

September 2014

Framework for Revising School District Codes of Student Conduct

AASA, The School Superintendents Association, and the Children's Defense Fund (CDF) believe that all schools should be warm, welcoming and productive places for children to learn and for teachers to teach. We believe that exclusionary discipline – suspending or expelling a student from school for a disciplinary reason – should be used sparingly and as a last resort. Measures can and should be taken to build positive school climates, respond to special circumstances of students, prevent student misbehavior, and address violations of school rules in a restorative manner.

School and district leaders have shown that positive discipline strategies can be effective in advancing the district's responsibility to keep students and staff safe, ensure students are learning and treat everyone fairly. The consequences of harsh and punitive discipline policies, including zero tolerance and the overuse of suspension and expulsion, are devastating in the lives of children. The district's code of conduct should be used as a tool to communicate principles and practices that go beyond consequences for misconduct and that establish a clear system for positive conduct and a positive school climate. This document seeks to assist communities and educators as they work to build the schools all children deserve.

Excerpts from Codes of Conduct

“Effective school discipline policies promote disciplinary responses that refrain from interrupting a student’s education to the extent possible.

Schools should minimize the use of out-of-school suspensions, recommendations for expulsion, and referrals to law enforcement, to the extent practicable.”

~Denver Public Schools, CO

“It is the policy of the Boston Public Schools to attempt to resolve disciplinary problems by every means short of exclusion from school. To achieve this, the Boston Public Schools shall create safe, healthy and supportive learning environments. Fair and reasonable procedures will also be followed to assure students, Parents, Guardians, and Caregivers of their rights.”

~Boston Public Schools, MA

The proposed outline below, based on selected codes of conduct from school districts across the country and other resources, offers a framework for administrators looking to revise their school district’s code of conduct, raises important questions for consideration, and offers examples from current codes of conduct. A district’s code of student conduct is an important document that establishes and communicates the district’s policies for addressing conduct in classrooms and on school campuses. The code sets forth procedures for building and maintaining a safe, respectful and positive school climate. Effective codes are developed with input from school personnel, students and their families, in addition to other community stakeholders, and should be regularly reviewed to determine areas for improvement and revision.

The sections in this document seek to achieve educational goals (e.g. productive learning environment, student and staff safety, positive school climate) and limit the use of exclusionary discipline, specifically suspension and expulsion.

Codes of Conduct

Model codes generally include four sections: Introduction; Rights and Responsibilities; Prevention, Intervention and Disciplinary Responses; and Policies and Procedures. The type of content for each section is outlined below with major questions for consideration.

Introduction

Provide in the introduction section a description of the purpose of your district’s code of conduct including goals for school climate and culture as well as guiding principles for the code of conduct. The introduction may also include a place for students to sign acknowledging receipt of the document.

Rights and Responsibilities

This section should clearly outline the district’s philosophy and responsibility to provide a safe and equitable learning environment for all students and highlight the responsibilities of all members of the school community in upholding the standards, laws, and expectations of the district. This section should include a list of the rights and responsibilities of students, parents, teachers, and administrators that align with the district’s philosophy as well as federal, state and local policies. If the school district has police officers or security guards stationed in schools, whether and to what extent those staff should be involved in the execution of the code of student conduct and addressing misbehavior should be made explicit in this section.



What are the expectations for how all members of the school community should behave and treat each other? What are the rights and responsibilities of students, parents, teachers/ administrators, school police officers, district administrators, and the community? How will individuals’ rights be respected/ honored?

“Students have a right to a disciplinary process that is consistent, fair, and equitably applied. Our schools are the safest and the most successful when everyone—students, parents, and staff alike—collaborates, values, and respects each other’s roles, and is invested in common-sense discipline practices.”

~ Montgomery County Public Schools, MD

“Positive relationships are critical to creating a positive school climate. School leaders set the tone and expectations for the entire school community, paving the way for all members of that community to take simple yet meaningful steps to improve school climate.”

~Baltimore City Public Schools, MD

Examples of Rights and Responsibilities: The examples below are drawn from school districts that have made changes to their codes of conduct to reflect positive and proactive strategies to improve school discipline. (See the sources section below).

Students have the right and responsibility to:

- Be respected as an individual and treated courteously, fairly and respectfully by other students and school staff
- Treat teachers, staff, other students, themselves and property with respect
- Take part in all school activities on an equal basis regardless of race, religion, religious practices, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability
- Attend school daily, be prepared for class and complete assignments to the best of their ability

Parents have the right and responsibility to:

- Be informed of their child’s attendance, performance and behavior concerns
- Receive information and prompt notification of inappropriate or disruptive behaviors by their child and any disciplinary actions taken by principals or school staff
- Assure their child brings to school only those things that are appropriate in a school setting
- Participate in decision-making processes affecting school policies and procedures

Teachers, principals and school staff have the right and responsibility to:

- Establish a sense of community in the classroom, including opportunities for members of the school community, to learn about and be respectful of each other’s cultures
- Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities
- Enforce the policies, rules, and regulations of the district, school, classroom and code of conduct, including preventive and positive disciplinary policies in cooperation with students, parents/guardians, and administrators
- Communicate policies, expectations, and concerns to students and parents/guardians, and respond to complaints or concerns from students and parents/guardians in a timely manner and in a language they understand
- Engage parents when their child is subject to disciplinary action

District administrators have the responsibility to:

- Provide support and professional development training to principals and school staff to help them support students, including students with disabilities and other special needs
- Ensure discipline policies are in compliance with civil rights laws
- Monitor discipline data to identify, investigate and address any disparities between students on the basis of disability, race, gender, or other student characteristics

Community-based/local organizations and agencies should:

- Share ideas and strategies for improving school climate and discipline practices
- Make reasonable efforts to confer, consult, and collaborate with school staff and/or parents/guardians on student misconduct and potential responses

Prevention, Intervention and Disciplinary Responses

Prevention Responses

In this section, include a description of the district’s plan for building and maintaining a positive school climate within each school and outline prevention efforts that will be incorporated into the larger discipline framework. This section should list the specific prevention supports available to all students. Example strategies may include a “Daily Rap” or “Morning Meetings” that focus on relationship building and strengthening social and emotional skills.



What district-wide strategies can be implemented to teach and support positive behavior for all students, including strategies shown to be effective with students with disabilities or special needs? How will decisions be made about the identification and implementation of these prevention strategies?

Required Systems for all Schools:

This section should detail all prevention and intervention strategies that individual schools and teachers are required to implement as well as any other strategies that are optional but recommended. In some cases, the same strategy may serve a dual purpose – prevention and intervention.

Response to Intervention Behavior Model:

The premise behind the Response to Intervention (RTI) approach is that early, systematic interventions when problems are first identified can prevent escalation and repeat occurrence of problem behaviors. Smaller interventions are attempted and, if unsuccessful, more intensive interventions are brought to bear. Districts using this type of tiered approach should describe the system/framework for behavior intervention in the code of conduct. Each level of the behavior model should be described including the corresponding supports offered at each level.

One RTI behavior model adopted by many school districts is the Positive Behavior Interventions and Supports (PBIS) model, which uses a tiered support system to teach and reinforce positive behavioral expectations for all students. PBIS was created as a framework for schools to more successfully integrate and include evidence-based strategies to support academic, social and behavioral outcomes for all students, including students with disabilities. Fidelity of implementation is key for ensuring positive outcomes are sustainable for all students. A diagram is often used to display the tiered model and increase supports at each level of intervention. (See example diagram).

Three Tier Framework: Whole School to Individual Student

The three tier PBIS framework engages students in different ways, beginning with broad classroom reform and as more support is needed, addressing students’ individual needs. For each tier, include a description of the supports and interventions that will be

“Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students’ education, and promote the development of a positive school culture.”

*~Buffalo Public Schools,
NY*

“Any supports that are adopted should build upon students’ strengths, promote success in school, maximize time spent in the classroom and minimize suspensions, expulsions, and other removals for students with behavioral health challenges.”

*~Boston Public Schools,
MA*

“Consequences that are paired with meaningful instruction and guidance (corrective feedback and re-teaching) offer students an opportunity to learn from their mistakes and contribute back to the school community, and are more likely to result in getting the student re-engaged in learning.”

*~Denver Public Schools,
CO*

“The Universal Team analyzes data from the Office of Discipline Referrals to determine the needs of the students. Social Skills Lessons are used to teach students desired behaviors in all areas of the school including the gym, bathrooms, hallways, and busses.”

~ School District 54, IL

“Interventions within the Secondary System are designed for a smaller number of students who require more focused behavioral support. Decisions to implement secondary support are determined based on records of student behavior/ student data.”

~Buffalo Public Schools, NY

“The Tertiary Team provides services to students through wraparound plans and/or a complex Behavior Intervention Plan... The team continues to change or modify the plan until the interventions in place are working to decrease problem behaviors.”

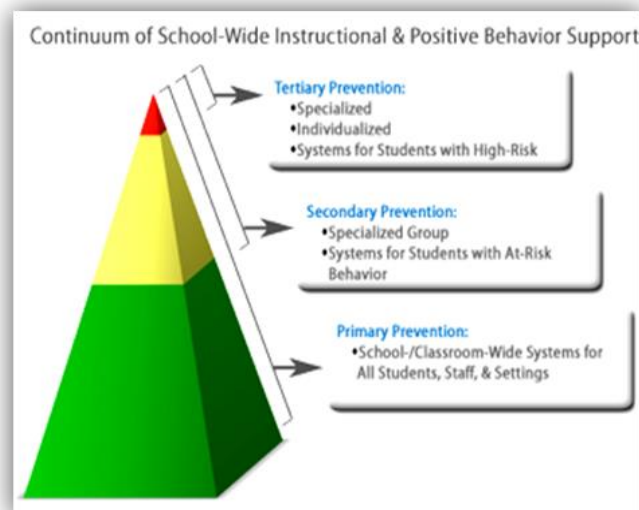
~ School District 54, IL

provided; describe the individual or team responsible for implementing interventions and providing supports; and describe the responsibilities of that person or team.

Tier 1: This tier includes all students and is often called “universal” supports. Examples include clear classroom and school expectations that are communicated to all students, and school wide positive behavior supports. Students who require additional supports are referred for tier 2.

Tier 2: This tier includes services for groups of students who need targeted behavior support. Examples include daily adult “check-ins” with students who need more specific support maintaining positive behaviors. Students who are not successful with tier 2 interventions and supports are referred for tier 3.

Tier 3: This tier includes individualized behavior supports for specific students. Examples include individual therapeutic meetings with a counselor who can help to address mental health needs. These are the most intensive interventions provided to the fewest students with the most significant needs.



Intervention Responses

This section should list all intervention supports that are required to students throughout the district, as well as recommended intervention strategies that schools can also adopt separately. Recommendations may include tips on building positive relationships with students and families and how to implement restorative practices.



What supports will be provided to all students, groups of students and individual students with identified needs? What types of interventions are available or should be available to address basic and more serious behavioral challenges? How will the school ensure that interventions and supports are applied fairly and consistently?

Restorative practices have been implemented in many schools and districts as an alternative to exclusionary discipline and as a way to proactively prevent and address conflict through relationship building and mediation. In Denver Public Schools, restorative practices are offered as one of three discipline intervention options in the district’s code of conduct.

“Alternatives such as restorative or therapeutic interventions should be utilized to help students who are at risk of suspension or expulsion before such disciplinary measures becomes necessary.”

~Denver Public Schools, CO

“Level 1 responses aim to teach correct and alternative behavior so students can learn and demonstrate safe and respectful behavior through a variety of teaching and classroom management strategies.”

~Buffalo Public Schools, NY

Level 2 responses may be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has continued to negatively affect the learning of the student and others.

~Baltimore City Public Schools, MD

In the Chicago Public Schools Code of Conduct, specific restorative strategies are offered as a response to four categories of behavior: inappropriate behavior, disruptive behaviors, seriously disruptive behaviors, and very seriously disruptive behaviors. Definitions of other generally accepted restorative practices are also listed.

Disciplinary Responses

This section should detail how each school is expected to respond to disciplinary infractions, with specific mention of the various consequences for certain violations. Additionally, a clear description of what efforts will be taken by school administrators and support staff to address the misbehavior or conflict should be provided. This section should include three main components: intervention responses; levels of intervention; and violations and offenses.

1) Types of Responses

This section should list and describe the various types of warnings and consequences that can be given for disruptive and inappropriate behavior (e.g. oral/written warning, suspension of privileges, restorative practices, in-school suspension, etc.).

Specific details for each warning and consequence should be included in the descriptions as well, such as:

- Time limits associated with each category (e.g. how long the consequence can be imposed, etc.);
- The school personnel who have the authority to impose the warning or consequence; and
- Due process and student and parent notification procedures.

A separate section may detail any prohibited disciplinary responses (e.g. corporal punishment; other consequences that may be prohibited regarding young children or students with disabilities, etc.).



What factors will schools take into consideration before administering consequences? How will the district ensure parity in responses across classrooms and schools for comparable offenses by students with comparable needs and disciplinary histories? What in-school and outside-of-school resources can be made available to support

2) Levels of Response

This section should describe the various consequence levels for inappropriate behavior (e.g. a school may have 3-4 levels of how to respond to student misbehavior). Some behaviors may warrant the removal of certain school privileges and other behaviors may warrant community service or an in-school-suspension, which may fall in levels 1-2 of the response ladder.

“Levels 3 and 4 responses may involve removal of a student from the school environment because of the severity of the behavior.”

~Buffalo Public Schools, NY

“If the inappropriate or disruptive behavior is assigned to two or more levels, then the lowest level of intervention and disciplinary response should be used first.”

~Baltimore City Public Schools, MD

“Consequences for repeated and flagrant violations of the Code shall be consistent with the principle of progressive discipline, with consideration given to the age and the social, emotional and intellectual development of the student.”

~Boston Public Schools, MA

More serious conduct violations may result in a response at higher levels (e.g. levels 3-4), which may include an out-of-school suspension, for example, when a serious violation has occurred. Districts such as Buffalo Public Schools include responses that start at the classroom intervention level, followed by administrative interventions, and then as a last resort, interventions and responses that require suspension or referrals for services (e.g. referrals to an Individualized Education Plan (IEP) team, or substance abuse counseling).

The “levels of response” section should clearly articulate the responses and consequences for each level, and should:

- List all levels of response (e.g. 3-5 levels) and provide a brief description of the goals and responsibilities for each level. The responses may range from classroom management strategies that address minor issues and infractions, to interventions administered by support staff in response to more challenging circumstances;
- Describe what consequences and disciplinary actions fall under each level (e.g. oral warning, verbal correction, detention, loss of privileges, restorative practices, community service, mediation, etc.);
- If support teams are in place, list actions and responsibilities of the team (e.g. parent notification, community conferencing; referral for specific services, etc.) for each level;
- Include parental communication protocols at each level;
- Include a section that clarifies the protocol for assigning consequences when behavior falls into multiple categories/ levels (e.g. begin with responses at the lower level first), and explains how responses to misconduct will be addressed in a gradual/ progressive manner that will help students learn from their mistakes
- Provide a list of factors to be considered by school staff prior to disciplining students (e.g. disability or special education status, health/ mental health, prior conduct, severity of the misconduct, etc.)



What proactive and non-exclusionary responses can be implemented at each response level to address misconduct and improve future behavior? What effective classroom-based or administrative responses will be considered prior to an exclusionary response? When does a repeat infraction warrant additional support and how will appropriate responses for repeat infractions be made clear?

Violations and Offenses

This section should provide a list of definitions for all inappropriate behaviors and correlate each with the above levels of response. The response level should match the severity of the misconduct. Some districts have chosen to convey this information in a table for users to easily identify which behaviors align with what response level. Information should also be included regarding when law enforcement should or should not be involved in response to disciplinary incidents.

Violations and offenses should be described in easy-to-understand language and where needed, key terms and subjective offenses should be defined to avoid ambiguity.

Policies and Procedures

In addition to district policies on appropriate dress, electronic device misuse and other issues of conduct on school property, there should also be policies and procedures governing student disciplinary referral. These policies should include due process and data collection procedures and be detailed in this section of the code of conduct.



Are all policies and procedures clearly written in the code of conduct to which all members of the school community have access? Is there a system in place to monitor whether the policies and procedures are followed consistently and administered fairly? How will student and family complaints be addressed?

Due Process

This section should provide a description of due process rights for all students, including a separate section on the specific due process rights and federal protections of students with disabilities. Due process protections generally include notification requirements, the right to fair disciplinary hearings prior to suspensions and expulsions, appeal processes, and other safeguards prior to the application of disciplinary sanctions. Districts should ensure that appropriate due process procedures are in place and applied equally to all students and include a clearly explained opportunity for the student to appeal the school's disciplinary action. This section should also detail the continuing education services that will be provided to students who are removed from school.

Data Collection and Review

This section should provide a description of how the district will collect, monitor, and evaluate school discipline data, including office referrals and discipline incidents that do not result in sanctions. Data collection is especially important for ensuring adequate support for students with disabilities. Some studies have found that within schools implementing PBIS, office discipline referrals for all students decreased over time, including students with disabilities. However, additional data collection is needed at the school and district levels to determine how students with disabilities may or may not benefit from positive behavioral frameworks adopted by the school and district. Data disaggregated by student subgroups are essential for analysis and determination of whether implemented supports are addressing students' identified needs. Sufficient data collection is also valuable to determine issues of disproportionality in discipline outcomes across the district.



How will discipline incident data be collected and reported so that it provides useful, valid, reliable, and timely information? How will data be collected from each school and regularly evaluated to determine patterns that may require further investigation?

In addition to detailing how the district will regularly collect and evaluate discipline data, the district's Code should also describe the protocols that will be in place to protect student privacy. District leaders should prioritize the use of data to make informed decisions that will lead to continuous improvement.

"No suspension, except emergency suspension, shall be imposed until the parent has been notified and a hearing has been held at the school, unless the parent has waived the right to a hearing in writing. It is necessary that due process be followed in conducting a hearing for suspension or the proceedings may be declared invalid."

~Boston Public Schools, MA

"Both individual schools and the District will evaluate and monitor the effectiveness of the school discipline plan using school disciplinary data disaggregated by race, ethnicity, and sex of student. This will allow schools and the District to: identify areas of need; target areas of concern; access professional development, supports, and services; and revise school procedures as needed."

~Denver Public Schools, CO

Sources:

Baltimore City Public Schools. Code of Conduct. 2013-2014

http://www.baltimorecityschools.org/cms/lib/MD01001351/Centricity/Domain/8516/2013_14-Code-English-FINAL.pdf

Buffalo Public Schools Standards for Community-Wide Conduct and Intervention Supports. 2013-2014.

<http://www.buffaloschools.org/files/57596/Official%20Code%20of%20Conduct%207.1.13.pdf>

Boston Public Schools Code of Conduct, September 2013

http://www.bostonpublicschools.org/cms/lib07/MA01906464/Centricity/Domain/203/2013-09-05_code_of_conduct_final.pdf

Chicago Public Schools, Student Code of Conduct, August 2013

http://www.cps.edu/Documents/Resources/StudentCodeOfConduct/English_StudentCodeofConduct.pdf

Denver Public Schools. Parent/ Student Policy Handbook

https://www.dpsk12.org/parent_handbook/

Maryland State Department of Education. The Maryland Guidelines for a State Code of Discipline. Adopted July 22, 2014.

http://www.marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/docs/MDGuidelinesforStateCodeDiscipline_08072014.pdf

A Model Code on Education and Dignity: Presenting a Human Rights Framework for Schools. August 2012. Prepared by the Dignity In Schools Campaign, www.dignityinschools.org

Montgomery County Public Schools, Code of Conduct, 2014-2015.

<http://www.montgomeryschoolsmd.org/uploadedFiles/students/rights/CodeofConduct.pdf>

Positive Behavior Interventions and Supports, OSEP Technical Assistance Center, Response to Intervention & PBIS

<http://www.pbis.org/school/rti>

The Council of State Governments Justice Center (2014). The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System.

<https://www.google.com/search?q=consensus+report&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a&channel=sb>

School District 54, Illinois, Positive Behavior Interventions and Supports. <http://sd54.org/pbis/>

Tobin, T., Horner, R., Vincent, C., Swain-Bradway, J. If discipline referral rates for the school as a whole are reduced, will rates for students with disabilities also be reduced? OSEP Technical Assistance Center, Positive behavioral Interventions and Supports.

U.S. Department of Education, U.S. Department of Justice (2014). Dear Colleague Letter: Nondiscriminatory Administration of School Discipline

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>

U.S. Department of Education (2014). Guiding principles: A resource guide for improving school climate and discipline.

<http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>