
ADMINISTRATIVE POLICIES OF THE MILWAUKEE PUBLIC SCHOOLS

ADMINISTRATIVE POLICY 8.28 STUDENT DISCIPLINE

(1) GENERAL PRINCIPLES

- (a) The Board believes that students have a right to learn and that educators have a right to teach in a safe and orderly environment that fosters mutual respect for all individuals. No individual or group has the right to undermine the goal of providing a high-quality education for all students.
- (b) All schools in MPS are expected to provide a multi-tiered system of behavioral interventions and supports to create safe, respectful, welcoming environments that are free from disruption. Rules governing in-school discipline — which should be established by the school administration after consultation with representative students, teachers, and parents — must be within policy guidelines established by the Board. The Board expects discipline to be administered in a nondiscriminatory manner and that disciplinary actions be appropriate to the circumstances.
- (c) Discipline for a violation of school rules that is dangerous, disruptive, or interferes with a teacher's ability to teach effectively may include periods of exclusion from the regular school day or some other consequence. Such disciplinary actions should be combined with student counseling, parental conferences, restorative practices, referrals to appropriate supportive services, and/or adjustment of students' programs.
- (d) Disciplinary action may not be taken for nonpayment of school fees or fines. Students cannot be denied the right to a free or reduced-price lunch (assuming eligibility) as a means of discipline. Physical education is considered an academic subject and must not be withheld from a student as punishment. Similarly, students must not be compelled to perform physical activities, including, but not limited to, running laps or doing push-ups, as punishment.
- (e) Serious, repeated violations of school rules or violent behavior (aggressive behaviors that cause or threaten physical or emotional harm) may result in consequences such as disciplinary transfer, suspension, or expulsion.
- (f) In order to establish a multi-tiered system of behavioral interventions and supports, the Board endorses that each school:
 - 1. establish school-wide expectations that specify safety, respect, and responsibility;
 - 2. define the behaviors that are expected from all students;
 - 3. teach all students the expected behaviors;
 - 4. acknowledge the positive behaviors displayed by students and address the negative behaviors displayed by students, as needed; and
 - 5. provide interventions and supports for students who need additional assistance with meeting the behavioral expectations of the school and of the district.
- (g) Teachers, administrators, and school staff shall also receive training in administrative policy and procedures pertaining to conduct and discipline, due-process requirements, and any revisions to the Parent/Student Handbook on Rights, Responsibilities and Discipline.
- (h) Parents will be notified annually in September through a letter indicating where they can download a copy of the Parent and Student Handbook on Rights, Responsibilities and Discipline. Parents will also be able to obtain a paper copy from their child's school upon request.
- (h) (i) The Board directs that administrators follow due process in all cases in which suspension might be contemplated.

- j. Prior to suspension, school administration must determine if virtual alternatives can be applied when addressing violations of Classroom/Student Code of Conduct that do not endanger the safety and mental well-being of staff and students.

(2) ADMINISTRATIVE TRANSFERS

- (a) Administrative transfer is defined as any school transfer based on the proven misconduct of a student. Whenever such action is being considered, the parent, guardian, or adult student shall be notified in writing that he/she has the right to an impartial meeting and that he/she may be represented by a lawyer or a representative of his/her choice before the student can be transferred to a different school for disciplinary reasons.
- (b) If the parent, guardian, or adult student disagrees with the decision of the Student Services supervisor, the parent, guardian, or adult student, may appeal the decision to the senior director of Student Services within 48 hours of the decision.
- (c) If the Student Services supervisor is unable to schedule a disciplinary meeting within the suspension period (five days), the student shall be entitled to return to his/her original school following the period of suspension until the student has exercised the right to a hearing. Under these circumstances, the principal may determine that, because of a serious breach of discipline, the student poses a danger to him/herself or others. The principal may remove the student from the regular classroom environment. The student may also be given a temporary assignment to another school or alternative program by the Student Services supervisor until the disciplinary hearing is held.

(3) ADDITIONAL DISCIPLINARY REQUIREMENTS, PROCEDURES

- (a) When a student's inappropriate behavior requires that the student be removed from the instructional setting or area under supervision, a district Behavior Referral Form must be completed by a staff member. Before the student is able to return to the instructional setting or area under supervision, a disposition from an administrator must be communicated to the staff member.
- (b) Staff shall attempt a range of corrective measures before creating a behavior referral, unless it can be shown that there is a threat to the safety of students or staff or the behavior is such that the disruption to the educational environment can only be remedied by a referral.
- (b) (c) The district's Behavior Referral Form shall not be required in emergency situations. At the earliest possible time following the emergency situation, however, the staff member shall provide to the administrator a completed district Behavior Referral Form.
- (c) (d) The Board recognizes that the district's Behavior Referral Form may be used as a document in legal proceedings, and district employees are required to complete the district Behavior Referral Form in a professional manner.
- (e) In cases where suspension may be applied, school administration must first determine if temporary placement in a virtual education setting, within their regular educational school placement, is appropriate in addressing the violation of the student code of conduct and does not endanger the safety and mental well-being of staff and students.
- (d) (f) A student who is or has been suspended from school shall be excluded from the building and prohibited from attending all classes and all activities held at school or on any premises controlled by the Milwaukee Board of School Directors. The student shall remain under immediate administrative supervision until the parent is contacted and the student can be sent home or until the end of the school day (whichever comes first). In all suspension cases, the suspended student shall be escorted out of the building.
- (e) (g) In cases in which documentation is provided showing chronic disruption or repeated

violation of school rules, a referral to the Department of Student Services requesting a hearing with a Student Services supervisor for an appropriate disposition may be initiated.

- ~~(f)~~ (h) If the problem is not resolved by the previous steps, the matter should be referred to the senior director of ~~the~~ Student Services for an appropriate disposition.

(4) PEER COUNCIL

Schools, after involvement from staff and the school community, may opt to implement a peer council to handle minor incidents that occur at school. Schools that opt to implement a peer council shall follow administrative guidelines related to confidentiality of student records, limitations of the peer council, and administrative review of the council's disposition, as well as other administrative guidelines that may be established to ensure that the peer council operates in the best interest of the district. In addition, every school that opts to implement a peer council shall be required to develop operating procedures for that peer council.

(5) CODE OF SCHOOL/CLASSROOM CONDUCT

(a) Purpose

1. The Milwaukee Public Schools is committed to providing a safe and effective learning environment by recognizing that:
 - a. students have a right to learn, and educators have a right to teach, in a safe and orderly learning environment; and
 - b. no individual or group has a right to undermine the goal of providing a quality education to all students.
2. School personnel are responsible for maintaining a positive learning environment and for enforcing proper order. Students are responsible for their behavior and are expected to abide by the Code of School/Classroom Conduct and other school and classroom rules that are established to maintain order and a favorable academic atmosphere in the school.

(b) Students' Responsibilities

1. It is the student's responsibility to:
 - a. adhere to all district policies and to the individual rules of their schools and classrooms;
 - b. work toward academic achievement by attending school and class regularly, bringing appropriate materials (books, pencils, paper, etc.), and completing all assigned classwork;
 - c. communicate respectfully with all adult staff members at all times;
 - d. peacefully resolve conflicts and disputes with others;
 - e. respect the rights and property of others while traveling to and from school, at all school-related activities, at bus stops, and on school buses;
 - f. act responsibly and honestly, both as individuals and as part of a group.
 - g. act responsibly with school property, school-issued books, and equipment.
 - h. return, replace, or reimburse the school for lost or damaged school property, books, and equipment.
2. The code of school/classroom conduct applies to all students in the district when they are:
 - a. present in or on property of the school district;
 - b. at any school-sponsored activity, regardless of the location;
 - c. traveling to and from school, including bus transportation.
3. A student's conduct that violates the Code of School/Classroom Conduct and which is dangerous, disruptive, or interferes with the teacher's ability to teach effectively shall not be tolerated. Any student who engages in such conduct shall be subject to discipline, which may include removal from class, school suspension, removal from school, placement in an alternative education setting, a recommendation for expulsion from the Milwaukee Public

Schools, or any other disciplinary action deemed appropriate at the school level. Criminal acts shall require police intervention.

(c) **Students with Disabilities**

The Code of Classroom Conduct applies to students with disabilities. The student's Individualized Education Plan, behavioral intervention plan, and the due-process procedures regarding discipline for students with disabilities shall be followed when disciplining students with disabilities.

(d) **Removal of a Student from Classroom**

~~1. The teacher may remove from the classroom any student who violates the Code of School/Classroom Conduct. Teachers must notify the principal or the principal's designee immediately of the removal of a student from class by completing the Behavior Referral Form. The Behavior Referral Form shall indicate that the student has violated the Code of School/Classroom Conduct to the principal or the principal's designee. The teacher may, within 24 hours of the student's removal from class, provide the Administration with additional written documentation to support the removal of the student for the code violation. Schools should use the PL Personalized Learning Plans (PLP) Notes — Behavior to communicate inappropriate student conduct that has not reached the severity of a code violation before referring to the principal or principal's designee.~~

1. The teacher may remove a student from the classroom only in situations where the violation of Code of School/Classroom Conduct *threatens the immediate safety of students and staff or the behavior in question is such that the substantial disruption to the educational environment can only be remedied by removal.*

a. Teachers must notify the principal or the principal's designee immediately of the removal of a student from class by completing the Behavior Referral Form. The Behavior Referral Form shall indicate that the student has violated the Code of School/Classroom Conduct to the principal or the principal's designee.

b. The teacher may, within 24 hours of the student's removal from class, provide the Administration with additional written documentation to support the removal of the student for the code violation.

c. When a student violates the code of conduct and there is no immediate danger to staff or student and the educational environment has not had a substantial disruption, the teacher must employ a series of classroom management interventions and/or alternate removal to district-sanctioned school support staff.

d. Schools should also use the ~~PL Personalized Learning Plans (PLP) Notes — Behavior to communicate~~ Classroom Behavior tab under PLP to ~~communicate document~~ inappropriate student conduct that has not reached the severity of a code violation, as well as the interventions used to attempt to remediate the behavior, before referring to the principal or principal's designee.

2. The principal or principal's designee shall determine the disciplinary action level, 1-4, and initiate the appropriate discipline action for the disposition of the violation of the Code of School/Classroom Conduct. Based on the level determined, the principal or designee may:

- a. re-admit the student to the classroom from which the student was removed;
- b. place the student in another classroom or appropriate location in the school;
- c. issue a pending suspension, or a suspension from school; or
- d. initiate a Central Services referral for removal from the school or to recommend the expulsion of the student.

3. The principal or designee shall consider the following factors in determining the appropriate discipline action:

- a. Is the removal reasonable, non-discriminatory, and for an educational purpose?

b. Severity of the conduct — Is the conduct in question subject to other disciplinary procedures?

c. Is approval required by the Regional Superintendent or designee for disciplinary action?

~~(c)~~ d. What resources are available?

~~(d)~~ e. What are the state and Federal legal requirements?

(e) **Notification of Parent/Guardian of Removal of Pupil from Class**

1. The building principal or designee shall notify the parent/guardian in writing if a disciplinary action has resulted in a suspension or change in classroom placement. The written notice shall include the reason for removal and the disciplinary outcome.

2. The building principal or designee shall request approval from the Regional Superintendent for a suspension for students in kindergarten through the fifth grade, for chronic disruption after all intervention requirements have been met.

2. 3. Administrative policies and federal and state laws and regulations shall be followed if a student removed from class has a disability. Notification of the parent or guardian and an updated Individualized Education Plan must occur for a change in placement.

3. 4. When a student is subject to a suspension or expulsion, the parent/guardian shall be notified in accordance with state laws and administrative policies.

(f) **Disciplinary Action Levels (1-4)**

The following summarizes those actions available to administrators to address violations of the Milwaukee Board of School Directors' Code of School/Classroom Conduct. Administrators are not required to proceed sequentially through the Disciplinary Action Levels.

Level 1 — Conference/Intervention

At this level, administrators may choose to:

- detain and counsel;
- make a phone call to the parent/guardian;
- send a letter to the parent/guardian;
- assign detentions to be served during non-school periods;
- provide the student with a district-approved intervention;
- provide the student with individual and/or group counseling by a counselor, school social worker, psychologist, or other support staff member; or
- take action at the discretion of the administrator.

Level 2 — Suspension

At this level, administrators may choose to:

- issue the student a suspension;
- issue the student a pending suspension or
- assign a regular suspension to be served at home for 1-3 days.

Level 3 — Referral to the Department of Student Services

At this level, students are automatically suspended for five days, and a hearing is scheduled. Based on the evidence presented, the hearing officer may:

- reinstate the student;
- transfer the student; or
- recommend expulsion

Level 4 — Expulsion Recommendation

At this level, students may be suspended for up to 15 days when a notice of expulsion is given to the student and parent/guardian. The district must conduct the expulsion hearing within 15 days or, if unable to do so, return the student to a school placement or provide homebound instruction,

pending the expulsion hearing.

(6) MONITORING AND EVALUATION

This policy shall be reviewed for coherence and appropriateness to the present mission of the district every five years, consistent with Board Governance Policy.

- History:** Adopted 6-30-75; revised 1980, 6-29-82, 8-29-84, 3-29-95, 10-30-96, May 1999, 5-30-02, 6-24-10, 9-22-11, 9-18-14, 5-31-18
- Previous Coding:** Admin. Policy JG, prior to May 1995; Admin. Policy 10.28, May 1995-August 1996
- Cross Ref.:** Handbook on Student Rights and Responsibilities
- Admin. Policy 8.17 School Rights, Responsibilities and Discipline
- 8.19 Student Conduct
- 8.22 Alcohol Use by Students/Student Drug Abuse
- 8.23 Weapons in the Schools
- 8.31 Student Suspension
- 8.32 Student Expulsion
- Admin. Proc. 8.28 Student Discipline