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Student Code of Conduct

STUDENT CODE OF CONDUCT

The School District must balance the interests of students and the community in a safe and conducive educational environment with its duty to provide educational services to student who engage in misconduct and behaviors that interfere with the safety and the delivery of educational services. Board of Education Policy and this Student Code of Conduct are intended to strike that balance. However, these documents do not limit the School District's lawful authority.

Interscholastic Athletics. Student participation in interscholastic athletics is a privilege; not a right. Student athletes are subject to the Student Code of Conduct at all times, as well as the additional disciplinary rules that govern participants who represent the School District as members of an athletic team. These rules will be set forth in the Athletic and Extracurricular Code of Conduct (See Athletic Code of Conduct & Athletic Performance Procedures 2000.061). An athletic responsibility acknowledgment form is required to be signed by the student and his/her parent and returned to the school before the student may participate.

Transportation.

Student Drivers. Student drivers must be licensed and receive written permission from the School District in order to park their vehicle on School District property or use their vehicle during the school day. Student drivers must register with the school and park only in designated areas.

School Transportation. A student who is transported by the School District or transported to a School District-related event must abide by the driver's direction and the Student Code of Conduct. Violators face the loss of transportation privileges, as well as possible disciplinary action. Examples of misconduct that may lead to temporary or permanent suspension of transportation privileges or other possible disciplinary action include, but are not limited to: insubordination, smoking, fighting, profane or foul language and destruction of property.

Student Dress and Appearance. The style and manner in which a student dresses while he/she attends school and school-related functions is largely the responsibility of the student and his/her parent. The District, however, maintains the right to impose reasonable restrictions on dress, where: the style of dress or grooming is reasonably considered disruptive; or, the style of dress or grooming is reasonably considered detrimental to the School District's mission and/or the health, safety or welfare of the student or other persons with whom he/she attends school (See Student Dress Code Procedures 2000.062).

Police Investigations and Arrests. The School District cooperates with local police authorities in the interest of the welfare of all citizens and the school community.

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Parents/guardians will be notified if police arrest or wish to question their student in school. The timing of parental notification will depend on the circumstances, taken as a whole.

Search and Seizure. From time to time, school property, such as lockers desks and technology devices, is assigned to a student. Students do not acquire a reasonable expectation of privacy in such property. The School District reserves the unrestricted right to search and seize property assigned to a student at any time, for any reason, with or without notice to the student. The privacy rights of students shall be respected regarding any items found during a search that are not illegal or otherwise against School District policy or these administrative procedures.

The School District makes parking available to students who are licensed drivers. This privilege is conditioned on the student's consent, in advance, to the search of their vehicles by School District personnel at any time, for any reason, with or without notice to the student.

School District personnel may, to the full extent permitted by law, search and seize students and their personal effects. Illegal items and items inappropriate in the educational environment may be confiscated by School District personnel and, when appropriate, delivered to police authorities or parents.

Student Bullying and Cyberbullying. The Board of Education has adopted a policy on bullying and cyberbullying. The Policy is intended to protect students from bullying, including cyberbullying, regardless of the subject matter or motivation for the behavior. In order to implement the bullying policy, the School District has developed the following complaint procedure:

Complaint Procedure. A student who believes that he/she has been the victim of bullying or cyberbullying must immediately report the incident(s) to the building principal. A student's parent or guardian must also report any such incident(s) on behalf of the student. Upon receipt of a report (complaint), the principal or his/her designee (the investigator) will conduct a prompt investigation. At the request or with the permission of the complainant, the investigator may first attempt to resolve the matter informally. Informal steps will not, however, cause a substantial delay in the investigation. The complainant may, at any time, request that the matter move to a formal investigation. Where the bullying activity is alleged to have been based on the protected classifications of race, color, sex, national origin or disability, the incident(s) instead investigated by the School District's designated Coordinator pursuant to Board of Education Policy.

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Step 1: Formal Investigation

The investigator will interview the complainant and document the interview. Generally, the complainant will be asked: to reduce the complaint to writing; to provide the names and contact information, if known, of any persons who witnessed and may be able to substantiate the allegations of the complaint; and, to produce any documents or other things supporting the complaint. The complainant will be directed not to discuss the complaint with other students while the investigation is pending.

The investigator will interview the accused and document the interview. Generally, the accused will be asked: to reduce his/her response to writing; and, to produce any documents or other things supporting his/her response. The investigator should not disclose the identity of the complainant unless this is necessary to enable the accused student to respond to the allegations. The accused will be directed not to contact the complainant, if the complainant's identity is known or suspected, or retaliate or threaten to retaliate in any way against the complainant or any potential witnesses.

In the event of a significant discrepancy between the complainant and the accused, the investigator will interview other persons reasonably necessary to resolve the discrepancy.

Step 2: Decision

Complaint Found Valid. If the investigator concludes that the complaint is valid (i.e., bullying or cyberbullying in violation of School District policy has occurred), the following actions will be taken: the parent or guardian of both the complainant and the accused will be notified of the results of the investigation; the results of the investigation will be reported to the Superintendent; the Superintendent will consider whether restorative practices may be appropriate and, if so, invite the complainant and the accused to participate in a restorative practices team meeting; the Superintendent, or his/her designee, will consider whether disciplinary action may be appropriate and, if so, initiate disciplinary action in accordance with the Student Code of Conduct; and, the Superintendent, or his/her designee, will determine whether relief to the complainant is feasible and available.

Complaint Found Not Valid. If the investigator concludes that the complaint is not valid (i.e., no bullying or cyberbullying in violation of School District Policy has occurred, or can be substantiated), the following actions will be taken: the parent or guardian of both the complainant and the accused will be notified of the results of the investigation; the complainant and the accused will be

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reminded the School District prohibits retaliation or threats of retaliatory action; the results of the investigation will be reported to the Superintendent; and, any references to the complaint will be removed from the education records of the accused. The investigator will retain the investigative file for at least three years.

Annual Report. The Superintendent will prepare an annual written report to the Board, including all verified incidents of bullying or cyberbullying and the resulting consequences that were imposed.

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Preamble. The School District's Student Code of Conduct balances the School District's obligation to maintain safety and a conducive educational environment with the School District's obligation to teach appropriate behavior to students who engage in misconduct and inappropriate behavior.

The Student Code of Conduct establishes the rules governing the most serious and obvious types of student misconduct. The prohibited acts listed in this Student Code of Conduct are not to be considered as an all-inclusive list or as a limitation upon the authority of school officials to deal appropriately with violations of a school building's individual rules and regulations, or other types of conduct which interfere with the good order of the school system, the proper functioning of the educational process, or the health and safety of students.

The Student Code of Conduct does not include the School District's attendance and tardiness policies, the School District's requirements for credit and graduation, or the School District's authority to regulate the participation of students in extracurricular and athletic activities.

Each prohibited act listed in the Student Code of Conduct references the discipline which may be imposed for a violation. The School District will also consider restorative practices as an addition or alternative to discipline. The discipline for violating some prohibited acts ranges from administrative intervention to expulsion; for other prohibited acts, the penalty ranges from suspension to expulsion; and for violation of the most serious prohibited acts, the penalty is expulsion. In cases where the stated penalty is not expulsion but is set forth in terms of a range, the actual penalty imposed will depend upon the nature and severity of the offense, the particular facts involved, the age of the student, the student's prior behavioral record, the persistent and/or chronic nature of the misconduct, the recommendation of school personnel, and all other circumstances deemed relevant.

A student violating any of the prohibited acts listed in this Student Code of Conduct will be disciplined in accordance with the Code of Conduct. Additionally, a student who

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engages in a prohibited act which violates law, may be referred to the appropriate police authority.

The prohibited acts and penalties listed below are applicable when a student:

1. engages in a prohibited act on school property;
2. engages in a prohibited act in a motor vehicle being used for a school-related purpose;
3. engages in a prohibited act at a school-related activity, function or event;
4. engages in a prohibited act en route to or from school;
5. engages in a prohibited act involving another student who is en route to or from school;
6. engages in a prohibited act off school premises, which act, in the judgment of the building administrator, is of such seriousness that the student's continued attendance in school would present a danger to the health and safety of students or employees and/or would substantially interfere with the proper functioning of the educational process; or
7. engages in a prohibited act when the student was not enrolled in the School District or was enrolled in another school district, if the act of misconduct would constitute a sufficient basis for suspension or expulsion had it occurred while the student was attending school in the School District.

Presumption Against Long-Term Suspension or Expulsion and Consideration of Individual Factors. Consistent with Michigan law, the School District adopts a rebuttable presumption students should not be disciplined by the imposition of long-term suspension (i.e., more than 10 school days) or expelled (i.e., more than 60 school days) unless the School District has determined, in its sole discretion, the presumption has been rebutted by considering each of the following seven factors:

1. The student's age;
2. The student's disciplinary history;
3. Whether the student is disabled within the meaning of IDEA or ADA/Section 504;
4. The seriousness of the student's misconduct or behavior;

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5. Whether the student's misconduct or behavior threatened the safety of any pupil or staff member;
6. Whether restorative practices will be used to address the student's misconduct or behavior; and,
7. Whether less severe discipline would properly address the student's misconduct or behavior.

This rebuttable presumption does not apply to short-term suspensions (i.e., 10 school days or fewer) or to a student who possesses a firearm in a weapons free school zone. However, with respect to all out-of-school suspensions and expulsion (short-term or long-term), the School District administrator implementing the suspension, shall consider and document consideration of the seven factors listed above on a form approved by the Superintendent.

Restorative Practices. Consistent with Michigan law and in every case, the School District will consider restorative practices as an addition or alternative to suspension or expulsion. Restorative practices are practices that emphasize repairing the harm of the victim and the School District community of a student's misconduct or other behavior. Restorative practices may be considered and implemented by a restorative practices team. The restorative practices team may be constituted and act in the manner described in Section 1310c(2) of the Revised School Code or in a similar manner, depending on the circumstances as a whole in the sole discretion of the School District administrator assigned to handle the misconduct or behavior.

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption and harassment, bullying and cyberbullying.

Definitions of Discipline

Administrative Intervention - Disciplinary action which does not result in a student being suspended from school including, but not limited to, restorative practices. Administrative intervention may include the removal of a student from a class period, in-school suspension, a reprimand, detention and/or work assignment before or after school, additional classroom assignments and revocation of the privilege of attending after school functions and activities, events, etc.

Suspension - Exclusion of a student from school for 60 school days or fewer or exclusion of a student from school which exclusion will terminate upon the fulfillment of a specific set of conditions.

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Expulsion - Exclusion of the student from the School District for 60 school days or more or permanent exclusion.

Prohibited Acts

1. Failure to Cooperate

A student shall not refuse to cooperate with School District administrators and/or teaching staff investigating a possible violation of this Code of Conduct and/or building rules, and no student shall make false statements or give false evidence to School District administrators and/or teaching staff. A student shall not refuse to testify or otherwise cooperate with School District personnel in any disciplinary proceeding.

Penalty - administrative intervention to permanent expulsion.

2. False Allegations

A student shall not libel or slander, or make false allegations against another student, School District employee (including substitute and student teachers), Board of Education members, or volunteers.

Penalty - administrative intervention to permanent expulsion

3. Failure to Comply with Directions of School Personnel

A student shall not be insubordinate or fail to comply with instructions and directions of School District employees (including substitute and student teachers), volunteers or persons acting as a chaperone or in a supervisory capacity.

Penalty - administrative intervention to permanent expulsion.

4. Falsification of Records

A student shall not use the name of another person or falsify times, dates, grades, addresses or other data on School District forms or records. A student shall not provide false, misleading or inaccurate statements or information on School District forms or records.

Penalty - administrative intervention to permanent expulsion.

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5. Scholastic Dishonesty

A student shall not engage in academic cheating. Cheating includes, but is not limited to, the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. A student shall not engage in plagiarism, which includes the copying of language, structure, idea and/or thought of another and represent it as the student's own original work.

Penalty - administrative intervention to permanent expulsion.

6. Copyrighted Material

A student shall not unlawfully duplicate, reproduce, retain or use copyrighted material.

Penalty - administrative intervention to permanent expulsion.

7. Improper Communications

A student shall not make threatening, annoying, nuisance, vulgar and/or obscene communications, verbally, in writing, or by gestures, to School District employees (including substitutes and student teachers), Board of Education members, chaperones, volunteers or visitors to the school building. The prohibition against such communications shall apply whether the communications are made in a school building or on school premises or outside of a school building or off school premises, and regardless of whether such communications are made during, before, or after school hours or during times when school is not in session.

Penalty - administrative intervention to permanent expulsion.

8. Indecency

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

Penalty - administrative intervention to permanent expulsion.

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9. Disruption of School

A student shall not, by any type of conduct (violence, force, noise, coercion, threat, intimidation, fear, passive resistance, etc.), cause the disruption or obstruction of any function of the school, nor shall he or she engage in any such conduct if such disruption or obstruction is reasonably likely to result. Neither shall a student urge other students to engage in such conduct for the purpose of causing such disruption or obstruction.

While the following acts are not intended to be exclusive, they illustrate the kinds of offenses encompassed within this rule. It should be understood that any conduct which causes disruption, is likely to result in disruption, or interferes with the educational process, is forbidden.

- Occupying any school building, school grounds, or a part thereof, without the permission of a school building staff member, which deprives others of its use;
- Blocking normal pedestrian or vehicle traffic, the entrances or exits of any school building or corridor or room, without the permission of the building principal;
- Preventing, attempting to prevent, or interfering with, the convening or continued functioning of any class, activity, meeting or assembly;
- Instigating or participating in a disturbance, or causing a disturbance, which interrupts the educational opportunities of others or threatens the general health, safety and welfare of others on school property or at a school sponsored activity.

Penalty - administrative intervention to permanent expulsion.

10. Discriminatory Harassment

A student shall not engage in unwelcome sexual advances or requests for sexual favors or unwelcomed sexual touching. A student shall not engage in other verbal or physical conduct relating to a person's sex, race, color, national origin, religion, height, weight, marital status, or handicap or disability (e.g., sexual or racial comments, threats or insults, etc.).

Penalty - administrative intervention to permanent expulsion.

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11. Violations of Building's Rules and Regulations

A student shall not commit or participate in any conduct or act prohibited by a school building's rules and regulations.

Penalty - administrative intervention to permanent expulsion.

12. Bullying and Hazing

Students are prohibited from engaging in conduct, whether written, verbal or physical, that unreasonably interferes with another's participation in or enjoyment at school or school-related activities, such as bullying or hazing.

"Hazing," for the purpose of this Code of Conduct, means initiating another student into any grade, school, or school-related activity by any means or methods that may cause physical or emotional pain, embarrassment, or discomfort.

Penalty - administrative intervention to permanent expulsion.

13. Dress

A student shall not dress or groom in a manner, which in the judgment of a building administrator, is unsafe to the student or others or disruptive to the educational process as outlined in the Student Dress Code Procedures (see Student Dress Code Procedures 2000.062)

Penalty - administrative intervention to expulsion.

14. Smoking/Tobacco

A student shall not smoke, chew or otherwise use tobacco. A student shall not, while on school property, have in his/her possession or under his/her control, tobacco in any form (see Facilities and Operations, Tobacco-Free Environment, Electronic Cigarettes, Vaporizers, Etc., Policy 6000.05).

Penalty - administrative intervention to permanent expulsion.

15. Trespassing, Loitering

A student shall not be on school property or in a school building except to participate in the educational process of the School District, nor shall a student loiter in building hallways, classrooms, bathrooms, etc.

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Penalty - administrative intervention to permanent expulsion.

16. Suspended Student on School Property or Attending School Activities

A student, while suspended, shall not enter onto School District property without the prior permission of a building administrator.

A student, while suspended, shall not participate in, or attend any school related activity, function or event, held on or off school property, without the prior permission of a building administrator.

Penalty - administrative intervention to permanent expulsion.

17. False Alarms

A student shall not knowingly cause a false fire alarm, or make a false fire, bomb or catastrophe report.

Penalty – administrative intervention to permanent expulsion.

18. Electronic Communication Devices and Laser Pointers

Districtwide. Student are prohibited from using or possessing active (i.e., turned on) electronic communication devices in restrooms, locker rooms, office and other locations where students and staff have a reasonable expectation of privacy.

High School

Student Discretion. Students are expected to use good judgment when using or possessing active electronic communication devices in hallways during passing time, in the parking lot, cafeteria during lunch and extra-curricular activities.

Staff Discretion. Students may not use or possess active electronic communication devices without explicit staff permission.

Middle and Elementary School. Students may not use or possess active electronic communication devices without staff permission.

Separately, all students are prohibited from possessing or using laser pointers on school premises and at school-related activities without the express permission of school administration.

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Penalty - administrative intervention to permanent expulsion.

19. Damage of Property or Theft/Possession

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

Penalty – administrative intervention to permanent expulsion.

20. Coercion, Extortion or Blackmail

A student shall not commit or attempt to commit extortion, coercion or blackmail. A student shall not engage in the act of securing or attempting to secure money or other items of value by the use of threats and/or violence, nor shall a student, by threats and/or violence, force another person to perform an unwilling act.

Penalty – administrative intervention to permanent expulsion.

21. Arson

A student shall not burn, or attempt to burn, any tangible property or intentionally set a fire on school property or cause or attempt to cause an explosion on school property.

Penalty – administrative intervention to expulsion.

This section is supplemental to, and does not limit or supersede, sections 19, 23, and 33.

22. Fireworks, Explosives, Chemical Substances

A student shall not possess, handle or transmit any substance or prepared chemical that can explode, is capable of inflicting bodily injury or is reasonably likely to cause physical discomfort to another person.

Penalty – administrative intervention to permanent expulsion.

23. Criminal Acts

A student shall not commit or participate in any conduct or act defined as a crime by federal or state law or local ordinance.

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Penalty – administrative intervention to permanent expulsion.

24. Alcohol/Chemical Substances

A student shall not manufacture, sell, handle, possess, use, deliver, transmit or be under any degree of influence (legal intoxication not required) of any alcoholic beverages or intoxicant of any kind. A student shall not inhale glue, aerosol paint, lighter fluid, reproduction fluid or other chemical substance for the purpose of becoming intoxicated or under the influence (legal intoxication not required).

Penalty – administrative intervention to permanent expulsion.

25. Look-A-Like Weapons

A student shall not possess, handle or transmit any object or instrument that is a "look-a-like" weapon or instrument (e.g., starter pistol, rubber knife, toy gun, etc.).

Penalty - administrative intervention to permanent expulsion.

26. Weapons and Dangerous Instruments

A student shall not possess, handle or transmit a knife with a blade length of three (3) inches or less, blackjack, baton, martial arts device, paint ball or splat gun, or other object or instrument that can be considered a weapon or is capable of inflicting bodily injury.

Penalty – administrative intervention to permanent expulsion.

27. Personal Protection Devices

A student shall not possess, handle or transmit a personal protection device (e.g. pepper gas, mace, stun gun, electric shock device, etc.) capable of inflicting bodily injury or causing physical discomfort to another person.

Penalty- administrative intervention to permanent expulsion.

28. Drugs, Narcotic Drugs and Counterfeit Substances

A student shall not manufacture, sell, possess, use, deliver, transfer or be under the influence (legal intoxication not required) of any drug, narcotic drug, marijuana, hallucinogen, stimulant, depressant, controlled substance,

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counterfeit substance or a controlled substance analogue intended for human consumption.

A student shall not sell, deliver or transfer, or attempt to sell, deliver or transfer, any prescription or non-prescription drug, medicine, vitamin or chemical substance (e.g., pain relievers, stimulants, diet pills, pep pills, No-Doze pills, cough medicines, laxatives, stomach or digestive remedies), nor shall a student use or possess these substances for an improper purpose.

A student shall not sell or represent a legal substance as an illegal or controlled substance (e.g., selling NODOZ as "Speed" or "Crack") or sell, manufacture, possess, use, deliver or transfer "designer" drugs).

Penalty – administrative intervention to permanent expulsion.

29. Fighting, Assault and/or Battery on Another Person

A student shall not physically assault, or cause, behave in such a way to cause, or threaten to cause physical injury to a school employee, (including substitute and student teachers), student, volunteer, chaperone or other person (e.g., fighting).

Penalty – administrative intervention to permanent expulsion.

30. Violation of Acceptable Use Policy

A student shall not violate or attempt to violate School District policies, administrative regulations and directives concerning School District or personal computers, networks and telephone systems. Violation of any of the rules and responsibilities may result in a loss of access privileges/technology privileges/computer usage and may result in other disciplinary or legal actions including restitution.

Penalty - administrative intervention to permanent expulsion.

31. Gang Insignia/Activity

A student shall not wear or possess any clothing, jewelry, symbol or other object that may reasonably be perceived by any student, teacher or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal (gesture, handshakes, etc.), that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal, in furtherance of the interests of any

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gang or gang activity, including, but not limited to: a) soliciting others for membership in any gang or gang related activity, b) requesting any person to pay protection or otherwise intimidating or threatening any person, c) committing any other illegal act or violation of School District rules or policies, or d) inciting other students to act with physical violence on any person. The term "gang" means a group of two or more persons whose purpose or activities include the commission of illegal acts or violations of this Code of Conduct, School District rules or policies, or whose purpose or activities cause disruption or is likely to cause disruption to the educational process.

Penalty - administrative intervention to permanent expulsion.

32. Dangerous Weapons

A student shall not possess a dangerous weapon in a weapon free school zone.

Penalty- administrative intervention to permanent expulsion

A dangerous weapon, for purpose of this section only, means a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocketknife opened by a mechanical device, iron bar or brass knuckles. The word "firearm," for purposes of this section only, means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by action of any explosive; or any destructive device which includes any explosive, incendiary or poison gas (i) bomb (ii) grenade (iii) rocket having a propellant charge of more than four (4) ounces (iv) missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce or (v) mine. A "weapon free school zone" means school property, which includes a building, playing field or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school or vehicle used by a school to transport students to and from school property.

This section is supplemental to, and does not limit or supersede, section 26.

33. Arson Prohibited by Law

A student shall not commit an act of arson, prohibited by MCL 750.71 through MCL 750.80.

Penalty – administrative intervention to permanent expulsion.

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This section is supplemental to, and does not limit or supersede, sections 19, 21, 22, and 23.

34. Criminal Sexual Conduct

A student shall not commit criminal sexual conduct, as defined by MCL 750.520 b-e and g.

Penalty – administrative intervention to permanent expulsion.

This section is supplemental to and does not limit, sections 7-11, 20, 22, 23 and 29

35. Misconduct Prior to Enrollment

An otherwise eligible resident may be suspended or expelled for an act of misconduct committed while the student was (a) a resident of another district, (b) enrolled in another school, (c) outside of school hours, or (d) off school premises if the misconduct would have constituted a sufficient basis for suspension or expulsion had it occurred while the student was enrolled in the School District.

Penalty – administrative intervention to permanent expulsion

36. Technology Misuse

Any violation of the Personal Electronic Devices Procedures (Section 2000.067) and Electronic Communications Procedures (Section 2000.066).

Penalty - Temporary to permanent loss of privilege; warning up through expulsion.

37. Vehicle Use – Inappropriate

Inappropriate use of District vehicles (golf carts), hazardous driving, unauthorized parking, violation of other vehicle or traffic regulations on school grounds or at school-sponsored activities or trips.

Penalty – May lose privilege of use or parking; car may be towed. Detention up through expulsion.

38. Closed Campus Violation

Leaving school property without proper dismissal from the school's Attendance Office.

Penalty – Counted as unexcused absence. See Attendance – Grades K – 8 Procedures (Section 2000.063) or Attendance – Roosevelt High School Procedures (Section 2000.064).

Due Process - Procedures for Discipline

Introduction

These procedures govern the suspension, expulsion or permanent expulsion of a student from the School District's regular educational program.

If a student charged with violation of this Code of Conduct has been returned to the regular school program pending a decision by a School District administrator, the reinstatement does not limit or prejudice the School District's right to suspend or expel the student following a decision by a superior administrator or the Board of Education.

The initial judgment that a student has engaged in a prohibited act under this Student Code of Conduct shall be made by the building administrator.

Short-Term Suspension (i.e., Ten School Days or Fewer)

Step One. As a general rule, prior to any out-of-school suspension, the building administrator will:

inform the student of the misconduct or behavior for which discipline is being considered and, if the student denies the misconduct or behavior, an explanation of the evidence the administrator possesses;

provide the student an opportunity to explain his/her version of the facts; and,

consider each of seven individual factors listed on page 5 of this Code of Conduct.

If a student's presence in school poses an immediate danger to persons or property or an ongoing threat of disruption to the educational process, the building administrator

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may immediately suspend the student, and as soon thereafter as reasonable, provide the student with his/her due process rights as set forth in subparagraph a, above.

If, after following this procedure, the administrator determines that the student has engaged in a prohibited act under the Student Code of Conduct, then he/she may impose a disciplinary penalty of a suspension not to exceed ten (10) school days.

The principal, or his/her designee, shall inform (in person or by phone) the student's parent of the suspension and of the reasons and conditions of the suspension. A School District "Student Suspension Notice" is to be completed, with copies going to the parent and the student's file. A building administrator's decision to impose a penalty of up to ten (10) school days is final and not subject to further review or appeal.

Due Process - Long-Term Suspension (i.e., Eleven or More School Days), Expulsion (60 or More School Days) and Permanent Expulsion.

Step One. If the building administrator decides that a suspension for eleven (11) or more school days or expulsion is warranted, the student and the parent(s) or guardian shall be notified in writing of:

the charges against the student;

the recommended disciplinary action;

the fact that a hearing will be held before the Superintendent or his/her designee; and

the time, place, location and procedures to be followed at the hearing.

The written notice will also document the building administrator's consideration of the individual factors listed on page 5 of this Code of Conduct and consideration of restorative practices.

If the building administrator decides that the student's presence in school would present a danger to the student, or to other students, school personnel or the educational process, then the student will be suspended pending the decision of the Superintendent. If the building administrator determines that the student would not present a danger as described above, the student may be returned to school pending the decision of the Superintendent. If the student is suspended pending a decision of the Superintendent or designee, the hearing will commence within ten (10) school days following the initial suspension of the student. If the student is not suspended pending the decision of the Superintendent, then the Superintendent or designee will schedule the hearing to be held within fifteen (15) school days following the completion of the building principal's investigation of the charges. The timelines for commencement of

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the hearing may be enlarged upon the request of the administrator, student, parent(s) or guardian.

Step Two. A hearing before the Superintendent or his/her designee will be held for the purpose of determining the truth or falsity of the charges against the student and, if the charges are found to be true, the consideration of the individual factors listed on page 4 of this Code of Conduct, the consideration of restorative practices and the appropriate disciplinary measures to be imposed.

The student and/or his/her parent(s) or guardian may notify the School District that they waive their right to a hearing. In such cases, the principal's recommended disciplinary penalty will ordinarily be imposed, provided, however, that if the recommended penalty is expulsion or permanent expulsion, the Superintendent will nevertheless make the final decision.

The Superintendent or designee may amend the principal's charges upon motion of the building administrator, student, parent(s) or guardian, or amend the charges upon his/her own motion to conform to the evidence presented at the hearing. Additionally, the Superintendent or designee may impose a greater or lesser penalty than that imposed or recommended by the building administrator.

Step Three. The Superintendent's decision shall be given orally to the student and parent(s) or guardian not later than five (5) school days after the close of the hearing. A written decision shall be mailed at that same time. These timelines, however, may be enlarged by the Superintendent or designee due to extenuating circumstances.

Step Four. A decision by the Superintendent to permanently expel a student may be appealed to the Board of Education by filing a written notice with the Superintendent within five (5) school days of the decision. The appeal will be heard in closed session, as elected by the parent.

An appeal to the Board of Education will not involve further testimony or new evidence. During the appeal hearing, the Superintendent will share the results of the hearing at his/her level and make a recommendation to the Board of Education. The student, parent or a legal representative will have an opportunity to address the Board of Education. The Board of Education may ask questions of the Superintendent, the parent or the student and will render a written decision on the appeal within fifteen (15) school days.

Inconsistency with Law, Board Policy or Administrative Procedures

This Student Code of Conduct is intended to be consistent with Michigan law the Policies of the Board of Education and Administrative Regulations promulgated by the

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Superintendent. If there are any inconsistencies, they should be resolved with the understanding Michigan law supersedes both the Policies of the Board of Education and Administrative Regulations and Board Policy supersedes Administrative Regulations.