



STUDENT CODE OF CONDUCT  
BIRMINGHAM PUBLIC SCHOOLS

September 2024

## 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 others and for property, exhibit 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.  
Use of effective instructional and classroom management strategies by teachers.  
Appropriate consequences for unacceptable behaviors.
- D. 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.
- E. 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 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 may make reporting the conduct of others challenging, as students mature they recognize that 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

Unless otherwise specified in the description of the offense below, the Student Code of Conduct applies to all students enrolled in Birmingham Public Schools (including during summer school), and is applicable to a student's conduct:

- A. On any premises owned, leased or used by the District;
- B. In a motor vehicle owned or leased by the District or being used for a school-related purpose;
- C. At a school-related event, activity or function, whether on or off campus;
- D. 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
- E. Where application to non-school locations is expressly provided for.

Additionally, the District reserves the right to apply the Student Code of Conduct to a student's off-campus behavior including but not limited to internet activity that results in, or is likely to result in, a material and substantial disruption of the proper and orderly operation of the school district and/or learning environment.

The fact that the Code of Conduct applies to all students in the District does not mean that all offenses will be handled in the same way, regardless of the age and grade level of the student. The District expects and intends that students' ages and grade levels, and other factors discussed herein will be taken into account in determining the proper level of consequence.

The administration reserves the right to establish fair and reasonable rules and regulations for circumstances that may not be specifically covered in this handbook. In all cases, rules, regulations, and possible consequences shall be as consistent as possible with previously established rules, regulations, and consequences for similar incidents. Matters omitted from this handbook should not be interpreted as a limitation on the scope of the District's authority to maintain order and provide a safe learning environment for all students.

## IMPLEMENTATION OF THE CODE

Implementing and enforcing the Code is primarily the responsibility of the principal. When used in the Code, the term "building administrator" refers to the assigned principal, an acting principal, an assistant principal, or any other individual so designated to act in this capacity 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, counseling, and restorative practices 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

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 their child's disciplinary record. The District will release a student's disciplinary record to a third party only with parental consent or as required by law. Additional Family Education and Privacy Rights Act (FERPA) [guidance can be found on our website](#).

### 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 incidents must be reported to law enforcement:

- A. An active violence incident
- B. 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.).
- C. A death or homicide.
- D. 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.
- E. A drive-by shooting.
- F. An arson, explosive or fire incident that could jeopardize the safety of students or staff.
- G. A bomb threat.

- H. A suicide attempt.
- I. A threat of suicide (to the extent regarded as a genuine threat using the District's threat assessment protocol).
- J. A sexual assault (criminal sexual conduct) incident.
- K. A robbery or extortion.
- L. A significant (over \$100 in value) larceny, or larceny motivated by hate or gang- related.
- M. 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.
- N. An unauthorized removal of a student from school.
- O. Drug or alcohol use or overdose.
- P. Drug or alcohol possession or sale.
- Q. 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.

## I. Search and Seizure

Students shall be free from unreasonable search and seizure of property as guaranteed by the Fourth Amendment of the U.S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. School authorities have the right to search persons or property when they have a reasonable suspicion that a student is in possession of materials or objects that are in violation of the law, student code of conduct or Board policies.

**Reasonable suspicion:** Reasonable suspicion exists when an administrator can reasonably determine that a search will result in evidence that the student has violated this handbook, Board Policy or Administrative Guideline, or the law. A belief based on specific reasonable inferences which an administrator is entitled to draw from the facts in light of his or her experience. Specific reasonable inferences may be drawn from instances including but not limited to suspicious behavior, smells, a visual abnormality, or information from a reliable source.

**Lockers:** Lockers provided to students are the property of the School District and students and others have no expectation of privacy with respect to the lockers or their contents. School District principals and their designees may search student lockers at any time for any reason and may request the assistance of local law enforcement personnel. When conducting locker searches, School District personnel will respect the privacy rights of students regarding items found that are not illegal or possession of which is not in violation of School District policy. Any searches of personal property on school grounds will be conducted in a manner consistent with applicable legal standards.

**Automobiles:** Automobiles on school property are subject to search if a school official has reasonable suspicion to believe that there may be illegal, unauthorized, hazardous or contraband materials in or on the automobile.

## II. Interviews by Administration

Administrators are not required to contact parents before interviewing students.

## III. Interviews by Law Enforcement

When law enforcement or other authorities arrive at the school and wish to interview a student or investigate an alleged violation of law, they must contact the building administrator indicating the nature of their investigation and their desire to question a student or students. Before a student is questioned by law enforcement, the building administrator will attempt to contact the student's parent.

## Title IX

It is the policy of Birmingham Public Schools to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) on the basis of sex in the District's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination.

Any student who believes that they have been the victim of sexual harassment may seek resolution of their complaint through the procedures that have been established by the school district. The Board of Education has designated the following individual as the Title IX Compliance Officer:

Cory D. Heitsch, Deputy Superintendent of School Administration  
Birmingham Public Schools  
31301 Evergreen Road  
Beverly Hills, MI 48025  
cheitsch@birmingham.k12.mi.us  
248-203-3008

## 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.

Any student who believes that they have been the victim of discrimination or harassment may seek resolution of their complaint through the procedures that have been established by the school district. The Board of Education has designated the individuals named below to serve as the school district's Compliance Officers for matters involving alleged discrimination or harassment:

### **Title VI**

Dr. Susan Smith, Assistant Superintendent of Human Resources  
Birmingham Public Schools  
31301 Evergreen Road  
Beverly Hills, MI 48025  
ssmith4@birmingham.k12.mi.us  
248-203-3032

## **Section 504 /Americans with Disabilities Act**

Audra Holdorf, Executive Director of Specialized Instruction and Student Services Education  
Birmingham Public Schools  
31301 Evergreen Road  
Beverly Hills, MI 48025  
aholdorf@birmingham.k12.mi.us  
248-203-3017

## CONSIDERATIONS BEFORE IMPOSITION OF DISCIPLINE; RESTORATIVE PRACTICES.

In accordance with state law and Board Policy 2006, and except as specifically provided below, before suspending or expelling a student, the District 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. A rebuttable presumption is a legal principle that presumes something to be true unless proven otherwise.

The obligation to consider the factors listed above does not apply when a student is charged under the Revised School Code with 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.

"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. Statutory Offenses Under the Revised School Code

In addition to the consequences noted below, commission of the following statutory offenses may also result in referral to law enforcement.

Arson: A student shall not intentionally or negligently burn, or attempt to burn, damage, or destroy by fire 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 constitutes arson, as prohibited by the Michigan Penal Code, 750.71 to 750.79.

CONSEQUENCE: Suspension through permanent expulsion.

### Threat of Gun Violence:

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 make a similar threat against a school building, other school property, or a school-related event. This may include, without limitation, a threat against the school in general by threatening to bring a weapon to school in order to harm students or staff.

CONSEQUENCE: Students in grades 5 and below – administrative alternatives through permanent expulsion; Students in grades 6 and above – suspension through permanent expulsion.

### Criminal Sexual Conduct:

A student shall not commit criminal sexual conduct (as prohibited by the Michigan Penal Code, MCL 750.520b, 520c, 520d, 520e, or 520g) in a school building or on school grounds.

CONSEQUENCE: Expulsion through permanent expulsion.

**Regardless of location**, a student shall not commit criminal sexual conduct (as prohibited by the Michigan Penal Code, MCL 750.520b, 520c, 520d, 520e, or 520g) against 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 against 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.]

Physical Assault Against Another Student (MCL 380.1310): A student shall not intentionally cause or attempt to cause physical harm to another through force or violence at school. At school means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

CONSEQUENCE: Students in grades 5 and below – administrative alternatives through expulsion; Students in grade 6 and above – suspension



through expulsion for up to 180 days.

Physical Assault Against a School Employee, Volunteer or Contractor (MCL 380.1311a(1)): A student shall not intentionally cause or attempt to cause physical harm to another through force or violence at school. At school means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

CONSEQUENCE: Students in grades 5 and below – administrative alternatives through expulsion; Students in grades 6 and above – suspension through permanent expulsion.

Weapons: Other Dangerous Weapons: A student shall not possess a dangerous weapon on school property, a school bus, or another vehicle used to transport students to or from school property. A dangerous weapon means 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.

Expulsion is not mandatory if the student establishes in a clear and convincing manner at least 1 of the following:

- (a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
- (b) The weapon was not knowingly possessed by the pupil.
- (c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.
- (d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

There is a rebuttable presumption that expulsion for possession of a dangerous weapon is not justified if a student establishes 1 of the factors listed in (a) through (d) above and the student has no history of suspension or expulsion. A rebuttable presumption is a legal principle that presumes something to be true unless proven otherwise.

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, unless one of the following circumstances is applicable:  
**The obligation to consider 7 restorative justice factors listed below does *not* apply to a student being permanently expelled under state law for possessing a firearm in a weapon-free school zone.** However, expulsion is not mandatory if the student

establishes in a clear and convincing manner at least 1 of the following:

- (a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
- (b) The weapon was not knowingly possessed by the pupil.
- (c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.
- (d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

There is a rebuttable presumption that expulsion for possession of a dangerous weapon is not justified if a student establishes 1 of the factors listed in (a) through (d) above and the student has no history of suspension or expulsion. A rebuttable presumption is a legal principle that presumes something to be true unless proven otherwise.

## II. Threatening or Abusive Behavior

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.”

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: Administrative alternatives through expulsion.

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

CONSEQUENCE: Administrative alternatives through expulsion.

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.

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. This may also include, without limitation, a threat of gun violence.

CONSEQUENCE: Administrative alternatives through permanent expulsion.

Verbal or Written Assault: A student shall not engage in conduct that constitutes a verbal or written assault. A verbal or written assault is a communication or series of communications that does or is intended to put a reasonable person in fear of harm to himself/herself or his/her property.

CONSEQUENCE: Administrative alternatives through 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. Harassment and Bullying

Bullying: A student shall not engage in conduct that violates the District’s anti-bullying policy. “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.

Discriminatory Harassment: A student shall not intentionally engage in harassment on the basis of sex, sexual orientation, gender identity or expression, race, color, national origin, religion, age, height, weight, familial status, marital status, or disability. “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.

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. "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: Administrative alternatives through permanent expulsion.

Sexual Harassment: A student shall not intentionally engage in sexual harassment of another person. "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.

Complaints of sexual harassment may also be investigated pursuant to the District's Title IX procedures.

#### IV. Controlled Substances

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 controlled substances as defined by state or federal law, or imitation or counterfeit controlled substances. 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.

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.

## V. Inappropriate Sexual Activity

Sexual Misconduct: 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 on any premises owned, leased, or used by the District; in a motor vehicle owned or leased by the District or being used for a school-related purpose; or at a school-related event, activity or function whether on or off campus. Whether such activity is appropriate shall be determined by the building administrator, depending on the nature and egregiousness. Such activity may include, but is not limited to, intentional touching of another person’s genitals, groin, inner thigh, buttock, or breast or the clothing covering those areas, or indecent exposure.

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 on any premises owned, leased, or used by the District; in a motor vehicle owned or leased by the District or being used for a school-related purpose; or at a school-related event, activity or function whether on or off campus.

CONSEQUENCE: Administrative alternatives through suspension.

## VI. Property Violations

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

CONSEQUENCE: Administrative alternatives through suspension.

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, through suspension.

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.

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.

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.

## VII. 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.

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.

Plagiarism: A student shall not present or use the language, structure, idea and/or thought of another, or unauthorized assistance 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.

## VIII. Other Infractions Disruptive to the Educational Environment.

Closed Campus Violation: A student shall not leave his or her school campus during the school day without permission of school staff.

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.

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.

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, potential referral to law enforcement.

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 causing physical discomfort to another person.

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.

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:

- A. 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.
- B. 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.
- C. Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.
- D. Recruiting student(s) for gangs.

CONSEQUENCE: Suspension through permanent expulsion.

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 unauthorized location.

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.

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.

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.

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

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.

Unauthorized use or Possession of 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.

## ADMINISTRATION OF THE CODE OF CONDUCT

### I. Support for Students

#### Peer Relationship Problems/Bullying

- Speak directly with your student’s school counselor and/or administration team.
- Complete the [Harassment Intimidation Bullying Form \(HIB\)](#). Form can be found on the school’s website and in the Student Code of Conduct.

#### Self-Harm Concerns

It is critical for the school counselors to know if your student is experiencing thoughts around self-harm. Your school counselor will help you navigate support systems and connect you to resources. Counselors can be reached by calling the school.

#### Non-Academic Support

For help with daily living resources (basic needs), our social workers are your best contacts. They work to create wrap-around services that support students and families - particularly for non-academic factors that create barriers to learning. In addition to basic needs, they may also help a family with psychological and/or behavioral needs.

### Academic Concerns

- Contact the teacher who teaches the subject.
- If the problem remains unresolved to the parent/student's satisfaction, contact the school counselor or principal. Each school has an intervention system in place to support students who are struggling academically.

### Athletics/Extracurricular Activities

For help with issues involving extracurricular activities, the student/parent or guardian should:

- Talk to the advisor assigned to the club or activity.
- For middle school/high school athletics, speak directly to the coach or adviser. If that does not resolve the issue, speak to the school's athletic director.
- If the problem remains unresolved, speak with the principal. Additionally, our district has an Athletic Advisory Board who discusses district-wide athletic items.

### Student Support in BPS

BPS has both in-house and contracted services to help our students and families have the best learning opportunities. We employ social workers, school psychologists, counselors at all of our elementary and secondary buildings, Wellness Counselors at each high school, school-based mental health service partnerships, and connections to outside treatment facilities. It is best to work with your student's school-based support team to identify the necessary support for your student. We utilize a proactive approach when enlisting services available to students and families.

Our goal is for each of our buildings to have an inclusive and equitable learning space where all students feel safe, welcome, engaged and challenged. Our last step when there are concerns is to remove a student from the learning environment, as we know that students can best grow and learn at school.

Prior to discipline consequences, the following items may be used when working with students who are negatively impacting the classroom space:

- Members of each of our school teams are trained in restorative practices. Restorative practices focus on healing harm done to a community when there are situations that have an impact on the learning environment. It is a manner of building staff and student relationships, as all students benefit from positive relationships with staff and by working on developing their own relationship skills. Relationships are a critical part of any community.
- All students have access to a school counselor who is able to provide both academic and social-emotional support. Counselors are also able to connect families to outside resources where necessary.
- Administrator conferences are often used at the first tier to determine the reason behind a student's behavior, and administrators also work with our staff members and families for students to have a positive classroom and school experience.

## II. Suspension and Expulsion Definitions

The State of Michigan Revised School Code (MCL 380.1310) specifically defines the terms "expel" and "suspend" to mean the following:

**Expel** means to exclude a pupil from school for disciplinary reasons for a period of 60 or more school days.

**Suspend** means to exclude a pupil from school for disciplinary reasons for a period of fewer than 60 school days.

These definitions shall apply to references to suspend and expel throughout the Code of Conduct.

### III. Levels of Discipline

Unacceptable student conduct, as defined above, may result in varying levels of discipline, including administration alternatives, emergency removal (snap suspension), suspension, expulsion or permanent expulsion. The list of offenses above includes the potential consequences for a student who commits the offense. The discipline imposed in any particular case depends on the facts of each specific incident and consideration of the seven (7) restorative justice factors found in Section VII of this Code of Conduct. The District reserves the right to impose greater or lesser discipline than the consequences provided under each offense above when called for by the particular circumstances of the incident.

The District recognizes that 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 and restorative practices other than exclusion from school.

#### Administrative Alternatives

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

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

#### 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

any behavior which disrupts or interferes of the learning environment of the school. A teacher suspending a student pursuant to this section shall immediately report the suspension and reason for the suspension to the school principal and send the student to the school principal or assistant principal for appropriate action. As soon as possible, the teacher shall ask the parent or guardian to attend a parent-teacher conference regarding the suspension. A student removed pursuant to this section will be allowed to attend other classes taught by other teachers during the term of the one (1) day removal.

#### Suspension up to 10 days

A building administrator may suspend a student for a period of up to 10 days.

#### Suspension of 11 to 59 days

Upon the recommendation of a building administrator, the Superintendent or the Superintendent's designee may suspend a student for 11 to 59 days.

#### Expulsion of 60 or More School Days or Permanent Expulsion

Upon the recommendation of a building administrator, the Superintendent or the Superintendent's designee may expel a student for 60 or more school days or permanently expel a student.

### IV. 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 Administrative Rules for Special Education when disciplining students with disabilities.

### V. 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 59 Days: Students who are suspended for more than 10 days or expelled for up to 59 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 60 or More Days or Permanently Expelled: Students under 18 years old who are expelled for 60 or more 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 60 or more days or permanently expelled are required to return to the principal all school-owned property in their possession as soon as possible.

## DUE PROCESS

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 school administrator has the discretion to temporarily remove or suspend a student from school to complete an investigation of an alleged infraction or incident and determine if discipline is appropriate. Such a removal may be necessary to avoid interferences with the investigation, defuse conflict situations, prevent disruptions to the learning environment, and/or protect the health and safety of students. Such a removal shall not constitute disciplinary action, although the administrator may conclude that discipline is appropriate following the investigation. If the infraction or incident that prompted removal results in discipline, the time during which the student was removed from school shall be credited to any disciplinary time imposed.

Before suspending or expelling a student for any offense, other than possession of a firearm in a weapon-free school zone, the building administrator, Superintendent, Board of Education, or other decisionmaker shall consider (1) the student's age; (2) the student's disciplinary history; (3) whether the student has 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.

## DISCIPLINE PROCEDURES

### I. Students subject to suspensions 10 days or less

- A. The building principal or their designee may impose a suspension of up to 10 days.
- B. **Informal Hearing.** The building administrator shall inform the student of the charges against them (i.e. the violation of the student code of conduct or other school rule), and if the student denies the charges, the administrator shall provide the student with an explanation of the evidence the administrator possesses. The student shall be provided an opportunity to explain to the administrator their version of the facts.  
If, following the informal hearing, the administrator determines the student has violated the code of conduct, which would warrant a suspension up to 10 days, each of the

following factors shall be considered:

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 other student or staff member.
6. Whether restorative practices will be used to address the violation or behavior committed by the student.
7. Whether a lesser intervention would properly address the violation or behavior committed by the student.

C. **Sending a student home.** If the situation indicates that the student should be removed from the premises, the Principal shall attempt to reach the student's parents to request they pick up their child. If they are unable to do so, the student should remain under supervision until school is dismissed.

1. **Appeal/Request for Reconsideration.** A suspension between five and ten school days may be appealed in writing or a written request for reconsideration may be submitted to the building principal within twenty-four (24) hours of the parent's receipt of the written suspension notice. The written appeal/request for reconsideration must contain the reason(s) that the suspension is being appealed. The building principal will review the prior decision and will meet with the student and parents if the building principal determines it to be necessary.
2. Upon review, the building principal may uphold the suspension, establish an alternative suspension of lesser severity, or reverse the suspension in its entirety.
3. The Principal will reach the decision and inform the parents in writing within five (5) school days after the receipt of the written request. The student will remain out of the school during the appeal unless the duration of the original suspension has expired prior to the principal reaching a decision on the appeal.
4. The building principal's decision shall be final. For elementary school decisions, there can be a request to reconsider.

## II. Students subject to suspension greater than 10 days and less than 60 days

- A. A building administrator may recommend to the Superintendent or designee that a student be suspended for more than 10 days.
- B. **Investigation/Due Process.** Before a recommendation to the Superintendent or Superintendent's designee that a student be suspended for more than 10 days, the

student shall be provided at the building level oral or written notice of the charges against him or her (i.e. the violation of the student code of conduct or other school rule), a summary of the evidence supporting the charges, and the opportunity to respond. This preliminary hearing shall be an informal one in which the student is given a chance to respond to the violation of the Code of Conduct and provide additional information. If possible, the student's parents will be informed of the charges and the preliminary hearing. The hearing shall be held on the day of the alleged infraction or as soon thereafter as possible if an emergency prohibits an immediate hearing.

C. **Notice of Formal Hearing.** If, following a preliminary hearing, the building administrator determines that a recommendation that the student be suspended for more than 10 days is to be made, the student and the student's parent or guardian shall be notified in writing that the Superintendent or Superintendent's designee will conduct a hearing to determine whether to accept the recommendation for suspension. The notification will contain:

1. The time, date and location of the hearing.
2. That the student or parent may be represented, at their cost, by an attorney or advisor at the hearing.
3. That relevant witnesses may attend the hearing and present evidence to the Superintendent or Superintendent's designee. The student may present evidence and relevant witnesses to show that the student did not commit the alleged offense or that suspension is not an appropriate consequence.

If the student or parent fails to attend a hearing after receiving notice, the Superintendent or Superintendent's designee may proceed with the hearing and to a determination of whether to accept the recommendation.

D. **Formal Hearing.** At the hearing, the student or parent shall be provided:

1. notice of the charges against the student;
2. a summary of the evidence supporting the recommendation and the reasons for the recommendation; and
3. an opportunity to be heard in his/her own defense.

E. During the hearing, the principal or other administrator shall first present to the Superintendent or Superintendent's designee the facts of the case and the basis for the suspension recommendation. The Superintendent or Superintendent's designee shall determine whether witnesses are needed for the administration's presentation. Thereafter, the student, the student's parent and/or the student's representative may present their defense. The Superintendent or Superintendent's 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. The student and parent/guardian do not have the right to compel attendance of witnesses or “cross-examine” witnesses. At the discretion of the Superintendent or Superintendent’s designee, witnesses may be excluded from the hearing except for the time for the witness to provide a statement and answer any questions. A student’s refusal to answer a question may be considered by the Superintendent or Superintendent’s designee.

- F. The principal and/or other administrators from the student's school, the Board attorney, and any other persons the Superintendent or Superintendent’s designee believes are necessary may attend the hearing as witnesses or advisors to the Superintendent or designee.
- G. After conducting the hearing, the Superintendent or Superintendent’s 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 Superintendent’s designee may:
  - 1. accept the recommendation and suspend the student;
  - 2. impose consequences other than suspension (including a suspension of such duration and with such terms as the Superintendent believes are justified); or decline to impose discipline.
- H. The decision of the Superintendent or Superintendent’s designee is final.

### III. Students subject to expulsion or permanent expulsion

- A. A building administrator may recommend to the Superintendent or Superintendent’s designee that a student be suspended for more than 10 days.
- B. **Investigation/Due Process.** Before a recommendation to the Superintendent or Superintendent’s designee that a student be expelled (60-180 days of exclusion) or permanently expelled (more than 180 days of exclusion), the student shall be provided at the building level oral or written notice of the charges against him or her (i.e. the violation of the student code of conduct or other school rule), a summary of the evidence supporting the charges, and the opportunity to respond. This preliminary hearing shall be an informal one in which the student is given a chance to respond to the charges and present any witnesses. If possible, the student's parents will be informed of the charges and the preliminary hearing. The hearing shall be held on the day of the alleged infraction or as soon thereafter as possible if an emergency prohibits an immediate hearing.
- C. **Notice of Formal Hearing.** If, following a preliminary hearing, the building administrator determines that a recommendation that the student be expelled or permanently expelled



is to be made, the student and the student's parent or guardian shall be notified in writing that the Superintendent or Superintendent's designee will conduct a hearing to determine whether to accept the recommendation for expulsion. The notification will contain:

1. The time, date and location of the hearing.
2. That the student or parent may be represented, at their cost, by an attorney or advisor at the hearing.
3. That relevant witnesses may attend the hearing and present evidence to the Superintendent's designee. The student may present evidence and relevant witnesses to show that the student did not commit the alleged offense or that suspension is not an appropriate consequence.

If the student or parent fails to attend a hearing after receiving notice, the Superintendent or Superintendent's designee may proceed with the hearing and to a determination of whether to accept the recommendation.

D. **Formal Hearing.** At the hearing, the student or parent shall be provided:

1. notice of the charges against the student;
2. a summary of the evidence supporting the recommendation and the reasons for the recommendation; and
3. an opportunity to be heard in his/her own defense.

E. During the hearing, the principal or other administrator shall first present to the Superintendent or Superintendent's designee the facts of the case and the basis for the expulsion recommendation. The Superintendent or Superintendent's designee shall determine whether witnesses are needed for the administration's presentation. Thereafter, the student, the student's parent and/or the student's representative may present their defense. The Superintendent or Superintendent's 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. The student and parent/guardian do not have the right to compel attendance of witnesses or "cross-examine" witnesses. At the discretion of the Superintendent's designee, witnesses may be excluded from the hearing except for the time for the witness to provide a statement and answer any questions. A student's refusal to answer a question may be considered by the Superintendent or Superintendent's designee.

F. The principal and/or other administrators from the student's school, the Board attorney, and any other persons the Superintendent or Superintendent's designee believes are necessary may attend the hearing as witnesses or advisors to the Superintendent or designee.

- G. After conducting the hearing, the Superintendent or Superintendent's 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 Superintendent's designee may:
1. accept the recommendation and expel the student;
  2. impose consequences other than expulsion (including a suspension of such duration and with such terms as the Superintendent believes are justified);
  3. return the matter to the principal for imposition of consequences other than expulsion;  
or
  4. decline to impose discipline.
- H. **Appeal.** An expulsion or permanent expulsion may be appealed to the Birmingham Public Schools Board of Education by providing written notice of the appeal to the Superintendent or Superintendent's designee within two school days after receiving the written notice of expulsion. A hearing will be held before the Birmingham Public Schools Board of Education at the next regularly scheduled Board meeting. At the student/parent's request, the hearing will be held in closed session, however the Board must act publicly. The name of the student will not be included in the Board resolution.

At the hearing before the Board of Education, the student will be permitted to give his/her version of the facts and be informed of evidence offered against him/her. At the hearing, the student will also have the right to present witnesses and to be represented, at his/her cost, by an attorney or advisor.

The Birmingham Public Schools Board of Education will inform the student and his/her parents or guardians of its decision in writing within three school days after completion of the hearing.

If the Birmingham Public Schools Board of Education expels or permanently expels a student, the student may be referred to the school counselor for referral to an appropriate agency for further guidance and counseling in obtaining employment or continuing education.

- I. As outlined in Sections 1311 and 1311a of the Revised School Code, students expelled pursuant to those sections of the Revised School Code may petition for reinstatement in accordance with those statutory provisions.