

# **Disciplinary Actions for Code of Conduct Violations**

**Board Work Session  
11/30/23**

# Agenda

- Review Discipline Committee's feedback for Groups 5-7 and determine if adjustments are needed to Board Recommendations.
- Discuss proposed changes to Student Code of Conduct for two offenses (electronic smoking devices & unapproved items).

# Norms

1. Be present and engaged in the work.
2. Share openly.
3. Respect opinions/ideas that are different from yours.

# Fist to Five Protocol



5 = LOVE IT!

4 = Good idea.

3 = Yeah, I can support it.

2 = I have reservations, let's discuss further.

1 = Opposed. Do not move forward.

# Discipline Committee's Feedback

Review *Discipline Committee's feedback for Groups 5-7* and determine if adjustments are needed to Board Recommendations.

# **Group 5: Drugs/Alcohol**

## ***(1) Alcohol***

**Level 1 (unintentional possession) - Board Recommendation:** No hearing

**Level 2 (under the influence) - Board Recommendation:** Hearing with a recommendation of 1 semester

**Level 3 (intentional possession) - Board Recommendation:** Hearing with a recommendation of 1 full year

### **Discipline Committee's Feedback:**

- **Level 1:** The majority of the committee agreed with the board recommendation of no hearing while some felt it should be a hearing with a recommendation of one semester.
- **Level 2:** Half of the committee (3/6 groups) agreed with the board while the other half felt it should be a full year.
- ***Level 3: In agreement with the Board***

## **(7) Drugs**

**Level 1** - Board Recommendation: No hearing

**Level 2** - Board Recommendation: No hearing

**Level 3** - Board Recommendation: Hearing with a recommendation of 1 full year

**Discipline Committee's Feedback: In agreement with the Board**

## **(18) Tobacco**

**Level 1** - Board Recommendation: No hearing

**Level 2** - Board Recommendation: No hearing

**Level 3** - Board Recommendation: Hearing with a recommendation of 1 semester

**Discipline Committee's Feedback: In agreement with the Board**



## ***(42) Electronic Smoking Device***

***Level 1 (no THC, unintentional possession) - Board Recommendation: No hearing***

***Level 2 (no THC, intentional possession) - Board Recommendation: No hearing***

***Level 3 (possession containing THC)- Board Recommendation: Hearing with a recommendation of 1 full year***

### **Discipline Committee's Feedback:**

- ***Levels 1 and 2: In agreement with the Board***
- ***Level 3:*** The committee suggested that possession be a hearing with a recommendation of 1 semester and distribution be a hearing with a recommendation of 1 full year.

***After further discussion, the district proposes changing the Code of Conduct to reflect the difference between Electronic Smoking Devices without THC (42A) and Electronic Smoking Devices with THC (42B). See next slides for details.***

**Proposed changes to the Code of Conduct for (42) Electronic Smoking Devices:**

- **(42A) Electronic Smoking Device - No THC**
- **(42B) Electronic Smoking Device - Contains THC**

<b>(42A) Electronic Smoking Device - No THC</b> Any device not containing THC used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device. Such devices include those manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, electronic nicotine delivery system or any cartridge or other component of the device or related product.	1	Unintentional possession of an electronic smoking device not containing THC.
	2	Use or knowledgeable possession of an electronic smoking device not containing THC.
	3	Distribution and/or selling of electronic smoking devices not containing THC. Level 3 may be used for students that violate school policy on electronic smoking devices three or more times during the same school year.

The same consequences would be recommended as (18) Tobacco:

***(42A) Electronic Smoking Device - No THC***

**Level 1** - No hearing

**Level 2** - No hearing

**Level 3** - Hearing with a recommendation of 1 semester

**Proposed changes to the Code of Conduct for (42) Electronic Smoking Devices:**

- **(42A) Electronic Smoking Device - No THC**
- **(42B) Electronic Smoking Device - Contains THC**

<p><b>(42B) Electronic Smoking Device - Contains THC</b></p> <p>Any device containing THC used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device. Such devices include those manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, electronic nicotine delivery system or any cartridge or other component of the device or related product.</p>	1	Unintentional possession of an electronic smoking device containing THC.
	2	Use or knowledgeable possession of an electronic smoking device containing THC.
	3	Distribution and/or selling of electronic smoking devices containing THC. Level 3 may be used for students that violate school policy on electronic smoking devices three or more times during the same school year.

The same consequences would be recommended as (1) Alcohol:

***(42B) Electronic Smoking Device - Contains THC***

**Level 1** - No hearing

**Level 2** - Hearing with a recommendation of 1 semester

**Level 3** - Hearing with a recommendation of 1 full year

**Group 6:**  
**Physical Aggression and Intimidation**

## ***(44) Violence Against a Teacher***

**Level 1** - N/A

**Level 2** - N/A

**Level 3** - **Board Recommendation:** Permanent Expulsion WITHOUT the option of attending TLC

### **Discipline Committee's Feedback:**

- **Level 3:** While most (4/6 groups) were in agreement with the Board, others felt that the punishment should be Permanent Expulsion WITH the option to attend TLC. The committee expressed concerns about middle school students being permanently expelled without the option to attend TLC. *(We plan to discuss this further at the next work session.)*

## ***(8) Fighting***

**Level 1 (no injuries)** - Board Recommendation: No hearing

**Level 2 (mild/moderate injuries)** - Board Recommendation: Hearing with a recommendation of 1 semester

**Level 3 (severe injuries)** - Board Recommendation: Hearing with a recommendation of 1 full year

\*Level 1 (no injuries) and Level 2 (mild/moderate injuries) refer to the injuries caused to someone else not self-inflicted such as bruised knuckles.

### **Discipline Committee's Feedback:**

- ***Level 1: In agreement with the Board***
- **Level 2:** The majority of the committee felt the current practice of no hearing (handled at the school) was a better practice if this was the first offense.
- ***Level 3: In agreement with the Board***

### ***(3) Battery***

**Level 1 (no injuries) - Board Recommendation:** No hearing

**Level 2 (mild/moderate injuries) - Board Recommendation:** Hearing with a recommendation of 1 semester

**Level 3 (severe injuries or any attack on school personnel) - Board Recommendation:** Hearing with a recommendation of 1 full year

\*Level 1 (no injuries) and Level 2 (mild/moderate injuries) refer to the injuries caused to someone else, not self-inflicted such as bruised knuckles.

#### **Discipline Committee's Feedback:**

- ***Level 1: In agreement with the Board***
- **Level 2:** The majority of the committee felt the current practice of no hearing (handled at the school) was a better practice if this was the first offense.
- **Level 3:** The committee agreed with the Board for acts of battery against students. However, the committee recommends that battery against staff members be treated the same as Violence Against a Teacher (Permanent Expulsion without the option to attend TLC).

# Multiple Acts of Physical Aggression

- **Battery and Fighting**
  - Level 1 (no injuries) and Level 2 (mild/moderate injuries)
  - Level 3 = goes to hearing for first offense
- **Current Practice**
  - 2nd offense during all of middle school = referral to hearing
  - 2nd offense during all of high school = referral to hearing

\*The committee suggested the current practice for 2nd acts of physical aggression be amended so that the second act of physical aggression in consecutive years be referred to a hearing instead of at the middle school level or at the high school level.

## Option 1:

current practice of 2nd act in middle school OR 2nd act of physical aggression in high school

## Option 2:

2nd act of physical aggression in consecutive years for grades 6-12

## Option 3:

2nd act of physical aggression during middle school or 2nd act of physical aggression during high school OR consecutive years (8th to 9th grade)



# Mild/Moderate Injuries

-may include but is not limited to, scratches, bloody noses, bruises, black eyes, and other marks on the body.

\*Level 2 (mild/moderate injuries) refer to the injuries caused to someone else, not self-inflicted such as bruised knuckles.

## ***(17) Threat/Intimidation***

**Level 1** - N/A

**Level 2** - **Board Recommendation:** No hearing

**Level 3** - **Board Recommendation:** Permanent Expulsion WITH the option of attending TLC

### **Discipline Committee's Feedback:**

- ***Level 2: In agreement with the Board***
- **Level 3:** Some of the committee suggested a lesser punishment for pulling the fire alarm.

## ***(29) Bullying***

**Level 1** - Board Recommendation: No hearing

**Level 2** - Board Recommendation: No hearing

**Level 3** - Board Recommendation: Hearing with a recommendation of 1 full year

### **Discipline Committee's Feedback:**

- ***Level 1: In agreement with the Board***
- **Level 2:** The committee had mixed feelings. Some felt that it should be a hearing with a recommendation of a semester. Others agreed with the Board about no hearing, stating that administrators often deal with these issues before they become a pattern.
- ***Level 3: In agreement with the Board***

# Group 7: Other

## ***(33) Student Incivility***

**Level 1** - Board Recommendation: No hearing

**Level 2** - Board Recommendation: Profanity and inappropriate language directed at school staff would be a hearing with a recommendation of 1 semester. All other offenses = no hearing.

**Level 3** - Board Recommendation: Hearing with a recommendation of 1 full year

### **Discipline Committee's Feedback:**

- ***Level 1: In agreement with the Board***
- ***Level 2: (LEVEL 2- Blatant insubordination or the use of inappropriate language directed towards school staff or peers; intentional misrepresentation of the truth. Profanity or obscene language directed towards school staff; issuing false reports on other students; insubordination.)***

The committee felt that all of these offenses should be handled at the school level with consequences and interventions put in place.

- ***Level 3: (LEVEL 3- Blatant and repeated insubordination or intentional misrepresentation of the truth; Level 3 should be used for students who display a pattern of violating the school policy related to student incivility. Issuing false reports on school staff; Level 3 may be used for students that violate the school policy on student incivility three or more times during the same school year.)***

The committee had mixed feelings about this:

- 2 groups - No Hearing (handled at the school)
- 1 group - No Hearing (handled at the school) OR 1 semester
- 2 groups - 1 semester
- 1 group - Agreed with the board (1 full year)

EXAMPLES

## ***(6) Disorderly Conduct***

**Level 1** - Board Recommendation: No hearing

**Level 2** - Board Recommendation: No hearing

**Level 3** - Board Recommendation: Hearing with a recommendation of 1 full year

### **Discipline Committee's Feedback:**

- ***Level 1: In agreement with the Board***
- ***Level 2: In agreement with the Board***
- ***Level 3: (LEVEL 3- Creating or contributing to a severe disturbance that substantially disrupts the school environment or poses a threat to the health and safety of others. Level 3 may be used for students that violate the school policy on disorderly conduct three or more times during the same school year. Includes but not limited to disruptive behavior on school bus, misbehavior during a fire drill or other safety exercise.)***

The committee had mixed feelings, and noted that most of these occurrences involve other offenses that may be paired with disorderly conduct resulting in a referral to a hearing.

- 2 groups - No Hearing (handled at the school)
- 2 groups - 1 semester
- 2 groups - Agreed with the board (1 full year)

EXAMPLES

## ***(35) Gang-Related***

**Level 1** - N/A

**Level 2** - **Board Recommendation:** Hearing with a recommendation of 1 semester

**Level 3** - **Board Recommendation:** Hearing with a recommendation of 1 full year

### **Discipline Committee's Feedback:**

- **Level 2:** The majority of the committee felt that all of these offenses should be handled at the school level.
- **Level 3:** Just over half of the committee (4/6 groups) felt that this offense should result in a hearing with a recommendation of Permanent Expulsion WITH the option of TLC. The other 2/6 groups agreed with the Board's recommendation of 1 full year.

# **Proposed Changes to BCS Student Code of Conduct**

**\*Effective January 1, 2024**



# Electronic Smoking Devices (42a, 42b)

<p><b>(42a) Electronic Smoking Device - No THC</b></p> <p><i>Any device not containing THC used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device. Such devices include those manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, electronic nicotine delivery system or any cartridge or other component of the device or related product.</i></p>	1	Unintentional possession of an electronic smoking device not containing THC.
	2	Use or knowledgeable possession of an electronic smoking device not containing THC.
	3	Distribution and/or selling of electronic smoking devices not containing THC. Level 3 may be used for students that violate school policy on electronic smoking devices three or more times during the same school year.
<p><b>(42b) Electronic Smoking Device - Contains THC</b></p> <p><i>Any device containing THC used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device. Such devices include those manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, electronic nicotine delivery system or any cartridge or other component of the device or related product.</i></p>	1	Unintentional possession of an electronic smoking device containing THC.
	2	Use or knowledgeable possession of an electronic smoking device containing THC.
	3	Distribution and/or selling of electronic smoking devices containing THC. Level 3 may be used for students that violate school policy on electronic smoking devices three or more times during the same school year.

# Possession of Unapproved Items (34)

<p><b>(34) Other - Possession of Unapproved Items</b></p> <p><i>The use or possession of any unauthorized item disruptive to the school environment.</i></p> <p>Note: The use of fireworks or incendiary devices must be coded as Arson.</p>	1	<p>Possession of any unauthorized item including but not limited to toys, mobile devices, gadgets, personal items, gum, candy, etc.;</p> <p>Includes possession of pepper spray.</p> <p>Does not include possession of fireworks, matches, toy weapons, or other items that can be construed as dangerous.</p>
	2	<p>Use of any unauthorized item including but not limited to toys, mobile devices, gadgets, personal items, etc.;</p> <p>Includes use of pepper spray without injury.</p> <p>Does not include possession of fireworks, matches, toy weapons, or other items that can be construed as dangerous.</p>
	3	<p>The use or possession of unauthorized items including but not limited to toy guns or other items that can be construed as dangerous or harmful to the learning environment;</p> <p>Includes the use or possession of items containing THC that are not otherwise classified as electronic smoking devices.</p> <p>Includes use of pepper spray with injury.</p> <p>Includes but is not limited to the possession of matches, lighters, incendiary devices, fireworks, bullets, stink bombs, CO2 cartridges. The use of matches, lighters, incendiary devices or fireworks must be coded as Arson.</p> <p>Level 3 should be used for students who display a pattern of violating the school policy related to unapproved items.</p>

# Proposed Changes to BCS Student Code of Conduct - Effective January 1, 2024

1. Electronic smoking devices (42a, 42b)
2. Possession of Unapproved items (34)

## Next Steps for Proposed Changes (offenses 34, 42a, 42b)

- December 14th Board Meeting - approval of changes to Code of Conduct
- January 1, 2024 - updated Student Code of Conduct goes into effect
- December 15th/ week of January 2nd - communication to students/parents about changes to Student Code of Conduct

# December 7th Work Session

- Review continuum of all consequences for offenses referred to a hearing
- Discuss permanent expulsion for middle school students
- Discuss length of consequences for repeat offenders (prior TLC placements)

# Next Steps

- Discipline Committee Meeting on Jan. 2nd to work on *Code of Conduct Offenses Guidance Document for Administrators* (for offenses handled at the school level)
- Final products to be posted on BCS website upon completion (effective 2024-2025 school year)
  - *Board's recommended consequences for offenses referred to a hearing* (continuum of all consequences for offenses referred to a hearing)
  - *Code of Conduct Offenses Guidance Document for Administrators* (for offenses handled at the school level)