

## **CHICAGO INTERNATIONAL CHARTER SCHOOL DISCIPLINE CODE**

The Chicago International Charter School (“CICS”) expects all students to conduct themselves in a socially responsible manner. Disciplinary measures are used to maintain a safe and orderly school environment, which promotes CICS’ philosophy of providing a college preparatory education for all students.

The CICS Discipline Code applies to the actions of students during school hours, before and after school, while on school property, while wearing CICS attire, at all CICS sponsored events, and when the actions affect the mission of CICS. Students may also be subject to discipline for serious acts of misconduct, which occur either off-campus or during non-school hours, when the misconduct disrupts the safe and secure positive learning environment and poses a threat to the orderly education process at CICS.

Each discipline case will carry its own merit and will be adjudicated per the facts accompanying the case. CICS’ staff shall consider all mitigating circumstances prior to disciplinary action. Mitigating circumstances shall include, but are not limited to, the following:

- Age, health, maturity, and academic placement of a student
- Prior conduct
- Attitude of a student
- Cooperation of parents
- Willingness to make restitution
- Seriousness of offense
- Willingness to enroll in a student assistance program

In some cases, CICS, with parent/guardian consent, may deem screening and referrals for drug/alcohol counseling as a necessary component of the disciplinary action. Loss of privileges and community service may also be considered. Community service, with parent/guardian consent, may include, but is not limited to, the following:

- Repairing or cleaning property damage as a result of the offense;
- Participating in landscaping, gardening or cleaning inside the building or of the school grounds;
- Participating in projects that beautify the school, surrounding property or the community;
- Providing services that improve the life of community members.

Each category of offense listed below has a minimum and maximum disciplinary action associated with it and is proportionate to offense. After considering the actual disciplinary violation and factors such as those listed above, CICS staff shall determine the disciplinary action within the minimum/maximum range to which the student shall be subjected.

## **CATEGORY I**

These acts of misconduct include the following:

- Eating, drinking or chewing gum outside of the cafeteria (C1-EG)
- Persistent tardiness to school or class (C1-ET)
- Persistent skipping assigned Silent Study Hall and/or detention (C1-HA)
- Running and/or making excessive noise in the hall or school building or premises (C1-HB)
- Failing to abide by stated school rules or regulations (C1-SR)
- Violating the dress code as outlined in CICS campus handbook (C1-UV)

Students who commit any of these acts may be subject to one or more of the following behavioral response options, including, but not limited to: incentives for positive behavior, restorative conversations, teacher-student-parent conference, loss of privilege, temporary removal from classroom, problem-solving exercises, logical consequence, self-management plan, academic tutoring, behavior contract/behavior report card, meaningful work, as the result of a first offense and may, as a result of repeated violations and depending on the circumstances, be subject to the maximum penalty of a one-day, in-school suspension. As a supplement and/or alternative to suspension, school staff may require students to complete between 1 and 8 hours of public service, with parent/guardian consent, as commensurate with the seriousness of offense(s).

## **CATEGORY II**

These acts of misconduct include the following student behaviors that disrupt the educational process at CICS:

- Repeated Category I violations (C2-R1)
- Altering records and Forgery (C2-AF)
- Use of intimidation, credible threats of violence, coercion, or persistent severe bullying (See Appendix A for CICS Anti-Bullying and Cyber Bullying Policy) (C2-B)
- Repeated refusal to participate in classroom activities or complete academic assignments. (C2-CA)
- Cheating, Plagiarism, or Copying other's work, or allowing others to copy work(C2-CP)
- Violating the civil rights of others (C2-CR)
- Defamation (C2-D)
- Violation of Discipline Agreement (C2-DA)
- Persistent tardiness and /or absence to school or class (C2-ETA)
- Play fighting, threatening, bullying, and/or intimidating students (C2-FIN)
- Harassment or discrimination of others (C2-HD)

- Acts that obstruct or interrupt the instructional process in the classroom (C2-IDa)
- Participation in acts designed to disrupt classroom or school activities (C2-IDb)
- Repeated use of profane, vulgar or obscene words, gestures or other actions which disrupt the school environment (C2-IS)
- Leaving the classroom and/or campus without permission (C2-LA)
- Fighting or unwanted physical contact or threatening of any student or staff member (C2-PA)
- Cutting school, class, detention, homework center, Saturday school, summer school, or mandatory school events (C2-SK)
- Disregard for the stated school rules, instructions or directions of school personnel resulting in disruption to the educational process (C2-SPa)
- Failing to comply with school imposed consequences (C2-SPb)
- Repeated failure to follow stated school rules and procedures (C2-SPc)
- Theft, loss or destruction of personal or school property that costs less than \$150.00 (C2-T)
- Using, possessing, selling or transferring tobacco products (C2-TO)
- Truancy (Absence without permission, just cause and disregarding school's supportive services and resources provided) (C2-TR)
- Violation of CICS Acceptable Use of Technology guidelines, including campus Wi-Fi (C2-TV)
- Providing unauthorized visitors access to the building before, during or after school (C2-UA)
- Unauthorized use of cell phones, pagers or other electronic devices (C2-UP)

As a result of a first offense, students who commit any of these acts may be subject to one or more of the following behavioral response options, including, but not limited to: one after school and/or one Saturday in-school detention, work plan, skills building In-school suspension, peer conference/peer mediation, referral to behavioral health team, daily and/or weekly check in/check out, targeted social skills instruction, anger management group, mentoring, referral to counseling/social work services, and teacher-student-parent conference. Repeated violations, and/or depending on the circumstances, students may be subject to the maximum penalty of out-of-school suspension for 3 days or less and teacher-parent conference. Students may be subject to out-of-school suspension for 3 days or less when/if student's continuing presence in school would (1) pose a threat to the safety of other students, staff or members of the school community, or (2) disruption to with the operation of the school. The degree of the suspension, whether in-school or external, as well as length of suspension, shall be determined by CICS' Board of Directors or Board Designee As a supplement and/or alternative to suspension, school staff may require students to complete between 3 and 12 hours of public service, with parent/guardian consent, as commensurate with the seriousness of offense(s).

### CATEGORY III

These acts of misconduct include those student behaviors that very seriously disrupt the orderly educational process in the classroom, in the school, and/or on the school grounds. These acts of misconduct include the following:

- Repeated Category I & II violations (C3-R2)
- Assault on a student or any school employee (Assault is interpreted as an attempt to do bodily harm to a student or to any staff member) (C3-A)
- Use, possession, sale, or delivery of alcohol, illegal drugs, narcotics, controlled substances, contraband, drug paraphernalia or look alike contraband/drugs, or use of any substance for the purpose of intoxication in or before school or a school-related function. (C3-AD)
- Arson (C3-ARS)
- Any act that endangers the safety of the other students, teachers or any school employee (C3-END)
- Creating a false fire alarm or making a threat to create a false fire alarm (C3-FA)
- Sex Violations-Engaging in sexual activity or inappropriate touching (C3-FS)
- Gambling (C3-G)
- Participating in gang activity or overt displays of gang affiliation-writings, drawings, representation (C3-GA)
- Hazing (C3-H)
- Persistent or severe acts of sexual harassment – unwelcome sexual or gender-based conduct (either physical or verbal) and/or conduct of a sexual nature which is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from the educational program or which creates a hostile or abusive school environment (C3-HA)
- Participating in mob action-a large or disorderly group of students using force to cause injury to a person or property, or persisting in severe disruption after being directed to cease by school personnel or police (C3-MA)
- Destruction of property (C3-PD)
- Indecent exposure (C3-SM)
- Theft, loss or destruction of personal or school property that costs more than \$150.00 (C3-T1)
- Trespassing-entering CICS property when previously prohibited or remaining on campus grounds after receiving a request to depart (C3-TRS)
  
- A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year, or for a time period as modified by the CICS Board/Board Designee on a case-by-case basis:

- Possession and/ or use of weapons-any object that is commonly used to inflict bodily harm, and/or an object that is used or intended to be used in a manner that may inflict bodily harm, even though its normal use is not as a weapon (C3-W)
- Possession of the following items: firearm, look-alike firearm, knife, brass knuckles or other knuckle weapon, billy club may subject student to an expulsion for at least 1 year, adjusted by a case by case basis
- A firearm. For the purpose of this Section, firearm means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the US Code or Section 24-1 of the Criminal Code of 2012.

A principal, assistant principal, or dean of students may suspend a student for a period not to exceed 10 school days or may expel a student for a definite period of time not to exceed 2 calendar years, as determined by a case by case basis if, (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time threat was made or available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

Students who commit any of these acts may be subject to a one or more of the following behavioral response options, including, but not limited to: maximum of 10 days, out-of-school suspension, per violation, clinical services referral, referral to CPS Crisis Management, referral to DCFS (Department of Children and Family Services, referral to SASS (Screening Assessment & Support Services) Hotline, substance abuse treatment/prevention, peer conference/peer mediation, skills building In-school suspension, a student- teacher-parent conference and may, depending on the circumstances, be subject to the maximum penalty of expulsion. Students may be subject to out-of-school suspensions of longer than 3 days after appropriate and available disciplinary interventions have been exhausted and student's continuing presence in school would (1) pose a threat to the safety of other students, staff or members of the school community, or (2) substantially disrupt, impede, or interfere with the operation of the school.

Students suspended out-of-school for longer than 4 days shall be provided with appropriate and available support services during the period of their suspension. As a supplement and/or alternative to suspension or expulsion, school staff may refer students to the Chicago Public Schools' (CPS) Saturday Morning Alternative Reach out and Teach (SMART) Program, and/or require students to complete between 6 and 30 hours of public service, with parent/guardian consent, as commensurate with the seriousness of offense(s).

## **SUSPENSION AND EXPULSION**

When a student's misconduct results in the need to suspend, or expel the student, the following procedures shall be followed:

- A. **Suspension Not Exceeding Ten School Days:** Students suspended for ten school days or less shall be afforded due process in the following manner:
- Principal, assistant principal, or dean of students of the school meet with the student to discuss, investigate, and assess the situation
  - If a student is found to have violated the Code of Conduct in a manner that warrants suspension, the student's infraction will be logged in PowerSchool or appropriate Student Information System. Principal, assistant principal, or dean of students of the school determines the duration of the suspension and whether the suspension is served in-school or out-of-school
  - Principal, assistant principal, or dean of students of the school shall immediately notify the student's parent or guardian of the situation and the disciplinary action with full statement of specific misconduct, rationale for duration of suspension, and notice to parents of their right to review. Principal, assistant principal, or dean of students of the school shall be available for a follow-up conference with the family, if requested.
  - A behavioral contract containing specific behavior expectations may be drawn up and signed by the student, parent/guardian and Principal, assistant principal, or dean of students of the school during a re-engagement meeting. In developing a re-engagement plan, the principal, assistant principal, or dean of students of the school will consider ways to prevent future school suspensions, forms of restorative action and supportive intervention to aid in the student's academic success.
  - Principal, assistant principal, or dean of students of the school will facilitate a re-engagement meeting of students who are suspended out-of-school, expelled, or returning from alternative school setting.
  - Students can make up work following their suspensions. Upon returning to school, it is the student's responsibility to make up work in a reasonable time proportional to their suspension.
  - School Board will be provided all information and summaries for suspensions and expulsions.
  - For out-of-school suspensions for longer than 4 school days, the school will note in the suspension notice whether support services are to be provided during the period of suspension or whether it was determined that there are no such appropriate and available services.
  - Within the suspension decision and expulsion decision, school will document whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

- The student shall be given oral or written notice of the charges against him/her; an explanation of the basis for the accusation; and a chance to present his/her version of the incident, in writing, to the campus principal.

Any suspension shall be reported immediately to the parents or guardian of a pupil along with a full statement of the reasons for such suspension and a notice of their right to review. The school board must be given a summary of the notice, including the reason for the suspensions and suspension length. Upon request of the parents or guardian the school board or hearing officer appointed by it shall review such action of the principal, assistant principal, or dean of students. At such review the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the writing report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection, the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension.

If unsatisfied with the response of the campus director, the student and guardian may present his/her version of events to the appropriate administrative officer of the school management organization that manages the campus on behalf of the Chicago International Charter School.

A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided by the Illinois School Code.

It is prohibited that any school encourage any student to dropout.

- B. Expulsion:** Students suspended and/or expelled as a result of gross disobedience or misconduct shall be afforded due process in the following manner:

CICS will request that the student's parents or guardian appear before the CICS Board of Directors ("Board") or a hearing officer appointed by it. Such requests will be made by registered or certified mail and state the time, place, and purpose of the meeting. In addition to advanced written notice of the hearing, the student shall be afforded sufficient time to prepare for the hearing, the right to be represented by counsel, and the right to present evidence.

The expulsion hearing need not take the form of a judicial or quasi-judicial hearing. In no event, shall a hearing be considered public. Further, at the discretion of the Board, the hearing may be closed to those individuals deemed advisable, except the student, the student's parents or guardians, the student's attorney, at least one school

official, and the Board's attorney at all times. Witnesses shall be admitted to a closed hearing only to the extent necessary to testify. In order for another student to act as a witness, signed written consent of that student's guardian must be obtained prior to the meeting. The following procedures will be included in an expulsion hearing: school presents more than hearsay evidence to prove allegations, parents and students allowed to present evidence and cross-examine witnesses, and separation exists between staff member conducting the expulsion, hearing officer and decision-maker.

The Board/Board Designee, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective.

If a hearing officer is appointed by the board he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action hereon as it finds appropriate.

If the Board/Board Designee acts to expel a pupil, the written expulsion decision shall detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school.

The expulsion decision shall also include a rationale as to the specific duration of the expulsion.

An expelled pupil may be immediately transferred to an alternative program in the manner provided by the Illinois School Code.

If a general education student is expelled from Chicago International, the student may not return to any Chicago International campus for a definite period not to exceed 2 calendar years. The CICS Board/Board Designee may expel a student with disabilities for a definite period not to exceed 2 calendar years, as determined on a case by case basis. If a parent and/or student wish to appeal the expulsion from Chicago International, there are two options. First, the parent and/or student may appeal in writing by sending a letter to the CICS Board of Directors before the next regularly scheduled board meeting stating why the parent and/or student feel the expulsion decision should be overturned. Second, the parent and/or student may request a meeting with the CICS Board Executive Committee on the day of the next scheduled CICS Board meeting for appeal. The Board will discuss the student and expulsion decision during executive session and will notify the parent/student in writing of its decision.

The expulsion decision may be modified by the CICS Board on a case-by-case basis.



## ACCEPTABLE USE OF TECHNOLOGY

This Student Acceptable Use Policy (“Policy”) sets forth the standards governing Chicago International Charter School (CICS) authorized users’ access to local, state, national, and international sources of information through the Internet, the CICS network, and computer and electronic mail (“e-mail”) access. This Policy sets forth the rules under which student users may continue their access to and use of these resources. This Policy promotes the ethical, legal, and school-related use of the Internet, CICS network, electronic mail and computer access. This Policy is in compliance with the Children’s Internet Protection Act.

Access to the Internet, CICS network, Wi-Fi and computer and electronic mail access is a privilege that is provided to student users for educational purposes. These resources provide students with effective means of communication and research and should be used in a manner that does not violate the CICS school Policy and regulations established by the CICS Board of Directors.

### I. GENERAL PROVISIONS

**Authorized Users:** CICS provides computers and network capabilities to students for the purpose of enhancing instruction through technological resources. CICS uses filtering and blocking technology to protect against materials that are obscene, pornographic, or harmful to minors. CICS may make Internet access to e-mail available to students on the CICS networks as an educational resource. It is a general policy of CICS to promote the use of computers in a manner that is responsible, legal and appropriate. Student use of CICS network is a privilege. A student’s failure to adhere to the Policy will result in the revocation of the student’s access privileges. Should a student’s access privilege be revoked, there shall be no obligation on the part of CICS to provide a subsequent opportunity for access to the CICS network.

CICS uses filtering software to screen Internet sites for materials that are obscene, pornographic or harmful to minors. The Internet is a collection of thousands of worldwide networks and organizations that contain millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Users accessing the Internet do so at their own risk and CICS and the Chicago Public Schools (CPS) and the City of Chicago are not responsible for material viewed or downloaded from users from the Internet. If a student gains access to inappropriate, obscene, pornographic and/or harmful material, CICS, CPS and the City of Chicago will not be liable. To minimize these risks, your use of the Internet, the CICS network, and computer and electronic mail is governed by this Policy. Student Users may apply for less restrictive access to the internet to conduct bona fide academic research under the supervision of a teacher or administrator.

### II. USE OF INTERNET, COMPUTER ACCESS AND ELECTRONIC MAIL

Improper use of the Internet, Wi-Fi, computer access, and electronic mail is prohibited. Uses of the Internet computer access and electronic mail that are prohibited include the following:

- Use of the CICS network for, or in support of, any illegal purposes
- Use of the CICS network for, or in support of, any obscene or pornographic purposes; this includes the retrieving or viewing of any sexually explicit materials, failing to use the Internet, computer access and email in a manner consistent with this Policy.
- Violation of any provisions of Illinois School Student Records Act, which governs students' right to privacy and the confidential maintenance of certain information including, but not limited to, a student's grades and test scores
- Use of profanity, obscenity or language that is generally considered offensive or threatening to persons of a particular race, gender, religion, sexual orientation, or to persons with disabilities
- "Reposting" or forwarding personal communications without the author's prior consent
- Copying commercial software in violation of state, federal or international copyright laws
- Using the CICS network for financial gain or for the transaction of any business or commercial activities
- Plagiarizing (claiming another person's writing as your own) any information gained on or through the CICS network or any other network provider
- Using the CICS network for political lobbying
- Intentionally disrupting the use of the CICS network for other users, including disruptive use of any process, program, or tool for ascertaining passwords or engaging in "hacking" of any kind, including, but not limited to, the illegal or unlawful entry into an electronic system to gain secret information
- Disclosing, using or disseminating private or personal information of other students, staff or administrators
- Providing access to the CICS network to violate any provisions of the CICS Code of Conduct
- Using a modem to dial into any online service provider, Internet Service Provider (I.S.P) or connect through a Digital Subscriber Line (DSL) while connected to the CICS network, as this poses a security risk to the CICS network
- Using the CICS network for anything related to "cyber-bullying"

### Cyber-Bullying

"Cyber-bullying" means using information and communication technologies to bully. "Cyber-Bullying" is the use of electronic information and communication devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, internet chat rooms, internet postings, and defamatory websites, that:

- Deliberately threatens, harasses, intimidates a student, a school employee or any school-related personnel; or
- Places a student, a school employee or any school-related personnel in reasonable fear of harm to a student, a school employee or any school-related personnel or damage to the student, a school employee or any school-related personnel's property; or
- Has the effect of substantially disrupting the orderly operation of the school?

#### Reporting Procedure and Investigation:

Any student, school employee or any school-related personnel who believes he/she has or is being subjected to cyber-bullying, as well as any person who has reason to believe a pupil or school staff member has knowledge or reason to believe another student, school employee or any school-related personnel is being subjected to or has been subjected to cyber-bullying shall immediately make a report to the Building Principal or designee.

The Building Principal or designee shall investigate all reports of such conduct. If the investigation results indicate cyber-bullying was not committed, the Building Principal or designee will inform the affected parties of the investigation results.

#### Social Media/Chat Room Guidelines for Students

- Be transparent. Your honesty, or dishonesty, will be quickly noticed in the social media environment. Identify yourself by using your real name.
- Be judicious. Make sure that you are not sharing confidential information concerning its staff, students or parents.
- Write what you know. Ensure that you write and post about your area of expertise. If you are unfamiliar with a subject matter, do the research before commenting.
- Perception is reality. In online social networks, the lines between public and private, personal and professional can be blurred. Just by identifying yourself as a CICS student, you are creating perceptions about your expertise and about the district. Be sure that all content associated with you is consistent with your work and with the district's professional standards.
- Your responsibility: What you write is ultimately your responsibility. Participation in social media on behalf of CICS is not a right but an opportunity, so please treat it seriously and with respect. Be careful and considerate when dealing with others.
- Take responsibility. If you make a mistake, admit it. Be upfront and make your correction quickly.
- Press pause. If you are about to publish something that makes you even the slightest bit uncomfortable, then don't. Take a break and come back to it later. Ultimately, what you publish is yours and so is the responsibility.

Other training opportunities on internet practices will be given throughout the school year.

### **III. GENERAL INFORMATION**

The privilege of using the CICS network is free to students of CICS. The student to whom an account on the CICS network is issued is responsible, always, for its proper use. A responsible Student User of the CICS network:

- May keep a free account on the CICS network as long as he or she is a student in CICS
- May use the Internet to research assigned classroom projects
- May use the Internet to send e-mail to other users of the CICS network and to people around the globe
- May use the Internet to explore other computer systems
- Does not give his or her password to another person
- Understands that none of his or her communications and information accessible through the CICS network is considered private or confidential and CICS reserves the right to access all user accounts, at any time, including student email
- Understands the Policy before logging on
- Understands that if the Policy is violated, the student's account on the CICS network will be revoked
- Understands that if he or she is removed from CICS' network by a school faculty member that he or she has the right to appeal the removal within thirty- (30) days, in writing, to the Director of the school; the CICS Director's decision shall be final
- Understands that if he or she is removed from the CICS network, there shall be no obligation to provide a subsequent opportunity to access the CICS network

### **IV. PARENT/GUARDIAN CONSENT FOR USE OF CICS NETWORK**

Prior to the activation of a student's account on the CICS network, the parent or guardian of the student must provide written authorization (located on the first page of the community handbook).

### **V. STUDENT ACKNOWLEDGEMENT AND INTERNET TEST**

All students to whom an account on the CICS network has been assigned shall sign a form acknowledging the requirements of the Policy on student acceptable use and verifying his or her successful completion of the CICS Network Student Internet Orientation.

### **VI. WAIVER OF PRIVACY, MONITORING, ENFORCMENT**

Users do not have a personal privacy interest in anything created, received or stored on the Internet, CICS network, or electronic mail systems, as these systems are neither secure nor private.

Users expressly waive any right to privacy in anything created, stored, and or received while using CICS computer equipment or Internet access. Users consent to allow CICS personnel to access and review all materials created, stored, sent or received by the User through any of the CICS network or Internet connections.

CICS has the right to monitor and log all aspects of its computer system including, but not limited to, monitoring Internet, CICS network, and electronic mail use to ensure that these resources are being used for educational and school-related purposes, consistent with this Policy.

When a faculty member determines that a student has made an inappropriate use of computer equipment or the Internet the faculty member may remove the student from the CICS network. The student may appeal the decision to the Director of CICS within 30 days of revocation.

### **PROCEDURAL SAFEGUARDS FOR DISCIPLINE OF STUDENTS WITH DISABILITIES/IMPAIRMENTS<sup>1</sup>**

School officials may suspend students with disabilities/impairments and cease educational services for a total of up to 10 consecutive or 10 cumulative school days in one school year without providing procedural safeguards. Saturday, and before- and after-school detentions do not count toward the 10-day limit. Additionally, if students with disabilities continue to participate in the general education curriculum, continue to receive their IEP services, and continue to participate with non-disabled peers to the same extent as specified in the IEPs, in-school suspensions and lunch detentions do not count toward the 10-day limit. Federal regulations offer some flexibility in suspending students with disabilities more than 10 school days in the school year in certain circumstances. In order to determine whether the circumstances permit a suspension more than 10 days per school year, consultation by the school with the Department of Procedural Safeguards and Parental Supports (773/553-1905) is necessary. **Without such consultation and approval from the Department of Procedural Safeguards and Parental Supports, the 10-school day limit on out-of-school suspensions will continue to apply.**

When school officials anticipate a referral for expulsion, the following apply:

1. School must provide written notice to the parent/guardian or surrogate parent of the request for an expulsion hearing and the date of an Individualized Education Program (IEP) Manifestation Determination Review (MDR) meeting, which must be held within 10 school days of the date of the decision to request the expulsion hearing. School must also provide parent/guardian/surrogate with a written copy of the Notice of Procedural Safeguards.
2. The IEP team must:

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<sup>1</sup> All procedural safeguards contained in the SCC and this Appendix are equally applicable to those students with §504 plans.

- A. Determine whether the misconduct is related to the student's disability by reviewing all current and relevant information, including evaluation and diagnostic results, information from the parent/guardian, observations of the student, and the student's IEP. The behavior is a manifestation of the student's disability if:
  - 1) The conduct in question was caused by the student's disability or has a direct and substantial relationship to the student's disability; and/or
  - 2) The conduct in question was the direct result of the school's failure to implement the student's IEP.
- B. Review, and revise if necessary, the student's existing behavior intervention plan or develop a functional behavior assessment and behavior intervention plan (FBA/BIP) to address the misconduct. The behavior intervention plan (BIP) must address the misconduct for which the student is being disciplined.

If the student's behavior is not a manifestation of the disability, school officials may apply the code of conduct, taking into consideration the student's special education and disciplinary records. In no event, however, may the student be suspended for more than 10 consecutive or cumulative school days in a school year without providing appropriate educational services.

If the student's behavior is a manifestation of the disability, a disciplinary change in placement (expulsion) cannot occur. Students with disabilities, even if expelled, must be provided with an appropriate education in an alternative educational setting.

All MDRs are subject to legal review by the Department of Procedural Safeguards and Parental Supports.