

**STUDENT CODE OF CONDUCT**

**BIRMINGHAM PUBLIC SCHOOLS**

August, 2018

## **PREAMBLE**

The District recognizes:

- A. The primary intent of society in establishing a system of public schools is to provide an opportunity for learning;
- B. An environment that fosters learning places paramount importance on the achievement of educational objectives; and
- C. Educational objectives include both the mastery of academic disciplines and the responsible exercise of civic rights and responsibilities.

This Student Code of Conduct is concerned with individual rights in the context of the school community. To create and maintain an appropriate school environment, respect for the rights of others, consideration of their privileges, and cooperative citizenship shall be expected of all members of the school community. Students are expected to show respect for real and personal property, pride in their work, attain high achievement within the range of their ability, and demonstrate exemplary personal standards of courtesy, decency and honesty.

The Code of Conduct identifies standards of conduct needed to support the educational objectives of the District and to protect each student's right to a safe, orderly, and productive learning environment. While reasonable rules and regulations regarding behavior are necessary for a safe and orderly school environment, the District affirms its commitment to support the efforts of all students to manage their own behavior. Support for students may be demonstrated in a variety of ways, including the following examples:

- A. School practices and policies that promote appropriate school behavior and respectful learning environments.
- B. Communication of student behavioral expectations to parents.
- C. Communication of clearly stated expectations for student behavior to students.
- D. Teachers using effective instructional and classroom management strategies.
- E. Appropriate consequences for unacceptable behaviors.
- F. Interventions and alternatives to exclusion from school, including restorative practices, whose purpose is to prevent the reoccurrence of inappropriate behavior. A sampling of alternatives to exclusion is listed elsewhere in this document.
- G. Specialized, intensive and individualized interventions for students whose pattern of unacceptable behavior warrants it.

It is also the District's responsibility to respect, at all times, the rights and privileges of the students as defined in this Student Code of Conduct. In disciplining students and regulating their conduct, the District strives to assure that guidelines and consequences are appropriate and proportionate in nature, consistent with applicable law, constructive and limited to that reasonably necessary to promote the District's educational objectives.

The Student Code of Conduct also provides a clearly defined opportunity for a student who stands accused of unacceptable conduct to a fair appeal process and allow opportunity for the student's learning to continue.

The hallmark of the exercise of disciplinary authority shall be reasonableness and fairness.

Substantial effort shall be made by staff members to resolve problems through effective utilization of District resources in cooperation with the student and his or her parent or guardian.

The District strongly encourages students who witness or are otherwise made aware of potential conduct by another student that is or may be dangerous to other students or staff members to report the conduct to an administrator, staff member or other adult. While the District understands that peer pressure and a sense of loyalty make reporting the conduct of others challenging, as students mature they recognize that the protection of the safety of others is often more important than protecting a fellow student who has engaged or is about to engage in dangerous conduct.

### **Application and Scope of the Code**

The Student Code of Conduct covers all students enrolled in the Birmingham Public Schools (including during summer school), and is applicable to a student's conduct:

1. On any premises owned, leased or used by the District;
2. In a motor vehicle owned or leased by the District or being used for a school-related purpose;
3. At a school-related event, activity or function;
4. Traveling (by vehicle, on a bicycle, on foot, or any other way) to or from school or a school-related event, activity or function; and
5. In any other location, where the conduct has a sufficient connection to or with the District, District personnel or students, or District property that it adversely and significantly affects, interferes with or endangers good order or the educational environment at school, or the proper functioning of the educational process; or where application to non-school locations is expressly provided for.

The fact that the Code of Conduct applies to all students in the District does not mean that all offenses are to be handled in the same way, regardless of the age and grade level of the student. Ranges of possible consequences for each offense are provided, and the District expects and

intends that students' age and grade levels will be factors taken into account in determining a proper level of consequence.

### **Implementation of the Code**

Implementing and enforcing the Code is primarily the responsibility of the principal. When used in the Code, the term "principal" is the assigned principal, an acting principal, an assistant principal, or any other individual so designated by the principal or central administration. Principals shall keep records of disciplinary action.

When the nature of an offense permits, disciplinary consequences will occur progressively, with the intent to provide guidance and counseling whenever possible. In cases of severe offense, however, it may be necessary to proceed directly to an advanced level of disciplinary action.

### **Removal of a Student from School Pending Investigation**

The Board has determined that when an administrator deems it necessary, the administrator may temporarily remove from school a student charged with, suspected of committing, or suspected of being involved in, an infraction or incident, for a reasonable period of time necessary:

- A. to complete the investigation of an alleged infraction or incident,
- B. to defuse a situation that could become worse without such removal, or
- C. in unusual circumstances, to permit the student to be accorded due process, as defined in this policy, which shall be accorded as soon as possible thereafter, or
- D. for other reason(s) as renders such a removal in the best interests of a particular student, a school, its students, or its staff.

Such a removal shall not constitute disciplinary action, although the infraction or incident that prompts it may conclude in disciplinary action. If the incident that has prompted removal results in discipline, the time during which the student has been removed from school shall be credited to any disciplinary time imposed.

### **Confidentiality of Disciplinary Records**

A student's record of disciplinary action is confidential. Parents or guardians may request and receive a copy of a school record of disciplinary action about their own child. Except as required by law or State mandate, or in keeping with a parent's written request, or a student's written request if age 18 or older, a student's record of disciplinary action is not released.

### **Reporting Certain Offenses to Local Police**

In compliance with MCL §380.1308 and the Response Guide for Reportable Incidents issued as part of the Statewide School Safety Information Policy, the District is required to report certain

incidents of student misconduct or other activity on school property to local police agencies within the limits of the Family Educational Rights and Privacy Act. The following must be reported:

1. An active violence incident
2. An incident involving a threat of violence or serious incident that could jeopardize the safety of students and staff (such as an armed student, weapons on school property, intruder, active threat, hostage incident, gang violence, etc.).
3. A death or homicide.
4. A physical assault in which the victim alleges injury, the victim is a member of school staff, there is injury to the victim or suspect that requires medical attention, or the suspect used a weapon during the assault.
5. A drive-by shooting.
6. An arson, explosive or fire incident that could jeopardize the safety of students or staff.
7. A bomb threat.
8. A suicide attempt.
9. A threat of suicide (to the extent regarded as a genuine threat using the District's threat assessment protocol).
10. A sexual assault (criminal sexual conduct) incident.
11. A robbery or extortion.
12. A significant (over \$100 in value) larceny, or larceny motivated by hate or gang-related.
13. A trespass incident where the trespasser is asked to leave and fails to do so, where the trespasser could jeopardize the safety of students or staff.
14. An unauthorized removal of a student from school.
15. Drug or alcohol use or overdose.
16. Drug or alcohol possession or sale.
17. An incident on a school bus or at a bus stop that could jeopardize the safety of students or staff.

Building administrators have the discretion to report other types of student misconduct to local police agencies in the interests of protecting the safety of students and staff.

Police interrogation of students, if any, shall comply with Board Policy and Administrative Guideline 5540.

### **Non-Discrimination**

The District does not discriminate on the basis of race, color, national origin, sex, gender orientation, disability, or age in the imposition of discipline upon District students.

## **Considerations Before Imposition of Discipline; Restorative Practices.**

In accordance with state law and Board Policy 5610.02, and except as specifically provided below, before a student may be suspended, expelled or permanently expelled, the District administrators making the disciplinary decision shall consider each of the following factors:

1. the student's age;
2. the student's disciplinary history;
3. whether the student is a student with a disability;
4. the seriousness of the violation or behavior committed by the student;
5. whether the violation or behavior committed by the student threatened the safety of any student or staff member;
6. whether restorative practices will be used to address the violation or behavior committed by the student; and
7. whether a lesser intervention would properly address the violation or behavior committed by the student.

The fact that consideration of these factors has occurred shall be documented in the record of the disciplinary decision. The Superintendent has developed an appropriate checklist to be used to document consideration of these factors.

Except as provided below, the District has discretion over whether to suspend, expel or permanently expel a pupil. In exercising this discretion, there is a rebuttable presumption that a suspension, expulsion or permanent expulsion is not justified unless administration can demonstrate that it considered each of the factors listed above.

The obligation to consider the factors listed above shall not apply to a student being permanently expelled under state law for possessing a firearm in a weapon-free school zone.

The District shall consider using restorative practices as an alternative or in addition to suspension or expulsion of a student. If the District suspends or expels a student, the District shall consider using restorative practices in addition to suspension or expulsion. The obligation to consider restorative practices shall not apply to a mandatory expulsion for possession of a firearm in a weapon-free school zone.

“Restorative practices” means practices that emphasize repairing the harm to the victim and the school community caused by a student’s misconduct. Restorative practices shall be considered as an alternative or in addition to suspension or expulsion of a student. The Superintendent has established procedures for the use of restorative practices within the District.

## **OFFENSES**

Listed below are offenses committed by District students that may lead to discipline, along with a range of possible penalties.

## I. Offenses Against Other Students or Staff

### Offenses Involving Physical Altercations Between Students.

Physical altercations between students may involve different levels of severity. This Code recognizes three such levels: “inappropriate physical behavior;” “fighting,” which is more serious; and the most serious, “physical assault.” Ordinarily, a fight will not rise to the level of a physical assault, although an act that causes or incites a fight may constitute a physical assault if it is sufficiently serious – *i.e.*, unprovoked, unanticipated, or unusually violent. Physical altercations that are not serious enough to be classified as a physical assault will generally be classified as “fighting” or “inappropriate physical behavior.”

Inappropriate Physical Behavior: A student shall not engage in roughhousing, shoving, hitting, slapping and other inappropriate physical behavior that does not rise to the level of “fighting” or “physical assault.”

Consequence: Administrative alternatives through suspension.

Fighting: A student shall not engage in hostile physical contact with another individual, or inciting or prompting others to fight.

Consequence: Suspension through expulsion.

Physical Assault: A student shall not intentionally cause or attempt to cause physical harm to another through force or violence.

Consequence: Suspension through permanent expulsion.

Verbal or Written Assault: A student shall not engage in conduct, either verbally or in writing, that places or is likely to place a student, staff or others in fear of imminent injury to person or property.

Consequence: Administrative alternatives through expulsion.

Hazing: A student shall not engage in the hazing of another student, regardless of whether the person being hazed, his parent or guardian, has given actual or implied consent to the hazing. Under Board Policy 5516, “hazing” is defined as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm.

Consequence: Suspension through permanent expulsion.

Discriminatory Harassment: A student shall not intentionally engage in harassment relating to a person's sex, sexual orientation, gender identity, race, color, national origin, religion, height, weight, marital status, or disability. Under Board Policy 5517, "harassment" means any threatening, insulting, or dehumanizing gesture, use of technology (including social media), or written, verbal or physical conduct directed against a student or a group of students or a school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Consequence: Administrative alternatives through expulsion.

Sexual Harassment: A student shall not intentionally engage in sexual harassment of another person. Under Board Policy 5517, "sexual harassment" consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when

- A. submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity; or
- B. submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
- C. such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Consequence: Administrative alternatives through expulsion.

Bullying: A student shall not engage in conduct that violates the District's anti-bullying policy. Under Board Policy 5517.01, "bullying" means any written, verbal or physical act, or any electronic communication, including, but not limited to, cyberbullying (via social media or otherwise), that is intended or that a reasonable person would know is likely to harm one (1) or more District students, either directly or indirectly, by doing any of the following:

- A. substantially interfering with educational opportunities, benefits or programs;
- B. adversely affecting a student's ability to participate in or benefit from educational programs or activities by placing a student in reasonable fear of physical harm or by causing substantial emotional distress;



- C. having an actual and substantial detrimental effect on a student's physical or mental health; or
- D. causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Consequence: Administrative alternatives through expulsion.

Threats/Intimidation: A student shall not take any action that is designed to coerce, threaten or intimidate a student or staff member, including, without limitation, a person who is participating in an investigation or proceedings conducted under the Student Code of Conduct.

Consequence: Suspension through permanent expulsion.

Coercion, Extortion, Blackmail: A student shall not commit or attempt to commit extortion, coercion or blackmail. A student shall not obtain, or attempt to obtain, money or other items of value from an unwilling person, nor shall a student by threats and/or violence, force another person to perform an act unwillingly.

Consequence: Suspension through expulsion.

Inappropriate Sexual Activity: A student shall not engage in sexual activity, whether consensual or non-consensual, which is not appropriate for students but which does not rise to the level of criminal sexual conduct.

Consequence: Suspension through expulsion.

Criminal Sexual Conduct:

- A. A student shall not engage in conduct which violates Michigan's Criminal Sexual Conduct law (MCL §§750.520b, c, d, e or g).

Consequence: Expulsion through permanent expulsion.

- B. **Regardless of location**, a student shall not engage in conduct which violates Michigan's Criminal Sexual Conduct law (MCL §§750.520b, c, d, e or g) with another student enrolled in Birmingham Public Schools.

Consequence: Expulsion through permanent expulsion.

[NOTE: Under state law, the District **may** suspend or expel a student who **commits** criminal sexual conduct with another District student. The District **shall** suspend or expel a student who is **convicted**, by plea or adjudication, of criminal sexual conduct with another District student.]

## II. Infractions Endangering Other Students and/or Staff.

Bomb Threat or Other Threats of Mass Harm: A student shall not threaten to set off a bomb or other explosive or dangerous device, or otherwise threaten the school in general by threatening to bring a weapon(s) to school in order to harm multiple students or staff members.

Consequence: Suspension through permanent expulsion.

Arson: A student shall not burn, or attempt to burn, a school building, structure or property; or intentionally set, or attempt to set, a fire on school property; or cause, or attempt to cause, an explosion on school property; or engage in conduct that violates Michigan's arson statutes.

Consequence: Suspension through permanent expulsion.

Theft: A student shall not steal, or attempt to steal, or knowingly be in the unauthorized possession of, school property or the property of another person.

Consequence: Administrative alternatives through expulsion.

Gang Activity: A student will not, by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the District's education mission. Gang activity includes, but is not limited to, the following:

- Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang.
- Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang.
- Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.
- Recruiting student(s) for gangs.

Consequence: Suspension through permanent expulsion.

Fireworks, Explosives, Dangerous Substances: A student shall not possess, attempt to possess, handle or transmit any fireworks or substance that can explode, or is capable of inflicting bodily injury or cause physical discomfort to another person.

Consequence: Suspension through permanent expulsion.

Weapons: Firearms: A student shall not possess a firearm. A firearm is any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a

projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or silencer; or any destructive device, but not including an antique firearm.

Consequence: Mandatory permanent expulsion, pursuant to state law.

Weapons: Other Dangerous Weapons: A student shall not possess, attempt to possess, handle, use or transmit a dagger, dirk, stiletto, knife with a blade 3” or more in length, pocketknife opened by a mechanical device, iron bar, or brass knuckles.

Consequence: Suspension through permanent expulsion.

Weapons: Look-Alikes: A student shall not possess, attempt to possess, handle, use or transmit a toy weapon or look-alike or replica weapon without the prior approval of a teacher or administrator.

Consequence: Administrative alternatives through expulsion.

Weapons: Other Weapons: A student shall not possess, attempt to possess, handle, use or transmit any other weapons or instrument used as a weapon, including, but not limited to, a martial arts weapon; an air gun; a knife with a blade less than 3” in length; or any instrument or item that inherently, or by its use in a particular case, inflicts or may inflict injury or endangers personal health or safety.

Consequence: Suspension through permanent expulsion.

### **III. Infractions Endangering Violators and Others.**

Smoking: A student shall not smoke, chew, or otherwise use or have in his or her possession or under his or her control tobacco in any form, or any device or paraphernalia of any kind that may be used for smoking. A student shall not smoke or otherwise use or possess e-cigarettes and/or vaporizers (“vaping”).

Consequence: Administrative alternatives through suspension.

Alcohol: A student shall not use, consume, possess, attempt to possess, deliver, sell or share, or be under any degree of influence of alcoholic beverages.

Consequence: Suspension through expulsion.

Drugs: A student shall not use, consume, possess, attempt to possess, deliver, sell or share, or be under any degree of influence of drugs whose use is prohibited by state or federal law. A student shall not willfully misuse prescribed or over-the-counter medications in a way that results or could result in intoxicating or dangerous effects. A student shall not possess drug paraphernalia (any equipment, product, accessory, or material that is utilized or modified for making, using, or concealing prohibited drugs).

Consequence: Suspension through permanent expulsion.

Inhalants or Other Chemical Substances: A student shall not manufacture, use, consume, possess, attempt to possess, deliver, or be under any degree of inhalants or intoxicating chemical substances of any kind.

Consequence: Suspension through permanent expulsion.

Gambling: A student shall not engage in gambling or illegal games of chance of any kind, or be in possession of gambling paraphernalia.

Consequence: Administrative alternatives through expulsion.

#### **IV. Educational or Other Dishonesty**

Cheating: A student shall not engage in academic cheating, including, but not limited to, the giving or receiving of unauthorized aid or assistance or the giving or receiving of unfair advantage in any form of academic work.

Consequence: Administrative alternatives through expulsion. Academic consequences may also be imposed, such as a failing or reduced grade on a test or assignment.

Plagiarism: A student shall not present or use the language, structure, idea and/or thought of another as the student's own.

Consequence: Administrative alternatives through expulsion. Academic consequences may also be imposed, such as a failing or reduced grade on a test or assignment.

Forgery: A student shall not use the property, including the handwritten or electronic signature, of another without the other's permission.

Consequence: Administrative alternatives through expulsion. Academic consequences may also be imposed, such as a failing or reduced grade on a test or assignment.

Copyrighted Materials: A student shall not knowingly and unlawfully duplicate, reproduce, retain or use material protected by copyright or trademark.

Consequence: Administrative alternatives through suspension.

False Allegations: A student shall not libel, slander, defame or make false allegations against another student, a District employee, contractor, volunteer or Board member.

Consequence: Administrative alternatives through expulsion.

Falsification of Records: A student shall not falsify information on District forms or records or cause them to be altered.

Consequence: Administrative alternatives through expulsion.

False Identification: A student shall not use another person's identification or give false identification to any school official with intent to deceive school personnel or to falsely obtain money or property.

Consequence: Administrative alternatives through expulsion.

Fraud or Misrepresentation: A student shall not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value or for any other reason.

Consequence: Administrative alternatives through expulsion.

## **V. Infractions Disruptive to the Educational Environment.**

Closed Campus Violation: A student shall not leave his or her school campus other than at the end of the school day without permission of school staff or other authorization.

Consequence: Administrative alternatives through suspension.

Clothing/Dress Code: A student shall not dress or groom in a way that violates a District or building dress code, or that interferes with the safety or health of the student or other students or creates, or potentially creates, a disruptive influence on the educational environment.

Consequence: Administrative alternatives through suspension.

Concerted Disruptive Activity: A student shall not engage in any concerted activity designed or reasonably likely to disrupt the educational environment or the operations of a school or the District, such as a strike, a refusal to attend a class or to leave a classroom or a school when directed, or disruption of a class or a school by noise, passive resistance or other disturbance, nor shall a student influence or urge other students to engage in such behavior.

Consequence: Administrative alternatives through expulsion.

Negligent Destruction of Property: A student shall not through negligence or carelessness, but not intentionally, act in such a way as to damage the property of others, including the District.

Consequence: Administrative alternatives, including restitution.

Intentional or Reckless Destruction of Property/Vandalism: A student shall not intentionally or recklessly act in such a way as to damage the property of others, including the District.

Consequence: Suspension through permanent expulsion.

False Alarm: A student shall not knowingly cause a false fire alarm, or make a false fire, bomb, or catastrophe report, or tamper with fire or other alarm or emergency equipment in a way that causes or is likely to cause a false alarm, or causes or is likely to cause the equipment to be unable to transmit an alarm.

Consequence: Administrative alternatives through suspension.

Throwing Food: A student shall not throw food or beverages in a cafeteria, hallway or classroom, or otherwise engage in a “food fight.”

Consequence: Administrative alternatives through suspension.

Non-compliance with Directive: A student shall not fail or refuse to carry out a reasonable request by school personnel; engage in insolence or defiance toward school personnel; fail to complete an assigned disciplinary action; or fail to leave school property, a school-related vehicle, or a school-sponsored activity when directed to do so by school personnel.

Consequence: Administrative alternatives through suspension.

Littering: A student shall not fail or refuse to properly dispose of food or other refuse.

Consequence: Administrative alternatives through suspension.

Pranks/Practical Jokes: A student shall not engage in mischief or antics which cause, or are reasonably likely to cause, harm to others or disruption of the educational environment.

Consequence: Administrative alternatives through suspension.

Inappropriate Vehicle Usage: A student shall not drive a vehicle in an unsafe or illegal manner, or park a vehicle in an inappropriate manner or location.

Consequence: Administrative alternatives through suspension.

Profanity/Vulgarity: A student shall not use profane or vulgar language, or engage in profane or vulgar conduct.

Consequence: Administrative alternatives through suspension.

Trespassing: A student shall not be on school property or in a school building at times or in locations other than for legitimate educational purposes or school events, or at times when the student is under suspension, expulsion or other assigned exclusion from school.

Consequence: Administrative alternatives through permanent expulsion.

Unauthorized Use of School Equipment: A student shall not use District property, such as telephones, copiers, computer equipment, fax machines, laboratory equipment or athletic equipment or supplies, without authorization or in a dangerous or illegal fashion.

Consequence: Administrative alternatives through suspension.

Violation of Technology Acceptable Use Policy: A student shall not violate the District's Technology Acceptable Use Policy.

Consequence: Administrative alternatives through expulsion.

Indecency: A student shall not engage in conduct that is contrary to commonly recognized standards of decency and behavior, such as obscenity, indecent exposure, or the use of language in verbal or written form, in pictures, or in caricatures or gestures that are offensive to the general standards of propriety.

Consequence: Administrative alternatives through permanent expulsion.

Public Displays of Affection: A student shall not engage in inappropriate or public displays of affection with others.

Consequence: Administrative alternatives through suspension.

Electronic Communication or Media Devices: A student shall not possess or use an electronic device at times or in locations that are not permitted, or in ways that violate the District's Acceptable Use Policy.

Consequence: Administrative alternatives through suspension.

## **VI. Other Infractions.**

Other School Rules: The Superintendent and the Principal of each school may develop such other school rules and regulations as may be necessary or appropriate to govern the conduct of students of the District. A student shall not violate such rules or regulations.

Consequence: Administrative alternatives through permanent expulsion.

Other Unacceptable Conduct or Inappropriate Behavior: A student shall not engage in other conduct that endangers, or has the potential to endanger, the student, other students, staff, or other

persons, or property, or that otherwise disrupts, or has the potential to disrupt, the educational environment of a school or the District.

Consequence: Administrative alternatives through permanent expulsion.

## **ADMINISTRATION OF THE CODE OF CONDUCT**

### **LEVELS OF DISCIPLINE**

Unacceptable student conduct, as defined above, may give rise to several levels of discipline, including administration alternatives to exclusion from school, emergency removal (snap suspension), suspension, expulsion or permanent expulsion.

Exclusion of a student from the educational programs of the District is a serious sanction, however, and thus administrators are encouraged, in appropriate cases, to consider administrative alternatives other than exclusion from school.

#### **Level 1: Administrative Alternatives**

Listed below is a non-exclusive list of administrative alternatives to exclusion from school that may be considered, with the appropriateness of a particular alternative dependent on the seriousness of the infraction, the student's age and discipline history, and other circumstances and factors.

- Classroom time out
- Lunch-time detention
- Before or after school detention (after notice to parents)
- Denial of participation in school or extracurricular activities or events
- Denial of the right to attend non-classroom school events
- Student-parent-school behavioral contracts
- A written assignment pertinent to the unacceptable conduct
- Confiscation of materials or items that are part of the unacceptable conduct
- Academic warnings
- Additional classroom assignment(s)
- Work assignment at school (cleanup or minor repairs)
- Required community service
- In the case of property damage, full financial restitution
- Loss of parking privileges at school
- Probationary status
- Restorative practices

#### **Level 2: Emergency Removal ("Snap Suspension")**

A student may be removed from any class, subject, or activity for up to one (1) day by his/her teacher for certain conduct as specified in the Code of Conduct pursuant to MCL §380.1309. A



student so removed will be allowed to attend other classes taught by other teachers during the term of the one (1) day removal.

### **Level 3: Suspension**

The Superintendent, the Superintendent's designee, or a building administrator may suspend a student for a period of up to 60 days. Ordinarily a suspension will be imposed by a building administrator.

### **Level 4: Expulsion of 61 to 180 days**

The Superintendent, the Superintendent's designee, or a building administrator may expel a student for from 61 to 180 days. Ordinarily an expulsion will be imposed by a building administrator.

### **Level 5. Permanent Expulsion or Expulsion of Greater Than 180 Days**

Upon the recommendation of a building administrator, the Superintendent or the Superintendent's designee may permanently expel a student or expel a student for greater than 180 days.

Note: The imposition of penalties for infractions other than mandatory permanent expulsion is subject to consideration of certain factors established by state law and Board Policy 5610.02, as discussed above.

### **Discipline of Students with Disabilities.**

The rules governing student conduct apply to all students. The District, however, will fully comply with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 and the Michigan Mandatory Special Education Act when disciplining students with disabilities.

### **Responsibility of the Excluded Student**

**Students Excluded for 10 Days or Less:** Students who are assigned to in-school suspension, including students excluded by emergency removal for one (1) class, subject, or activity, and students who are suspended for 10 days or less, will be provided the course content (*i.e.*, worksheets, handouts, assignments), except for notes and other information provided by the teacher during the class period that would be considered part of the in-class lesson. Any content that would have received a grade will not be graded; the ungraded content will not be averaged into the student's final grade for the class. A student shall be offered make-up privileges during the time of the exclusion. It shall be the responsibility of the student to contact each teacher for course content and/or to arrange for make-up opportunities as determined by the teacher.

**Students Excluded for 11 to 90 Days:** Students who are suspended for more than 10 days or expelled for up to 90 days shall have access to course content, and are encouraged to keep up with the work of their classes. Any content that would have received a grade

will not be graded; the ungraded content will not be averaged into the student's final grade for the class. A student shall be offered make-up privileges during the time of the exclusion. It shall be the responsibility of the student to contact each teacher for course content and/or to arrange for make-up opportunities as determined by the teacher.

**Students Expelled for More Than 90 Days or Permanently Expelled:** Students under 18 years old who are expelled for more than 90 days or permanently expelled from school remain subject to the state compulsory education law, MCL §380.1561. It is the responsibility of the student and the student's parent(s) or legal guardian(s) to locate a suitable alternative educational program and to enroll the student in such a program unless/until the student is reinstated to school in the District or the student reaches the age of 18. The Michigan Department of Education Office of Safe Schools is charged with compiling information and options for alternative schooling.

Students who are expelled for more than 90 days or permanently expelled are required to return to the principal all school-owned property in their possession as soon as possible.

## **DUE PROCESS**

### **Students subject to suspensions greater than 10 days or expulsion of 180 days or less.**

Except in emergency situations, prior to the implementation of a suspension or expulsion a student shall be given due process, consisting of oral or written notice of the charges against him or her, a summary of the evidence supporting the charges, and the opportunity to respond. When such suspension or expulsion has already occurred, notice and opportunity to respond shall occur as soon as reasonably possible. The building administrator shall be responsible for making the suspension decision, and shall provide the student the opportunity be heard.

A suspension or expulsion of 180 days or less may be appealed by the student and/or the student's parent or guardian to the Superintendent or Superintendent's designee, using the following procedure:

1. A student or parent wishing review of a suspension or an expulsion shall first request a conference with the principal to review the expulsion within five (5) school days of the mailing of written notice of the expulsion. If no such conference is requested, the suspension or expulsion shall be deemed final.
2. If a conference takes place, the principal shall issue a written determination affirming or modifying the suspension or expulsion. The determination shall be mailed to the student and parent within 5 (five) school days following the conference, along with a written notice of the right of appeal to the Superintendent or designee.
3. A suspension or expulsion which has been the subject of a review conference with the principal may be appealed to the Superintendent or the Superintendent's designee by the student or parent by filing with the Superintendent's office a written request for appeal within 5 (five) school days following mailing of the principal's

written determination affirming or modifying the suspension or expulsion. If no such appeal is filed, the suspension or expulsion shall be deemed final.

4. The Superintendent or designee may stay enforcement of a suspension or expulsion pending appeal.
5. Upon receipt of a request for appeal to the Superintendent or designee, the Superintendent or designee shall provide the student or parent written notice of the following:
  - a. The time, date, and location of the appeal hearing.
  - b. That the student may be represented by an attorney or advisor of the student's choosing.
  - c. That witnesses may attend the hearing and present evidence to the Superintendent or designee.
6. The principal and other administrators from the student's school, Board attorney, and any other persons the Superintendent or designee believes are necessary may attend the appeal hearing as witnesses or advisors.
7. A stenographic or electronic record of the appeal hearing shall be made. The hearing shall be closed to the public.
8. During the hearing, the principal or other administrator shall first present to the Superintendent or designee the facts of the case and the basis for the suspension or expulsion. Thereafter, the student (and/or the student's representative and parent(s)) may present their defense. The Superintendent or designee and other participants in the hearing may ask questions of witnesses. While the hearing process is subject to due process and may have some similarities to a court proceeding, it is not conducted in a court of law and court rules are not applicable.
9. After conducting a hearing, the Superintendent or designee may:
  - a. Affirm the expulsion; or
  - b. Modify the terms and conditions of such expulsion, with or without new conditions. In modifying the expulsion, the Superintendent or designee may impose consequences that are greater, lesser or different than imposed by the principal, but the Superintendent or designee may not impose an expulsion greater than 180 days or a permanent expulsion; or
  - c. Set aside the suspension or expulsion.

10. The Superintendent or designee shall issue a decision in writing within a reasonable time following the appeal hearing. The Disciplinary Review Panel's decision shall be final.

**Students subject to permanent expulsion or expulsion greater than 180 days.**

Before a recommendation to the Superintendent or designee that a student be permanently expelled or expelled for more than 180 days, the student shall be provided at the building level oral or written notice of the charges against him or her, a summary of the evidence supporting the charges, and the opportunity to respond. If such a recommendation is to be made, the student and the student's parent or guardian must also be notified that the Superintendent or the Superintendent's designee will conduct a hearing to determine whether to accept the recommendation for expulsion. The following hearing procedure shall be followed:

1. Upon receipt of a recommendation from an administrator that a student be expelled for more than 180 days or permanently expelled, the Superintendent or the Superintendent's designee shall promptly schedule a hearing to review the recommendation, and shall provide the student or parent written notice of the following:
  - a. the time, date and location of the hearing.
  - b. that the student or parent may be represented by an attorney of advisor at the hearing.
  - c. that witnesses may attend the hearing and present evidence to the Superintendent or designee.

If the student or parent fails to attend a hearing after receiving notice, the Superintendent or designee may proceed with the hearing and to a determination of whether to accept the recommendation.
2. The principal and/or other administrators from the student's school, the Board attorney, and any other persons the Superintendent or designee believes are necessary may attend the hearing as witnesses or advisors to the Superintendent or designee.
3. At the hearing, the student or parent shall be provided:
  - a. notice of the charges against the student;
  - b. a summary of the evidence supporting the recommendation and the reasons for the recommendation; and
  - c. an opportunity to be heard in his/her own defense.

4. During the hearing, the principal or other administrator shall first present to the Superintendent or designee the facts of the case and the basis for the expulsion recommendation. Thereafter, the student, the student's parent and/or the student's representative may present their defense. The Superintendent or designee and other participants in the hearing may ask questions of witnesses. While the hearing process is subject to due process and may have some similarities to a court proceeding, it is not conducted in a court of law and court rules are not applicable.
5. After conducting the hearing, the Superintendent or designee shall mail to the student or parent a written decision with respect to the recommendation within five (5) school days following the hearing. The Superintendent or designee may:
  - a. accept the recommendation and expel the student;
  - b. impose consequences other than expulsion (including a suspension of each duration and with such terms as the Superintendent believes are justified);
  - c. return the matter to the principal for imposition of consequences other than expulsion; or
  - d. decline to impose discipline.
6. A permanent expulsion or an expulsion greater than 180 days may be appealed to the Board of Education by the student or parent within fifteen (15) days of the mailing of the letter of expulsion or the letter following a review conference with the superintendent, pursuant to the provisions of Board Policy 5610.01.

The Superintendent or designee may stay enforcement of the expulsion or discipline pending the appeal.
7. A student who has been permanently expelled from the District may seek reinstatement in accordance with the provisions of Board Policy 5610.01.