

Levels of Disciplinary Action

The goal of school discipline is to assist all students in functioning successfully in their educational and social environments, as well as to protect the school community and public property. Discipline aims to promote positive behavioral change. With this in mind, school staff, before writing a referral or issuing a suspension, will use a wide array of behavioral interventions to support students that are having behavioral difficulties that are not a direct threat to the safety of staff and students. Please refer to your school for more information about the interventions available for your child. Violations of the Code of School/Classroom Conduct come with different consequences. Below are the four levels of disciplinary action. Each violation has a minimum and maximum level of disciplinary action. In the pages that follow, levels are outlined for each offense.

<p>LEVEL 1</p>	<p>At this level, the school staff conducts a conference with any combination of students, parents/guardians, teachers, administrators, and support staff. The conference may result in a behavior contract with the student, a warning to the student and/or parent/guardian, or other action authorized by the school in compliance with school district policies and procedures.</p> <p>Interventions will be documented using PLP Notes in Infinite Campus. Balanced and restorative practices and school-wide PBIS strategies may be used where appropriate and approved by the school administration, provided that all participation is voluntary.</p>
<p>Conference/ Interventions</p>	
<p>LEVEL 2</p>	<p>Suspension is defined as a temporary exclusion from the building and includes classes and all school-related activities held during school, after school, and on weekends. Parents or guardians are notified of the suspension and are expected to meet with a school administrator before the child returns to school. School-based suspensions are not more than three days, though suspensions involving a referral to Central Services and the Department of Student Services (see below) may be up to five days. See Disciplinary Due Process Procedures below for details. NOTE: Suspensions of students in grades K3–2 require approval of a regional superintendent.</p>
<p>Suspension</p>	
<p>LEVEL 3</p>	<p>Serious breaches of discipline are referred to the Department of Student Services at MPS Central Services. A conference with the student, parent/guardian, school administrator, and student services supervisor may be held. The student has the right to be represented by legal counsel or by another person identified by the parent/guardian. The resulting disciplinary action may range from intervention to a recommendation for expulsion.</p> <p><i>Note:</i> Suspensions of students in grades K3–2 require approval of a regional superintendent.</p>
<p>Referral to the Department of Student Services</p>	
<p>LEVEL 4</p>	<p>This level of discipline is reserved for criminal acts or for the most serious violations of school rules. Students are given a written statement telling them of the expulsion process and their rights during the procedures. The process must be completed within 15 days, during which the student is suspended from school. The student may be represented by legal counsel or by any person of his/her choice throughout the process. The process is as follows:</p> <ul style="list-style-type: none"> ▶ A preliminary expulsion hearing is held with the student, parent/guardian, school administrator, and student services supervisor. The case can be scheduled for an expulsion hearing, dismissed, or directed toward another action. ▶ If an expulsion hearing is scheduled, the student, parent/guardian, school administrator, and student services supervisor go before an independent hearing officer. The officer makes a decision on whether to expel the student as well as the length of the expulsion period. Within 30 days, the Milwaukee Board of School Directors reviews the independent hearing officer's decision to expel. <p><i>Note:</i> This disciplinary level does not apply to students in grades K3–2.</p>
<p>Recommendation for Expulsion</p>	

Code of School/Classroom Conduct and Discipline Chart for Grades K3–12		ACTION LEVELS	
Conduct that Violates Expectations or Code of Conduct Principles	Definition	Minimum (minor)	Maximum (serious/ repeated)
Attendance/Punctuality			
Skipping class	Failure to report to class without prior permission, knowledge, or excuse by school/parent/guardian	1	1
Learning Environment			
Chronic disruption or chronic violation of school rules	Repeatedly engaging in conduct that is disruptive to the school environment AND/OR interrupts learning or school activities. Multiple different interventions, documented in PLP classroom behavior AND communicated to the parent/guardian have been implemented over time and have not remediated the disruptive behavior.	1	3
Chronic lack of supplies	Repeatedly reporting to class lacking necessary materials such as books, physical education attire, etc.	1	1
Gang activity	All gang activities which include, but are not limited to, use of material, jewelry, or clothing to disrupt or intimidate others; gang posturing to provoke an altercation; engagement in gang initiation or recruitment; or any act that furthers gang membership activity	1	4
Inappropriate dress	Failure to comply with the school-level dress code. Dressing in a manner that is unsafe and/or disrupts the learning environment. This includes but is not limited to clothing that promotes drugs, alcohol, or profanity.	1	1
Inappropriate personal property	Possession of personal property that interferes with the educational environment or interrupts learning or school activities, including but not limited to: toys, toy guns, food, beverages, laser pointers, cell phones, electronic or communication devices, or any item used to cause disruption.	1	3
Inappropriate use of electronic communication devices	Engaging in non-educational activities in the educational environment, including but not limited to capturing, distributing, displaying, sharing, and/or posting of inappropriate images, videos, movies, and/or music from personal or school technology sources. Engaging in social media, texting, playing games, and/or streaming that disrupts the learning environment.	1	4
Leaving the classroom without permission	Leaving the classroom/learning environment without permission	1	1

ACTION LEVEL KEY: ① Conference/Intervention ② Suspension ③ Referral to Dept. of Student Services ④ Expulsion Recommendation

Code of School/Classroom Conduct and Discipline Chart for Grades K3–12		ACTION LEVELS	
Conduct that Violates Expectations or Code of Conduct Principles	Definition	Minimum (minor)	Maximum (serious/repeated)
Substantial environmental disruption	Engaging in conduct that causes a substantial disruption to the educational environment such that teaching, learning, and/or normal school operation cannot continue.	1	4
Physical Safety/Mental Well-Being			
Attempted Battery	A physical attempt to cause bodily harm to another person without making physical contact.	2	3
Battery	Unprovoked intentional physical contact without consent causing bodily harm	4	4
Bomb threats	Reporting to school, police, or fire officials the presence of a bomb on or near school property without a reasonable belief that a bomb is present on school property	3	4
Bullying	Deliberate, often repetitive behavior, involving an imbalance of power, that harms or intimidates others	1	3
Disorderly conduct	Engaging in behavior that causes a disruption in the educational environment and/or which causes property damage or minor injury (without regard to intention)	1	3
Endangerment of Physical safety/mental well-being	Engaging in conduct (physical or verbal) that directly and substantially endangers the physical safety or mental well-being of others. This includes but is not limited to making false reports of an active shooter, summoning/bringing outsiders to the building to confront others, or pointing out a student to be a victim.	3	4
Extortion	Forcing other persons to act against their will under threat of, but not limited to, physical harm	2	4
False fire alarms	Reporting a fire to school or fire officials, or setting off a fire alarm without a reasonable belief that a fire exists	2	4
Fighting	Physical confrontation including, but not limited to, pushing, shoving, and/or exchange of physical blows	1	4
Gambling	Playing any game of skill or chance for anything of value	1	2
Hazing	Intentional or reckless acts which endanger the physical health or safety of others for the purposes of initiation/admission/affiliation with an organization	2	4
Loitering	Remaining around or lingering about a school building without a lawful purpose or particular purpose for being there	1	1
Personal threat	Direct or indirect (through another party) verbal, written, or electronic (including social media) threat to do bodily harm directed toward others	1	3
Possession/use of a weapon other than a firearm	Possessing, having under one's control, using, or threatening with a weapon (such as a BB or pellet gun, starter pistol, taser, pepper spray, knife, box cutter), explosive device, or any other object that, by the way it is used, is capable of inflicting bodily harm	4	4

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Conduct that Violates Expectations or Code of Conduct Principles	Definition	Minimum (minor)	Maximum (serious/ repeated)
Physical Safety/Mental Well-Being <i>Continued</i>			
Possession/use of a firearm	Possessing, having under one's control, using, or threatening with a firearm that fires a projectile using gunpowder (pistol, shotgun, rifle, handgun, or other firearm)	4	4
Possession or use of fireworks	Using or possessing any explosive fireworks	1	3
Reckless vehicle use	Using any motorized or self-propelled vehicle on or near school grounds in a reckless manner (i.e., a manner that shows conscious disregard for a substantial or unjustified risk to oneself and others) or in a manner that disrupts the educational process	1	4
Robbery	Taking property from a person by force or threat of aggression	2	4
Engaging in sexual activity	Engaging in sexual activity on school grounds or during school activities including, but not limited to, touching private body parts of another person (buttocks, groin, and/or breasts); and/or removing one's clothing to engage in sex	3	4
Sexual assault	Intentional bodily contact of a sexual nature that occurs without explicit consent	3	4
Sexual harassment	Unwelcome sexual advances, requests for sexual favors, physical contact of a sexual nature, or other verbal conduct or communication of a sexual nature	1	3
Trespassing	Entering any school property without proper authority or remaining on any school property after being told to leave by authorized personnel; includes any school entry during a period of suspension or expulsion	1	2
Verbal abuse, profanity, harassment	Use of language (written or spoken) or conduct or gestures which may be obscene, profane, or vulgar	1	4
Property			
Arson	Intentionally starting any fire or combustion on school property	3	4
Burglary	Unauthorized entry into school district property for the purpose of committing a crime, especially theft	2	4
Theft/possession of stolen property	Taking of property belonging to another individual, group, or entity without permission with the specific intent to permanently deprive; or being in the possession of property without permission of the owner	1	4
Vandalism	Maliciously and intentionally causing damage to school property or the property of others; includes situations in which minor damage can be repaired or replaced at no cost to the district	1	4

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Code of School/Classroom Conduct and Discipline Chart for Grades K3–12		ACTION LEVELS	
Conduct that Violates Expectations or Code of Conduct Principles	Definition	Minimum (minor)	Maximum (serious/repeated)
Controlled Substances			
Other substances/materials	Possessing, using, or having under one's control any substances or materials that threaten the health or safety of oneself or others	2	4
Possession of drug paraphernalia	Possession of a tool used to prepare, store, contain, or used to ingest, inject, or inhale a drug or controlled substance with or without drug residue	1	2
Possession/possession with intent to distribute/ownership/use of alcohol or illegal drugs	Possessing, possessing with intent to distribute, selling, giving away, transferring, having under one's control, or using any alcoholic beverages, controlled substances, THC in any form, or intoxicants. <i>*Please see the "Administration of Medications" section in the Parent/Student Handbook on Rights, Responsibilities & Discipline regarding the administration of prescribed medications.</i>	3	4
Use of tobacco, including chewing	Use of any tobacco product by a student Use/possession of any tobacco and/or nicotine products or vape pen	1	2

ACTION LEVEL KEY:

① Conference/Intervention ② Suspension ③ Referral to Dept. of Student Services ④ Expulsion Recommendation

Due Process Procedures for Suspension

The principal or assistant principal will hold a conference with any students in grades K3–12 suspected of committing a breach of discipline before a decision to suspend him/her is made. In an emergency in which the school leader feels that the student's presence in school is an immediate danger or may disrupt the school's orderly operation, suspension may occur without a conference. In case of an emergency suspension, the parent/guardian or emergency contact person must be notified before the child is sent home. Due process during a suspension will occur as follows.

- ① The school administrator attempts to notify the student of the charge(s).
- ② If the student admits to the charge(s), the administrator determines the appropriate disciplinary action.
- ③ If the student denies the charge(s), the school administrator will:
 - Explain the evidence resulting in the charge(s)
 - Decide whether the evidence will include the names of witnesses
 - Give the student a reasonable opportunity to state his/her version of the story
- ④ After reviewing the information, the school administrator will decide whether the student committed the offense. If it is decided that the student did not commit the offense, the case is closed. If the administrator decides that the student committed a violation of the Code of School/Classroom Conduct, the administrator determines the disciplinary action according to school district policies and administrative guidelines.
- ⑤ If the action is suspension, it becomes effective following notification of a parent/guardian or at the end of the school day. A suspension notice is sent home with the student and mailed to the parent/guardian and contains:
 - The time, date, length, and specific reason for the suspension
 - Information for the parent/guardian about having the student reinstated (returned to school) and a request that the parent call the school to arrange a conference before the student is reinstated
 - Notice that a suspended student cannot participate in school-related activities during/after school or on weekends
- ⑥ After the suspension has been issued, the administrator creates a note in Infinite Campus and scans the original suspension notice into Infinite Campus.
- ⑦ Suspended students are not to enter any MPS property during the time of suspension without prior authorization of the school administrator.

- 8 School-based suspensions are limited to three days unless other administrative action is recommended, such as referral to the Department of Student Services or expulsion. Schools will follow up on all suspended students who do not return after three days.
- 9 Suspended students will be given the opportunity to take any quarterly, semester or grading period examinations, or to complete course work missed during the suspension period.

Appealing a Suspension

A parent/guardian who is dissatisfied with a suspension decision may appeal to the principal. If still dissatisfied, an appeal may be made to the Department of Student Services within five days of the principal's final decision at (414) 475-8448.

Conference and Reinstatement Following Suspension

Following a suspension, the parent/guardian should call the school administrator to set a conference time. If you do not contact the administrator within three days of the suspension, the administrator will contact you. If you find it difficult to come to the school because of work or family responsibilities or distance from the school, the administrator will find an alternative means of conferring, such as holding the conference after school hours or by phone.

The student's achievements and difficulties in school, will be discussed during the conference. Together, you will determine the additional steps to be taken by the school, the student, and you to guarantee the student's success upon reinstatement (return to school). The principal may permit a child to return to school in fewer than three days if:

- ▶ The parent/guardian has conferred with a school administrator;
- ▶ The student understands and acknowledges his/her violation of the rule or Administrative Policy; and
- ▶ The student has had a good discipline and attendance record in the past.

Administrative/Disciplinary Transfers

The Department of Student Services may recommend that the superintendent or designee transfer a student to another school at any time if there is sufficient reason to do so. This is known as an administrative transfer. Reasons include discipline problems or the return of an expelled student. Special education students may not be moved by administrative/disciplinary transfers. As a rule, students are not returned to a school from which they have been transferred by the administration or expelled.

Students Expelled from Other Districts

By law (Wisconsin State Statute §120.13(1)(f)), no school district is required to enroll a student who has been expelled from another district, state, or independent charter school (if the charter or contract of the independent charter school contains the grounds for expulsion and procedural requirements in state law) during the time the expulsion is in effect. MPS will review requests from the parents of students living in the MPS district who have been expelled from other districts and wish to enroll in an MPS school. For more information, call (414) 475-8027

District Discipline Manager

In accordance with the Office of Civil Rights, Resolution Agreement #05 14 5003, MPS has designated a student discipline manager. The discipline manager shall be responsible for ensuring that the implementation of the district's policies concerning discipline are fair and equitable. In addition, the discipline manager will address complaints from parents, guardians, students, and others regarding the implementation of the district's disciplinary policies. For concerns or information, contact Jon Jagemann at jagemag@milwaukee.k12.wi.us or (414) 475-8645.