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Student Code of Conduct

Section 705.5 | **Board Report** 24-0627-PO7 | **Date Adopted** June 27, 2024

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THE CHIEF EXECUTIVE OFFICER RECOMMENDS

That the Chicago Board of Education ("Board") adopt the annual revisions to the Student Code of Conduct ("SCC") including the Addressing Bullying and Bias-Based Behavior Policy, effective August 26, 2024, which is attached hereto.

DESCRIPTION

Amendments to the current editions of these policies are summarized below:

1. Amend Policy for Pre-Kindergarten through Grade 2 students: Existing SCC groups 1 through 6 will no longer apply to students in pre-kindergarten through second grade. These amendments remove the “misconduct” framework from being applied to the needs of our earliest learners and provide a more equitable and developmental lens to their unique behavioral needs. A new behavior group has been established in the policy to better define behaviors that may impact the safety and well-being of students or adults for documentation and communication with parents/guardians for responsive intervention. These changes will improve data for transparency and district-wide responsive support for schools and families.

2. Revise Title-IX and bias-based behavior definitions and the bullying appeal process: Several updates have been made to the definitions listed in the Addressing Bullying and Bias-Based Behavior policy that are covered by or directly related to Office of Student Protections/Title IX. Amendments to the text were made to align with the most current regulations and the CPS Non-Discrimination Policy. Parent appeals of school-based bullying determinations will now be received and completed through the Office of Social and Emotional Learning instead of the Office of Student Protections.

3. Revise language in the Procedural Safeguards for Discipline of Students with Disabilities section of the policy for clarity: Language in this section was revised to increase clarity for students, parents/guardians, and school personnel on the procedural safeguards in place for students with disabilities who are being considered for suspensions of 10 days or more or expulsion. This includes the addition of information and links to better inform stakeholders of state and federally mandated procedures.

STUDENT CODE OF CONDUCT
Effective August 26, 2024

PURPOSE

The Chicago Public Schools (CPS) Student Code of Conduct (SCC) supports our schools in maintaining safe, nurturing, participatory and productive learning environments. In order to maximize learning time and promote positive behaviors, every school must establish multi-tiered systems of support for students' social, emotional and behavioral needs. This includes developing clear expectations, teaching social-emotional competencies, and fostering positive relationships among all members of the school community. Chicago Public Schools is committed to an instructive, corrective, and restorative approach to behavior. If behavior incidents arise that threaten student and staff safety or severely disrupt the educational process, the response should minimize the impact of the incident, repair harm, and address the underlying needs behind student behaviors. In accordance with the SCC, all disciplinary responses must be applied respectfully, fairly, consistently, and protect students' rights to instructional time whenever possible.

A safe, welcoming, and productive school requires the support of all staff, students, and families.

RIGHTS AND RESPONSIBILITIES

Student Rights

- To receive a free high-quality public education
- To be safe at school
- To be treated fairly, courteously, and respectfully
- To bring complaints or concerns to the school principal or staff for resolution
- To tell their side of the story before receiving a consequence
- To be told the reason(s) for any disciplinary action verbally and in writing
- To be given information about appealing disciplinary actions
- To express opinions, support causes, assemble to discuss issues, and engage in peaceful and responsible demonstrations

Student Responsibilities

- To read and become familiar with this policy
- To attend school daily, prepare for class, and complete class and homework assignments to the best of their ability
- To know and follow school rules and instructions given by the school principal, teachers, and other staff
- To tell school staff about any dangerous behavior or bullying that occurs at school, on the way to and from school, or in the school community
- To bring to school only those materials that are allowed
- To treat everyone in the school community with respect
- To respect school property, community property, and the property of others

Parent/Guardian Rights

- To be actively involved in their child's education
- To be treated fairly and respectfully by the school principal, teachers, and other staff
- To access information about the Chicago Board of Education (Board) policies and procedures
- To be notified promptly if their child is disciplined for inappropriate or disruptive behavior and informed of the consequences assigned
- To appeal disciplinary actions taken
- To receive information about their child's academic and behavioral progress

Parent/Guardian Responsibilities

- To read and become familiar with this policy
- To make sure their child attends school regularly, on time, and to notify the school before the school day begins if their child is absent
- To give the school accurate and current contact information

- To tell school officials about any concerns or complaints respectfully and in a timely manner
- To work with the school principal, teachers, and other staff to address any academic or behavioral concerns regarding their child
- To talk with their child about the behavior expected in school
- To support their child's learning and school activities at home
- To be respectful and courteous to staff, other parents, guardians, and students
- To respect other students' privacy rights

School Staff Rights

- To work in a safe and orderly environment
- To be treated courteously and respectfully
- To bring complaints or concerns to school administration, Network and District offices
- To receive supportive professional development and resources

School Staff Responsibilities

- To explicitly teach, re-teach and model clear behavioral expectations to all students
- To actively supervise all areas of the school building and use positive strategies to redirect behavior
- To provide engaging learning activities that minimize opportunities for disruption
- To intervene early and de-escalate inappropriate behaviors
- To identify and respond effectively to students' social, emotional, and/or behavioral health needs, including referring students for additional support when necessary
- To treat everyone in the school community fairly and with respect
- For administrators to review the circumstances surrounding each situation and exercise their discretion to assign interventions/consequences in the best interest of the school community

- For administrators to apply the SCC accurately, consistently, and in a non-discriminatory manner, including providing students with opportunities to respond, notifying parent/guardians when disciplinary action is taken, and recording all disciplinary action in the District student information system

Chief Executive Officer or Designee Responsibilities

- To monitor the implementation of prevention strategies and the safety and security program in each school
- To systematically monitor and publish suspension, expulsion, and other disciplinary data disaggregated by race/ethnicity, sex, limited English proficiency, and disability
- To prepare recommendations for improving school discipline
- To create guidelines for effective school discipline
- To establish procedures for reciprocal reporting with the Chicago Police Department

GENERAL REQUIREMENTS

The SCC applies to students at all times during the school day, while on school property, while traveling to and from school, at any school-related event, on any vehicle funded by CPS (such as a school bus), and while using the CPS network.[1]

The SCC also applies to student behavior outside of school if: (1) a student engages in a Group 5 or 6 behavior, and (2) the behavior disrupts or may disrupt the educational process or orderly operation of the school. This includes seriously inappropriate behavior on social networking websites that disrupts or may disrupt the educational process or orderly operation of the school.

To address student behavior, school administrators must comply with the *Guidelines for Effective Discipline* which shall be issued by the Office of Social & Emotional Learning. At a minimum, a principal or their designee must:

1. **Redirect to correct behavior**. All adults should redirect students to correct inappropriate behavior and minimize the likelihood of the behavior escalating or recurring.
2. **Intervene** to minimize escalation, disruption, resolve conflict, and as necessary to keep students and staff safe. If a student has been injured, make every reasonable effort to immediately notify the parents/guardians.

3. **Gather information** by talking to all involved students, teachers, school staff, or others who witness the incident. When student misbehavior is reported to the school principal or designee, an investigation must begin no later than the next school day; however, if student safety is at risk, investigations must begin immediately.

    a. Prior to gathering information, if there is an allegation of sexual misconduct, including but not limited, sexual harassment, sexual bullying, sexual assault, dating violence, or discrimination related to sex, sexual orientation, gender identity, or gender expression, contact the Office of Student Protections and Title IX ("OSP") immediately for support in following the remaining steps. OSP can be reached at (773) 535-4400.

    b. If a search of the student, their locker, desk, or personal belongings needs to be conducted, follow the Board's Search and Seizure Policy (https://policy.cps.edu/download.aspx?ID=190). Identify factors that may have contributed to the incident and seek to understand the full context.

4. **Analyze** whether the student's alleged behavior falls within the SCC using the information gathered. If so, determine the Group level of disruption caused by the behavior, identify the inappropriate behavior listed, and consider the range of possible interventions and consequences.

5. **Discuss** with the student and **provide the opportunity to explain** their perspective.

    a. Inform the student of the behavior they may have exhibited, the applicable SCC behavior category, and the range of possible interventions and consequences.

    b. Allow the student to respond and explain their actions. Ask the student to explain what happened from their perspective and reflect on their actions.

    c. Seek to understand the root cause of the behavior, including trauma or unmet social, emotional or behavioral health needs.

    d. Make reasonable efforts to contact the parents/guardians and discuss the incident with them before assigning interventions and consequences.

    e. No student shall be sent home before the end of the school day unless the school has established contact with the student's parent/guardian and provided written notice of a suspension.

6. **Make a determination and consider the needs of all parties involved.**

    a. Determine whether it is more likely than not that the student engaged in the identified SCC behavior and the intervention or consequence most likely to address the cause of

the behavior.

b. Identify the social, emotional, and/or safety needs of the affected student(s) and provide appropriate supports and follow up.

7. **Assign interventions or consequences** according to the SCC.

   a. Identify the intervention(s) or consequence(s) most likely to address the cause of the behavior including social, emotional or trauma-related needs, repair harm, and prevent repeat behaviors.

   b. The principal or designee has the final authority to assign interventions and consequences based on the best interest of the school community, including available school resources, and the needs and rights of all involved students or staff harmed, and the rights of the student engaged in the behavior, in alignment with the SCC.

   c. Follow the special procedures contained in the Procedural Safeguards section for students with disabilities and students with Section 504 Plans.

   d. Avoid consequences that will remove the student from class or school, if possible. **Use out-of-school suspensions only as a last resort in accordance with the suspension guidelines on page 7.**

   e. Note that CPS does not support the use of zero tolerance policies that require school staff to suspend or expel students for certain behaviors except if required by law. This means out-of-school suspensions cannot be a minimum or required consequence unless required by law.

   f. If a student is suspended, the principal or their designee may choose to give the student a combination of out-of-school and skill-building in-school suspension days. The out-of-school suspension must be served first and the combined total of out-of-school and in-school suspension days must not exceed the limits available for each Group level.

   g. School staff members must not use public disciplinary techniques and must respond to student behavior as confidentially as possible.

   h. No restrictions may be placed on food options or recess activities as a behavior consequence. Silent group lunches are expressly prohibited.

8. **Complete report** in the District student information system for all behaviors addressed by the SCC. Hand-deliver to the parents/guardians, mail a copy of the Pre-K to Grade 2

Behavior Letter or misconduct report to the student's home address, or email the report to a documented email provided by the parent/guardian.

9. **Inform parents/guardians of their right to appeal** if they believe that the consequence is unwarranted or excessive.

   a. The parents/guardians have the right to ask the principal to review the consequence assigned and to reconsider the decision.

   b. If a student has received an out-of-school suspension or referred for an expulsion hearing, the parents/guardians may appeal by contacting the Office of Social and Emotional Learning Student Discipline Support Team at (773) 553-2249, studentdiscipline@cps.edu, or the Network Chief of Schools ("Network Chief") or their designee (contact information available at www.cps.edu/Networks). For District schools that do not have Network oversight, appeals may be made to the Office of Network Support or designee. The Network Chief or designee will review the appeal and determine:

      - whether any factual errors were made in the principal's investigation,
      - whether the documentation of the student's behavior aligns to the recorded SCC behavior category,
      - whether prior interventions were attempted when appropriate,
      - whether the length of the suspension was commensurate with the student's inappropriate behavior,
      - whether appropriate due process was given (see 5(a)-(e) on page 4), and in the case of a request for an expulsion hearing, whether the request was appropriate.

      The Network Chief or designee's decision shall be final. The term of a student's suspension or request for an expulsion hearing is not halted by the parents/guardians' appeal.

   c. If a student has been expelled and referred to a SAFE Schools Alternative Program, the parents/guardians may appeal the final determination in writing and send additional evidence not available at the time of the expulsion hearing to the Chief Education Officer's designee. The decision of the CEdO or designee regarding the appeal shall be final. The start of a student's expulsion is not delayed by the parents/guardians' appeal.

10. **Restore** the student's participation in the school community.

a. If the student received an out-of-school suspension for three (3) or more days, the principal or designee must develop a plan to support the student's transition back into the school community, including strategies for preventing future behavior incidents, restoring relationships, and addressing the student's ongoing social, emotional, and academic needs, with input from the student and parents/guardians. For more information, see **Guidelines for Effective Discipline.**

b. When a student is set to return from an expulsion and has been attending the Safe Schools Alternative Program, school administrators must attend a transition meeting, which should include the student, parents/guardians, and alternative school staff members, to discuss the student's return and prepare for a successful transition.

SUSPENSION GUIDELINES

Students in grades pre-kindergarten through second may NOT be assigned in-school or out-of-school suspensions. If a student age 6 or older in kindergarten through second grade exhibits behavior that presents an imminent endangerment to the physical, emotional, or mental safety of specific students/staff, the Network Chief or designee may grant an exception and assign an emergency one-day in-school or out-of-school suspension after the student's parent/guardian has been notified. During the suspension, the principal or designee must develop a plan addressing the safety of students/staff and including strategies for preventing future behavior incidents, restoring relationships, and addressing the student's ongoing social, emotional, and academic needs.

Skill-Building In-School Suspension

A skill-building in-school suspension is the removal of a student from their regular educational schedule for more than 60 minutes of the school day to an alternative supervised setting inside the school building to engage in structured activities that develop academic, social, emotional, and/or behavioral skills.

A student in grades third through twelfth may be assigned a skill-building in-school suspension if:

1. Skill-building in-school suspension is listed as an available consequence for the SCC behavior category, and
2. The student was informed of their reported misbehavior, provided an opportunity to respond, and reasonable efforts were made to contact the parents/guardians, and

3. A copy of the misconduct report (generated in the District student information system) was provided to the student's parents/guardians.

Out-of-School Suspension

An out-of-school suspension is the removal of the student from class attendance or school attendance. When a student is removed from school in response to a behavior, the removal counts as the first day of an out-of-school suspension.

A student in grades third through twelfth may be assigned an out-of-school suspension if:

1. Out-of-school suspension is listed as an available consequence for the SCC behavior category, and
2. The principal or designee determines that the student's continuing attendance at school presents an imminent endangerment to the physical, emotional, or mental safety of specific students/staff and this threat is documented in the District student information system, or
3. The principal or designee determines that the student's behavior has caused chronic or extreme interruption to other students' continuing participation in school activities and prior interventions have been utilized and documented in the District student information system, and
4. The student was informed of their reported misbehavior, provided an opportunity to respond, and reasonable efforts were made to contact the parents/guardians, and
5. A copy of the misconduct report (generated in the District student information system) was provided to the student's parents/guardians.

A student serving out-of-school suspension is not allowed to come onto school property, participate in extracurricular activities, or attend school-sponsored events. A student may be considered trespassing if he or she comes onto school grounds while suspended out of school.

Out-of-school suspensions are excused absences. The principal must ensure that a student serving suspension is able to obtain homework, and upon the student's return, provided with the opportunity to make up any quizzes, tests, special projects, or final exams given during the period of suspension.

A student serving suspension must be allowed to take state assessments at school and may participate in test preparation activities with Network Chief approval. The student's attendance will still be marked as suspended. The Network Chief must approve any other exception to the out-of-school suspension guidelines. If approved by the CEO's designee, a student suspended for more than three (3) days may be required to attend a District-sponsored program during the term of suspension.

POLICE NOTIFICATION GUIDELINES

School administrators contact the Chicago Police Department (CPD) in two situations: (1) to seek assistance with an emergency situation, or (2) to notify law enforcement of alleged illegal behavior (non-emergency situations). To prevent traumatic impacts of police arrest for children and their families, school administrators should prioritize a trauma-responsive behavioral health approach that focuses on de-escalation and restorative, mental health intervention based on student needs before considering police involvement. Administrators shall follow these guidelines when considering any police notification.

1. Emergency Situations

School administrators have the responsibility to call 9-1-1 in situations they determine to be safety emergencies that constitute **immediate threats of danger or imminent harm** to students, staff, or other individuals in the school. This includes but is not limited to:

- Active use, possession, and/or concealment of a firearm/destructive device or other weapon or "look-alikes" of weapons, or use or intent to use an object as a weapon to inflict significant bodily harm (see Reference Guide for Group 6 behaviors involving dangerous objects, weapons or look-alike weapons)
- An act of physical violence or threat of imminent harm by a student that is in progress and unable to be safely de-escalated by school safety officers and support staff, such as restorative practitioners or clinicians
- Bomb threat (6-4) or Arson (6-3)

In an emergency situation, administrators must make reasonable efforts to notify parents/guardians immediately after contacting CPD. Efforts to contact parents/guardians must include calling all numbers listed on an emergency form and any number supplied by the student, including leaving voice messages when possible if parents/guardians do not answer.

School administrators should immediately contact the CPS Student Safety Center at 773-553-3335 after contacting CPD in emergency situations.

2. Alleged Illegal Behavior (Non-Emergency Situations)

When a student engages in alleged illegal behavior, it may be necessary for school staff to report the act to their local law enforcement agency. In this situation, school officials contact CPD to report violations of the law.

In non-emergency situations, school officials must not contact CPD, including School Resource Officers (SRO) to request removal of a disruptive student from the school, including classrooms, common areas, and school-sponsored events.

In a non-emergency situation, administrators must do the following prior to contacting police, including School Resource Officers:

1. Call the CPS Student Safety Center (773-553-3335) to report the incident.
2. For a student in fifth (5th) grade or below, school staff shall consult with the Law Department (773 553-1700) prior to reporting the act to CPD.
3. School administrators shall consult with district officials from the Office of School Safety and Security to assess the alleged behavior and student needs using the below criteria to determine whether CPD must be notified, including the manner of notification. All CPD notifications should be recorded in Aspen within 24 hours. School and district officials should consider factors including:
    - Whether the behavior is related to a student's disability as outlined in their IEP/504. Schools can contact their OSD District Representative for additional support.
    - The severity of the alleged behavior and the degree of harm to people in the school community, including students and CPS staff members,
    - Whether a person was physically injured as a result of the student's conduct,
    - The student's age, developmental needs, or known trauma history.
4. In the event that police must be notified, administrators shall make all reasonable efforts to contact parents/guardians prior to contacting CPD. Efforts to contact parents/guardians must include calling all numbers listed on an emergency form and any number supplied by the student, including leaving voice messages when possible if parents/guardians do not answer. All parent/guardian contact attempts must be recorded in Aspen.

5. The school shall follow the Requirements for Police Interactions listed below for any police interaction with students on school grounds.

6. The school principal or designee will use the SCC to determine the appropriate intervention(s) and/or consequence(s) to address a student's behavior.

Only school administrators and designees should follow these notification procedures. In the event that school staff who are not administrators (or designees) should need to notify the police or file a complaint against a student for an incident that occurred on school property, during school hours, or at a school-related function, staff should inform the school principal to ensure the steps outlined above are completed prior to CPD notification.

In the event that a non-CPS employee (parent, caregiver, community member) should report any allegations of illegal behaviors to school administrators, school administrators shall follow steps outlined in steps 1-3 (non-emergency situations). School administrators shall not file a law enforcement agency complaint at the behest of the non-CPS employee.

Sexual Misconduct

If school administrators are made aware of a criminal act of sexual misconduct that is in progress, they must contact CPD. When made aware of an allegation of sexual misconduct, including but not limited, sexual harassment, sexual bullying, sexual assault, dating violence, or discrimination related to sex, sexual orientation, gender, or gender expression, contact the Office of Student Protections and Title IX ("OSP") to assist in assessing whether police notification is needed at the OSP Mainline: (773) 535-4400. DCFS mandatory reporter obligations are separate from reporting to CPD and must always be followed; please consult the Policy on Child Abuse and Neglect if needed.

Requirements for Police Interactions Resulting From a Police Notification

Once school staff members contact CPD, the responding police officers ultimately will determine whether or not to investigate, arrest, and/or take any other steps in response. School principals and staff do not have the authority to decide whether a student will be arrested. Moreover, responding police officers do not have the authority to decide whether a student will receive interventions or consequences at school. In the event that CPD must interact with students as a result of a police notification, school administrators must follow these requirements and furnish these written guidelines to the student(s) prior to any interactions with law enforcement:

- Student Rights
  - Students have the right to refuse to speak to CPD
  - Students can refuse to give consent to be searched by the police, including electronic devices. This may not stop the search.
  - Students shall not be left alone with CPD at any time
  - Students shall not be removed from the classroom or common areas of the school by CPD unless an emergency, as defined above, exists.

- Questioning/Interviews
  - If CPD requests to interview or question a student at the school, contact the Law Department.
  - CPS administrators must make all reasonable efforts to ensure that the student's parent or guardian is present during the questioning or, if the parent or guardian is not present, ensure that school personnel, including, but not limited to, a school social worker, a school psychologist, a school nurse, a school guidance counselor, or any other mental health professional, are present during the questioning. The staff member(s) present during police interviews must be someone who was not directly involved in the incident.
  - CPS administrators must make reasonable efforts to ensure that a law enforcement officer trained in promoting safe interactions and communications with youth is present during the questioning.

- Arrests on School Grounds
  - School administrators, district officials, and CPD should avoid student arrests on school grounds whenever possible. If a responding police officer determines that arrest is necessary, they should coordinate with the principal or designee to find a private location out of sight and sound of other students, to the extent practicable and absent exigent circumstances.
  - Should a student be arrested on school grounds, a school administrator or designee is required to accompany the student and arresting officer to the police station or follow. If the parent/guardian is not present, the principal must request the arresting officer that a member of the school staff accompany the student. If such permission is denied, a member of the staff must follow immediately to the place where the student is taken. The staff member who accompanies or follows the student must be

someone who was not involved in the incident resulting in the arrest. The staff member must remain with the student for a reasonable time or until they are no longer needed.

- Support for Students
  - Schools should assess any harm identified by students and parents/guardians that results from a police notification and provide support. If police notification leads to an arrest, healing-centered, restorative re-entry support should be implemented upon the student's return to school. Schools can refer to the Restorative Re-Entry Toolkit (cps.edu/sel) for detailed resources.

STUDENT BEHAVIORS COVERED BY THE SCC

This section identifies the specific behaviors for which students will receive interventions and/or consequences. The behaviors are listed in multiple groups, according to the degree of impact to the learning environment.

- Pre-Kindergarten Through Grade 2 Behaviors
- Group 1 lists behaviors that are inappropriate.
- Group 2 lists behaviors that disrupt.
- Group 3 lists behaviors that seriously disrupt.
- Group 4 lists behaviors that very seriously disrupt.
- Group 5 lists behaviors that most seriously disrupt.
- Group 6 lists behaviors that are illegal and most seriously disrupt.

Special Notes:

Individual School Rules and Academic Progress

Individual schools may develop school rules that are consistent with this SCC and may address inappropriate student behaviors not specifically included in this SCC. However, poor academic achievement is not an inappropriate behavior. The SCC and school rules may not be used to discipline students for poor academic progress or failure to complete in-class and homework assignments. Instead, struggling students should be considered for academic or behavioral interventions to help them improve. Also, students must

not be disciplined for the parents/guardians' refusal to consent to the administration of medication.

Supporting the Behavior of Students in Pre-Kindergarten through Grade 2

Chicago Public Schools believes that special considerations must be made when addressing the behaviors of students in grades pre-kindergarten through second grade. These special considerations include the student's age and developmental (e.g., physical, cognitive, communication, social-emotional and adaptive) capacity to understand behavior and responses. CPS staff must maintain an attuned awareness of these special considerations when responding to student behaviors and any additional impact of disabilities, trauma, or significant disruptions in family life. This awareness may include additional attention to the design of the learning environment, the role of all adults within the classroom, the intentional development of social and emotional skills, and use of healing-centered, restorative, and trauma-responsive practices. CPS staff should also ensure trusting, intentional engagement with families, given the critical role played by caregivers of our youngest students.

To support the needs of our earliest learners in pre-kindergarten through second grade, a behavior group has been established in this policy to define behaviors that impact the safety and well-being of others. It is imperative that the outlined behaviors are always understood through the lens of the special considerations listed above. Schools will prioritize documentation of the behaviors outlined in the pre-kindergarten through second grade behavior group below to ensure transparency and collaboration with parents/guardians when implementing supportive, trauma-responsive interventions that address the root causes of the student's behavior.

Cellular Phones and Other Information Technology Devices[2]

A principal may allow students to possess cellular phones or other information technology devices by creating a school policy identifying when the items may be authorized, used, and how they must be kept. A principal may also prohibit cellular phones and other information technology devices but allow individual students to possess them for any good cause after considering a written request from a parent/guardian. If a principal denies a parent/guardian's request, the parent may appeal to the Network Chief or their designee. Unless approved by the principal, cellular phones and other information technology devices are not allowed at school.

Network Privileges and Access [3]

A principal may request that a student's access or privileges to the CPS network be temporarily restricted, in whole or in part, as a result of SCC violations that create an unsafe learning environment or if they prevent other students from accessing their learning. These restrictions to the CPS network should not be indefinite and should be restored as soon as possible once appropriate plans are in place to ensure ongoing safety and access for all students to the greatest extent possible.

School Dress Codes and Uniform Policies

Local School Councils may adopt a dress code policy that forbids students from wearing certain items or a uniform policy that requires students to wear a specific uniform. Dress codes and uniform policies should be gender-neutral. Students who fail to follow a school's dress code or uniform policy may be given detentions or excluded from extracurricular activities, but may not be barred from attending class. A student may receive additional consequences for violating a school's dress code or uniform policy if the student's dress disrupts or may disrupt the educational process. For example, a student may receive a consequence for wearing clothing or accessories that display gang affiliation. This paragraph does not apply to students enrolled in Military Academies or JROTC Programs.

Bias-Based/Discriminatory Behavior

The Illinois General Assembly has found that a safe and civil school environment is necessary for students to learn and achieve. Bias-based behaviors, including racism and all forms of discrimination on the basis of actual or perceived membership of a protected category, are directly contrary to this and can cause physical, psychological, and emotional harm to students and interferes with their ability to learn and participate in school activities. Chicago Public Schools acknowledges its historic role in the systemic marginalization of individuals most impacted by racism, bias, and oppression. We seek to understand, disrupt, and dismantle patterns and structures of institutional bias and racism (conscious or unconscious) that create disparities or perpetuate achievement differences among students and staff. School administrators and designees should refer to the Addressing Bullying and Bias-Based Behavior Policy included in this handbook for instructions on addressing all allegations of bullying or bias-based behaviors by students. In the event that an investigation substantiates an allegation of bias-based behavior, school administrators or designees should assign relevant SCC codes, restorative interventions, applicable consequences, and seek to identify and disrupt the systems and structures in our schools that allow discrimination to occur.

Military and JROTC Programs

Board-designated military academies and other JROTC programs may enforce standards of conduct and intervention or consequences that are consistent with the military nature of those schools and programs, in addition to the standards of conduct and intervention or consequences described in this SCC. Students enrolled in a military academy who repeatedly engage in acts of gross misconduct or insubordination (student act that defies a lawful and appropriate direct order of a superior ranked officer, staff member or another student), or who repeatedly fail or refuse to wear the required military uniform, may be subject to administrative transfer by the military academy principal to another school (or in the case of a JROTC program, dismissal from the program). Prior to an administrative transfer, a conference must be held with the parents/guardians, student, military academy principal, and a designee of the Chief Executive Officer. Students who have been transferred for administrative reasons from any military academy must be accepted by their attendance area school. Students who have been given an administrative transfer to another Chicago public school or expelled from the Chicago Public Schools lose all rank and privileges at the JROTC military academies and must reapply to the JROTC program and the military academies for enrollment. Upon their child's enrollment at a military academy, parents/guardians shall be informed of the uniform policy, expectations of the military academy, and the administrative transfer policy, and shall indicate by signature their agreement to adhere to the terms of these policies.

First Amendment Consideration

Consistent with students' First Amendment rights, the Board enacted its Final Comprehensive Non-Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation Policy which enforces federally mandated protections, including those under Title VI and Title IX.

Dating Violence and Domestic Violence Statement

Any school employee who is notified by a parent, guardian or student, or who suspects that a student has been the victim of dating violence shall immediately report that information to the principal/designee. Dating violence is defined as violent, controlling, or intimidating behavior that an individual uses against a current or former dating partner. It can include emotional, physical and sexual abuse, stalking, yelling, harassing, threatening, name-calling, threats of suicide, obsessive phone calling or text messaging, extreme jealousy and possessiveness. Domestic Violence is defined as: a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the complainant; by a person with whom the complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Illinois; by any other person against an adult or youth

complainant who is protected from that person's acts under the domestic or family violence laws of Illinois. To categorize an incident as Domestic Violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

These allegations or suspicions should be reported to the Office of Student Protections and Title IX immediately. The principal shall ensure that the student victim of dating violence or domestic violence receives appropriate support services in accordance with the Board's Policy on Domestic Violence, Dating Violence and Court Orders of Protection, Restraint or No Contact (http://policy.cps.edu/download.aspx?ID=43).

SCC and Other Laws, Policies, Rules, and Contracts

The inappropriate behaviors and range of possible consequences and interventions listed in this policy are consistent with the Illinois School Code, Board Rules and Policies, negotiated agreements, and all other applicable state and federal laws.

The SCC applies to CPS contract and performance schools.

CPS charter schools are exempt from local school board policies under Illinois law (105 ILCS 5/27A). Charter schools may choose to adopt the SCC or establish their own discipline policies. Charter schools are not exempt from federal and most state laws, the Individuals with Disabilities Education Act (IDEA) or from federal and state regulations as they pertain to discipline of students with disabilities/impairments. If a charter school establishes its own discipline policy, it must incorporate language from and comply with the guidelines for suspension and expulsion of students with disabilities/impairments outlined in this policy. Charter schools must also comply with policies and procedures established by the Office for Students with Disabilities for the discipline of students with disabilities. Students expelled from charter schools should contact the Department of Student Adjudication at (773) 553-2249 for assistance in enrollment into a school post-charter expulsion.

Corporal punishment is expressly prohibited. Chicago Board of Education Rule 6-21 states: "No employee of the Board of Education may inflict corporal punishment of any kind upon persons attending the public schools of the City of Chicago."

Pre-Kindergarten Through Grade 2 Behaviors

OBSERVED BEHAVIOR	RESPONSES AND INTERVENTIONS[4]
• P2A Continual leaving the classroom or leaving the school building or school premise [5] • P2B Continual destruction of classroom items or school property • P2C Continual unwanted physical contact or any physical contact resulting in an injury • P2D Continual display of sexually explicit behavior, including but not limited to contact with or exposure of genitals • P2E Behavior that includes any bias-based speech or actions [6] • P2F Having a weapon, look-alike weapon, or dangerous object in school as defined in the Reference Guide • P2G Having any controlled substance in school	• Documented Teacher, Student, Parent/Guardian, and/or Administrator Conference focused on root cause of observed behavior and supportive strategies to prevent recurrence • Recommended instructive, corrective, or restorative response (see Guidelines for Effective Discipline Early Grades Supplement)

GROUP 1 (Grades 3-12)

INAPPROPRIATE BEHAVIOR	AVAILABLE INTERVENTIONS AND CONSEQUENCES

- 1-1 Running and/or making excessive noise in the hall or building
- 1-2 Leaving the classroom without permission
- 1-3 Engaging in any behavior that is disruptive to the orderly process of classroom instruction
- 1-4 Loitering, or occupying an unauthorized place in the school or on school grounds
- 1-5 Failing to attend class without a valid excuse
- 1-6 Persistent tardiness to school or class (3 or more incidents per semester)
- 1-7 Use of the CPS network for the purpose of accessing non-educational materials, such as games and other inappropriate materials [7]
- 1-8 Unauthorized use or possession of cellular telephones or other information technology devices

- Documented Teacher, Student, Parent/Guardian, and/or Administrator Conference focused on expectation violated, cause of behavior, and strategy to prevent recurrence
- Recommended instructive, corrective, or restorative response (see Guidelines for Effective Discipline)
- Detention - lunch, before school, after school, or Saturday

GROUP 2 (Grades 3-12)

DISRUPTIVE BEHAVIOR	AVAILABLE INTERVENTIONS AND CONSEQUENCES (Appropriate interventions and consequences that do not exclude the student from their

regular educational schedule must be attempted first.)

- 2-1 Posting or distributing unauthorized written materials on school grounds
- 2-2 Leaving the school without permission
- 2-3 Interfering with school authorities and programs through walkouts or sit-ins
- 2-4 Initiating or participating in any unacceptable minor physical actions
- 2-5 Failing to abide by school rules and regulations not otherwise listed in the SCC
- 2-6 Exhibiting or publishing any profane, obscene, indecent, immoral, libelous, or offensive materials, or using such language or gestures
- 2-7 Possession (physical control over, such as contained in clothing, lockers, or bags) and/or use of tobacco or nicotine products, matches, or cigarette lighters, including vaporizer devices that contain nicotine products or vaporizer components that do not contain substances
- 2-8 Disregard for the instructions or direction of school personnel

- Documented Teacher, Student, Parent/Guardian, and/or Administrator Conference focused on expectation violated, cause of behavior, and strategy to prevent recurrence
- Recommended instructive, corrective, or restorative response (see Guidelines for Effective Discipline)
- Detention - lunch, before school, after school, or Saturday

causing interruption to other students' participation in school activities

- 2-9 Failing to provide proper identification
- 2-10 Unauthorized use of school parking lots or other areas
- 2-11 Use of the CPS network for the purposes of distributing or downloading non-educational material [8]

GROUP 3 (Grades 3-12)

SERIOUSLY DISRUPTIVE BEHAVIOR	AVAILABLE INTERVENTIONS AND CONSEQUENCES (Appropriate interventions and consequences that do not exclude the student from their regular educational schedule must be attempted first.)
* Behaviors marked with an asterisk indicates that the misconduct may be a violation of the law.	

- 3-1 Disruptive behavior on the school bus[9]
- *3-2 Gambling - participating in games of chance or skill for money or things of value
- 3-3 Fighting[10] - physical contact between two people with intent to harm, but no injuries result
- 3-4 Use of bias-based or discriminatory language, gestures, slurs, or other behaviors

- Documented Teacher, Student, Parent/Guardian, and Administrator conference focused on expectation violated, cause of behavior, and strategy to prevent recurrence
- Recommended instructive, corrective, or restorative response (see Guidelines for Effective Discipline)
- Detention - lunch, before school, after school, or Saturday

involving race, color, national origin, immigration status, sex, gender, sexual orientation, age, religion, gender identity, gender expression, disability or other protected categories. For bias-based behavior, see the Addressing Bullying and Bias-Based Behavior policy before assigning an intervention or consequence. [11] [12]

- 3-5 Second or more documented violation of a Group 1 or 2 behavior category [13]
- 3-6 Any behavior not otherwise listed in Groups 1 through 3 of this SCC that seriously disrupts the educational process
- *3-7 Forgery - false and fraudulent making or altering of a document or the use of such a document
- 3-8 Plagiarizing, cheating and/or copying the work of another student or other source
- 3-9 Overt display of gang affiliation[14]
- 3-10 Bullying behaviors - conduct directed towards a student, or retaliation against another person for reporting non-sexual conduct that can be reasonably predicted to cause fear of physical or mental harm, harm to property, and/or interfere with student's ability to participate in school or school activities (see Addressing

- Skill-building in-school suspension up to three days

ADDITIONAL CONSEQUENCES AVAILABLE FOR REPEATED GROUP 3 INAPPROPRIATE BEHAVIOR

- Skill-building in-school suspension, out-of-school suspension, or combination in-school and out-of-school suspension up to three days
  - Out-of-school and in-school suspensions assigned to repeated 3-06 behavior must be approved by the Network Chief or designee. For District schools that do not have Network oversight, approvals must be made by the Office of Network Support.
  - Out-of-school suspensions of three days or less may be used **only** if the student's continuing presence in school would pose a threat to safety or a disruption to other students' learning opportunities.

Bullying and Bias-Based Behavior Policy for full definition before assigning an intervention or consequence) [15]

- 3-11 Use of cellular telephones or other information technology device to harass, incite violence, or interrupt other students' participation in school activities, including use of device to record others without permission or unauthorized distribution of recordings which are not sexual in nature [16] [17]
- 3-12 Inappropriately wearing any JROTC or Military Academy Uniform on or off school grounds
- 3-13 Use of the CPS network for a seriously disruptive purpose not otherwise listed in this SCC [18]

GROUP 4 (Grades 3-12)

VERY SERIOUSLY DISRUPTIVE BEHAVIOR * Behaviors marked with an asterisk indicates that the misconduct may be a violation of the law.	AVAILABLE INTERVENTIONS AND CONSEQUENCES (Appropriate interventions and consequences that do not exclude the student from their regular educational schedule must be attempted first.)
• *4-1 False activation of a fire alarm that does not cause a school facility to be evacuated or	• Documented Teacher, Student, Parent/Guardian, and Administrator conference focused on expectation

does not cause emergency services to be notified

- *4-2 Extortion - obtaining money or information from another by coercion or intimidation
- *4-3 [19]An attempt or reasonable threat to inflict injury on someone with a show of force that would cause the victim to expect an immediate unwanted bodily contact without permission or legal justification
- *4-4 Willful or malicious destruction or defacing of the property of others or damage to property at a cost less than $500
- *4-5 Unwanted bodily contact with another person without legal justification or aiding or abetting in the commission of this behavior which does not result in a physical injury
- *4-6 Fighting [20] - physical contact between more than two people with intent to harm, or physical contact between two people with intent to harm that results in injury
- *4-7 Theft (unauthorized control over the physical property of another) or possession (physical control over, such as contained in clothing, lockers or bags) of stolen property that costs less than $150

violated, cause of behavior, and strategy to prevent recurrence

- Recommended instructive, corrective, or restorative response (see *Guidelines for Effective Discipline*)
- Detention - lunch, before school, after school, or Saturday
- Skill-building in-school suspension, out-of-school suspension, or combination in-school and out-of-school suspension up to three days
  - Out-of-school and in-school suspensions assigned to 4-9 behavior must be approved by the Network Chief or designee. For District schools that do not have Network oversight, approvals must be made by the Office of Network Support.
  - Out-of-school suspensions of three days or less may be used **only** if the student's continuing presence in school would pose a threat to safety or a disruption to other students' learning opportunities

- *4-8 Possession, use, sale, or distribution of fireworks
- 4-9 Any behavior not otherwise listed in Groups 1 through 4 of this SCC that very seriously disrupts the educational process
- 4-10 [this code intentionally left blank]
- *4-11 Trespassing on CPS property - entering CPS property when previously prohibited or remaining on school grounds after receiving a request to depart
- *4-12 Knowingly or intentionally using the CPS network or information technology devices to spread viruses to the CPS network [21]
- 4-13 Possession of any dangerous object as defined by this SCC, first documented behavior (see Reference Guide) [22]
- *4-14 Use or possession of alcohol, drugs, controlled substances, "look-alikes" of such substances, contraband (including all devices that contain substances for the purposes of intoxication or any unknown substances), or use of any other substance for the purpose of intoxication in or before school or a school-related function. [23]

- 4-15 Initiating or participating in inappropriate physical contact with school personnel, such as pushing school personnel out of the way in order to physically fight with another student, with no intent to harm school personnel
- 4-16 Voluntary sex acts or voluntary sexual conversations between students that occur on CPS property or during CPS-sponsored activities. This includes any voluntary action that includes genital contact, including fondling, digital penetration, sexual intercourse, oral sex, or sending sexually explicit messages or emails. [24]

GROUP 5 (Grades 3-12)

MOST SERIOUSLY DISRUPTIVE BEHAVIOR * Behaviors marked with an asterisk indicates that the misconduct may be a violation of the law.	AVAILABLE INTERVENTIONS AND CONSEQUENCES (Appropriate interventions and consequences that do not exclude the student from their regular educational schedule must be attempted first.)
• *5-1 An attempt or reasonable threat to inflict injury on someone with a show of force that would cause the victim to expect an immediate unwanted bodily	• Documented Teacher, Student, Parent/Guardian, and Administrator conference focused on expectation violated, cause of behavior, and strategy to prevent recurrence

contact without permission or legal justification committed with a deadly weapon, by a person who conceals their identity, or against school personnel [25]

- *5-2 Knowingly and without authority entering or remaining in a building or vehicle with intent to commit a theft therein
- *5-3 Theft (obtaining or exerting unauthorized control over) or possession (physical control over, including in clothing, lockers, or bags) of stolen property that costs more than $150
- *5-4 Use of intimidation, credible threats of violence, coercion, stalking, or persistent severe discrimination, bias-based behavior, bullying, dating violence, or domestic violence. [26] Intimidation is behavior that prevents or discourages another student from exercising their right to education, or using force against students, school personnel and school visitors, including severe acts of retaliation for reporting non-sexual behavior that includes intimidation, credible threats of violence, coercion, stalking, or persistent severe discrimination, bias-based behavior, or bullying. For severe bias-based behavior or bullying, see the Addressing Bullying and Bias-Based Behavior

- Recommended instructive, corrective, or restorative response (see Guidelines for Effective Discipline)
- Detention - lunch, before school, after school, or Saturday
- Request for assignment to an intervention program by the Chief Executive Officer or designee
- Skill-building in-school suspension, out-of-school suspension, or combination in-school and out-of-school suspension for up to five days. When the suspension is assigned, create a plan for preventing future behavior incidents, restoring relationships, and addressing student needs.
  - Out-of-school suspensions of three days or less may be used **only** if the student's continuing presence in school would pose a threat to safety or a disruption to other students' learning opportunities.
  - Out-of-school suspensions of longer than three days may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school.

Policy before assigning an intervention or consequence. [27]

- 5-5 [this code intentionally left blank]
- *5-6 Gang activity or overt displays of gang affiliation [28]
- *5-7 Inappropriate sexual conduct, including unwelcome sexual contact, indecent exposure, and creating and/or transmitting sexually suggestive images and recordings through any device or medium[29]
- *5-8 Engaging in or attempting any allegedly illegal behavior which interferes with the school's educational process and is not otherwise listed in Group 5 or 6
- *5-9 Persistent or severe acts of sex-based harassment - unwelcome sexual or gender-based conduct (either physical, verbal, or electronic), or retaliation against any person for having made a complaint or report of sexual misconduct, which is sufficiently severe, pervasive, objectively offensive, and/or persistent to limit a student's ability to participate in or benefit from the educational program or which creates a hostile or abusive school environment [30]
- *5-10 False activation of a fire alarm which causes a school
    - Out-of-school or in-school suspensions assigned to 5-8 behavior must be approved by the Network Chief or designee. For District schools that do not have Network oversight, approvals must be made by the Office of Network Support.

- The principal may request an expulsion hearing at their discretion
- For behaviors involving the improper use of the CPS network or information technology devices, revocation of network privileges for up to two years

facility to be evacuated or causes emergency services to be notified

- 5-11 Second or repeated violation of Behavior 4-13, possession of any dangerous object as defined by this SCC
- *5-12 Unwanted bodily contact with another person without legal justification or aiding or abetting in the commission of this behavior which results in a physical injury. [31]
- 5-13 [this code intentionally left blank]
- *5-14 Use of any computer, including social media platforms, or use of any information technology device to threaten, stalk, harass, bully or otherwise intimidate others. Or, hacking (intentionally gaining access by illegal means or without authorization) into the CPS network to access student records or other unauthorized information, or to otherwise circumvent the information security system[32] [33]
- *5-15 Willful or malicious destruction or defacing of property) or criminal damage to property that results in damage exceeding $500 or that is done to personal property belonging to any school personnel

- 5-16 [this code intentionally left blank]
- 5-17 [this code intentionally left blank]
- 5-18 [this code intentionally left blank]
- *5-19 Participating in 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

GROUP 6 (Grades 3-12)

ILLEGAL AND MOST SERIOUSLY DISRUPTIVE BEHAVIOR	AVAILABLE INTERVENTIONS AND CONSEQUENCES (Appropriate interventions and consequences that do not exclude the student from their regular educational schedule must be attempted first.)
* Behaviors marked with an asterisk indicates that the misconduct may be a violation of the law.	

- *6-1 Use, possession, and/or concealment of a firearm[34]/destructive device or other weapon[35] or "look-alikes" of weapons as defined in the Reference Guide, or use or intent to use any other object to inflict bodily harm
- *6-2 Intentionally causing or attempting to cause all or a portion

- Documented Teacher, Student, Parent/Guardian, and Administrator conference focused on expectation violated, cause of behavior, and strategy to prevent recurrence
- Recommended instructive, corrective, or restorative response (see Guidelines for Effective Discipline)

of the CPS network to become inoperable[36] [37]

- *6-3 Arson - knowingly damaging, by means of fire or explosive, a building and/or the personal property of others
- *6-4 Bomb threat - false indication that a bomb, or other explosive of any nature, is concealed in a place that would endanger human life if activated
- *6-5 Robbery - taking personal property in the possession of another by use of force or by threatening the imminent use of force
- *6-6 Sale, distribution, or intent to sell or distribute alcohol, illegal drugs, narcotics, controlled substances, "look-alikes"[38] of such substances, contraband[39], or any other substance used for the purpose of intoxication[40]
- *6-7 Sex acts, and attempted sex acts, that occur without the voluntary participation of one or more parties, that may involve the use of implicit or implied force. This is unwelcome touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against the person's will. This also includes unwelcome oral, anal or vaginal penetration. Sexual violenceoccurs when a reasonable person knew or should

- Detention - lunch, before school, after school, or Saturday
- Request for assignment to an intervention program by the Chief Executive Officer or designee
- Skill-building in-school suspension, out-of-school suspension, or combination in-school and out-of-school suspension for up to five days. [42] A student may be suspended for up to ten days with written justification submitted for approval in the District student information system. When the suspension is assigned, create a plan for preventing future behavior incidents, restoring relationships, and addressing student needs.
  - Out-of-school suspensions of three days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities.
  - Out-of-school suspensions longer than three days may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially

have known that the victim did not or could not engage in the sex act voluntarily [41]

- *6-8 Unwanted bodily contact with another person without legal justification that causes great harm, is done with a deadly weapon, is done by a person who conceals their identity, or the use of physical force against school personnel. This includes aiding and abetting in the commission of this behavior.
- *6-9 Murder - killing an individual without legal justification
- *6-10 Attempted murder - an act that constitutes a substantial step toward intended commission of murder
- *6-11 Kidnapping - secret confinement of another against their will or transportation of another by force or deceit from one place to another with the intent to secretly confine
- *6-12 Theft (obtaining or exerting unauthorized control over) or possession (physical control over, including in clothing, lockers, or bags) of stolen property that costs more than $1,000

disrupt, impede, or interfere with the operation of the school.

- For students in sixth through twelfth grades, or for any student violating section 6-1, automatic referral to Student Adjudication Review
- The principal may request an expulsion hearing at their discretion
- For behaviors involving the improper use of the CPS network or information technology devices, revocation of network privileges indefinitely

ADDRESSING BULLYING AND BIAS-BASED BEHAVIORS

Purpose

The Illinois General Assembly has found that a safe and civil school environment is necessary for students to learn and achieve. Bullying and bias-based behaviors are directly contrary to this and can cause physical, psychological, and emotional harm to students and interferes with their ability to learn and participate in school activities. It is the goal of the Chicago Board of Education ("Board") to create a learning environment in all its school communities where all students feel safe and supported, are protected from bullying and bias-based harm, and are able to succeed academically as well as develop socially and emotionally into responsible, caring individuals.

The Board asks every Chicago Public School ("CPS") student, with the support of their parent(s), guardian(s), and the adults at school, to commit to the following principles, which will apply to everyone on school property and at school-related activities:

- I will not bully or intentionally harm others.
- I will try to help anyone I suspect is being bullied or harmed.
- I will work to include students who are left out.
- If someone is being bullied or harmed, I will tell an adult at school and an adult at home.

Scope

Bullying and bias-based behaviors are contrary to a number of local, state, and federal laws and statues. This Policy protect ~~s~~ CPS students against interpersonal harm from bullying and bias based behaviors. The Board recognizes a number of protected categories in its Final Comprehensive Nondiscrimination Policy. Please see the definition section below or in the CPS Non-discrimination Policy for the full list of protected categories. Additionally, the Board recognizes the particular vulnerability of students with actual or perceived disabilities and those who identify as or are perceived to be lesbian, gay, bisexual, or transgender. Nothing in this Policy is intended to infringe upon any expression protected by the First Amendment to the United States Constitution or Section 3 of Article I of the Illinois Constitution.

This Policy is based on the engagement of a range of school stakeholders, including students and parents/guardians. The Board or its designee will re-evaluate this Policy every two (2) years based on an assessment of its outcomes and effectiveness, including, but not limited to, factors such as the frequency of victimization; student, staff and family observations of safety at school; identification of areas of a school where bullying or bias-based behaviors occurs; the types of bullying or bias-based behaviors utilized; and

bystander intervention or participation. The information developed will be made available on the District's website.

Bullying and bias-based behaviors are prohibited and are considered a violation of the CPS Student Code of Conduct and subject to discipline:

1. during any school-sponsored or school-sanctioned program or activity;
2. in school, on school property, on school buses or other Board-provided transportation, and at designated locations for students to wait for buses and other Board-provided transportation ("bus stops");
3. through the transmission of information from a CPS computer or computer network, or other electronic school equipment;
4. when communicated through any electronic technology or personal electronic device while on school property, on school buses or other Board-provided transportation, at bus stops, and at school-sponsored or school-sanctioned events or activities;
5. when it is conveyed that a threat will be carried out in a school setting, including threats made outside school hours with intent to carry them out during any school-related or sponsored program or activity or on Board-provided transportation;
6. when it is a Student Code of Conduct ("SCC") Group 5 or 6 behavior that occurs off campus but most seriously disrupts any student's education.

Definitions

"**Bias-Based Behavior**" is any physical, verbal, nonverbal, or other act or conduct, including communications made in writing or electronically, directed toward a member or perceived member of a protected category within the school community that is of a discriminatory or harmful nature.

"**Bullying**" means any physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students, and meets all of the following criteria. Note: if the behavior or part of the behavior is bias-based or targeted at a member of a protected category please see the responding to bias-based behaviors guidelines.

1. An observed or perceived imbalance of power exists between the person(s) engaging in the bullying behavior(s) and the targeted student(s).

2. The behaviors are severe or pervasive (repeated over time), or there is a high likelihood that behaviors will be repeated. While bullying is often characterized by repeated acts, sometimes a single incident constitutes bullying depending on the severity and if other elements of bullying are present.

3. The intent of the person(s) engaging in the behavior is to cause physical or emotional harm to the targeted student(s).

4. The behavior has or can be reasonably predicted to have one or more of the following effects:

   a. placing the student in reasonable fear of harm to the student's person or property;

   b. causing a substantially detrimental effect on the student's physical or mental health;

   c. substantially interfering with the student's academic performance; or

   d. substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying may take various forms, including without limitation, one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. Knowingly making false accusations of bullying will be investigated and will be treated as bullying behavior that is subject to discipline under the Student Code of Conduct. This list is meant to be illustrative and non-exhaustive.

"**Cyberbullying**" means using information and communication technologies to bully. This definition includes cyberbullying by means of technology that is not owned, leased, or used by the school district when an administrator or teacher receives a report that bullying through this means has occurred. This Policy does not require a district or school to staff or monitor any non-school-related activity, function, or program.

"**Discrimination**" is treating an individual less favorably because of their actual or perceived membership in one or more of the Protected Categories.

"**Harassment**" is any unwelcome verbal, nonverbal, visual, or physical conduct that is based on an individual's actual or perceived membership in one or more of the Protected Categories, as defined in the Final New Comprehensive Non-discrimination, Harassment, Sexual Harassment, Sexual Misconduct And Retaliation Policy, that is persistent, pervasive, or severe and objectively offensive and unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. Unwelcome

conduct may include, but is not limited to, bullying, intimidation, offensive jokes, slurs, epithets or name calling, assaults or threats, touching, ridicule or mockery, insults or put-downs, offensive objects or pictures, messages sent via email, text or social media, sexual advances, requests for sexual favors, conduct of a sexual nature, or any other sex-based conduct.

"**Protected Categories**" are an individual's actual or perceived sexual orientation, gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity (includes hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists), ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration or citizenship status, marital status, registered domestic partner status, genetic information, political belief or affiliation (not union related), military status, unfavorable discharge from military service, weight, height, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal (including Title VI, Title IX, IDEA, and 504), state or local law, ordinance, or regulation.

"**Peer Conflict**" means disagreements and oppositional interactions that are situational, immediate, and developmentally appropriate. Conflicts arise when two or more students with relatively similar observed or perceived power have differences in opinion or perspectives. When school employees are aware of peer conflict, they are expected to guide students in developing new skills in respectful communication, personal boundaries, and peaceful conflict resolution.

"**Racial Discrimination**" is any distinction, exclusion, restriction preference or adverse act based on race, color, community, national or ethnic origin which has the impact of nullifying or impairing the recognition, enjoyment or exercise, of a right to an equitable educational experience and fundamental freedoms in the social, economic, cultural, political, and linguistic aspects of school, school and district life (Adapted from United Nations, 2019).

"**Retaliation**" means any form of intimidation, reprisal, or adverse action or change to educational program or activity taken against a student for having made a complaint or report of bullying or bias based behaviors whether made internally or externally with federal, state, or local agency, or for participating, aiding, or refusing to participate in an investigation, proceeding, or hearing related to a report or complaint of bullying or bias based behaviors. Retaliation is considered to be a form of bullying and is prohibited according to this policy. All substantiated allegations of retaliation are subject to discipline under the Student Code of Conduct.

"**Restorative Practices**" means a continuum of school-based alternatives to exclusionary discipline that are adapted to the particular needs of the school and community, contribute to maintaining school safety, protect the integrity of a positive and productive learning climate, teach students the personal and interpersonal skills they will need to be successful in school and society, serve to build and restore relationships among students, families, schools, and communities, and reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs. Restorative practices are ways of pro-actively developing relationships and community, as well as repairing community when harm is done. After conflict or harm, Restorative Practices provide a way of thinking about, talking about, and responding to issues and problems by involving all participants to discuss their feelings and opinions, identify what happened, describe how it affected everyone, and find solutions to make things better.

Preventing Bullying and Bias-Based Behaviors

All CPS principals and staff shall work to develop safe and supportive school environments that prevent bullying and bias-based behaviors through:

- **Developing supportive school climate strategies**, including clear expectations and share agreements to guide interactions between students, and between staff and students.
- **Teaching all students social and emotional skills** and establishing classroom and school-wide practices that promote relationship-building, including teaching all school stakeholders to speak out when they see or hear bullying, degrading language, and bias or prejudice.
- Establishing predictable responses and **effective disciplinary practices** that address root cause, teach skills, build empathy, and repair harm. Ensure all students, staff, and stakeholders know how your school plan to respond to bullying and harassment.
- Committing to welcoming and inclusive practices that center belonging, affirm cultural differences, and address and support the transformation of bias-based harm

Addressing Allegations of Bias-Based Behavior

Intervening to Address Bias-Based Behavior

School based staff who witness or become aware of bias-based behaviors must immediately take the following steps:

1. Establish the safety of everyone involved. Note: If there is concern around the necessity to involve law enforcement please see the Police Notification section of the SCC.

2. Denounce the bias-based behavior as unacceptable to the values of Chicago Public Schools as well as being contrary to board policy.

3. Notify the CPS Office of Student Protections (OSP).

Reporting Bias-Based Behavior

School-based staff who witness or become aware of must report any and all instances of bias-based behaviors to the principal who must complete an Aspen Report and answer the question regarding bias-based harm.

Students who experience or witness bias-based behaviors are to report these to a school-based staff member. Alternatively, students or parent/guardian can make reports directly to the Office of Student Protections and Title IX in the following ways:

- Online: Complete and submit a complaint form located at cps.edu/osp
- Via Email: Submit complaints to osp@cps.edu.
- Via Telephone: Submit complaints to 773-535-4400.
- In Person or By Mail: Submit complaints directly to OSP in person or via USPS mail to 110 N. Paulina St., Chicago, 60612.

Steps for Investigating Biased-Based Behavior

Please note that it is important to follow these steps: as well as to refer to OSP's Comprehensive Guide to School-Based Investigations, which include the comprehensive overview of CPS' District Response to Bias-Based Behavior as well as a school-based staff document link at cps.edu/osp.

1. Establish the present safety of everyone involved as well as plan for continued safety in the process.

2. Notify parents/guardians of all involved students.

    a. Within one school day of receipt of a report of bias-based behavior, the Principal or Principal Designee shall report to the parent/legal guardian of all involved students the occurrence of any alleged incident of bias-based behavior and follow the guidelines

provided in OSP's Transforming Bias-Based Harm Protocols and shall document these notifications in the District student information system.

i. Notifications should be made privately to students directly involved and their parent guardians.

ii. When incidents have a larger impact on the school community, the Principal or Principal Designee shall provide clear communication to students, staff, and parents to reinforce school-wide expectations of a climate centering belonging, respect, and affirmation of cultural difference.

3. Document all allegations of bias-based behaviors

a. School based staff who witness or become aware of must report any and all instances of bias based behaviors to the principal who must complete an Aspen Report and answer in the affirmative the question related to bias-based and discriminatory behavior within one school day

b. Staff unable to access Aspen or for any questions or assistance, may contact OSP at 773-535-4400 or osp@cps.edu.

4. Conduct an investigation as directed by OSP.

a. After OSP is notified of biased-based behavior through an ASPEN or a direct report OSP will review the report, determine if it will be accepted as an investigation, and if applicable the type of investigation as well as provide guidance for student support:

i. OSP Investigation: For severe, complex, or pervasive incidents/civil rights issues an OSP investigator will be assigned to investigate the incident. An OSP investigator will respond to the school upon the OSP's decision to open the report for an OSP investigation. The OSP investigator will need access to the Student Protections School Representative, access to all parties/students involved, a private location for interviews, and all relevant evidence and documents.

ii. School-Based Investigation: When OSP deems an investigation is able to be carried out at the school level OSP will ask the school and its Student Protections School Representative to conduct a school-based investigation. School-based investigations are led by school administrators and/or Student Protections School Representatives. OSP will provide the school guidance. A school **must not conduct an investigation** unless directed to do so by OSP.

iii. Resolution Timeframe: Investigations will be completed promptly although some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

1. OSP will make a good faith effort to complete the resolution process, not including appeals and discipline in a timely manner.

2. School-based investigators will make a good faith effort to complete the investigation process after direction from OSP, not including appeals, within ten (10) calendar days which can be extended as necessary for appropriate cause by the school administrator with notice to the parties as appropriate.

b. Supportive Measures: In all incidents, the District will coordinate with schools to provide the parties with supportive measures which are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge.

5. Make a determination whether allegation of bias-based behavior is substantiated or not and document determination.

a. OSP Investigation: OSP investigator will consider whether the behavior qualifies as an inappropriate behavior listed in the SCC and according to the definitions listed in this policy and the comprehensive nondiscrimination policy and will prepare a written outcome determination of the cases substantiation status. If the investigation determines a student engaged in bias-based behaviors and/or other inappropriate behaviors listed in the SCC, a written outcome determination will be prepared and the finding will be communicated to the school Principal/Designee.

b. School-Based Investigation: Principal/Designee shall consider whether the behavior qualifies as an inappropriate behavior listed in the SCC and according to the definitions listed in this policy as a substantiated and will prepare a written outcome determination. The Principal/Designee shall ensure the investigation and findings (whether the reported behavior is substantiated or not substantiated) are documented in the District student information system.

c. If any investigation determines a student engaged in bias-based behaviors and/or other inappropriate behaviors listed in the SCC, the Principal/Designee shall prepare a Misconduct Report.

6. Notify all involved parties of the outcome of the investigation.

a. OSP Investigation: Upon the completion of the investigation OSP will issue outcome letters to the involved students and their parent/legal guardian of the investigation status, findings, and next steps including but not limited to potential discipline by the Principal for substantiated SCC violations.

b. School Based Investigation: Upon the completion of the investigation, the school administrator will issue a written outcome determination to all parties stating whether the investigation was substantiated or unsubstantiated. If the case is substantiated, the school administrator will communicate any consequences pursuant to the Student Code of Conduct to student(s) determined to have engaged in SCC violations and their parents/guardians.

c. Regardless of the outcome of the investigation, the District will take steps to prevent the recurrence of bias-based and discriminatory behavior, as well as all misconduct covered herein, and correct any discriminatory effects on all impacted parties as appropriate.

Addressing Allegations of Bullying Behaviors

Intervening to Address Bullying

A. Responsibilities of CPS Employees and Contractors

All CPS employees and contractors, including security officers, lunchroom staff and bus drivers, who witness incidents of bullying or school violence or who possess reliable information that would lead a reasonable person to suspect that a person is a target of bullying, must:

1. intervene immediately in a manner that is appropriate to the context and ensures the safety of all people involved;

2. report the incident of bullying or retaliation to the Principal/Designee as soon as practicable, but within 24 hours, on the CPS Bullying Complaint Form (Attachment A); and

3. cooperate fully in any investigation of the incident and in implementing any safety plan established by the Principal/Designee.

B. Responsibilities of Students, Parents and Guardians

No student who witnesses bullying may stand by or participate in the bullying, but must notify an adult at school and an adult at home as quickly as practicable. Any parent or

guardian who witnesses or is notified of bullying has an obligation to advise the Principal/Designee as quickly as practicable. Reports can be made to any CPS employee or contractor in person, by completing Attachment A and submitting it to the Principal/Designee, by calling the CPS Parent Support Center at (773) 553-3772, or by emailing BullyingReport@cps.edu. Anonymous reports will be accepted by the Principal/Designee. No disciplinary action will be taken on the sole basis of an anonymous report.

C. Steps for Investigating Bullying Reports

1. **Ensure safety**. The Principal or their designee will provide immediate support to any targeted student(s) to ensure safety. If there are overt or implied risks of safety, follow the steps in the CPS Crisis Manual, including immediately notifying the CPS Student Safety Center and the school's Network office. Alleged behaviors targeted at sex, gender, sexual orientation, gender identity, or gender expression should be reported immediately to the Office of Student Protections and Title IX for assistance and support: (773) 535-4400.

2. **Notify parents/guardians of all involved students**. Within one school day of receipt of a bullying report, the Principal/Designee shall report to the parent/legal guardian of all involved students, via telephone, personal conference and/or in writing, the occurrence of any alleged incident of bullying, and shall document these notifications in the District student information system.

   a. Notifications should be made privately to students directly involved and their parent/legal guardians.

   b. Additionally, when incidents have a larger impact on the school community, the Principal/Designee shall provide clear communication to students, staff and parents to reinforce school-wide expectations and a climate of respect and inclusion.

3. **Document all allegations of bullying**. Within two school days of receiving a report of bullying, the Principal/Designee will document the allegation in the District student information system as a general incident report and document all notifications made.

4. **Conduct an investigation**. The Principal and/or a designee, who is knowledgeable about bullying prevention and intervention, shall perform the investigation. For guidance, contact the Law Department at (773) 553-1700.

   Investigation of reported bullying shall be initiated within 5 school days of receipt of a report, documented within the incident report in the District student information system, and completed within 10 school days, unless the Principal grants in writing an

additional 5-day extension due to extenuating circumstances. The Principal/Designee shall document the extension in the investigation report and shall notify the parties involved.

The investigation shall include:

a. Identifying all involved parties, including the student(s) alleged to have engaged in the bullying behaviors, alleged target(s) and bystander(s), as well as any adult who witnessed the incident or may have reliable information about it.

b. Conducting an individual interview in a private setting with all involved parties. The alleged target should never be interviewed in public or with the student(s) alleged to have engaged in bullying.

c. Determining how often the conduct occurred, any past incident or continuing pattern of behavior, and the District student information system of the behaviors on the targeted student's education.

d. Assessing the individual and school-wide effects of the incident relating to safety.

5. **Make a determination whether allegations of bullying are substantiated or not and document determination**. The Principal/Designee shall consider whether the four elements of the bullying definition are met, or if all four elements of bullying are not present, whether the behavior qualifies as another inappropriate behavior listed in the SCC. When the investigation is complete, the Principal/Designee shall ensure the investigation and findings (whether the report of bullying is substantiated or not substantiated) are documented in the District student information system. If the investigation determines a student engaged in bullying behaviors and/or other inappropriate behaviors listed in the SCC, the Principal/Designee shall prepare a Misconduct Report.

6. **Notify all involved parties of the outcome of the investigation**. Within one day of making a determination, the Principal/Designee shall notify, in writing, the parents/legal guardians of all students involved of the outcome of the investigation. Parents/legal guardians of the students who are parties to the investigation may request a personal conference with the Principal/Designee to discuss the investigation, the findings of the investigation, the actions taken to address the reported incident of bullying, and any resources available in or outside the school to help the students address the underlying reasons for the bullying.

When communicating incidents of bullying to the targeted student's parent/guardian, the Principal/Designee should consider whether the student may want to keep certain

information confidential. For example, if a student is bullied after coming out as gay, the Principal/Designee shall not disclose the student's sexual orientation to the parent/guardian without the student's permission, unless there is a legitimate, school-related reason for doing so.

If the investigation determines a student engaged in bullying behaviors, the Principal/Designee shall provide the Misconduct Report to the parent/legal guardians of the student who engaged in the behaviors. The Principal/Designee may advise the parent/legal guardian of other involved students that the Student Code of Conduct was followed. They may not advise them of specific consequences imposed, as that would violate the confidentiality of school-record information required by law.

D. Determining an Appropriate Response

The goal of the response is to ensure the targeted student feels safe and welcome, and the student engaging in bullying behaviors understands the harm they caused and changes their behavior. For guidance in determining an appropriate response, contact the Office of Social & Emotional Learning at (773) 553-1830, or see cps.edu/SEL.

1. **Identify school risk factors and ensure a universal strategy for school climate improvement and social and emotional development**. Assess and address any issues in supervision, expectations, relationship-building, and emotional learning.

2. **Support the targeted student**. Assign school staff to create and implement a plan that will restore a sense of safety for the targeted student and other students who have been impacted. Determine any other interventions that may be appropriate.

   If the targeted student has a disability, the school shall convene the IEP Team to determine whether additional or different special education or related services are needed to address the student's individual needs and revise the IEP accordingly. For example, if the student's disability affects social skill development or makes the student vulnerable to bullying, the Principal/Designee shall ask the student's IEP Team to consider whether the IEP should include provisions to reduce vulnerability to bullying.

3. **Determine interventions and/or consequences that address the root cause of the students' bullying behaviors**. Consider the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Follow the Student Code of Conduct and the Guidelines for Effective Discipline, and identify opportunities to teach, build empathy, and repair harm. While suspensions may be necessary in some cases to ensure the safety of the targeted student,

keep in mind that suspending or expelling students who bully does not reduce bullying behavior.

If the student who engaged in bullying behavior is a student with a disability, the school shall convene the IEP Team to determine if additional supports and services are needed to address the inappropriate behavior and develop the student's social and emotional skills. The team may also consider examining the environment in which the bullying occurred to determine if changes to the environment are warranted. For example, the IEP Team should consider a behavior intervention plan for the student or review a current behavior intervention plan and revise if necessary. The Principal/Designee shall comply with the Procedural Safeguards for Discipline of Students with Disabilities/Impairments when considering interventions and consequences for students with disabilities.

Contact the Office of Social & Emotional Learning for school-wide climate and skill-building practices that prevent bullying, and the CPS Law Department for more information about the appropriate and legal consequences for student misconduct.

4. **For incidents that impact the larger school community, provide opportunities in safe, structured environments for affected students, staff, and/or parents to speak about the incident, its impact, and what is needed to repair the harm.**

E. What Not To Do:

- Solicit an apology from the student who engaged in bullying to the targeted student or mandate a public apology, use peace circles, victim/offender conferences, or any form of mediation that puts the student who engaged in bullying in contact with the targeted student in an immediate attempt to resolve the bullying. Restorative measures may be helpful to repair relationships between the student who engaged in bullying and targeted student, but only if used after other interventions have balanced the power differential between the perpetrator and target.
- Dismiss bullying as typical student behavior or assume it is not serious.

Appeal

Any party who is not satisfied with the outcome of the investigation may appeal to the Office of Social and Emotional Learning Student Discipline Support Team at (773) 553-2249, studentdiscipline@cps.edu, within 15 calendar days of notification of the Principal's decision. The Office of Social & Emotional Learning shall render a final determination in accordance with the timeline and procedures set out in the anti-bullying appeal guidelines

established by the Office of Social & Emotional Learning. The Office of Social & Emotional Learning may return the incident to the Network Chief, Principal or their designees for further investigation or reconsideration of the consequence(s), direct the imposition of other consequence(s), or deny the appeal. The Office of Social & Emotional Learning shall notify the party requesting the appeal and the Principal that its decision is final and shall document that notification in the Incident Report in the District student information system.

Consequences for CPS Employees and Contractors

When it is determined that an employee or contractor was aware that bullying and bias-based and discriminatory behavior was taking place but failed to report it, the employee/contractor will be considered to have violated this Policy. The Principal shall consider employee discipline for such violations, making reference to any applicable collective bargaining agreement. Remedies for offending contractors should be imposed according to their Board contracts.

Notice and Dissemination of Requirements

Principals shall follow the requirements established by the Office of Social & Emotional Learning for posting this Policy on the school's website, in the school building as well as disseminating and presenting this Policy to school staff as part of pre-school-year professional development.

Training and Professional Development

Staff

Professional development will be offered to build the skills of all CPS employees, contractors and volunteers to implement this Policy. The content of such professional development shall include, but not be limited to:

1. Developmentally appropriate strategies to prevent incidents of bullying and bias-based and discriminatory behavior and to intervene immediately and effectively to stop them;
2. Information about the complex interaction and power differential that can take place between and among a perpetrator, target, and witness to the bullying and bias-based and discriminatory behavior;
3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk, and any specific interventions

that may be particularly effective for addressing bias-based bullying; and

4. Information about Internet safety issues as they relate to cyberbullying.

Student Internet Safety Education

In accordance with the Board's Internet Safety Policy (https://policy.cps.edu/download.aspx?ID=261), each school shall incorporate into the school curriculum a component on Internet safety to be taught at least once each school year to all students. The Chief Officer of Teaching and Learning or designee, shall determine the scope and duration of this unit of instruction and topics covered. At a minimum, the unit of instruction shall address: (a) safety on the Internet; (b) appropriate behavior while online, on social media platforms and in chat rooms; and (c) cyberbullying awareness and response. The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught. Schools shall satisfy the documentation requirements established by the Chief Officer of Teaching and Learning or designee to ensure compliance with this curricular requirement.

PROCEDURAL SAFEGUARDS FOR DISCIPLINE OF STUDENTS WITH DISABILITIES/IMPAIRMENTS [43]

Schools must support the behavioral needs of students with disabilities/impairments. When the behavior of a student with a disability/impairment impedes their learning or the learning of other students, federal law requires schools to consider using positive behavioral interventions and to implement appropriate supports and other strategies to address the behavior.

Students with disabilities/impairments who violate the SCC can be disciplined, consistent with the procedural safeguards 44 outlined under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. School officials can suspend students with disabilities/impairments for up to 10 consecutive or 10 cumulative school days in one school year (inclusive of Extended School Year (ESY) days). Educational services do not have to be provided to students with disabilities/impairments during these short-term removals unless services are provided to general education students under similar circumstances.

Calculating the 10 school-days of suspension. [45] When a student with a disability/impairment is removed from school for a full or partial day without receiving the instruction/services in their IEP/504 Plan, this can contribute to the 10 school-days of suspension. This can include:

- In-school suspensions;
- Out-of-school suspensions;
- Bus suspensions; and
- Informal removals (e.g., requesting that a parent pick a student up early or keep a student home from school following a disciplinary incident).

The following removals do not count toward the 10 school-days:

- Saturday, before-, and after-school detentions; and
- In-school suspensions and lunch detentions if, during the suspension or detention, the student continues to participate in the general education curriculum, continues to receive their IEP services, and continues to participate with non-disabled peers to the same extent as specified in the IEPs.

Administrators are not required to suspend students with disabilities/impairments for the recommended periods set forth in this Code for a single incident. Specifically, the Principal or their designee has discretion to suspend students with disabilities/impairments for fewer days than set forth for a single incident. Federal regulations offer some flexibility in suspending students with disabilities/impairments in excess of 10 school days in one school year in certain circumstances. In order to determine whether the circumstances permit a suspension in excess of 10 days per school year, consultation by the school with the Office for Students with Disabilities (773 553-1800) is required. **Without approval from the Office for Students with Disabilities, students with disabilities/impairments cannot be suspended in excess of 10 school days**. A school may not suspend a student with a disability/impairment for more than 10 consecutive or cumulative school days in one school year without providing appropriate educational services per the Student's IEP/504 Plan.

When school officials anticipate a referral for expulsion, including referrals requesting emergency placement pursuant to the CPS SCC, 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 a Manifestation Determination Review (MDR) meeting, which must be held within 10 school days of the date of the decision to request the expulsion hearing or emergency placement. School must also provide parent/guardian/surrogate parent with a written copy of Illinois State Board of

Education's *Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities*.

2. At the MDR, the IEP/504 team must:

   A. Determine whether the misconduct is a manifestation of the student's disability by reviewing all current and relevant information in the student's file, including the student's IEP/504 Plan, evaluation and diagnostic results, information from the parent/guardian, and teacher/staff observations of the student. The behavior is a manifestation of the student's disability if the team finds either or both of the following:

      1. the conduct in question was caused by the student's disability or has a direct and substantial relationship to the student's disability;

      2. the conduct in question was the direct result of the school's failure to implement the student's IEP/504 Plan (which includes if the student did not consistently receive all services/supports in their IEP/504 Plan)

   B. Review, and revise if necessary, the student's existing behavior intervention plan (BIP) or develop a functional behavior assessment (FBA) and BIP to address the behavior for which the student is being disciplined.

If the behavior is not a manifestation of the student's disability, school officials may apply the SCC, to the extent they would for students without disabilities, but must continue to provide the student with educational services per their IEP/504 Plan if the removal exceeds 10 school days in one school year. Students with disabilities, even if expelled, must be provided with an appropriate education in an alternative educational setting.

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

While MDRs must be held within 10 school days of a request for emergency placement, students with disabilities/impairments can be emergency placed immediately upon approval of the emergency placement, even if this occurs prior to the MDR. Emergency placements for students with disabilities/impairments can be approved in limited circumstances [46] for up to [45] school days regardless of the results of the MDR.

All MDRs are subject to review by the Office for Students with Disabilities (OSD) and CPS Legal Department.

REFERENCE GUIDE FOR GROUPS 4, 5 AND 6 BEHAVIORS INVOLVING DANGEROUS OBJECTS, WEAPONS OR LOOK-ALIKE WEAPONS

SECTIONS 4-13 AND 5-11

If a student simply has any of these objects in his or her possession, but does not use them, (s)he should be recorded to have violated Section 4-13 of the SCC for a first-time violation or 5-11 of the SCC for a second or repeated violation. *If a student uses, or intends to use, any of these objects to inflict harm on someone, the student should be recorded to have violated Section 6-1*.

Knives, including but not limited to:

- Steak knife or other kitchen knives
- Pen knives/Pocket knives
- Hunting knives
- Swiss Army knife
- Box cutters
- Razors

Tools, including but not limited to:

- Hammers
- Screwdrivers
- Saws
- Crowbars/Metal pipes
- Other objects commonly used for construction or household repair

Other Objects, including but not limited to:

- Mace/Pepper spray
- Live ammunition/Live bullets

Broken bottles or other pieces of glass

Wooden sticks/boards

SECTION 6-1

If a student has any of these objects in his or her possession or uses any of these objects, (s)he should be recorded to have violated Section 6-1 of the SCC.

Firearms - these include:

Pistol

Revolver

Other firearms

Any part or portion of a machine gun or rifle

Knives - these include only the following types of knives:

Switchblade knives (open automatically by hand pressure applied to a button, spring or other device in the handle of the knife)

Ballistic knives (operated by a coil spring, elastic material, or an air or gas pump)

Explosive Devices/Gases - these include:

Tear gas guns

Projector bombs

Noxious liquid gas

Grenades

Other explosive substances

Other Objects - these include:

Blackjack

Slingshot

Sand club

Sandbag

Metal/brass knuckles

Throwing stars

Tasers/stun guns

"Look-Alike" Firearms - these include:

B.B. guns

Air guns

Other objects, including "toys" or replicas that reasonably resemble real firearms

6-1 SPECIAL CONSIDERATION

If a student simply has any of these objects, or any other similar object in their possession, they should not be recorded to have violated the SCC. *If a student uses, or intends to use, any of these objects to inflict bodily harm on someone, the student should be recorded to have violated Section 6-1*.

Sporting Equipment - these include but are not limited to:

Baseball bats

Golf clubs

Personal Grooming Products - these include but are not limited to:

Nail clippers/files

Combs with sharp handles

Tweezers

School Supplies - these include but are not limited to:

Scissors

Laser pointers

Pens/Pencils

Rulers

Padlocks/Combination locks

Other objects commonly used for educational purposes

EXPULSION HEARING AND EMERGENCY ASSIGNMENT GUIDELINES

Request for Expulsion Hearing

- Expulsion is the removal of a student from school for 11 or more consecutive days, up to a maximum of two calendar years. [47]
- If a student's inappropriate behavior falls within Group 5 of the SCC, a school principal may request an expulsion hearing for the student. A school principal may also request assignment to an intervention program.
- If a student's inappropriate behavior falls within Group 6 of the SCC, the incident will be automatically referred for Department of Student Adjudication review for a student in 6th through 12th grade or for any student violating section 6-1; a school principal may request an expulsion hearing for a student committing any other Group 6 behavior.
- The CEO's designee will review the expulsion hearing request and determine whether to refer the student to the Law Department for an expulsion hearing, assign the student to an intervention program, or refer the student back to the school for intervention/support.

Emergency Assignment to Interim Alternative Education Setting

- Students who commit Groups 5 or 6 misconducts may be assigned to an interim alternative education setting on an emergency basis ("emergency assignment") while a request for an expulsion hearing is pending without being given the opportunity for a hearing before an independent hearing officer.
- Requests for emergency assignment must be approved, facilitated, and implemented by the CEO's designee. The CEO's designee may request additional information when considering requests for emergency assignment.
- General education students may be placed in an interim alternative education setting if their presence at the home school poses a continuing danger to people or property, or an

ongoing threat of disruption to the academic process. The student will be assigned to the Safe Schools Alternative Program until the expulsion final determination is issued.

- Students with disabilities may be placed in an interim alternative educational setting for a maximum of 45 school days,[48] even in instances where the student's misconduct is ultimately determined to be a manifestation of his or her disability. Students with disabilities may be referred for emergency assignment when in possession of weapons or drugs, or for inflicting serious bodily injury on another person while on school grounds or at a school-sponsored event. The parent or legal guardian may request a due process hearing to challenge the emergency assignment.

Expulsion Hearing Procedures

- The Law Department will schedule expulsion hearings and send parents/guardians a notice letter within a reasonable time frame. The notice will provide a description of the incident, the date of the incident, the SCC inappropriate behavior code(s), and the place, time and date for the expulsion hearing. The notice will be sent by registered or certified mail, or by personal delivery.
- Before the hearing, school principals are responsible for assisting the Law Department with case preparation by identifying witnesses and relevant documents, and reviewing all documentation regarding the incident to ensure it is complete, accurate, and properly written.
- The hearing will be conducted before an independent hearing officer. The Chief Executive Officer's representatives will call witnesses to testify and introduce documents regarding the incident. The student may also call witnesses to testify and introduce documents regarding the incident.

Expulsion Final Determination

- After the hearing, the hearing officer will make a recommendation for intervention or discipline, up to expulsion for a set term of up to two calendar years.
- The hearing officer's recommendation may be modified on a case-by-case basis by the Chief Executive Officer or designee.
- If a student is expelled, alternative program placement may be offered for the period of the expulsion.
- The hearing officer may recommend that the student attend an intervention program in lieu of expulsion. A recommendation for intervention is subject to approval by the Chief

Executive Officer or designee. A student who is recommended for participation in the intervention program in lieu of expulsion but who fails to successfully complete the program shall be expelled.

- During a term of expulsion, students may not participate in extracurricular activities or school-sponsored events, with the exception of activities or events sponsored by the student's alternative program.

Transition when Expulsion Complete

- When a term of expulsion is completed, the student will be transferred to their home school.
- For students attending the Safe Schools Alternative Program, a transition meeting, including the student, parents/guardians, alternative school staff members, and home school staff members, will be scheduled to discuss the student's transition back into the home school environment.

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1. The CPS network means systems, computer resources, and infrastructure used to transmit, store, and review data or communicate over an electronic medium and includes, but is not limited to, the E-mail system(s), collaboration systems, databases, hardware, telecommunication devices, information systems, internet service, distance learning tools, the CPS intranet system or CPS mainframe systems, whether owned or contracted by the Board or otherwise used for school purposes. Students are subject to the requirements in the Policy on Student Acceptable Use of the CPS Network (https://policy.cps.edu/download.aspx?ID=203).
2. These include, but are not limited to: computers, cellular phones used to exchange or access information, pagers, and personal digital assistants or handheld devices, that are used to access the internet, electronic mail or other information sites and that may or may not be physically connected to the network infrastructure.
3. The CPS network means systems, computer resources, and infrastructure used to transmit, store, and review data or communicate over an electronic medium and includes, but is not limited to, the E-mail system(s), collaboration systems, databases, hardware, telecommunication devices, information systems, internet service, distance learning tools, the CPS intranet system or CPS mainframe systems, whether owned or contracted by the Board or otherwise used for school purposes. Students are subject to the requirements in the Policy on Student Acceptable Use of the CPS Network (https://policy.cps.edu/download.aspx?ID=203).
4. Students in grades pre-kindergarten through second may NOT be assigned in-school or out-of-school suspensions. If a student age 6 or older in kindergarten through second grade exhibits behavior that presents an imminent endangerment to the physical, emotional, or mental safety of specific students/staff, the Network Chief or designee may grant an exception and assign an emergency one-day in-school or out-of-school suspension after the student's parent/guardian has been notified. During the suspension, the principal or designee must develop a plan addressing the

safety of students/staff and including strategies for preventing future behavior incidents, restoring relationships, and addressing the student's ongoing social, emotional, and academic needs.

5. Safety Care trained school staff will use approved Safety Care de-escalation procedures to support students in an emotionally heightened state which may cause elopement. If a student elopes from the school building or premises, Safety Care trained school staff should continue to use approved Safety Care procedures and accompany the student to ensure safety. Parents and/or guardians must be contacted immediately.

6. Behaviors that include bias-based content are not understood as school misconduct for students in this grade grouping, but require immediate support to ensure safe learning environments. Refer to the Addressing Bullying and Bias-Based Behavior policy in this handbook for bias-based behavior definitions. These behaviors are reported to the Office of Student Protections and Title IX to assist with identification of student needs and trauma-responsive support when required.

7. Students may be temporarily suspended from some or all CPS network privileges for improper use of the CPS network when it has been established that the behavior has resulted in an unsafe learning environment or if other students' access to learning has been interrupted. CPS network privileges will be restored as soon as possible once appropriate plans are in place to ensure ongoing safety and access for all students to the greatest extent possible.

8. Students may be temporarily suspended from some or all CPS network privileges for improper use of the CPS network when it has been established that the behavior has resulted in an unsafe learning environment or if other students' access to learning has been interrupted. CPS network privileges will be restored as soon as possible once appropriate plans are in place to ensure ongoing safety and access for all students to the greatest extent possible.

9. In addition to other disciplinary actions, a student who engages in disruptive behavior on the school bus may be subject to suspension from bus service for a period to be determined by the school principal with review by the Chief Executive Officer or designee.

10. It is not an act of misconduct to defend oneself as provided by the law.

11. Behaviors targeted at sex, gender, sexual orientation, gender identity, gender expression or other protected categories must be reported to the Office of Student Protections and Title IX. A full definition of protected categories can be found in the Addressing Bullying and Bias-Based Behavior Policy.

12. Harassment based on race, color, national origin or immigration status, sex, gender, sexual orientation, age, religion, gender identity, gender expression or disability, directed to Covered Individual adults must be reported to the Equal Opportunity Compliance Office (EOCO).

13. For example, a student's first time failing to provide proper identification would be recorded as a 2-9 behavior category and available consequences would include skill-building in-school suspension up to three days. A student's second time failing to provide proper identification would be recorded as a 3-5 behavior category and available consequences would include skill-building in-school suspension up to three days. A student's third time failing to provide proper identification would be recorded as a 3-5 behavior category, repeated Group 3 inappropriate behavior, and available consequences would include skill-building in-school suspension, out-of-school suspension, or combination in-school and out-of-school suspension up to three days.

14. A gang is any ongoing organization or group of three or more persons having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have

engaged in a pattern of criminal activity. Gang activity means any act (e.g., recruitment with use of intimidation, tagging or marking, assault, battery, theft, trespassing, or extortion) performed by a gang member or on behalf of a gang, and intended to further a common criminal objective. An overt display of gang affiliation means any act (e.g., wearing clothing or paraphernalia, displaying gang signs, symbols, and signals) that signifies or exhibits affiliation with a gang. Gang activity and overt displays of gang affiliation can be implied from the character of the acts and the circumstances surrounding the misconduct. Repeated violations of Behavior 3-9 of the SCC may result in a referral for an expulsion hearing and should be submitted as Behavior 5-6.

15. Behaviors targeted at sex, gender, sexual orientation, gender identity, or gender expression must be reported to the Office of Student Protections and Title IX.

16. Students may be temporarily suspended from some or all CPS network privileges for improper use of information technology devices when it has been established that the behavior has resulted in an unsafe learning environment or if other students' access to learning has been interrupted. CPS network privileges will be restored as soon as possible once appropriate plans are in place to ensure ongoing safety and access for all students to the greatest extent possible.

17. Behaviors targeted at sex, gender, sexual orientation, gender identity, gender expression or other protected categories must be reported to the Office of Student Protections and Title IX.

18. Students may be temporarily suspended from some or all CPS network privileges for improper use of information technology devices when it has been established that the behavior has resulted in an unsafe learning environment or if other students' access to learning has been interrupted. CPS network privileges will be restored as soon as possible once appropriate plans are in place to ensure ongoing safety and access for all students to the greatest extent possible.

19. This infraction may be violated without actually touching, striking or injuring another person.

20. It is not an act of misconduct to defend oneself as provided by the law.

21. Students may be temporarily suspended from some or all CPS network privileges for improper use of information technology devices when it has been established that the behavior has resulted in an unsafe learning environment or if other students' access to learning has been interrupted. CPS network privileges will be restored as soon as possible once appropriate plans are in place to ensure ongoing safety and access for all students to the greatest extent possible.

22. Second or repeated violations of Behavior 4-13 may result in a request for an expulsion hearing and must be submitted as Behavior 5-11.

23. Consider referring students who violate 4-14 for a substance abuse prevention program or counseling.

24. Behaviors targeted at sex, gender, sexual orientation, gender identity, gender expression or other protected categories must be reported to the Office of Student Protections and Title IX.

25. This infraction may be violated without actually touching, striking or injuring another person.

26. See full definitions of Dating Violence and Domestic violence under Special Notes at the beginning of this section of the policy.

27. Behaviors targeted at sex, gender, sexual orientation, gender identity, gender expression or other protected categories must be reported to the Office of Student Protections and Title IX. A full definition of protected categories can be found in the Addressing Bullying and Bias-Based Behavior Policy.

28. A gang is any ongoing organization or group of three or more persons having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity. Gang activity means any act (e.g., recruitment with use of intimidation, tagging or marking, assault, battery, theft, trespassing, or extortion) performed by a gang member or on behalf of a gang, and intended to further a common criminal objective. An overt display of gang affiliation means any act (e.g., wearing clothing or paraphernalia, displaying gang signs, symbols, and signals) that signifies or exhibits affiliation with a gang. Gang activity and overt displays of gang affiliation can be implied from the character of the acts and the circumstances surrounding the misconduct. Consider referring students who commit 5-6 behaviors to a gang intervention program at a community-based organization.

29. Behaviors targeted at sex, gender, sexual orientation, gender identity, gender expression or other protected categories must be reported to the Office of Student Protections and Title IX.

30. Behaviors targeted at sex, gender, sexual orientation, gender identity, gender expression or other protected categories must be reported to the Office of Student Protections and Title IX.

31. It is not an act of misconduct to defend oneself as provided by the law.

32. A student may be disciplined for circumventing the information security system regardless of the student's intent. Students may be temporarily suspended from some or all CPS network privileges for improper use of information technology devices when it has been established that the behavior has resulted in an unsafe learning environment or if other students' access to learning has been interrupted. CPS network privileges will be restored as soon as possible once appropriate plans are in place to ensure ongoing safety and access for all students to the greatest extent possible.

33. Behaviors targeted at sex, gender, sexual orientation, gender identity, or gender expression must be reported to the Office of Student Protections and Title IX.

34. The term "firearm/destructive device" as defined in 18 U.S.C. Section 921 includes, but is not limited to, handguns, rifles, automatic weapons, bombs, or other incendiary devices and parts thereof.

35. Weapons include 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.

36. A network is considered inoperable when it is unable to perform at the level of functionality intended by its maintainers.

37. Students may be temporarily suspended from some or all CPS network privileges for improper use of information technology devices when it has been established that the behavior has resulted in an unsafe learning environment or if other students' access to learning has been interrupted. CPS network privileges will be restored as soon as possible once appropriate plans are in place to ensure ongoing safety and access for all students to the greatest extent possible.

38. "Look-alike" means any substance which by appearance, representation, or manner of distribution would lead a reasonable person to believe that the substance is an illegal drug or other controlled substance.

39. Contraband means any instrument used to commit a crime or violation, and any other item, when possessing that item violates any applicable law, City ordinance, rule or policy of the Board or any individual school.

40. It may be assumed that a student in possession of large quantities of alcohol, illegal drugs, narcotics, or controlled substances, or in possession of multiple individually-packaged amounts of alcohol, illegal drugs, narcotics or controlled substances, intends to sell or deliver these substances. Consider referring students who violate behavior 6-6 for substance abuse prevention program or counseling.

41. Behaviors targeted at sex, gender, sexual orientation, gender identity, gender expression or other protected categories must be reported to the Office of Student Protections and Title IX.

42. Principals have discretion to suspend a student for fewer than five days if the student has a disability/impairment, based on the student's age/grade level, or for other good cause as determined by the principal or designee.

43. For purposes of student discipline, "students with disabilities/impairments" includes (i) students with IEPs, (ii) students with 504 Plans, and (iii) students who, at the time of the misconduct: have an open referral for a special education evaluation or one has been requested (by the parent/guardian or District personnel); are in the process of a special education evaluation; have a need for special education based on their academic and/or behavioral performance; or the parent/guardian has expressed concerns in writing that special education and related services may be needed.

44. See the ISBE Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities for additional information about procedural safeguards for discipline of students with disabilities/impairments found at https://www.isbe.net/Pages/Special-Education-Required-Notice-and-Consent-Forms.aspx

45. For additional information about disciplinary removals for students with disabilities/impairments, what contributes to the 10 school-days of suspension, and informal removals, see the Office for Students with Disabilities IDEA Procedural Manual which is available at cps.edu/odlss. See also the ISBE Position Statement on Informal Removals of Illinois Students at https://www.isbe.net/Documents/ISBE-Position-Statement-Informal-Removals-of-Students.pdf.

46. 20 U.S.C. 1415(k)(1)(G) and 34 C.F.R. 300.530(g) list the special circumstances in which a student with a disability can be placed in an interim alternative educational setting for no more than 45 school days: (1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function; (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

47. This definition does not apply to exclusion of a student from school for failure to comply with immunization requirements or temporary emergency placement.

48. "School days" means days (including partial days) that the District is open for students to attend school, not days that the individual student who is emergency placed attends school. For a student with disabilities who is eligible for Extended School Year (ESY), "school days" also includes ESY days.

Policy References

Amends/Rescinds	
Cross References	Note: Replaces prior Student Code of Conduct 20-0722-PO2; 19-0626-PO4;18-0725-PO1; 17-0628-PO1; 15-0722-PO1; 14-0625-PO1; 13-0724-PO1; 12-0627-PO1, 11-0727-PO2; 10-0728-PO2; 09-0722-PO5; 08-0723-PO5; 07-0627-PO5; 06-0823-PO3; 06-0726-PO8; 05-0727-PO1; 04-0728-PO2; 03-0723-PO02; 02-0626-PO01; 01-0627-EX8; 00-0628-PO1; 99-0127-PO1; and 98-0722-EX2
Legal References	
Public Comment	Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 4/26/24 - 5/30/24 and was Adopted at the June 27, 2024 Board Meeting [Board Report 24-0627-PO7] Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 4/20/20 - 6/19/20 and was Adopted at the July 22, 2020 Board Meeting [Board Report 20-0722-PO2] Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 4/21/21 - 5/21/21 and was Adopted at the June 23, 2021 Board Meeting [Board Report 21-0623-PO3]

Appendix

ATTACHMENT A: CHICAGO PUBLIC SCHOOLS
FORM FOR REPORTING BULLYING AND RETALIATION

ATTACHMENT: ACKNOWLEDGEMENT OF RECEIPT OF THE STUDENT CODE OF CONDUCT

POLICY MANAGED BY

Office of Social and Emotional Learning (OSEL)

773-553-1830
773-553-1895 (Fax)
773-553-3654 (Fax)
OSEL@CPS.EDU

42 W. Madison St.
Chicago, IL 60602

Was this page helpful?

YES NO

773-553-1000

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