BEHAVIOR EDUCATION PLAN

Madison Metropolitan School District

Elementary School

2019 – 2020

Overview

The Behavior Education Plan is driven by the word "education", and at its core is a teaching and learning plan designed to support every student in their social, emotional, and academic development. We know behavior education is complex work that happens in classrooms and cafeterias, on buses and playgrounds, and even offices and auditoriums. Whether you are a student, family member, community member, or staff member, we all have a responsibility to embody our beliefs, our expectations, and our commitments.

We Believe...

- In authentic relationships and a supportive community that fosters a sense of belonging
- In a thriving school environment where staff and students are physically and emotionally safe
- In the importance of student and staff voice in decision making
- Families and school staff must be collaborative partners in supporting every student

We Expect...

- Students, staff, and families demonstrate respect to one another and hold high expectations for behavior
- Students, staff, and families build and sustain ongoing positive and authentic relationships
- Students, staff, and families contribute to a safe learning environment

We Will...

- Utilize innovative strategies and supports to create a positive school community where students, staff and families feel safe
- Provide schools with the necessary resources, professional development and technical assistance to implement the Behavior Education Plan

Guiding Principles

When we decided to take this approach as a District, the Board of Education put in place key Guiding Principles. These principles have not changed and will continue to guide us.

We are grounded in a strong focus on **engagement and learning**

Whenever possible, we **avoid exclusionary practices**

We believe in **teaching and intervention** over consequences and punishment

We support **progressive discipline**, not "zero tolerance"

We believe that **strong school-family partnerships are important**

We will use **disaggregated data to identify disparities, monitor progress, and drive decisions**

We believe that **every child, when provided with appropriate support, can learn and succeed**

We support **proactive problem-solving on behalf of students**

Supporting positive student behavior requires a high level of commitment from students, parents, guardians, staff, administrators, and members of the Board of Education. These stakeholder groups have rights and responsibilities that are designed to reflect both the mutual respect and accountability required of all people involved in supporting student behavior. The rights and responsibilities for each group are outlined in the Rights and Responsibilities Guidance.

Message from the Superintendent

Dear Madison Community,

Five years ago, we made a major shift.

Our community was in consensus that our zero tolerance policy for school discipline wasn't working, that it was having a disproportionate and negative effect on students of color and students with disabilities, and that we needed to do something different.

We took a step into uncharted territory - to embrace a restorative and progressive approach, one that aims to keep students in school and build stronger school communities. I am very proud of our staff for taking this on as it requires such conscious decision making, continual effort to build relationships and trust with students and families, every step of the way.

Through this journey, we've learned an incredible amount about this work, about what it requires to do it well and how powerful of an impact this work can have when it is working. This updated Behavior Education Plan captures those lessons learned and will propel our District forward.

More than anything, we've learned from our students that building community and relationships is foundational to a safe and supportive school for all.

Sincerely,

Jennifer Cheatham
Superintendent

Goals and Metrics

The goals of the Behavior Education Plan are focused on ensuring every student experiences a thriving school culture and a safe and supportive learning environment, leading to healthy identity development, and a sense of belonging. These goals align to the vision and goals of the District's Strategic Framework.

Our priority and focus on addressing racial inequities drives this work and provides the basis for three overarching goals: increase a sense of safety and belonging in school, implement successful systems of support and intervention, and reduce disproportionality in the use of exclusionary practices. Each of these goals and metrics will be disaggregated so that we can hold ourselves accountable for progress.

Goal #1:

Increase the number of students, families, and staff who feel safe and a sense of belonging

As measured by:
The annual climate survey

Goal #2:

Improve the successful development of:

- Foundational practices and integration into school-wide systems
- Effective use of intervention

As measured by:

- Self-assessment data
- Intervention documentation

Goal #3:

Reduce the disproportionality in use of exclusionary practices, including suspensions for African-American students and students with disabilities

As measured by:
Suspension data

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In this Plan, you will notice:

- A number of graphics to help show the disciplinary progression of response and intervention
- Sections at the bottom of pages highlighting connections for students, families, community members, and staff members.
- Guidance on who to contact with questions, concerns, or to learn more

Additional information can be found in these supporting documents on the MMSD Behavior Education Plan website, including examples of how specific strategies or practices are carried out in schools: Rights and Responsibilities, Implementation Guidance, Special Education Guidance, Bullying Prevention and Response Guidance

Foundational Practices and School-Wide Systems

We believe that social, emotional, and academic development requires four foundational practices:

- **Culturally Responsive Teaching**
- **Restorative Justice**
- **Social Emotional Learning**
- **Positive Behavior Interventions and Supports**

The integration of these practices into school-wide systems and structures takes time, effort, and teaming. Some teams responsible for this collective integration include Teacher Teams, Multi-Tiered Systems of Support (MTSS) Teams, Student Services Teams, School-Based Leadership Teams (SBLTs), PBIS or Culture and Climate Teams, and Family and Community Engagement Teams.

To implement these foundational practices, school teams must:

- Foster a collective mindset focused on the inherent worth, skills, and dignity of every student
- Connect Behavior Education Plan goals with School Improvement Plan goals
- Pursue and privilege student, staff, and family voice in decisions
- Commit to consistent teaming with a focus on reflecting and adjusting practices
- Create and communicate universal expectations for all
- Transform harm and conflict with opportunities for use of restorative practices

The District will support this work by:

- Leading training opportunities for staff
- Providing resources to meet the goals of the Behavior Education Plan
- Continuously building and deepening community partnerships with those who share our values and mindset around supporting students
- Engaging in creative thinking to support all students with intensive needs
- Creating professional development opportunities for school teams to collectively analyze and discuss data, share experiences with other teams, and learn from other schools' implementation practices

In the following pages we will explain each of these four foundational practices in more detail, and this proactive approach to behavior education is further explained throughout the plan. By using an approach that focuses on universal systems rooted in culturally responsive teaching practices, we can continue to integrate behavior education into everyday school practices. This will provide for safe and productive learning environments that foster belonging and community.

Culturally Responsive Teaching

Culturally Responsive Teaching focuses on creating the classroom conditions necessary for teaching advanced cognitive skills to every child. In her book *Culturally Responsive Teaching and the Brain*, Zaretta Hammond explains that culturally responsive teaching requires a "learning partnership" between students and teachers built on positive rapport and alliance. It requires recognition of the cultural assets that students bring to the classroom. It also requires strong, trusting relationships between students and teachers that pave the way for students to engage in the "productive struggle" that is learning.

As culturally responsive teachers, educators are expected to engage in "inside" work that examines their own racial identities. This self-assessment also includes:

- Examining implicit biases
- Recognizing needs for Social Emotional Learning
- Analyzing the impact of actions

This work also requires that we embrace the holistic set of skills and abilities articulated in our Graduate Vision. We want our students to master academic content, build creativity, confidence, cultural competence, gain a strong sense of self and interpersonal skills, and have a growth mindset to help them continually build the skills and abilities to be successful.

The following strategies support Culturally Responsive Teaching:

1. Set high and clear expectations for all students
2. Acknowledge all students
3. Develop self efficacy
4. Connect to students' lives
5. Apply academic press
6. Address racial and cultural identity

For Students	A learning partnership is a term you might hear often at school. This means your teacher is trying to get to know you and also learn from you. By teaching your teacher about your interests, opinions, and ideas, you can be successful in this partnership.
For Families & Community	Learning partnerships require family involvement to ensure support and communication. As the trust builds between school, student, and home, students earn better grades, improve attendance, and feel more welcomed and safe at school.
For Staff	We see each of our students for who they are and who they are becoming. Culturally responsive teaching helps in developing instructional practices that engage all learners in a safe and supportive community. Zaretta Hammond's *Culturally Responsive Teaching and the Brain* is a valuable resource to help staff develop these practices.

For more information on Culturally Responsive Teaching (CRT) in MMSD:

Check out our MMSD CRT Strategy Guide, contact your school's Instructional Coach, or the District Professional Learning Team. To learn about how our schools embed culturally responsive teaching into their day-to-day practice, refer to the Implementation Guidance.

Restorative Justice

The Behavior Education Plan is founded on principles of Restorative Justice in Education. At the center of this model is mindset, including the belief that all people are inherently worthy and want to be in strong relationships. Schools are supported with a variety of resources under the Restorative Justice umbrella, including the use of restorative practices.

As a District we work toward the transformation of school cultures so that all members of the learning community, including students, teachers, staff, administrators, families, and community members, feel they belong.

Katherine Evans and Dorothy Vaandering, from *The Little Book of Restorative Justice in Education*

Restorative Practices focus on:

- **Building and maintaining healthy relationships** to create a caring culture where every member thrives
- **Engaging** in repairing harm and transforming conflict
- **Establishing communities** of re-entry and support after harm in order to welcome, integrate, and support students after an extended absence or for individualized support to build a more equitable learning environment

In order to do this work, staff and students will learn to teach and reinforce foundational beliefs and core practices. These include building and maintaining just and equitable school communities and cultures, developing strong relationships, and using a "circle process" as both a proactive and responsive strategy to prevent, identify, and repair harm through healthy dialog.

We also believe in empowering, encouraging, and supporting student, family, and staff well-being. We plan to achieve this by offering a variety of opportunities to explore and experience mindfulness-based practices. Mindfulness practices can help us regulate and respond to our challenging and complex realities and are directly linked to Restorative Justice.

For Students	By participating in restorative practices you can build relationships and friendships in your class and solve problems when you need to.
For Families & Community	Families and community members can get involved with Restorative Justice by participating in school and classroom community building opportunities and can learn more by joining a school's Family, Youth, and Community Engagement Team, or by partnering with school staff to support students in a Restorative Circle.
For Staff	Trainings are offered in a variety of ways. Check out mmsd.org/PDportal for more.

For more information on Restorative Justice in MMSD:

Contact your school's Student Services team or the District Restorative Justice team. To learn about our schools' journeys in developing restorative practices, refer to the Implementation Guidance.

Social Emotional Learning

Students are most successful when we attend to both their academic and social emotional learning needs. Student needs differ, so social emotional learning must address a variety of topics. The Social Emotional Learning standards (SELs) guide the topics and are at the center of school-wide and classroom implementation.

Similar to academic standards, the SELs define what students should know and should be able to do and are incorporated into students' experiences every day. Students learn about building a positive self-identity, managing emotions, and perseverance to name a few expected outcomes. Programs and curricula such as Welcoming Schools, Zones of Regulation and Second Step, and Developmental Designs (once known as Responsive Classroom) anchor this work at the elementary level in MMSD.

Here are a few examples of how these are integrated into learning experiences:

Welcoming Schools and Bullying Prevention

- Teaches about different identities and empathy in order to increase understanding and respect for others as a means of preventing bullying behavior
- Clarifies the difference between bullying and conflict and proactively provides opportunities for students to practice ways to address these behaviors
- Teaches ways to be an ally and identifies the different roles people play in bullying in order to reduce bullying behavior

Zones of Regulation/Second Step

- Zones of Regulation provides skills to understand emotions and regulate using visuals and colors. Green is regulated and ready to learn, Yellow means stress is building, Red means anger and loss of control of emotions, and Blue means tired, sad, depressed, feeling down
- Second Step is a curriculum used to develop learning skills associated with social and emotional needs

Developmental Designs/Responsive Classroom

- Provides techniques and structures to build classroom community, strengthen relationships, improve and refine student engagement, and develop strategies for self-regulation in the classroom
- Core practices include a morning meeting or circle to build community and Take a Break to promote self-regulation

For Students	You can ask your teachers and staff to learn about ways to manage your feelings and emotions.
For Families & Community	While there are many ways we teach and support social emotional learning, all students will have opportunities to understand community, learn about identity, and practice recognizing and managing emotions both in and out of school. If you have questions about how your school is teaching these concepts, contact your school's Positive Behavior Interventions and Supports (PBIS) coach.
For Staff	A District-wide plan calls for all staff to be trained in Developmental Designs. At the elementary level, this means you might have once been trained in Responsive Classroom. Trainings for Developmental Designs, Welcoming Schools and other social-emotional learning programs are offered through the year. See the MMSD PD Portal for more details.

For more information on Social Emotional Learning in MMSD:

Contact your school's PBIS Coach or MMSD's Behavior Education Coordinator and refer to the Implementation Guidance to learn how we are implementing SELs.

Positive Behavior Interventions and Supports: Universal Systems

Positive Behavior Interventions and Supports (PBIS) is a universal systems framework for all students in MMSD. Every school has a team of dedicated staff who determine universal behavior expectations, plan engaging and interactive lessons, and reinforce feedback and acknowledgements to help improve student performance and school climate. PBIS also incorporates social emotional learning to help equip students with the skills they need to succeed at school and beyond.

This framework ties all of the core practices together into a universal system. The key components include establishing clear expectations, data analysis, effective teaching and modeling, acknowledging behavior, and use of interventions as needed for additional support.

PBIS at the elementary school level is supported by:

- **A team that meets regularly** to monitor data and make adjustments
- **Student voice and choice** in establishing classroom and school-wide expectations and incentives
- **Community and parental involvement** to get ideas and build partnerships
- **A connection to restorative strategies, social emotional learning, and culturally responsive teaching practices** to ensure equity among all students, staff, and families
- **A commitment to the Wellness Policy** to build healthy habits, which include discussing appropriate hours of sleep each night, self-regulating screentime, eating right, and ensuring opportunities for daily physical activity

For Students	Cool Tools, Assemblies, Incentives, Acknowledgements. These are some of the ways you can get noticed for your positive behavior.
For Families & Community	Positive systems of support shift in middle schools to highlight student recognition and identity development. PBIS also includes age-appropriate incentives, rewards, and acknowledgement of good decision-making and continuous improvement.
For Staff	Data analysis is a major component of PBIS to help determine how these universal systems are implemented and monitored. SBLT, PBIS teams or Culture and Climate teams should be monitoring these systems, ask your PBIS coach how you can help or learn more.

For more information on PBIS in MMSD:
Contact your school's PBIS coach or District Universal Systems Coaches. To learn about how our schools embed their established universal systems, refer to the Implementation Guidance.

Positive Behavior Interventions and Supports: Intervention & Strategies

When additional supports are needed, interventions and disciplinary actions should be selected, implemented, and assessed with the goal of helping every student succeed. Students are more likely to excel and less likely to disengage when they feel connected to others in their school and classroom community. A progressive approach to discipline is only effective when authentic relationships are maintained.

Interventions range in intensity and are situational. The graphic to the right shows that there are often layers to the approach. We believe students need the space to make mistakes, learn from them, and receive support to change their behavior over time.

When a specific student behavior does not change using the lowest identified level of intervention and/or discipline, or the behavior increases in frequency, intensity, or duration, the next level of intervention and/or discipline is used.

***The progressive approach to intervention and discipline does not apply to most expellable offenses.**

For Students	Interventions are supports you get when you are experiencing difficulty in school.
For Families & Community	The more intense the intervention, the more communication you should be having with school-based staff on both the purpose of the intervention and how it is being monitored. The interventions are age appropriate and include everything from reteaching behaviors to depression screeners and mental health supports. Typically, a Student Services staff member will be in contact with you.
For Staff	Student Services Teams meet regularly to review individual plans, assign appropriate interventions and supports, and to monitor progress. This should be done collaboratively with teaching staff, support staff, and administration to ensure there is a clear strategy of support.

For more information on Interventions in MMSD:

Contact your student's teachers, social worker, psychologist, or nurse directly, as they know your student the best. For a District-wide perspective, you can also contact the Coordinator of Behavior Education or the Assistant Director for Integrated Health. To learn about how our schools embed tiered interventions into their supports for students, refer to the Implementation Guidance.

Positive Behavior Interventions and Supports: Intensive Supports & Alternatives

Our intensive supports for students span many tiers, and are woven into the PBIS framework and foundational systems. The graphic below illustrates the role of schools, the District, and our community partners, all intent on supporting every student's needs. Intensive supports may look different depending on the school. For students with disabilities, intensive supports are outlined in the student's Individualized Education Program (IEP) and are more personalized.

Our MMSD Intensive Support Team (IST) is a District-wide support for school teams, and our Building Bridges team directly supports families. Each school provides a continuum of supports to students, which span across many tiers and in some cases extend to alternative learning environments inside or outside of their home school.

District-wide options

- **Mental health supports** including individual interventions delivered by Student Services staff and focused social-emotional groups such as the Bounce Back program, which is in place in most elementary schools. This includes the use of a universal screener for 3rd grade students. Some schools may also have access to the Behavioral Health in Schools (BHS) program
- **Access to a continuum of individualized Special Education supports** that include intensive intervention programs, including including LEAP, and Primary Steps
- **Planning for 5th grade** students going into 6th grade to ensure supports are in place with transitions to new buildings

For Students	Intensive supports are ways to get you the help you need. No matter what support you receive in school, you are a valued member of your school and our district.
For Families & Community	Intensive supports are designed for students who might need support beyond what their home school can offer. Intensive support often involves collaboration between families, schools, and people from outside the school (either District or community) in order to effectively problem solve ways to meet the unique needs of the student.
For Staff	Collaboration with school-based Student Services professionals is key to providing intensive support. Reach out to Student Services staff to put plans in place.

For more information on Programs and Options in MMSD:

Refer to the Implementation Guidance for information on current alternative programming (including program overviews and application processes) and services offered through IST.

Overview of the Progression of Discipline

Even when schools have fully implemented the foundational practices, including interventions and supports, we know students will make mistakes. The Behavior Education Plan is intended to help turn mistakes into authentic learning experiences and to pair appropriate consequences with additional support. The Behavior Response Grid, beginning on page 23, provides staff and administrators with guidance in making decisions about how to respond to student behavior. The Behavior Education Plan identifies 5 levels of possible responses to student behavior. Each behavior is assigned to one or more of these Response Levels. Staff and administrators may use only the Response Levels identified for each behavior. **Further, an intervention must be put in place before progressing to the next Response Level for a repeat of the same behavior.**

Level 1	• Classroom managed • Is not a record that appears in Infinite Campus • Classroom intervention before progressing to Level 2
Level 2	• Classroom or Support Staff managed • May result in a removal from class • May result in an In-School Suspension (ISS) for up to 1 day for 4th and 5th grade students
Level 3	• Support Staff managed • Assistant Principal or Principal may assign a designee • May result in up to 1 day of In-School Suspension (ISS) for all students. • Can result in up to 1 day of Out of School Suspension (OSS) for 4th and 5th grade students NOTE: Administrators will consult with District personnel before issuing any suspension for students in 4K through 3rd grade
Level 4	• Support Staff managed • Assistant Principal or Principal may assign a designee • May result in up to 1 day of In-School Suspension (ISS) for all students. • Can result in up to 3 days of Out of School Suspension (OSS) for 4th and 5th grade students NOTE: Administrators will consult with District personnel before issuing any suspension for students in 4K through 3rd grade
Level 5	• The Level 5 incidents include: possession of firearm, possession of a bomb, repeated touching of genital area (4th and 5th grade only) and repeated engagement of sexual intercourse with another student (4th and 5th grade only)

Response Level 1 is used when behaviors are supported within the classroom by staff assigned to that classroom.

Response Level 2 is used when the mobile response system is involved in supporting the student. Support requires an additional staff member and might be provided in the classroom, outside the classroom, or in another environment. Behaviors assigned to Response Levels 1 and 2 do not need to be responded to at level 1 prior to being responded to at level 2.

In situations at **Response Levels 3 and 4** or when behaviors are repeated, it is important for Student Services staff to be involved in looking more deeply at the student's needs to determine the most effective intervention. In these situations there may be a referral to the school's problem-solving team, the Student Support and Intervention Team (SSIT).

For example, if a student is being disruptive and the teacher successfully supports the student in the classroom to change their behavior, the behavior is responded to at level 1. If a student is being disruptive and the behavior requires additional support from a Support Staff, the behavior is responded to at level 2. For behaviors that are assigned Response Levels 2 and 3, the behavior must first be responded to at level 2 prior to that behavior being responded to at level 3.

Progressive responses are confined to the current school year. This means at the beginning of each new school year, the lowest assigned Response Level for a first occurrence of the behavior within the school year should be used for every student. See the Implementation Guidance for more information on support staff structures and mobile response systems.

Progressive Discipline Flowchart

Overview of Suspension, Expulsion, and Other Procedures

In-School Suspension (ISS)

In-School Suspension (ISS) is a disciplinary response in which a student is removed from the classroom environment and assigned to work in a different location within the school building for up to one day. A temporary removal made as part of a system of support (for example, "TAB Out", Take A Break, regulation room, or time needed to regulate per student's Behavior Support Plan) is NOT an ISS.

What are the key components of ISS?

- **School work:** alternate academic programming/ instruction in another supervised environment within the school setting
- **Students with Disabilities must have:** 1) access to school work, 2) receipt of special education services, and 3) an environment with at least one student without a disability (*then ISS is not considered a removal*)
- **Repair/reflection:** the student reflects on the incident that occurred and collaboratively develops a plan with adults to repair harm, restore relationships, and/or support social and emotional growth of oneself and the school community
- **Behavior support:** if the student needs behavior support, that is also provided

Out of School Suspension (OSS)

During an Out of School Suspension (OSS) the student is not allowed to attend regular classes or other extracurricular activities associated with the school. Prior to any OSS, students must have the opportunity to share their version of the incident. If a student is suspended, parents/guardians must be notified promptly of the suspension, by phone if possible. They will also be given written notice of the suspension, which is Board Policy. The OSS process includes a right to appeal the suspension, referenced on page 19.

Readmit Conference

Following any Out of School Suspension, a Readmit Conference with the school will be scheduled; parents and students will be invited to participate, and school staff will facilitate the conference. The purpose of the Readmit Conference is to provide an opportunity for the student to reconnect with the school community in a positive way and to address any unresolved issues related to the suspension so the student can successfully move forward having learned from the experience.

Expulsion

Response Level 5 conduct will result in a student being recommended for expulsion from school unless prohibited by the IDEA and/or state law. The District's legal authority for expelling a student and the steps to be followed are explained in Board Policy 4045 (Expulsion). All recommendations for expulsion will be reviewed by the Coordinator of Progressive Discipline (or their designee) who, in consultation with the Chief of Schools – Operations (or their designee) and Executive Director of Student Services (or their designee), will determine whether or not to approve moving forward with the expulsion process.

In circumstances where a student's conduct falls into Response Level 3 or 4 AND causes a serious physical injury (defined in Glossary of Terms) to another person, the Principal or program administrator may seek permission from the Coordinator of Progression Discipline to initiate a recommendation for expulsion.

Surrender for Safety

Surrender for safety acknowledges that students make mistakes and may unintentionally bring inappropriate items to school. Students are expected to learn from these mistakes. If a student voluntarily surrenders possession of a weapon or other inappropriate item to a school or alternative program staff member before being asked about the item or being discovered to be in possession and before anyone has been threatened with and/or harmed by the weapon or other inappropriate item in their possession, they will not be subject to the disciplinary consequences set forth above.

Athletic Code

Because participation in MMSD athletic programs is a privilege and not a right, the Athletic Code provides additional expectations, consequences, and interventions in place for our student athletes.

Mandatory Reporting of Threats of School Violence

While we believe in limiting the role of police in addressing school behavior issues, Wisconsin Act 143 mandates the reporting of serious threats of school violence. All school staff are considered mandatory reporters and must immediately contact law enforcement if they believe there is a serious threat of school violence. Training is mandatory to ensure staff understand their obligation to report any threat of school violence and anything that poses a serious and imminent risk to the health or safety of a school community. For more information on Wisconsin Act 143, please visit **https://www.doj.state.wi.us/office school-safety/school-safety-resources**

Alternatives to Suspension for 4th and 5th Grade

While fidelity to the progressive discipline approach is critical, schools are also encouraged to explore alternative ways to solve problems and address behavior challenges without further decreasing students' time outside the learning environment.

Schools must develop an Alternatives to Suspension plan detailing the process and approach used in response to specific behaviors to offer students the opportunity to replace suspension.

- Alternatives to Suspension replaces what was earlier termed a "Zero Day" option, meaning all Level 3 behaviors will result in an Out of School Suspension (OSS) for one day for grades 4 and 5, unless an Alternatives to Suspension plan is in place and is used to replace the suspension
- Alternatives to Suspension are important for behaviors that commonly progress from Level 2 (In-School Suspension) to Level 3 (Out of School Suspension)

Alternatives to Suspension are offered for the following behaviors:

- Taunting, baiting, and encouraging fights
- Repeated disruption of instruction

Before these behaviors progress to OSS, the student should first be offered Alternatives to Suspension

School-based teams are encouraged to establish Alternatives to Suspension for the following behaviors:

- Swearing at staff
- Drug violations
- Excessive physical aggression

Schools must submit an Alternatives to Suspension plan to the Coordinator of Progressive Discipline for approval and communicate the plan with students, staff, and families.

Flowchart

To learn more about each school's Alternatives to Suspension, contact a building administrator. For District information, contact the Coordinator of Progressive Discipline.

Rights, Due Process, and Jurisdiction

Protections for Students with a Disability

Nothing in the Behavior Education Plan replaces or substitutes any student rights as guaranteed by the Individuals with Disabilities Act (IDEA) or Wisconsin State law. Students with a disability will always be entitled to the rights and protections afforded to them by state and federal law and shall not be removed from the learning environments unless doing so is in accordance with the law. A detailed summary of the rights and protections guaranteed for students with a disability can be found in the Behavior Education Plan Special Education Guidance Document.

Collaboration is key

Typically, staff, students, and families should have collaborative discussions when disciplinary responses are used for behaviors. Any time there is a behavior that requires a response under the Behavior Education Plan, the school, student, and parent/guardian should work together to address the behavior and plan for the future. The behavior should result in an authentic learning experience.

Due Process

In general, "due process" includes a clear explanation of the behavior that occurred, an explanation of why it violates the Behavior Education Plan, and a chance for the student to be heard. Depending on the level of response used for a behavior (addressed in class, addressed by support staff, an In-School Suspension (ISS), an Out of School Suspension (OSS), or an expulsion), the level of "due process" required will change. Here are some additional clarifications:

- Prior to any Out of School Suspension (OSS), students must have the opportunity to share their version of the incident. If a student is suspended, parents/guardians must be notified promptly of the suspension, by phone if possible. They will also be given written notice of the suspension, which is Board Policy.
- Students have the right to have a parent/guardian present when school staff interview them about potential Level 4 or 5 incidents. The purpose of the interview is for the student to share their version of events.
- Level 5 behaviors require a **mandatory recommendation for expulsion** require a much more detailed process. That process is explained in a flow chart (www.mmsd.org/expulsionprocessflowchart) at mmsd.org and in Board Policy 4045.

Scope of the Plan and Jurisdiction

The Behavior Education Plan applies to all schools, educational programs, and placements within MMSD. It does not apply to programs offered by MSCR. Consequences may be imposed for behaviors that occur while the student is at school during school hours and immediately before and after school; participating in any school-sponsored or supervised activity, including athletic events and field trips; under the direct supervision of a District employee or volunteer; or while using District-provided transportation (e.g. yellow buses). Consequences may apply to behavior that occur outside the school day and off school property only if that conduct endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the District. This may include behaviors that involve social media that endanger the health and safety of those in the school.

Concerns and Appeals

Our genuine hope is that teachers, principals, and District staff can all work collaboratively with students and families to resolve any concerns.

The process for addressing concerns is as follows:

- Families should first contact the teacher for any classroom concerns, or the principal for any unresolved classroom concerns and/or for school-wide concerns
- For any concerns not resolved at the school level or for any appeals, families should contact the Chief of School-Operations in the District Office for assistance

MMSD is committed to responding to parent and family concerns in the most efficient, effective, and respecful way.

For more information, see the MMSD guidlines for responding to concerns and complaints at www.mmsd.org/concern

Alcohol and Drugs Progression

In an effort to simplify understanding, this category is broken into possession, purchase, and distribution. The graphics on pages 20-22 show the progression of incidents from warnings to expulsion with paired interventions and consequences.

INTERVENTION:
IMMEDIATE RESPONSE. 2-week monitored strategies, Behavior analysis, Long-term supports

Support, redirection, warning

- **Possession** of tobacco, including vape pens
- **Possession** of any beverage containing alcohol OR less than 1 gram of marijuana

The following should minimally happen as a result of support or redirection in an incident: School staff contacts family and provides corrective feedback to student

In-school suspension

Possession of:

- Tobacco
- Vape pens or e-cigarettes
- Beverages containing alcohol or less than 1 gram of marijuana

The following should minimally happen as a result of an in-school suspension: School staff contacts family, gives the student due process, and creates a plan for repair and reflection

- **REPEATED** possession of alcohol OR less than 1 gram of marijuana
- **Possession** of more than 1 gram of marijuana or other drugs
- **Distribution** of alcohol or cold and cough medications
- **1st offense** of purchasing drugs

The following should minimally happen as a result of an out of school suspension: School staff contacts family, gives the student due process, and schedules a meeting for readmission from suspension

4th and 5th grade students are subjected to both in- and out of school suspension for 1 to 3 days, depending on the level of behavior. 4K through 3rd grade may be subjected to suspension. The school administrator must consult with District personnel before finalizing a suspension decision for students in grades 4K through 3rd grade.

Physical Aggression Progression

INTERVENTION:
IMMEDIATE RESPONSE. 2-week monitored strategies, Behavior analysis, Long-term supports

Support, redirection, warning

- Hitting, slapping, pushing, tripping, shoving, kicking, spitting or any other inappropriate physical act of aggression (this includes play fighting)

The following should minimally happen as a result of support or redirection in an incident: School staff contacts family and provides corrective feedback to student

In-school suspension

- **REPEATED** Hitting, slapping, pushing, tripping, shoving, kicking, spitting or any other inappropriate physical act of aggression (this includes play fighting)

The following should minimally happen as a result of an in-school suspension: School staff contacts family, gives the student due process, and creates a plan for repair and reflection

- **1st & 2nd offense** of excessive physical aggression (formally fight/physical attacks)
- **1st offense** of physical force against staff
- **REPEATED** Hitting, slapping, pushing, tripping, shoving, kicking, spitting or any other inappropriate physical act of aggression (this includes play fighting) when an intervention has been tried

The following should minimally happen as a result of an out of school suspension: School staff contacts family, gives the student due process, and schedules a meeting for readmission from suspension

4th and 5th grade students are subjected to both in- and out of school suspension for 1 to 3 days, depending on the level of behavior. 4K through 3rd grade may be subjected to suspension. The school administrator must consult with District personnel before finalizing a suspension decision for students in grades 4K through 3rd grade.

Sexual Contact Progression

INTERVENTION:
IMMEDIATE RESPONSE. 2-week monitored strategies, Behavior analysis, Long-term supports

Support, redirection, warning

- Touching another person's buttocks
- Displaying one's private parts

The following should minimally happen as a result of support or redirection in an incident: School staff contacts family and provides corrective feedback to student

In-school suspension

- Touching another person's buttocks
- Displaying one's private parts

The following should minimally happen as a result of an in-school suspension: School staff contacts family, gives the student due process, and creates a plan for repair and reflection

- **REPEATED** touching of another person's buttocks
- Touching a person's breast or genitals/private areas
- Sexual activity
- Removing or adjusting a person's clothing that causes exposure to undergarments or intimate body parts

The following should minimally happen as a result of an out of school suspension: School staff contacts family, gives the student due process, and schedules a meeting for readmission from suspension

4th and 5th grade students are subjected to both in- and out of school suspension for 1 to 3 days, depending on the level of behavior. 4K through 3rd grade may be subjected to suspension. The school administrator must consult with District personnel before finalizing a suspension decision for students in grades 4K through 3rd grade.

The following four pages include the full Behavior Response Grid, providing the specific language and Response Levels for each behavior. Words in bold in the grid are included in the Glossary beginning on **Page 28**.

RESPONSE LEVEL 1 Classroom Intervention	RESPONSE LEVEL 2 Support Staff Intervention For 4th and 5th graders, up to 1 day In-School-Suspension	RESPONSE LEVEL 3 Administrative Involvement and Discipline Up to 1 day In-School Suspension For 4th and 5th graders, up to 1 day of Out of School Suspension	RESPONSE LEVEL 4 Intensive Administrative Intervention and Discipline Up to 1 Day In-School Suspension For 4th and 5th graders, up to 3 days of Out of School Suspension	RESPONSE LEVEL 5 Intensive Administrative Intervention and Discipline With Potential Long-Term Removal from School Mandatory Out of School Suspension and Recommendation for Expulsion

Alcohol, Drugs, Tobacco	Level 1	Level 2	Level 3	Level 4	Level 5
Possession and/or being under the influence of...					
...any tobacco product, vaping device, or any other nicotine inhaler (for example: a JUUL device, an electronic cigarette, etc...).		●	●		
...any beverage containing alcohol.		●	●	●	
...marijuana (including possession of any marijuana paraphernalia). Possession of less than or equal to one (1) gram.		●	●	●	
..marijuana (including possession of any marijuana paraphernalia). Possession of more than one (1) gram.			●	●	
...any **drug** other than marijuana (including possession of any other drug paraphernalia)				●	
Purchasing marijuana and/or any **drugs** other than marijuana.		●	●	●	
Distributing...					
...a beverage containing alcohol or over-the-counter cough and cold medicine, including "Triple C", and medications containing dextromethorphan (DXM).		●	●	●	
...a drug or drugs, including marijuana, to another student.			●	●	

Disruptive and Uncooperative Behaviors	Level 1	Level 2	Level 3	Level 4	Level 5
Behavior that disrupts instruction and the learning of other students In the classroom. See the Glossary of Terms for a definition of "**disruption**".	●	●	●		
Cheating, including cheating as a part of a group of three or more students.		●	●		
Taunting, baiting, inciting and/or encouraging a fight, a disruption, or other violation of school rules, including failure to disperse from a fight or disruption when directed by adults.	●	●			
Volatile Acts – Disorderly, violent, or threatening conduct of a serious nature that significantly disrupts school, a school-sponsored activity, or a school-supervised activity held off school premises.		●	●	●	
Intentionally kicking, throwing, or releasing an object (including a snowball) that has a potential to cause a disruption, injury or property damage and/or the object makes physical contact with another student or peer when the act of throwing or releasing the object is not part of a supervised activity.	●	●	●		

Disruptive and Uncooperative Behaviors cont.	Level 1	Level 2	Level 3	Level 4	Level 5
Leaving class without permission.	●	●			
Leaving the school building without permission.	●	●			
Being in the hallway without permission and not returning to class when directed by school staff.		●	●		
Any serious misconduct not otherwise addressed within this Plan that directly or indirectly jeopardizes the health, safety or property of a school, the school district, school personnel, other students, one's self, or other individuals who are present or acting within the school's jurisdiction.			●	●	
Failure to respect materials, property of others	**Level 1**	**Level 2**	**Level 3**	**Level 4**	**Level 5**
Failure to respect materials, **property**, and stealing from others (including, but not limited to, stealing and/or damage to cell phones, other electronic devices and credit cards/debit cards).	●	●	●		
Firearms/Weapons	**Level 1**	**Level 2**	**Level 3**	**Level 4**	**Level 5**
Possession of…					
…a **toy weapon** where the toy weapon is not used to threaten, intimidate, harm, or cause a disruption.	●	●			
…a **toy weapon** where the toy weapon is used to threaten, intimidate, or harm another person or to cause a disruption.	●	●	●		
…a **weapon**, other than a firearm or other gun.		●	●	●	
…and actual, attempted, or threatened use of a **weapon**, other than a firearm or other gun, toward another person or to cause a disruption.			●	●	
…a firearm, as defined by 18 USC 921 of the federal code (e.g., handgun, rifle, shotgun, starter pistol, etc.) See also, possession of bomb or other explosive device.					●
…a gun of any kind, other than a firearm, whether loaded or unloaded, operable or inoperable. Examples include, but are not limited to, BB guns, pellet guns, flare guns, and air rifles.			●	●	
Fires/Explosives/Flammables	**Level 1**	**Level 2**	**Level 3**	**Level 4**	**Level 5**
Setting a fire, or attempting to set a fire.		●	●		
False Alarms - Activating the school's fire and/or other alarm systems, reporting a fire when no fire exists, or making a false alarm call to 911.		●	●		
Possession of fireworks, a smoke bomb, munitions, pepper spray/gas, MACE, tear gas, stink bomb, or any inherently dangerous substance/ object, or any illegal device, illegal product, or illegal material that is not specifically covered elsewhere within the Behavior Education Plan.		●	●		

Fires/Explosives/Flammables cont.	Level 1	Level 2	Level 3	Level 4	Level 5
Possession of a bomb or other explosive device not covered elsewhere in the Behavior Education Plan.					●
Attempting to or actually using a firework, smoke bomb, pepper spray/gas, MACE, tear gas, or stink bomb.		●	●	●	
Making a bomb threat or threatening to set off an explosive device without actual **possession** of the bomb or explosive device. 4k through 3rd grade		●	●		
4th and 5th grade			●	●	

Forgery	Level 1	Level 2	Level 3	Level 4	Level 5
Writing the name of another person to be represented as a writing or original signature of that other person or altering any written record or document (such as dates, times, passes, and permits) without permission.	●	●			

Gambling	Level 1	Level 2	Level 3	Level 4	Level 5
Playing any game of chance or skill for money or any item of value.	●	●			

Inappropriate clothing	Level 1	Level 2	Level 3	Level 4	Level 5
Dress Code Violation. See Dress Code, pg. 27.	●	●			

Inappropriate language and/or expression	Level 1	Level 2	Level 3	Level 4	Level 5
Verbal, written, and non-verbal threats, or written or verbal put downs toward another person where there is no reasonable apprehension of bodily harm. 4k through 3rd grade	●	●			
4th and 5th grade	●	●	●		
Swearing, cursing, or making obscene gestures, use of racial slurs, or **protected class** references directed toward another student.	●	●			
Swearing, cursing, or making obscene gestures, use of racial slurs, or **protected class** references directed toward a staff member.		●	●		
Serious threats, including the use of social media to threaten someone or to cause a disruption.		●	●		

Inappropriate physical contact (non-sexual)	Level 1	Level 2	Level 3	Level 4	Level 5
Hitting, slapping, pushing, grabbing, tripping, shoving, kicking, spitting, or any other inappropriate physical act of aggression by one student directed at another student that does not rise to the level of excessive physical aggression (includes actions considered “play fighting”).	●	●	●		
Excessive physical aggression (**fighting** or a physical attack against a student). Note: Self-defense is described as an action taken to restrain or block an attack by another person or to shield oneself from being hit by another person. Responsive action, such as hitting a person back, is not self-defense and **may** be considered excessive physical aggression.		●	●	●	
Use of physical force, including the use of an object, directly against or affecting a staff member of the MMSD or any adult who is legitimately exercising authority at the school or during any school activity.			●	●	

Inappropriate touching, exposure, and/or sexual contact	Level 1	Level 2	Level 3	Level 4	Level 5
Touching of a person's buttocks… 4k through 3rd grade.	●	●			
…4th and 5th grade.		●	●		
Touching of a person's breasts… 4k through 3rd grade.		●	●		
…4th and 5th grade.			●	●	
Touching of a person's genitals/private areas… 4k through 3rd grade.			●	●	
…4th and 5th grade.				●	●
Engaging in sexual intercourse, including oral sex and/or penetration with another student… 4K through 3rd grade.			●	●	
…4th and 5th grade.				●	●
Physically displaying one's buttocks, breasts, or genitals… 4k through 3rd grade.	●	●			
…4th and 5th grade.		●	●		
Removing or adjusting the clothing of another person (including, for example, pulling down another student's pants) in a manner that causes, or was an attempt to cause, the exposure of the other person's undergarments and/or buttocks, breasts, or genitals… 4k through 3rd grade.	●	●			
…4th and 5th grade.		●	●		
Inappropriate use of technology	**Level 1**	**Level 2**	**Level 3**	**Level 4**	**Level 5**
Inappropriate use of district-provided information technology. See Policy 3721.	●	●	●		
Recordings/images of another person	**Level 1**	**Level 2**	**Level 3**	**Level 4**	**Level 5**
Making, transmitting, or distributing, including posting to the internet, any recording of physical contact, whether or not the participants considered it "play fighting".			●	●	
Making, transmitting or distributing any recording that has not been approved or authorized by the school of the voice or image of any other student, staff member or other person without the consent of the person(s) so recorded.		●	●		
Sexual, explicit, obscene, or lewd materials	**Level 1**	**Level 2**	**Level 3**	**Level 4**	**Level 5**
Possessing pornographic material or observing pornographic material.		●	●		
Possessing, making, transmitting, or disclosing any image of any student, minor, staff member, parent, school volunteer, or other adult with supervisory authority in a nude or partially nude state, regardless of consent.		●	●	●	
Use of unauthorized items	**Level 1**	**Level 2**	**Level 3**	**Level 4**	**Level 5**
Use of any **non-educationally required device**, electronic or otherwise, that detracts from and/or disrupts learning of oneself, or others is prohibited.	●	●			

Dress Code

Safety and belonging are important components of a positive school culture. The dress code policy is focused on promoting both. Students may dress in any style they desire and may present themselves in a way that is consistent with their identity, as long as their chosen attire does not cause a disruption or compromise safety in the school environment. The following examples are intended to represent these limitations:

Items not to be worn include:

- Clothing or accessories that cover your face
- Clothing or accessories that may be used as a weapon
- See-through clothing
- Clothing or accessories with statements or images that are vulgar, obscene, or promote illegal drugs, alcohol, sex, violence, or gang activities
- Clothing or accessories that expose undergarments or the buttocks
- Clothing or accessories with words, pictures, or caricatures based on stereotypes of a specific gender, race, ethnicity, nationality, religion, sexual orientation, or disability
- Clothing or accessories with Native American team names, logos, or mascots that depict stereotypes

Additionally:

- Clothing or accessories with sincerely held religious affiliations or purposes are allowed
- Shoes or footwear must be worn at all times
- Students at schools with board-approved school uniforms must abide by that policy

Glossary of Terms

Advocate – An individual who promotes or supports the best interest of a particular student and has knowledge about their cultural identity, familial history, and current circumstances.

Bullying – The intentional action by an individual or group of individuals to inflict physical, emotional, or mental harm or suffering to another individual or group of individuals when there is an imbalance of real or perceived power. Such action creates an objectively hostile or offensive environment for the target and causes or is likely to cause negative and harmful conditions for the target. See Board Policy 4510 (Anti-Bullying).

Cheating – Using, submitting, obtaining or attempting to obtain data, questions, or answers dishonestly, by deceit or by means other than those authorized by the teacher. Cheating includes submitting the work of others as your own and plagiarism.

Disruption – Intentionally interfering with instruction in a manner that inhibits other students from accessing instruction.

Distribution – Sharing, selling (for money or other consideration), or giving away drugs or alcohol. In instances of sharing (where no money or other consideration is exchanged), only the student who brought the drugs or alcohol to school or a school-sponsored event shall be cited for distribution.

Drugs – All illegal drugs, controlled substances, narcotics, and prescription medications. The definition does not include prescription medications that are possessed 1) while under the care of a licensed healthcare provider who prescribed the drug to the student AND 2) in conformance with District policies regarding the administration of medication at school.

Fighting – Repeated physical contact between two or more students that is harmful, injurious, or disruptive. **Self-defense** is an action taken to restrain or block an attack by another person or to shield oneself from being hit by another person. Responsive action, such as hitting a person back, is not self-defense and **may** be considered as fighting.

Glossary of Terms cont.

Non-consensual – Sexual activity imposed by one person onto another person without their consent. Consent is an affirmative nonverbal act or verbal statement expressing consent to sexual activity by a person that is informed, freely given, and mutually understood. It is the responsibility of person(s) involved in sexual activity to ensure that he/she/they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout the sexual activity and can be revoked at any time. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent to one act by itself does not constitute consent to another act. The existence of a dating relationship between the persons involved, or the fact of past sexual relations, should never by itself be assumed to be an indicator of consent. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

Consensual sexual activity is also prohibited at school and is subject to school-based interventions and/or administrative discipline.

Non-educationally Required Device
Any device that has the potential to detract from and/or disrupt student learning, whether electronic or otherwise, including, but not limited to, cellular phones, personal digital assistants (PDAs), personal music/video/gaming devices (e.g., Nintendo DS, iPods, MP3 players), electronic tablets, cameras and/or any other image/voice capturing device. See Board Policy 4403 (Possession of a Personal Electronic Device).

Possession – Having an item on one's person or in one's locker, car/vehicle (if parked on District property), backpack, purse, or other container.

Property Damage – The destruction, defacement or damaging of property, or equipment belonging to the school, District, or another person. The value of the property that is damaged will be measured by the repair or replacement cost.

Protected Class Status (Harassment)
Any status expressly defined in and protected by federal, state or local law, regulation, or ordinance including gender, race, national origin, ancestry, creed, religion, pregnancy, marital status, parental status, sexual orientation, gender identity, gender expression, or physical, mental, emotional, or learning disability.

Purchase – Providing money or some other consideration in exchange for drugs or the promise to provide money or some other consideration at a later date in exchange for drugs.

Serious Physical Injury – Serious physical injury is a bodily harm that results in one or more of the following:

- substantial risk of death;
- permanent deformity or defect;
- coma;
- permanent or extended condition that causes extreme pain;
- permanent or protracted loss or impairment of the function of any body part; or
- results in admission to a hospital.
- serious physical injury includes, but is not limited to, fractured or broken bones (including the nose), and concussions. Serious physical injury does not include black eyes, welts, abrasions, or bruises.

Serious Threat – Engaging in conduct that places a person in a reasonable apprehension of bodily harm including, but not limited to, non-verbal aggression/intimidation, verbal statements, or written statements.

Toy Weapon – Toys that mimic real weapons, including firearms and other guns, but are intended to serve as an item for entertaining children and are not dangerous.

Trespassing – Entering school grounds or a school building or space within a building without permission to do so or remaining on school grounds or in a school building or space within a building after being told to leave by District staff.

Weapon – A device, instrument, material, or substance that is used for, or is readily capable of, causing death or serious bodily injury. Examples of weapons include, but are not limited to, firearms, bows and arrows, BB guns, paintball guns, pellet guns, brass knuckles, stun guns, tasers, knives (all knife types regardless of length of blade), cutting instruments (all objects whose primary intended purpose is to be used to cut something; e.g., box cutters, scissors, carpet cutters, razor blades, straight razors). Cutting instruments are not considered a weapon IF use of the instrument has been authorized by a staff member and/or provided to students by a staff member for a legitimate educational purpose (e.g., scissors for a classroom project) so long as the student uses the object only for the authorized purpose.

Overview of Guidance Documents

Rights and Responsibilities Guidance

Supporting positive student behavior requires a high level of commitment from students, families, staff, administrators, and members of the Board of Education. These stakeholder groups have rights and responsibilities that are designed to reflect both the mutual respect and accountability required of all people involved in supporting student behavior. The rights and responsibilities for each group are outlined in this guidance document.

Special Education Guidance

- Our goal in MMSD is to ensure all students with disabilities receive their free appropriate public education (FAPE) in the least restrictive environment (LRE).
- Guidance on the application of the Behavior Education Plan for students with disabilities, including detailed guidance for:
    - The process for reviewing and revising Individual Education Programs (IEPs)
    - Using a Functional Behavior Assessment (FBA) to develop a Behavior Intervention or Support Plan (BIP/BSP) to provide effective support
    - Alternatives to the Behavior Education Plan for students with disabilities
    - The Exemption from Expulsion process for students with disabilities
    - The Manifestation Determination process

Implementation Guidance

- Frameworks for school-based decision making
- Templates for universal systems, intervention strategies, and Alternatives to Suspension plans
- Family and community engagement practices
- Documentation expectations and data analysis
- Flowcharts and graphics to share with staff, students, and families
- Teaming structures, including efficient use of Student Services resources
- References for mental health and physical and emotional well-being
- Resources, including lessons and units, to teach and build community
- Best practices for implementation highlighted by MMSD school examples

Bullying Prevention and Response Guidance

Bullying prevention is supported by foundational practices in all schools. Bullying and/or harassing behavior is subject to intervention(s) and disciplinary response.

The prevention and response guidance provides more information on Board of Education Policy related to bullying and/or harassing behavior.