

**ADOPT UNIFORM DISCIPLINE CODE FOR
CHICAGO PUBLIC SCHOOLS FOR 2001-2002 SCHOOL YEAR**

The Chief Executive Officer Recommends the Following:

That the Chicago Board of Education adopt the 2001-2002 Uniform Discipline Code ("UDC"), to be effective as described below, by adding new language which expands and clarifies the definition of certain disciplinary offenses, by adding language allowing for alternative discipline by Student Peer Juries, 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 21, 2001.

Description: The changes to the Uniform Discipline Code are divided into 3 sections: Glossary Changes, Substantive Changes, and Clarifications.

Glossary Changes:

Definition of SMART. This amendment to the Uniform Discipline Code modifies the definition of the SMART program by changing the stated length of the program from nine sessions to the current eight, indicating that parental involvement is necessary, and stating that community service is also required.

Definition of "Battery". This amendment to the Uniform Discipline Code modifies the definition of "Battery" by eliminating the word "intentionally" and indicating the justification must be *legal* justification, such as self-defense.

Definition of "Weapon". This amendment to the Uniform Discipline Code modifies the definition of the word "weapon" by adding "box cutter" and "live ammunition" to the list of examples of objects that can be considered a weapon when the use or intended use is to inflict bodily harm.

Definition of "School Peer Juries". This to the Uniform Discipline Code adds "School Peer Juries" to the list of glossary terms.

Substantive Changes:

Student Misconduct. This amendment to the Uniform Discipline Code modifies the "Student Misconduct" section by changing "student courts" to "School Peer Juries approved by the Chief Education Officer or designee", and "peer advisory committee" to "Peer Jury".

Police Notification. This amendment to the Uniform Discipline Code has modified the last paragraph of the Student Misconduct Section (discussing police notification) to indicate that whenever the police are contacted about a student, the school must also contact that student's parent/guardian.

Group 1, 2, and 3, Second Violation. This amendment to the Uniform Discipline Code adds "Referral to School Peer Jury in lieu of suspension (if available and approved by principal)" to the list of possible disciplinary actions under the Discipline Action, Second Violation sections of Groups 1, 2, and 3.

Group 2- Acts of Misconduct. This amendment to the Uniform Discipline Code modifies violation 2-4 (unacceptable physical activities) by indicating that the violation does not include behavior that causes a serious disruption.

Group 2-- Acts of Misconduct. This amendment to the Uniform Discipline Code adds possession of "matches, cigarette lighters, or rolling papers" to violation 2-7.

Group 4- Acts of Misconduct. This amendment to the Uniform Discipline Code adds a second asterisk to misconduct 4-3 (assault) to indicate that it *may* be a violation of criminal laws. Previously, there was only one asterisk indicating 4-3 *always is* a violation of criminal laws.

Group 4- Acts of Misconduct. This amendment to the Uniform Discipline Code modifies misconduct 4-9 by eliminating language referring to non-paging electronic devices.

Group 5- Acts of Misconduct. This amendment to the Uniform Discipline Code modifies violation 5-4 by adding "persistent bullying", by eliminating "force", and by changing "threats of violence" to "credible threats of violence", indicating that schools have reasonable discretion in evaluating such threats. The amendment also adds a second asterisk to indicate that Misconduct 5-4 *may* be a violation of criminal laws, previously there was only one asterisk indicating 5-4 *always is* a violation of criminal laws.

Groups 4 and 5, "Battery". This amendment to the Uniform Discipline Code modifies Group 4 Acts of Misconduct by adding "which does not result in any physical injuries" to violation 4-5, and modifies Group 5 Acts of Misconduct by adding violation 5-12, "Battery which results in an injury or injuries", to distinguish a more serious offense that calls for police notification and expulsion proceedings from a less serious offense.

Group 5- Disciplinary Action. This amendment to the Uniform Discipline Code gives discretion to a hearing officer to recommend the SMART program for any first-time group 5 violations committed by a student in the sixth grade and above.

Act of Misconduct 6-6. This amendment to the Uniform Discipline Code modifies Act of Misconduct 6-6 by adding "or use of any other substance for the purpose of intoxication" to encompass inappropriate use of otherwise legal substances.

Clarifications:

Policy Statement. This amendment modifies the Uniform Discipline Code language regarding zero tolerance in the Policy Statement by more accurately describing the types of misconduct which will result in immediate suspension and possible expulsion.

Policy Statement. This amendment indicates that the UDC is consistent with all applicable state and federal laws.

Policy Statement. This amendment modifies the Policy Statement by clearly indicating that any modification to the provision must be approved in writing by the Board of Education or its designee.

Student Misconduct. This amendment clarifies the Student Misconduct section by indicating that parents may appeal an expulsion they feel is excessive.

Alternative School Placement. This amendment to the Uniform Discipline Code clarifies the term "Alternative School Placement" in the Disciplinary Action section of Groups 5 and 6 Acts of Misconduct by indicating that it is the Board's Alternative *Safe* School Placement.

Added Emphasis. This amendment bolds the word "may" under Student Misconduct and bolds the footnote on dress codes under Group 1 Acts of Misconduct to add emphasis.

POLICY STATEMENT

The Chicago Board of Education, 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. ~~A Zero Tolerance Policy will be enforced for students who commit acts of misconduct which seriously disrupt the orderly educational process.~~ Those who are found to possess illegal drugs, firearms, ~~or other dangerous weapons, or 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, ~~and 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 system wide, 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 ~~and~~ must be approved by writing by the Board of Education or its designee.

STUDENT MISCONDUCT

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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 ~~student courts~~ School Peer Juries approved by the Chief Education Officer or designee, a student may be given the option of appearing before a ~~Peer advisory committee~~ 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 the Region Education Officer.

* * * *

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 asterisk (**) ~~may may~~ also be violations of criminal law and ~~may may~~ require police notification if the misconduct is serious and/or the student persists in misconduct after being told to cease the 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.

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 dressed or failing to abide by school dress code or uniform policy¹
- 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

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 a Region-approved school-based after-school or Saturday program in lieu of suspension (if available)
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by principal)

¹~~Students who fail to abide by the dress code or uniform policies may not be suspended, expelled or otherwise barred from attending school, but are subject to Group 1 disciplinary actions and may lose extracurricular privileges.~~ **Students who fail to abide by the dress code or uniform policies may not be suspended, expelled or otherwise barred from attending school, but are subject to Group 1 disciplinary actions and may lose extracurricular privileges.**

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 language and/or gestures
- 2-7 ~~Use or p~~ 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

Disciplinary Action- Minimum to Maximum

FIRST VIOLATION

- ◆ Teacher-Student Conference
- ◆ Teacher-Student-Parent Conference
- ◆ Teacher-Student-Resource Person-Administrator Conference

SECOND VIOLATION

- ◆ In-school suspension
- ◆ Detention/In-school service
 - Before School -After School -Saturday
- ◆ Suspension (one to five days)
- ◆ Referral to a Region-approved school-based after-school or Saturday program in lieu of suspension (if available)
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by the principal)

GROUP 3 – ACTS OF MISCONDUCT

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

- 3-1 Disruptive behavior on the school bus
- **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 Cheating and/or copying the work of another student
- 3-9² Overt Display of Gang Affiliation (see glossary for definition)

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)
- ◆ Referral to a Region-approved school-based after-school or Saturday program in lieu of suspension (if available).

SECOND VIOLATION

- ◆ Suspension (one to five days)
- ◆ Suspension (six to ten days) and/ or Disciplinary Reassignment
- ◆ Referral to a Region-approved school-based after-school or Saturday program in lieu of suspension (if available)
- ◆ Referral to School Peer Jury in lieu of suspension (if available and approved by the principal)

²Repeated 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 5-11 Act of Misconduct.

GROUP 4 - ACTS OF MISCONDUCT

These acts of misconduct include those student behaviors that very seriously disrupt the orderly educational process in the classroom, in the school, and/or on the school grounds. In many cases, these behaviors are also illegal, 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 which does not result in a physical injury
- **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
- 4-9³ Possession or use of pagers, cellular telephones, or ~~other non-paging-~~
~~electronic devices (including use or possession of laser pointers)~~ without school approval
- **4-10 Disorderly conduct
- **4-11 Trespassing

Disciplinary Action – Minimum to Maximum

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- ◆ 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 to ten days) and/ or Disciplinary Reassignment
 - ◆ Referral to a Region approved school-based after-school or Saturday program in lieu of suspension (if available).

³Upon detailed written explanation 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.

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, or force, or persistent bullying
- 5-5 Gross disobedience to the authority of school personnel
- *5-6 Gang activity
- *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
- *5-12 Battery which results in a physical injury

Disciplinary Action – Minimum to Maximum

Suspension (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 ~~but which do not involve violence or the threat of violence~~, 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. Such recommendations are subject to the approval of the Region and 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.

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 Possessions of any dangerous object that is not defined as a weapon for the purposes of this Code⁴
- *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 a-likes" 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 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.

⁴In 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.

GLOSSARY

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

* * * *

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 actions 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 they recommend. 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.

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.

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SMART (Saturday Morning Alternative Reach-Out and Teach Program) - A comprehensive and integrated ~~nine~~ eight session Saturday morning program which includes the attendance of an adult representative at two meetings, and outside community service. The SMART program ~~to~~ 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.

* * * *

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, bomb, 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 knives, razor, broken bottle or other piece of glass, or stun gun) or "look a-likes" of such objects.

01-0627-EX8

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.

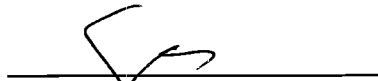
**PERSONNEL
IMPLICATIONS:** None.

Approved:



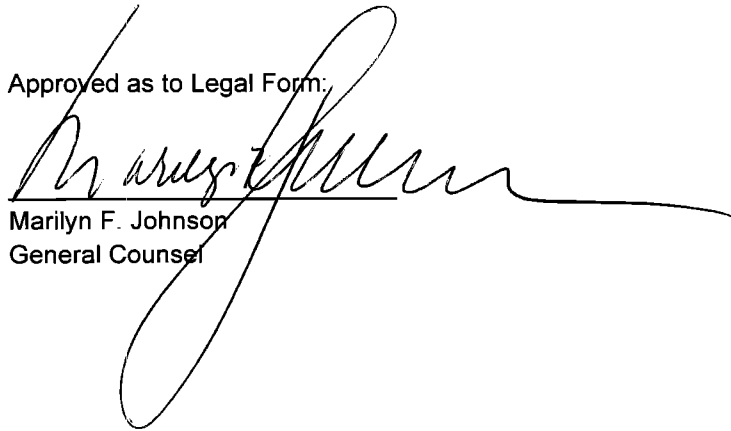
Paul G. Vallas
Chief Executive Officer

Approved for Consideration:



Dr. Cozette Buckney
Chief Education Officer

Approved as to Legal Form:



Marilyn F. Johnson
General Counsel