

**District Information  
District Mission and Beliefs**

*“The Des Moines Public Schools Exist So That Graduates Possess the Knowledge, Skills and Abilities to Be Successful at the Next Stage of Their Lives.*

**ELEMENTARY AND EARLY CHILDHOOD PROGRAMS  
2100 Fleur Drive  
Des Moines, IA 50321**

Elementary Department.....242-7725

**FREQUENTLY USED PHONE NUMBERS**

Assessment.....242-7664  
Business and Finance.....242-7745  
Community Education.....242-8521  
Curriculum.....242-8170  
ELL Department.....242-7691  
Enrollment Center  
    • Preschool.....242-7234  
    • ELL.....242-8102  
    • New Families.....242-7371  
    • Within District Transfers and Open Enrollment.....242-7353  
    • Student Placement.....242-7354  
Food & Nutrition.....242-7636  
Human Resources.....242-7736  
Learning Supports.....242-8390  
Metro Kids Care.....242-7951  
Preschool Department.....242-7234  
Secondary Programs.....242-7725  
Special Education.....242-7714  
Transportation.....242-7887

**DISTRICT WEBSITE**

[www.dmschools.org](http://www.dmschools.org)

**Elementary School Hours**

**2018-2019 School Year**

**7:30 am – 2:25 pm**

<https://www.dmschools.org/schools/school-hours-2/>

*This student handbook is intended to help acquaint families with our elementary school programs. This handbook is not a contract, and the rules and guidelines described in this handbook are subject to change anytime without notice. Parents are encouraged to contact their school with any specific questions or other concerns.*

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### **Absences and Tardies**

Research has consistently shown that students who attend school regularly and on time usually experience more academic success. Please make every effort to ensure your child's prompt and regular attendance

There are times when children should not be in school because of illness, injury, or other reasons. It is the parent's responsibility to contact the school by 8:00 a.m. if a child will not be in school.

If your child needs to be excused from school for a doctor or dentist appointment, please let the office know in the morning. Please sign your child out when you leave and back in when you return.

Children may be excused from participation in any activity that is contrary to your religious beliefs. Simply send a note to the teacher listing activities in which your child should not participate. If your child must miss school for special religious instruction, services, or holidays, please send a note to the teacher at least one day prior to the absence.

For the complete Des Moines Public Schools attendance policy, please refer to Appendix A.

### **Adjusted Arrival/ Dismissal –(Every Wednesday) Special Instructions For Your Child**

Parents please note the dates on the school calendar of scheduled of early arrivals or late dismissals and make arrangements for your child/children for those days. We also would ask that you make prior arrangements for your children for those days that we might have early dismissal because of inclement weather. Please take the time now to discuss the exact procedure to follow so your child(ren) will know what do when it is announced that we have early dismissal. Help us be prepared and send us notes so the teachers and office personnel know what you want your child(ren) to do.

### **Animals on the Playground**

Animals on the playground constitute a danger to youngsters. If we are unable to reach the owner of the animal on school property, we will contact the City Animal Control Department. We appreciate your cooperation in keeping any pets at home.

### **Bicycles**

The riding of bicycles to school is reserved by parents for students in grades 4 and 5. A consent note must be signed by the parent and provided to the school before a student rides their bike to school.

There shall be no riding of bicycles on the playground or school sidewalks during school hours. Bicycles are to be placed in the bicycle racks and locked until dismissal. The school is not responsible for lost, stolen or damaged bicycles. We strongly encourage students to wear helmets if they ride bikes to school. The school is not responsible for the safety of students who choose to ride bicycles to and from school.

### **Building Hours**

Elementary Buildings: 7:30 am to 2:25 pm  
Cowles Montessori 8:30 am to 3:25 pm

### **Care of School Property**

Staff, students, parents, and community take great pride in schools and their appearance. We expect students to take care of school property including their desks, chairs, books, lockers, and school equipment. We do not tolerate vandalism. We require parents to reimburse the school district for any school property their child may have intentionally damaged or destroyed.

### **Cell Phones**

Students are not to have cell phones at school.

## **Conferences**

Communication between home and school is very important. The teacher and the parent should not hesitate to contact each other about the progress of a student. By working together, the parent and teacher can help the student make maximum progress in school.

Des Moines Schools will hold scheduled conferences for every child in the fall and spring of each school year for kindergarten through grade 5. At these conferences, teachers and parents share important information about students. Parents, teachers, or other school staff may request additional conferences when anyone feels that more communication would benefit the student.

## **Contacting Your Child at School**

If you need to contact your child during the school day, you may telephone. If you visit the school, you must stop in the office first. To prevent disruption of the class, the office will deliver a message to your student.

## **Corporal Punishment, Restraint, and Physical Confinement and Detention**

State law forbids school employees from using corporal punishment against any student. Certain actions by school employees are not considered corporal punishment. Additionally, school employees may use “reasonable and necessary force, not designed or intended to cause pain” to do certain things, such as prevent harm to persons or property.

State law also places limits on school employees’ abilities to physically confine and detain and to physically restrain any student. The law limits why, how, where, and for how long a school employee may physically confine and detain and physically restrain a child. If a child is restrained, or confined and detained, the school must maintain documentation and must provide certain types of notice to the child’s parent as required by Iowa Administrative Code Chapter 103.

## **Counseling Services**

The Des Moines Public School System has an excellent counseling program. Counselors are on duty every school day. If you feel that your child needs to talk with a counselor, please let the teacher or principal know.

## **Crossing Guards**

The City of Des Moines Police Department provides adult crossing guards in some locations in the District. The establishment of an adult guard is based on factors determined in accordance with the rules as established by the City of Des Moines Planning and Zoning Commission.

## **Curriculum Guides**

The Iowa Common Core Standards and the learner objectives listed on our district curriculum guides are our curriculum. These guides clearly articulate what students need to know and be able to do during each unit of study at each grade level. The curriculum guides for literacy, math, science, social studies and health can be found at [www.elementary.dmschools.org](http://www.elementary.dmschools.org).

The following materials and resources support our instruction of the standards by emphasizing explicit, systematic instruction. These materials will be used as our primary tool to support instruction and enhance students’ mastery of the standards.

**Literacy:** Houghton Mifflin Journeys 2012

**Math:** Houghton Mifflin Go Math! 2015

**Science:** Foss Next Generation

**Social Studies:** See curriculum guides for links

**Health:** Health Teacher.Com

## **Education and Employment Equity**

We are committed to including people from all backgrounds in our school. For the complete district policy on education and employment equity, please see Des Moines Public Schools Policies: Appendix B Code(s) 402.1, 402.2, 454, and 601.

## **Emergency Drills**

To make sure that the children learn how to leave the building safely when they hear the fire alert signal, the school will conduct a fire drill once a month. In addition to monthly fire drills, the school will also conduct tornado drills and lockdown drills. Each school has also designed a comprehensive evacuation plan in case of an emergency. Staff reviews the plan regularly.

## **Emergency Information**

Emergency Information is for your student's protection. **Please update the emergency information as needed.** We must have a way to contact you or someone you have designated in case of an emergency. Let us know immediately of any changes in information such as your job location, childcare provider, phone numbers, or addresses. If you have an unlisted number and do not wish it to be put on a class list, indicate that clearly by the number. Be sure to include all names of individuals authorized to pick your child up from school.

## **Enrollment**

### **How to Enroll Your Preschool Child**

Des Moines Public Schools provides a large number of preschool options throughout the community. For a list of preschool locations at schools, please visit the Preschools page in the menu to the right for details on that program. If you would like to apply for preschool, call 242-7588 or stop by the Enrollment Center at 1301 2nd Avenue.

### **How to Enroll Your School-Aged Child**

A family new-to-the-district must visit the Enrollment Center at 1301 2nd Avenue to enroll their children. Please call 242-7371 or 242-8102 (ELL) to make an appointment. If you are a returning family, you will register at your address-assigned school.

Children entering kindergarten must be five years old on or before September 15 of the school year. Children entering first grade must be six years old on or before that date. Parents or guardians must be present at the time of enrollment to furnish the child's birth certificate or other proof of birth.

State law requires that all students enrolling in Iowa schools furnish a certificate of immunization for diphtheria, tetanus, pertussis (whooping cough), polio, measles, rubella and hepatitis B. Haemophilus influenza type b (Hib) vaccination is only required for children entering preschool or day care. In addition, students who have lived in a country other than the United States within the past calendar year must provide proof of tuberculosis status before attending schools. The Mantoux test is requested.

The Des Moines Public Schools requests that all new students have a physical examination. Physicals are also requested when students enter preschool or kindergarten and third, sixth and ninth grades. Copies of the immunization and physical examination forms are available at all schools. The immunization requirement may be waived for religious reasons.

The following forms need to be completed to register your child: Registration Form, Parent Signature Form, District Consent Form, and Annual Health Review. *Please visit the Information & Forms page on the Districts website*

### **Non Address-Assigned Enrollment Options**

Students have two options to enroll in schools other than their address-assigned school: Within District Transfer Program and Open Enrollment. See Page 9. *Please visit the Within-District Transfer and Open Enrollment page on the website for more details.*

## **Field Trips**

Properly planned, well-conducted and carefully supervised field trips are a vital part of the curriculum. Field trips allow students to learn from first-hand experiences and observations. They help students view the whole world as their learning environment. Occasionally field trips may be scheduled. Parents will be notified of field trips.

It is district policy that pupils will not be permitted to leave school grounds for a field trip until a signed statement of permission from a parent is on file at school. Any exception to this would need to be approved by the principal. Children are responsible for getting the information home and returned to school. All school rules apply for field trips.

## **Food/Treats**

### **Lunch and Breakfast Programs**

All Des Moines Public Schools serve lunch and breakfast daily. Students can download a monthly menu, the menu is also posted on the district website ([www.dmschools.org](http://www.dmschools.org)) under departments/operations/food & nutrition. The menu can also be found on the dmschools homepage as well as most individual schools' webpage. You can also access menus using the DMSchools app.

Each student has a meal account with a number that is entered when food is purchased. Money may be deposited by cash or check made payable to (school name) cafeteria or by going to [www.myschoolbucks.com](http://www.myschoolbucks.com) and setting up an account to pay for meals using a credit or debit card. The easiest way to get connected to the "myschoolbucks" site is through the Food & Nutrition homepage. Students must have money in their account to purchase an individual milk or an extra entrée even if the student qualifies for free or reduced meals or eats a CEP (community eligible provision) school. By setting up an online account you will be able to view what your child has purchased and also set up email notifications to alert you when your child's balance is low.

Schools will publish new lunch and breakfast prices each year and parents should annually consider completing an Iowa eligibility application. Children whose families complete an Iowa eligibility application annually may qualify for free or reduced price meals. Eligibility is based on household income.

Children who were approved for free or reduced meals during the previous school year will continue to be eligible for free or reduced meals for the first 30 days of the new school year. However, if an application is not completed by the end of the first 30 days they will be required to pay for meals until another application is completed and approved.

<https://www.dmschools.org/departments/operations/food-nutrition/pay-for-school-meals-online/>

Therefore, it is recommended that a new application be completed at the beginning of each school year. An application may be completed at any time during the school year. If your household income declines you are encouraged to complete an application at that time. If a change is reported that will increase benefits that change will be made. An increase in income does not need to be reported until the following school year.

Students requiring special dietary accommodations should contact the school nurse. A special diet form (available on the district website) also needs to be completed and signed by a physician.

## **Fundraising**

Most schools conduct fund raising activities, often coordinated through PTA/PTO, which are expected to adhere to Des Moines Public Schools Policies:

Code 547.1	Fund-Raising
Code 764	Food Items Offered or Sold

## **Handicapped Accessibility**

Persons with disabilities who need information about accessibility to the building or who need sign or language interpreters should contact the principal or the elementary department.

## **Health Information**

The district respects your child's privacy and takes measures to assure the security of student health records. Information regarding health problems that may affect student performance should be communicated directly to the school nurse. The school nurse may share educationally relevant health information according to Family Educational Rights Privacy Act (FERPA)

## **Head Lice (Pediculosis)**

The Des Moines Public Schools have adopted treatment guidelines for managing head lice developed by the Polk County Public Health Department.

To keep the incidence of head lice from being transmitted, parents are asked to check all family members for head lice regularly and to treat those found to have live lice or eggs. Children found to have head lice should be treated before returning to school. Parents are asked to notify the school nurse so that the incidence of lice in the school can

be monitored and action taken if a rise in incidence is noted. If you have questions about the district's Head Lice guidelines or need assistance in the treatment of lice, please contact your School Nurse. If you have questions about the district's Head Lice guidelines or need assistance in the treatment of lice, please contact your School Nurse.

### **Human Growth & Development**

Fourth grade girls receive instruction on physical changes that occur during adolescence to include an explanation of menstruation. Fifth grade boys and girls growth and development instruction includes information about the physical, emotional and social changes that occur during adolescence.

Parents may contact the school nurse if they wish to review the materials. A parent or guardian may write a note to the Principal requesting that their child be excused from any or all of these classes.

### **Immunizations**

For the safety of all, Iowa law requires that children have the required immunizations before entering school. A list of current immunization requirements can be obtained from the school nurse, your child's doctor or Polk County Public Health. Please provide the school nurse with copies of these records as soon as possible so that the requirements to attend school can be met and loss of instruction can be avoided.

### **Illness**

Keeping our schools healthy and safe is a top priority. Please notify your school nurse when your child is ill. We work closely with our local health department in monitoring for illness trends and we take measures when illness strikes to minimize the spread of illness at school. Notifying the school nurse helps us to do the best job in preventing the spread of illness.

Another way to prevent illness from spreading is to practice good hand washing. Properly cover your nose and mouth when you cough or sneeze is also helpful. Another important measure is to have your child stay home when they are ill.

Some guidelines to follow in deciding if your child is too ill to attend school.

- An oral temperature of 101 degrees F or greater. The school nurse may send your child home at a lower temperature if there are other symptoms of an illness that could possibly spread to others. People need to be fever free 24 hours without the use of fever reducing medications before returning to school.
- Illness that disrupts the students learning or poses a risk of the disease spreading to others.
- Illness that results in a greater need for care than the staff can provide without affecting the health and safety of other children.
- Vomiting or diarrhea.
- An undiagnosed rash associated with fever or behavior changes that suggest the presence of a contagious illness.
- **Readmission to school:** Upon return to school from an injury or illness the school nurse will assume that the child may return to full participation in school activities unless directed otherwise from the parent or the doctor. Communication to changes of the child's participation must be directed to the nurse. The nurse may request a physician's note prior to the student's return to school to clarify the date student is released back to school and identify potential needs at school.
- **NOTE: Children will be allowed to be excused from PE and/or recess with parent permission only for a period of up to 3 days as an accommodation for an illness or injury. A doctor's note recommending longer term release from PE or recess will be required beyond the stated 3 day limit.**

### **Medications At School**

With the exception of lip balm and cough drops, all medications given in elementary school must be prescribed by a physician. Written parental consent is required for medications to be given at school. To make sure that giving

medications at school is as safe for your child as possible, medications must be in the original pharmacy container appropriately labeled with the student's name and details for giving the medication. Whenever possible and appropriate, families and physicians are encouraged to schedule medications to be given at home under parental supervision so as to not unnecessarily disrupt your child's learning day.

### **Student Accident Insurance**

Parents are responsible for their children's medical costs even if the child is injured while at school. The school does not carry individual accident insurance on students.

### **Student Physicals/Health Screenings**

Health physicals are required for most students entering preschool and recommended in grades kindergarten, 3<sup>rd</sup>, 6<sup>th</sup> and 9<sup>th</sup>. Students wishing to participate in athletics must have a current physical examination (within 13 months of participating in the sport) performed by an approved health care provider. Completed physical forms should be given to the school .

Hearing, vision, dental and height/weight screenings are regularly provided, (contact the school nurse for a screening schedule). Parents will be notified about the results of these screenings only if problems requiring follow-up are noted. If you do not want your child to participate in the screening programs, please notify the school nurse.

### **Homework**

There is a positive correlation between homework and student achievement. Homework may be assigned at all grade levels. Homework is assigned in order to:

- a) enable students to learn more about a topic that has been presented in class
- b) provide students with essential practice in needed skills
- c) enrich and extend school experiences
- d) allow the teacher to provide for individual differences
- e) help develop good work habits and responsibility
- f) assist students in learning to make wise use of time

### **Kindergarten Registration**

A pupil shall not be admitted to kindergarten unless he/she is five years of age on or before the 15<sup>th</sup> day of September of the current school year, except those identified as needing special education services, who may enter the preschool Early Access program at age 0 through age 7. This policy is in the Iowa Code and is not negotiable.

All pupils, upon entering the Des Moines Independent Community School District shall present a birth certificate or other satisfactory evidence of birth date, proof of current immunization **and proof of address**. Families' new-to-the-district register at the Enrollment Center. Call 242-7371 for an appointment.

The following forms need to be completed to register your child: Registration Form, Parent Signature Form, District Consent Form, and Annual Health Review.

*Please visit the Information & Forms page on the Districts website.*

### **Library Use Permission**

Students who are registered in the Des Moines Public Schools may check out the allotted number of books from their school's library. No fees will be charged for using the school library, and no fines will be charged for overdue books. However, only students who return their books will have the privilege of checking out books weekly. Schools will charge a reasonable fee for lost or damaged books and school property. Any parent who wishes to rescind the library privilege for a child may contact the principal in writing.

### **Lunch and Breakfast Programs**

All Des Moines Public Schools serve lunch and breakfast daily. Students are given a monthly menu, the menu is also posted on the district website ([www.dmschools.org](http://www.dmschools.org)) under operations/food and nutrition.

Each student has a meal account with a number that is entered when food is purchased. Money may be deposited by cash or check made payable to (school name) cafeteria or by going to [www.schoolpaymentsolutions.com](http://www.schoolpaymentsolutions.com) and setting up an account to pay for meals using a credit or debit card. Students must have money in their account to purchase individual milk or extra entrée. By setting up an online account you will be able to view what your child has purchased and also set up email notifications to alert you when your child's balance is low.

Schools will publish new lunch and breakfast prices each year and parents should annually consider completing an Iowa eligibility application. Children whose families complete an Iowa eligibility application annually may qualify for free or reduced price meals as well as a waiver of fees. Eligibility is based on household income. Children who were approved for free or reduced meals during the previous school year will continue to be eligible for free or reduced meals for the first 30 days of the new school year. However, if an application is not completed by the end of the first 30 days they will be required to pay for meals until another application is completed and approved. Therefore, it is recommended that a new application be completed at the beginning of each school year. To qualify for the fee waiver the application must be signed indicating the information on the students' free or reduced status may be shared with the school office staff.

An application may be completed at any time during the school year. If your household income declines you are encouraged to complete an application at that time. If a change is reported that will increase benefits that change will be made. An increase in income does not need to be reported until the following school year.

Students requiring special dietary accommodations should contact the school nurse. A special diet form (available on the district website) also needs to be completed and signed by a physician.

### **Metro Kids Child Care**

Metro Kids Care is a district program that offers on-site after school care at various buildings. Program times are after school until 6:00 p.m. If you are interested in this program, please contact the Metro Kids Care program at 242-7951.

### **Open Enrollment and Within District Transfers**

As a resident of Des Moines and Iowa, you have several open enrollment options for your child. Your child may attend the neighborhood school, attend another school within the district (*Within District Open Enrollment*), or seek to attend school in another district (*Open Enrollment*). Parents seeking to open enroll their student to a school other than their neighborhood school must complete an application form. Approvals are not automatic, and some restrictions may apply. The District may deny a within-district application if space is not available. Within District and Between District applications may also be denied if the enrollment or release of a student will adversely affect implementation of the district's diversity plan.

**WITHIN-DISTRICT TRANSFER PROGRAM:** Within-district transfers are for Des Moines resident students who want to enroll in a Des Moines school other than their address-assigned school. A formal application must be completed and submitted between July 1 and March 1 of the year prior to enrollment. Those enrolling in kindergarten have until September 1 to submit their application. Please visit the [dmschools.org](http://dmschools.org) website for program details and forms. From the website, choose, in sequence; schools, enrollment, Within District Transfer.

**OPEN ENROLLMENT:** Open enrollment is for students who wish to attend a different school district than the one in which they reside. A formal application must be submitted to the resident district and the requested district by March 1 to be considered for the following year. Those enrolling in kindergarten have until September 1 to submit their application. Applications are available on the Iowa Department of Education website.

### **Parent-Teacher Association (Organization) Information**

Most schools have a parent-teacher organization. Each school's parent group has the option of belonging to the local, state, and national PTA. Most organizations meet monthly and offer a variety of activities and services that are supportive to schools. Everyone can be a member of PTA, which brings together home, school, and community interests serving as a voice for children. Contact your local school for information about their parent-teacher organization.

### **Personal Items from Home**

For your child's protection, please only allow money to be brought to school for lunch tickets, or when you have a specific note from your school for books or supplies. In these cases, put the money, preferably in check form, in a sealed envelope marked with your child's name, room number, and teacher's name.

To avoid damage, loss, theft, or disruption of learning, please do not allow your children to bring personal items including gum, candy, toys, beepers, or other items that are not needed at school. Please put your child's name on all items brought from home.

### **Playground Safety**

Playground safety rules are taught and reviewed with all students. Children are instructed how to use playground equipment safely. Parents should also review these rules with their children.

### **Registration**

Prior to the start of the school year, your neighborhood school will have summer registration. Information will be provided about school procedures and fees will be collected for textbooks and lunch. Please bring 1 proof of address (example: driver's license, power bill, rental agreement,) to the registration. Please go to the [dmschools.org](http://dmschools.org) website or your neighborhood school for online registration information.

### **Rollerblades/Skateboards/Scooters/Roller shoes**

Scooters, roller shoes, rollerblades, and skateboards are not allowed on school playgrounds or sidewalks during school hours.

### **Safety Patrol**

Some schools provide student safety patrols under the supervision of a staff member. The privilege of serving on safety patrol is offered to 5<sup>th</sup> graders to help them develop their leadership skills.

### **School Bus Rules**

The Des Moines Public School District intends to provide safe transportation for all students eligible for bus service. It is imperative that students' conduct themselves so that the bus driver's attention is on driving. Students who do not obey bus rules will be subject to disciplinary action.

Please explain these to your children and be sure they understand and follow these rules.

1. Obey the driver at all times.
2. Be on time for the bus, both morning and afternoon.
3. Wait for the bus a safe distance from the curb.
4. Stay seated until time to get off the bus.
5. Store all carry-on items out of the aisle.
6. Keep your hands, arms, and head inside the bus at all times.
7. Keep noise at a reasonable level. Conversations should be in normal tones. Silence must be observed while crossing railroad tracks.
8. Refrain from using profanity (by word or gesture).
9. Wrestling among students or throwing objects is prohibited.
10. Do not damage the bus or seat covers.
11. Smoking, igniting any item, or use of a controlled substance is prohibited.
12. Maintain a tidy bus; no littering.
13. Eating on the bus is allowed, if permitted by the driver.
14. Enter and leave the bus in an orderly manner; no pushing, shoving, or running.

### **School Closing or Early Dismissal**

The Des Moines School District provides a recorded message that is updated if there are cancellations or delays.

If school is delayed or canceled due to severe weather or some other emergency, the decision will be announced to Des Moines radio and television stations.

When a decision is made by the Superintendent to dismiss early, each school receives instructions by telephone. This is why it is so important that parents tune to a news station when there is a question about school dismissing early, instead of calling the school. The school telephone lines need to be clear for directions from the superintendent. Parents may consult the district's website at [www.dmschools.org](http://www.dmschools.org)

To prepare your children for such events, teach them what you want them to do if school is dismissed early. Please write these arrangements clearly on the school emergency sheet kept in the school office so your wishes can be followed. Please list options other than "call home" or "call me at work" since emergencies require quick action and open phone lines.

### **Sex Offender Registry**

Please access the following web site: [www.iowasexoffenders.com](http://www.iowasexoffenders.com) for a complete listing of sex offenders.

### **Smoking Policy**

All Des Moines Public Schools' facilities are completely smoke free.

### **Staff/Parent E-Mail Guidelines**

#### *Privacy Statement, Information Sharing and Disclosure, & Conditions for the Use of E-mail*

Des Moines Public Schools will use reasonable means to protect the security and confidentiality of e-mail information sent and received. However we cannot guarantee the security and confidentiality of e-mail communication, and will not be liable for improper disclosure of confidential information that is not caused by an employee's intentional misconduct. Thus, consent to the use of e-mail is implied when the e-mail address is provided.

It is our policy to treat all information that you provide to us as confidential. We will not disclose information about you to any third parties. By providing your e-mail information to us you consent to the limited use of your personal information to contact you.

### **Student Records**

#### **Right to Review Records**

Parents or guardians have the right to inspect and review the educational records of their child upon request. Non-custodial parents have the same right to inspect and review student records as custodial parents unless there is a specific court order to the contrary. The district will obey all court orders relating to custody issues and parental rights. Therefore, the rights afforded parents under this policy may be limited in any individual situation. **It shall be the responsibility of a parent requesting any action by the school district relative to the rights of custodial and non-custodial parents to provide the school district with a copy of a current court order, decree or other documentation supporting the action requested.**

If you have questions, call your principal for an appointment. For a copy of the District's complete records policy, please call the Records Department at 242-7833.

### **Visitors**

We believe the most successful education of children depends on effective parent involvement and we welcome your visit. Before visiting any classrooms, we ask that you please stop in the office to sign-in. The sign-in process allows us to know who is in the building and helps protect everyone in school from strangers.

If you would like to have a special conference, please call in advance for an appointment.

Please note that other children visiting school, with or without parents can be a distracting influence in the classroom. If possible, please make arrangements for younger children to be cared for when you are making a planned visit.

### **Volunteers**

Volunteers are an important component of a successful school program. We welcome parents and other adults who are willing to give their time and talents to others. Students and staff appreciate the effort and sacrifice from our

special friends, our school volunteers. Please call your local school to receive more information. Each school establishes guidelines for the effective use of volunteers. An application must be completed at the school for approval to volunteer at the school.

# APPENDICES

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## Appendix A

### Student Discipline Code and Procedures

#### Philosophy for Discipline

Discipline in the Des Moines Public Schools is a joint responsibility that should be shared by school staff, students, and their families. It is designed to promote behavior that will enable students to function successfully in their educational and social environments. The *District Discipline Code* is to be applied consistently and uniformly throughout the District so that students are treated fairly and equitably. The *District Discipline Code* is developed to help students understand their obligations to others in the school setting, and is reflective of the concern for the dignity and growth potential of each student as well as the commitment to the safety interests of all students, staff and the community.

#### Student Misconduct

The *District Discipline Code* provides a description of a broad range of behavior considered to be student misconduct. The behavior described should be viewed as representative of the misconduct that most frequently causes a disruption to the orderly educational process.

The acts of misconduct listed in Levels I, II, III, IV are not inclusive. The student who commits an act of misconduct that may be classified into any of the four levels will be subject to disciplinary action by the classroom teacher, dean of students, vice principal, or principal. Des Moines Public Schools administration reserves the right to make final decisions regarding disciplinary consequences.

#### General Discipline Guidelines for Assessing Penalties

The District may impose disciplinary consequences for conduct that interferes with the educational environment. When administering discipline, district personnel shall adhere to the following general guidelines:

1. Discipline shall be administered when necessary to protect students, school employees, or property and maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of circumstances of each case. Factors that will be considered in the administration of student discipline and factors that will be considered in determining the length of any suspension, alternate educational placement, or expulsion may include but are not limited to:
  - a. Seriousness of offense
  - b. Student's age and intent or lack of intent at the time the student engaged in the conduct.
  - c. Student's disciplinary history
  - d. Student's attitude
  - e. Potential effect of the misconduct on the school environment
  - f. State law requirements for certain disciplinary consequences
  - g. Whether the facts of the case warrant consideration of self-defense as a mitigating factor in the assessment of the punishment
  - h. Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
3. Serious offenses are those that substantially disrupt or materially interfere with the orderly process in the classroom, DMPS transportation, the school, or any school-related activity and may include persistent misbehavior of Level II or higher misconduct. An administrator may find, on the basis of the facts and

circumstances of the case, that a Level III offense constitutes a serious offense. Finally, a finding that a student has engaged in any offense listed as an offense under Level III or Level IV constitutes a finding that the student has engaged in serious misbehavior.

### **Definitions**

1. AEP (Alternate Educational Placement): Students are placed in an educational setting determined by the District for a period not to exceed two academic semesters. However, if it is determined that the student is a threat to the safety of other students or a threat to District employees and it is determined that placement is in the best interest of the student, then the student's placement may be for a longer duration. In that situation, there is no limitation on the length of placement of a student in an AEP. Students are placed on a behavior improvement contract during their period of alternate educational placement. Serious violations of the discipline policy by students during the period of placement may result in a recommendation for expulsion.
2. Expulsion: The Board of Directors for the District may, by a majority vote, expel a student from school for a violation of the regulations or rules established by the Board, or when the presence of the student is detrimental to the best interest of the school. When a student is expelled he or she is not eligible to receive educational services from the District. The period of expulsion will not exceed two academic semesters.
3. Persistent: More than one instance of similar type misconduct.
4. Possession: Actual care, custody, control, or management. A student shall be considered to be in possession of any substance or object prohibited or regulated by the Discipline Policy if the substance or object is (1) on the student's person or in the student's personal property, such as the student's clothing, purse, book bag, or backpack; (2) in any private vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) in any school property used by the student, such as a locker or desk.
5. Serious Offenses: Substantial disruption or material interference with the orderly process in the classroom or school building.

### **General Procedures for Resolving School Problems**

School problems can best be resolved at the campus level, where problems start. In order to resolve problems, parents, guardians, or students can meet with a teacher at appropriate times to discuss existing problems. If the parents, guardians, or students are dissatisfied with the teacher's decision or explanation, they can meet with the building administrator to review the area of concern.

If further assistance is needed, then parents, guardians, or students can meet with the executive director and/or regional superintendent. Parents, guardians, and students who wish to appeal the Alternate Educational Placement or who wish to appeal an expulsion should refer to the section of the *Code* relating to procedures for appropriate guidance.

### **Rights and Responsibilities in Discipline**

#### **Parents/Guardians**

##### **Have a responsibility to:**

1. Assist school staff by sharing ideas for improving your child's learning and preventing or resolving student discipline problems.
2. Provide supervision for the child's health, physical and emotional well-being, and ensure prompt and regular attendance.
3. Provide the school with documentation for absences or tardiness.
4. Help enforce student compliance with school rules and expectations.
5. Attend parent conferences.
6. Provide appropriate supervision of students before and after school.
7. Review and discuss this document with students, as well as other similar materials such as school handbooks.

##### **Have a right to:**

1. Receive regular official reports of the child's academic progress and attendance.
2. Make recommendations and give ideas for educational planning.
3. Participate in conferences with teachers and/or the administration.
4. Receive explanations from teachers for child's grades.
5. Read all school records pertaining to their child, within appropriate guidelines.
6. Obtain further clarification, upon request, on any rights referred to in this handbook.
7. Whenever possible, receive information in a language they can understand.

### **Students**

#### **Have a responsibility to:**

1. **Attend school regularly, arrive on time, bring appropriate materials and be prepared to participate in class.**
2. **Do homework.**
3. Strive for academic growth.
4. Respect the rights, feelings, and property of fellow students, parents/guardians, school personnel, visitors, guests, and school neighbors.
5. Conduct themselves properly on school grounds, school buses, at bus stops, at any school-related activities, and in the classroom so as not to interfere with the rights of others.
6. Follow discipline guidelines adopted by the school and the District.
7. Read and understand the *District Discipline Code and Procedures*.
8. Report violations of school rules.
9. Report any incidents of verbal or physical threats, bullying, or abuse.

#### **Have a right to:**

1. **Discuss educational concerns with teachers and other school staff.**
2. Receive a copy of the *District Discipline Code and Procedures*.
3. Receive fair discipline without discrimination.
4. Access their own records within appropriate guidelines.
5. Receive information in a language they can understand.

### **Schools**

#### **Have a responsibility to:**

1. Educate all students.
2. Treat all students with respect.
3. Provide a safe and orderly environment for learning.
4. Administer appropriate discipline procedures when student behavior prohibits learning or causes an unsafe and/or disorderly environment.
5. Provide due process to students and families in the administration of the discipline procedures.
6. Invite and welcome community members into the school.

#### **Have a right to:**

1. Take the necessary steps to ensure a safe, orderly, and supportive environment.
2. Assign students to particular school programs and activities.
3. Engage parents in problem solving throughout the three stages (preventive, supportive instruction, corrective action) of student discipline.

### **Levels of Offense/Overview**

Acts of misconduct are categorized into the following four levels of offense:

#### **Level I — Teacher Response:**

Offenses that generally occur in the classroom and can be corrected by the teacher.

#### **Level II — Administrator Assisted:**

Offenses that are more serious in nature or a continuance of Level I misconduct.

**Level III — Administrator Response:**

Offenses that seriously disrupt the educational process in the classroom, in the school, or at school-related activities, or a continuance of repeated Level II misconduct. A finding that a student has engaged in a Level III offense may constitute a serious offense.

**Level IV — District Response:**

Offenses that threaten to disrupt the orderly educational process of the classroom or school or offenses that demonstrate the student's presence is detrimental to the best interests of the school. A finding that a student has engaged in an offense listed under Level IV constitutes a finding that the student has engaged in serious misbehavior which may require alternate educational placement or recommendation for expulsion for serious offenses. A student may be disciplined for violating Level IV offenses if the misbehavior occurs on school property or at a school-sponsored or school-related activity regardless of whether the event is on or off school property.

**Anti-Bullying/Harassment Procedure**

**Nondiscrimination:** No student in the Des Moines Independent Community School District shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in the District programs on the basis of race, color, creed, sex, religion, marital status, ethnic background, national origin, disability, sexual orientation, gender identity, or socio-economic background. The District will provide educational programs and opportunities for students as needed on the basis of individual needs, interests, abilities, and potential.

**Harassment and Bullying Prohibited:** Harassment and bullying of students is against federal and state law, and against the policy and procedures of the District. The District is committed to maintaining an educational environment free of any form of bullying or harassment by or toward students, parents/guardians, employees, and volunteers while in school, at a school sponsored activity, or at any school sponsored function. The District prohibits harassment or bullying based on the student's actual or perceived race, color, creed, sex, age, religion, marital or familial status, ethnic background, national origin, ancestry, physical or mental ability or disability, sexual orientation, gender identity, physical attribute, political party preference, political belief, or socio-economic background or familial status. Acts of harassment or bullying may be treated as grounds for discipline. Discipline may include suspension or expulsion of a student, termination of an employee, and exclusion of a volunteer from District activities or school premises.

**Harassment and Bullying Defined:** Any communication toward a student including electronic (such as e-mails or instant messages), telephonic, written or verbal communication, or any physical act or conduct that is based on an actual or perceived trait or characteristic that creates or could reasonably be expected to create an objectively hostile school environment is prohibited. An objectively hostile school environment is created if the act or conduct:

- places the student in reasonable fear of harm to the student's person or property; or
- has a substantially detrimental effect on the student's physical or mental health; or
- has the effect of substantially interfering with the student's academic performance; or
- has the effect of substantially interfering with the student's ability to participate or benefit from the District services, activities, or privileges.

Examples of prohibited behavior may include but are not limited to the following:

- unwelcome touching;
- inappropriate or demeaning remarks, jokes, stories, activities, symbols, signs, or posters;
- implied or explicit threats concerning grades, awards, property, or opportunities;
- requiring explicitly or implicitly that a student submit to harassment or bullying as a term or condition of the student's participation in any educational program or activity.

**Sexual Harassment Defined:** The District is committed to maintaining an educational environment free of any form of sexual harassment. All employees, volunteers, and students must avoid any action or conduct which could reasonably be perceived as sexual harassment. It shall be a violation of these procedures for any person to harass a student through conduct or communications of a sexual nature as defined by this procedure. Sexual

harassment shall consist of unwanted sexual advances, requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made explicitly or implicitly a term or condition of the student's educational opportunities or benefits; or
- submission to or rejection of such conduct by a student is used as the basis for educational decisions affecting that student; or
- such conduct has the purpose or effect of substantially interfering with a student's education by creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may include but is not limited to the following:

- requests or pressure for sexual activity;
- unwelcome touching;
- other verbal or physical conduct of a sexual nature, such as inappropriate jokes, symbols, signs or posters of a sexual nature;
- repeated remarks to or about a person with sexual or demeaning implications.

(Note: Any sexual overtures made by a staff member to a student whether welcome or unwelcome, shall be grounds for discipline, including termination. See Administrative Procedures Manual Series 400, Code 407.)

**Complaint Procedures:** Any person alleging a violation of these procedures may file a complaint using the *Complaint Procedures* of Series 400, Code 407, which is also described in the Employee Handbook. Employees who are aware of harassment or bullying shall file a written complaint or shall report the conduct to a principal or to the District Investigations Specialist at 242-7841. The complainant may bypass any step of the complaint procedure where the person against whom the complaint is to be lodged is the alleged perpetrator. Series 400, Code 407 shall govern the investigation of alleged cases of physical or sexual abuse, including sexual harassment, of students by staff members.

The complainant may be required to complete a written form and to turn over copies of evidence of discrimination, harassment, or bullying including, but not limited to letters, e-mails, tapes, signs, and pictures. The investigator shall promptly begin an investigation and proceed to completion. Both the complainant and alleged perpetrator will be given an opportunity to give a statement. District employees, students, parents, and volunteers shall fully and fairly cooperate in the investigation. A written investigation report shall be completed, and a summary of the report, including a finding that the complaint was founded, unfounded, or inconclusive, will be forwarded to the complainant, to the parent or guardian, and to the alleged perpetrator. The investigator will consider the totality of the circumstances presented in determining whether the conduct objectively constitutes discrimination or harassment.

The right to confidentiality, of both the complainant and the accused, will be respected consistent with the District's legal obligations, and with the necessity to investigate the allegations of misconduct and to take corrective action when this conduct has occurred.

**No Retaliation:** No person shall retaliate against a student or other person because the student or other person has filed a discrimination or harassment complaint, assisted or participated in an investigation, or has opposed language or conduct that violates these procedures, as long as the participation or action was done in good faith. Persons who engage in retaliation or who knowingly file false complaints or give false statements in an investigation shall be subject to discipline up to and including suspension, expulsion, or termination of employment.

**Corrective Action:** The District will take action to halt any improper discrimination, harassment or bullying and will take other appropriate corrective actions, including disciplinary measures, which may include discharge, suspension, expulsion, or exclusion of a perpetrator to remedy all violations of these procedures.

**Notification:** Notice of these procedures shall be communicated to staff, students, and parents of the District and to the District community. It shall be included in handbooks including those for students, staff and volunteers, on the District's web site, and shall be published in any manner as deemed appropriate.

**Training:** The District shall educate staff, parents, and students about harassment and bullying, effective methods of prevention, and what to do in the event of such actions. The District shall participate in assessments of the effectiveness of these procedures and education programs and shall make reports as required.

**Other Agencies:** Students, parents, and employees may also contact the Iowa Civil Rights Commission, the Des Moines Human Rights Commission, the Region VII Office for Civil Rights within the United States Department of Education in Kansas City, Missouri, or the United States Equal Employment Opportunity Commission in Milwaukee, Wisconsin, for assistance.

### **Anti-Hazing Procedure**

**Hazing Prohibited:** Certain forms of hazing are illegal and subject to criminal sanctions in the state of Iowa. All forms of hazing are prohibited by the District both on and off District property. Hazing is a practice that diminishes the integrity of individuals and their teams, activities, and organizations. Hazing has no place in our society, particularly in an educational environment. The District is committed to emphasizing that all teams, activities, and organizations be made safe, educational, and constructive. Therefore, in support of the District's commitment to the mental, emotional and physical well-being of every student, hazing in any form is prohibited, and its practices in any manner are condemned.

**Hazing Defined:** Hazing occurs when an action is taken against a person for the purpose of initiation or admission into, or affiliation with any organization, team, or activity operating in connection with the District, and the action either results in or is reasonably likely to have the effect of endangering the physical or mental health of the person, or humiliating, intimidating, or demeaning the person.

Hazing includes, but is not limited to, any type of physical brutality such as whipping, beating, striking, branding, placing a harmful substance on or in the body; any physical activity such as sleep deprivation, exposure to the elements or confinement in a particular space; any activity involving consumption of food, liquid, alcoholic beverage, drug, or other substance that subjects a student to an unreasonable risk of harm; wearing of public apparel that is conspicuous or intended to embarrass or humiliate by drawing undue attention; or any activity that induces, causes, or requires a student to perform a duty or task that involves the commission of a crime.

Hazing shall not include any activity or conduct that furthers the legitimate curricular or extracurricular goals in a manner that is appropriate and customary for similar school programs.

**Complaint Procedures:** Any person alleging a violation of this *Procedure* may file a complaint using the *Complaint Procedures* of Series 400, Code 407, which is also described in the Employee Handbook. Employees who are aware of hazing shall file a written complaint or shall report the conduct to a principal or to the District Investigations Specialist at 242-7841. The complainant may bypass any step of the complaint procedure where the person against whom the complaint is to be lodged is the alleged perpetrator.

The investigator shall promptly begin an investigation and proceed to completion. Both the complainant and alleged perpetrator(s) will be given an opportunity to give a statement. District employees, students, parents, and volunteers shall fully and fairly cooperate in the investigation. A written investigation report shall be completed, and a summary of the report, including a finding that the complaint was founded, unfounded or inconclusive will be forwarded to the complainant, to the parent or guardian, and to the alleged perpetrator. The investigator will consider the totality of the circumstances presented in determining whether the conduct objectively constitutes hazing.

The right to confidentiality, of both the complainant and the accused, will be respected consistent with the District's legal obligations, and with the necessity to investigate the allegations of misconduct and to take corrective action when this conduct has occurred.

**No Retaliation:** No person shall retaliate against a student or other person because the student or other person has filed a hazing complaint, assisted or participated in an investigation, as long as the participation or action was done in good faith. Persons who engage in retaliation or who knowingly file false complaints or give

false statements in an investigation shall be subject to discipline up to and including suspension, expulsion, or termination of employment.

**Corrective Action:** The District will take action to halt any hazing and will take other appropriate measures which may include for students disciplinary actions including but not limited to suspension from school, removal or suspension from participation in athletic events or extra-curricular activities, or referral to an appropriate law enforcement agency. Should a staff member participate in, or condone, or fail to take reasonable measures to halt hazing activity of which he or she is aware, or about which he or she should have known; disciplinary measures will be taken up to and including termination.

**Notification:** Notice of this procedure shall be communicated to staff, students, and parents of the District and to the District community. It shall be included in handbooks including those for student, parents, and staff, on the District's Web site, and shall be published in any such manner as deemed appropriate.

## **Levels of Student Misconduct and Intervention Options**

### **Level I**

**Teacher Response:** Violation of Classroom or Transportation Rules

Each teacher or staff member establishes the rules for the classroom and for school-related activities. Much behavior can be managed by the classroom teacher. The teacher may use any of the disciplinary options listed below in maintaining classroom discipline.

#### **Level I Acts of Misconduct May Include but Are Not Limited to:**

1. **Violations of rules** or procedures established by the teacher
2. **Refusal to participate** in classroom activities
3. **Unexcused tardiness** to class
4. **Failure to be prepared** by bringing required classroom materials or assigned work to class or failure to return written communications between home and school
5. **Cheating, plagiarism**, or copying the work of other students
6. **General misbehavior**, such as eating in class, horseplay, making excessive noise, or violating campus dress codes
7. **Disruptive or noncompliant behavior** on a school bus or at a school bus stop
8. **Failure to protect or use of other student's passwords** regarding computer accounts
9. **Any other act that disrupts** the classroom or interrupts the operation of the class

#### **Intervention Options/Responses:**

- Verbal correction
- Teacher-student conference
- Parent contact: confirm actual contact has been made with parent either via phone call or in writing • Student-counselor conference
- Detention (maintained by teacher) before or after school
- Other appropriate in-class disciplinary actions
- Restriction of school-bus privileges by the bus operator

#### **Procedures:**

1. Any staff member who observes a student violating class rules may correct the student.
2. A record of the offenses and disciplinary actions should be maintained by the teacher or staff member.
3. The teacher should discuss the misbehavior with the parent, an administrator, or support personnel.
4. Level I behavior violations and intervention options/responses are not limited to those provided. Serious or repeated violations may result in a more severe response or referral to Level II.
5. A Level I appeal may be made to the building administrator. The decision of the building administrator is final regarding Level I appeals.

### **Level II**

### **Administrator Assisted:**

Some infractions will result in a referral to an administrator or support staff within the school. The disciplinary response depends on the offense committed, the student's previous actions, and the seriousness of the misbehavior. Level II acts of misconduct include those student acts that interfere with the orderly educational process in the classroom, on school property, or at a school sponsored event. A teacher who observes a student engaged in Level II or higher misconduct will complete a discipline/referral form for the principal or other appropriate administrator/support staff. The principal or appropriate administrator will forward report to the parent or guardian.

### **Level II Acts of Misconduct May Include but Are Not Limited to:**

1. **Repeated Level I violations**
2. **Leaving without permission** including classroom or school grounds
3. **Unexcused absences** including cutting class
4. **Smoking/Tobacco** — using, or possessing tobacco or tobacco products
5. **Forgery** — changing school records or documents or signing a parent's name on school documents
6. **Selling or soliciting unauthorized merchandise** on school campus without the authorization of the building principal
7. **Profanity**, vulgar language, or obscene gestures
8. **Inappropriate display of affection**
9. **Posting or distributing unauthorized materials** on school grounds
10. **Failure to abide by rules and regulations** at extracurricular activities or at co-curricular activities such as field trips
11. **Loitering** in unauthorized areas
12. **Use or operation of electronic communication systems** (i.e., cell phones, or any other type of electronic communication system) or iPods, Mp3 players, personal radios or personal music devices on school campuses or at functions during school hours with the final determination of the limits made at the individual campus level
13. **Cafeteria disturbance**
14. **Refusal to comply with a school's mandatory dress code policy**
15. **Major physical contact**
16. **Disruptive behavior** on a school bus or at a school bus stop
17. **Violation of the District's Acceptable Use policy**
18. **Sending or forwarding inappropriate e-mail**, including e-mail containing offensive language, untruthful statements, junk e-mail, chain letters, or jokes that results in a disruption to the educational environment
19. **Other acts interfering with the orderly educational process** in the classroom or the school

### **Intervention Options/Responses:**

- Parental contact by phone and written or oral notification to parent or guardian
- Required administrator/student/parental conference
- Detention or placement in in-school suspension
- Exclusion from extracurricular activities, such as field trips, and commencement exercises/award ceremonies
- Removal of school transportation privileges
- "Behavior" or "conduct" contracts
- Suspension of transportation privileges
- Suspension for up to three school days per occurrence
- Revocation of within-District open enrollment status for the following school year
- Any other appropriate disciplinary actions determined by the administration

### **Procedures:**

1. Referral to administrator.
2. Administrator confers with student and/or teacher to establish appropriate action.
3. Written or oral notification of action is sent to parent. Notification is sent to the teacher indicating action taken.

4. Discipline Referral is retained by the administrator.
5. Level II behavior violations and intervention options/responses are not limited to those provided.
6. Repeated violations shall result in a more severe response and/or referral to Level III.
7. A Level II appeal may be made to the building principal. The decision of the building principal is final regarding Level II appeals.

### **Level III: Administrator Response**

Level III acts include misconduct for which an administrator may suspend the student, place the student into in-school suspension, or any other disciplinary action deemed appropriate by the School Administrator or designee. The principal or other appropriate administrator makes the disciplinary determination on the basis of the severity of the misconduct.

### **Level III Acts of Misconduct May Include but Are Not Limited to:**

1. **Chronic or repeated Level I and/or Level II offenses**
2. **Fighting**, which is defined as two or more students mutually engaging in offensive physical contact
3. **Possession of matches or other flammable materials**
4. **Gambling**
5. **Stealing/theft** of property in an amount under \$500
6. **Truancy** including but not limited to repeated instances of cutting class 7. **Weapons/Ammunition possession** including but not limited to:
  - a. knife, which includes razor blades, utility knives, X-ACTO knives, or other objects that are designed to cut
  - b. fireworks, "poppers," smoke or stink bombs, or any other pyrotechnic device that may be used to disrupt the educational process
  - c. live ammunition or bullets
  - d. BB guns, pellet guns, or air rifles, electric stun guns or other protective devices designed to administer an electric shock
  - e. replica of a gun that is sufficiently similar in appearance to a real gun such that, if pointed or shown to another person, a reasonable person may believe the student to be in possession of a firearm
8. **Persistent disruptive behavior** on a school bus
9. **Interfering with school authorities**, failing to comply with reasonable requests of school personnel, defiance of the authority of school personnel, and/or display of disrespect toward school personnel or campus visitors
10. **Disruptive demonstration** that substantially disrupts or materially interferes with school activities. This includes such acts as boycotts, sit-ins, trespassing, and walkouts.
11. **Harassment/Indecent exposure/unsolicited sexual proposal**. Harassment includes threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct or causing unwanted sexual advances, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health such that it has the purpose or effect of substantially interfering with a student's education by creating an intimidating, hostile or offensive educational environment.
12. **Participation in an illegal organization** or other criminal combination prohibited by law that is defined as an organization composed at least in part of students and that seeks to perpetuate itself by recruiting members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. Participation includes indirect participation such as recruiting and indirect guidance or leadership of the activities, wearing dress or attire or possession of paraphernalia of such illegal organizations.
13. **Intimidation, extortion or bullying**, which includes any communication toward a student including electronic, telephonic, written or verbal communication, or any physical act or conduct that is based on an

actual or perceived trait or characteristic that creates or could reasonably be expected to create an objectively hostile school environment.

14. **Hazing**, which includes any action taken against a person for the purpose of initiation or admission into, or affiliation with any organization, team, or activity operating in connection with the District, and the action either results in or is reasonably likely to have the effect of endangering the physical or mental health of the person, or humiliating, intimidating, or demeaning the person.
15. **Vandalism** resulting in the destruction or defacing of any district property such as graffiti. This includes but is not limited to rendering computers or related equipment inoperable or damaging them by erasing data with magnets; intentionally introducing viruses, worms, or Trojans; or tampering with programs or data without authority.
16. **Continued violation of the District's Acceptable Use Policy.**
17. **Possession or use of any prescription or nonprescription drug**, medicine, vitamins, or other chemical in violation of the Guidelines for Dispensing Medications at School.
18. **Possessing alcohol or a controlled substance or drug paraphernalia**
19. **Under the influence of alcohol or a controlled substance**
20. **Possession of inhalant.** Engaging in conduct that contains the elements of an offense relating to an amusable or volatile chemical or possession of inhalant paraphernalia.
21. **Burglary** of a DMPS facility or committing burglary on DMPS property.
22. **False report against a staff member** knowingly made and that is later determined to be unsubstantiated at the conclusion of any investigation initiated as a result of the report
23. **False alarm or report, or terroristic threat.** Terroristic threat is defined as threatening to commit violence or harm to any person or property with intent to cause an emergency response or that places any person in fear of imminent serious bodily injury; or interrupting the occupation or use of a building, room, place of assembly, or place to which the public has access by threats of violence or other means, or causing impairment or interruption of public communications, public transportation, the public water, gas, or power supply, or other public service.
24. **Making a "hit list,"** in which a student makes a list of people to be harmed by means of a firearm, a knife, or any other object to be used with the intent to cause bodily harm.
25. **Retaliation against any school employee** such as intentionally or knowingly threatening to harm another by an unlawful act in retaliation for that person's performance of his or her official duties, unless the student engages in conduct punishable as a felony in retaliation against a person, in which case the student may be expelled under Level IV.
26. **Felony conduct.** There are two instances of felony conduct for which a student must be referred to an AEP. The placement made in accordance with this section shall be for any period considered necessary on the basis of the circumstances and facts known; however, the student shall still receive a review of the placement after the time designated by the behavior improvement contract. The circumstances include:
  - a. Engaging in any conduct punishable as a felony while on campus, at a school-related function or activity.
  - b. While enrolled in DMPS and regardless of the location of the offense, receiving deferred judgment or a finding by a court or jury of delinquent conduct, or the reasonable belief of the principal that the student has committed one of the following felony crimes: murder; manslaughter; voluntary manslaughter; false imprisonment; kidnapping; aggravated kidnapping; indecency with a child; any degree of sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; terroristic threat; or tampering with a consumer product, regardless of where the offense occurs.
27. **Assisting (directly or indirectly) with the promotion of any prohibited behavior** under this *Discipline Code*.
28. **Other acts of serious misconduct** that disrupt the school environment in the classroom and/or school.

The terms of a placement in an Alternate Educational Placement (AEP) under this required placement section, as well as under Level III, prohibit the student from attending or participating in any school activities.

#### **Intervention Options/Responses:**

- Required administrator/student/parent conference
- Restitution or restoration, as applicable, for vandalism to property
- Exclusion from extracurricular activities, such as field trips, and commencement exercises/award ceremonies
- Placement of the student into in-school suspension
- Revocation of within-District open enrollment status for the following school year
- Suspension for up to three school days per occurrence
- Removal of transportation services for up to one year
- Restriction or removal of computer-use privileges for up to one year
- Referral for placement in Alternate Education Placement (AEP) (suspension not to exceed 10 school days)
- Referral for counseling services regarding substance abuse assessment
- Any other appropriate disciplinary actions determined by the administration

**Procedures:**

1. Referral to administrator.
2. Administrator confers with student and parent about the misconduct. The student is given an opportunity to explain the incident. The administrator determines misconduct.
3. Repeated violations shall result in a more severe response and/or referral to Level IV.
4. Administrator determines whether the student engaged in Level III misconduct that is serious in nature that warrants a referral for an AEP. If administrator determines that the student engaged in a serious offense then administrator contacts central office administration to start AEP referral process. When the student is recommended for an AEP, the parent shall be given a letter stating the reasons for the placement. In determining the length of the placement, the administrator shall consider such factors as seriousness of the offense, student's age, frequency of misconduct, student's attitude, potential effect of the misconduct on the school environment, state law requirements for certain disciplinary consequences, and whether the facts of the case warrant consideration of self-defense as a mitigating factor in the assessment of any punishment.
5. Special Education students may not be placed in an alternate educational placement unless the IEP Committee determines that it is educationally appropriate and that the student has engaged in conduct for which referral to an alternate educational placement is authorized.
6. Administrative representatives from sending and receiving schools meet with parent or guardian to review AEP and student behavior improvement contract.
7. A Level III appeal may be made within five days in writing to the district office. Parent/Guardian will receive decision of district administration within three business days of receiving the appeal. The decision of the district administration is final regarding Level III appeals.
8. District administration will review student progress with schools to determine student placement following completion of AEP. After assessing the student's progress, those in attendance may decide that the student (1) remain in the AEP; (2) be removed from the AEP and placed in a non-disciplinary alternate educational program to more appropriately address the student's needs; or (3) may return to the sending campus or the campus to which the student is presently zoned.

**Level IV: District Response**

Offenses that threaten to disrupt the orderly educational process of the classroom or school or offenses that demonstrate the student's presence is detrimental to the best interests of the school. A finding that a student has engaged in an offense listed under Level IV constitutes a finding that the student has engaged in serious misbehavior which may require alternate educational placement or recommendation for expulsion for serious offenses. A student may be disciplined for violating Level IV offenses if the misbehavior occurs on school property or at a school-sponsored or school-related activity regardless of whether the event is on or off school property.

Students receiving Special Education services that commit a Level IV offense shall be recommended for alternate educational placement pursuant to the procedures set forth in the preceding section.

**Level IV Acts of Misconduct Include the Following Acts That May Result in Required Alternate Education Placement or Recommendation for Expulsion:**

1. **Threat with a weapon.** This involves the display or use of a weapon (including but not limited to replica guns) with the perceived intent to inflict harm or injury to another person while on school property, at a school- sponsored event, or while away from school grounds if such conduct directly affects students or staff.
2. **Firearm/Dangerous weapon.** A dangerous weapon includes any instrument designed primarily to use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for that it was designed. This also includes any instrument of any sort whatsoever which is actually used in such a manner as to indicate that the person using it intends to inflict death or serious injury upon another, and which is capable of inflicting death upon a human being. Dangerous weapons include, but are not limited to, any dangerous weapon as described in Iowa Code Section 702.7 (2007), pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, knife having a blade exceeding five (5) inches in length, or any portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person.
3. **Distribution of a controlled substance.** The sale or dissemination of a controlled substance while on school property or at a school sponsored event.
4. **Possession with intent to distribute.** Possession of a specified amount of a controlled substance as identified in Iowa Code Chapter 124. The District shall rely on the School Resource Officers or other investigating police officer to advise if the amount of a controlled substance in the student's possession meets the "intent to distribute" standard.
5. **Arson.** Causing a fire or explosion, or placing any burning or combustible material, or any incendiary or explosive device or material, in or near any property with the intent to destroy or damage such property, or with the knowledge that such property will probably be destroyed or damaged, is arson, whether or not any such property is actually destroyed or damaged.
6. **Assault** which is defined as an act intended to result in physical contact that will be painful, injurious, insulting or offensive, coupled with the apparent ability to execute the act.
7. **Assault of Staff Member resulting in bodily injury.**
8. **Sexual Assault.** Any sex act between persons if the act is done by force or against the will of the other. If the consent is obtained by threats of violence or if the act is done while the other is under the influence of a drug inducing sleep or the person is in a state of unconsciousness, the act is done against the will of the other.
9. **Habitual Disruptive Behavior.** Continued serious and persistent violations of Level III offenses.

**Expulsion Procedures:**

1. Referral to administrator.
2. Administrator confers with student and parent about the misconduct. The student is given an opportunity to explain the incident.
3. The administrator determines misconduct.
4. Administrator determines whether the student engaged in Level IV misconduct that is serious in nature that warrants a recommendation for expulsion. If administrator determines that the student engaged in violation of a Level IV offense, then administrator contacts district administration and general counsel to start the expulsion referral process.
5. When a student is recommended for expulsion, the social worker from the school will be assigned to assist the student and his or her family throughout the expulsion process and will also be present at the expulsion hearing. The student and his or her parent/guardian will be notified of the time and place of the hearing and shall be given a packet of information at least 48 hours before the expulsion hearing that contains the supporting documentation as to why the administration is recommending the student be expelled.
6. A panel comprised of at least four members of the Board of Directors shall make the determination whether or not to expel a student from school. The Board of Directors is provided with the same packet of

information regarding the documentation supporting the administration's recommendation for expulsion as the student and his or her parent/guardian.

7. The panel of Board of Directors shall meet to conduct a hearing regarding the recommendation for expulsion and the hearing shall occur within ten (10) school days after the student's suspension from school.
8. At the hearing, an administrator will present the information to the Board that supports the administration's recommendation for expulsion.
9. The student's family or representative will have a chance to provide information that rebuts the information provided by the administration or to present new information that either demonstrates the student did not engage in the conduct for which he or she is accused, or any mitigating information. Student witnesses are not allowed to be present at the hearing on behalf of either the student or the district.
10. After the panel of the Board of Directors receives information on behalf of the district administration and on behalf of the student, the panel will meet in an executive closed session to discuss the evidence. The panel will then reconvene in open session to act on the recommendation of expulsion.
11. The student and his or her family will be notified of the decision in a timely manner.
12. If the Board acts to deny the expulsion, the student will be placed in a school by district administration.
13. If the Board acts to expel, the student will be required to follow all recommendations of the expulsion.
14. At the conclusion of the expulsion period, district administration will ensure that the conditions of reinstatement have been met and determine appropriate school placement.
15. Iowa law provides for the appeal of a school board determination to expel a student to the Iowa State Department of Education. The phone number is (515) 281-8661.

**Series 500, Code 520, Title: School Discipline, IV: Restraint and Physical Force**

Restraint is the act of physically controlling or directing the actions of a student. Teachers and administrators and other staff are authorized to use reasonable and appropriate means of restraint as may be necessary to prevent a student from harming himself or herself or another, or to prevent a breach of discipline, to compel compliance with the discipline policy. Restraint should not cause serious or permanent harm.

Intentional physical punishment of a student is specifically prohibited. Teachers, administrators and other staff are authorized to use reasonable force, however, in self-defense, defense of another, to quell a disturbance, to prevent an act that threatens harm, to compel compliance with the discipline policy or to remove a disruptive student.

An employee of the Des Moines Independent Community School District shall not inflict, or cause to be inflicted, corporal punishment upon a student. "Corporal punishment" is the intentional physical punishment of a student. "Corporal punishment" includes the use of unreasonable and unnecessary physical force, or physical contact made with the intent to harm or cause pain. August 7, 2001

## Appendix B

### Security Cameras

#### Series 700

#### Code 781

#### **Title: Security Cameras in Schools and Buses**

It is the policy of the Des Moines Public Schools to create and maintain a safe school and work environment. Security cameras (closed circuit television systems – CCTV) are installed within school buildings and buses as well as the exterior of buildings. Security cameras monitor school property, assisting administrators in detecting and deterring unacceptable behavior or activities and otherwise enforcing district rules. Camera systems also provide a historical record to facilitate investigations.

At the beginning of each school year, the Superintendent or a designee shall provide notification to students, parents, and staff that security cameras are in place and will monitor and record behavior in and around school buildings and within school buses. The notification shall include the fact that some video may be considered to be part of a student education record, and the district will treat it according to the Family Education Right to Privacy Act (FERPA) rules and regulations. Staff notification of security cameras shall be clearly stated in any employee handbook.

All actions or conversations are subject to being recorded. Employees, students and others found to have tampered with or disabled cameras or systems shall be subject to discipline including termination of employment and possible legal action and restitution.

Security cameras are used to accomplish three important goals in the Des Moines Public Schools:

- To enhance the safety of students and staff
- To protect school property against theft or vandalism
- To assist in the identification of intruders and persons endangering the health, wellbeing or safety of school community members

*Revised: August 2016*

*Adopted: 2011*

## Appendix C

### Directory Information

#### Directory Information

The Family Educational Rights and Privacy Act (FERPA) requires that the Des Moines Independent Community School District designate as “directory information” any personally identifiable information taken from a student’s educational records prior to making such information available to the public.

The Des Moines Independent Community School District has designated the following information as directory information:

1. Student’s name, address, telephone number, and e-mail address
2. Parent’s name, address and telephone number
3. Date and place of student’s birth
4. Curriculum (major field of study)
5. Year in school
6. Participation in recognized organizations, activities and sports
7. Weight and height of members of athletic teams
8. Degrees, awards and honors received
9. The most recent educational institution attended by the student
10. Photographs of the student
11. Date of attendance at the school district (general periods of time during which an individual attended or was enrolled in an educational agency or institution)

You as a parent, or eligible student, have the right to refuse the designation or release of any or all of the categories of personally identifiable information as directory information provided that you notify the School District in writing no later than September 10 of the current school year (or within two weeks of the date of enrollment in the District if such enrollment occurs after September 10). If no timely objection or refusal is received by the district, the District will presume that consent is given for the designation and release of the student’s directory information. For example, if a reporter takes pictures of student groups and identifies names, this would be permitted if a parent has not filed a refusal letter with the principal.

Note: Any information not designated by the District as directory information will be considered record under FERPA and may not be released to the public without prior parental or eligible student consent.

## Appendix D

### Network Agreement

#### **Introduction**

These procedures are applicable to all student use of Network and Internet systems while using school district property at any location or during school activities at any location.

All use of educational technology must be in support of education and research and be consistent with the mission of the district. In addition, educational technology may only be used in a manner consistent with federal and state law, license agreements and district policy.

#### **Access**

Network and Internet access is a privilege which requires a high level of personal responsibility and may be denied due to inappropriate use. Inappropriate use shall include but not be limited to:

1. Using the district system for commercial and/or personal downloaded purposes.
2. Using the system to transmit inaccurate information.
3. Using the system to send, receive or view objectionable material.
4. Damaging the security system.
5. Using another individual's system account.
6. Forging or attempting to forge electronic mail messages.
7. Attempting to read, delete, copy or modify electronic mail of other system users.
8. Misusing electronic mail retention guidelines.
9. Exceeding resource quotas or disk usage quotas.
10. Failing to conduct virus checks on material.
11. Vandalizing the system.
12. Violating the copyright laws.
13. Failing to follow the network etiquette procedures.
14. Submitting false or misleading information to obtain or retain access to the system.
15. Accessing the system in any manner inconsistent with the mission of the school district.
16. Interfering with official school district communications.

The network administrators may withdraw access at any time as required. The administration, faculty and staff of the district may request the network administrator to deny, revoke or suspend specific system user access.

Students under the age of 18 must have the written approval of a parent or guardian. A signed Individual System User Release Form must be on file with the district. Student privileges will be granted only for one academic year. Access privileges will be indicated on the student's ID card. A signature on the Individual System User Release Form indicates that the person signing the permission form has read and understood any supplemental information which may be provided with the permission form.

#### **Security and Usage Guidelines**

Appropriate language will be used in electronic mail and other electronic communications.

System users will be respectful of others' opinions.

System users will not seek information on, obtain copies of, or modify files, other data, or passwords belonging to other system users, or misrepresent other system users, or attempt to gain unauthorized access to the system.

Communications may not be encrypted so as to avoid security review.

Personal information such as addresses and telephone numbers will remain confidential when communicating on the system. Students will never reveal such information without permission from their teacher or other adult.

Students will never make appointments to meet people in person that they have contacted on the system without district and parent permission.

Students will notify their teacher or other adult whenever they come across information or messages that are dangerous, inappropriate or make them feel uncomfortable.

A system user guide will be published and available for student distribution.

All Internet account holders are responsible to notify a system administrator or building administrator promptly upon discovery of any suspected security breach.

The district unconditionally reserves the right for authorized personnel to review system use and file content. The district reserves the right to remove a system user account on the system or to disconnect any system user to prevent unauthorized activity.

### **Copyright**

One of the most important issues to be addressed and taught to students is the issue of copyright and the related areas of trademark and licensing.

System users may download material for their own use in accordance with applicable copyright laws, district policy and administrative regulations.

The Fair Use doctrine allows an individual to reproduce portions of copyrighted work for non-commercial purposes, in some instances. Reproduction beyond fair use requires the permission of the copyright holder or authorized person. The permission must be specified in the document or must be obtained directly from the author in accordance with applicable copyright laws, district policy and administrative regulations. Violations of copyright law could lead to civil liability with excessive penalties.

System users may upload public domain programs to the system. System users may also download public domain programs for their own use or non-commercially redistribute a public domain program. System users are responsible for determining whether a program is in the public domain.

### **Liability**

Access by the district to the system will be through the establishment of individual accounts. The use of the accounts constitutes acceptance of the account and agreement by the system user to abide by the rules of conduct and to assume responsibility for the content of that account.

The district does not warrant that the functions and services performed by or the information or software contained in the educational technology resources will meet the system user's requirements or that the system will be uninterrupted or error-free, or that defects will be corrected. The district's system is provided on an "as is, as available" basis. The district does not make any warranties, whether expressed or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.

Student permission forms shall include a provision that the student and his/her parents or guardians will hold the district harmless from student violations of copyright laws, software licensing requirements, student access of inappropriate materials, violations by the student of others' rights to confidentiality, free speech and privacy, and damage to systems accessed by the student.

### **Discipline**

Appropriate discipline for student violations will be determined by the building principal or the principal's designee. Violations of the acceptable use guidelines, any district policy or procedure, or any federal or state law, rule or regulation may result in disciplinary action up to and including expulsion. Disciplinary action will be taken in a manner consistent with the student discipline policy. Violations which may be criminal will be referred to appropriate law enforcement officials. Any violation of the guidelines is unethical and may constitute a criminal offense

## Appendix E

### Attendance Policy Series 500, Code 503, Abridged

Attendance is the foundation for learning and achievement. If children do not show up for school regularly, they miss out on fundamental reading and math skills and the chance to build a habit of good attendance that will carry them into post-secondary opportunities. Excused and unexcused absences count toward a student's total absence minutes.

Parents should make every attempt to notify the school in a timely manner when their child will be gone from school. Teachers will take attendance within the first 20 minutes of class. High School and Middle School teachers will update attendance at the end of each class.

#### **Excused Absences**

Excused absences are defined as:

- Medical appointment (notes are encouraged)
- Medical injury
- Illness excused by parent/guardian
- Illness excused by health care provider
- Other than medical/illness. Examples: a religious holiday; court; death or illness in immediate family; other as approved by school administrator, such as college visits, weather related incidents
- In-school and Out-of-school suspensions

#### **Unexcused Absences**

Unexcused absences are defined as all other absences. Examples include skipping school, babysitting, family vacations, gone without contact.

When a student reaches 10 days absent (excused and unexcused) during a school year, for any reason, a school may request, in writing, that a parent provide medical excusal documentation for further absences. Medical excusals may be provided by the school nurse or doctor's office. If the student continues to be absent without medical excusal, the absences will be considered unexcused. Schools must provide this request in writing using the 10 day letter.

#### **Late to school/Early leave/Tardy to class**

Elementary/Middle School –

- Students who arrive to school up to 60 minutes after the first bell will be considered late to school.
- Students who arrive more than 61 minutes after the first bell will be considered absent, the number of minutes will accumulate to an overall total minutes absent.
- Students who leave school before the last bell of the day will be considered absent for the time missed, the number of minutes will accumulate to an overall total minutes absent.

High Schools-

- Students who arrive to class before the end of the period will be considered tardy.
- Students who have missed an entire class period will be considered absent for the entire period.
- Students who leave school before the last bell of the day will be considered absent for the time missed, the number of minutes will accumulate to an overall total minutes absent.

In middle and high school, when a student is tardy to class, teachers will mark them tardy and in the comments section, enter the appropriate tardy code T1, T2 or T3.

- T1 = student arrives in the first 10 minutes of class
- T2 = student arrives 11-30 minutes late to class
- T3 = student arrives 31 minutes or more late to class

Schools will determine their response to tardies. Examples include loss of privileges, attendance contracts, detention, etc.

#### **Excessive and Consecutive Absences**

Excessive absences are defined as five or more absences (excused and/or unexcused) in a semester. Building-based teams will review student attendance data on all students who have excessive absences and provide appropriate intervention as needed.

Consecutive absences are defined as full days in a row and are unexcused.

Schools will determine their response to absences. Examples include loss of privileges, attendance contracts, detention, etc.

Parents/Guardians will be formally notified of absences (including excused and unexcused) within each semester in the following manner:

<b>Protocol for Response to Absences per semester (Elementary &amp; Middle School)</b>	
Daily/unexcused	Office Manager/Attendance Clerk calls/emails
Daily/unexcused	Automated Dialer calls
5 days excessive /consecutive	Teacher will make contact with parents-phone call home/email/messenger
7 days excessive /consecutive	Tier 2 team will review for interventions
10 days excessive /consecutive	Schools will send out letters, at team's discretion upon review of attendance, to indicate further action required which may include, parent meeting request, required excusal by a health care provider, truancy court filing
11 days consecutive	Student will be unenrolled K-6, dropped 7-8

<b>Protocol for Response to <u>Excessive</u> Absences per semester (High School)</b>	
Daily/unexcused	Automated Dialer calls AM or PM
5 days excessive /consecutive	Teacher will make contact with parents-phone call home/email/messenger
7 days excessive /consecutive	Tier 2 team will review for interventions
10 days excessive /consecutive	Schools will send out letters, at team's discretion upon review of attendance to indicate further action is required which may include: parent meeting request, required excusal by a health care provider, truancy court filing.

<b>Protocol for Notification of Consecutive Unexcused day absences (High School)</b>	
Daily	Automated Dialer Am or Pm
7 days	JCSL phone call
8 days	JCSL phone call
9 days	JCSL phone call
10 days	JCSL phone call
11 days	Student will be dropped

## Appendix F

### Educational Equity and Employment Statement

*It is the policy of the Des Moines Community School District not to illegally discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you believe you have (or your child has) been discriminated against or treated unjustly at school, please contact, Anne Sullivan at 2323 Grand Avenue, Des Moines 50312, IA 50263, 515-242-7911 [anne.sullivan@dmschools.org](mailto:anne.sullivan@dmschools.org)*

In addition, the District prohibits hostile work and learning environment harassment toward employees or students that are not allegations of discrimination. Complaints of hostile work or learning environment harassment may be filed with, District Equity Coordinator, at 2323 Grand Avenue, Des Moines, Iowa 50312, (515) 242-7662.

The district is committed to maintaining a learning and working environment free of any form of sexual harassment toward personnel and students on school grounds, on school time, at a school-sponsored activity or in a school-related context. Complaints of sexual harassment filed against students, employees or adults may be filed with the District Equity Coordinator, 515-242-7911

### COMPLAINT PROCEDURE

This complaint procedure has been developed to handle complaints of discrimination, harassment, or sexual harassment. Employees, applicants for employment, parents, students, and volunteers can file a complaint. Briefly, the complaint procedure includes the following steps:

1. Complainants may talk to their building principal or immediate supervisor to try to resolve the problem informally. If the complaint is based upon the conduct of the Complainant's principal or immediate supervisor, the Complainant may contact that person's immediate supervisor. Complaints should be reported as soon as possible after the event giving rise to the complaint.
2. If the Complainant prefers to proceed with a formal complaint, or if the matter has not been informally resolved, he or she may file a complaint with the District Compliance Officer or the Human Resources Investigations Specialist based on the allegation. Formal complaints should be filed by the Complainant within 30 days after the event giving rise to the complaint or it is determined the complaint cannot be informally resolved.
3. Within 10 working days, the appropriate investigator will begin the investigation. An investigation will include taking a written statement from the Complainant, the Respondent(s) named in the complaint, and those witnesses who have been identified who have relevant information pertaining to the complaint. Relevant documentation will also be collected and considered. During the investigation, a Respondent may elect to have a union representative, friend, counsel or any other individual present during interviews and subsequent meetings.
4. Within 30 working days, the investigator shall complete the investigation and issue a written report making findings with respect to the individual allegations set out in the complaint and rendering an ultimate finding as to whether the greater weight of the evidence, based on the entire record, indicates the District's policies have been violated. Under some circumstances, when many individuals are involved in the investigation or an extensive legal review must be done, the investigator will inform the Complainant of the expected date of completion beyond the 30 working days.
5. The District prohibits retaliation against an individual for filing a complaint. Any individual intentionally providing false information in a complaint investigation may be subject to disciplinary action.

In the event the coordinator finds:

- A. No violation of District policy, the findings will be shared by the investigator with the Complainant and the Respondent.
- B. A violation of the District's policies or no violation of the District's policies but other inappropriate behavior on the part of the Respondent, the findings will be provided:
  - 1) By the investigator to the Complainant and the Respondent; and
  - 2) By the investigator to Respondent's principal or the immediate supervisor, the director responsible for Respondent, and a representative of Human Resources Management. The Human Resources representative will inform the Respondent of any decision regarding disciplinary action.
  - 3) If disciplinary action is warranted, documentation of the disciplinary action will be placed in the employee's file or the student's file. All other information regarding the case will be kept in confidential files.
  - 4) The District has no jurisdiction to take disciplinary action over parents and volunteers. However, steps will be taken to ensure individuals do not continue to violate nondiscrimination policies on district property, school-related activities.

The complaint will be closed after the investigator has provided the information to the Complainant and the Respondent unless, within ten days of receipt of the final investigative report, either side files a written appeal to the superintendent setting out the reason(s) why they believe the decision should not stand.

In the event of an appeal, the Superintendent/designee shall review the written record and may meet with the appealing party. The Superintendent/designee may affirm, reverse, modify or remand the matter for further proceedings and shall, within twenty (20) days of the written appeal, provide the decision in writing to the appealing party.

Except in the event of a termination of a certified employee, the Superintendent's/designee's decision shall be final. A parent or guardian who disagrees with the school district's decision regarding a student's identification, evaluation or educational placement of program accommodations under Section 504 of the Rehabilitation Act of 1973 has a right to an impartial, third party hearing. They may contact Human Resources, Des Moines Public Schools, 2323 Grand Ave, Des Moines, Iowa 50312 or call 242-7911 to make the arrangements.

The District encourages individuals to use the internal complaint procedure. However the Complainant may seek legal advice of his or her choosing or file a formal complaint with the Des Moines Human Rights Commission, Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, or other agencies. If the Complainant seeks other avenues of redress, the District may choose not to conduct its internal complaint procedures.

References : Board Policies  
Series 400 Code 402, 402.1, 406 and 407  
Series 600 Code 601

Legislation  
Title IX of the 1972 Education Amendments  
Section 504 of the Rehabilitation Act of 1973  
American Disabilities Act of 1990  
Iowa Civil Rights Act

## Appendix G

### DES MOINES PUBLIC SCHOOLS STUDENT HANDBOOK LANGUAGE GENDER IDENTITY

#### Statement of Non-Discrimination

*The Des Moines Independent Community School District does not discriminate on the basis of race, color, national origin, gender, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices.*

The District strives to create a supportive environment for its students. Discrimination, harassment, and bullying of students for any reason, including on the basis of gender identity and/or sexual orientation are prohibited by state law and District policy. Students who believe they have experienced or witnessed discrimination, bullying, or harassment should refer to page 14 of this handbook to learn how to file or make an internal complaint.

Complaints of discrimination or harassment based on a student's actual or perceived gender identity or sexual orientation must be handled in accordance with District Policy no. 507.

#### Definitions

1. Gender identity: A person's gender-related identity, which may be the same as or different from the person's sex assigned at birth.
2. Transgender: an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.
3. Sexual orientation: an individual's enduring pattern of physical, romantic, or other attraction to another person. Sexual orientation is not the same as gender identity.

#### Privacy

In accordance with the Family Educational Rights and Privacy Act (FERPA), only those District employees with a legitimate educational interest are permitted to access a student's records. Absent consent from the parent or adult student (18 years or older), information contained in a student's records, including information regarding a student's sex, sexual orientation, gender identity, or transgender status may only be disclosed under the limited circumstances set forth in FERPA.

Students have the ability to discuss and express their gender identity openly and decide when, with whom, and how much of their private information to share with others. Schools should work closely with the student and parent(s)/guardian(s) to devise an appropriate plan regarding the confidentiality of the student's gender identity.

#### Requesting Support

The District recognizes that it is a highly personal decision for a student to determine whether they identify with a different gender than their sex assigned at birth. Students are encouraged to speak with a building administrator or guidance counselor if they need support or accommodations at school.

In some cases, transgender students may not want their parents to know about their transgender status. These situations must be addressed on a case-by-case basis and will require schools to balance the goal of supporting the student with the requirement that parents be kept informed about their children. The paramount consideration for school officials in such situations will be the health and safety of the student.

#### Student Names and Pronouns

Every student is entitled to be addressed by the name and pronoun that correspond to the student's identity including gender identity that is consistently asserted at school. Students are not required to obtain parental consent or a court-ordered name or gender change as a prerequisite to being addressed by the name and pronoun that correspond to their gender identity. Teachers and school staff should be made aware of and honor a student's request to be referred to by their preferred name and gender that correspond to their gender identity.

### **District-Maintained Records**

The District may be required to maintain certain records including the student's name and sex assigned at birth (including, but not limited to, the student's permanent record). These records will only be maintained and used as required by law, policy, or rule, and will only be disclosed in accordance with such law, policy, or rule.

Any student, regardless of gender identity, must file appropriate court documents to get their legal name changed in their permanent record. Under the Family Educational Rights and Privacy Act ("FERPA"), a parent or eligible student may ask to have the student's education records amended if they are inaccurate, misleading, or in violation of a student's privacy rights. The District will respond to requests to amend information in student records for transgender students consistent with how other students' records are amended.

Other than documents where the student's name and sex assigned at birth are required to be listed, any reference to the student's name and gender should match the gender identity of the student.

Student "directory information," as defined by FERPA, is information that may generally be disclosed without prior consent from the parent or eligible student. Directory information is defined by District policy and families must receive notice each year of their rights under FERPA. Directory information shall not be used by the District in any way that intrudes on the privacy interests of students with respect to gender identity.

### **Restrooms and Locker Rooms**

Administrators should discuss options available to the student and parent(s), including the use of the restroom or locker room of the gender with which the student identifies. While open discussions about safety, comfort-levels, and other situations are helpful, the student should be allowed to use the facility that corresponds to the student's gender identity. Students, including but not limited to transgender students, who are uncomfortable using a restroom deemed available for more than one person or for a particular gender should be provided with a safe alternative, such as a single gender-neutral restroom. Transgender students will not be required to use a separate or single-use facility if they do not voluntarily wish to do so.

In locker rooms that involve undressing in front of others, any student who voluntarily wishes to have additional privacy, regardless of that student's sex or gender identity, will be provided with an accommodation that best meets the needs and privacy concerns of that student. These accommodations may include, but are not limited to:

1. Use of a private area in a larger room such as a bathroom stall in a multi user restroom, an area separated by a curtain, or a nurse's or PE instructor's office.
2. A separate changing schedule, before or after other students use the facility.

### **Extra-Curricular Activities and Interscholastic Sports**

The District encourages participation in District-sponsored activities for all students regardless of their gender identity. In general, student will participate in sex segregated interscholastic sports consistent with their gender identity. However, participation in interscholastic sports may be subject to the rules and requirements of the Iowa High School Athletic Association and/or the Iowa Girls High School Athletic Union. Participation in activities and sports will be determined on a case-by-case basis by a team consisting of the appropriate Executive Director, Principal, and Activities Director of the school. If there is no Activities Director assigned to the school, the Executive Director shall choose one from another school within the District.

### **Physical Education/Gym Class**

Transgender students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the regularly scheduled class time. In general, students should be permitted to participate in gender-segregated recreational gym and physical education classes in accordance with their gender identity.

### **Student Dress**

Students are allowed to dress in clothing consistent with their gender identity, including at school-sponsored special events (e.g., Prom).

### **Notification**

Each building Principal or designee is responsible for ensuring that school staff and students are familiar with these guidelines

### **Questions/Inquiries**

Questions about these guidelines, please call Office of Schools, 515-242-7725.

## Appendix H

### Within-District Transfers Procedures for Board Policy 501: Entrance Requirements

Des Moines Public Schools believes diversity enriches the educational climate of our schools. Young people are far better prepared for the future when they attend school in an educational setting that is reflective of society's diversity. Identifying similarities and understanding differences in individuals, cultures and backgrounds, is not only healthy for individual students, but also for the entire community. All aspects of education (history, literature, language, etc.) are enhanced by the different viewpoints and perspectives introduced by racial, ethnic and socio-economic diversity.

The Within-District Transfer Program is a program offered by the District so that parents can take advantage of the district's diversity by applying to attend a school outside of their address-assigned area. For more than twenty years, thousands of Des Moines students have participated in within-district transfers.

Parents interested in participating in within-district transfers should call the Open Enrollment office at 515-242-7353, for additional information.

#### PROCEDURES FOR WITHIN-DISTRICT TRANSFERS

Parents or guardians of a Des Moines resident student wishing to enroll in a school other than their address- assigned school within the District must make formal application between July 1 and March 1 the year prior to enrollment. Those enrolling in kindergarten have until September 1 to submit their application. Parents must request a specific school but may list other acceptable choices. Applications will be dated upon receipt and processing will begin at the end of March. Applications for kindergarten students will be processed in August after the final fall registration. Applications for within district transfer will be approved in the following order:

1. Siblings of current students who will be concurrently enrolled (if space is available)
2. Current IB students transitioning to the next level, following the feeder patterns listed below (if space is available):
  - Hubbell-Merrill-Roosevelt
  - Park Avenue-Brody-Lincoln
  - Stowe-Goodrell-East
  - Walnut Street-Meredith-Hoover
3. Applicants who meet the district's diversity plan requirements and/or whose special programming needs (ELL or SPED) can be accommodated at the building requested will be approved in the order in which they were received (if space is available).
4. Applicants who do not meet the district's diversity plan will be approved in the order in which they were received (if space is available)

(Revised October 2012)

**Special note:** *the approval of one family member into a school does not guarantee that other or future siblings will be similarly approved. All applications are made on an individual basis and are determined by existing circumstances at the time the application is received.*

#### Appeal Procedures for Within-District Transfers

When a within-district transfer request is denied, parents may appeal that decision. Appeals must be made within two weeks of the date of denial. Administration will review each case to determine whether a hardship exists. The following criteria will be utilized for appeal reviews for within district transfers. Applicants must provide supporting documentation for their appeal. **Space must be available.** If space is unavailable, accommodations could be made for placement in another school that has space.

- Pervasive and consistent bullying or harassment
- Health issues that can't be accommodated at neighborhood school
- 1-mile walking distance (using mileage data from Transportation computer software)
- Childcare responsibilities
- Continuation at School – student is currently enrolled at school but has moved out of attendance area

\*Applicants must be in good standing for attendance and behavior in order to be approved.

\*\* Some conditions (hardship) for approving an appeal may not be listed as criteria. Based on a unique circumstance, a determination for an approval could be made on an individual basis after considering all of the relevant information and documentation.

## Hardships and Late Applications

Hardships and late applications may be given special consideration. Exceptions may include, but are not limited to, a change in a child's parents' marital status, a change in the family's residence, a guardianship proceeding, adoption, or participation in a substance abuse or mental health treatment program.

### Within-District Transfer Stipulations and Limitations Transportation

Parents of students approved for within-district transfer are responsible for transporting their student to the new school. Board policy provides that parents may request district transportation to the receiving school. Application for transportation should be made by contacting the office of the receiving school. Approval of such transportation is subject to the availability of space on an existing route. The District shall not be required to create a route to accommodate a within district transfer student.

Requests for transportation made prior to the beginning of school will be reviewed after the end of the second week of school. Approvals will be granted on a first come, first served basis. The district regrets that in rare instances approval must be revoked to provide space for otherwise eligible students. Eligible students may enter the bus at any one of a number of existing stops.

### **Special Education Students**

Within District Transfer requests for special education students shall be reviewed by the Special Education Zone Supervisor of the receiving school to determine if the student's special needs can be met in the building they are requesting. The pupil/teacher ratios required by state law or District policy shall be maintained for all special education programs. The District shall not be required to hire additional instructional or support staff to accommodate a within district transfer student.

### **Continuation of Educational Program**

Students moving from one attendance area to another may remain in the original school for the remainder of the school year with no interruption of their education program. To do so, parents must complete a within district transfer request for continuation. This request will be honored for the remainder of that school year only. Parents assume responsibility for transporting students approved for continuation.

***Special note:** Families wishing to extend this continuation into the fall semester of the next year must apply for within district transfer. This application will be subject to the regular within district transfer process.*

### **Terms of Enrollment**

With the exception of initial continuation requests, all approvals will be for the school's feeder pattern. If a student is approved in elementary, they will automatically transition to that school's feeder middle and high school without needing to reapply for within district transfer. Likewise if a student is approved for middle school they will automatically transition to the feeder high school without reapplying for within district transfer.

### **Interscholastic Athletics**

Students who transfer prior to grade 10 will be eligible to participate in interscholastic athletic contests. A student who transfers in grades 10 through 12 shall not be eligible to participate in interscholastic athletic contests and athletic competitions during the first 90 school days of enrollment unless the student's resident district does not offer the interscholastic sport.

### **Discontinuing Participation in Within-District Transfer**

Within district transfer requests are granted for a minimum period of one year. Approval from administration is needed PRIOR to enrolling in the address-assigned school.

To avoid disruption to the student's educational program, parents wishing to withdraw their student from within district transfer may only do so at certain times:

- Parents may withdraw from within district transfer prior to the beginning of the school year.
- Elementary students may seek withdrawal at the end of either the first or second semester.
- Because of the problems involved with scheduling individual classes, middle and high school students may discontinue participation only at the conclusion of the school year.

## Appendix I

### Open Enrollment Procedures for Board Policy 501: Entrance Requirements

Open Enrollment is the process by which parents or guardians residing in an Iowa district may enroll their children into another Iowa school district under the terms and conditions of Iowa Code section 282.18 and 281—Iowa Administrative Code chapter 17.

Parents interested in participating in open enrollment should call the Open Enrollment office at 515-242-7353, for additional information.

#### PROCEDURES FOR OPEN ENROLLMENT

Parents or guardians wishing to enroll in a district other than the district in which they reside must make formal application between July 1 and March 1 the year prior to enrollment. Those enrolling in kindergarten have until September 1 to submit their application. Parents may request a specific attendance center (school) but the building assignment is at the discretion of the receiving district. Applications received prior to March 1 will be reviewed in early April. Applications submitted after March 1 will be reviewed with each board meeting beginning in May.

School assignments for students requesting the Des Moines Public Schools will be considered after all within district transfers have been processed. If space is available, they will be approved in the order in which the application was received.

Decisions for students requesting to leave the Des Moines Public Schools will be processed in accordance to the District's state approved diversity plan.

#### School Assignment Appeal Procedures for Open Enrollment

(Revised October 2012)

When a parent disagrees with an open enrollment assignment, parents may appeal that decision. Appeals must be made within two weeks of the date of the assignment. Administration will review each case to determine whether a hardship exist

The following criteria will be utilized for assignment appeal reviews for open enrollment. Applicants must provide supporting documentation for their appeal. Space must be available. If space is unavailable, accommodations could be made for placement in another school that has space.

- Pervasive and consistent bullying or harassment
- Health issues that can't be accommodated at the assigned school

*Please visit the Information & Forms on the District Website.*

#### Hardships and Late Applications

Hardships and late applications may be given special consideration. Exceptions may include, but are not limited to, a change in a child's parents' marital status, a change in the family's residence, a guardianship proceeding, adoption, or participation in a substance abuse or mental health treatment program.

#### Open Enrollment Stipulations and Limitations

##### Transportation

Parents of students approved for open enrollment are responsible for transporting their student to the new school. State code allows for a parent to request transportation assistance. Specific income

guidelines, separate from those for the free/reduced lunch program, must be met to qualify for this assistance. Documentation of the family's income must be submitted each year the assistance is requested and updated any time the income changes by more than \$50 per month. Please contact the open enrollment office at 242-7353 for more information about this program.

### **Special Education Students**

Open enrollment requests for special education students shall be reviewed by the Special Education Executive Director to determine if the student's special needs can be accommodate by the district. The pupil/teacher ratios required by state law or District policy shall be maintained for all special education programs. The District shall not be required to hire additional instructional or support staff to accommodate an open enrollment student.

### **Continuation of Educational Program**

Students moving from one district to another may remain in the original district for the duration of their career with no interruption of their education program. To do so, parents must complete an open enrollment application for continuation within 60 days of the date of the move. This request must be honored by receiving and resident district if submitted timely. Parents assume responsibility for transporting students approved for continuation.

### **Interscholastic Athletics**

Students who transfer prior to grade 10 will be eligible to participate in interscholastic athletic contests. A student who transfers in grades 10 through 12 shall not be eligible to participate in interscholastic athletic contests and athletic competitions during the first 90 school days of enrollment unless the student's resident district does not offer the interscholastic sport.

## **Discontinuing Participation in Open Enrollment**

Per the state code, a family may cancel their open enrollment status at any time. To do so please contact both the receiving and resident district.

## Appendix J

### **Allegations of Abuse of Student by School Employees Level I and Level II Investigators 2013-2014**

The district will respond promptly to allegations of abuse of students by school employees by investigation or arranging for investigation of any allegation. The district will take appropriate disciplinary action when abuse is found. (Chapter 102, Rules Department of Education)

Allegations of abuse of students by school employees will be referred directly to the Director of Human Resources Management.

**All investigations must begin with the building's Level I Investigator.**

**Please contact the Elementary Departments with concerns – 242-7725.**

## Appendix K

### **Section 504 of The Rehabilitation Act of 1973**

#### **Parent Notice**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a disability in any program receiving federal financial assistance. In order to fulfill obligations under Section 504, the Des Moines School District has the responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability should knowingly be permitted in any of the programs and practices of the school system.

The Des Moines Independent Community School District has the responsibilities under Section 504, which include the obligations to identify, evaluate, and, if the student is determined to be eligible under Section 504, to afford access to appropriate educational services.

A parent or guardian who disagrees with the school district's decision regarding a student's identification, evaluation or educational placement of program accommodations under Section 504 of the Rehabilitation Act of 1973 has a right to an impartial, third party hearing. Contact information, 504 Coordinator, 901 Walnut Street, Des Moines, Iowa 50309 or call 242-7714 to make the arrangements.

## Appendix L

### Search and Seizure

#### **Board Policy and Administrative Procedures - Searches by School Staff**

**The Board of Directors has adopted the following policy addressing searches by school staff:  
Code 519**

#### **Title: Search by School Staff Relating to Students, Protected Student Areas, Lockers, Desks, and Other School Facilities or Spaces**

The superintendent shall implement search procedures by school staff relating to students, protected student areas, lockers, desks and other facilities or spaces that are consistent with Iowa Code Chapter 808A.

The Superintendent has adopted the following administrative procedures addressing searches by school staff:

#### **Series 500**

#### **Code 519**

#### **Title: Search by School Staff Relating to Students, Protected Student Areas, Lockers, Desks, and Other School Facilities or Spaces**

##### I. Searches of a student or protected student area.

A. A school official may search an individual student and a protected student area if:

1. The official has reasonable grounds for suspecting that the search will produce evidence that a student has violated or is violating either the law, or a school rule or regulation, or any other reasonable expectation of student conduct, and
2. The search is conducted in a manner which is reasonably related to the objectives of the search and which is not excessively intrusive in light of the age and gender of the student and the nature of the infraction.

B. All searches of students or protected student areas must be reasonably related in scope to the circumstances which gave rise to the need for the search and based upon consideration of relevant factors which include, but are not limited to, the following:

1. The nature of the violation for which the search is being instituted.
2. The age and gender of the student who may be searched, and
3. The objectives to be accomplished by the search.

C. If a student is not or will not be present at the time a search of a protected student area is conducted, the student shall be informed of the search either prior to or as soon as is reasonably practicable after the search is conducted.

##### II. Inspections of lockers, school desks and other provided spaces.

A. School officials may conduct periodic inspections of all, or a randomly selected number of, school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to students. Periodic inspections of school lockers, desks, or other facilities or spaces owned by the school and provided as a courtesy to a student may be conducted by a drug/contraband sniffing animal

B. The furnishing of a school locker, desk, or other facility or space owned by the school and provided as a courtesy to a student shall not create a protected student area, and shall not give rise to an expectation of privacy on a student's part with respect to that locker, desk, facility, or space. Allowing a student to use a separate lock on a locker, desk, or other facility or space owned by the school and provided to the student shall not give rise to an expectation of privacy on a student's part with respect to that locker, desk, facility, or space.

C. Students are permitted to park on school premises as a matter of privilege, not a right and parking provided as a courtesy to students. The interior of a student's automobile on the school premises may be searched without a search warrant if there is reasonable suspicion that a student has violated or is violating the law, or has illegal, unauthorized, or contraband items contained inside.

D. Each year when school begins, all district schools shall provide written notice to all students and the students' parents, guardians, or legal custodians, informing them that school officials may conduct periodic inspections of

school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to students without prior notice. An inspection under this policy shall either occur in the presence of the student whose locker is being inspected or in the presence of at least one other person.

### III. Prohibited Searches.

A. School officials shall not conduct a search which involves:

1. A strip search.
2. A body cavity search.
3. The use of a drug/contraband sniffing animal to search a student's body
4. The search of a student by a school official not of the same sex as the student.

### IV. Definitions.

A. "Protected student area" includes, but is not limited to:

1. A student's body.
2. Clothing worn or carried by a student.
3. A student's pocketbook, briefcase, duffel bag, book bag, backpack, knapsack, or any other container used by a student for holding or carrying personal belongings of any kind and in the possession or immediate proximity of the student.

B. "School official" means licensed school employees, including but not limited to principals, vice principals, deans of students, teachers, counselors and social workers, and also means unlicensed school employees employed for security or supervision purposes such as campus monitors.

## Appendix M

### Homeless Definition

**March, 2010**

Definition *"Homeless child or youth"* is defined as a child or youth from the age of 3 years through 21 years who lacks a fixed, regular, and adequate nighttime residence and includes the following:

1. A child or youth who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, trailer park, or camping grounds due to the lack of alternative adequate accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement;
2. A child or youth who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. A child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting; or
4. A migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in paragraphs "1" through "3" above.