MODEL POLICY #10

# STUDENT DISCIPLINE

## Why Adopt This Policy?

Adopting this policy would ensure clear expectations for students and visitors of the school to maintain a safe, respectful, and orderly learning environment. This policy establishes the roles of teachers and other school staff when it comes to enforcement procedures. Finally, this policy ensures that schools and families are working together to correct behavior with a parental notification requirement.

***Note:*** *This policy is designed to be able to be implemented in any state. WILL suggests consulting with local legal counsel to understand the requirements in your state. WILL has also published a model policy on Student Discipline that is specific to Wisconsin.*

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## Policy

This policy is established to provide clear guidelines for maintaining a safe, respectful, and orderly learning environment within the district. This policy aims to allow school staff and administrators to address student behavior and discipline through approaches that prioritize accountability, positive behavior, and adherence to established rules and expectations.

**Non-Discrimination**

In the use of disciplinary authority, including suspension and expulsion authority, neither the Board nor any employee or school administrator may discriminate on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability.

**Expectations for Student Behavior**

The district shall communicate and reinforce clear expectations for student behavior that align with fostering a positive and safe school environment and prioritizing student academic achievement. The District Administrator shall ensure that a code of conduct is included in the handbook for each district school as well as the consequences for behavior that violates the code of conduct.

The handbook for each district school shall include information about (a) what constitutes punishable behavior, (b) grounds for removal of a student from the classroom, (c) the procedures for determining placement of a student who has been removed from the classroom, and (d) a procedure for notifying parents if their child has been removed from the classroom for punishable behavior under this section.

**Social Media**

For any social media posts that directly involve the district or members of the school community, all students are expected to avoid language that is discriminatory, harassing, threatening, or otherwise disruptive to the classroom

environment. Cyberbullying and harassment directly involving members of the school community will be treated the same as in-person incidents and will result in appropriate disciplinary action.

**Parents/Visitors**

The district values the collaboration between parents, visitors, and the school community to create a safe and respectful environment for all students. Parents, guardians, caregivers, and visitors participating in or attending school-related activities are expected to engage in respectful and courteous behavior toward students, staff, and other attendees. Disruptive or aggressive behavior will not be tolerated. Parents and visitors should model appropriate behavior and language for students. Parents and visitors must follow school security protocols and sign in when required. In the event of a disagreement or concern, parent and visitors are encouraged to contact the school principal or other district employee, rather than addressing the matter in a confrontational manner during school-related activities.

Failure of parents and visitors to adhere to the behavior expectations outlined in this policy may result in the following consequences: verbal warning; removal from activity; restrictions on future school-related events if there are repeated violations; or involving legal authorities in extreme cases involving threats, violence or harassment.

**Teacher Authority**

Teachers shall have the authority to maintain discipline and order within their classrooms to ensure effective teaching and learning. Teachers shall address unruly behavior promptly and proportionately, promoting a respectful and focused learning atmosphere. Teachers may implement discipline that includes verbal warning, redirection, private discussions, and parental involvement as needed.

Teachers shall maintain accurate and objective records of behavior punishable under this policy, interventions, and consequences. Teachers should provide details of the behavior, date, time, location, individuals involved, actions taken by the teacher to address the behavior, consequences administered, parent communication regarding the incident, and any follow-up actions taken. This documentation shall be shared with relevant school staff and administrators as needed. Records may be kept electronically or in hard copy, in accordance with school policies.

The district shall provide teachers with resources and professional development opportunities to enhance their classroom management skills. Teachers shall have access to guidance from administrators to address challenging behavior effectively.

**Actions of District Personnel**

District personnel must respond to behavior outlined in this policy. If district personnel takes action against a student in accordance with this policy, the building principal or other administrator shall provide parental notification.

If a teacher removes a student from class due to behavior outlined in this policy, before a return to class, the building principal or other administrative personnel will administer appropriate corrective action in accordance with the behavior code outlined in this policy and in the applicable student handbook. If a student violates the expectations for behavior as outlined in this policy either in a way that is severely disruptive to the classroom or

multiple times, then district personal shall take one of the following actions: Impose before-school detention, lunch/recess detention, after-school detention, or in-school suspension. Additional in-school discipline alternatives to out-of-school suspension may be offered at the discretion of the principal for inappropriate conduct pursuant to district policy.

**Parent Notification**

Parents will be notified by the building principal or other administrator if district personnel takes action against a student in accordance with this policy. No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. No student shall be refused transportation services until the parent has been notified and other suitable transportation arrangements have been made. Notification to the parent is the responsibility of district personnel and should be made prior to the departure of school buses. If a parent cannot be contacted, the child should be detained on another day.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under state law.

Federal laws interact with state laws and regulations on the topic of discipline in a school district. Before adopting this policy, WILL encourages school board members to determine what state-specific requirements exist.

## Legal Analysis

Local school boards have broad discretion in the management of school affairs. *Epperson v. State of Ark.*, 393 U.S. 97, 104, 89 S. Ct. 266, 270, 21 L. Ed. 2d 228 (1968); *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 102 S. Ct. 2799, 73 L. Ed. 2d 435 (1982). With respect to off-campus student speech, schools have limited authority, and such authority must be based on whether the speech created a substantial disruption to the school environment. *Mahanoy Area Sch. Dist. v. B. L. by & through Levy*, 141 S. Ct. 2038, 210 L. Ed. 2d 403 (2021). Federal law limits disciplinary options for students with disabilities, such as when conduct in violation of school policy is determined to be a manifestation of the disability of a student. *See* 20 U.S.C. § 1415(k)(1)(E); 34 C.F.R. § 300.530. Federal laws also prohibit discrimination in the use of disciplinary authority. See, e.g., 42 U.S.C. § 2000d; 20 U.S.C. §§ 1681—1688; 20 U.S.C. § 6312(b)(7). Teachers cannot be held liable for harm caused by any act or omission if the actions were carried out in conformity with Federal, State, and local laws in furtherance of efforts to maintain order or control in the classroom. 20 U.S.C.A § 7946.

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