Meeting Minutes

Ad Hoc Student Conduct and Discipline Plan Committee

November 21, 2013  
(>Action in Italics)<

Members Present: James Howard, Dean Loumos  
Members Absent: Arlene Silveira  
Staff Present: John Harper, Joseph Hill, Dylan Pauly, Nancy Yoder  
Other Board Members Present: Ed Hughes, TJ Mertz

1. Call to Order
   The Ad Hoc Committee was called to order by Chair James Howard at 5:30 p.m.

2. Public Appearances
   There were no public appearances.

3. Approval of Minutes
   It was moved by James Howard and seconded by Dean Loumos to approve the minutes dated November 14, 2013. Motion unanimously carried by those present.

4. Review and Discussion of Current Student Conduct and Discipline Plan:
   Additional packet items:
   -- Student Codes of Conduct and Ad Hoc Guiding Principles/Board of Education Areas of Concern
   -- Mock-up of Student Intervention and Discipline Codes for Grades Pre-K-2, Grades 3-5, Grades 6-12 NYC and Grades 6-12 Baltimore

   Mr. Howard asked for comments on the mock up of the MMSD Code into the New York City (NYC) and Baltimore formats. He noted that he would be looking them over more carefully and encouraged all board members to do the same. He added that people like both of them but at some point the committee would need to decide how to go forward with the format.

   Comments:
   – Very helpful and easier to read through. Mr. Loumos shared some additional feedback obtained from the Dean of Students at Memorial who thought the NYC version was easier to follow.
   – Code distributed to families looks different than the staff version; same content, different format.
   – Staff feedback indicated that the Code is very lengthy but they were waiting to hear from the board members about what they are looking to change.
   – Mr. Howard questioned whether all the information currently contained in the booklets had to be included. Staff could create the Code as a stand-alone product but the booklet serves many functions, including legal notice to families. It needs an index.
   – More staff input is needed from those who work with it.

   Follow up:
   • Mr. Howard indicated the committee would continue to discuss the format as there was no need to rush this decision.

   Mr. Howard then turned the conversation to substantive issues within the Code itself. He was interested in a process for reviewing the Code. He also noted that board issues with the Code to this point have not been
formally compiled. He began the discussion about “intent” and how it is used in the Code. He provided a specific scenario as a starting point about a case where a student brought a knife to school for self-protection and how the process of trying to turn in the weapon (but did not) escalated to an expulsion around intent.

Mr. Hill explained some of the multiple sections under which a definition of intent exists in the handbook. He detailed the section that would come into play for the scenario given and how the district would respond under the current Code. The committee responded to this scenario wanting another way to make sure weapons are not brought to school, but making the violation clearer to be fairer for students who have no intent to use. Mr. Hill suggested that many level 4 sections could be dealt with like level 3 violations with aggravating factors in play and without expulsion. Mr. Mertz wanted to define “intent” with all the varieties of its use. Other scenarios were presented relative to intent where students throw objects (not weapons), how to handle a situation where someone gets hit accidentally, and the issue of defining intent to distribute by quantity in cases where no transaction is witnessed or completed. It was also pointed out that these situations can become more complex when staff must act on the basis of zero tolerance.

Mr. Howard asked that staff organize the different areas around intent to help move the discussion. He was looking for more creative ways to handle issues using restorative justice. Ms. Yoder noted that staff could reformat the Code to include interventions in addition to consequences, and that other things could be imposed in the Code to help sort out complicated scenarios and determine if a student is a safety risk. A safety plan is then developed if there is a concern.

Mr. Howard stated his goal was to keep the Code very simple so that people can find an infraction and figure out what it means for their children. He asked the committee to weigh in on whether the consequences belong beside the infractions using “intent” as an example. Ms. Pauly suggested that the committee first discuss zero tolerance. She described taking a 400 level offense where currently even a first offense is expellable, and adding two or three specific factors to consider under a level 400 offense v. tolerance level only.

In response to a question, Mr. Hill explained how having the district’s expulsion process run simultaneously with the independent criminal process benefits both the student and the district when the student comes back to school.

Mr. Howard asked members to identify other areas of interest around which discussion could be organized. Some specific suggestions for conversation around zero tolerance were fire arms, use of weapons, and aggravated sexual assault. Mr. Howard would solicit feedback from board members on this issue.

Another issue was the amount of discretion that principals and assistant superintendents should have while creating consistent application of the Code. Mr. Hill commented that there has been a need to objectify the use of discretion and monitoring what is going on at the schools. It was suggested that the Code should specify where and when discretion should be located and that there may be a need for zero discretion in how things are reported. It was also suggested to broaden resources to behaviors and to increase staff training as part of the solution. The long-term committee work could be broken up into four pieces: substantive changes, format, and implementation, and the regular monitoring and reporting to this group on a quarterly or semester basis.

Some additional data to review would include suspensions v. violations of 200 and 300 level offenses, number of suspensions before expulsion, and more staff input from those who work with the Code in the schools. Some recommendations would be needed around expulsion prevention plans, looking at alternatives to expelling middle school students, mandatory reporting in Infinite Campus, and how to get at monitoring and accountability. It was suggested that recommendations include recognizing and praising school principals for number of incidences successfully dealt with through educational and restorative needs v. lowest number of referrals.

Follow up:
- Mr. Howard will solicit feedback from board members about issues with the Code and zero tolerance.
- Ms. Lehman will compile some information from expulsion meetings over the last few years.
➢ Staff will recommend a way to organize discussions around specific issues/concerns, e.g., working definitions for “intent” and “Zero Tolerance,” “use of force,” etc.
➢ Staff will provide information about the Violence Risk Assessment.
➢ Staff will provide outcomes of conference calls with NYC and Baltimore districts.
➢ Ms. Pauly’s suggestion for revising the level 400 offenses will be considered by the committee.
➢ Review the plan released by the Broward County School District reflecting a backing away from zero tolerance.

5. **Establish Next Meeting Date/Time**
   Thursday, December 5, 5:30 p.m.

6. **Identify Agenda Items for Next Meeting**
   Staff will confer with Mr. Howard about the agenda.

An additional article was distributed titled “Disrupting the Pipeline: The Role of School Leadership in Mitigating Exclusion and Criminalization of Students.”

7. **Adjournment**
   *It was moved by James Howard and seconded by Dean Loumos to adjourn the meeting at 6:45 p.m.*
   *Motion unanimously carried by those present.*