

**Discipline Equity/Advisory Task Force**  
**January 14, 2016**

Present:

Katie Ahsell, ACTIONS  
Stephanie Hayek, CECC  
Jonathan Westfield, Board of Ed.  
Joel Wright, Jefferson  
Orlando Thomas, Mellon, Chair

Ann Cochrane, Carrie Busey/CFT  
Amber Owens, Bottenfield  
Tomeka Whitfield, Edison  
Abby Heras, Garden Hills  
Jeanne Smith, Mellon, Recorder

**Revisions to Code of Conduct in Light of SB 100**

Orlando Thomas reported that he and Jeanne Smith had recently met with attorney Jennifer Smith who will be reviewing the District's Code of Conduct in light SB 100 requirements. Orlando asked whether this group wanted to continue its discussion of revisions to the Code of Conduct separately from Jennifer's review or wait until her recommended changes were provided and proceed from there. Committee members agreed that it would be a wiser use of time to wait for Jennifer's changes and then move forward. It was decided that the meeting scheduled for January 28, 2016 would remain scheduled in hopes Jennifer's recommendations would be received by then. If they are not, task force members will be notified that the January 28 meeting is cancelled and that the next meeting will be February 11.

Orlando announced that he and Jeanne will be attending a webinar (February 1) and legal conference (March 11) related to SB 100 changes and will report what they learn at subsequent meetings.

**Consequences for Delivery of Drugs**

Orlando reported that the Board had recently acted on some drug delivery expulsions where multiple students were involved in a single incident. In the most recent case, prescription medicines were the drugs delivered. He shared that Board members want this committee to review the current substance abuse policy to see if changes need to be made to either lessen the consequences in cases of delivery or to differentiate based on the type of drugs delivered. After considerable dialogue taking into consideration:

- 1) first time offenders,
- 2) sellers vs buyers,
- 3) type of drugs involved,
- 4) consistency of consequences,
- 5) provision of drug counseling services,
- 6) comparisons with criminal consequences for drugs and other types of offenses,

it was the consensus of the committee to keep the substance abuse policy as is (unless recommended for revision by Jennifer Smith who had mentioned to Jeanne during a drug expulsion hearing that expulsions for delivery of drugs, in light of SB 100, may be dependent on the level of threat they present to the school community).

### **Staff Intervening in Student Physical Confrontations**

Jonathan Westfield mentioned that some teachers are reporting that they're being told not to intervene in physical confrontations involving students. He pointed out that item #10 on page 6 of the Code of Conduct under "Staff Rights" outlines the conditions under which staff may "use reasonable physical force or restraint to contain a student."

Tomeka Whitfield reported that some staff who have intervened and made physical contact with students in an attempt to protect them or others from harm have been put on extended leave while an investigation takes place. She said when teachers are put on leave, a cloud of suspicion hangs over them despite their innocence; for this reason, many teachers choose to avoid getting involved fearing their reputations may be tainted. Jonathan countered that police officers, as a matter of course, are put on administrative leave when their actions on the job are investigated. Katie Ahsel said this comparison isn't valid because administrative leave in law enforcement is a normal expectation in certain circumstances; however, in education, being put on leave carries a negative connotation. Amber Owens noted that sometimes students put forth false allegations against teachers and while the investigation is ongoing, teachers suffer the stigma of being on leave, often for an extended period of time.

Orlando clarified that teachers are told that they may intervene in physical confrontations between students but that they are not required to. Jonathan made the point that if staff choose not to intervene physically, they do have an obligation to summon an administrator or other assistance.

### **Listing of Interventions in Code of Conduct**

Katie asked when we would resume our discussion of broadening the section in the Code that discusses interventions and supports. Orlando said he wants to speak to Jennifer Smith about this since not all schools will be utilizing all of the same interventions and supports. He doesn't want us to put something in print that makes it seem *all* schools are implementing *all* interventions listed.

### **Cell Phones**

Jonathan asked if this committee would be revisiting the topic of cell phone use in school. Orlando reported that the cell phone policy was changed in the 2011-12 Code resulting in an expansion of cell phone privileges for students. This change was made after consultation with other school districts and getting feedback from staff at all three levels and students at the middle and high school levels. The topic was brought to this committee in 2010-11 because cell phone violations were causing students to be suspended, and it was felt a violation of this magnitude should not cause students to lose instructional time. It was also noted that as part of the policy change, it was determined that only administrators would be allowed to confiscate phones since phones are considered expensive personal property belonging to the students/their parents. Students may end up getting suspended as a result of disobedience or disruptive behavior related to a cell phone issue, but the mere use of a cell phone during a restricted time, if the behavior does not escalate, should be considered a Level 1 offense. It was acknowledged that cell phones are somewhat of a no-win situation because a strict prohibition of them has not proved successful nor has an expansion of privileges, but the District's attempt has been to try to find a middle-of-the road solution to appease all involved parties.

### **Formatting of Middle and High School Consequences Section**

Joel Wright questioned whether it might be more reader friendly to combine the middle and high school consequence sections since they are identical. Jeanne noted that they are not identical and gave Violation #19 Physical Confrontation with Student as an example. She also reported that the Code used to combine these two sections and an earlier DEA Task Force requested that they be separated to allow for more flexibility of consequences and to enhance readability. This change was made in 2009-10. Orlando asked the committee to go through the pp. 22-31 and note the offenses where consequences differ.

### **Correction to November 19, 2015 Draft Minutes**

A draft of the November 19, 2015 minutes was distributed at this meeting. Joel Wright noted that the creation of a new violation, #38 Gross Disobedience, was not included. Jeanne apologized and said she would revise the November minutes to reflect this suggested addition.

**Next Meeting: January 28, 2016, 4:00, Mellon North Conference Room**

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