

## **STUDENT CODE OF CONDUCT**

### **STATEMENT OF PRINCIPLE**

The District recognizes and accepts its responsibility to create, foster, and maintain an orderly and safe class environment, conducive to teaching and to the learning processes. Every member of the school community is expected to cooperate in this central mission. Staff, including administrators and teachers, must use their training, experience and authority to create schools and classes where effective learning is possible. Students are expected to come to school and to every class ready and willing to learn. Parents should be aware of their children's activities, performance and behavior in school, and are asked to cooperate and consult with the school to prevent or address problems.

The District has a legal duty to make its schools as free as possible of the dangers of violence, weapons, and drugs, and other behavior harmful to the educational environment. This duty is enforced through the District's policy on suspension and expulsion, which provides procedures by which students may be removed from the school community either temporarily, or in the case of certain expulsions, permanently.

But equally important, the District owes its students as a group, the opportunity to attend school as free as reasonably possible from unnecessary and unwarranted distraction and disruption, particularly by those relatively few students who, for whatever reason, are unwilling, unready or unable to avail themselves of the opportunity for an education. Such behavior, while not necessarily so serious or pervasive to warrant suspension or expulsion, can be nearly as destructive to the educational environment. Such behavior warrants, at a minimum, that the student be removed temporarily from the class or activity ("short term removal" or "temporary removal"). Such removal serves the multiple purposes of eliminating (or minimizing) the disruption, of reinforcing the District's strong commitment to an appropriate educational environment, and of allowing a "cooling off" period for disciplinary or other reasons, short of suspension or expulsion.

In other circumstances, the student's conduct or the best interests of the student and the other members of the class, may warrant longer term removal from the class ("long term removal"). Long term removal may, but need not always be for disciplinary purposes.

Beginning August 1, 1999, a teacher employed by the District may temporarily remove a pupil from the teacher's class if the pupil violates the terms of this Code of Student Conduct (the "Code"). In addition, long term removal of a student will be possible if the building administrator upholds a teacher's recommendation that the student be removed from the class for a longer period of time. Removal from class under this Code does not prohibit the District from pursuing or implementing other disciplinary measures,

including but not limited to detentions, suspension or expulsion for the conduct for which the student was removed.

**1. WHAT ARE THE GROUNDS FOR DISCIPLINARY REMOVAL FROM CLASS?**

A student may be removed from class for conduct or behavior which (a) violates the District's policies regarding suspension or expulsion; (b) violates the behavioral rules and expectations set forth in the Student Handbook; (c) is disruptive, dangerous or unruly; (d) which otherwise interferes with the ability of the teacher to teach effectively; or (e) which is incompatible with effective teaching and learning in the class.

Removal is a serious measure and should not be imposed in an arbitrary, casual or inconsistent manner. Behavioral expectations are always more constructive and more likely to be followed where their terms are communicated as clearly as possible to students and staff. However, it is neither possible nor necessary to specify every type of improper or inappropriate behavior, or every inappropriate circumstance that would justify removal under this Code. A teacher's primary responsibility is to maintain an appropriate educational environment for the class as a whole. Therefore, notwithstanding the provisions of this Code, in every circumstance the teacher should exercise his or her best judgment in deciding whether it is appropriate to remove a student temporarily from class.

In ordinary circumstances and in practical terms, a teacher's decision to remove a student temporarily from class will stand. However, there may be circumstances when the building administrator may, exercising his or her discretion, overrule the teacher's decision to remove the student, and return the student to class.

**(a). Behavior that violates the District's policies on suspension and expulsion.**

The District policies regarding suspension and expulsion are set forth in Policies 6013 and 6014. It should be noted that decisions regarding suspension are made by building administrators, and recommendations for expulsion are made by the District's central administration. Thus, a teacher's decision to remove a student from class for behavior that violates the District's policies regarding suspension and expulsion may, but does not necessarily mean, that the student will also be suspended or expelled.

**(b). Behavior that violates the behavioral rules and expectations in the Student Handbook.**

The Student Handbook contains behavioral expectations for the individual schools in the District. These rules and expectations are generally explained and discussed with students near the beginning of each school year. Such discussions should include an explanation of this Code, and the District's policy regarding removal.

**(c) Behavior which is disruptive, dangerous or unruly.**

Notwithstanding any inconsistent or contrary provisions in the District’s policies or in the Student Handbook regarding suspension and expulsion, for the purposes of this Code the following behavior, by the way of example and without limitation, may be determined to be disruptive, dangerous or unruly so as to warrant removal from class:

Inappropriate physical contact intended or likely to hurt, distract or annoy others, such as hitting, biting, pushing, shoving, poking, pinching or grabbing.

Inappropriate verbal conduct intended or likely to upset, distract or annoy others, such as name calling, teasing or baiting.

Behavior that may constitute sexual or other harassment.

Repeated or extreme inappropriate verbal conduct likely to disrupt the educational environment particularly when others are talking (e.g. lecture by teacher, response by other student, presentation by visitor) or during quiet (study) time.

Throwing any object particularly one likely to cause harm or damage, such as books, pencils, scissors, etc.

Inciting other students to act inappropriately or to disobey the teacher or school or class rules, including without limitation inciting others to walk out.

Destroying the property of the school or another student.

Loud, obnoxious or outrageous behavior.

**(d) Behavior which interferes with the ability of the teacher to teach effectively.**

Students are required to cooperate with the teacher by listening attentively, obeying all instructions promptly and responding appropriately when called upon. A student’s noncompliance may in turn, distract others either by setting a bad example or by diverting the class from the lesson to the student’s inappropriate behavior. By way of example and without limitation, a student may be removed for behavior that constitutes:

Open defiance of the teacher, manifest in words, gestures, or other overt behavior,

Open disrespect of the teacher, manifest in words, gestures, or other overt behavior,

Other behavior likely or intended to sabotage or undermine the instruction.

(e) **Behavior which is inconsistent with class decorum and the ability of others to learn.**

In addition, there may be grounds for removal for behavior that, though not necessarily violative of the provisions of (a) through (d) [above], is inconsistent with basic classroom decorum. Such behavior may, in the determination of the teacher, warrant removal because of its interference with the ability of others to learn effectively. Such behavior may include without limitation, sleeping in class, blatant inattention, or other overt or passive refusal or inability to engage in class activities.

**2. WHAT ARE OTHER NONDISCIPLINARY REASONS FOR REMOVAL OF A STUDENT FROM CLASS?**

In some cases, a teacher may believe that a student should be removed from the class for the good of the student and in the best interests of the class as a whole. Such a reason may, but need not, be disciplinary in nature, and include for purposes of illustration and without limitation, irreconcilable personality differences or issues between the student and other students, or in rare circumstances, between the student and the teacher.

**3. WHO MAY REMOVE A STUDENT FROM CLASS?**

Any student may be temporarily removed from class under this Code by a teacher of that class. For the purpose of this Code, “student” means any student enrolled in the Merton Community School District, exchange student, or student visitor to the District’s schools.

Any student may be removed on a long term basis from a class based upon the request of a teacher as upheld and implemented in the discretion of the building administrator.

For the purposes of this Code, a “class” is any class, meeting or activity that students attend, or in which they participate while in school under the control or direction of the District. This definition of “class” includes without limitation, regular classes, special classes, resource room sessions, labs, library time, counseling groups, assemblies, study halls, lunch, or recess. “Class” also includes regularly scheduled District sponsored extracurricular activities, either during or outside of school hours. Such activities include, by example and without limitation, District sponsored field trips, after school clubs, and sporting activities.

A “teacher” is any certified instructor, counselor, nurse or administrator in the employ of the District.

A “teacher of that class” means the regularly assigned teacher of the class, or any teacher assigned to teach, monitor, assist in or oversee the class.

This definition includes without limitation, any assigned substitute teacher, proctor, monitor, or group leader. Where there is more than one teacher in a class, any teacher may remove a student from that class upon informing the other teacher(s) of his/her intent to do so. It is advisable though not absolutely required, that all teachers of a class assent to the removal of the student.

A “building administrator” means a principal of a school, or other individual duly designated by the building administrator or District Administrator.

#### **4. WHAT PROCEDURES MUST BE FOLLOWED IN TEMPORARILY REMOVING A STUDENT FROM CLASS?**

Except where the behavior is extreme, a teacher should generally warn a student that continued misbehavior might lead to temporary removal from class. When the teacher determines that removal is appropriate, the teacher should take one of the following courses of action:

- a). Instruct the student to go to the main office for the period of removal. In such case, the teacher should send a note with the student.
- b). Obtain coverage for the class and escort the student to the main office.
- c). Seek assistance from the main office or other available staff. When assistance arrives, the teacher or the other adult should accompany the student to the main office.

When the student arrives at the main office, the building administrator or designee should give the student an opportunity to briefly explain the situation. If the building administrator or designee is not available immediately upon the student’s arrival, the student should be taken to the removal area and the administrator or designee should speak to the student as soon as practicable thereafter. For the purposes of short term removal, it is not necessary to obtain witnesses or to otherwise verify the student’s or teacher’s accounts of the situation.

Within twenty-four (24) hours or one business day of the removal, whichever is longer, the teacher shall submit to the building principal or designee a short and concise written explanation of the basis for the removal. Such information may be submitted on a form provided by the building administrator or designee.

As soon as practicable, but in any event within twenty-four (24) hours of the removal, the building administrator shall inform the student’s parents that the student was removed from class. Such notice may be by telephone. The parents of the student shall be sent written notice of the removal postmarked within two business days of the removal. Such written notice shall specify the class from which the student was removed, the duration of

removal, and the basis for the removal as stated by the teacher. The building administrator or designee shall keep written logs or records regarding unsuccessful attempts to contact the parents in accordance with this provision.

**5. WHERE SHALL STUDENTS BE SENT PENDING, AND DURING SHORT TERM REMOVAL FROM CLASS?**

Prior to the initiation of the 1999-2000 school year, each building administrator shall designate a room or other suitable place where students shall remain during any period of removal from the classroom (the “short term removal area”).

Students who are removed by their teachers must immediately and directly go or be taken to the main office. For the duration of the removal, the student shall stay in the short term removal area. In the discretion of the building administrator or designee, the student may instead be sent to another appropriate class, program or educational setting, provided the student is supervised in such alternative setting. The building administrator should also take steps to ensure that the students are supervised while in the short term removal area. In general, students should be required to do work of an academic nature while in the short term removal area. Such work should ordinarily be related to the work in the class from which the student was removed, or may be related to the student’s misconduct (e.g. writing an apology or account of the situation). In no event should student’s time in the removal area be recreation or other free time.

**6. HOW LONG SHALL A SHORT TERM REMOVAL LAST?**

Removal is a serious matter and should not be taken lightly either by the teacher or the student. In most cases a student shall remain in the short term removal area for at least the duration of the class or activity from which he or she was removed, or for at least forty-five (45) minutes, whichever is longer. Prior to allowing the student to resume his/her normal schedule, the building principal or designee shall speak to the student to determine whether the student is or appears to be, ready and able to return to class without a recurrence of the behavior for which the student was removed. In the event it is not deemed appropriate to return the student to regular classes, the building administrator or designee shall either retain the student in short term removal, or, where necessary, appropriate and practicable, shall take steps to have the student sent home.

**7. WHAT ARE THE PROCEDURES FOR LONG TERM REMOVAL?**

Long term removal is an extremely serious step which should not be undertaken hastily or for less than compelling reasons. Such a step could have profound consequences for the affected student and his or her class, as well as any new class or teacher to which the student may then be assigned. For these reasons, long term removal should not ordinarily be considered or implemented except after a thorough consultation, including a thorough consideration of alternatives between the teacher(s) and the building principal or

designee. For the same reasons, long term removal should not ordinarily be considered on the basis of a single incident. Unlike short term removal, the ultimate decision regarding long term removal rests with the building administrator.

Where a teacher believes that the best interests of the student and/or the class require long term removal, the teacher should so notify the building administrator in writing. Such statement should set forth as clearly and completely as possible (a) the basis for the removal request; (b) the alternatives, approaches and other steps considered or taken to avoid the need for the removal; (c) the impact, positive and negative on the removed student; and (d) the impact, positive and negative on the rest of the class.

Upon receipt of such statement, the building administrator may, in his/her discretion, consult with the teacher and/or other District staff. In most cases it is appropriate to inform and consult with the parents of the student and the student involved in the request for long term removal.

Following consideration of the teacher's statement and any other information, the building administrator shall, in his/her discretion, take one of the following steps:

- a. Place the student in an alternative education program as defined by law;
- b. Place the student in another class in the school, or in another appropriate place in the school;
- c. Place the student in another instructional setting; or
- d. Return the student to, or retain the student in the class from which he or she was removed or proposed to be removed.

In any event, a student in long term removal must continue to receive an educational program and services comparable to, though not necessarily identical with, those of the class from which he/she was removed. Such program need not be in the precise academic subject of the student's former class.

Long term removal is an administrative decision not subject to a formal right of appeal. However, the parents of the student and/or the student, shall have the right to meet with the building administrator and/or the teacher(s) who made the request for removal. Where possible, such meeting shall take place within three (3) business days of the request for a meeting. At the meeting, the building administrator shall inform the parents and/or student as fully as possible regarding the basis for the removal, the alternatives considered, and the basis for any decision. However, nothing in this Code shall prevent the building administrator from implementing a removal to another class, placement or setting prior to any meeting, and notwithstanding the objection of the parent(s) or student.

**8. WHAT DISCRETION OR FLEXIBILITY IS APPROPRIATE FOR INDIVIDUAL TEACHERS, ADMINISTRATORS, AND SCHOOLS?**

It is expected that administrators and teachers will meet prior to the implementation of this Code to arrive at a consensus regarding how its provisions should be interpreted and applied. However, this Code and the procedures regarding removal are intended primarily as tools to assist teachers to maintain an appropriate educational environment in their classes. Therefore, different teachers may have somewhat different views and practices regarding removal of students from their class, either long or short term.

Similarly, there are many clear differences between the needs and practices of schools serving different grade levels. Just as there are different behavioral expectations for elementary and high school students, the standards for removal may well differ from one school, grade or class to the next.

Teachers and administrators of each school are encouraged to discuss their individual views, philosophies and practices regarding removal of students.

**9. TO WHAT EXTENT IS REMOVAL APPLICABLE TO STUDENTS IDENTIFIED AS DISABLED UNDER THE IDEA?**

Some different rules and considerations apply for students identified as requiring special education services under the IDEA or Section 504. In particular, placement for such students is a decision of the student's IEP team, subject to stringent procedural safeguards, and cannot be made unilaterally by teachers or the administration. In addition, most students covered by the IDEA should have a behavior plan which will address (a) whether and to what extent the student should be expected to conform to the behavioral requirements applicable to non-disabled students; and (b) alternative consequences or procedures for addressing behavioral issues. It is highly advisable that all IEP teams annually address these issues and this Code, setting forth the consensus of the IEP team regarding behavioral expectations and consequences.

Notwithstanding these issues, students identified as requiring special education services under the IDEA or Section 504 may in general be temporarily removed from class under the same terms and conditions as non-disabled students.

For the reasons noted above, no change in placement for more than ten (10) school days may be made for a student with disabilities outside of the IEP process. This ten (10) day limit applies to out of school suspensions as well as days of removal.

**10. HOW WILL THIS CODE BE COMMUNICATED TO PARENTS AND STUDENTS?**

Prior to the 1999-2000 school year, a copy of this Code shall be sent to each parent in the District. In addition, this Code shall be provided to and discussed with students of the District early in the 1999-2000 school year.

Wis. Statute: 118.164

Ref: Polices #6013, 6014

Adopted: August 23, 1999

