

While the *Sandoval* decision did not invalidate Title VI disparate-impact regulations—the Court concluded that the issue had not been presented to it—five justices on the Court strongly hinted that they might vote to do so in a future case. The *Sandoval* majority noted, “We cannot help observing . . . how strange it is to say that disparate-impact regulations” properly implement Title VI when the statute “permits the very behavior that the regulations forbid.” The Court also noted that Title VI “limits agencies to ‘effectuat[ing] rights already created by’ it. See 121 S. Ct. at 1516-17, 1519 n.6, 1521. See also Thomas A. Lambert, *The Case against Private Disparate Impact Suits*, 34 Ga. L. Rev. 1155, 1211-21 (2000) (discussing, inter alia, the Court’s “general rule that agency regulations may not be more prescriptive than the enabling statutes under which they are promulgated,” *id.* at 1214).

Since Congress cannot transform a disparate-treatment ban into a disparate-impact ban, see *City of Boerne v. Flores*, 521 U.S. 507 (1997), it seems fair to conclude that a federal agency also lacks this authority. The Court in *Boerne* said that Congress’s font of authority, Section 5 of the Fourteenth Amendment, does not give it authority to make this fundamental transformation; *a fortiori*, an agency’s font of authority, Title VI, does not give it authority to make this fundamental transformation. See Lambert, 34 Ga. L. Rev. at 1218-21.

Such a transformation is additionally problematic because a ban on disproportionate effects will in fact *encourage* race-consciousness and disparate treatment—the very behavior that Congress sought to ban. See *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642, 652-53 (1989); *Watson v. Fort Worth Bank & Trust*, 487 U.S. 977, 992-94 & n.2 (1988) (plurality opinion); *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 449 (Blackmun, J., concurring in judgment).

Finally, to the extent that Title VI regulations are applied to states (as they frequently are), problems are raised under *Atascadero State Hospital v. Scanlon*, 473 U.S. 234, 242 (1985), because Congress has not approved such incursions on state authority, let alone approved them “unequivocally.” And were Congress to have given agencies authority to rewrite the statute actually passed, problems are raised under the nondelegation doctrine as well.

The justification for the disparate-impact approach in the republished guidance is in one sentence in Appendix B and its accompanying footnote. The sentence reads, “The Supreme Court has consistently upheld agency regulations prohibiting unjustified discriminatory effects.” The footnote cites three Supreme Court decisions, but the authority provided by each is quite problematic.

Only two majority opinions are cited in footnote 5. The first, *Alexander v. Choate*, 469 U.S. 287, 293-94 (1985), was not a case about Title VI or its regulations; instead, it involved the Rehabilitation Act, which the Court was at pains to assert might well give agencies broader authority to promulgate disparate-impact regulations. The other majority opinion cited in footnote 5 is *Lau v. Nichols*, 414 U.S. 563, 568 (1974), but there is no discussion in this case at all of any regulation’s validity and, in any event, when *Lau* was decided the Court had not yet determined that Title VI banned only disparate treatment, so

the divergence between the statute's ban and the regulations' could not have been authoritatively addressed.

The other case cited in footnote 5 (and discussed by the majority in *Alexander v. Choate*) is *Guardians Association v. Civil Service Commission*, 463 U.S. 582 (1983). But to find in *Guardians* a bare majority for the proposition that agencies may promulgate disparate-impact regulations under Title VI, one must add the opinion by Justice White to Justice Marshall's dissent and to Justice Stevens' dissent (joined by Justices Brennan and Blackmun). Four members of the Court—Burger, Rehnquist, Powell, and O'Connor—explicitly rejected this view. Furthermore, Justice White actually voted to affirm the holding below denying the plaintiff compensatory damages, and also thought that the statute itself reaches disparate impact, so “[t]he question whether agency regulations under Title VI may forbid only disparate impact . . . thus remains open.” Lambert, 34 Ga. L. Rev. at 1207; *see also id.* at 1203-25 (discussing why disparate-impact regulations are invalid under the Court's precedents).

In all events, whatever tenuous authority these three decisions might have had was snapped by last year's decision in *Sandoval* (and, earlier, by the Court's *City of Boerne* decision). Clearly there are at least five justices who view the validity of disparate-impact regulations promulgated under Title VI as very much an open question and, indeed, indicated rather clearly that the regulations rest on dubious authority.

And even if in some future case the Supreme Court rules that federal agencies have authority to write disparate-impact regulations, that would not mean that they *should* do so, especially given the many bad consequences that the disparate-impact approach has had for civil-rights law. Thus, the administration ought to be reassessing the use of the disparate-impact approach in all areas not required by statute, and that includes Executive Order 13166.

Indeed, the disparate-impact approach is especially untenable in the language area. It equates the use of English with national-origin discrimination, which is absurd. Ability to speak English and ethnicity are obviously distinct qualities. Some people of a particular national origin will not be able to speak English well, but others will. Conversely, some people *not* of that particular national origin will *also* not be able to speak English well. Thus, the courts have overwhelmingly rejected claims that employers with a preference or even a requirement for speaking English—practices that go much further than the mere failure to make the positive accommodations that the guidance would require—are discriminating on the basis of national origin. (These cases are collected and discussed in Barnaby Zall, *English in the Workplace* (2000) (published by the Center for Equal Opportunity).)

The Supreme Court's decision in *Espinoza v. Farah Manufacturing Co.*, 414 U.S. 86 (1973), is also instructive. It held there that it was not national origin discrimination when an employer refused to hire a noncitizen. The Court—per Justice Marshall, with Justice Douglas the only dissenter—endorsed an early EEOC opinion that “‘national origin’ refers to the country from which the individual or his forbears came . . . , not whether or not he is a United States citizen” (*id.* at 94). The Court had noted, “Certainly the plain language of the statute

supports [that] result” (*id.* at 88), and that Title VII’s legislative history “suggest[ed] that the terms ‘national origin’ and ‘ancestry’ were considered synonymous” (*id.* at 89). What’s more, the Court expressly rejected the EEOC’s attempt to ban discrimination against foreigners by arguing that it would have a disparate impact on the basis of national origin (*id.* at 92-95). It would seem to follow that discrimination against all foreign languages doesn’t violate the law; only discrimination against a language associated with a particular national origin.

While it is of course possible that a particular Title VI recipient might choose not to make its programs available in a language other than English as a way of discriminating against a particular ethnic group, it seems fair to assume that the overwhelming majority of Title VI recipients use only English not out of any illicit motive but simply because of ease, convenience, and thrift. Thus, it is much fairer for the government to limit itself to going after recipients it suspects of disparate treatment—especially since that is all the underlying statute prohibits. There is no reason to assume recipients who use only English are guilty until they can show their good faith and a business necessity for their policy. Nor is there any reason to assume that, unless the federal government is requiring recipients to make programs available in English, that they will not do so. Many recipients will indeed accommodate non-English-speakers; but the decision of whether and how to do so should be and is theirs to make, not the federal government’s.

The last sentence in the republished guidance asserts that “DOJ’s primary concern is to ensure that the recipient’s policies and procedures overcome barriers resulting from language differences.” No doubt. But Congress has not enacted an affirmative mandate that recipients “overcome[e] barriers resulting from language differences”; it has banned discrimination on the basis of ethnicity, which is very different.

Worse, the guidance endorses the notion that America ought to be a multilingual nation, and removes important incentives for all Americans to learn English. A common tongue becomes more, not less, important as our nation grows more multiracial and multiethnic. We must be able to communicate with one another, and it is very damaging if the federal government is sending the message that learning English is not necessary for being an American. In short, as dubious as Executive Order 13166 is as a matter of law, it is much worse as a matter of policy.

Executive Order 13166 ought to be revoked. Furthermore, all agency regulations and guidance promulgated under Title VI that rely on the disparate-impact approach should be revoked as well.

Sincerely,

Edward Blum  
Director of Legal Affairs  
American Civil Rights Institute

Roger Clegg  
Vice President and General Counsel  
Center for Equal Opportunity

## Appendix B

### *USCCR Letter to Schools*

Dear School District Administrator:

The U.S. Commission on Civil Rights is charged with the responsibility to study and collect information relating to discrimination or denial of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice.<sup>171</sup>

In fulfillment of this statutory obligation, the Commission has recently undertaken to study the on-going Department of Education initiative to reduce racial disparities in school discipline. We hope that the Commission will be able to issue a report sometime in 2011.

Secretary of Education Arne Duncan explained the Department of Education initiative in a speech commemorating the 45<sup>th</sup> anniversary of the “Bloody Sunday” march in Selma, Alabama. In it, he noted that it is well-established that African-American students are disproportionately the subject of discipline in schools across the country. This includes expulsions, suspensions and sanctions of many varieties. He also specifically stated that Dr. Martin Luther King Jr. would have been “dismayed to learn of schools that seem to suspend and discipline only young African-American boys.”

Assistant Secretary of Education for Civil Rights Russlynn Ali has said that she plans to initiate compliance reviews regarding this matter in 38 school districts in various parts of the country. Districts that are not in compliance with federal law must formally agree to correct unlawful practices, or else face litigation and/or the loss of federal funds.<sup>172</sup>

We seek to hear directly from school district administrators about the steps that their school districts have taken or plan to take to ensure that they are in compliance with federal law. In particular, how have or will your discipline policies change in response to concerns about racial disproportionalities in school discipline? Also of interest to us is how teachers are trained in implementing discipline policies. If you have not taken and do not plan to take any new steps, we would appreciate hearing from you about why you believe that no action is necessary.

If you have any opinions about the Department of Education’s initiative—whether positive, negative or somewhere in between—we would appreciate hearing from you about those too.

On behalf of the Commission, I ask that you send us a letter containing your responses to these questions by December 15, 2010. A copy of this letter should be sent by e-mail to

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<sup>171</sup> 42 U.S.C. 1975(a).

<sup>172</sup> “Civil Rights in Education,” *The New York Times*, March 15, 2010.

\*\*\*\*\*@usccr.gov or by fax to \*\*\*\*\* by that date. As a result of post-9/11 federal procedures, our mail does not reach us until it has been irradiated for anthrax.

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### School District Response Letters



Office of the Director of Schools  
 101 South Main Street, Suite 501  
 Clinton, Tennessee 37716  
 Office: (865) 463-2800, x 2801  
 Fax: (865) 457-9157

Larry Foster, Director of Schools

December 15, 2010

To Whom It May Concern:

The Anderson County School System reviews all policies annually, including discipline which is addressed in our Code of Student Conduct. A team consisting of principals and directors meets to review and monitor the implementation of each aspect of the document. Also, our Parent Advisory Council participates in the review before our Board of Education approves the final procedures for the upcoming school year. Each month our board receives a disciplinary report with an annual report at the close of the school year.

Before the beginning of school, administrators are trained on policy and changes and how those changes will impact their schools. It is the administrator's responsibility to train teachers and monitor compliance in their building.

We have a very small minority population enrolled in the Anderson County district and our data does not indicate racial, gender, disability or any other disparities with discipline. However, in an effort to be transparent with discipline in our schools, future annual disciplinary reports will disaggregate data by school, gender, age, race and disability.

Any specific data is available upon request.

Regards,

Larry Foster

=====  
 Some people say education is expensive. We say it's priceless.

# BALTIMORE CITY PUBLIC SCHOOLS

**Stephanie Rawlings-Blake**  
Mayor, City of Baltimore

**Neil E. Duke, Esq.**  
*Chair, Baltimore City Board of  
School Commissioners*

**Andres A. Alonso, Ed.D.**  
*Chief Executive Officer*

January 5, 2011

Martin Dannenfels  
Staff Director  
U.S. Commission on Civil Rights

Dear Mr. Dannenfels:

I am writing in response to your letter regarding an ongoing Department of Education initiative to reduce racial disparities in school discipline. Baltimore City Public Schools (City Schools) has taken great steps to provide healthy learning environments, engaging instruction, respect among students and staff, and welcoming and safe buildings. We realize that every member of the school community, including students, parents, teachers, principals and community partners, plays a role in ensuring that federal law is followed and that our discipline policies are fair to all students.

To guide staff in this effort City Schools distributes a code of conduct each school year. This year's code, *Creating Great Schools Communities*, is a collaboration that reflects ideas and values of students, parents, teachers and the City Schools community. The code clearly describes expectations that all stakeholders must honor to ensure that our students engage in behavior that supports success in school and in society. Specifically, the code describes behavioral expectations in the school environment. The code includes student principles, student rights and responsibilities, staff and principal rights and responsibilities, central office rights and responsibilities, and parent/guardian rights and responsibilities. It also provides intervention strategies and responses that are appropriate and acceptable, thereby guaranteeing that all students are disciplined equally and that no students are penalized based on race.

Teachers and other school-based staff receive intensive year-round professional development on implementation of the code of conduct. Schools are encouraged to establish clear behavioral expectations for students and to ensure that the code is always used fairly and without discrimination based on race, ethnicity, national origin, gender, sexual orientation, 504 plans or religion. Additionally, the Office of Suspension Services consistently monitors suspensions and provides additional training for schools when support is needed. In particular, a conscious effort is made to provide additional support to schools for disciplining students with disabilities.



For the past several years City Schools has been diligent in ensuring that discipline procedures are fair and student-focused. Teachers are encouraged to teach correct behavior to students and reward good and non-disruptive behavior. City Schools is totally committed to providing school environments in which students feel safe, welcome and are able to succeed.

Sincerely,



Andrés A. Alonso, Ed.D.  
Chief Executive Officer

#3672







Dr. Anthony Parker, Superintendent

December 13, 2010

Martin Dannenfelser  
Staff Director  
U.S. Commission on Civil Rights

Dear Mr. Dannenfelser:

The following information is in response to the request from the U.S. Commission on Civil Rights. This letter outlines the Berkeley County School District's awareness of the matter of reducing racial disparities in regards to school discipline.

The focus of our school district is on continuous improvement and pro-active interventions for our students. This improvement is primarily addressed in our monthly staff development workshops and through our Professional Learning Communities. In the area of school discipline, we have emphasized multiple strategies.

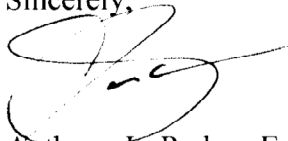
A major component of our staff development plan is the implementation of Positive Behavioral Interventions and Supports (PBIS). This program gives administrators and teachers strategies for classroom management, student interventions and support for all students. This program also has a strong parental involvement component. PBIS is in year four of training for our district through our staff development and is ongoing.

Other strategies include the study of Ruby Payne's book Framework for Understanding Poverty and Robert Marzano's book Classroom Management That Works. To understand the role of poverty in regards to student learning and discipline, teachers, staff members and administrators are learning new skills to implement strategies to reduce discipline. Resources from these proven best practices are especially relevant given the current economic times of our state.

Currently, our high schools have joined Josten's Renaissance Recognition Program. The Renaissance rewards students for positive behavior, good grades and attendance. A key component of the program includes strategies to include at-risk students that demonstrate improvement in the above mentioned areas. Our schools have been recognized on the state and national level for outstanding Renaissance Programs.

These areas of focus play a major role in the decline of discipline incidents since implementation and we expect continued improvement not only in behavior but student performance as well.

Sincerely,

A handwritten signature in black ink, appearing to read 'AP', with a large, sweeping flourish extending to the right.

Anthony L. Parker, Ed. D.  
Superintendent



# CHARLES COUNTY PUBLIC SCHOOLS

JAMES E. RICHMOND  
*Superintendent of Schools*

RONALD G. CUNNINGHAM  
*Deputy Superintendent  
of Schools*

December 14, 2010

Mr. Martin Dannenfeser, Staff Director  
U.S. Commission on Civil Rights  
Washington, D.C. 20425

Dear Mr. Dannenfeser:

I am in receipt of your request that school districts respond as to their compliance with federal law concerning discrimination. Charles County Public Schools does not discriminate on the basis of race, color, religion, national origin, sex, age or disability in its programs, activities or employment practices, or in the administration of justice.

Charles County Public Schools has not changed discipline policies or practices in response to concerns about racial disproportionalities in school discipline. Charles County Public Schools complies with federal and state laws and follows procedures outlined by the Maryland State Department of Education in its discipline policies and practices. Administrators and staff in Charles County Public Schools periodically review data on discipline trends in schools including offenses, locations of offenses, and sex and race of the students being disciplined. Student Support Teams can provide interventions, including education and pro-social behavioral support to reduce these trends. Schools also use a matrix of offenses, which in part dictates the nature of the consequence applied to various infractions. Many schools in Charles County employ Positive Behavioral Interventions and Supports, which uses positive practices to change school climate and improve student behavior.

All faculty and staff in Charles County Public Schools are required to take a cultural competence course. This allows staff to determine how to achieve equity on a day to day basis in the school and challenges staff to look at minority student data and present practices.

Efforts to reduce disproportionality in school discipline include, but are not limited to, these ongoing efforts to ensure behavior is appropriate for the educational setting. Please contact me if you require further information.

Sincerely,

A handwritten signature in black ink that reads "James E. Richmond".  
James E. Richmond  
Superintendent of Schools

JER:PV:cm  
H:\FORMS\Letterhead.doc

JAMES H. CORNETTE  
*Assistant in School Administration and Operations*

PATTY L. DORSEY  
*Assistant in School Administration and Operations*

PATRICIA VAIRA, Ph.D., NCSP  
*Director of Student Services*

School Administration and Operations: 301-934-7364 or 301-934-7316  
Student Services: 301-392-7510 or 301-934-7326  
System Hotline / 24 Hour Recorded Information: 301-934-7410  
System Website: [www.cbboe.com](http://www.cbboe.com)

DEC. 13. 2010 4:28PM

DORCHESTER SUPERINTENDENT

NO.



Dorchester  
School  
District Two

JOSEPH R. PYE  
Superintendent

102 GREEN WAVE BOULEVARD • SUMMERSVILLE, WV 26046 • (843) 635-2403 • FAX (843) 673-4053

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December 13, 2010

Mr. Martin Dannenfeler  
US Commission on Civil Rights  
Washington DC 20425

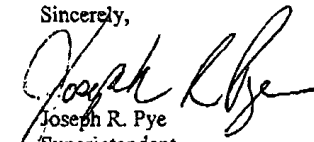
RE: Your request of November 8, 2010

Dear Mr. Dannenfeler:

Included with this fax, please find our response concerning steps that Dorchester School District Two has taken to ensure that we are in compliance with the federal laws referred to in your letter of November 8.

If we can provide any further information, please do not hesitate to contact our office.

Sincerely,



Joseph R. Pye  
Superintendent

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## United States Commission on Civil Rights

**Response Due: December 15, 2010**

**1. What steps has the school district taken or plans to take to ensure that the district is in compliance with federal law relating to discrimination?**

Dorchester School District Two prides itself with rigorous academics and a safe orderly environment. The district strives to be proactive in ensuring equity, fairness and due process for all students. The district receives correspondence, advice and guidance from legal advisors, the South Carolina School Board Association as well as the National School Board Association pertaining to policies and updates.

Dorchester School District Two has enacted the following polices to ensure that the district is in compliance with federal law related to discrimination, race –and-ethnicity-conscious practices:

<u>Policy Number</u>	<u>Title of Policy</u>	<u>Last Revised Date</u>
AC	Nondiscrimination/Equal Opportunity	August 2001
ACG	Resolution of Discrimination Complaints	January 2002
BDF	Advisory Committees	September 2001
GBA	Open Hiring/Equal Employment Opportunity And Affirmative Action	June 2000
GCE	Professional Staff Recruitment	July 2002
GCEC	Posting and Advertising of Professional Staff Vacancies	October 2000
GCF	Professional Staff Hiring	March 2006
GDEA	Posting and Advertising of Support Staff Positions	October 2000
GDF	Support Staff Hiring	March 2006
IHA	Basic Instructional Program	June 2001
IHAK	Character Education	November 2005
IIA	Performance Grouping for Instruction	December 2001
JA	Student Policies Goals/Priority Objectives	October 2000
JB	Equal Educational Opportunity/Nondiscrimination	July 2006
JFAA	Admission of Resident Students	November 2000
JFAB	Nonresident Students	December 2001
JJ	Student Rights and Responsibilities	October 2000
JIB	Student Involvement in Decision Making	October 2000
JIC	Student Conduct	February 2004
JICDA	Code of Conduct	May 2001
JII	Student Grievances	February 2001
JJA	Student Organizations	February 2001
JJAB	Limited Open/Closed Forum	May 2001
JK	Student Discipline	February 2001
JKA	Corporal Punishment	May 2001
JKC	Probation of Students	February 2001
JKD	Suspension of Students	February 2001
JKE	Expulsion of Students	May 2001

**2. How have or will the district's discipline policies and procedures change in response to concerns about racial disproportionalities in school discipline?**

- The School Board regularly reviews, evaluates and refines all policies particularly in response to community concerns.
- Schools review discipline data on a monthly basis to analyze trends and identify focus areas to address.
- The district reviews semi-annually all discipline referrals to the District Hearing Officer monitoring age, gender, ethnicity, race, socio-economic status, reading ability, and length of time in school district.
- The superintendent has established a Discipline Task Force to examine and ensure that policies and procedures are equitable for all students and lead to reduction in racial disparities in school discipline particularly among African American males. Recommendations will be shared with the district administration and School Board to be considered in policy changes and/or staff development needs.
- A mentoring program at Summerville Elementary School supported by the Black Business Owners and Managers of America along with community and church members will begin January 2011.
- The superintendent has established a Community Liaison to focus on diversity.
- The district has established a Pyramid of Interventions to include both academic and behavioral screenings and strategies for all students as a district initiative. The district has hired Academic and Behavioral Specialists to implement the Pyramid of Interventions and establish a system of support for all students.

**3. How teachers are trained in implementing discipline policies and procedures?**

- The superintendent has received diversity training at the Riley Institute through Furman University and as a result has made diversity a priority.
- The district and schools have regularly scheduled meetings with each school administration, PTA President and School Improvement Council Chairman to encourage diverse parent involvement and empowerment in school decision making.
- Staff development is conducted at the beginning of the school year to discuss discipline policies, revisions to policies, and procedures at all school sites.
- Through the use of whole faculty discussions, faculty and staff discuss what should or should not constitute a discipline referral.
- Teachers are coached on how to de-escalate a defiant student and to know the difference in major and minor offenses along with how to word disciplinary referrals.

- Teachers are coached on how to communicate and conference with parents both in person and via phone.
- New teachers meet frequently with their school mentors and discuss classroom management and discipline.
- The administrative team and the Positive Behavior Interventions and Supports (PBIS) team conduct an initial training for school personnel.
- The district and school faculty handbooks are reviewed and updated annually to reflect changes in discipline procedures.
- PBIS team presents discipline data monthly at faculty meetings.
- PBIS team assists administration in developing trainings, implementation, and communication to families.
- School administrators conduct quarterly meetings with each grade level to present discipline data and set goals.
- Faculty and staff are given a copy of the Dorchester School District Two Student Handbook, which contains district discipline policies.
- Each teacher receives a matrix of rules and expectations for areas of the school and bus. They are provided a script of one or two sentences for each area to ensure the language is consistent school wide.
- Faculty meetings include a focus on instruction, behavior and classroom management.
- Schools meet by grade level to determine developmentally appropriate behavior expectations for instructional and non-instructional times of the school day.
- Schools and district support staff meet regularly to discuss students who are repeat offenders to discuss interventions and a student action plan.
- The following list of book studies have been held in our schools:
  - A Framework for Understanding Poverty
  - Do you Know Me Well Enough to Teach Me?
  - What Great Teachers Do Differently
  - Teaching With Love and Logic
  - Strategies That Work
  - Have You Filled a Bucket Today?
  - How Full is Your Bucket?
- The following list of workshops have been held in our schools:
  - Movie: Waiting for Superman
  - Behavior Strategies for Difficult Students

- School wide Positive Behavior Interventions System (PBIS): Positive “Consequences” - Classroom Consequences That Are Consistent with PBIS
  - An Alternate Route: School-Wide Positive Behavioral Interventions and Supports on the Bus
  - Building Effective Classrooms
  - Positive Behavior Supports and Functional Behavior Assessment/Behavior Improvement Plans
  - What You Say Matters...Fine Tuning Acknowledgements
  - The Big Six (this is regarding the 6 critical elements of PBIS)
  - Managing Behavior in the Classroom
  - Check In- Check Out: An Intervention for at-risk Students
  - Ruby Payne’s “A Framework for Understanding Poverty”
- The following list of workshops have been held in the district for administrators:
    - Professional Learning Community: Alternatives to School Removal
    - Determining Manifestation
    - Seclusion/Restraint





Evanston/Skokie  
1500 McDaniel Avenue  
School District 65

Office of the Superintendent  
Evanston, IL 60201-3976  
[www.district65.net](http://www.district65.net)  
847 859-8000

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December 10, 2010

Mr. Martin Dannenfelser  
Ms. Lenore Ostrowsky  
U.S. Commission on Civil Rights  
Washington, D.C. 020425

Dear Mr. Dannenfelser and Ms. Ostrowsky:

This letter is in response to your compliance inquiry for school district administrators regarding disproportionality in school district student disciplinary actions. We keep all policies in compliance with Federal, State and local laws, and aligned with the Illinois School Code through administrative monitoring and Board policy committee oversight. They are reviewed on a recurring basis, and meet quarterly with the Board Policy Committee to implement both required and suggested changes. This review process promotes the opportunity to ensure that discipline policies are equitable across racial, gender, disability and sexual orientation classifications, and provides opportunities to develop interventions as necessary.

District 65 offers programs and training opportunities for administrators and teachers in the implementation of discipline policies. We have had great success with our Positive Behavioral Interventions System (PBIS) discipline management system. This programmatic initiative enables us to monitor and address school discipline in an equitable data-based manner. In addition to the database maintained in the PBIS system, we maintain and review disciplinary data by race and cohorts for Board of Education reports and state reporting. PBIS effectively address disparity in disciplinary suspensions. We offer family and/or individual counseling by school social workers as an alternative to out of school suspensions.

Additionally, our district has provided sensitivity training on both districtwide and school level basis through outside agencies and the social work staff. For example, early next year we are providing teachers and staff a professional development opportunity entitled, "Mosaic Experience: A Thoughtful Conversation about Cultural Diversity in the Classroom."

Please contact me should you require additional information.

Sincerely,

Hardy Murphy, Ph.D.

Superintendent of Schools

**HAMILTON COUNTY DEPARTMENT OF EDUCATION**

3074 Hickory Valley Road  
Chattanooga, Tennessee 37421  
423.209.8600 • Fax 423.209.8601

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**Jim Scales, Ph.D.**  
Superintendent

December 13, 2010

Lenore Ostrowsky, Attorney Advisor  
Office of the Staff Director  
U.S. Commission on Civil Rights  
Washington, D.C. 20425

RE: Reduction of Racial Disparities in School Discipline

Dear Attorney Ostrowsky:

In response to Martin Dannenfels's letter dated November 8, 2010, I am pleased to share information and initiatives that the Hamilton County Department of Education (HCDE) is using to deter negative student behaviors and foster a healthier school climate across the system.

School-Wide Positive Behavior Support is a system approach of adopting and implementing a continuum of evidence-based interventions to achieve positive academic and behavioral outcomes for all of our students. By teaching, reteaching and reinforcing appropriate behaviors, this method is a way of applying equal sanctions, and it also makes provisions for training teachers on behavioral issues. We have seen a noticeable improvement in student behavior as measured by a decrease in office disciplinary referrals.

HCDE has also established the Olweus Bullying Prevention Strategy throughout the system which has a goal of providing a comprehensive approach to prevent and reduce antisocial bullying behaviors. By being proactive in addressing such behaviors, school personnel are diminishing disciplinary action required for these types of negative offenses.

Our Exceptional Education department has provided training to all principals, assistant principals and Exceptional Education case managers on 10-day suspension regulations for Students With Disabilities (SWD) for a school year. In addition, they have provided alternatives to suspension that include:

- Behavior Support Teams
- Nonviolent Crisis Intervention training – CPI Training

*"Investing In Our Future"*

Page 2

U.S. Commission on Civil Rights  
Reduction of Racial Disparity in School Discipline  
December 13, 2010

- Training on completion of Functional Behavior Assessments and development of Behavior Improvement Plans
- Intensive behavior support classrooms for students with Autism and mental health conditions
- Collaboration and support to 504 teams
- Training for Individual Educational Program teams in manifestation determinations
- In-School Suspension and Evening School programs
- Parent training to improve behavior at home and maintain appropriate behaviors in school and in the community

I have attached a three-year view of Hamilton County's discipline count which reflects a reduction in all disciplinary actions that remove students from the main instructional stream. While we are pleased to see this progress, we do realize that we must be vigilant in applying interventions and in training our teachers how to react in order to diffuse negative behaviors. Teachers receive training from their school administrators or from consultants specializing in student behavior as part of their professional development activities. Our Students Taking A Right Stand (STARS) director provides training to teachers in the Olweus Bullying Prevention Strategy and School-Wide Positive Behavior Support initiatives.

Our school system also receives support from various community and religious organizations to address the prevention of gang activity and criminal offenses.

Society brings many issues into our schools that must be handled in order to get our students to a place where they can focus on learning. We believe addressing preventive measures and reinforcing positive behavior in order to prevent negative student behavior is the best way to avoid racial disparity in applying disciplinary measures. As you know, we also must adhere to federal guidelines regarding discipline of students with disabilities.

I am enclosing Hamilton County Board policies which deal with Tennessee's Zero Tolerance Code of Conduct and with student goals which address applying sanctions fairly and in a constructive manner.

I hope this information is helpful as you study reducing racial disparity in school disciplinary measures. Please let me know if you have any questions.

Sincerely,



Jim Scales, Ph.D.  
Superintendent

Hamilton County Department of Education  
Behavior Report for 2008 to 2010

		Year														
		2007-2008					2008-2009					2009-2010				
		Discipline Description					Discipline Description					Discipline Description				
		Suspension	In-School Suspension	Remanded	Expulsion	Total	Suspension	In-School Suspension	Remanded	Expulsion	Total	Suspension	In-School Suspension	Remanded	Expulsion	Total
		Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
Grade	Total	8503	8366	1181	506	18556	7940	7727	1429	505	17601	6144	4607	753	421	11925
	6th	1264	2056	95	41	3456	1194	1994	125	54	3367	969	1253	63	60	2345
	7th	1719	3057	162	80	5018	1302	2130	124	73	3629	1064	1151	78	66	2359
	8th	1526	2210	153	133	4022	1383	1903	180	103	3569	1065	872	103	91	2131
	9th	1918	517	348	114	2897	1863	737	407	148	3155	1360	417	188	87	2052
	10th	1103	255	226	78	1662	1093	493	336	60	1982	847	505	199	65	1616
	11th	596	160	121	41	918	678	272	136	43	1129	499	237	73	38	847
	12th	377	111	76	19	583	427	198	121	24	770	340	172	49	14	575
Gender	Female	3007	2767	382	144	6300	2588	2464	423	147	5622	1936	1513	236	110	3795
	Male	5496	5599	799	362	12256	5352	5263	1006	358	11979	4208	3094	517	311	8130
Ethnicity	Asian	28	19	0	3	50	14	16	1	1	32	13	10	1	0	24
	African-American	5222	4956	917	278	11373	4742	5311	1173	350	11576	3611	2698	597	274	7180
	Hispanic	177	150	15	13	355	190	94	17	15	316	168	119	13	14	314
	American Indian	6	15	1	0	22	7	8	0	0	15	8	4	0	0	12
	Pacific Islander	2	1	1	0	4	1	3	0	0	4	1	0	0	0	1
	White	3067	3225	247	212	6751	2984	2295	238	139	5656	2343	1776	142	133	4394
	Income Status	Non ED	1790	1546	155	129	3620	1625	1214	168	81	3088	1378	1004	116	95
	ED	6713	6820	1026	377	14936	6315	6513	1261	424	14513	4766	3603	637	326	9332

Source: SASI ADIS Files



HAMILTON COUNTY DEPARTMENT OF EDUCATION  
3074 Hickory Valley Road  
Chattanooga, Tennessee 37421  
423.209.8400

**PARENTAL/STUDENT  
NOTIFICATION FORM**

Parents/guardians are requested to sign and date this form. A signature acknowledges receipt of the Hamilton County Schools' Student Code of Acceptable Behavior and Discipline pamphlet.

If parents/guardians have questions regarding the content of this pamphlet, please contact the school that your student(s) attends.

Each school administration shall ensure that the contents are understood by students attending their school.

Students in grades six (6) through twelve (12) shall sign this form. A signature acknowledges that the student understands the content of the code.

Students shall return this notification form to their school.

\_\_\_\_\_  
Date Signature of Parent or Guardian

\_\_\_\_\_  
Date Signature of Student (Grades 6-12)

\_\_\_\_\_  
Print Name of Student



HAMILTON COUNTY DEPARTMENT OF EDUCATION  
3074 Hickory Valley Road  
Chattanooga, Tennessee 37421  
423.209.8400

Dear Parents and Students:

As Superintendent of the Hamilton County Schools, I believe a safe and secure learning environment is important for our students, parents, teachers and staff in the school system. Student achievement is our primary focus, and it is my expectation that our classrooms will be places where students can learn without disruption.

In order to maintain a climate conducive to learning, guidelines for student behavior are outlined in this Student Code of Acceptable Behavior and Discipline. The Hamilton County Board of Education supports these measures to promote a safe environment where effective instruction can take place.

All of us have a responsibility to follow these rules and show respect to our peers, teachers and those in authority. I ask that parents read this code, discuss it with your child, sign the attached Parental /Student Notification Form, and return it to your child's school. Additionally, students in grades 6-12 are also asked to read the code and sign the attached form before returning it to your school.

Together, we can work to provide an environment where children feel safe and where learning takes place. We solicit your support of our principals and teachers as we continue our journey toward excellence.

Thank you for your support of this effort to keep our schools safe.

Sincerely,

Jim Scales, Ph.D.  
Superintendent

Rev. 7/10

The following are summary descriptions regarding the Code of Conduct, zero tolerance offenses, major and other offenses, and suspensions and appeals.

**CODE OF CONDUCT**

Hamilton County students are expected to behave in a way that does not interrupt the education of other students, or endanger other students or themselves. Violence, bullying, non-attendance or tardiness, substance abuse, protests, and other unacceptable behavior are not permitted.

The Code is designed to create a safe and secure environment on school campuses, school buses, and at school functions. The code's objective is to establish an environment which encourages student interaction and school pride. It will support and recognize positive behavior.

**ZERO TOLERANCE OFFENSES**

According to state and federal law, a student who commits a zero tolerance offense is expelled for one calendar year, unless modified by the Superintendent. This includes offenses on school properties, including buses and at school-sponsored activities. All violations will be reported to local law enforcement officials.

The following are zero tolerance offenses:

- possession of a firearm, explosive, poison gas device, bomb or similar device.
- illegal possession of a controlled substance or drug.
- striking a teacher, principal, administrator or any other employee of the Hamilton County Department of Education, or an SRO.

The following offenses may result in at least a calendar year suspension:

- possession of a knife or any device capable of inflicting injury to another individual.
- possessing, transferring or receiving drug paraphernalia, non-prescription drugs or "look-alike" drugs.

**MAJOR OFFENSES**

(resulting in short-term suspension or possible expulsion)

**Alcoholic Beverages**

Selling of alcoholic beverages.  
Incident will be reported to local law enforcement officials.  
First offense – suspension of up to 85 days.  
Second offense – may result in expulsion.

Possession and/or use of alcoholic beverages.  
Incident may not be reported to law officials.  
First offense – suspension of at least 20 days.  
Second offense – suspension of 85 days or more.  
Third offense – expulsion.

**Arson**

Setting fire to or burning, or initiating the burning of any school property.

**Aggravated Assault/Battery**

Physically attacking another person which results in bodily injury.

**Fighting**

Injuring or offensively touching another student during a fight.

**Gang Activity**

Gang-related activity at school or any school function.

**Interference With Government Operations**

Spreading false rumors of a bombing, fire or another emergency. This includes bomb threats.

**Robbery**

Taking another person's possessions or money by force or fear.

**Sexual Offenses**

Conduct of a sexual or indecent nature towards another person that is accompanied by actual physical force.

**Threats**

Threatening a person with the intent to take their money or property, or causing them to do anything against their will. Any threat to do harm to self or others will be taken seriously.

**Trespassing**

Unlawfully entering a public school, grounds, or school bus.

**Vandalism**

Damaging or defacing any property belonging to the state, county, city, or to another person on school grounds or at a school function.

There are other state and federal violations that have not been listed. Violations of all laws will be reported to law enforcement officials when necessary. Appropriate discipline will be initiated by the school.

**OTHER OFFENSES**

(resulting in short or long-term suspension)

**Bullying/Harassment/Intimidation** (defined as a repeated, intentional, and hurtful behavior directed to another placing a student in reasonable fear and causing a hostile educational environment) is a violation of HCDE School Board Policy. Claims of bullying/intimidation/harassment are to be directed to the building administrator for investigation without the fear of reprisal or retaliation. False accusations as a means of reprisal or retaliation will be disciplined in accordance with district policies, procedures, and agreements.

**Harassment (Sexual, Racial, Ethnic, Religious)**

Words, gestures, threats, or any other conduct which interfere with another student's educational environment or place another student in fear of his/her safety.

**Pagers & Cellular Phones**

Unauthorized use of a pager or cellular phone while on school property, including buses, or at a school-sponsored event, without the permission of the school principal or his/her designee.

**Stealing**

Taking another person's property without their permission or knowledge.

**Parental Rights Under "No Child Left Behind"**

- Learn how well your child's school is performing.
- Transfer your child if it's not meeting specific criteria by reviewing annual district and state report cards on school performance.
- Learn about the school safety record; the school prevention plans including policies for disciplining students, security procedures, student codes of conduct, and the school crisis management plan.
- Transfer your child to a safer public school in your district if your child attends a school that is identified as persistently dangerous or if your child becomes a victim of a violent crime while on school property.

**MISCONDUCT**

(resulting in discipline at the discretion of the principal)

Attendance

Skipping school or leaving school without permission or tardiness.

Parents and guardians are responsible for their students' attendance. There are penalties for parents and guardians who break this law.

Tobacco Use on School Property

Student will be cited to Juvenile Court.

Indecent Language

Disrespect To Teachers/Administrators

Failure To Serve Detention Or Attend Saturday School

Forging An Official Note To/From School

Improper Conduct

Improper Dress, Cleanliness and Grooming

Dress or grooming that is or could be disruptive of others' education shall not be permitted. Hats or other types of headwear are not permitted without the principal's approval. Students are expected to follow the dress or uniform code of the school.

Littering On Campus

Off-Campus Conduct

A student may be suspended for conduct away from school, if the conduct could disrupt the education process at his/her school.

**CORPORAL PUNISHMENT**

Corporal punishment is defined as physical discipline. Corporal punishment must be approved as policy for the school by the principal, and students must be notified what misconduct could result in this type of discipline. It is not intended to be used as a first method of discipline, but after several other methods have been used to modify a student's behavior. Corporal punishment must be witnessed by a second school official or teacher. A parent can then request a written explanation of the reasons for the punishment and the name of the witness.

**SEARCHES**

Students have the right to be safe and secure at school and pursue their education in a disciplined environment conducive to learning. Therefore, students and all their property will be subject to random administrative searches. Refusal to cooperate with a reasonable request may result in disciplinary action.

**LOCKER USE**

The school has the authority and control over the locker and may gain access to it at any time. Any lock to which the school does not have the key or combination will be removed by the school.

**STUDENT VEHICLES ON SCHOOL PROPERTY**

Students of driving age are permitted to operate their own vehicles on campus if they have proof of liability insurance coverage and pay required parking fees. However, a student shall permanently lose the privilege to have a vehicle on school grounds if the student is involved in any manner with drugs or drug paraphernalia, other controlled substances including alcohol or possession of a weapon. A principal may prohibit a student from driving a vehicle on school property for a specific period of time for violation(s) of any school regulations. Vehicles parked on school property are subject to search. Parking fees will not be refunded at any time. The school system is not liable for any loss or damage.

**SCHOOL BUS TRANSPORTATION**

By law, school bus transportation is a privilege and not a right. A student shall be prevented from using school bus transportation if his/her behavior physically endangers other riders, causes problems on the school bus or when he/she breaks state and/or local rules and regulations pertaining to school bus transportation.

**SUSPENSION PROCEDURES**

Short-Term Suspension Of Ten Days Or Less

The student will be informed of the reason for suspension prior to serving the suspension. If the student denies the charge, he/she will be given an informal hearing where an explanation of the evidence is given and the student is afforded an opportunity to respond. If a student's presence in the school is posing any danger to other students or school officials, or a continual interruption of student education, the student will be removed from the school immediately. In this case, the notice, information hearing, and parent notification will follow as soon as possible. The matter may be referred to local law enforcement officials.

When a student is suspended, the principal will notify the parent or guardian and the Superintendent of the suspension, cause and condition for readmission within 24 hours.

If the suspension is more than five days, the principal will develop a behavior modification plan which will be reviewed by the Superintendent upon request.

A short-term suspension of ten days or less cannot be appealed beyond the school level.

Long-Term Suspension and Expulsion

School administrators will notify the parent or guardian and the Superintendent of a student suspension of more than ten days, the cause and conditions for readmission within 24 hours. The administrator will give written notice to the parent or guardian of the suspension and their rights to appeal. The notice will be sent by mail or be hand delivered.

The administrator will develop a behavior modification plan for the student, which will be reviewed by the Superintendent upon request.

**APPEALS PROCEDURE**

(for long-term suspension or expulsion)

Appeals will be filed with the administrator who suspended the student, orally or in writing, within five calendar days of the notice.

The first level of appeals for a non-zero tolerance offense is to a committee of three school administrators. The hearing will be held not later than ten school days after the first day of the suspension. A school representative and the parent/student will be allowed to present the case to the committee regarding the suspension. Either party may have an attorney present as a silent witness.

The committee may:

1. decide in favor of the school administrator
2. override the suspension
3. assign the student to an alternative program
4. suspend the student for a specified length of time

The decision may be appealed to the second level, which is the Superintendent or his/her designee, orally or in writing within five calendar days. The Superintendent or his/her designee has the right to any of the same four options as the appeals committee. The first level appeal for a zero-tolerance offense is the Superintendent or his designee.

The decision may be appealed to the third level, which is the Board of Education. The Superintendent must be notified in writing within five calendar days. The Board may act upon a review of the record or may conduct a hearing.

Only the Superintendent can modify a suspension for a zero-tolerance offense.

NOTE: This code will be implemented in compliance with the requirements of applicable Federal and State statutes and accompanying regulations governing the appropriate discipline of students suspected or identified as having a disability.

It is the policy of the Hamilton County Board of Education not to discriminate on the basis of sex, race, national origin, creed, religion, age, marital status, or disability in its educational programs, activities, or employment policies.

A complaint may be filed by anyone who has a grievance regarding discrimination as set forth in one of the following statutes: (1) The Rehabilitation Act of 1972, Section 504; (2) Title VI of the Civil Rights Act of 1964; or (3) Title IX of the Educational Amendments of 1972. Sheryl Randolph is the Title VI and Title IX coordinator for Hamilton County Schools. Mrs. Randolph may be reached by calling (423) 209-8654.



**HAMILTON COUNTY SCHOOLS**

■ ■ ■ ■

**CODE  
OF  
ACCEPTABLE  
BEHAVIOR  
AND  
DISCIPLINE**

■ ■ ■ ■

# Hamilton County Board of Education

Monitoring:  <b>Review: Annually, in April</b>	Descriptor Term:  <b>Code of Behavior and Discipline</b>	Descriptor Code: <b>6.300</b>	Issued Date:
		Rescinds:	Issued:

1 The director of schools shall be responsible for the overall implementation and supervision of the Board’s  
 2 Code of Behavior and Discipline and shall ensure that students at all schools are subject to a uniform and  
 3 fair application of the Code.  
 4  
 5 The principal of each school shall be responsible for implementation and administration in his/her school  
 6 and shall apply the Code uniformly and fairly to each student at the school without partiality and  
 7 discrimination.  
 8  
 9 The Board delegates to the director of schools the responsibility of developing more specific codes of behavior  
 10 and discipline which are appropriate for each level of school, namely, elementary, middle, junior high and  
 11 senior high. The development of each code shall involve principals and faculty members of each level of  
 12 school and shall be consistent with the content of the Board’s Code.  
 13  
 14 A copy of the Code shall be posted at each school and guidance counselors shall be supplied copies for  
 15 discussion with students. The code shall be referenced in all school handbooks. All teachers, administrative  
 16 staff and parents shall be provided copies of the Code. <sup>1</sup>

32 \_\_\_\_\_  
 33 Legal Reference:  
 34 1. Student and Employee Safe Environment Act of 1996 ; TCA9-6-4011, et. al.  
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## Hamilton County Board of Education

Monitoring:  <b>Review: Annually, in April</b>	Descriptor Term:  <b>Rights and Responsibilities</b>	Descriptor Code: <b>6.301</b>	Issued Date:
		Rescinds:	Issued:

1 The Board expects all school staff, students and parents to assume the responsibility for appropriate behaviors  
2 in the school.

3  
4 Each student has the right to:

- 5
- 6 1. Have the opportunity for a free education in the most appropriate learning environment;
- 7 2. Be secure in his/her person, papers and effects against unreasonable searches and seizure;
- 8 3. Expect that the school will be a safe place;
- 9 4. Have an appropriate environment conducive to learning;
- 10 5. Not be discriminated against on the basis of sex, race, color, creed, religion, national origin or  
11 disabilities <sup>1</sup>; and
- 12 6. Be fully informed of school rules and regulations.

13  
14 Each student has the responsibility to: <sup>2</sup>

- 15
- 16 1. Know and adhere to reasonable rules and regulations established by the Board;
- 17 2. Respect the human dignity and worth of every other individual;
- 18 3. Refrain from libel, slanderous remarks, and obscenity in verbal and written expression;
- 19 4. Study and maintain the best possible level of academic achievement;
- 20 5. Be punctual and present in the regular school program;
- 21 6. Dress and groom in a manner that meets reasonable standards of health, cleanliness, modesty and  
22 safety;
- 23 7. Maintain and/or improve the school environment, preserve school and private property, and  
24 exercise care while using school facilities;
- 25 8. Refrain from behavior which would lead to physical or emotional harm or disrupts the educational  
26 process;
- 27 9. Respect the authority of school administrators, teachers and other authorized personnel in  
28 maintaining discipline in the school and at school-sponsored activities;
- 29 10. Obey the law and school rules as to the possession or the use of alcohol, illegal drugs and other  
30 unauthorized substances or materials; and
- 31 11. Possess on school grounds only those materials which are acceptable under the law, Board policy  
32 and school rules and accept the consequences for articles stored in one's locker or vehicle.

33  
34  
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37 Legal References:

- 38 1. 20 U.S.C. § 1703
- 39 2. TCA 49-6-3401

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41



# Hamilton County Board of Education

Monitoring:  <b>Review: Annually, in April</b>	Descriptor Term:  <b>Procedural Due Process</b>	Descriptor Code: <b>6.302</b>	Issued Date:  
		Rescinds:	Issued:

1 Prior to the enactment of procedural due process, notice of the rules, regulations, and penalties are  
 2 provided to students and parents. All students receive a written copy of this policy. Students who  
 3 enroll during the school year also receive the policy.  
 4

5 Before school authorities administer disciplinary measures, reasonable inquiry shall be made to determine  
 6 the truth of what happened. <sup>1</sup> The nature of this inquiry will vary in degree with the seriousness of the  
 7 offense and the consequence attached thereto. <sup>2</sup>  
 8

9 For minor offenses where corrective measures are taken by the classroom teacher, no formal procedure  
 10 is required. An inquiry into the incident to ensure that the offender is accurately identified, that he  
 11 understands the nature of the offense, and that he/she knew the consequences of the offense for which he  
 12 is accused.  
 13

14 In case of severe offenses where there is a possibility of suspension, the student shall be advised of the  
 15 nature of his/her misconduct, questioned about it, and allowed to give an explanation.  
 16

17 If the principal determines that the offense is of such nature that the student's continued presence would  
 18 be detrimental to the school or persons within the school, he/she shall suspend the student for an  
 19 appropriate number of days. <sup>3</sup>  
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35 \_\_\_\_\_  
 36 Legal References:

37 1. *Ingraham v. Wright*, 430 U.S. 651 (1977)  
 38 2. *Goss v. Lopez*, 410 U.S. 565, (1975)  
 39 3. TCA 49-6-3401

35 \_\_\_\_\_  
 36 Cross References:

37 [Interrogations and Searches 6.303](#)

40  
 41

## Hamilton County Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
<b>Review: Annually, in April</b>	<b>Interrogations and Searches</b>	<b>6.303</b>	
		Rescinds:	Issued:

1 **INTERROGATIONS BY SCHOOL PERSONNEL**

2  
3 Students may be questioned by teachers or principals about any matter pertaining to the operation of a  
4 school and/or the enforcement of its rules. Questioning must be conducted discreetly and under  
5 circumstances which will avoid unnecessary embarrassment to the student being questioned. Any student  
6 answering falsely, evasively or refusing to answer a proper question may be subject to disciplinary action,  
7 including suspension.

8  
9 If a student is suspected or accused of misconduct or infraction of the student code of conduct, the  
10 principal may interrogate the student, without the presence of parent(s)/guardian(s) or legal custodians  
11 and without giving the student constitutional warnings.

12  
13 **INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)**

14  
15 If the principal has requested assistance by the police department to investigate a crime involving his/her  
16 school, the police shall have permission to interrogate a student suspect in school during school hours. The  
17 principal shall first attempt to notify the parent(s)/guardian(s) or legal custodians of the student of the  
18 intended interrogation, but the interrogation may proceed without attendance of the parent(s)/guardian(s)  
19 or legal custodians. The principal or his/her designee shall be present during the interrogation.

20  
21 The use of police women or female staff members is desirable in the interrogation of female students.

22  
23 **POLICE-INITIATED INTERROGATIONS**

24  
25 If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated crimes  
26 committed outside of school hours, the police department shall first contact the principal regarding the  
27 planned interrogation, inform him/her of the probable cause to investigate within the school. The principal  
28 shall make reasonable effort to notify the parent(s)/guardian(s) or legal custodians of the interrogation, but  
29 the interrogation may proceed without attendance of the parent(s)/guardian(s) or legal custodians. The  
30 principal or his/her designee shall be present during the interrogation.

31  
32 **SEARCHES BY SCHOOL PERSONNEL**

33  
34 Any principal, or his/her designee, having reasonable suspicion may search any student, place or thing on  
35 school property or in the actual or constructive possession of any student during any organized school  
36 activity off campus, including buses, vehicles of students or visitors (*Notice shall be posted in the school  
37 parking lot that vehicles parked on school property by students or visitors are subject to search for drugs,  
38 drug paraphernalia or dangerous weapons*), and containers or packages if he/she receives information  
39 which would cause a reasonable belief that the search will lead to the discovery of:

40  
41  
42

**Interrogations & Searches**

6.303

- 1 1. Evidence of any violation of the law;
- 2 2. Evidence of any violation of school rules or regulations or proper standards of student or faculty
- 3 3. Any object or substance which, because of its presence, presents an immediate danger of harm or
- 4 5. illness to any person.

6  
7 A student using a locker that is the property of the school system does not have the right of privacy in that  
8 locker or its contents. All lockers or other storage areas provided for student use on school premises  
9 remain the property of the school system and are provided for the use of students subject to inspection,  
10 access for maintenance and search. *Notice shall be posted in each school that lockers and other storage*  
11 *areas are school property and are subject to search.*

12  
13 A student may be subject to physical search or a student's pocket, purse or other container may be  
14 required to be emptied because of the results of a locker search, or because of information received from a  
15 teacher, staff member or other student if such action is reasonable to the principal. All of the following  
16 standards of reasonableness shall be met:

- 17 1. A particular student has violated policy;
- 18 2. The search could be expected to yield evidence of the violation of school policy or disclosure of
- 19 a dangerous weapon or drug;
- 20 3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety,
- 21 supervision and education of students;
- 22 4. The primary purpose of the search is not to collect evidence for a criminal prosecution; and
- 23 5. The search shall be reasonably related to the objectives of the search and not excessively
- 24 intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged
- 25 to have been committed.

26  
27  
28 A student, his/her possessions or room may be searched while the student is on a school-sponsored field  
29 trip. The reason for the search must be based on reasonable information or evidence that the student has  
30 violated or is violating a rule related to the trip. Students shall be advised of the above prior to the trip.

**USE OF METAL DETECTORS**

31  
32  
33  
34 In view of the escalating presence of weapons in the schools, the Board of Education authorizes the use  
35 of hand-held or walk-through metal detectors to check a student's person or personal effects as follows:

36  
37 School officials or law enforcement officers may conduct metal detector checks of groups of individuals  
38 if the checks are done in a minimally-intrusive, nondiscriminatory manner (e.g., on all  
39 students in a randomly selected class; or every third individual entering an athletic event). Metal detector  
40 checks of groups of individuals may not be used to single out a particular individual or category of  
41 individuals.

42  
43 If a school official or a law enforcement officer has reasonable suspicion to believe that a particular  
44 student is in possession of an illegal or unauthorized metal-containing object or weapon, s/he may  
45 conduct a metal detector check of the student's person and personal effects.

46  
47 A student's failure to permit a metal detector check as provided in this policy will be considered grounds  
48 for disciplinary action including possible suspension.

49

*Interrogations & Searches*

6.303

1 The director of schools shall develop prodedures for use of metal detectors.

2

3 **SEARCHES BY POLICE**

4

5 If public health or safety is involved, upon request of the principal who shall be present, police officers  
6 may make a general search of students' lockers and desks, or students' or nonstudents' automobiles for  
7 drugs, weapons or items of an illegal or prohibited nature.

8

9 If the principal has received reliable information which he/she believes to be true that evidence of a crime  
10 or of stolen goods, not involving school property of members of the school staff or student body, is  
11 located on school property and that any search for such evidence or goods would be unrelated to school  
12 discipline or to the health and safety of a student or the student body, he/she shall request police  
13 assistance; and procedures to obtain and execute a search warrant shall thereafter be followed.

14

15 Anything found in the course of the search conducted in accordance with this policy which is evidence  
16 of a violation of the law or a violation of student conduct standards may be:

17

18 1. Seized and admitted as evidence in any hearing, trial, suspension or dismissal proceeding. It  
19 should be tagged for identification at the time it is seized and kept in a secure place by the principal  
20 or the principal's designee until it is presented at the hearing. At the discretion of the principal, the  
21 items seized may be returned to the parent or guardian of a student or, if it has no significant value,  
22 the item may be destroyed, but only with the express written permission of the director of schools.

23

24 2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or  
25 drug as defined in TCA 49-6-4202 shall be turned over to an appropriate law enforcement official  
26 after completion of an administrative proceeding at which its presence is reasonably required.

27

28 Whenever the possibility of uncovering evidence of a criminal nature exists, the principal or his/her  
29 designee may request the assistance of a law enforcement officer to:

30

31 1. Search any area of the school premises, any student or any motor vehicle on the school premises;  
32 or

33

34 2. Identify or dispose of anything found in the course of a search conducted in accordance with this  
35 policy.

36

37 The involvement of law enforcement officials is encouraged when there is reasonable cause to suspect  
38 that criminal evidence is about to be uncovered.

39

40 In order to facilitate a search, dogs or other animals trained to detect drugs by odor or other means may be  
41 used in conducting the search. Such animals shall be used only to pinpoint areas required to be searched  
42 and shall not be used to search the persons of students or visitors.

43

44

45

46 Legal References:

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48 1. TCA 49-6-4202 through TCA 49-6-4212

49

Cross References:

Procedural Due Process 6.302  
Child Abuse and Neglect 6.409

# Hamilton County Board of Education

Monitoring:  <b>Review: Annually, in April</b>	Descriptor Term:  <b>Student Discrimination/Harassment and Bullying/Intimidation</b>	Descriptor Code: <b>6.304</b>  Rescinds: <b>6.304</b>	Issued Date: <b>08/01/05</b>  Issued: <b>01/19/06</b>
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1 **Discrimination/Harassment (Sexual, Racial, Ethnic, Religious)**

2  
3 Students shall be provided a learning environment free from sexual, racial, ethnic and religious discrimination/  
4 harassment.<sup>1</sup> It shall be a violation of this policy for any employee or any student to discriminate against  
5 or harass a student through disparaging conduct or communication that is sexual, racial, ethnic or religious  
6 in nature. The following guidelines are set forth to protect students from discrimination/harassment.

7  
8 Student discrimination/harassment will not be tolerated.<sup>2</sup> Discrimination/harassment is defined as conduct,  
9 advances, gestures or words either written or spoken of a sexual, racial, ethnic or religious nature which:

- 10  
11       1. Unreasonably interfere with the student's work or educational opportunities; or  
12       2. Create an intimidating, hostile or offensive learning environment; or  
13       3. Imply that submission to such conduct is made an explicit or implicit term of receiving grades  
14       or credit; or  
15       4. Imply that submission to or rejection of such conduct will be used as a basis for determining  
16       the student's grades and/or participation in a student activity.

17  
18 **Bullying/Intimidation**

19  
20 Students shall be provided a safe learning environment. It shall be a violation of this policy for any student to  
21 bully, intimidate or create a hostile educational environment for another student. Bullying and intimidation are  
22 defined as either physically harming a student or damaging his/her property, or knowingly placing the student  
23 in reasonable fear of such, or creating a hostile educational environment. The policy addresses conduct taking  
24 place on school grounds, at any school-sponsored activity, on school-provided transportation, or at any official  
25 school bus stop immediately before boarding and immediately following debarking.<sup>3</sup>

26  
27 Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher, counselor  
28 or building administrator.<sup>4</sup> Any allegations shall be fully investigated by a complaint manager.

29  
30 The privacy and anonymity of all parties and witnesses to complaints will be respected. However, because  
31 an individual's need for confidentiality must be balanced with obligations to cooperate with police  
32 investigations or legal proceedings, to provide due process to the accused, to conduct a thorough inves-  
33 tigation or to take necessary action to resolve a complaint, the identity of parties and witnesses may be  
34 disclosed in appropriate circumstances to individuals with a need to know.

35  
36 A substantiated charge against an employee shall result in disciplinary action up to and including  
37 termination. A substantiated charge against a student may result in corrective or disciplinary action up to  
38 and including suspension.

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Student Discrimination/Harassment and Bullying/Intimidation

6.304

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There will be no retaliation against any person who reports harassment or participates in an investigation. However, any employee who refuses to cooperate or gives false information during the course of any investigation may be subject to disciplinary action. The willful filing of a false report will itself be considered harassment and will be treated as such.

An employee disciplined for violation of this policy may appeal the decision by contacting the Federal Rights Coordinator or the director of schools. Any student disciplined for violation of this policy may appeal the decision in accordance with disciplinary policies and procedures.

This policy shall be published in the parent/student handbook distributed annually to every student.

Building administrators are responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.

Legal References:

- 1. TCA49-6-3109
- 2. Title VII; 29 CFR §1604.11;  
*Davis v. Monroe County Board of Education* , No. 97-843  
(U.S. Sup. Ct. May 24, 1999)
- 3. TCA 49-6-1014-1019
- 4. Title IX (20 U.S.C. §§ 1681-1686)

Cross References:

Appeals To & Appearances Before The Board 1.404

# Hamilton County Board of Education

Monitoring:  <b>Review: Annually, in April</b>	Descriptor Term:  <b>Alcohol and Drug Use</b>	Descriptor Code: <b>6.307</b>	Issued Date:
		Rescinds:	Issued:

1 In order to protect the rights of students, to safeguard the learning environment, and to contribute to a  
2 "Drug Free" community, the Board's plan for dealing with alcohol and drug <sup>1</sup> shall include the following:

- 3
- 4 1. Appropriate ways for handling alcohol/drug-related medical emergencies;
  - 5 2. Guidelines for reporting alcohol/drug incidents and illegal activities;
  - 6 3. Guidelines for referral of students who may have an alcohol/drug problem and/or are considered  
7 "high risk" to agencies and other sources of appropriate help;
  - 8 4. Effective working relationships with appropriate community agencies, such as alcohol/drug  
9 service providers, law enforcement agencies and judicial officials.

10 Through the use of state guidelines the director of schools shall be responsible for:

- 11
- 12 1. Developing and implementing an appropriate curriculum on alcohol and drug education for students;
  - 13 2. Providing adequate information and training for all staff personnel as appropriate to their respon-  
14 sibilities;
  - 15 3. Implementing the relevant portions of the Drug-Free Youth Act <sup>2</sup> by:  
16 a. Informing all students in grades seven (7) through twelve (12) of its provisions;  
17 b. Distributing to all such students a pamphlet describing the law;  
18 c. Including the teaching of the components of the law in the annual pre-school year in-service  
19 training for teachers and principals; and
  - 20 4. Developing administrative rules and guidelines for the school system to effectively respond to  
21 alcohol and drug situations that may occur at school or school-sponsored events.

22  
23 Students will not possess, distribute or be under the influence of illegal drugs or alcoholic beverages in  
24 school buildings or on school grounds, in school vehicles or buses, or at any school-sponsored activity at  
25 any time, whether on or off school grounds.  
26

27 Students will not market or distribute any substance which is represented to be or is substantially similar  
28 in color, shape, size or markings to a controlled substance in school buildings or on school grounds, in  
29 school vehicles or buses, or at any school-sponsored activity at any time, whether on or off school grounds.<sup>3</sup>  
30

31 Upon information that a student is suspected of violating this policy, the principal of the school shall  
32 be notified immediately. If it is determined that board policy has indeed been violated, the principal  
33 shall notify the student's parent or guardian and the appropriate law enforcement officials. <sup>4</sup> A student  
34 who unlawfully possesses any narcotic, stimulant, prescription drug or other controlled substance shall  
35 be subject to suspension for a period of not less than one (1) calendar year. The director of schools  
36 shall have the authority to modify this suspension requirement on a case-by-case basis. <sup>5</sup>  
37

38 Legal References:

- 39 1. TRR/MS0520-1-3-.08(2)(d)
- 40 2. TCA 55-10-701 et seq.
- 41 3. TCA 39-17-417
4. TCA 49-6-4209
5. TCA 49-6-4018

Cross References:

Drug-Free Workplace 1.804

**Administrative Offices**

VanHoose Education Center  
P.O. Box 34020  
Louisville, KY 40232-4020  
(502)485-3011



December 15, 2010

Mr. Martin Dannenfelser  
Staff Director  
U.S. Commission on Civil Rights  
Washington, D.C. 20425

Dear Mr. Dannenfelser:

Attached is a summary of Jefferson County Public Schools' district strategies in response to your correspondence of November 8, 2010, regarding the suspension of African-American students. The District has a longstanding commitment to diversity as evidenced by our nationally recognized effort in the area of student assignment.

The summary includes strategies related to discipline organized in three areas: Procedures/Monitoring, Instruction/Leadership, and Culturally Responsive Practices. I trust that the description provides a clear picture of Jefferson County Public Schools' intensive and extensive work to reduce student suspensions, particularly African-American students.

Please contact me should you desire further information. You have my support as we work together to address the civil rights of all of our students.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheldon H. Berman".

Sheldon H. Berman, Ed.D.  
Superintendent

SHB/sd



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## JEFFERSON COUNTY PUBLIC SCHOOLS

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JCPS Response for the United States Commission on Civil  
Rights Regarding the Suspensions of African American  
Students



Dr. Sheldon Berman, Superintendent  
Jefferson County Public Schools

**December 15, 2010**

## **Overview:**

Jefferson County Public Schools (JCPS) has comprehensive and long-standing strategies in place to address the high numbers of suspensions for all students and specific efforts targeted for minority students. District strategies focus on three areas: **Procedural/Monitoring, Instruction/Leadership, and Culturally Responsive Practices**. This document will describe each strategy, highlight current activities, and outline future plans.

Dana Collins of Middleton & Reutlinger, P.S.C., recently conducted a literature review regarding race and discipline. The literature review offered the following strategies to improve disproportionate disciplinary practices in schools: (1) examine suspension and expulsion data, (2) develop an analysis of the data and a plan to address it, (3) adopt early intervention strategies, (4) encourage programs that rely on positive behavioral interventions and supports, (5) create smaller and more personalized learning environments, (6) set up community-based intervention programs, (7) encourage parent involvement, and (8) adopt clear referral procedures that are consistent district-wide, and (9) rewrite discipline policy to reflect proactive content consistent with models of positive behavioral support and a clear description of behaviors (see reference below). The District is implementing all of these suggestions in its effort to monitor suspensions of African American students.

Russell Skiba, "Disproportionality: A complex issue of equity in schools," *Leadership Insider*, pp. 10-1, November 2006; "NSBA Council of Urban Board of Education Survey Report on Overrepresentation of Minorities in Special Education," p. 21, Minnesota Department of Education, "Disproportionate Minority Representation in Suspension and Expulsion in Minnesota Public Schools," (2010); "Out of School Suspensions," 2008 Kentucky KIDS COUNT Data Book; Pamela Fenning and Jennifer Rose, "Overrepresentation of African American Students in Exclusionary Discipline: The Role of School Policy," 42 *Urban Educ.* 6 (Nov. 2007), Anne Gregory, Russell J. Skiba and Pedro A. Noguera, "The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?" 39 *Educational Researcher* Vol. 1, pp. 59-68 (2010).

## **I: Procedural/Monitoring**

### **Current Strategies:**

- Data Analysis:
  - District leaders analyze suspension data on a monthly basis, including the Superintendent, Assistant Superintendents and District Department Directors. The data is disaggregated by level, school, race, and gender and discipline offense.
  - The Elementary Assistant Superintendent and Designees review suspension data monthly and conference with Elementary Principals to develop plans to reduce suspensions. Additionally, targeted principals address suspension reduction in their Personal Growth Plans.
  - The Assistant Superintendent of High Schools requires each principal's growth plan to include data targets for addressing racial disparities in Quality Indicators at the individual school level.
- District Policy on School Discipline
  - The JCPS Strategic Plan includes goals and action steps regarding suspension. The Plan is updated annually and monitored by Quality Indicator data points for suspension.

- The Student Code of Conduct outlines the procedural requirements regarding disciplinary actions for all students to ensure equity and consistency. The document is revised on an annual basis. Administrators receive annual professional development on discipline procedures.
- The JCPS Code of Conduct for elementary schools addresses suspension in the *Alternative to Suspension Protocol* "...suspension of primary students shall be considered only in exceptional cases where there are safety issues for the child or others." Further, the protocol outlines proactive measures for suspension reduction as well as reflection points to consider during a crisis episode.
- JCPS has a no expulsion policy in place and no student is required to leave the district regardless of the behavioral concern. As a result, students may accumulate a higher number of suspension days over the school year as school/district staff work to ensure students receive appropriate programming options.
- Staffing Resources
  - The District provides multiple staff positions that support schools when addressing students with intensive behaviors (*i.e. Positive Outreach Program (POPs), Teachers and Learners Collaborating for Success (TLC), Behavior Coaches*) requiring ongoing communication with families and an alignment of community/district services.

#### **Future Strategies:**

- The District will continue strategies to collect and analyze suspension data, district policies specific to student discipline, and staffing supports.
- The District will continue to use Quality Indicators to inform decision making and as schools to track progress, identify trends, and identify successes and challenges.
- The District will use the Quality Indicator data points to determine which student groups are meeting their goals and which student groups are not, specifically African Americans. This will be tracked for individual schools and students. Intervention decisions will be based on the results of analyzing the Quality Indicators.

## **II: Instruction/Leadership**

#### **Current Strategies:**

- Early Intervention
  - The District is in year three of Response to Intervention (RtI) programming for reading, math and social development/behavior. RtI for behavior is part of the multi-year implementation timeline across Elementary, Middle and High School. In the area of social development/behavior, the District offers a menu of research-based Tier 2/3 interventions to assist schools in supporting students with moderate and intensive behavioral concerns. During the 2010 school year, three elementary schools, three middle schools and three high participated in a pilot training program including extensive professional development and technical assistance for administrators and teachers.

- Positive Behavioral Supports
  - JCPS is implementing a multi-year roll out of CARE for Kids, a character education curriculum. This program offers community building, social skills instruction and interventions for all students as a Tier 1 early intervention core program. CARE for Kids provides instructional opportunities for students in social skill development and building a strong community of learners. Implementation is widespread in elementary schools and a few middle schools. The long term District goal is the development and implementation of CARE for Kids across all grade levels. District staff provide professional development training in the summer and throughout the school year.
  - Ten elementary schools receive technical assistance in the Teachers and Learners for Success Program (TLC). Staff implement a “series of interventions” promoting the effective utilization of interventions, tracking the impact on performance, and maintaining ongoing communication with the families of the most at-risk students.
  - Student Relations Departments provide support to schools, administrators, teachers, students and families including professional development, technical assistance/consultation, program development, behavioral coaching, referral to counseling services, individual assessment, one-on-one student case management, and linkages to community resources and substance abuse support.
  
- School Configuration
  - Several JCPS high schools are implementing Freshman Academies to provide support and structure for students transitioning to high school. Further, the Advisor/Advisee program provides guidance and mentoring services to students. The focus of Freshmen Academies and Advisory/Advisee is the reduction in suspensions, increase in achievement and readiness for college.
  - Eleven elementary schools participate in the small class size magnet program or redesign schools program. The goal is higher levels of engagement, quality of instruction, and meaningful relationships through small class size and a higher teacher to student ratio.
  - Two alternative high schools provide programming for students needing a safe, structured, achievement-oriented setting for students needing a non-traditional high school program. In addition, Breckinridge Metropolitan High School and Buechel Metropolitan High School offer programming options for students involved in serious violence; chronic dangerous/disruptive behavior; weapon/drug violations; and adjudicated youth assigned by the courts system.
  
- Staffing Resources
  - Thirty elementary schools are approved to hire an instructor level position to focus on addressing the social emotional/behavioral needs of struggling students in order to reduce suspensions and prevent the need for a referral to special education.
  - Thirteen middle schools are approved to hire home/school liaison to focus on building connections between parents, students and the school. The goal is to increase student achievement and attendance, reduce suspensions, and lessen need for more intensive services such as special education.

- Coordination of Programming
  - The District recently established a committee to study current systems that address behavioral issues and suspensions. This committee will make specific recommendations to the Superintendent regarding structural changes to improve supports to schools, teachers, students and families.

#### **Future Strategies:**

- The District will continue to provide professional development and technical assistance for Principals and Assistant Principals regarding proactive supports for student behavior and alternatives to suspension.
- The District will continue the CARE for Kids Program with a focus on proactive interventions for students with intensive behavioral concerns.
- The District will expand RtI programming for Social Development/Behavior by adding schools participating in behavioral interventions and by providing professional development and technical assistance for Tier2/3 interventions for all RtI schools.
- The District will secure a national expert in the area of adolescent instruction and behavioral strategies to provide consultation and professional development in the area of behavioral supports for middle and high school students.
- The District will expand teacher training opportunities in the area of discipline, culturally responsive instructional practices and addressing the needs of students in an urban school setting.

### **III: Culturally Responsive Practices:**

#### **Current Strategies:**

- District Goals
  - The Jefferson County Board of Education and District leaders set ambitious goals to reshape the District's culture through the development of systemic building blocks for promoting and practicing cultural competence including:
    - Vision and Mission Statement reflecting the Core Beliefs, and Theory of Action,
    - Goals and Strategies,
    - JCPS Leadership/Teaching Competencies.
- Professional Development and Technical Assistance
  - From 2007 to present, the JCPS Department of Diversity, Equity, and Poverty Programs offers professional development entitled, *The Institute for Cultural Competence and Courageous Practice: Working Together for Inclusion, Equity, and Excellence*. The institute, designed for teachers and administrators, presents the theory and practice of cultural competence. The institute requires a four-day commitment by at least three people or more and focuses on "training the trainer" and building cultural competence leadership teams in each school. Principals or Assistant Principal must serve as a member of the school team. Gary Howard, author of *We Can't Teach What We Don't Know: White Teachers, Multiracial Schools* (Teachers College Press, 2nd ed., 2006), facilitates the institute. Moving beyond

cultural awareness and multicultural content, Howard focuses on personal, professional, and systemic transformation for the purpose of achieving social justice and equity in our schools. Institute participants receive the *Leadership Manual for Inclusion, Equity, and Excellence* which serves as the foundation for building the internal capacity for cultural competence leadership teams to deliver high-quality, long-term, and systemic professional development. The manual provides professional development materials and a four-year implementation plan to support schools in creating a process that fits their school's culture and specific needs. An expected outcome of *The Institute for Cultural Competence and Courageous Practice* is to strengthen the internal capacity of schools to deliver high-quality professional development that is related to inclusion, equity, and excellence.

- The Department of Diversity, Equity, and Poverty Programs collaborates with the Jefferson County Teacher's Association (JCTA) in the implementation of the National Education Association (NEA) National Diversity Training Seminars. The NEA Diversity Training helps teachers recognize the value of diversity in the classroom, workplace, and society. NEA offers a train the trainer model. As a result, a Diversity Training Cadre of nine JCPS teachers provides diversity training for JCPS staff. The diversity training curriculum consists of five basic two hour sessions: Understanding Cultural Diversity, Developing Cultural Identity, Reacting to Differences, and Valuing Diversity. For more information go to the following link:  
<http://www.jcta.org/uploads/file/Diversity%20one-pager.pdf>
- Elementary and middle school principals participate in ongoing professional development and technical assistance in *Cultural Competence and Courageous Practice* to promote "leadership for inclusion, equity, and excellence." Multiple elementary schools are replicating professional development on cultural competence to extend the learning in this important area.
- Elementary school communities are creating professional development opportunities connecting cultural competence to classroom practice promoting personal awareness, diversity awareness, knowledge of core concepts, and acquisition of cross-cultural skills at the classroom and organizational levels.

**Future Strategies:**

- The District has outlined very specific strategies within the Comprehensive District Improvement Plan to continue to focus on eliminating disparities with our most vulnerable students.
- Below are illustrations which demonstrate our commitment to this work.



The District is committed to advancing learning outcomes of all students. The graphic to the left illustrates our belief in the connectiveness of our social and academic efforts.

The District has established four key committees to drive our work. The System Support Coordination Group is currently focusing on ensuring that a coordinated system is in place to address the social/emotional/behavior needs of our most vulnerable learners.



## **Lansing School District, Lansing, Michigan**

December 10, 2010

Mr. Martin Dannenfelser  
U.S. Commission on Civil Rights  
Washington, D.C. 40425

### ***Re: Lansing School District Civil Rights Policies***

Dear Sir:

In a communication to this office dated November 8, 2010, you have requested a report from this office concerning the District's compliance with the enforcement of the federal civil rights policies. We are pleased to do so. The District has over 13,500 students who speak 40 different languages. Our magnet schools teach Chinese and Spanish as primary languages. The Board has adopted a policy on Multiracial Understanding to "promote cultural awareness, inter-group relations, and the understanding and racial and ethnic groups within the District."

The District has 6 collective bargaining agreements and a personnel policy manual. Each of these documents articulates the District's commitment to follow the letter of the law concerning both state and federal civil rights acts. Thus, in this District, an employee may not only rely on the various administrative entities for support, but also each employee has the right to file a grievance with the District concerning any claim of a civil rights violation.

Furthermore, the Board has adopted an anti discrimination policy in its published Board policies and, has, of course, has published all policies as required by the EEOC. The Board has established an independent complaint policy appointing the Superintendent to directly review all complaints involving sex, race, color, national origin religion, height, weight, age or marital status discrimination. With regard to the federal complaints which may arise out of IDEA, FAPE, or Sec. 504 of the Rehabilitation Act, the Director of Special Education is to personally review all non-compliance complaints. (Policy 5030).

Every new employee of the District is required to attend an in service presentation by the Human Resources Department to review with the new employees the expectations of employment. This meeting specifically includes a discussion of the civil rights acts and the need for strict compliance to the acts. It includes an explanation of what these employees can do if they feel they are discriminated against or have observed what they believe to be violations of the acts.



On a monthly basis, the administrators, i.e. department heads, principals, and assistant principals meet with the Administration to discuss any new procedures and rules and review any concerns which may be raised concerning employment matters.

On at least an annual basis or more frequently as necessary, the legal counsel to the District reviews all of the current policies of the District and reviews that language to make sure it is in compliance with any changes which may have been published by way of regulation or court decision. The legal counsel then publishes and sends to all impacted administrators/teachers an analysis of any change in the regulations/statutes and explains the differences.

With regard to student discipline, each building has a School Improvement Team (pursuant to a collective bargaining agreement) comprised of the building administrator and selected teachers which is responsible to review among other things “the student discipline process”. Of course, by statute, some discipline is set regardless of race, sex, nationality or religion (MCL 380.1311a (1) requires the expulsion of a student who assaults a school employee for a defined period of time).

The District provides to each student a Code of Conduct which, among other things, lists examples of behavior, in and out of the school, which constitutes grounds for discipline. The Code includes corrective actions to be taken: snap suspension, snap suspension guidelines, building suspensions, suspensions to student services, expulsions and state-mandated expulsions and non-mandatory expulsions.

As you can see from this response, the District has taken very strong actions to establish a District which provides at all levels steps to ensure that no student, employee or parent is discriminated against based on race or any other illegal factor. This policy includes a strong commitment to the employment of minorities from the administration, to teachers and non-teaching staff. The Administration, in its monthly meetings with its administrators, will emphasize the concerns raised by the Department and continue to maintain records on discipline. It will be placing on the agenda for all School Improvement Teams a presentation on the need to ensure fairness and equality in all of our disciplinary actions at the building level. Each new teacher is provided a “mentor” to rely on in making serious decisions, and we will review with the teaching staff our concerns to ensure fairness is employed at all levels including non disparate application of our policies.

As you know, the doctrine of disparate treatment is based on facially neutral rules applied in an unequal manner. It is a legal theory under the discrimination statutes and regulations. Thus, even with this District’s evidence of establishing and maintaining policies to avoid discriminatory practices, the Civil Rights Department now wants us to “train” teachers to apply them in a non-disparate basis. The training is to emphasize non discriminatory practices and emphasize (as we already do) the importance of non discriminatory practices.

With this in mind, the District intends to review randomly disciplinary actions taken by building over a 60 day period. It is envisioned that the District will identify one high

school, one middle school and one elementary school for review. This should provide some basis to determine what issues need to be addressed, if any. It will then pick another group of schools for a 60 day review, and so on. It is envisioned that this will take over a year before we get an accurate picture. Nevertheless, in light of state and local budget cutting forcing the reduction in staff, this procedure will provide, in our opinion, an accurate measure of our success in dealing with student discipline.

The District is proud of the fact that there have been no previous claims of disparate treatment or claims that the rules have been applied not taking the best interests of the students in consideration. We believe that monitoring this on a random basis at random schools will give the District a better idea of how to proceed in the future. The results will also be discussed with both administrators and teachers.

Sincerely yours,

Peter C. Jensen  
Legal Counsel

c. TCWallace

# NASH-ROCKY MOUNT

✓ PUBLIC SCHOOL SYSTEM

Richard A. McMahon  
*Superintendent*

December 13, 2010

Mr. Martin Dannenfelser  
Staff Director  
U. S. Commission on Civil Rights  
Washington, DC 20425

Dear Mr. Dannenfelser:

We appreciate the opportunity to share our efforts to ensure that we are in compliance with federal law. An evaluation of school discipline procedures is a focus for our system and we continuously evaluate practices and procedures that ensure our compliance with federal law. All decisions related to student behavior are guided by the board's educational objective to teach responsibility and respect for cultural and ideological differences to create safe, orderly and inviting schools.

Specifically, we are working with building administrators and implementing new board policies adopted in June 2010. Our revised policies and procedures reflect our ongoing effort to respond to this concern. School level administrators are charged with discussing the new policies and becoming innovative in their approach to have school plans for management of student behavior. School level administrators discuss new policies with their staff.

Periodic data collection and discussion sessions are held throughout the year to ensure continuous compliance of the policies. In addition, beyond the reports required by our state department of instruction on discipline/safety, principals and central office staff participate in data analysis sessions. Data on school discipline led to school and system-wide alternatives to suspension initiatives. Project Hope is a community partnership with the Opportunities Industrialization Center that is used to reduce suspension days. Additionally, we have arranged for young African American boys to have mentors, participate in group sessions and to use our faith based institutions to assist in being proactive in decreasing suspensions,

Training for our staff is a priority. All schools in our system have been trained and participate in Positive Behavior Intervention Support (PBIS) procedures and strategies.

NASH-ROCKYMOUNT  
PUBLIC SCHOOL SYSTEM

Richard A. McMahon  
*Superintendent*

December 13, 2010

Mr. Martin Dannenfelser  
Staff Director  
U. S. Commission on Civil Rights  
Washington, DC 20425

Dear Mr. Dannenfelser:

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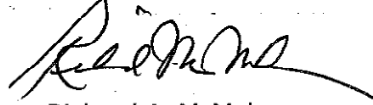
Mr. Martin Dannenfelser

Page 2

December 13, 2010

We have offered cultural diversity training for staff members. Professional Learning Communities (PLCs) for staff collaboration is a focus in our school district. All data from school discipline is used to set smart goals for discipline and academic improvement.

Sincerely,



Richard A. McMahon  
Superintendent



## Rochester Public Schools

Independent School District #535

615 7<sup>th</sup> Street SW

Rochester, Minnesota 55902-2052

Office of the Superintendent ▪ Telephone (507) 328-4256 ▪ FAX (507) 328-4121

November 30, 2010

Dear Martin Dannenfelser,

This letter is in response to your communication of November 8, 2010 regarding Rochester Public School's attempts to reduce the disparities in school discipline. Our district has been under reform for the last four years when the Superintendent commissioned the work of Education Development Center (EDC) to conduct an educational audit in the district. This report indicated a need for Rochester Public Schools to ensure that all students experience a sense of belonging in their school community; assure that all students benefit from high expectations and fair treatment; and create an open and welcoming culture for all families.

From the EDC report, a 5-Year Strategic Plan was developed and implemented to close the opportunity gap and bring all students to proficiency. This 5-Year Plan led to the identification of our District's five focused initiatives for the year. These five strategies below are researched-based and are deeply rooted in the 5-Year Plan and drove the development and refinement of the District in Need of Improvement Plan (DINI). This plan addresses the inequities in the system and the disproportionality in achievement and discipline.

- **Equity**: Equity is defined as "Raising the achievement of all students while narrowing the gaps between the highest and lowest performing students and eliminating the disproportional number and racial predictability of the student groups that occupy the highest and lowest achievement categories (Singleton, 1997). The District is continuing its commitment to district-wide, systemic equity training. The district equity leadership team (DELTA) is developing plans for the district to promote and embed equity training, plans, and cultural competency for the District's educators. Site equity leadership teams (SELT) are in the process of learning more about developing site equity plans and embedding processes to develop equity-focused goals to support the development of their site integrated improvement plans.
- **Efficacy**: The belief that all children can learn is fundamental to the success of all students. It is also critical that all staff use a common data analysis system. District Efficacy Coaches provide embedded staff development and on-site support for these two major Efficacy concepts. It is expected that all staff use the Self Directed Improvement System™ in the work setting by 2011. Grade level, subject area teams are expected to develop Essential Outcomes and Common Formative Assessments and analyze such data using the Data/Feedback/Strategy Method, a central component of the SDIS. The proficiency level at which administrators and teacher teams currently operate using the Data/Feedback/Strategy Method from the SDIS varies from site to site. In 2010-2011, Efficacy Coaches will work more closely with

building administrators and site based coaches to ensure that instructional staff members are proficient in using the Data/Feedback/Strategy Method to analyze reading and math data for the purpose of informing instruction.

- **Strengthening the Core**: The purpose of Strengthen the Core is to improve student achievement by systematically focusing on curriculum, instruction, assessment, and student engagement. This will be accomplished by articulating and documenting standards and benchmarks being taught; ensuring that curriculum, instruction, assessment, and student engagement are equity-focused; aligning curricular outcomes and expectations with balanced assessments; utilizing research-based instructional practices to ensure student proficiency and understanding; using effective research-based student engagement strategies; participating in collaborative planning both vertically and horizontally; and engaging in critical reflection about individual and collaborative planning and instruction. RPS is committed to ensuring that systems are in place to ensure that the core curriculum is implemented in a manner in which all students will succeed.
- **Positive Behavior Intervention Supports**: PBIS is a systems approach to preventing and responding to classroom and school discipline problems. PBIS develops school-wide systems that support staff to teach and promote positive, appropriate behavior in all students. Schools are using this systems approach to improve student behavior and decrease behavior incidents, including suspensions and expulsions, while eliminating the disproportional number and racial predictability of the student groups that occupy the highest and lowest achievement categories. Training of all site teams in the PBIS framework will be completed by the end of the current school year. All sites have received the foundational training necessary to begin PBIS at their site. In addition, many of the site teams completed a booster session this past August to further their depth of knowledge regarding implementation and sustainability of PBIS. All sites have received training in the use of School-Wide Information System (SWIS), a detailed discipline tracking system to assist with analyzing data related to referrals.
- **Interventions**: The District has identified and invested in research-based interventions in the area of reading and math to meet the needs of learners who have not reached proficiency. Read 180, Language!, System 44, Project Read, Mathletics, Voyager, Pinpoint and iSucceed provide support to students across the District. Additional sites and grade levels have been added this year to expand the number of students who are receiving intervention support. The District is carefully analyzing achievement data to determine appropriate student placements in specific intervention programs, as well as continuing to provide implementation support to staff. At the high school level, a new math intervention, I CAN Learn, is being implemented for students who receive special education services. The District remains committed to providing intensive, research-based, high-quality instructional programs to accelerate the learning of our students who are not yet meeting proficiency.

As a result of analyzing our discipline data and the disproportionalities which exist, our schools have implemented a number of strategies in the site's Integrated Improvement Plans and the Site in Need of Improvement Plans to decrease the number of referrals for our black and brown students. The implementation of these strategies has resulted in a decrease of 363

suspensions and expulsions from 2007-2008 to 2009-2010 school years. Additionally, our district's involvement in the Urban Special Education Leadership Collaborative (USELC) provided us with the opportunity to participate in national trainings.

One of these trainings is the Positive Behavior Interventions Support (PBIS) model. With the full implementation of the PBIS model, the schools have the following in place: behavior expectations shared with students and staff; referral process; identification of major and minor infractions; consequences; recognition programs; and resources for parents. Additionally, our School-Wide Information System (SWIS) manages and tracks our data. This data is discussed and disaggregated by our Site Equity Leadership Teams (SELT) and the District's Equity Leadership Team (DELT) to drive our decisions.

Over the last three years, the district has provided training to administrators and teachers in the following areas to ensure our staff and students are treated equitably with dignity and respect and to ensure that we are in compliance with federal law:

- Equity
- Efficacy for staff and parents
- Courageous Conversations about Race
- Positive Behavior Intervention Support (PBIS)
- Life Space Crisis Intervention (LSCI)
- Efficacy Coaches
- Collaborative Learning Teams
- Instructional Coaching

We hope we have provided you a snapshot of our efforts in Rochester Public Schools to provide an equitable, safe and nurturing environment for all our students. If you need additional information, please do not hesitate to ask.

Sincerely,



Romain Dallemand, Ed.D.  
Rochester Public Schools  
Superintendent





**LEGAL SERVICES**  
ANDRA M. DONOVAN  
Interim General Counsel  
619.725.5630  
Fax 619.725.5639  
adonovan@sandi.net

December 15, 2010

Via Electronic Mail

Martin Dannenfelser, Staff Director  
U.S. Commission on Civil Rights  
Office of Staff Director  
Washington D.C. 20425

RE: Your Letter Dated November 8, 2010 Regarding Discipline Discrimination

Dear Mr. Dannenfelser:

Your letter dated November 8, 2010 directed to Superintendent Kowba, has been referred to our office for reply and we provide the following response.

The Board of Education has adopted Governance Policies and Operational Expectation No. 3 (OE-3) relates to "Learning Environment Treatment of Students/Discipline." In particular, we direct your attention to sections 2, 3 and 4 of OE-3. A compliance report was recently provided to our Board and a copy of the report and attachments are also attached for your information.

Our Administrative Procedures relating to suspension and expulsion are in the process of being reviewed and revised, however, we do not believe any changes are being suggested as a result of a concern about racial disproportionalities. We attach the most recent versions for your review.

Finally, we have forwarded your request to our Race/Human Relations Department and will provide their response once we receive it.

Martin Dannenfelser, CCR

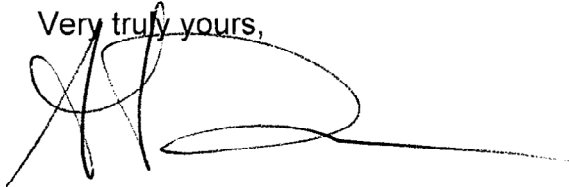
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December 15, 2010

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Please feel free to contact us if you need further information from us. Note that our offices will be closed for mandatory furlough days and holidays from December 20, 2010 through January 2, 2011. We will return to the office on Monday, January 3, 2011.

Very truly yours,

A handwritten signature in black ink, appearing to read 'ANDRA M. DONOVAN', with a long horizontal flourish extending to the right.

ANDRA M. DONOVAN  
Interim General Counsel

AMD:dmh  
Enclosures

Students/OCR/ccr re discipline discrimination 121510.doc



**San Diego Unified**  
SCHOOL DISTRICT

**ADMINISTRATIVE PROCEDURE**

CATEGORY: **Students, Discipline**

SUBJECT: **Suspension**

NO: **6290**

PAGE: **1 OF 14**

EFFECTIVE: **1-29-62**

REVISED: **11-15-10**

**A. PURPOSE AND SCOPE**

1. To outline district policies and procedures governing suspension of students.
2. **Related Procedures:**

Expulsion .....	6295
Alcohol, tobacco, and other drugs .....	6298
Student records, retention and destruction .....	6520
Release of directory-type student information .....	6525
Short-term contract independent study .....	4316

**B. LEGAL AND POLICY BASIS**

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1. **Reference:** Board policy: A-3700, F-6000, H-2100, H-5000, H-6000, H-6800, H-6940, H-6950, I-1370, I-4400; Education Code Sections: 46300, 48900 *et seq.*, 48911, 48915.5, 49079; 20 U.S.C. Section 1415(k).
  2. All students shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools (Education Code Section 48908).

**C. GENERAL**

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Placement and Appeal Office, Student Services Division, Deputy Superintendent of Academics.
2. **Definitions**
  - a. **Principal’s designee:** An administrative employee designated by the principal, in writing, to assist with disciplinary procedures. A second person also shall be designated by the principal, in writing, to serve as designee when the principal and the primary designee are absent from the school site. These names must be on file in the principal’s office. The principal must annually record designations.
  - b. **Superintendent’s designee:** For purposes of this procedure, the Placement and Appeal Legal Specialist or Director, unless specified otherwise within this procedure.
  - c. **Serious Offense:** Includes possession of a firearm, knife, explosive, or any other dangerous object in school; a third incident of fighting that inflicts injury

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in one year; causing serious physical injury to another person, except in self-defense; a third incident of possession and/or use of any controlled substance; robbery or extortion; assault or battery upon any school employee. "Dangerous object" is defined as any object used in a threatening manner even if it is not ordinarily used as a weapon.

- d. **Suspension:** Temporary removal of a student from ongoing instruction at the school site for the purposes of adjustment. The following *do not* constitute formal suspension:
- (1) Reassignment to another educational program or class at the same school.
  - (2) Referral to a district employee designated by the principal to advise students.
  - (3) Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee for appropriate action. Removal from a particular class shall not occur more than once every five (5) school days. (Education Code Section 48910)
  - (4) Reassignment to an independent study program pursuant to Procedure 4316.
- e. **Expulsion:** Removal of a student from the immediate supervision and control, or general supervision, of school personnel as outlined in Procedure 6295. An expelled student may not participate in any district program or activity, including any independent study program; however, the student may be eligible to attend a community day school program.
- f. **Day:** One calendar day unless specified otherwise.
- g. **School day:** A day when schools of the district are in session, or weekdays during summer recess.
3. **Suspension from school** is a serious and, by its very nature, controversial act to be applied with prudence and restraint after careful investigation *and in the absence of reasonable alternatives*. It is not only a necessary tool to maintain order, but a valuable educational device. At the same time, students involved must be afforded due process. In *Goss v. Lopez* (419 U.S. 565 [1975]) the United States Supreme Court held that students have a constitutional right to due process of law in connection with imposition of a short-term suspension from school. Specific procedures required by the Supreme Court are embodied in California law. Strict compliance with this procedure will ensure that students are not denied their constitutional rights.

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*It is incumbent upon the suspending authority to ensure that both the letter and spirit of the law are strictly observed, including time limits within which specified tasks must be accomplished.*

4. **Grounds for Suspension.** A student shall not be suspended from school or recommended for expulsion unless the superintendent or principal of the school in which the student is enrolled determines that the student has committed any of the following acts:

	<b>Code No.*</b>
a. <b>Assault/Battery.</b> Includes caused, attempted to cause physical injury, or threatened to cause physical injury to another person (including school employees); willfully used force or violence upon the person of another, except in self-defense; also included are attempted sexual assault, sexual assault, and sexual battery.	01
b. <b>Weapons.</b> Possessed, sold, or otherwise furnished any firearm, replica firearm, knife, explosive, or other dangerous object or used any object in a threatening manner.	02
c. <b>Alcohol/Intoxicants/Controlled Substances.</b> Includes unlawfully possessed, used, sold, or furnished, or under the influence of alcohol, intoxicants, or controlled substances.	03
d. <b>Substance in Lieu of Alcohol/Intoxicants/Controlled Substance.</b> Delivered, furnished, and/or sold items that were claimed to be alcohol, intoxicants, or controlled substances but were not such items.	04
e. <b>Robbery/Extortion.</b> Committed or attempted to commit robbery or extortion.	05
f. <b>Damage to Property.</b> Caused or attempted to cause damage to school property or private property.	06
g. <b>Theft to Property.</b> Stole or attempted to steal school property or private property, or received stolen property.	07
h. <b>Tobacco or Nicotine Products.</b> Possessed, furnished, or used tobacco, or any item containing tobacco or nicotine products. A fourth offense requires an expulsion referral.	08

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| i. | <b>Obscenity/Profanity/Vulgarity.</b> Committed an obscene act or engaged in habitual profanity or vulgarity.   | 09 |
| j. | <b>Drug Paraphernalia.</b> Possessed, offered, arranged, or negotiated to sell any drug paraphernalia.  | 10 |
| k. | <b>Disruption/Defiance.</b> Disrupted school activities or willfully defied the authority of school personnel.  | 11 |
| l. | <b>Sexual Harassment (Grades 4 to 12).</b> Made unwelcomed sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature sufficiently severe, or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.      | 13 |
| m. | <b>Hate Violence (Grades 4 to 12).</b> Caused, threatened to cause, attempted to cause, or participated in acts of hate against persons or property.  | 14 |
| n. | <b>Threats and Intimidation.</b> Harassed, intimidated, or threatened a pupil who is a witness in a disciplinary proceeding to prevent the pupil from being a witness or as retaliation against the pupil for being a witness; written or verbal threat against school official, or threats to cause major property damage; bullying (including electronic acts). | 15 |
| o. | <b>Harassment (Grades 4 to 12).</b> Harassed, intimidated, or threatened a pupil or group of pupils or school personnel with the actual or expected effect of disrupting class work, or creating substantial disorder or creating an intimidating or hostile educational environment.   | 17 |
| p. | <b>Hazing.</b> Engaged in, or attempted to engage in, hazing as defined in subdivision (b) of Section 245.6 of the Penal Code.  | 18 |

\* Numbers used on "Report on Suspension" (E.1.-E.5.) to indicate cause for suspension.

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5. **A student may be suspended** for those acts listed above and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
- a. While on school grounds
  - b. While going to or from school
  - c. During lunch period, on or off campus
  - d. During, or while going to or from, a school-sponsored activity

**Note:** If a student is arrested off campus, he/she may be suspended at that time or upon return to campus.

6. **Substance-Related Suspensions.** Under certain circumstances, some portion or all of a suspension involving alcohol, tobacco, or other drugs (C.4.c., C.4.d., C.4.h., and C.4.j.) may be waived by the principal if the student and his/her parent/guardian agree to the student's participation in specified substance intervention programs (Procedure 6298).
7. **Truancy, Tardiness, and Absence.** Truancy, tardiness, and other absence from assigned school activities are not cause for suspension; alternatives to suspension should be considered.

#### **D. IMPLEMENTATION**

1. **Teacher's Authority to Suspend** (Education Code Section 48910)
- a. A teacher may suspend any student from the teacher's class for any of the acts enumerated in C.4., for the day of the suspension and the day following.
    - (1) Teacher shall:
      - (a) Immediately report suspension to principal of school and send student to principal or designee for appropriate action. (If that action requires continued presence of student at school site, student shall be under appropriate supervision.)
      - (b) Immediately consult with principal or designee concerning due process conference.

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- (2) As soon as possible, teacher or principal shall ask parent/guardian of student to attend a parent-teacher conference about the suspension. Whenever practicable, a school counselor or school psychologist shall attend conference; school administrator shall attend conference if teacher or parent/guardian so requests.
- (3) Principal or designee ensures that during period of suspension student shall not be returned to class from which he/she was suspended without concurrence of teacher of class and principal.
- (4) Principal or designee ensures that a student suspended from a class shall not be placed in another regular class during period of suspension. However, if student is assigned to more than one class per day, suspension shall apply only to other regular classes scheduled at the same time as the class from which student was suspended.
- (5) Principal or designee determines whether the requirements under this subsection (D.1.) have been met. In addition, the principal or designee shall plan for the completion and distribution of the regular suspension form and assigns duties as necessary.

- b. A teacher also may refer a student to principal or designee for consideration of suspension from school for any of the acts enumerated in C.4. Should the principal or designee decide to suspend the student from school, the procedures under D.2. must be met.

**Note:** An informal suspension has no status and cannot be recognized; all suspensions require completion of a "Report on Suspension" form (E.1-E.5).

## 2. **Suspension by Principal or Designee**

- a. Principal or designee may suspend a student from school for a maximum of five (5) consecutive school days for any single cause enumerated in C.4.
- b. Suspension by principal or designee shall be preceded by an informal conference conducted by principal or designee between student and, whenever practicable, teacher, supervisor, or school employee who referred student to principal or designee. *At this conference student shall be informed of reason for disciplinary action and evidence against him/her and shall be given opportunity to present his/her version and evidence in his/her defense.*



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- c. Principal or designee may elect to waive some portion or all of a suspension for substance abuse (see C.5.) if student and parent/guardian agree to participate in substance abuse intervention program.
- d. Principal or designee may suspend a student without affording student an opportunity for a conference *only* if principal, principal's designee, or superintendent determines that an emergency situation exists.
  - (1) "Emergency situation" means a situation determined by principal, principal's designee, or superintendent to constitute a clear and present danger to the lives, safety, or health of students or school personnel.
  - (2) If a student is suspended without a conference prior to suspension, both parent/guardian and student shall be notified of student's right to a conference and of student's right to return to school for purpose of a conference.
  - (3) A conference shall be held within two (2) school days unless student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference then shall be held as soon as student is physically able to return to school for the conference.
- e. When any student is recommended for suspension for any reason requiring police notification as specified by "Report on Suspension" form (E.1-E.5), principal or designee shall:
  - (1) Call School Police (619-291-7678) and request an officer be dispatched to investigate incident and obtain event number.
  - (2) Detain student at school, when feasible and without physical force, until a police officer arrives. Following investigation, if police officer determines a criminal act occurred and an arrest is warranted, police officer will determine an appropriate disposition for student. Disposition may include releasing student back to school, releasing student to a parent/guardian, or placing student into protective custody.
  - (3) If student is arrested by police officer, may suspend student at that time or upon his/her return to campus.

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- f. If, upon hearing student's version of events and after receiving any evidence he/she wishes to present, principal or designee determines that suspension is unwarranted, he/she may return student to his/her regular placement or refer student to an alternative placement.
- g. At the time of suspension, a school employee shall make a reasonable effort to contact student's parent/guardian in person or by telephone.
- h. Within one school day of the beginning of any suspension, principal or designee:
  - (1) Initiates and signs "Report on Suspension" (E.1-E.5) and enters suspension on SIS Discipline History Screen.
  - (2) In case of waiver of all or part of a substance abuse suspension, completes "Substance Use Intervention Contract" (E.6. [formerly "Alternative to Suspension Contract"]) and enters additional data on SIS Discipline History Screen.
  - (3) Mails a notice to parent/guardian of suspended student ("Report on Suspension" [E.1-E.5]). Insofar as is practicable, the notice shall be in primary language of student's parent/guardian. The notice shall include:
    - (a) A statement of facts leading to decision to suspend.
    - (b) Date and time when student will be allowed to return to school.
    - (c) A statement of right of student or parent/guardian to request an appeal of the suspension by contacting the Placement and Appeal Office at 619-725-5660.
    - (d) A statement of rights of parent/guardian or student to have access to the student's records.
    - (e) A request that parent/guardian meet with school officials on or before the third consecutive day of any period of suspension, at which time, causes, duration, relevant school policy, and other matters pertinent to the suspension shall be discussed. A notice that state law requires parents/guardians to respond to such requests without delay is incorporated on "Report on Suspension" (E.1-E.5).

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- i. Parent/guardian of any student shall respond without delay to any request from school officials to attend a conference regarding his/her child's behavior.
- j. In a case where expulsion from any school or suspension for the balance of the semester from a continuation school (independent learning center) is being processed by the Board of Education, superintendent or designee, in writing, may extend a suspension until such time as Board of Education makes a decision in the action or an interim alternative school placement is made.
  - (1) An extension may be granted only if the superintendent or designee determines, following a meeting in which the student and the student's parent/guardian are invited to participate, that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.
  - (2) If the student or the student's parent/guardian has requested a meeting to challenge the original suspension, the superintendent or designee also may decide upon the extension of suspension order in conjunction with the initial meeting on the merits of suspension.
- k. **Suspension for first offense.** Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, upon a first offense, a student may be suspended for reasons set forth in C.4., *if principal or the superintendent determines that:*
  - (1) Student violated C.4.a., C.4.b., C.4.c., C.4.d., or C.4.e.; *or*
  - (2) Student's presence causes a danger to persons or property; *or*
  - (3) Student's presence threatens to disrupt the instructional process.
- l. **Suspension of elementary school students who commit a serious offense but not recommended for expulsion.** All elementary school students who commit a serious offense, but are not recommended for expulsion, must be suspended in accordance with the suspension guidelines for the specific offense. In addition, elementary school principals must convene a multi-disciplinary team at the elementary school to determine if additional interventions are necessary to address the student's conduct or behavior. A report of the multi-disciplinary team's determinations must be made by the principal to the Area Superintendent.

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Area Superintendents must monitor compliance with these procedures by each elementary school. A quarterly report will be made to the Board of Education by the Placement and Appeal Office with information concerning the number of students suspended under this section at each elementary school.

m. **Students with exceptional needs or eligible for services under Section 504 of the Rehabilitation Act of 1973**

- (1) A student with previously identified exceptional needs or eligible for services under Section 504 of the Rehabilitation Act of 1973 may be suspended for not more than ten (10) consecutive school days. A special education pupil may be suspended again in the same school year, with each suspension period limited to ten (10) consecutive days or less, as long as the suspension does not constitute a change of placement. A change of placement occurs if (a) the removal is for more than 10 consecutive school days, or (b) the student has been subjected to a series of removals that constitute a pattern. A pattern occurs if (a) the series of removals total more than 10 school days in a school year; (b) the student's behavior is substantially similar to the behavior in the incidents that resulted in the series of suspensions, taken cumulatively, is determined to be a manifestation of the student's disability; and (c) because of additional factors such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.
- (2) An individualized education program (IEP) team or instructional study team (IST) should be convened when a student's cumulative days of suspension in a school year approaches ten (10) school days to determine the relationship of the behavior to the disability. The team must consider (a) whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or (b) if the conduct in question was the direct result of the district's failure to implement the IEP or ISP. If the team determines the behavior was not related to the disability, discipline is applied as with any other student. If the team determines the behavior was caused by the disability or was the direct result of the district's failure to implement the IEP, a Functional Behavioral Assessment must be conducted and a Behavioral Intervention Plan must be developed.

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(3) If a special education pupil is suspended more than once in a school year, the total number of days that the pupil is suspended can be more than ten (10) days. However, if the total number of days of suspension in a school year is more than ten (10) days, services must be provided to enable the child to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the IEP. School personnel must consult with at least one (1) of the student's teachers to determine the extent to which services are needed during the time of removal and ensure that the services are provided.

- n. **Completion of work missed by suspended student.** The teacher of any class from which a student is suspended may require that student to complete assignments and tests during the period of suspension. Any student on suspension may request class assignments and tests during suspension.

### 3. **Appeal of Initial Suspension**

- a. During required parent conference under D.2.b., principal or designee shall inform student and parent/guardian of their right to appeal a suspension and advise the student or parent/guardian that they may pursue the appeal process by contacting the Placement and Appeal Office at 619-725-5660.
- b. Student or parent/guardian may initiate the appeal process by contacting the Placement and Appeal Office in writing within three (3) weeks of the information school conference with the principal or designee.
- c. The Placement and Appeal Office will mail to the student or parent/guardian the "Request for Suspension Appeal" with instruction that this form must be completed and returned so that it is received no later than three (3) weeks after the date of the principal's decision.
- d. The Placement and Appeal Legal Specialist/Director will determine from the information provided whether or not the principal or designee suspended the student properly and followed all applicable procedures in regard to the suspension. The Placement and Appeal Legal Specialist/Director will also consider the reasons the student/parent/guardian feel that the suspension was incorrect or inappropriate. The Placement and Appeal Legal Specialist/Director, as he/she may deem necessary, may contact either of the parties for the purpose of clarifying information provided.
- e. Based on the information submitted or requested, the Placement and Appeal Legal Specialist/Director has the authority as the superintendent's designee to make the following decisions regarding the suspension:

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- (1) May uphold the suspension.
- (2) May uphold the suspension but expunge the suspension records at the end of the semester in which the offense occurred if the student has no further discipline/behavior problems in the district.
- (3) May determine that the suspension was not within district guidelines and overturn the suspension and order that all records and documents regarding the disciplinary proceedings and suspension be immediately destroyed. No information regarding the suspension shall be placed in the student's permanent record or file, or communicated to any person not directly involved in the disciplinary proceedings.
- (4) May determine that the penalty imposed was inappropriate for the violation, and order that all records and documentation concerning the suspension shall be revised to indicate only those facts leading to the penalty imposed by the school.

f. The Placement and Appeal Legal Specialist/Director will mail a copy of the decision to the student and/or parent/guardian within five (5) days of issuing the decision. A copy of this decision will also be mailed to the school principal.

#### 4. **Long-Term Suspension Not Pending Expulsion**

- a. The Board of Education may suspend a student from school for any of the acts enumerated in C.4., for any number of school days within the following limits:
  - (1) Except as provided in subdivision (g) of Section 48911 and in Section 48912 of the California Education Code, the total number of days for which a pupil may be suspended from school shall not exceed twenty (20) school days in any school year, unless for purposes of adjustment, a pupil enrolls in, or is transferred to, another regular school, opportunity school or class, or a continuation education school or class, in which case the total number of school days for which the pupil may be suspended shall not exceed thirty (30) days in any school year.
  - (2) The Board of Education may suspend a student enrolled in a continuation school (independent learning center) or class for a period not longer than the remainder of the semester.

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- b. Unless a request has been made pursuant to D.3.c., if the Board of Education is considering suspension of, disciplinary action against, or any other action (except expulsion) against any student, the board shall hold closed sessions if a public hearing upon that question would violate the privacy of student records.
- c. Before calling a closed session to consider these matters, the Board of Education shall, in writing and by registered or certified mail or by personal service, notify student and student's parent/guardian, or student if student is an adult, of the intent to call and hold a closed session.
  - (1) The hearing to consider these matters shall be conducted by the Board of Education in closed session unless student or student's parent/guardian requests, in writing and within 48 hours of receipt of written notice of board's intention, that the hearing be held as a public meeting.
  - (2) If a written request is submitted to the clerk or secretary of the Board of Education, the meeting shall be public, *except* that any discussion at that meeting which may be in conflict with the right to privacy of *any student other than the student requesting the public meeting* shall be in closed session.

#### 5. **Notification to Teacher of Students Whose Actions Are Grounds for Suspension**

- a. The principal or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in C.4., including at other schools. The principal or designee shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a student described in this paragraph.
- b. The district, or district officer or employee, is not civilly or criminally liable for providing information in conformance with D.5.a. unless it is proven that the information was false and that the district, or district officer or employee, knew or should have known that the information was false, or the information was provided with a reckless disregard for its truth or falsity.
- c. An officer or employee of the district who knowingly fails to provide information about a student who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in C.4. is guilty of a misdemeanor.

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- d. Any information received by a teacher pursuant to D.5.a. shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

#### **E. FORMS AND AUXILIARY REFERENCES**

1. Report on Suspension, English version (Attachment 1)
2. Report on Suspension, Spanish version (Attachment 2)
3. Report on Suspension, Tagalog version (Attachment 3)
4. Report on Suspension, Somali version (Attachment 4)
5. Report on Suspension, Vietnamese version (Attachment 5)
6. Substance Use Intervention Contract (Attachment 6) - see Procedure 6298
7. Student Discipline Policies, available on the district website at:  
<http://www.sandi.net/21802072114619197/site/default.asp?21802072114619197Nav=&NodeID=4483&20451072011458950Nav=|&NodeID=4872>

#### **F. REPORTS AND RECORDS**

1. Schools immediately process "Report on Suspension" form; send copy to parent/guardian; enter suspension data on SIS Discipline History Screen.
2. Short-term suspension records and information shall be maintained by each school.
3. Notation of suspension is not retained on student's permanent record.

#### **G. APPROVED BY**

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General Counsel, Legal Services  
San Diego Unified School District



San Diego Unified School District

REPORT ON SUSPENSION
Admin Procedure 6290

School: \_\_\_\_\_ Phone: \_\_\_\_\_

NOTE TO PARENTS: Please read the important parental rights information attached to this form.

Student Name: \_\_\_\_\_ Student ID#: \_\_\_\_\_ INCIDENT DATE: \_\_\_\_\_
Age: Sex: Grade: Ethnic Code: VEEP? [ ] Y [ ] N Special Education? [ ] Y [ ] N 504? [ ] Y [ ] N
Address: \_\_\_\_\_
Parent/Guardian Name: \_\_\_\_\_ Phone: \_\_\_\_\_
PERIOD OF SUSPENSION: Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_ Number of Days: \_\_\_\_\_ May return to school on: \_\_\_\_\_
In person parent conference to be held on \_\_\_\_\_ (date) at \_\_\_\_\_ (time). Parent declined meeting? \_\_\_ yes \_\_\_ no
Conference attendees: \_\_\_\_\_

[ ] IF THIS BOX IS CHECKED, THE SITE ADMINISTRATOR IS RECOMMENDING THE STUDENT BE EXPELLED. PARENT WILL BE CONTACTED REGARDING THE RECOMMENDATION FOR EXPULSION BY THE PLACEMENT AND APPEAL OFFICE

- 01 Assault/Battery/Mutual Combat
02 Weapons, Explosives, Dangerous Objects, Imitation Firearms
03 Controlled/Prohibited Substances
04 "In Lieu Of" Substance
05 Robbery/Extortion (includes attempts)
06 Property Damage
07 Property Theft
08 Tobacco/Nicotine Product
09 Obscenity
10 Drug Paraphernalia
11 Disruption/Defiance
13 Sexual Harassment (Grade 4-12 only)
14 Hate Incidents (Grades 4-12 only)
15 Threats and Intimidation
17 Harassment (grades 4-12 only)
18 Hazing

Description of incident: \_\_\_\_\_
Date you interviewed the student: \_\_\_\_\_
Previous interventions attempted: \_\_\_\_\_
Date Prepared: \_\_\_\_\_ By: \_\_\_\_\_ Title: \_\_\_\_\_
Parent/Guardian telephoned by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: AM [ ] PM [ ]
PRINCIPAL SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

• MUST call School Police Services: 619-291-7678 / Event #: \_\_\_\_\_ + MUST call San Diego Police Dept. in addition to School Police
★ Principal must recommend expulsion, pursuant to Administrative Procedure 6295
▲ Suspension Waiver: Principal may waive a portion or all of a suspension for specific substance violations. Refer to Substance Use Intervention Contract (22A4500)
ELEMENTARY: Principal may do an in lieu of expulsion for all offenses except for the following: 01h, 02g (only firearm or explosive), 02h, and 03d (only selling)

To the Parent:

This suspension has been issued in accordance with California Law and San Diego Unified School District Administrative Procedure No. 6290.

- (1) During the period of this suspension, the student is to remain at home during school hours or under the direct supervision of the parent and is prohibited from entering upon premises of San Diego Unified School District (except in connection with an authorized or official meeting or other proceeding related to this suspension).
- (2) The parent or guardian of the student has the right to attend a meeting with school officials at which time the causes, duration, school policy involved, and other matters pertinent to the suspension shall be discussed. The parent or guardian can call the school at the number listed on the front of this form and make an appointment to discuss this suspension.
- (3) If a student had been recommended for expulsion, a five (5) day suspension will be issued due to the seriousness of the offense.
- (4) The parent or guardian has a right to review all the student's school records.
- (5) The pupil or the pupil's parents or guardian have the right to request an appeal of the suspension. The written appeal must be submitted within fifteen (15) school days of the first day of suspension. For information related to a suspension appeal and/or to receive a Suspension Appeal Form, please call (619) 725-5660.

**Distrito Escolar Unificado de San Diego**

**REPORTE DE SUSPENSIÓN**  
Procedimiento Administrativo 6290

Escuela: \_\_\_\_\_ Teléfono: \_\_\_\_\_

**NOTA A LOS PADRES:** Por favor lea la importante información sobre derechos de los padres anexa en esta forma.

Nombre del estudiante: \_\_\_\_\_ Identificación #: \_\_\_\_\_ FECHA DEL INCIDENTE: \_\_\_\_\_

Edad: \_\_\_\_\_ Sexo: \_\_\_\_\_ Grado: \_\_\_\_\_ Código Étnico: \_\_\_\_\_ ¿VEEP?  Sí  No ¿Educación Especial?  Sí  No ¿504?  Sí  No

Domicilio: \_\_\_\_\_ Teléfono: \_\_\_\_\_

Nombre del padre/madre/tutor: \_\_\_\_\_

PERÍODO DE SUSPENSIÓN: Fecha de inicio: \_\_\_\_\_ Fecha de terminación: \_\_\_\_\_ Número de días: \_\_\_\_\_ Puede volver a la escuela el: \_\_\_\_\_

Entrevista en persona con los padres a realizarse el \_\_\_\_\_ (fecha) a las \_\_\_\_\_ (time). ¿Los padres declinaron la entrevista?  sí  no

Asistentes a la entrevista: \_\_\_\_\_

SI ESTE CUADRO ESTÁ MARCADO, EL ADMINISTRADOR DEL PLANTEL RECOMIENDA QUE EL ESTUDIANTE SEA EXPULSADO. LA OFICINA DE ASIGNACIÓN Y APELACIONES LLAMARÁ A LOS PADRES PARA INFORMARLES SOBRE LA RECOMENDACIÓN PARA EXPULSION

<p><b>01 Asalto/Agresión/Combate Mutuo</b></p> <p><input type="checkbox"/> a. Causó, intentó o amenazó con causar daño físico</p> <p><input type="checkbox"/> 1ª pelea</p> <p><input type="checkbox"/> 2ª pelea</p> <p><input type="checkbox"/> 3ª pelea ★ •</p> <p><input type="checkbox"/> c. Causó intencionalmente lesiones leves, excepto en defensa propia •</p> <p><input type="checkbox"/> d. Causó intencionalmente lesiones graves, excepto en defensa propia ★ •</p> <p><input type="checkbox"/> f. Asaltó o agredió a un empleado de la escuela ★ •</p> <p><input type="checkbox"/> h. Asalto sexual o agresión sexual ★ •</p> <p><input type="checkbox"/> k. Auxilia o incita a infligir o intentar infligir daño físico (sólo suspensión a menos que sea declarado culpable en un tribunal)</p> <p><b>02 Armas, Explosivos, Objetos Peligrosos, Imitación de Armas de Fuego</b></p> <p><input type="checkbox"/> g. Poseyó, vendió o distribuyó arma de fuego, navaja, explosivos, u objetos peligrosos ★ •</p> <p><input type="checkbox"/> arma de fuego o explosivo +</p> <p><input type="checkbox"/> h. Blandió una navaja o cuchillo ★ •</p> <p><input type="checkbox"/> i. Poseyó, vendió o distribuyó fuegos artificiales que no sean M80 o cherry bombs</p> <p><input type="checkbox"/> j. Poseyó una imitación de arma de fuego ★ •</p> <p><b>03 Sustancias Controladas/Prohibidas</b></p> <p><input type="checkbox"/> a. Poseyó, usó, estuvo bajo su influencia</p> <p><input type="checkbox"/> 1ª ofensa ▲ •</p> <p><input type="checkbox"/> 2ª ofensa ▲ •</p> <p><input type="checkbox"/> 3ª ofensa ★ •</p> <p><input type="checkbox"/> d. Distribuyó o vendió ★ •</p> <p><input type="checkbox"/> e. Posesión de una cantidad mayor a la de uso personal ★ •</p> <p><input type="checkbox"/> h. Soma – ofreció, arregló o negoció para vender o vendió •</p>	<p><b>04 "En lugar de" Sustancias (sustancias que aparentan ser otras)</b></p> <p><input type="checkbox"/> b. Entregó, distribuyó o vendió •</p> <p><b>05 Robo/Extorsión (incluye intentos)</b></p> <p><input type="checkbox"/> a. Robo ★ •</p> <p><input type="checkbox"/> b. Extorsión ★ •</p> <p><b>06 Daño en Propiedad Ajena</b></p> <p><input type="checkbox"/> a. Intentó causar daño</p> <p><input type="checkbox"/> b. Causó daño menor</p> <p><input type="checkbox"/> c. Causó daño importante •</p> <p><b>07 Robo de Propiedad Ajena</b></p> <p><input type="checkbox"/> a. Intentó robar •</p> <p><input type="checkbox"/> b. Robó •</p> <p><input type="checkbox"/> c. Recibió propiedad robada •</p> <p><b>08 Tabaco/ Producto de Nicotina</b></p> <p><input type="checkbox"/> a. Poseyó/Usó</p> <p><input type="checkbox"/> 1ª ofensa ▲</p> <p><input type="checkbox"/> 2ª ofensa ▲</p> <p><input type="checkbox"/> 3ª ofensa ▲ •</p> <p><input type="checkbox"/> 4ª ofensa ★ •</p> <p><b>09 Obscenidades</b></p> <p><input type="checkbox"/> a. Actos Obscenos</p> <p><input type="checkbox"/> b. Groserías / vulgaridades habituales</p> <p><b>10 Parafernalia para Drogas</b></p> <p><input type="checkbox"/> a. Posesión ilegal ▲ •</p> <p><input type="checkbox"/> b. Ilegalmente ofreció, arregló o negoció para vender ▲ •</p>	<p><b>11 Interferencia/Desafío</b></p> <p><input type="checkbox"/> a. Interferencia/desafío menor</p> <p><input type="checkbox"/> b. Interferencia/desafío importante</p> <p><b>13 Acoso Sexual (Sólo Grados 4-12)</b></p> <p><input type="checkbox"/> a. Verbal/Visual</p> <p><input type="checkbox"/> b. Contacto físico (no íntimo)</p> <p><input type="checkbox"/> c. Continuó el acoso sexual</p> <p><b>14 Incidentes por odio (Sólo Grados 4-12)</b></p> <p><input type="checkbox"/> a. Combate mutuo •</p> <p><input type="checkbox"/> b. Comentario ofensivo, intento de dañar •</p> <p><input type="checkbox"/> c. Uso de fuerza física, herida leve •</p> <p><input type="checkbox"/> d. Uso de fuerza física, herida grave ★ •</p> <p><input type="checkbox"/> e. Amenaza de violencia •</p> <p><input type="checkbox"/> f. Vandalismo o grafiti •</p> <p><b>15 Amenazas e Intimidación</b></p> <p><input type="checkbox"/> a. Acosó, amenazó o intimidó a un estudiante testigo</p> <p><input type="checkbox"/> c. Amenazas terroristas •</p> <p><input type="checkbox"/> funcionario escolar (muerte o grave daño)</p> <p><input type="checkbox"/> propiedad escolar (más de \$1000)</p> <p><input type="checkbox"/> d. Intimidación (incluso actos electrónicos)</p> <p><b>17 Acoso (Sólo Grados 4-12)</b></p> <p><input type="checkbox"/> a. Acosó, intimidó o amenazó a un alumno o miembro del personal del distrito</p> <p><b>18 Novatada</b></p> <p><input type="checkbox"/> a. Novatada •</p>
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Descripción del incidente: \_\_\_\_\_

Fecha en que entrevistó al estudiante: \_\_\_\_\_

Previos intentos de intervención: \_\_\_\_\_

Fecha en que se preparó: \_\_\_\_\_ Por: \_\_\_\_\_ Título: \_\_\_\_\_

Llamada telefónica a padre/madre/tutor hecha por: \_\_\_\_\_ Fecha: \_\_\_\_\_ Hora: AM  PM

FIRMA DEL DIRECTOR: \_\_\_\_\_ Fecha: \_\_\_\_\_

• SE DEBE llamar a los Servicios de Policía Escolar: 619-291-7678 / Evento #: \_\_\_\_\_ + SE DEBE llamar al Depto. de Policia de San Diego además del aviso a la Policía Escolar

★ El director debe recomendar la expulsión, de conformidad con el Procedimiento Administrativo 6295

▲ Exención de la Suspensión: El director puede exentar una porción o toda la suspensión para específicas violaciones de sustancias. Referirse al Contrato de Intervención de Uso de Sustancias (22A4500)

PRIMARIA: El director puede hacer algo en vez de la expulsión en todas las ofensas excepto en las siguientes: 01h, 02g (sólo arma de fuego o explosivo), 02h, y 03d (sólo venta)

A los padres:

Esta suspensión ha sido expedida de acuerdo con la Ley de California y el Procedimiento Administrativo No. 6290 del Distrito Escolar Unificado de San Diego

- (1) Durante el período de esta suspensión, el estudiante debe permanecer en casa durante el horario escolar o bajo la supervisión directa de sus padres, y tiene prohibida la entrada a los planteles de las Escuelas de la Ciudad de San Diego City (excepto en relación con una reunión oficial autorizada u otros trámites relacionados con esta suspensión).
- (2) Los padres o el tutor del estudiante tienen derecho a asistir a una junta con los funcionarios de la escuela en la cual las causas, duración, política escolar implicada, y otros temas pertinentes a la suspensión serán discutidos. Los padres o el tutor pueden llamar a la escuela el número indicado al frente de esta forma y hacer una cita para discutir esta suspensión.
- (3) Si se ha hecho la recomendación para expulsión de un estudiante, se expedirá una suspensión de cinco (5) días debido a la seriedad de la ofensa.
- (4) Los padres o el tutor tienen derecho a revisar todos los informes escolares del estudiante.
- (5) El alumno o los padres o tutores del alumno tienen derecho de solicitar una apelación de la suspensión. La apelación por escrito debe ser presentada dentro de los primeros quince (15) días de escuela a partir del primer día de la suspensión. Para información relacionada con una apelación de suspensión y/o para recibir una Forma de Apelación de Suspensión, por favor llame al (619) 725-5660.

San Diego Unified School District

ULAT SA PAGESUSPENDE  
Admin Procedure 6290

Paaralan: \_\_\_\_\_

Phone: \_\_\_\_\_

**Paunawa sa mga Magulang:** Pakiusap na basahin ang mga mahahalagang kaalaman ng mga karapatan ng magulang na nakalalagay dito.

Pangalan ng Mag-aaral: \_\_\_\_\_

ID ng Mag-aaral #: \_\_\_\_\_

PETSA NG PANGYAYARI: \_\_\_\_\_

Edad: Kasarian: Baitang: Lahi: VEEP? Oo Hindi Special Education? Oo Hindi 504? Oo Hindi

Tirahan: \_\_\_\_\_

Pangalan ng Magulang/Tagapag-alaga: \_\_\_\_\_

Phone: \_\_\_\_\_

PANAHOON NG SUSPENSIYON: Umpisa: \_\_\_\_\_

Natapos: \_\_\_\_\_

Ilang araw: \_\_\_\_\_

Maaaring bumalik sa paaralan sa: \_\_\_\_\_

Dadalo sa panayam ng magulang sa \_\_\_\_\_ (petsa) sa \_\_\_\_\_ (oras). Tinanggihan ng magulang ang pulong?  oo  hindi

Mga dadalo sa panayam: \_\_\_\_\_

KAPAG ANG KAHONG ITO AY NAMARKAHAN, ANG TAGAPANGASIWA NG PAARALAN AY IMINUMUNGKAHING ANG MAG-AARAL AY MAPATALSIK. TATAWAGAN NG TANGGAPAN NG PLACEMENT AND APPEAL ANG MAGULANG TUNGKOL SA IMINUMUNGKAHING PAGPAPATALSIK.

**01 Pagsalakay/Pambubugbog/Damayang Laban**

- a. Nilikha, sinadya, o pagbantang lilikha ng pananakit
  - Unang pakikipag-away
  - Pangalawang pakikipag-away
  - Pangatlong pakikipag-away ★
- c. Sinadyang di-lubhang pananakit, maliban sa pagtanggol sa sarili •
- d. Sinadyang malubhang pananakit, maliban sa pagtanggol sa sarili ★
- f. Pagsalakay o pambubugbog sa kawani ng paaralan ★
- h. Pagsalakay o pambubugbog sa kasarian ★
- k. Pagtulong o pagsulsol sa parusa o pagtangkang pagpapahirap ng katawan (sa suspensiyon lamang, maliban kong iginawad ng hukuman)

**05 Nakaw/Namilit (kabilang ang pagtangka)**

- a. Nakaw ★
- b. Namilit ★

**06 Paninira ng Ari-arian**

- a. Tangkang paninira
- b. Nagbunga ng maliit na pinsala
- c. Nagbunga ng malaking pinsala •

**07 Pagnanakaw ng Ari-arian**

- a. Tangkang magnakaw •
- b. Nagnakaw •
- c. Tumanggap ng nakaw na ari-arian •

**08 Tabako/Produktong may Nokotina**

- a. Angkin/Gumamit
  - Unang pagkakasala ▲
  - Pangalawang pagkakasala ▲
  - Pangatlong pagkakasala ▲ •
  - Pang-apat na pagkakasala ★ •

**09 Kalaswaan**

- a. Malaswang kilos
- b. Nakagawiang paglapastangan/ kabastusan

**10 Drogang Paraphernalia**

- a. Labag sa batas na pagkakaroon ▲ •
- b. Labag sa batas na pag-alok, pakikipag-ayos o pakipagkasundong magtinda ▲ •

**11 Di pakikipag-isa/Pagsuway**

- a. Di lubhang di pakikipag-isa / pagsuway

**13 Panliligalig sa Kasarian (Baitang 4-12 lamang)**

- a. Salita/Paningin
- b. Pagdikit ng katawan (hindi kapalagayan)
- c. Patuloy na panliligalig sa kasarian

**14 Pangyayaring nakakamuhi (Baitang 4-12 lamang)**

- a. Damayang laban •
- b. Nakakagalit na salita, hangaring manakit •
- c. Paggamit ng katawan, di-lubhang panakit •
- d. Paggamit ng katawan, lubhang panakit ★ •
- e. Pagbanta ng karahasan •
- f. Paninira o graffiti •

**15 Pagbanta at Pananakot**

- a. Panliligalig, pagbanta o pananakot ng mag-aaral na tatayong saksi
- c. Teroristang pananakot •
- Pinuno ng paaralan (kamatayan o matinding pananakot)
  - Ari-arian ng paaralan (higit \$1000)
- d. Pananakot (kabilang ang gawang elektronik)

**17 Panliligalig (Baitang 4-12 lamang)**

- a. Nililigalig, binantaan, or nanakot ng mag-aaral o kawani ng distrito

**18 Pagpapahirap**

- a. Pagpapahirap •

**02 Sandata, Pampasabog, Mapanganib na mga Bagay, Kahawig ng mga Sandata**

- g. Taglay, nagtinda, o nagkaloob ng sandata, kutsilyo, pampasabog, o mapanganib na bagay ★
- sandata o pampasabog +
- h. Nag-amba ng kutsilyo ★
- i. Taglay, nagtinda o nagkaloob ng pampasabog maliban sa M80's o cherry bombs
- j. Taglay ng kagaya ng sandata ★ •

**03 Pinipigilan/Bawal na Sangkap**

- a. Taglay / Gumamit / Nasa kapangyarihan
  - Unang pagkakasala ▲ •
  - Pangalawang pagkakasala ▲ •
  - Pangatlong pagkakasala ★ •
- d. Namigay o nagtinda ★ •

**04 "Kahaliling" Sangkap**

- c. Taglay ang dami ng higit sa pansariling gamit ★ •
- h. Soma – nag-alok, nakipag-ayos o nagkasundong magtinda, o nagtinda •

Paglalarawan ng pangyayari: \_\_\_\_\_

Petsang tinanong ang mag-aaral: \_\_\_\_\_

Nakaraang pamagitan sinubukan: \_\_\_\_\_

Petsang Inihanda: \_\_\_\_\_

Ni: \_\_\_\_\_

Titulo: \_\_\_\_\_

Tineleponohan ang magulang/tagapag-alaga ni: \_\_\_\_\_

Petsa: \_\_\_\_\_

Oras: AM  PM

LAGDA NG PUNONG-GURO: \_\_\_\_\_

Petsa: \_\_\_\_\_

• **DAPAT** tumawag sa School Police Services: 619-291-7678 / Pangyayari #: \_\_\_\_\_ + **DAPAT** tumawag sa San Diego Police Dept. maliban sa School Police

★ Ang punong-guro ay **dapat** magmungkahi ng pagpatalsik, sang-ayon sa Administrative Procedure 6295

▲ Magpaubaya sa suspensiyon: Ang punong-guro ay maaaring magpaubaya sa isang bahagi o ang lahat ng suspensiyon para sa paglabag sa partikular na sangkap.

Sumangguni sa Substance Use Intervention Contract (22A4500)

**ELEMENTARIYA:** Ang punong-guro ay maaaring magbigay ng kapalit sa pagpapatalsik para sa lahat ng kasalanan maliban sa mga sumusunod: 01h, 02g (armas o pampaputok lamang), 02h, at 03d (pagtinda lamang).

Sa Magulang:

Itong suspensiyon ay iginawad sang-ayon sa California Law and San Diego Unified School District Administrative Procedure No. 6290.

- (1) Sa panahon nitong suspensiyon, ang mag-aaral ay mananatili sa bahay sa oras ng pasukan o nasa pamatnubay ng magulang at bawal na pumasok sa kapaligiran ng paaralan (maliban sa kaugnayan ng isang pangasiwaan o isang tunay na pulong o ibang mga gawaing may kinalaman sa suspensiyong ito).
- (2) Ang magulang o tagapag-alaga ng mag-aaral ay may karapatang dumalo sa isang pulong kasama ang mga pinuno ng paaralan kung saan ang mga dahilan, itatagal, may kinalamang mga pamalakad ng paaralan, at ibang mga bagay tungkol sa suspensiyon ay pag-uusapan. Ang magulang or tagapag-alaga ay maaaring tumawag sa paaralan sa mga numerong nakalista sa harap nitong papel at magtakda ng panahong makipagkita upang pag-usapan ang suspensiyon.
- (3) Kapag ang isang mag-aaral ay inirekomenda para mapatalsik, ang limang (5) araw na suspensiyon ay ipinataw dahil sa kaselanan ng kasalanan.
- (4) Ang magulang o tagapag-alaga ay may karapatang suriin ang lahat ng talaan ng mag-aaral sa paaralan.
- (5) Ang mag-aaral o ang mga magulang o tagapag-alaga ng mag-aaral ay may karapatang humiling ng isang panawagan sa suspensiyon. Ang nakasulat na panawagan ay dapat maibigay sa loob ng labinlimang (15) araw sa simula ng suspensiyon. Sa mga kaalamang may kinalaman sa panawagan ng suspensiyon at/o upang makatanggap ng Suspension Appeal Form, pakiusap na tawagan ang (619) 725-5660.