures*.
8. Report violations of school rules.
9. Report any incidents of verbal or physical threats, bullying, or abuse.

Have a right to:

1. Discuss educational concerns with teachers and other school staff.
2. Receive a copy of the *District Discipline Code and Procedures*.
3. Receive fair discipline without discrimination.
4. Access their own records within appropriate guidelines.
5. Receive information in a language they can understand.

Schools

Have a responsibility to:

1. Educate all students.
2. Treat all students with respect.
3. Provide a safe and orderly environment for learning.
4. Administer the discipline procedures when student behavior prohibits learning or causes an unsafe and/or disorderly environment.
5. Provide due process to students and families in the administration of the discipline procedures.
6. Invite and welcome community members into the school.

Have a right to:

1. Take the necessary steps to ensure a safe, orderly and supportive environment.
2. Assign students to particular school programs and activities.
3. Engage parents in problem solving throughout the three stages (preventive, supportive instruction, corrective action) of student discipline.

Levels of Offense/Overview

Acts of misconduct are categorized into the following three levels of offense:

Level I — Violation of Classroom Rules:

Offenses that generally occur in the classroom and can be corrected by the teacher.

Level II — Administrative Intervention:

Offenses that are more serious in nature or a continuance of Level I misconduct.

Level III — Suspension and/or Optional Recommendation for Alternate Educational Placement (AEP):

Offenses that seriously disrupt the educational process in the classroom, in the school, or at school-related activities, or a continuance of repeated Level I or II misconduct. A finding that a student has engaged in a Level III offense may result in the student being assigned to an alternate educational placement.

Levels of Student Misconduct and Intervention Options

Level I

Violation of Classroom or Transportation Rules

Each teacher or staff member establishes the rules for the classroom and for school-related activities. Much behavior can be managed by the classroom teacher. The teacher may use any of the disciplinary options listed below in maintaining classroom discipline.

Level I Acts of Misconduct May Include but Are Not Limited to:

1. **Violations of rules** or procedures established by the teacher
2. **Refusal to participate** in classroom activities
3. **Unexcused tardiness** to class

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4. **Failure to be prepared** by bringing required classroom materials or assigned work to class or failure to return written communications between home and school
5. **Cheating, plagiarism**, or copying the work of other students
6. **General misbehavior**, such as eating in class, horseplay, making excessive noise, or violating campus dress codes
7. **Disruptive or noncompliant behavior** on a school bus or at a school bus stop
8. **Failure to protect or use of other student's passwords** regarding computer accounts
9. **Any other act that disrupts** the classroom or interrupts the operation of the class

Intervention Options/Responses:

- Verbal correction
- Teacher-student conference
- In-class time-out
- Out-of-room time-out
- Parent contact: confirm contact has been made with parent via conference/phone call/e-mail
- Student-counselor conference
- Detention (maintained by teacher) before or after school
- Other appropriate in-class disciplinary actions
- Restriction of school-bus privileges by the bus operator

Procedures:

1. Any staff member who observes a student violating class rules may correct the student.
2. A record of the offenses and disciplinary actions should be maintained by the teacher or staff member on the appropriate form.
3. The teacher should discuss the misbehavior with the parent, an administrator, or support personnel.
4. Level I behavior violations and intervention options/responses are not limited to those provided. Serious or repeated violations may result in a more severe response or referral to Level II.
5. A Level I appeal may be made to the building administrator. The decision of the building administrator is final regarding Level I appeals.

**Level II
Administrator Intervention**

Some infractions will result in a referral to an administrator. The disciplinary response depends on the offense committed, the student's previous actions, and the seriousness of the misbehavior. Level II acts of misconduct include those student acts that interfere with the orderly educational process in the classroom, on school property, or at a school sponsored event. A teacher who observes a student engaged in Level II misconduct will complete a discipline/referral form for the principal or other appropriate administrator. The principal or appropriate administrator will forward report to the parent or guardian (conference/phone call preferred mode of contact.)

Level II Acts of Misconduct May Include but Are Not Limited to:

1. **Repeated Level I violations**
2. **Fighting**, which is defined as two or more students mutually engaging in offensive physical contact
3. **Physical contact** intended to result in bodily injury

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4. **Profanity**, vulgar language, or obscene gestures
5. **Forgery** — changing school records or documents or signing a parent's name on school documents
6. **Leaving without permission** including classroom or school grounds
7. **Unexcused absences** including cutting class
8. **Cafeteria disturbance**
9. **Loitering** in unauthorized areas
10. **Inappropriate display of affection**
11. **Intimidation, extortion or bullying**, which includes any communication toward a student including electronic (such as e-mails, texting, or instant messages), telephonic, written or verbal communication, or any physical act or conduct that is based on an actual or perceived trait or characteristic that creates or could reasonably be expected to create an objectively hostile school environment.
12. **Harassment/Indecent exposure/unsolicited sexual proposal**. Harassment includes threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct or causing unwanted sexual advances, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health such that it has the purpose or effect of substantially interfering with a student's education by creating an intimidating, hostile or offensive educational environment.
13. **Vandalism** resulting in the destruction or defacing of any district property such as graffiti. This includes but is not limited to rendering computers or related equipment inoperable or damaging them by erasing data with magnets; intentionally introducing viruses, worms, or Trojans; or tampering with programs or data without authority.
14. **Stealing/theft** of property in an amount under \$500
15. **Gambling**
16. **Selling or soliciting unauthorized merchandise** on school campus without the authorization of the building principal
17. **Possessing alcohol or a controlled substance or drug paraphernalia**
18. **Under the influence of alcohol or a controlled substance**
19. **Possession of matches or other flammable materials**
20. **Smoking/Tobacco** — using, or possessing tobacco or tobacco products
21. **Weapons/Ammunition possession*** including but not limited to:
 - a. knife, which includes razor blades, utility knives, X-ACTO knives, or other objects that are designed to cut
 - b. fireworks, "poppers," smoke or stink bombs, or any other pyrotechnic device that may be used to disrupt the educational process
 - c. live ammunition or bullets
 - d. BB guns, pellet guns, or air rifles, electric stun guns or other protective devices designed to administer an electric shock
 - e. replica of a gun that is sufficiently similar in appearance to a real gun such that, if pointed or shown to another person, a reasonable person may believe the student to be in possession of a firearm
22. **Posting or distributing unauthorized materials** on school grounds
23. **Use or operation of electronic communication systems** (i.e., cell phones, or any other type of electronic communication system) or iPods, Mp3 players, personal radios or personal music devices on school campuses or at functions during school hours with the final determination of the limits made at the individual campus level
24. **Violation of the District's Acceptable Use policy**

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25. **Sending or forwarding inappropriate e-mail**, including e-mail containing offensive language, untruthful statements, junk e-mail, chain letters, or jokes that results in a disruption to the educational environment
26. **Failure to abide by rules and regulations** at extracurricular activities or at co-curricular activities such as field trips
27. **Disruptive behavior** on a school bus or at a school bus stop
28. **Refusal to comply with a school's mandatory dress code policy**
29. **False report against a staff member** knowingly made and which is later determined to be unsubstantiated at the conclusion of any investigation initiated as a result of the report
30. **False alarm or report, or terroristic threat.** Terroristic threat is defined as threatening to commit violence or harm to any person or property with intent to cause an emergency response or that places any person in fear of imminent serious bodily injury; or interrupting the occupation or use of a building, room, place of assembly, or place to which the public has access by threats of violence or other means, or causing impairment or interruption of public communications, public transportation, the public water, gas, or power supply, or other public service.
31. **Other acts interfering with the orderly educational process** in the classroom or the school.

*** Possession of a firearm is discussed below and constitutes grounds for recommendation for expulsion to the Board of Directors.**

Intervention Options/Responses:

- Parental contact by phone and written or oral notification to parent or guardian
- Required administrator/student/parental conference
- Detention or in-school suspension
- Exclusion from extracurricular activities, such as field trips
- "Behavior" or "conduct" plans/contracts
- Revocation of within district open enrollment status if available
- Any other appropriate disciplinary actions determined by the administration
- Suspension of transportation privileges
- Out-of-School suspension:
 - a. Level I Suspension
 1. Description — Suspension from school for the remainder of the school day.
 2. Conditions: Student's behavior constitutes a breach of the district discipline code, and in-school procedures have failed to remediate the problem or seem inadequate to resolve the problem, and the behavior does not constitute a serious threat to the student's or others' physical safety which would merit a more serious sanction.
 - b. Level II Suspension
 1. Description — Suspension from school for one or more days, but not to exceed three (3) school days.
 2. Conditions: Level I suspension(s) have been utilized in the past, and/or the student's behavior is so disruptive to the school's purpose that a Level I suspension is not appropriate, and the behavior does not constitute a serious threat to the student's or others' physical safety which would merit a more serious sanction.

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NOTE: Level I and II suspensions should be used except in more extreme cases.

c. Level III Suspension

1. Description — Suspension from school for four days not to exceed five days.
2. Conditions: The student's behavior represents a chronic and/or severe breach of discipline, which has not been remediated through use of Level I or II suspension, and/or the student's behavior has caused a major disruption of the educational setting, posed a serious physical threat to his/her or others' safety and/or the student's behavior may be severe enough to cause building staff and/or parents to review the appropriateness of the student's current educational placement/program.

SPECIAL NOTE: This suspension level is the last option and is reserved for the student who is a persistent violator of the district discipline code or when the appropriateness of his/her educational program is in question.

d. Level IV Suspension

1. Description — Suspension from school for six (6) days or more but not to exceed ten (10) days.
2. Conditions: Student's behavior is of such a chronic and severe nature that district personnel and/or parent(s) seriously question the appropriateness of an educational program in a traditional or "regular" public school setting, or the student's behavior represents serious breach(es) of discipline or places the student and/or another in immediate and serious physical danger. Required parent/administrator re-entry conference; student placed on a behavior improvement contract at end of suspension period.

Procedures:

1. Referral to administrator by way of written report
2. Administrator confers with student and/or teacher to establish appropriate action.
3. Oral notification of action is sent to parent. Notification is sent to the teacher indicating action taken.
4. Discipline Referral Form is retained by the administrator.
5. Level II behavior violations and intervention options/responses are not limited to those provided.
6. Repeated violations shall result in a more severe response and/or referral to Level III.
7. A Level II appeal may be made to the building principal. The decision of the building principal is final regarding Level II appeals.

Level III

Suspension and /or Optional Recommendation for Alternate Educational Placement (AEP)

Administrator determines whether the student engaged in misconduct that is serious in nature, or in repeated violations, and warrants a referral for district level alternate educational placement. If the administrator makes that determination, then the administrator contacts the regional superintendent or executive director to start the referral process. When the student is

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recommended for alternated educational placement, the parent shall be given a letter stating the reasons for the placement.

1. Administrative representatives from sending and receiving schools meet with parent or guardian to review circumstances of change of placement.
2. Within five days of the placement meeting, the parent/guardian must request a meeting to appeal decision, in writing, with the appropriate regional superintendent/executive director or the decision shall be final.
3. A Level III appeal may be made to the regional superintendent. Placement appeal hearing will be conducted by Learning Services Department. Parent/Guardian and sending school administration will present information on placement decision. Each party will have 10 minutes to present information. The length of the presentation may be increased by the regional administration. Parent/Guardian will receive decision of regional administration within three business days of appeals hearing. The decision of the regional superintendent is final regarding Level III appeals.

*** Expulsion for possession of firearm.** A student shall be recommended for expulsion in the event a student is found to be in possession of a firearm on school premises or at a school sponsored event.

Expulsion Procedures:

1. Referral to administrator by way of discipline card, with report sent to the parent.
2. Administrator confers with student and parent about the misconduct. The student is given an opportunity to explain the incident.
3. The administrator determines misconduct. If administrator determines that the student was in possession of a firearm, then administrator contacts regional superintendent and/or executive director and Learning Services Department to start the expulsion referral process. When the student is recommended for expulsion, the student and his or her parent/guardian shall be given the packet of information that contains the supporting documentation as to why the administration is recommending the student be expelled.
4. A panel comprised of at least four members of the Board of Directors shall make the determination whether or not to expel a student from school.
5. The panel of Board of Directors shall meet to conduct a hearing regarding the recommendation for expulsion and the hearing shall occur within ten (10) school days after the student's suspension from school. If it is not possible to schedule a hearing within ten (10) school days, alternate educational plans will be made.
6. The student and his or her parent/guardian will be notified of the time and place of the hearing.
7. The Board of Directors is provided with the same packet of information regarding the documentation supporting the administration's recommendation for expulsion as the student and his or her parent/guardian.
8. When a student is recommended for expulsion, a social worker from the school will be assigned to assist the student and his or her family throughout the expulsion process and will also be present at the expulsion hearing.
9. At the hearing, an administrator will present the information to the board that supports the administration's recommendation for expulsion.
10. The student's family or representative will have a chance to provide information that rebuts the information provided by the administration or to present new information that either demonstrates the student did not engage in the conduct for which he or she is accused, or any mitigating information. Student witnesses are not allowed to be present at the hearing on behalf of either the student or the District.

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11. After the panel of the Board of Directors receives information on behalf of the district administration and on behalf of the student, the panel will meet in an executive closed session to discuss the evidence. The panel will then reconvene in open session to act on the recommendation of expulsion.
12. The student and his or her family will be notified of the decision in a timely manner.
13. If the Board acts to deny the expulsion, the student will be placed in a school by District administration.
14. If the Board acts to expel the student, it is up to the discretion of the District administration as to whether or not the student receives the district's educational services in an alternate setting during the period of expulsion. There will also be conditions of reinstatement which must be met by the student prior to the end of the expulsion period.
15. At the conclusion of the expulsion period, the Learning Services Department will meet with the student and his or her family to ensure the conditions of reinstatement have been met and for the administration to determine appropriate school placement.
16. Iowa law provides for the appeal of a school board determination to expel a student to the Iowa State Department of Education. The phone number is (515) 281-8661.

Series 500, Code 520, Title: School Discipline, IV: Restraint and Physical Force

Restraint is the act of physically controlling or directing the actions of a student. Teachers and administrators and other staff are authorized to use reasonable and appropriate means of restraint as may be necessary to prevent a student from harming himself or herself or another, or to prevent a breach of discipline, to compel compliance with the discipline policy. Restraint should not cause serious or permanent harm.

Intentional physical punishment of a student is specifically prohibited. Teachers, administrators and other staff are authorized to use reasonable force, however, in self defense, defense of another, to quell a disturbance, to prevent an act that threatens harm, to compel compliance with the discipline policy or to remove a disruptive student.

An employee of the Des Moines Independent Community School District shall not inflict, or cause to be inflicted, corporal punishment upon a student. "Corporal punishment" is the intentional physical punishment of a student. "Corporal punishment" includes the use of unreasonable and unnecessary physical force, or physical contact made with the intent to harm or cause pain.

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