Investigation Procedures

- In order to maintain integrity of witness statements during an investigation, administrators should attempt to separate witnesses and offenders, and where feasible, limit access to personal electronic devices while witnesses prepare statements concerning the incident under investigation.
- Administrators shall, advise students, orally or in writing, suspected of wrongdoing of the nature of the alleged offense.
- Consistent with principles of Due Process, students must be provided an opportunity to give their version of the incident under investigation.
  o Refusals to respond or provide witness statements will be documented.
  o Administrators shall document that an opportunity to give their version of the incident was provided and the student refused to respond.
- Administrators shall accommodate students with disabilities and language barriers or young children unable to write their own statements.

Documents and References

Investigations Presentation (Leadership 2019)
CSD Basic Complaint Form – Student Victim
CSD Investigation Questions
CSD Response Form Student Complainee
CSD Student Investigation Checklist
CSD Student Investigation Report Form
CSD Witness Statement Form
Interviewing the Respondent
Interviewing the Victim
Interviewing the Witnesses

Coordination with Law Enforcement

School Administrators may invite law enforcement authorities to the school to: conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity; maintain a safe and orderly educational environment; or maintain or restore order when the presence of such authorities is necessary to prevent injury to persons or property.

Coordination of Policies and Law Enforcement

The Director of Responsive Services or designee shall meet annually with local law enforcement authorities to discuss the Student Conduct and Disciplinary Process. Law enforcement authorities shall be asked to inform their staff about the terms of the Student Conduct and Discipline Process.
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Searches

- Searches should be **completed by a school administrator**, with an objective third party (e.g. another administrator, teacher, front office staff)
- Searches should be conducted in a **private location**.
- The **nature and scope** of a search must be reasonable in light of the suspected infraction and any concern for safety and order in the school.
- The **authorization** to search students in school sponsored activities shall apply to all situations in which the student is under the jurisdiction of the district, including all students participating in extracurricular activities and athletics, dually enrolled students, and students taking online courses, when applicable.

Searches of Persons or Personal Property

- During a search, the school administrator may:
  - Ask the student to remove their hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves.
  - Perform a “pat down” of the exterior of the student’s clothing, but must refrain from touching students in any other way during the search.
- Under no circumstances may a school administrator require students to remove other items of clothing.
- If this limited search does not reveal suspected contraband and school administrators still have a reasonable suspicion that the student is concealing contraband in their inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement shall be summoned.

Search of Lockers, Desks, and Storage Areas

- Inspections or searches of these areas at any time, with or without the student present, with or without cause, in order to maintain proper control and management of the school.
- Once any storage area is open for search, any search of student belongings must comply with the guidelines for searches of personal belongings.

Searches of Student Vehicles Parked on School Property

- A school administrator with reasonable suspicion that the search of a student’s vehicle will produce evidence of a violation may inspect the vehicle in the driver’s presence.
  - If a driver fails to comply or if an inspection reveals any evidence of a violation, the school administrator may take measures reasonably calculated to maintain the safety and control and management of the school, including revoking a student’s parking privilege.
  - A school administrator may disable the vehicle until police or parents can be summoned.
Documentation of Searches
School officials shall timely document the details of a search conducted of a student's property or person pursuant to an investigation. Documentation should include the following:

- the time, place, and date of the search;
- information received that established the need for the search;
- the name and title of individuals conducting and observing the search;
- substances or objects found, and the disposition made of them (e.g., provided to police, or maintained by school, etc.); and
- subsequent action taken including parental notification.

Confiscation of Dangerous and Disruptive Property and Electronic Cigarette Products

- Confiscated items will not be returned to the student or parent/legal guardian and will either be transferred to law enforcement or destroyed.
  - The transfer to law enforcement of confiscated property or its destruction must be witnessed by another school administrator or school employee.

Destruction of Confiscated Items Procedure

Documents and References
Documentation of Searches Form
Emergency Safety Intervention

Emergency safety intervention (ESI) is the use of seclusionary time out or physical restraint when a student presents an immediate danger to oneself and/or others, and when all other practical proactive strategies have not been successful. ESI procedures are never to be used for disciplinary purposes.

Students with Qualified Disabilities

- Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall comply with all applicable state and federal laws, and the district policy.

Physical Restraint

- A school employee may, when acting within the scope of employment, use and apply reasonable and necessary physical restraint as an ESI only under the following circumstances:
  - the student’s behavior poses an imminent danger to the student and or others likely to cause serious physical harm;
  - to take possession of a weapon, or other dangerous objects in the possession or under the control of a student; or
  - to stop the student from destroying property, when physical safety is at risk.

- All physical restraint shall:
  - be applied for the minimum time necessary to ensure safety and a release criteria must be implemented;
  - use the least amount of force necessary to diffuse the emergency situation
  - be discontinued as soon as the imminent danger of physical harm to self or others has dissipated;
  - be discontinued if the student is in severe distress; and never be imposed for more than 30 minutes.

- The following restraints are prohibited:
  - prone, or face-down physical restraint;
  - supine, or face-up physical restraint;
  - physical restraint which obstructs the airway or adversely affects the student’s primary mode of communication;
  - mechanical restraint, except for protective, stabilizing, or legally required mechanical restraints, such as seatbelts or safety equipment used to secure students during transportation; or
  - chemical restraint, except as prescribed by a licensed physician, or other qualified health professional, for the standard treatment of a student’s medical or psychiatric condition, and implemented in compliance with a student’s approved Health Care Plan.

Emergency Safety Intervention Key Terms

- **Physical guidance** means physically guiding a student through the proper motions to complete a task or demonstrate a skill in response to mild resistance that does not pose a risk of danger to oneself and/or others, while at the same time it does not restrict, immobilize or reduce the ability of the student to freely move their torso, arms, legs, or head. (i.e. hand-under-hand, supportive guide) This does not require emergency contact form documentation.

- **Physical restraint** means a personal restriction that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head (or extensions thereof such as wheelchair, visual tools, standers) freely. This is required to be documented using both the emergency contact form and a physical restraint log.

- **Seclusionary time out** means involuntary confinement of a student in an enclosed room when the student is prevented or reasonably believes he or she will be prevented from leaving, in response to immediate danger to oneself and/or others, or situations which would warrant isolation from peers and adults. This is required to be documented using both emergency contact form and a seclusionary time out log.

- **Immediate danger** means the danger of physical violence/aggression towards oneself and/or others that is likely to cause serious physical harm. There must be imminent risk of serious harm to the agitated person and/or others. There must be no other practical way to prevent harm with—out physical management. The risk of not intervening must be greater than the risk of intervening.
Seclusionary Time Out

- A school employee may, when acting within the scope of employment, place a student in seclusionary time out as an ESI only under the following circumstances:
  - the employee uses the minimum time necessary to ensure safety and uses a release criteria;
  - any door remains unlocked;
  - the student is within line of sight of an employee at all times; and
  - the student is not placed in a seclusionary timeout for more than 30 minutes.

- Seclusionary time out shall meet the following conditions:
  - the student is placed in a safe enclosed area by school personnel
  - the student is purposefully isolated from adults and peers
  - the student is prevented from leaving or the student reasonably believes that they are prevented from leaving the enclosed area any door remains unlocked; and
  - the student is within line of sight of an employee at all times; and

Parent Notification of Emergency Safety Intervention

- If a crisis situation occurs that requires an ESI, at the first possible moment after the onset of the ESI the school employee shall immediately notify the school administrator, and the school administrator shall immediately notify the student’s parent/legal guardian.
- If the ESI is applied for longer than fifteen minutes, the school administration shall immediately notify the student’s parent/legal guardian and school administration.
- Parent/legal guardian notifications made under this section shall be documented in the student information system.
- Within 24 hours of using ESI, the school administration shall notify the parent/legal guardian that they may request a copy of any notes or additional documentation taken during the crisis situation.
- Upon request of a parent/legal guardian, the school administration shall provide a copy of any notes or additional documentation taken during a crisis situation.
- A parent/legal guardian may request a time to meet with school staff and administration to discuss the crisis situation.

Documents and References
Safety Care Registration Information
Emergency and Safety Intervention Form
Documentation Logs – Time out and Physical Restraint
Safety Care Injury Report Form
Safety Care Behavioral Safety Training Manual
## Grounds for Suspension

A student **shall be suspended** and may be referred to the District Case Management Team for any of the following reasons:

- possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
- the actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities;
- the sale, control, or distribution of a drug or controlled substance, an imitation substance, or drug paraphernalia; or
- an act involving force or threatened use of force which if committed by an adult would be a felony or class A misdemeanor (See 500.2, Exhibit 1—Levels of Behavior, Interventions and Responses).

A student who commits a **serious violation** above, involving a real or look-alike weapon, explosive, or flammable material shall be suspended and referred to the District Case Management Team, for a period not less than a year subject to:

- Within 45 school days after the suspension the student shall appear before superintendent’s designee, accompanied by a parent or legal guardian to determine what conditions should be met by the student or student’s parent to return to school; or if the student should be placed on probation in a regular school setting or an alternative school setting to maintain safety of students and faculty.

A student **may be suspended** (including in-school suspension) for any of the following reasons:

- Frequent or flagrant willful disobedience, defiance of property authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
- Willful destruction or defacing of school property;
- Behavior or threatened behavior which poses an immediate and significant threat to the welfare or safety of other students or school personnel or to the operation of the school;
- Possession, control, or use of an alcoholic beverage;
- Behavior that threatens harm to the school property, to a person associated with the school, or property associated with the person; or
- Possession of pornographic material on school property.

Except where suspension for a first offense is required by state law an administrator **may only impose out-of-school suspension** when:

- Attendance at school presents an imminent endangerment to the physical, emotional, or mental safety.
- The student has caused chronic and extreme interruption to other students’ participation in school activities and alternatives to suspension fail to bring about proper conduct.
- Alternatives to suspension have been attempted, are documented and evaluated for effectiveness prior to referring the student for a disciplinary sanction.
- The student was informed of their reported misbehavior, provided an opportunity to respond, and reasonable efforts were made to contact the parents/guardians, and a copy of the misconduct report was provided to the student’s parents/guardians.
General Suspension Procedures

- A school administrator has the power to suspend a student in the administrator’s school for up to 10 school days.
- Prior to suspending a student beyond three (3) school days, the School Performance Office is contacted.
- If a student has a qualified disability under the Individuals with Disabilities Education Improvement Act (IDEIA) or Section 504 of the Rehabilitation Act, separate procedures may apply based on procedural safeguards in federal law (IDEIA or Section 504). Students with qualified disabilities have certain rights regarding cumulative days of suspension.
- A student serving out of school suspension:
  - Shall immediately leave the school following parent notification.
  - 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 school administrator 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.

Parent Notification of Suspension

If the administrator determines to suspend the student, a parent or legal guardian must be notified, through use of the Notice of Suspension form, that:

- The student has been suspended;
- The grounds for the suspension;
- The period of time for which the student is suspended; and
- If applicable, a time and place for an informal conference.

Suspensions of Students in Grades Pre-Kindergarten through Second Grade

Except where suspension is required by state law students may not be assigned out-of-school suspensions. If a student exhibits behavior that presents an imminent endangerment to the physical, emotional, or mental safety of specific students/staff, the school administrator or designee may grant an exception and assign an emergency one-day in-school or out-of-school suspension when:

- Prior to suspending a student, the School Performance Office is contacted;
- The student’s parent/guardian has been notified;
- During the suspension, the school administrator 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.

Alternatives to Suspension

- Alternatives to suspension include, but are not limited to, conferences with students and their parents/guardians; use of Student Support Team; enrollment in a program teaching social/emotional behavior or anger management; participation in a restorative justice program or restorative circles; participation in peer court, and positive behavior support approaches.
Suspensions Beyond 10 School Days

A suspension may not extend beyond 10 school days unless the student and the student’s parent or guardian have been given a reasonable opportunity to meet with a designated school official in a District-Level Hearing and respond to the allegations and proposed disciplinary action.

Student and Administrator Reinstatement Meeting

- Upon return, a suspended student will immediately report to a pre-determined designated school official to review the suspension and agreed upon a plan to repair harm and avoid recurrence of the problem.
- If a parent/guardian is unable to attend the reinstatement meeting, they will be notified by the designated schools official of the agreed upon plan.

Students with Qualified Disabilities

1.1. General rule regarding removal or suspensions: A school administrator may remove a student with a disability who violates a code of conduct from his or her current placement to an appropriate interim alternative education setting (suspension), for not more than 10 consecutive school days, and for additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct (provided it does not constitute a change of placement because of disciplinary removals).

1.2. A change of placement because of disciplinary removal occurs if:
   1.2.1. A removal is for more than 10 consecutive school days; or
   1.2.2. The student has been subjected to a series of removals that constitute a pattern:
       1.2.2.1. Because the series of removals total more than 10 school days in a school year;
       1.2.2.2. Because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in a series of removals; and
       1.2.2.3. Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

1.2.3. A change of placement because of disciplinary removal is a case-by-case determination, whether a pattern of removal constitutes a change of placement.

1.2.4. A change of placement because of disciplinary removals requires:
   1.2.4.1. A manifestation determination be conducted within 10 school days of the removal that resulted in the change of placement determination;
   1.2.4.2. The Individual Education Plan (IEP) Team must meet and determine what education services the student is to receive to enable the student to continue to participate in the general education curriculum, although in another setting, and progress toward meeting the goals in the student’s IEP; and
   1.2.4.3. Provide, as appropriate, a Functional Behavior Assessment (FBA) and Behavioral Intervention Plan (BIP) that are designed to address the behavior violation.

1.3. After a student with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the school must provide educational services.

1.4. Students with qualified disabilities are subject to the one-year expulsion imposed for violations involving firearms, explosive, and flammable materials.

1.5. Students with qualified disabilities studying under an Individualized Education Plan (IEP) may not be expelled or have their school placement changed without an IEP team meeting being held, except for serious violations including weapons, drugs, or serious bodily injury.

Documents and References

Notice of Suspension Form
Illegal Substances
- The school administrator shall report violation to parent/legal guardian. The school administrator may additionally report to law enforcement.
- Students apprehended by school district employees for illegal violations covered by this policy with a clear nexus to the school while off-campus during regular school hours shall be subject to this policy.

<table>
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<tr>
<th>Possession/Use of Tobacco/E-Cigarettes</th>
<th>Early Intervention</th>
<th>Fine</th>
<th>DCMT Referral</th>
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<td>1st Offense</td>
<td>Attend CFC Early Intervention Class with parent and complete reflection</td>
<td>$50</td>
<td>No</td>
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<tr>
<td>2nd Offense</td>
<td>Complete CFC Intake Appointment AND</td>
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<td>No</td>
</tr>
<tr>
<td>3rd Offense</td>
<td></td>
<td>$250</td>
<td>Consult Director of Responsive Services</td>
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<td>Consultation/Referral to School Resource Officer</td>
<td>$250</td>
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</tr>
</tbody>
</table>

Documents and References
Threats

**Threat is reported to school administrator**

**Evaluate the threat.**
- Obtain a specific account of the threat by interviewing the student who made the threat, the recipient of the threat, and other witnesses.
- Write down the exact content of the threat and statements by each party.
- Consider the circumstances in which the threat was made and the student’s intentions.

**Decide whether the threat is transient or substantive.**
- Consider criteria for transient vs substantive threats.
- Consider the student’s age, credibility, and previous discipline history.

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**Threat is clearly transient.**

Respond to transient threat:
Typical responses may include reprimand, parent notification, or other disciplinary action. Student may be required to make amends, attend mediation or counseling.

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**Threat is substantive or meaning (intention) is not clear.**

Decide whether the substantive threat is serious or very serious.
A serious threat might involve a threat to assault someone (e.g. “I’m going to beat that kids up.”). A very serious threat involves use of a weapon and/or is a threat to kill, rape, or inflict severe injury.

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**Substantive Threats**

**Threat is serious.**

Respond to serious substantive threat.
- Take immediate precautions to protect potential victims including notifying intended victim and victim’s parents.
- Notify student’s parents.
- Consider contacting law enforcement.
- Refer student for counseling, dispute mediation, or other appropriate intervention.
- Discipline students as appropriate to severity and chronicity of situation.

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**Threat is very serious.**

Conduct safety evaluation.
- Take immediate precautions to protect potential victims including notifying the victims and their parents.
- Consult with law enforcement.
- Notify student’s parents.
- Begin mental health evaluation of the student.
- Discipline student as appropriate.

Implement a safety plan.
- Complete a written plan
- Maintain contact with the student
- Revise plan as needed
Peer Court

Referrals for Peer Court
Students may be referred to Peer Court as an appropriate behavior response for Level 3-4 behaviors. (See, Exhibit—1—Levels of Behavior, Interventions and Responses). The determination of whether a Peer Court referral is warranted shall be made by the school administrator in consultation with the Director of Responsive Services. Once a Peer Court referral is accepted, the school administrator shall follow district procedures to:

- Notify parents and student of referral to Peer Court;
- Complete and submit Peer Court Referral to Responsive Services for scheduling;

Documents and References
Peer Court Referral
Peer Court Parent Informational Brochure

DCMT

Referrals for District Case Management Team
The determination of whether a DCMT referral is warranted shall be made by the school administrator in consultation with the Director of Responsive Services. Once a DCMT referral is accepted, the school administrator shall follow district procedures to:

- Notify parents of suspension and referral to DCMT;
- Complete and submit DCMT paperwork to Responsive Services for scheduling;

Students with Qualified Disabilities
A DCMT referral for a student with any qualified disability (IDEIA or Section 504), will not be scheduled until the school administrator is certain all due process requirements for that student have been met and the Special Education Department/District Section 504 Coordinator is notified.

Documents and References
DCMT Referral
DCMT Parent Informational Brochure
Manifestation Determination Form