

Continuous Improvement Approaches to Disciplinary Practices: Proposed 18-19 Code of Conduct Changes

Education Committee
May 1, 2018

 Expect great things.

Overview

- Review K-2 Moratorium of Nonviolent and Minor Offense Suspension Policy Changes that will be Incorporated into 18-19 Code of Conduct
- Share Proposed Code of Conduct Administrative Regulations Changes for the Handling of Drugs
- Discuss Timeline for Approval of 18-19 Code of Conduct Changes at the June Legislative Meeting

Background Information & Context

- Strategic Theme #1: Creating a positive and supportive school culture (*2017-2018 Strategic Plan*).
- Significant number of K -2 suspensions for nonviolent and minor offenses with persistent disparity in who is suspended - CGCS report
- Board Resolution/Policy Amendment to ban K-2 nonviolent and minor offenses
- Proposed 18-19 Code of Conduct changes to codify key continuous improvement approaches to disciplinary practices.



***Working Group Recommendations Regarding K-2
Moratorium of Nonviolent and Minor Offense
Suspensions***

Focus of Phase One Working Group Violent/Nonviolent Offenses

Offense Level	Current Code of Conduct Status	Working Group Role
Level One Offenses	Offenses that <u>do not</u> lead to an out-of-school suspension	Not addressed by working group
Level Two Offenses	Offenses that <u>may</u> lead to an out-of-school suspension	Focus of working group for defining violent/nonviolent offenses
Level Three Offenses	Offenses that <u>will</u> lead to an out-of-school suspension	Not addressed by working group

Crime of Violence Defined

18 U.S. Code § 16

The term “crime of violence” means -

- **(a)** an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- **(b)** any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense

Level One

(Offenses that do not lead to an out-of-school suspension)

- Tardiness
- Truancy and Class Cuts
- Inappropriate Personal Property
- Pestering, Teasing, or Bothering Other Students
- Inappropriate Language or Gestures
- Minor Disruption of School/Bus
- Refusal to Comply with Posted/Published School Norms & Regulations
- Possession of Pagers, Lasers, Radios and Certain Electronic or Telecommunication Devices
- Disruption of Class

Level Three

(Offenses that will lead to an out-of-school suspension)

- Assault on a School Employee
- Assault on a Student or Other Person not Employed by the School
- Weapons and Dangerous Instruments
- Arson
- ***Drugs***

Recommendations for Distinguishing Non-Violent and Violent Level 2 Offenses

Level 2 offenses deemed by the Phase One Working Group as ***Non-Violent***:

- Unauthorized presence of students during school hours (school or private property)
- Possession or use of tobacco or electronic smoking devices
- Academic dishonesty
- Misuse of computers/electronic device
- Undesirable group activity
- Profanity & vulgarity/verbal altercation (to student)
- Profanity & vulgarity/verbal altercation (to staff)
- Inappropriate sexual behavior
- Repeated level I or II infractions
- Terroristic threats or conspiracy to commit violent acts

Recommendations for Distinguishing Non-Violent and Violent Level 2 Offenses

Level 2 offenses deemed by the Phase One Working Group as ***Violent***:

- Damage, destruction or vandalism of property
- Harassment
- Fighting
- Bullying/Cyberbullying
- Hazing
- Physical Aggression/Altercation
- Theft/Robbery

These offenses align with 18 U.S. Code § 16 Definition of Violence and/or PA Criminal Code.

Violent/Nonviolent Alignment

Offense	Aligns with 18 U.S. Code § 16 Definition of Violence	Aligns with PA Criminal Code
Damage, destruction or vandalism of property	X	X
Harassment	X	X
*Fighting	X	(Disorderly Conduct)
Bullying/Cyberbullying	X	X
Hazing	X	X
*Physical Aggression/Altercation	X	(Disorderly Conduct)
Theft/Robbery	X	X

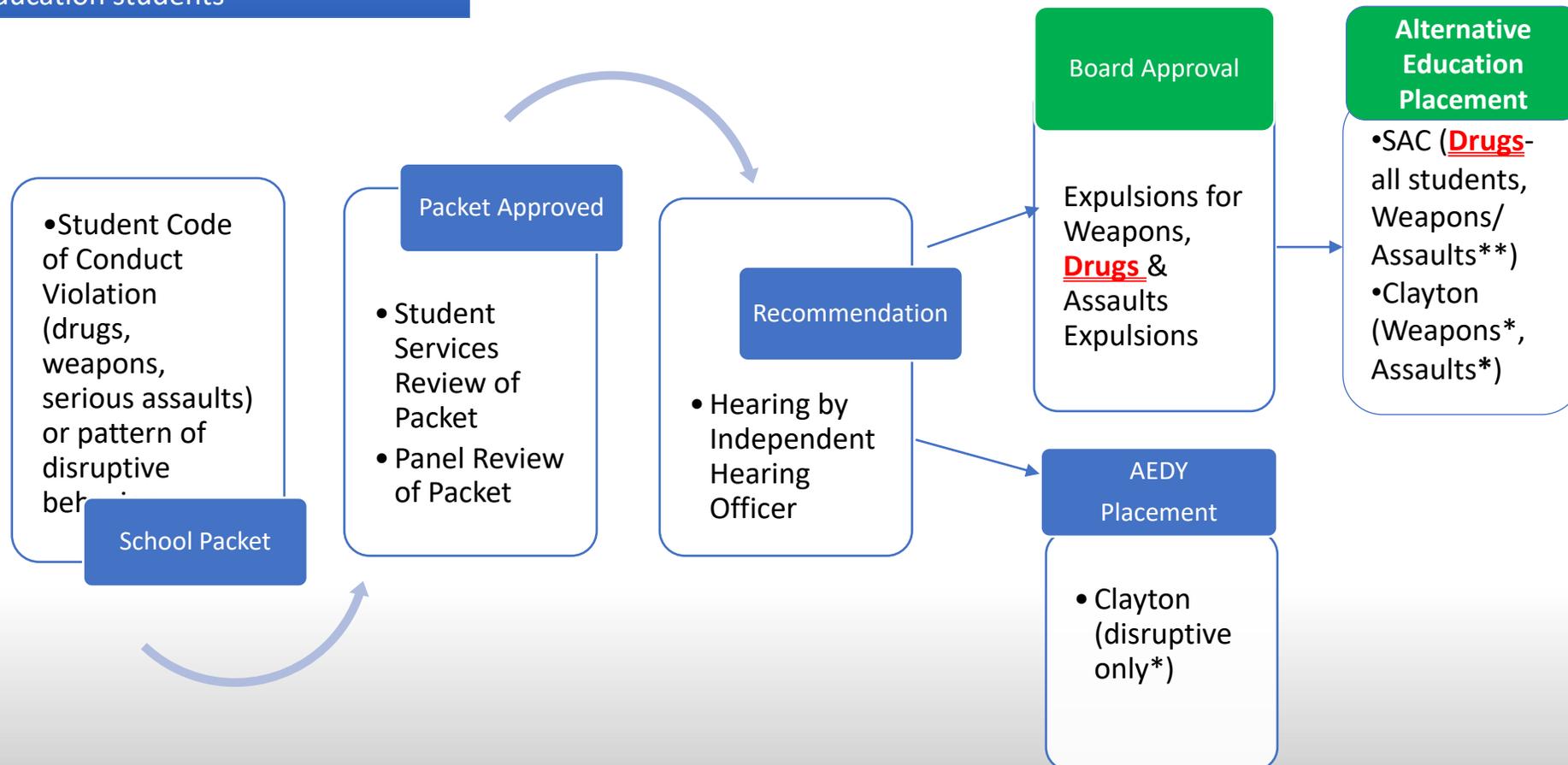
Fighting and Physical Aggression fall under "Disorderly Conduct"
in PA Criminal Code



***Handling of Drugs:
Proposed Changes to the Code of Student Conduct
Administrative Regulations***

Currently, All Drug Offenses Result in Expulsion

*-Regular education students
**-Special education students



Proposed Changes Regarding Handling of Drugs

- Allow for differentiation in response to marijuana and paraphernalia drug offenses.
- Enable graduated responses based on the severity of an offense, i.e. type of drug, quantity, and whether the infraction is a first-time or subsequent offense.

Level 3

307 Alcohol (*new*)

307 Marijuana (*new*)

Level 4

407(a) Alcohol

407(b) Marijuana

407(c) Other drugs

Proposed Changes Regarding Handling of Drugs

Drug Offense Categories	Code of Student Conduct Levels (Secondary 6-12)	
	Level 3 (10 day suspension*) <i>*suspension can be reduced upon attendance in an alternative to suspension program including drug education classes.</i>	Level 4 (10 suspension days + expulsion (alternative education))
Paraphernalia (First or Repeat Offense)	Possession of paraphernalia with marijuana (residue or quantity under 5 grams)	Repeat offense of possession of paraphernalia with presence of marijuana (any quantity)
Drug Type: Alcohol, Marijuana, or Other Drugs (First or Repeat Offense)	First offense of possession of alcohol; First offense of possession of marijuana (residue or quantity under 5 grams)	Repeat offense of possession of alcohol; Repeat offense of possession of marijuana (any quantity); First offense of possession of marijuana (over 5 grams); Possession of drugs other than marijuana
Intent to Distribute		Possession of marijuana over 5 grams
Quantity	Possession of marijuana (residue or quantity under 5 grams)	Possession of marijuana over 5 grams

Proposed Changes Regarding Handling of Drugs

Implications:

- Expect decrease in suspension days for drug offenses
- Expect significant decline in drug offenses that lead to expulsions
 - Majority of 17-18 drug offenses were for possession of marijuana
 - Very few were for large quantities over 5 grams
- Expanded drug education and intervention supports available to schools
 - New partnerships have been developed and are under development to offer such supports across MTSS tiers

Proposed Supports for the Recommended Changes

Tiers of Support	Type of Service by Code of Conduct Infraction Level	Program and Service Provider
Tier 3: Subsequent and/or Serious Offenses	SAP Screening Referrals; Alternative to Out of School Suspension (ATOSS) Programming Drug Education Classes and Services (Code of Conduct Violation: Level 4)	Student Achievement Center ATOSS Program/Alternative Education Placement; Designated SAP Providers (students can receive concurrent services during an alternative education placement); Residential In-Patient Treatment
Tier 2: First-Time Minor Offenses	SAP Screening Referrals; Alternative to Out of School Suspension (ATOSS) Programming (Code of Conduct Violation: Level 3)	Designated SAP Providers; SHORES; Student Achievement Center ATOSS Program/Alternative Education Placement Center that Cares ATOSS Program; Three Rivers Youth Drug Education Program
Tier 1: Universal Prevention	Drug Awareness & Education Speakers	Allegheny Recovery Krew CVS Cares Drug Awareness on opioids

Expect great things.



Questions?