

WAUSAU SCHOOL DISTRICT

STUDENTS WELFARE/DISCIPLINE Code of Student Conduct

5708

The Wausau School District recognizes and accepts its responsibility to create, foster, and maintain an orderly and safe class environment, conducive to teaching and to the learning processes. Every member of the school community is expected to cooperate in this central mission. Staff, including administrators and teachers, must use their training, experience, and authority to create schools and classes where effective learning is possible. Students are expected to come to school, and to every class, ready and willing to learn. Parents/guardians should be aware of their children's activities, performance, and behavior in school, and are asked to cooperate and consult with the school to prevent or address problems.

The District has a legal duty to make reasonable efforts to keep its school free of the dangers of violence, weapons, drugs, and other behavior harmful to the educational environment. This duty is enforced through the District's policy on suspension and expulsion, which provides procedures by which students may be removed from the school community either temporarily, or in the case of certain expulsions, permanently.

Equally important the District owes its students, as a group, the opportunity to attend school as free as reasonably possible from unnecessary and unwarranted distraction and disruption, particularly by those relatively few students who, for whatever reason, are unwilling, unready, or unable to avail themselves of the opportunity for an education. Such behavior, while not necessarily so serious or pervasive to warrant suspension or expulsion, can be nearly as destructive to the educational environment. Such behavior warrants, at a minimum, that the student be removed temporarily from the class or activity ("short-term removal" or "temporary removal"). Such removal serves the multiple purposes of eliminating or minimizing the disruption, of reinforcing the District's strong commitment to an appropriate educational environment, and of allowing a "cooling off" period for disciplinary or other reasons, short of suspension or expulsion.

In some circumstances, the student's conduct, or the best interest of the student and the other members of the class, may warrant long-term removal from the class ("long-term removal"). Long-term removal may, but need not always be, for disciplinary purposes.

Teachers may temporarily remove a pupil from his/her class if the pupil violates the terms of this Code of Student Conduct (the "Code"). In addition, long-term removal of a student will be possible if the building administrator or his/her designee upholds a teacher's recommendation that a student be removed from the class for a longer period of time. Removal from class under this Code does not prohibit the District from pursuing or implementing other disciplinary measures, including but not limited to detentions, suspension, or expulsion, for the conduct for which the student was removed.

This Code of classroom conduct applies to all students in grades PreK-12.

1. GROUNDS FOR DISCIPLINARY REMOVAL FROM CLASS

A student may be removed from class for conduct or behavior which: (a) violates the District's policies regarding suspension or expulsion; (b) violates the behavioral rules and expectations set forth in the Student/Parent Handbook; (c) is disruptive, dangerous, or unruly; (d) otherwise interferes with the ability of the teacher to teach effectively; or (e) is incompatible with effective teaching and learning in the class.

Removal is a serious measure and should not be imposed in an arbitrary, casual, or inconsistent manner. Behavioral expectations are always more constructive and more likely to be followed when they are communicated as clearly as possible to students and staff. However, it is neither possible nor necessary to specify every type of improper or inappropriate behavior, or every inappropriate circumstance that would justify removal under this Code. A teacher's primary responsibility is to maintain an appropriate educational environment for the class as a whole. Therefore, notwithstanding the provisions of this Code, in every circumstance the teacher should exercise his or her best judgment in deciding whether it is appropriate to remove a student temporarily from class.

In ordinary circumstances and in practical terms, a teacher's decision to remove a student temporarily from class will stand. However, there may be circumstances when the building administrator or his/her designee may exercise his/her discretion and overrule the teacher's decision to remove the student and return the student to class.

A) Behavior that violates the District's policies on suspension and expulsion

The District policies regarding suspension and expulsion are set forth in Board Policy 5745 and 5750. It should be noted that building administrators makes decisions regarding suspension and recommendations for expulsion are made by the District's central administration. Appropriate procedures and notifications, separate from the Code of Conduct requirements, must be followed. Thus, a teacher's decision to remove a student from class for behavior that violates the District's policies regarding suspension and expulsion may, but does not necessarily mean, that the student will also be suspended or expelled.

B) Behavior that violates the behavioral rules and expectations in the Student/Parent Handbook

The Student/Parent Handbook contains behavioral expectations for the individual schools in the District. These rules and expectations are explained and discussed with the students at the beginning of each school year. Such discussions shall include an explanation of this Code and the District's policy regarding removal.

C) Behavior that is disruptive, dangerous, or unruly

For the purposes of this Code, notwithstanding any inconsistent or contrary provisions in the District's policies or the Student/Parent Handbook regarding suspension and expulsion, the following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous, or unruly so as to warrant removal from class:

- Inappropriate physical contact intended or likely to hurt, distract, or annoy others, such as hitting, biting, pushing, shoving, poking, pinching, or grabbing.
- Inappropriate verbal contact intended or likely to upset, distract, or annoy others, such as name calling, teasing, or baiting.
- Behavior that may constitute sexual or other harassment.
- Repeated or extreme inappropriate verbal conduct likely to disrupt the educational environment, particularly when others are talking (e.g. lecture by teacher, response by other student, presentation by visitor) or during quiet (study) time.
- Throwing any object, particularly one likely to cause harm or damage, such as books, pencils, scissors, etc.
- Inciting other students to act inappropriately or to disobey the teacher or school or class rules, including without limitation, inciting others to walk out.
- Destroying the property of the school or another student.
- Loud, obnoxious, or outrageous behavior.

D) Behavior that interferes with the ability of the teacher to teach effectively

Students are required to cooperate with the teacher by listening attentively, obeying all instructions promptly and responding appropriately when called upon. A student's non-compliance may, in turn, distract others either by setting a bad example or by diverting the class from the lesson to the student's inappropriate behavior. By way of example and without limitation, a student may be removed for behavior that constitutes:

- Open defiance of the teacher, manifest in words, gestures or other overt behavior.
- Open disrespect of the teacher, manifest in words, gestures or other overt behavior.
- Open behavior likely or intended to sabotage or undermine the instruction.

E) Behavior that is inconsistent with class decorum and the ability of others to learn

In addition, there may be grounds for removal for behavior that, though not necessarily violate of the provisions of (a) through (d) {above}, is inconsistent with basic classroom decorum. Such behavior may, in the determination of the teacher, warrant removal because of its interference with the ability of others to learn effectively. Such behavior may include, without limitation, sleeping in class, blatant inattention, or other overt or passive refusal or inability to engage in class activities.

2. OTHER NON-DISCIPLINARY REASONS FOR REMOVAL OF A STUDENT FROM CLASS

In some cases, a teacher may believe that a student should be removed from class for the good of the student and in the best interests of the class as a whole. Such reasons may, but need not be, disciplinary in nature, and include for purposes of illustration and without limitation, irreconcilable personality differences or issues between the student and other students, or in rare circumstances, between the student and the teacher.

3. STAFF REMOVAL OF A STUDENT FROM CLASS

A teacher of that class may temporarily remove any student from class under this Code. For the purpose of this Code, "student" means any student enrolled in the District, exchange student, or student visitor to the District's schools.

Any student may be removed on a long-term basis from a class based upon the request of a teacher as upheld and implemented at the discretion of the building administrator or his/her designee.

For the purpose of this Code, a "class" is any class, meeting or activity that students attend, or in which they participate while in school under the control or direction of the District. This definition of "class" includes, without limitation, regular classes, special classes, resource room sessions, labs, library time, counseling groups, assemblies, study hall, lunch, or recess. "Class" also includes regularly scheduled District-sponsored extracurricular activities, either during or outside school hours. Such activities include, by example and without limitation, District sponsored field trips, after-school clubs, and activities including sports and fine arts.

A "teacher" is any certified instructor, counselor, nurse, or administrator in the employ of the District.

A "teacher of that class" means the regularly assigned teacher of that class, or any teacher assigned to teach, monitor, assist in or oversee the class. This definition includes, without limitation, any assigned substitute teacher, proctor, monitor, or group leader. Where there is more than one teacher in a class, any teacher may remove a student from that class, upon informing the other teacher(s) of his/her intent to do so. It is advisable, though not absolutely required, that all teachers of a class assent to the removal of the student.

A “building administrator” means a principal of a school, or other individual(s) duly designated by the building administrator or the Superintendent of Schools.

4. PROCEDURES TO BE FOLLOWED WHEN TEMPORARILY REMOVING A STUDENT FROM CLASS

Except where the behavior is extreme, a teacher should generally warn a student that continued misbehavior may lead to temporary removal from the class. When the teacher determines that removal is appropriate, the teacher should take one of the following courses of action:

- Instruct the student to go to the main office for the period of removal. In such case, the teacher should send a note with the student, or telephone the main office.
- Obtain coverage for the class and escort the student to the main office.
- Seek assistance from the main office or other available staff. When assistance arrives, the teacher or the other adult should accompany the student to the main office.

When the student arrives at the main office, the building administrator or his/her designee should give the student an opportunity to briefly explain the situation. If the building administrator or his/her designee is not available immediately upon the student’s arrival, the student should be taken to the removal area, and the building administrator or his/her designee should speak to the student as soon as practicable thereafter. For the purposes of short-term removal, it is not necessary to obtain witnesses or to otherwise verify the student or teacher’s accounts of the situation.

Within twenty four (24) hours or one business day of the removal, whichever is longer, the teacher shall submit to the building administrator or his/her designee a short and concise written explanation of the basis for the removal. Such information may be submitted on a form provided by the building administrator or his/her designee.

It is expected that the parent/guardian contact will be made during the school day on which the student is removed from class, but no later than twenty-four (24) hours after the student’s removal. The teacher, after notifying the building administrator or his/her designee, shall inform the student’s parents/guardians that the student was removed from class. Such notice may be by telephone. The parents/guardians of the student shall be sent written notice of the removal from the building administrator or his/her designee and postmarked within two (2) business days of the removal. Such written notice shall specify the class from which the student was removed, the duration of the removal, and the basis for the removal as stated by the teacher. The building administrator or his/her designee shall keep written logs or records regarding unsuccessful attempts to contact the parents/guardians in accordance with this provision.

5. LOCATION OF STUDENTS DURING THE SHORT-TERM REMOVAL FROM CLASS

Each building administrator shall designate a room or other suitable place where students shall remain during any period of removal from the classroom (the “short-term removal area”).

Students who are removed by their teachers must immediately and directly go, or be taken to, the main office. For the duration of the removal the student shall stay in the short-term removal area. At the discretion of the building administrator or his/her designee, the student may instead be sent to another appropriate class, program, or educational setting, provided the student is supervised in this alternative setting. The building administrator or his/her designee should also take steps to ensure the student is supervised while in the short-term removal area. In general, students should be required to do work of an academic nature while in the short-term removal area. Such work should ordinarily be related to the work in the class from which the student was removed or may be related to the student’s misconduct (e.g. writing an apology or account of the situation). In no event should the student’s time in the removal area be recreational or free time.

6. LENGTH OF TIME FOR A SHORT-TERM REMOVAL

Removal is a serious matter, and should not be taken lightly either by the teacher or the student. In most cases, a student shall remain in the short-term removal area for at least thirty (30) minutes at the elementary level and for at least forty-five (45) minutes at the secondary level. Prior to allowing the student to resume his/her normal schedule, the building principal or his/her designee shall speak to the student to determine whether the student is, or appears to be, ready and able to return to class without a recurrence of the behavior for which the student was removed. In the event it is not deemed appropriate to return the student to regular classes, the building administrator or his/her designee shall either retain the student in short-term removal, or, when necessary, appropriate, and practicable, shall take steps to have the student sent home.

7. PROCEDURES FOR LONG-TERM REMOVAL

Long-term removal is an extremely serious step because it is for the remainder of the semester or marking period, and should not be undertaken hastily or for less than compelling reasons. Such a step could have profound consequences for the affected student and his/her class, as well as any new class or teacher to which the student may then be assigned. For these reasons, long-term removal should not ordinarily be considered or implemented except after a thorough consultation, including a thorough consideration of alternatives between the teacher(s) and the building administrator or his/her designee. For the same reasons, long-term removal should not ordinarily be considered on the basis of a single incident. Unlike short-term removal, the ultimate decision regarding long-term removal rests with the building administrator or his/her designee.

Where a teacher believes that the best interests of the student and/or class require long-term removal, the teacher should notify the building administrator or his/her designee in writing. Such statement should set forth as clearly and completely as possible (a) the basis for the removal request; (b) the alternatives, approaches and other steps considered or taken to avoid the need for the removal; (c) the impact, positive and negative, on the removed student; and (d) the impact, positive and negative, on the rest of the class.

Upon receipt of such statement, the building administrator or his/her designee will convene an SAT (Student Assistance Team) meeting to consult with the teacher and/or other District staff. In most cases it is appropriate to invite the parents/guardians of the student and the student involved in the long-term removal to the SAT meeting.

Following consideration of the teacher's statement and any other information, the building administrator or his/her designee shall, in his/her discretion, take one of the following steps:

- Place the student in an alternative education program as defined by law;
- Place the student in another class in the school, or in another appropriate place in the school;
- Place the student in another instructional setting; or
- Return the student to, or retain the student in, the class from which he or she was removed or proposed to be removed

In any event, a student in long-term removal must continue to receive an educational program and services comparable to, though not necessarily identical with, those of the class from which he/she was removed. Such program need not be in the precise academic subject of the student's former class.

Long-term removal is an administrative decision not subject to a formal right of appeal. However, the parents/guardians of the student, and/or the student, shall have the right to meet with the building administrator or his/her designee and/or the teacher(s) who made the request for removal. Where possible, such meeting shall take place within three (3) business days of the request for a meeting. At the SAT meeting, the building administrator or his/her designee shall inform the parents/guardians and/or student as fully as possible regarding the basis for the removal, the alternatives considered, and the basis for any decision. However, nothing in this Code shall prevent the building administrator or his/her designee from implementing a removal to another class, placement, or setting prior to any meeting, and notwithstanding the objections of the parents/guardians or student.

8. REMOVAL OF STUDENTS IDENTIFIED AS DISABLED UNDER IDEA

Some different rules and considerations apply for students identified as requiring special educational services under IDEA or Section 504. In particular, placement for such student is a decision of the student's IEP team, subject to stringent procedural safeguards, and cannot be made unilaterally by teachers or the administration. In addition, most students covered by IDEA should have a behavioral plan which will address (a) whether and to what extent the student should be expected to conform to the behavioral requirements applicable to non-disabled students; and (b) alternative consequences or procedures for addressing behavioral issues. It is highly advisable that all IEP teams address these issues and this Code, at least annually, setting forth the consensus of the IEP team regarding behavioral expectation and consequences.

Notwithstanding these issues, students identified as requiring special education services under IDEA or Section 504 may, in general, be temporarily removed from class under the same terms and conditions as non-disabled students.

For the reasons noted above, no change in placement for more than ten (10) school days may be made for a student with disabilities outside of the IEP process. This ten (10) day limit applies to out-of-school suspensions as well as days of removal.

9. COMMUNICATION OF CODE TO PARENTS/GUARDIANS AND STUDENTS

Each school year a copy of this Code shall be sent to parents/guardians in the District. In addition, this Code shall be provided to and discussed with middle school and high school students of the District early in the school year.

Legal Ref.: 1997 Wisconsin Act 335
Wisconsin Statute 118.164

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