



Kalamazoo Public Schools

Every child, every opportunity, every time

STUDENT'S RIGHTS, RESPONSIBILITIES, AND CODE OF CONDUCT

2026-2027

Board Members

TiAnna Harrison

President

Carol McGlinn

Vice President

Jennie Hill

Secretary

Karla Murphy

Treasurer

Patti Sholler-Barber

Trustee

Takisha Johnson

Trustee

Juanita Payton

Trustee

Dr. Darrin Slade

Superintendent

Table of Contents

District Beliefs, Expectations & Responsibilities	1
Student, Rights Responsibilities & Expectations	2
• Students Have the Rights:	2
• Student Responsibilities:	
• Student Expectations:	2
Parents/Guardians/Caregivers/Families Rights Responsibilities & Expectations	3
• Have the Right to:	3
• Responsibilities:	3
• Expectations:	3
School Staff Rights, Responsibilities & Expectations	4
• School Staff Have the Right To:	4
• Responsibilities	4
• Expectations:	4
Michigan School Code, Section 1261 & Sections 1311	5
Kalamazoo Public School District Policy – 3.2	5
Kalamazoo Public School District Policy - 4.2	6
Kalamazoo Public School District Policy – 5.2	6
Code Infractions	8
Category I General Misconduct: Infractions	8
Category I General Misconduct: Consequences	9
Category II Serious Misconduct: Infractions	11
Category II Serious Misconduct: Consequences	13
Category III Illegal Conduct: Infractions	15
Category III Illegal Conduct: Consequences	17
Related Topics for All Students	21
Bus Behavior	21
Contact with Law Enforcement	21
Reasonable Force Guidelines/Inappropriate Disciplinary Actions	21
Student Searches	22
<i>Personal Searches</i>	22
<i>Locker Searches</i>	22
<i>Vehicle Searches</i>	22
<i>Seizure of Illegal Materials</i>	22
Title IX Statement and Grievance Procedure	23
Guidelines for Bullying/Cyberbullying	28
Guidelines for Students with Disabilities	29
Short-Term Suspension	31
Long-Term Suspension	31
Violation of Illegal Substances/Weapons/Firearms	31
Emergency Suspension	31
Index	32, 33

Kalamazoo Public Schools

Student Code of Conduct

District Beliefs, Expectations & Responsibilities

The Kalamazoo Public School District believes that all students can learn when provided with appropriate instruction and an environment that is safe and orderly. To create such an educational setting requires a comprehensive program of instruction, written and consistently enforced standards of discipline, a partnership among of students, parents/guardians, school staff and the community. In order to develop and maintain a positive educational setting, discipline standards should balance the need for consistency and uniformity with the need for discretionary authority and should opportunities for restorative practices. The Kalamazoo Public Schools' Student Code of Conduct is based on the following beliefs:

1. Discipline is a natural element of educational and personal development.
2. Positive behaviors are encouraged through appropriate reinforcement and/or corrective measures.
3. The rights and welfare of the individual as well as the entire school population will be protected.
4. The Student Code of Conduct should lead to a clear understanding of behavioral expectations and consequences for unacceptable behavior.
5. The school will strive to achieve a balance between the rights of students and the need for order and safety for the entire school population.

Michigan School Code, Section 1261

"Every school board shall have the general care and custody of the schools and property of the district and make and enforce suitable regulations for the general management of the schools and the preservation of the property of the district."

Michigan School Code, Section 1311

"The school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil who commits criminal sexual conduct against another pupil enrolled in the same school district or a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil has a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with Section 1711."

STUDENTS

RIGHTS RESPONSIBILITIES & EXPECTATIONS

The Code of Conduct is your guide for expectations at school. Your principal, teachers, and other staff members will support your efforts to be successful in the personal, social, and academic behaviors that are expected at school. When you follow the expectations and norms in the Code of Conduct, you will be demonstrating good citizenship and character, helping to make your school a respectful, responsible, and safe learning environment. The Code also describes specific behaviors that are unacceptable at school and explains the consequences, with the intent of providing opportunities for learning and growth.

STUDENTS HAVE THE RIGHT TO:

- A free public-school education, equitable academic resources, and inclusive teaching and learning environments in all classrooms.
- A socially, emotionally, and physically safe and positive school climate.
- Be taught by effective teachers.
- Due process
- Be treated with respect and dignity by the school community.
- Positive school disciplinary policies and practices.
- Participate in decisions that affect their education.

STUDENT RESPONSIBILITIES:

- Attend school and receive a free and appropriate public education with equitable resources.
- Meet the standards of behavior in the Code of Conduct and abide by it.
- Abide by and follow other school rules, regulations, and policies.
- Behave in a manner that contributes to a safe learning environment and which supports the rights for others to learn.
- Be truthful about and accountable for your actions. Make an effort to correct and improve unsafe behavior with the school/district staff.
- Demonstrate pride in self and academic future by dressing appropriately for school and school functions.
- Show respect for school property and respect the property of others.
- Ensure the school is updated with accurate contact information including, but not limited to, home address, telephone number(s), and e-mail address.
- Respond in a timely manner to communications from school.

STUDENT EXPECTATIONS:

- Learn in a safe environment that is inclusive to all.
- Receive a written/electronic copy of district and school policies and procedures.
- Feel safe from retaliation when bringing complaints or concerns to the school Principal, staff, or district officials.
- Request or appeal in writing an explanation of anything in their education records.
- Be told, orally and in writing, the reason(s) for disciplinary decisions.
- Receive information about the procedures for appealing disciplinary decisions.
- Have family/guardian contacted to be present and for permission to be issued before any interview is conducted with police presence.
- Family/guardian will be notified of the nature of the investigation and other details as appropriate unless the situation involves child abuse or neglect.
- Be respectful and courteous to staff, other parents/guardians and students while attending any school sponsored event, refraining from disruptive behavior.

Parents/Guardians/Caregivers/Families

RIGHTS RESPONSIBILITIES & EXPECTATIONS

The Code of Conduct is your guide for understanding the personal, social, and academic behaviors that are expected of your child at school and how school principals, teachers and staff will work with you and your child to help them demonstrate positive behavior and enjoy academic success.

PARENTS/GUARDIANS/CAREGIVERS/FAMILIES HAVE THE RIGHT TO:

- A free public-school education for their child.
- Access the educational records concerning their child.
- Be actively involved and engaged in the education of their child.
- File complaints and/or appeals regarding matters affecting their child's education.

PARENTS/GUARDIANS/CAREGIVERS/FAMILIES RESPONSIBILITIES:

- Ensure regular, on time, daily attendance for the duration of the school year.
- Remain aware of child's performance by maintaining contact with the school through reviewing work, progress reports and other school notices, talking to the child about school, and meeting with school staff as requested.
- Be aware of the academic and behavior expectations outlined by District policies and this Code, as well as, the procedures of your child's individual school/classrooms, and help your child understand them.
- Partner and collaborate with the school to support expectations of academic achievement and appropriate behavior in school and the community.
- Be respectful and courteous to staff, other parents/guardians and students while on school premises, refraining from disruptive behavior.
- Support your child in ways that maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- Inform school officials and/or staff of changes in the home situation that may affect student conduct or performance.
- Ensure the school is updated with accurate contact information including, but not limited to, home address, telephone number(s), and email address(es).
- Respond in a timely manner to communications from school.

PARENTS/GUARDIANS/CAREGIVERS/FAMILIES EXPECTATIONS:

- To be treated courteously, fairly, and respectfully by all school staff.
- Receive information about the Board's policies and procedures related to their children's education.
- Receive regular reports, written, oral or electronic, from school staff regarding their children's academic progress, behavior, and attendance, including report cards and conferences.
- Receive information about their child's inappropriate or disruptive behaviors and any disciplinary actions taken by school staff.
- Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals.
- Have access to and receive recommendations for support services within Kalamazoo Public Schools District and the community. (e.g., tutoring, after-school programs, academic programs, mental health services, etc.)
- Receive information about services for students with disabilities and English language learners, when applicable.
- Receive language assistance services (including oral and written translations) in order to participate in District programs.

School Staff (Teachers, Support Staff, Administrators)

RIGHTS, RESPONSIBILITIES & EXPECTATIONS

The Code of Conduct is your guide for supporting positive student behavior at school. It will help you prevent disciplinary problems through the use of effective strategies and systems. The Code provides guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or violate the school rules and policies. Safety and school climate concerns should be brought to the attention of your school principal, so that you and your school administration can work together to maintain a safe and orderly learning and work environment. The Code of Conduct is your guide for supporting schools in developing a positive school climate that ensures student and staff safety and order. When followed with fidelity, the Code will minimize unacceptable student behavior, and maximize students' personal and social efficacy.

SCHOOL STAFF HAVE THE RIGHT TO:

- Work in a positive environment for teaching and learning, safe, and free from verbal or physical threats.
- Be treated courteously, fairly and respectfully by students, parents or guardians and other school staff.
- Receive support, training, and assistance when applying interventions, supports, and discipline.
- Communicate concerns, suggestions and complaints to Kalamazoo Public Schools district office and have them acknowledged without fear of retaliation.
- Receive supportive professional development and the necessary resources to deliver quality instruction.

SCHOOL STAFF RESPONSIBILITIES:

- Create a climate of mutual respect and dignity for all students by establishing expectations for academic performance and student behavior, which strengthen students' self-concept.
- Treat students, parents/guardians, and other staff courteously, fairly, and respectfully.
- Know and adhere to school policies and rules, including the Code of Conduct, and apply them in a fair and consistent manner.
- Communicate regularly with students, parents, and others informing them about student performance, behavior, and attendance.
- Protect the legal rights, health, safety, and welfare of all students.
- Address student misconduct with appropriate interventions, supports, disciplinary actions, reporting and follow-up in accordance with the Code of Conduct, applicable law and District policies.
- Maintain accurate records and report and document disciplinary actions in accordance with state law, as well as District policy and procedures.
- Maintain and respect the confidentiality of students, parents, and school staff.

SCHOOL STAFF EXPECTATIONS:

- Establish expectations for all students and staff that promote positive behavior, interventions, supports and discipline for inappropriate conduct when appropriate.
- Address any personal biases that may prevent equal treatment of students in the school or classroom setting.
- Support the development of and student participation in appropriate extracurricular activities.
- Refer students to the appropriate committees, departments, offices, agencies or organizations when outside support is necessary.

K12 Online Learning Expectations

Online Learners are...	Entering Class	Teacher-Led Whole Group Instruction	One-on-One Instruction	Small Group Activities
Respectful	Video on based on teacher guidance Audio off	Ask in chat if you need help Use kind words and faces	Video on based on teacher guidance Audio on Listen attentively Answer question out loud on cue	Video on based on teacher guidance Audio on Listen attentively Answer question out loud on cue
Responsible	Be on time and ready to learn. Start class charged or plugged in Have materials ready	Ask questions (voice or chat) when you have them Be present / avoid multitasking	Ask questions out loud when you have them Try your best Be present / avoid multitasking	Encourage each other to stay on topic Complete the work together Use “Ask for Help” button if you have questions Be present / avoid multitasking
Safe	Choose a distraction free space Use equipment as intended Use kind words and faces	Ask in chat if you need help Use kind words and faces	Use kind words and faces	Use “Stop-Leave-Talk” when you hear disrespect Encourage others to participate Use kind words and faces

On-Line Classroom Management Strategies for Students

- Promote and demonstrate regular positive behaviors for online instruction - Clearly state norms, goals, and objectives of the lesson for the day - Encourage growth and respectful learning - Utilize social-emotional supports for online learning - Promote self-regulation and better focus by providing activities and strategies encouraging appropriate engagement and concentration, considering lessons and based on most effective class or students learning styles.	- Model positive interactions and explicitly reinforce the importance of positive social connections - Support executive functioning and self-management skills by chunking and breaking work into smaller pieces. - Suggest ways students can adjust their environments to help them feel more settled (ex: improving lighting, reducing sounds and other distracting noises, and decreasing visual clutter) - Model and reinforce the behavior
--	---

- | | |
|--|--|
| | <ul style="list-style-type: none"> • Use rewards and offer verbal and emoji praise. |
|--|--|

Students are responsible for their behavior during online learning in accordance with federal and state law, District policies and rules, as well as, Superintendent's administrative guidance and the Code of Conduct. Always use District technology in a way that shows consideration and respect.

Adapted from Detroit Public Schools Community

Kalamazoo Public Schools District Policy – 3.2

Non-discrimination Statement

Kalamazoo Public Schools welcomes all students and staff of any religion, race, color, national origin, age, sex, pregnancy, gender identification, height, weight, familial status, marital status, sexual orientation, and disability.

The District will not tolerate or condone any act of bias or discrimination toward any person on the basis of religion, race, color, national origin, age, sex, pregnancy, gender identification, height weight, familial status, marital status, sexual orientation, and disability in any of its activities, hiring practices, programs or services.

Incident Appeal Procedure

Should you feel any discipline action taken by the district has violated this non-discrimination statement in any way, or is inappropriate, you are invited to use the following appeal process:

Step 1: If appropriate, meet with the classroom teacher for resolution. It is the teacher's responsibility to notify the building administrator of this appeal.

Step 2: If the matter is unresolved and/or you don't feel satisfied with the proposed resolution, you may further this appeal by requesting an investigation by the building administrator.

Step 3: If you still feel the matter is not resolved, contact the Assistant Superintendent of Elementary / Secondary Instruction by calling (269) 337-0190 to continue the appeal and investigation.

If after steps 1-3 the outcome of your concern is consistent and you desire to appeal at a higher level, please complete an Investigation Appeals form. Upon review, a Student Services administrator will reach out to you via U.S. mail within 15 working days with a resolution.

All requests for appeal will be thoroughly investigated and appropriate documentation will be reviewed to resolve the matter. Matters that remain of concern may require outside investigation

Kalamazoo Public Schools District Policy – 4.2

The district will strive to ensure a safe, orderly, welcoming and healthy learning environment for all students, parents/guardians, staff and community members.

Kalamazoo Public Schools District Policy – 5.2

The district will not tolerate or condone any act of bias or discrimination toward any person based on religion, race, color, national origin, age, height, weight, gender, familial status, marital status, sexual orientation or disability in any of its activities, programs or services.

Restorative Practices

Restorative practices foster positive interpersonal and intergroup relations and address inappropriate behavior when it occurs. Restorative practices emphasize repairing harm to individuals and restoring the school community. The District shall implement restorative practices as prevention, as an alternative, or in addition to suspension or expulsion.

Restorative practices should be the first consideration to remediate offenses such as but not limited to interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment, and cyberbullying. If the District suspends or exclude a student, the District shall use restorative practices in addition to suspension or exclusion. If the District decides not to suspend or exclude a student, the District shall use restorative practices to address the issue.

The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all parties.

A restorative approach to discipline changes the foundational questions that are asked when an incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

1. What happened;
2. Who was harmed or affected by the behavior;
3. What needs to be done to make things right;
4. How can people behave differently in the future?

Types of Restorative Practices

Circle Process: The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, and address other issues as they arise.

Collaborative Negotiation: Collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom s/he disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

Peer Mediation: An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution.

Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting.

Restorative principles -

Before a student may be suspended, expelled or permanently expelled, the district administrators making the disciplinary decision shall consider each of the following factors:

- (i) the student's age;
- (ii) the student's disciplinary history;
- (iii) documentation of any known disability of the student;
- (iv) the seriousness of the violation or behavior committed by the student;
- (v) documentation if the violation or behavior committed by the student threatened the safety of any student or staff member;
- (vi) a determination of whether restorative practices should be used to address the violation or behavior committed by the student; and
- (vii) documentation of consideration if a lesser intervention would properly address the violation or behavior committed by the student

Except in the case of possession of a firearm, in exercising the administration's discretion to impose an exclusion of longer than ten (10) days or an expulsion, there is a rebuttable presumption that the exclusion of longer than ten (10) days or the expulsion is not justified unless the administration can demonstrate that it considered each of the above seven (7) factors from section 1310d (1) of the Michigan Revised School Code, MLC 380.1310d(1).

Code Infractions

The Student Code of Conduct does not discuss school district attendance policies and/or the requirement for credit and graduation. Rather, this code covers only the most obvious and serious types of misconduct. Neither the infractions, nor the consequences for code infractions which follow, are to be construed as an all-inclusive list or as a limitation upon the authority of school officials to deal appropriately with violations of the rules and regulations of an individual school building, or other types of conduct which interfere with the proper functioning of the educational process and/or the health and safety of students, staff and the community.

The sections that follow detail the infractions as well as the *possible range of consequences* to the violations of the Student Code of Conduct. If a specific consequence is not stated for a violation of a particular rule, then reasonable disciplinary actions may be taken at the discretion of the administration. Actions may range from a verbal warning to a recommendation for expulsion depending on the nature and severity of the offense, the prior behavior records for the student, the recommendation of school personnel and other relevant circumstances.

Category I-General Misconduct <i>Infractions</i>	
Cafeteria violation	Violating cafeteria rules including, throwing food, leaving lunch trays or litter on tables or the floor and cutting into the lunch line.
Digital citizenship violation	Students shall not use any Internet or other communication device for personal use, such as websites, videos, or music. Teacher/District Approved Only.
Disruptive school and classroom behavior	The act of creating or promoting behavior that disrupts the learning process. Repeated occurrences can be escalated to a category II infraction.
Distribution of unauthorized materials	The act of distributing unauthorized materials on school property

Electronic usage Electronic communication devices are at the discretion of school personnel. Electronic devices are allowed at school approved times only.
Inappropriate dress Students may not dress in a manner that is dangerous to health or safety, interfering with learning, or showing a lack of respect for others. The school district is responsible for seeing that student attire does not contribute to any student's hostile or intimidating atmosphere. That dress code enforcement does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size. Our student dress code is designed to accomplish several goals: • Maintain a safe learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology (eye or body protection), dance (bare feet), or PE (athletic attire/shoes). • Allow students to wear religious attire without fear of discipline or discrimination. • Prevent students from wearing clothing or accessories with offensive images or language, including profanity, hate speech, and pornography. • Prevent students from wearing clothing or accessories that reasonably can be construed as being or including content that is racist, lewd, vulgar or obscene, or that reasonably can be construed as containing fighting words, speech that incites others to imminent lawless action, defamatory speech, or threats to others. • Prevent students from wearing clothing or accessories that denote, suggest, display or reference alcohol, drugs, nicotine or related paraphernalia or other illegal conduct or activities. • Prevent students from wearing clothing or accessories that will interfere with the operation of the school, disrupt the educational process, invade the rights of others, or create a reasonably foreseeable risk of such interference or invasion of rights. • Ensure that all students are treated equitably regardless of race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body.
Potentially harmful behavior to oneself or others Engaging in any activities that might threaten the health or safety of oneself or others includes Horseplay. Include but are not limited to students who engage in rough or boisterous play, including contact such as hitting, shoving, or kicking.
Profanity/obscenity Profanity/Obscenity is the act of using obscene or profane language in verbal or written form, in pictures and caricatures, or making obscene gestures while on any school property or during any school activity.
Refusing to follow school and classroom rules (Elementary) Secondary Document Refusal to do assigned work or follow established procedures.
Unauthorized areas (Use only for documentation purposes). The act of being physically present in or congregating in areas which are off limits to students or not designated on student's schedule.
Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category II Infractions by school authorities.

Category I-General Misconduct

Consequences

In addition to discussing violations with students in the event of an infraction and making contact with parents/guardians when appropriate, teachers and other Kalamazoo Public School staff members are expected to resolve Category I violations by utilizing one or more of the restorative consequences listed under Options.

Elementary & Secondary Restorative & Disciplinary Options

Options

Verbal Reprimand – The teacher or staff member may issue a verbal reprimand to a student that identifies the behavior in question. Consequences for the continuation of the conduct be mentioned.

Staff-Student Restorative Conference – The teacher or staff member will discuss the problem with the student, indicate that which is expected and discuss possible consequences of continued misbehavior. Evidence should be recorded to indicate that the conference did take place.

Parent/Guardian Contact or Conference – The teacher or staff member may contact the parent/guardian and discuss the problem. This conference should be positive, indicating a genuine concern for the student and being realistic about the problems the student is experiencing. The contact/conference with parents/guardians must be documented with dates and nature of the discussion.

Restorative Practices – Restorative practices are defined as ways of thinking and responding to conflict and problems that involve all participants determining what took place and how to create a logical and balanced resolution aligned with the rules of the law. Examples include family group conferencing, victim-offender mediation, classroom peace circles, therapeutic/resource strategies such as mental health care, anger management, and behavior coaching.

Restorative Plan This may include a plan that is written or spoken and teaches or reteaches behavioral expectations. Plan should be appropriate to the misconduct.

Individual Plan – Staff members may develop an individual plan to assist a student with academics or behavior.

Detention – Students may be detained during school hours, after school, or required to report before school if parents/guardians have been contacted. If there has not been telephone contact or personal communication with parents/guardians, a twenty-four-hour notice must be given to parents/guardians to schedule a detention period.

Transportation home after serving detention is the responsibility of the parents/guardians.

Withdrawal of Privileges – Identifiable classroom and/or school privileges may be withdrawn as an appropriate consequence of student misbehavior.

Referral to School Support Services – A referral may be made to the school's Child Study Team (CST) or other support personnel, which included but not limited to (ISK, Gryphon

Place, Peer Mediation, RTC, local counselors/therapists) for the purpose of developing appropriate interventions and plans to help resolve a behavioral problem.

Restitution or Repair – A student may be asked to engage in restorative action to repair items and/or relationships.

Temporary Classroom Reassignment – The student may be sent to another classroom for a period of time. The period should not exceed 30-minutes, unless the student was serving an out of school suspension.

When reassignment students with disabilities, consider the following information from the MDE Office of Special Education.

“Imposing in-school discipline in small increments, and for less than what is considered an absence, may not constitute a disciplinary removal; however, the overall impact must be considered when it limits the student’s access to a free appropriate public education (FAPE).”

Confiscation- Items that cause a distraction to the learning environment may be confiscated and will be returned by the end of the day or will be returned directly to the student’s parent.

Category II-Serious Misconduct ***Infractions***

Being on school property or attending a school activity during suspension

No student is permitted to be on school property or attend a school activity while under suspension. This includes all school district buildings and grounds, any school activity or school bus.

Bullying and cyberbullying

Bullying and cyberbullying are prohibited. Bullying is defined within MCL §380.1310b. Bullying is any written, verbal, or physical act, or any **electronic communication**, including, but not limited to, cyberbullying, that is intended, or that a reasonable person would know is likely to harm, one or more students either directly or indirectly by doing any of the following:

1. Substantially interfering with education opportunities, benefits, or programs of one or more students.
2. Adversely affecting the ability of a student to participate in or benefit from the school district’s or public school’s educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress.
3. Having an actual and substantial detrimental effect on a student’s physical or mental health.
4. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Cyberbullying means any electronic communication that is intended or that a reasonable person would know is likely to harm one or more individuals either directly or indirectly by doing any of the elements listed above (1-4).

Bullying and cyberbullying that does not occur at school, may be subject to disciplinary action if it causes a substantial disruption to the educational environment.

Defiance of school personnel

Repeatedly refusing to follow appropriate and reasonable requests by school staff.

Failure to accept assigned consequences

The act of non-compliance with a consequence assigned by an administrator or staff member for violating a school rule.

Fighting

The act of (engaging in combat, violence or aggression) hitting, punching, kicking and/or having physical contact in an aggressive manner with another person.

- A. FIGHTING – MUTUAL COMBAT, MUTUAL ALTERCATION A physical altercation between one or more students that does not cause serious injury but requires physical restraint.
- B. INITIATING A FIGHT-Intentionally initiating a fight between others or with another student that results in a physical altercation
- C. RESPONSE TO A PHYSICAL ATTACK-Any action of responding to a physical attack in a combative response that is not defined as self-defense. Self-defense is described as an action to block an attack by another person or to shield yourself from being hit by another person. If the retaliation meets this definition, then there will be no consequence. Retaliating by hitting a person back is not self-defense and consequences outlined in the Code should be followed.

Forgery/ Plagiarism/Cheating

The act of changing grades or falsifying other school district records.

Copying the work of authors or other students on assignments, exams and/or projects without prior permission and/or acknowledgement. Cheating result in the loss of credit for the assignment, test, project, etc.

Gambling

Playing any game of chance or skill for anything of value. Students are not to bring gambling objects like cards or dice to school unless they are used for approved activities. Previous authorization must be given before these items are to be brought to school.

Harassment

An instance or a course of conduct that annoys, threatens, intimidates, alarms, or makes a person fear their safety. Also, unwanted, unwelcomed, and uninvited behavior that demeans, threatens, or offends the victim and results in a hostile environment for the person harmed and bystanders. Continuation of harassment may be escalated to bullying.

Harassment

- is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- is directed at one or more pupils;
- is conveyed through physical, verbal, written, technological, or emotional means;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;

Hazing

Hazing means any intentional, knowing, or reckless act by a person(s) that is directed against an individual and that the person(s) knew or should have known endangers the physical, mental health or safety of the individual, and that is done for the purpose of pledging, being initiated into, participating in, or maintaining membership in any organization.

Inappropriate physical contact

The act of touching others inappropriately unwanted, and/or harmful nature.

Inappropriate sexual comments/gestures

The act of touching others or oneself in a sexual manner or making sexually inappropriate remarks or gestures to another person and/or through the use of technology.

Inciting others to break school rules The act of talking or provoking another student into doing something that is against school rules.
Intentional damage or defacement of property under \$200 The act intentionally damages property belonging to the school, staff, visitors, or students. In addition to the appropriate disciplinary response, parents/guardians will replace damaged or lost property belonging to the school, staff, school visitors, or other students—restitution as required by the district, not to exceed the cost of damage incurred.
Interference with school staff The intentional act by a student to prevent a staff member from completing their supervisory responsibilities. An example would include a student who refuses to get out of the way when a staff member is trying to respond to a disturbance.
Intimidation Intimidating another person to create fear or concern for personal safety. Intimidation with the means to carry out such threats may also be classified as assault under Category III.
Leaving classroom or building The act of walking out of the classroom or the school building without permission and/or without a designated plan.
Participating in disruptive gatherings The act of gathering with students in a school building or on school grounds for the purpose of, or having the effect of, disrupting normal school activities. This includes video recording incidents/fights.
Refusing to identify oneself The act of refusing to give a correct name when asked by a school staff member or school authorized person.
Refusing to report to the office Failure to report to the office of the principal or assistant principal or designated area as directed by a staff member.
Repeated disruptive behavior Continuing to commit inappropriate acts after being warned and/or reprimanded for the same or similar misconduct.
Illegal substance usage and possession Smoking or chewing any tobacco product, alcoholic beverages, possession of marijuana, use of vapor/E-cigarette type products.
Visiting other schools The act of unauthorized visiting other schools during school hours without proper authorization.
Weapons and “look-alike/replica/toys” Possession, use, sale, or distribution of a replica weapon, including BB guns, knives under 3 inches or “look-alike” weapons. The INTENT of the student will be considered in these incidences.
Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category II Infractions by school authorities.

Category II-Serious Misconduct

Consequences

*A parent/guardian contact or **conference** with the teacher and/or administrator/ or designee is required at a time convenient for all parties involved for all Category II disciplinary actions. School officials are expected to resolve Category II violations by utilizing one or more of the following disciplinary consequences.*

Suspension – Suspension from school may be used as a disciplinary option. An in-school suspension option may be utilized as part or all of a suspension assignment. The length of a suspension shall be determined by the gravity of the offense, the circumstances under which it took place and the limits established in the Code. A meeting or contact with the student will be held prior to any suspension and parents/guardians shall be notified of all suspensions. Students who are suspended are to remain off all school properties and are ineligible to attend any school activities until reinstatement. A parent/guardian conference or contact should be held with the school administration during the period of suspension. A reentry meeting must take place upon the return of a suspended student.

Students who have been suspended in excess of ten (10) consecutive or cumulative school days in a given school year will be referred to the school building core team (building team, pre-assessment team, or student assistance team). The Child Study Team (or equivalent group) shall be responsible for developing, implementing and monitoring an alternative educational plan for the student in cooperation with parents/guardians, building administration and staff and appropriate community agencies/resources. The school must look at the suspension team reports and bring those students to the Child Study Team.

Alternative education room assignment—Assignment to an alternative education room in conjunction with out-of-school suspension may be used as a disciplinary consequence.

Parent/guardian contacts or conferences --

Additional parent/guardian contacts and/or conferences at school may be considered as part of a restorative response.

Saturday detention – Assignment to Saturday detention session(s) at a school site under the supervision of school staff may be employed as a disciplinary consequence

Referral to school support services – At any time a referral may be made to the school's core team (building team, pre-assessment team, student assistance team) for the purpose of developing appropriate interventions and plans to help resolve a behavioral problem. The team assist in planning for the student's return and future success at school after serving a suspension. A referral may also be made to community-based agencies for additional intervention and/or assistance.

Staff members will develop individual plans for students or initiate small group instruction to address student achievement and behaviors. This may include a contract or social skills training.

NOTE: Although behaviors are categorized into three (3) classifications, repeated or extreme violations in Category II may result in disciplinary action appropriate for Category III.

Confiscation of item, warning, and possible suspension, exclusion, or expulsion recommendation. Public Safety may be notified if appropriate. Parent/guardian contact shall be made.

Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category II Infractions by school authorities.

**Category III-Illegal Conduct
Infractions**

Arson

The act of willful and malicious burning or attempting to burn any building, part of any building or any property of the school district or malicious attempt to burn any item on school grounds. Any student involved with a school-related arson will be reported to law enforcement officials.

Assault

Threatening or doing physical harm to any person, student or staff member. Threatening to bring a weapon to school, school sponsored events or threatening to use any weapon against students, district staff members or other persons. Serious cases of assault will be reported to law enforcement officials.

Example: Attempting to spit on the victim; Miming the act of hitting, punching, or kicking the victim; Brandishing a deadly or non-deadly weapon in a manner that suggests the victim will be hit with that object.

Battery

The act of physically touching another person with the **INTENT** to do injury. This includes any physical attack on a student or staff member. Serious cases of battery will be reported to law enforcement officials.

Example: Battery is the criminal act of intentionally touching, or applying force to the body of another person in an offensive manner, covering a wide range of acts, including those of a sexual nature.

Bomb threats or false fire alarms

Making a report of a fire, or bomb, when neither exists. Any student making a bomb threat or a false fire alarm will be reported to law enforcement officials.

Criminal Sexual Conduct (CSC)

CSC is sexual contact or sexual penetration with another person. It is defined by Michigan law under Michigan Act 328 of 1931. CSC includes but is not limited to the following:

- (1) *the victim is under 16 years old;*
- (2) *the person committing the act is 5 or more years older than the victim;*
- (3) *the victim is incapacitated, mentally incapable, or physically helpless;*
- (4) *force or threats are made;*
- (5) *a weapon is used; and/or*
- (6) *the person committing the act is in a position of authority.*

CSC will be reported to law enforcement officials.

Acts of inappropriate sexual conduct or displays of affection, such as kissing or long embraces of a personal nature, are not permitted. This may include acts of “sexting.” Subject to mitigating factors in section 1310d of the Michigan Revised School Code, if a pupil pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board on behalf of the school board, shall expel the pupil from the school district permanently.

Cyber crimes

Any **Crime** committed with the use of a computer, computer network, cell phone, or other electronic device that may involve stalking, threatening, possession or making of child sexual materials, or pornography.

Explosives or fireworks

Possession, use, sale or distribution of explosives, fireworks, smoke bombs or other substances that create disorder. In certain cases, regarding the possession/use of explosives, law enforcement officials will be contacted.

Extortion

Forcing a person to give up money or anything of value as the result of threats, intimidation or force. Any student who extorts money or valuable property from another person will be reported to law enforcement officials.

Failure to stop fighting

Failure to stop fighting at the direction of school personnel.

Illegal substances

Possession or possession with intent to sell, transfer, furnish or deliver, attempt or imply to furnish or deliver, sell, use or appear under the influence of illegal substances, narcotics, hallucinogens, amphetamines, barbiturates, marijuana, controlled substances, designer drugs or mood/behavior-altering chemicals or drugs during times when students are subject to authority of the school. Any use or possession of illegal substances will be reported to law enforcement officials. Inappropriate or illegal use of over the counter or prescription medication is also prohibited.

Impeding investigation

Failure to comply with staff conducting an investigation of any code of conduct infraction with the intent to conceal evidence, obstruct or provide false information to authorities.

Inciting others to break the law or commit a violent act

Provoking another student to break any school rule listed in Category III.

Possession of a non-school related object which has the potential to be utilized as a weapon

There are many objects that carry significant potential for use as a weapon. Examples of such objects are razors, razor knives, box cutters, mace and pepper gas. Although these objects are not illegal, they are considered dangerous, and, therefore, they do not belong in any school setting except as authorized as part of an instructional program.

Riot

It is unlawful and constitutes the crime of riot for five or more persons, acting in concert, to wrongfully engage in violent conduct and, thereby, intentionally or ruthlessly cause or create a serious risk of causing public terror or alarm.

Sexual Misconduct

A student shall not engage in intimate physical sexual contact with another person, including, but not limited to: consensual sexual intercourse, oral sex or intentional touching of the other person's genitals, groin, inner thigh, buttock or breast or the clothing covering those areas, other inappropriate behavior of a sexual nature including displays of sexual parts.

Sexting

Forwarding, sending, using, sharing, viewing or possessing a sexually explicit image via text message, email, social networking websites and/or other electronic means using school property (computers, devices, networks, or servers) on school grounds or at school sponsored activities/events. Acts that occur off school grounds, outside of

school-sponsored activities or on student owned devices that result in disruption to the orderly operation of school environment are punishable under this provision.
Stalking Engaging in behavior that includes at least two separate intentional acts that involve repeated or continued harassment of a victim and result in contact that is unwelcomed by the victim and causes the victim to feel harassed, intimidated, or frightened. This could be unwanted mail, e-mail, phone calls, confrontation, objects, or social media.
Theft or possession of stolen property (Larceny) Taking the property of the school or another person without permission, or possession of property known to be stolen. Law enforcement officials may be contacted in theft cases involving property valued at \$200 or more.
Using an object as a weapon Using an object, such as a pencil, a chair, scissors, chains, etc., as a weapon while attempting or inflicting bodily harm.
Vandalism Intentionally damaging school property or property belonging to students, district staff members or other persons. In addition to application of the appropriate disciplinary action, parents/guardians of students who violate this standard will be responsible for restitution or replace damaged or lost property. Law enforcement officials will be contacted in vandalism cases involving property valued at \$200 or more.
Violating the state riot act The act of participation in or contributing to a riot situation. In addition to application of the appropriate disciplinary action, parent/guardian of persons who violate this standard will be reported to law enforcement official.
Weapon Possession, use, sale or distribution of a weapon or firearm. Any possession, use, sale or distribution of a weapon or firearm will be reported to law enforcement officials. <i>The term weapon includes: firearms, bombs, silencers, knives with blades over three (3) inches, double-edged non-folding stabbing instruments, a switchblade, brass knuckles, a blackjack, slingshot, Billy club, bludgeon, metallic knuckles, sand club, sand bag, a taser or stun gun, or any other article carried or possessed for use as a weapon such as a tire iron, or baseball bat carried for purposes of assault or defense. The term "firearm" means (a) any weapon (including a starter gun) that will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device.</i>
Students who are excluded or expelled are to remain off all school properties and are ineligible to attend any school activities until reinstated.
Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category III Infractions by school authorities.

Category III-Illegal Conduct Consequences
<i>A parent/guardian conference with the teacher and/or administrator/or designee is required at a time convenient for all parties involved for all Category III disciplinary actions. School officials are expected to resolve Category III violations by utilizing one or more of the following disciplinary consequences.</i>

Suspension – Removal of a student from school by a school administrator for a period of up to ten (10) days for persistent disobedience or for violations of the Student Code of Conduct may be assigned as a disciplinary consequence. An in-school suspension option may be utilized as part or all of the suspension period depending on the nature of the misbehavior.

The length of a suspension shall be determined by the gravity of the offense, the circumstances under which it took place and the limits established in the Code. An appropriate meeting or contact with the student will be held prior to any suspension and parents/guardians shall be notified of all suspensions. Students who are suspended are to remain off all school properties and are ineligible to attend any school activities until reinstatement. A parent/guardian conference or contact should be held with the school administration during the period of suspension. Although there is no rebuttable presumption against an out-of-school suspension of one (1) to ten (10) school days, the administration must consider the mitigating factors in section 1310d of the Michigan Revised School Code, MCL 380.1310d. These factors include: 1) the pupil's age; 2) the pupil's disciplinary history; 3) whether the pupil is a pupil with a disability; 4) the seriousness of the violation or behavior; 5) whether the violation or behavior of the pupil threatened the safety of any pupil or staff member; 6) whether restorative practices will be used to address the violation or behavior; and 7) whether a lesser intervention would address the violation or behavior committed by the pupil.

Students suspended in excess of ten (10) consecutive or cumulative school days in a given school year will be referred to the school building core team (building team, pre-assessment team, or student assistance team). The core team (or equivalent group) shall be responsible for developing, implementing and monitoring an alternative educational plan for the student in cooperation with parents/guardians, building administration and staff and appropriate community agencies/resources.

Alternative school placement – Assignment of a student to an alternative site or recommendation for placement at another educational program which is deemed appropriate may be employed as a component of a behavioral improvement plan.

Juvenile court petition – A petition to the Kalamazoo County Juvenile Court, or other appropriate external agency, to initiate disciplinary actions may be made to respond to extreme and/or repeated student behavioral problems.

Exclusion – Removal of a student from school for 11 but fewer than 180 days with the right to be readmitted following the exclusion period on evidence of satisfactory elimination of the cause for exclusion may be used as a disciplinary response. Exclusion requires the recommendation of the principal and superintendent and formal action by the Board of Education or the board's designee. Parents/guardians of a student recommended for exclusion shall be notified of this proposed action and be granted a due process review prior to action by the Board. The superintendent or designee shall notify the parents/guardians of the decision of the Board.

Expulsion – Removal of a student from attendance at any school or educational program of the Kalamazoo Public Schools may be employed as a disciplinary response. Expulsion requires the recommendation of the principal and superintendent and formal action by the Board of Education or the board's designee. Parents/guardians of a student recommended for expulsion shall be notified of this proposed action and be granted a due process review prior to action by the Board. The superintendent or designee shall notify the parents/guardians of an

affected student of the decision of the board. If a student is excluded or expelled, the district shall include this information on the individual's permanent record.

Permanent expulsion - Mandatory removal from school at a minimum of one hundred eighty (180) days with no opportunity for return unless otherwise approved by the Board of Education.

Illegal substances and disciplinary procedures

Student use, possession or delivery of illegal substances is prohibited at school or at any school-approved activity on or off the school property. This applies to all students regardless of age. Offenders will be referred to appropriate personnel for disciplinary action. Law enforcement officials also shall be contacted to take whatever action necessary in cases related to the use, possession, or delivery of illegal substances. In the event of an illegal substance violation by a student (**if the quantity of illegal substances or alcohol is not sufficient for sale and/or delivery, or no sale and/or distributions are involved**) the following progressive disciplinary steps will be used.

First illegal substance violation – After confirmation of the violation, the student will be referred to the school core team (building team, pre-assessment team, student assistance team, etc.), suspended for three (3) school days and/or serve in-house suspension, and attend a counseling session for evaluation.

Second illegal substance violation – After confirmation of the violation, the student will be suspended for five (5) school days and/or serve in-house suspension. Evidence, in writing to the principal or designee, of receiving an assessment, treatment and counseling from a recognized community agency or professional person knowledgeable in chemical or alcohol abuse treatment must also be submitted.

Third illegal substance violation – After confirmation of the violation, the student will be suspended for ten (10) school days and during that time, the principal will forward a recommendation for expulsion to the superintendent of schools or designee. After a period of one year, if the student can prove successful completion of a licensed treatment program, he/she may petition the superintendent or designee for probationary reinstatement to school.

Sale of illegal substances

Michigan law prohibits the possession, use or delivery of illegal substances. An illegal substance is generally defined as an illegal or unauthorized prescription drug or narcotic, and includes marijuana, marijuana products, LSD, various amphetamines, barbiturates, quaaludes, heroin, cocaine, etc. Possession and/or use or delivery of alcoholic beverages by underage persons also is considered to be possession/use of an illegal substance. School administrators who uncover or come into contact with suspected illegal substances shall seize and turn over such substances to local law enforcement agencies immediately or as soon as possible.

Full cooperation will be sought with the police agency having jurisdiction and the prosecutor's office. All reports of illegal substance violations made by the police or the prosecutor's office will be confidential.

Students found to be in possession of alcohol or illegal substances considered sufficient for intent to sell or distribute, or the actual sale of alcohol/illegal substances, will be suspended from school for up to ten (10) days and recommended to the Board of

Education for exclusion for the balance of the semester or school or expulsion from school attendance on a permanent basis.

Penalties for possession/use of illegal substances are cumulative throughout a student's education tenure with the Kalamazoo Public Schools. A violation in one (1) school year will be noted should another violation occur that same school year or in another school year.

Mandatory expulsions for firearm -

In compliance with Section 1311 of the Michigan School Code, a student who is in possession of a firearm in a school building or on school grounds shall be suspended from school, and recommendation will be made to the Board of Education or the board's designee that the student be permanently expelled. Formal action by the Board of Education will be preceded by a due process hearing that will include appropriate school authorities, the student, and his/her parent(s)/guardian(s).

Possession and/or use of weapons

In order to create a safe, weapons-free environment where students are safe and free to concentrate on learning, a student's use or possession of a dangerous weapon or use of an object as a weapon is prohibited at school or at any school approved activity on or off school property. This applies to all students regardless of age as described by state law.

Students in possession of a weapon or other dangerous object or students who use an object as a weapon while in attendance at school or a school activity or while en route to or from school on a school bus will be suspended from school. School authorities shall report the finding to the student's parent or legal guardian and the local law enforcement agency. Formal action by the Board of Education will be preceded by a due process hearing which will include appropriate school authorities, the student and his/her parents/guardians. In accordance with District policies, state and federal laws, the District will consider mitigating factors prior to making any recommendation. A determination that a student violated the District's Weapon Free School Zone policy will result in an expulsion unless the student establishes, in a clear and convincing manner, at least one of the following:

1. That the object or instrument possessed by the student was not possessed for use as a weapon or for direct or indirect delivery to another person for use as a weapon;
2. The weapon was not knowingly possessed by the student;
3. The student did not know or have reason to know that the object or the instrument possessed by the student constituted a weapon or dangerous weapon; or,
4. That the weapon was possessed by the student at the suggestion, request or direction of, or with the express permission of, school or police authorities.

Students in possession of a firearm will be permanently expelled unless the student establishes, in a clear and convincing manner, one of the above four factors.

Appeal

As designated by Kalamazoo Public School Policy 5.7, all decisions made by the superintendent to suspend, exclude or expel a student may be appealed to the Board of Education. The appeal must be in writing and received within 3 business days from the time the parent received notification from the school. The written appeal is sent to the President of the Board of Education with a copy to the superintendent. The Board will respond to the appeal.

Students who are excluded or expelled are to remain off all school properties and are ineligible to attend any school activities until reinstated.

Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category III Infractions by school authorities.

Related Topics for All Students

Other items and/or topics which relate to the Kalamazoo Public Schools' Student Code of Conduct are as follows:

Bus Behavior

All school rules and regulations apply when students are under the jurisdiction of the school. This includes all student transportation activities (to and from school, field trips, after-school activities and all other school-sponsored events).

Contact with Law Enforcement Officials

Law enforcement officials will be contacted by the school administration. They may investigate and pursue legal actions related to serious forms of misconduct. The following Category III violations must be reported to appropriate law enforcement agencies:

- Arson
- Assault, battery, hitting or injuring a staff member
- Criminal Sexual Conduct
- Extortion
- Making a bomb threat or false fire alarm
- Possession and/or use of explosives or weapons (guns, knives, razor blades, brass knuckles, chains) or any other item that may be used as a weapon
- Sale and/or possession of alcohol or illegal substances
- Stolen property or vandalism valued at over \$200.00

Reasonable Force Guidelines

Use of seclusion and physical restraint against students is governed by the Michigan Revised School Code, including Sections 1307 to 1307h, MCL 380.1307 to 380.1307h; by the policy and guidance issued by the Michigan Department of Education, and by policies issued by the Board of Education for Kalamazoo Public Schools. These legal requirements, policies and practices are designed to accomplish the following objectives: promote the care, safety, welfare and security of the school community and the dignity of each student; encourage the use of proactive, effective, evidenced and researched-base strategies and best practices to reduce the occurrence of challenging behaviors; eliminate the use of seclusion and restraint and increase meaningful instructional time for all students; and ensure that seclusion and physical restraint are used as a last resort in an emergency situation.

Student Searches

To maintain an orderly educational environment and to protect the health and safety of students and school staff members, Kalamazoo Public Schools retains control over lockers and desks and reserves the right to inspect them at any time without notice or student consent. School personnel possess the authority to search a student and/or his or her effects, including a motor vehicle, whenever there is reasonable suspicion that the student may be in possession of harmful, illegal, contraband, or unauthorized materials. As used in this code, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission, or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

Personal Searches – A student's person and/or personal effects (purse, book bag, etc.) may be

searched whenever a school authority has reasonable suspicion that the student is in possession of illegal or unauthorized materials. If a hands-on search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present.

If the school official has reasonable suspicion that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student's person may be conducted. Such a search may only be conducted in private by a school official of the same sex, with an adult witness of the same sex present, and only upon prior approval of the superintendent or his/her designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

Locker Searches – Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers.

Periodic general inspections of lockers may be conducted by school authorities for any reason, at any time, without notice, without student consent and without a search warrant.

Vehicle Searches – Students are permitted to park motor vehicles on school premises as a matter of privilege. The school retains authority to conduct routine patrols of student parking lots and inspections of student motor vehicles on school property. The interiors of student vehicles may be inspected whenever a school authority has any reason to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant.

Seizure of Illegal Materials – If a properly conducted search yields illegal or contraband materials, such finding shall be turned over to proper legal authorities for ultimate disposition.

Title IX Statement and Grievance Procedure

1. Title IX Statement

Title IX prohibits discrimination on the basis of sex, including sexual harassment, in any program, service or activity, including but not limited to, educational programs or activities, such as, extracurricular activities, student services, academic counseling, discipline, classroom assignment, grading, athletics, and transportation, operated by Kalamazoo Public Schools (“District”), including admission to these programs and activities. Title IX also prohibits sex discrimination in employment.

The District encourages anyone within the school community who believes a Title IX violation may have occurred to report their concerns to a District Title IX Coordinator who are identified below.

If the Title IX violation potentially involves students, the report should be made to the Director of Student Services:

Reuquiyah Saunders
Assistant Superintendent of Student Services/Title IX Coordinator
1220 Howard Street
Kalamazoo, MI 49008
(269) 337-0161
saundersrt@kalamazoopublicschools.net

If a Title IX violation potentially involves an adult either as the complainant or the responding party or involves employment related discrimination, sexual harassment, or assault on the basis of sex, then the report should be made to the Assistant Superintendent of Human Resources:

Steve Leland
Director of Human Resources/Title IX Coordinator
1220 Howard Street
Kalamazoo, MI 49008
(269) 337-0177
lelandsp@kalamazoopublicschools.net

Definitions

“Complainant” means the person who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent” means the person who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

“Third parties” include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors or contractors doing business with or seeking to do business with the Board and other individuals who come into contact with students or employees at school-related events/activities (whether on or off District property).

“Sexual Harassment” is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the District's education programs or activities; or
- Sexual assault (as defined in the Cleary Act, 20 U.S.C. 1092(f)(6)(a)(v)), dating violence, domestic violence or stalking (as defined in the Violence Against Women Act, 34 U.S.C.12291).

“Formal Complaint” is defined as a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment.

2. **Grievance Procedures**

These Grievance Procedures are intended to treat Complainants and Respondents equitably by providing remedies to a Complainant if a Respondent is found responsible, and by following the proscribed grievance process before imposing discipline on a Respondent. The Grievance Procedure seeks to ensure objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. Individuals involved in the Grievance Procedures – including Title IX Coordinators, investigators, decision-makers, facilitators of informal resolution efforts and those involved in the appeal process – must be trained and not have any bias or conflict of interest.

Reporting

Any student or District employee who believes that he or she has been subjected to sexual harassment by a student, board member, staff, vendor, volunteer, contractor, or other person doing business with the District, should immediately report the behavior or communication to a District employee or the Title IX Coordinator.

All District employees are expected to promptly report actual knowledge of sexual harassment they observe or hear about to a Title IX Coordinator.

Reports can be made orally or in writing and should be as specific as possible. The person making the report should identify the alleged victim/Complainant, perpetrator(s)/Respondent(s) and witness(es), and describe in detail what occurred, including date(s), time(s) and location(s). Upon receipt of a report, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

A Formal Complaint must be filed by a Complainant prior to the District proceeding with an investigation under its Title IX Grievance Procedure. A Title IX Coordinator may sign a formal complaint, with or without the Complainant's consent. A formal complaint may be filed by a Complainant in person, by mail or electronic mail.

Any incidents of sexual harassment that come to the District's attention through means other than a formal complaint will be promptly addressed by the Title IX Coordinator. Supportive measures will be considered and offered to both parties and the Title IX Coordinator shall provide information to the Complainant about how to file a formal complaint, or if the Title IX Coordinator chooses, he or she can file a formal complaint to begin the Grievance Procedure.

The complainant has the right to simultaneously file a criminal, administrative, or civil complaint. The complainant's decision to file criminal charges or another complaint does not diminish the District's obligation to investigate a complaint made by the complainant to the District.

Mandatory and Discretionary Dismissals

The District must dismiss a complaint:

- That does not describe the conduct that meets the definition of sexual harassment;
- That alleges sexual harassment that did not occur in the school's educational program or activity; or
- That alleges the sexual harassment did not occur in the United States at all.

The District may dismiss a complaint as a Title IX complaint:

- If the Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the formal complaint or some of its allegations;
- If the Respondent is no longer enrolled or employed by the District; or
- If specific circumstances prevent the District from gathering evidence sufficient to reach a determination about the allegations.

If the District dismisses a complaint, or any allegations, pursuant to the above, it will send a written notice of dismissal and the reason(s) to the parties. Both parties have the right to appeal the District's dismissal as described in more detail below under "Right to Appeal." The District may still address allegations as required under the Michigan Revised School Code or under the District's Student Code of Conduct.

3. Examples of Title IX Violations:

Title IX protects students from harassment or discrimination on the basis of sex during educational or extracurricular programs and activities, whether they take place at school or elsewhere. Sex discrimination usually involves unequal treatment on the basis of sex and can be perpetrated by students, staff members or employees, volunteers, vendors, contractors or visitors to the school. Title IX protects employees from sex discrimination, sexual harassment or sexual assault.

Sexual harassment is unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or objectively offensive that it effectively denies a person equal access to the District's education programs and activities. Sexual harassment may include, but is not limited to, the following:

- Unwelcome sexual advances;
- Unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, jokes or innuendoes; unwelcome sexually degrading language or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages or email;
- Requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature;
- Verbal harassment or abuse;
- Pressure to engage in sexual activity;
- Repeated remarks with sexual implications;
- Unwelcome touching; and/or
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats.

In the case of employees, sexual harassment includes any unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that creates a hostile work environment or adversely affects the employee's working conditions.

Conduct is considered unwelcome if the person did not request or invite it and/or regards the conduct as undesirable or offensive.

Sexual violence refers to physical sexual activity perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Sexual violence includes, but is not limited to, conduct that is criminal in nature, such as rape, sexual assault, dating violence and sexually motivated stalking.

Gender-based harassment is unwelcome conduct based on a person's actual or perceived sex, sexual orientation or sexual identity. It includes slurs, taunts, stereotypes or name-calling, as well as gender-motivated physical threats, attacks or other hateful conduct based on a person's sex or failure to conform to sex stereotypes.

4. Informal Resolution Process

If appropriate as determined by the Title IX Coordinator, the complaining party and the respondent may voluntarily agree in writing to participate in an informal resolution process that does not involve a full investigation and determination. Prior to the informal resolution process commencing, both parties will receive written notice of the charges and allegations and will be advised of their option to engage in a formal resolution process. The complainant will not be required to resolve the problem directly with the respondent, and either party has the right to end the informal process at any time and begin the formal process for investigating the complaint. The District reserves the right to prohibit the informal resolution process for complaints involving an employee and a student. The informal process should be completed on or before thirty (30) days after the complaint is filed.

5. Formal Resolution Process

If the parties choose not to engage in the informal resolution process or choose to stop the informal resolution process at any time, the District will conduct a prompt and full investigation into any formal Title IX complaint. An investigation will afford both the Complainant and the Respondent a full and fair opportunity to be heard, submit documentation and evidence supporting or rebutting the allegation(s), and identify witnesses. All parties involved in the investigation will be provided with a copy of these Title IX Grievance Procedures.

When the District begins the investigation, written notice will be provided to the parties containing:

- A copy of the District's Policy and Grievance Procedure under Title IX;
- Whether there is an opportunity to engage in informal resolution;
- The actual allegations and facts that would constitute sexual harassment;
- A statement that the Respondent is presumed innocent;
- A statement that the parties are entitled to an advisor of their choice;
- A statement that the parties can request to inspect and review certain evidence; and
- Information regarding the Code of Conduct and false statements.

Investigations may be conducted by the appropriate Title IX Coordinator or designee, such as a building administrator or other administrator, who has been trained in Title IX procedures and does not have a conflict

of interest or bias towards either party. The District reserves the right to obtain or consult with a third-party investigator or resource at any time during the Grievance Procedures.

Prior to and during the investigation process, the Title IX Coordinator or designee will meet independently with the Complainant and the Respondent and discuss any supportive measures to be implemented before or during the investigation.

Retaliation Prohibited

- At the beginning of the investigation, the Title IX Coordinator or designee will explain that Title IX includes protections against retaliation and that the school will take steps to prevent retaliation and that the District will strongly react to any retaliatory actions, including any acts of retaliatory harassment, should they occur. No student, parent/guardian, employee, or member of the public shall be retaliated against for filing a complaint of discrimination or participating in the investigation of the complaint.
- Any person can report a claim of retaliation verbally or in writing to a Title IX Coordinator or school building principal (who in turn will report the complaint of retaliation to the Title IX Coordinator). Should the District receive a retaliation complaint, the District will promptly investigate and take all necessary steps within its control to stop any confirmed retaliatory acts/behavior.

Respondent Presumed Innocent

During an investigation, the Respondent is presumed to be innocent.

Investigation Procedure

Investigations must begin promptly, proceed impartially, and treat all parties equitably. This includes providing both parties an opportunity to present witnesses and other evidence. The investigation will be concluded within thirty (30) calendar days but no more than sixty (60) days after a formal complaint is filed, unless there is good cause to continue the investigation beyond sixty (60) days (e.g. law enforcement activities, absence of a party or witness, absence of a party's advisor of choice or the need to provide language assistance or accommodations of disabilities).

Supportive Measures

Upon request of a party, or on its own initiative, the District may implement supportive measures prior to or during the investigation of a formal complaint. Supportive measures are free, individualized services designed to restore or preserve equal access to education, protect safety, or deter sexual harassment. Supportive measures support a student and are not punitive or disciplinary with respect to another student. They do not unreasonably burden any other person.

A party can submit requests for supportive measures, either verbally or in writing, to the investigator and/or to the Title IX Coordinator. (The investigator will notify the Title IX Coordinator of any request for supportive measures and the Title IX Coordinator will be responsible to implement supportive measures). Supportive measures include, but are not limited to, counseling, extensions of time, modifications of work or class schedules, appropriate emotional and/or academic support, restrictions on contact between the parties, leaves of absences, and increased monitoring and support. In fairly assessing the need for either party to receive interim measures, the District will not rely on fixed rules or any assumptions that favor one party over another. Supportive measures will be made available to both parties, as appropriate. In imposing supportive measures, the Title IX Coordinator or designee will make every effort to avoid depriving any student of his/her education. The District will take steps to ensure that any supportive measure minimizes

the burden on the parties, and that the Title IX Coordinator or designee will communicate with the parties to ensure any supportive measures are necessary and effective based on the parties' needs.

Determination of Investigation

- The District shall take reasonable, timely, age-appropriate and effective corrective action based upon the situation and nature of the complaint. Appropriate corrective action may include classroom reassignment, increased staff supervision, counseling, academic support services, additional training for students and staff, and reporting procedures, safety plan, behavioral support plan and/or disciplinary action under the Student Code of Conduct or under the District's policies and procedures which include suspension up to permanent expulsion. Restorative practices will also be considered in any circumstance involving disciplinary action.
- The investigator's findings will be documented in a preliminary report and shared with the Complainant, Respondent and their advisors, if any. The parties will have at least ten (10) calendar days to review the preliminary report and submit a response in writing. Prior to finalizing the report, the investigator shall consider the parties' written responses to the preliminary report, if any. The investigation report is then finalized and forwarded to the decision-maker, the parties and their advisors, if any. The decision-maker cannot be the investigator, Title IX Coordinator or have any conflict of interest or bias with either party.
- The decision-maker, prior to any final decision, shall afford the parties an additional (10) calendar days to submit relevant, written questions to the opposing party or any witnesses. The decision-maker shall ask any relevant questions, record the response(s) and provide the responses to the parties (and their advisors, if any) prior to making a final determination. If the decision-maker deems a question irrelevant, he/she shall state in writing why the question is not relevant and provide the reason(s) to the parties (and advisors, if any) before the final decision is made.
- The decision-maker shall make the decision based on the preponderance of evidence standard.
- The decision-maker shall issue a written decision and deliver it simultaneously to both parties. The written decision must include:
 - The portion of the District's policies that was violated;
 - A description of the procedural steps that were taken by the school on the way to getting to the decision;
 - A findings of fact section;
 - A section that draws conclusions after applying the facts to the portion of the District's policy that applies;
 - A statement and rationale for the ultimate determination of responsibility;
 - Any disciplinary sanctions that the District will impose on the Respondent, and state whether the District will provide remedies to the Complainant;
 - A statement and rationale for any remedies for the Complainant, addressing how those remedies will restore or preserve equal access; and
 - A statement of the District's procedures, a statement that the parties have a right to appeal the initial determination regarding responsibly and the permissible basis for the appeal.

Right to Appeal

Both parties shall be provided notice of right to appeal the final determination based on: (1) a procedural irregularity affected the outcome of the matter; (2) new evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal; or (3) a conflict of interest on the part of the Title IX Coordinator, an investigator who compiled evidence, or a decision-maker, and the conflict of interest affected the outcome.

If a party intends to file an appeal, they must submit the appeal in writing to the Superintendent no later than five (5) calendar days following the date of the final decision.

The opposing party shall be provided with a copy of the written appeal and given an opportunity to submit a response, which will be provided to the Superintendent.

The Superintendent or designee shall review the written appeal and any response and issue a written determination within ten (10) calendar days of the receipt of the appeal, which will be delivered to both parties.

The Superintendent's decision shall be final.

Training

Individuals involved in the Grievance Procedure – Title IX Coordinator, investigators, decision-makers or facilitators of informal, voluntary resolution efforts must be trained.

The training materials cannot rely on sex stereotypes, must promote impartial investigations and adjudications and must be posted on the District's website.

All other District employees shall be trained on how to identify and report sexual harassment.

Privileges

No information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it.

Neither a party nor the District is allowed to seek, permit questions about, or allow the introduction of evidence that is protected by a recognized privilege.

Changes to Grievance Procedure

The District reserves the right to change, modify, amend or repeal all or any part of these Grievance Procedures.

Guidelines for Bullying/Cyberbullying

The District strictly prohibits the bullying/cyberbullying of a district pupil, and also prohibits the retaliation or false accusation against a target of bullying, a witness, or another person with reliable information about an act of bullying. All students are protected under this policy; bullying is prohibited at school regardless of its subject matter or motivating animus.

The District will not tolerate or condone any act of bullying, cyberbullying, regardless of the motive, including, but not limited to, bias or discrimination toward any person on the basis of religion, race, color, national origin, age, sex, pregnancy, gender identification, height, weight, familial status, marital status,

sexual orientation, disability, and/or any other distinguishing characteristic or association with another person who has, or is perceived to have, any distinguishing characteristic.

Bullying/cyberbullying is prohibited “at school,” meaning on school premises, at school-sponsored activities or events, on a school bus or related vehicle, at official bus stops, or on a telecommunications access device or service provider owned by or under the school’s control. “Telecommunications access device” and “telecommunications service provider” means those terms as defined in Section 219a of the Penal Code (MCL§750.219a). Bullying/cyberbullying that does not occur at school, including “cyber-bullying,” may be subject to disciplinary action if it causes a substantial disruption to the educational environment.

Normally, bullying/cyberbullying will be treated as a Category II offense, but depending on the severity of the circumstances, bullying may be treated as a Category III offense.

If a student suspects or has been a witness to bullying or cyberbullying, he/she should report the incident to a staff member.

Guidelines for Students with Disabilities

In compliance with federal and state laws, students with a documented disability (Individual Educational Plan or Section 504 Plan) have specialized procedures that must be followed in the case of the student violating the Student Code of Conduct. All students are given due process rights relative to student discipline under Section 380.1311 of the Michigan School Code. The Individuals with Disabilities Educational Act (IDEA) requires a Manifestation Determination Review (MDR) by the Individual Educational Planning Team (IEPT) immediately, if possible, but in no case later than ten school days after the date on which the decision to take disciplinary action is made. The IEPT must conduct the MDR in a meeting to determine if the behavior requiring disciplinary measures of the student is a part of his/her disability.

During the MDR, relevant information must be considered including evaluations and diagnostic results of the student, observations of the student and the student’s IEP or 504 Plan and placement. If the team determines that the behavior of drugs or weapons or serious bodily harm is a part of the student’s disability, then the school district may seek relief from a hearing officer to remove the student from school for up to 45 school days. The IEPT must take immediate steps to ensure an interim alternative educational setting that will continue the student’s progress toward the IEP goals.

If it is determined in the MDR that the student’s behavior subject to discipline is not a part of his/her disability, then the case is forwarded to Student Services for the disciplinary procedures applicable to students without disabilities except for continued services as a part of the student’s progress toward the IEP goals.

An administrator from Student Services needs to be notified and consulted immediately on all cases regarding serious misconduct of the Student Code of Conduct by students with disabilities. This includes students with an IEP or Section 504 Plan.

If a parent or guardian requests a hearing regarding disciplinary actions for drugs or weapons to challenge the interim alternative educational setting and/or the manifestation determination, the student shall remain in the interim alternative educational setting for up to 45 school days as assigned. At the end of the period of removal, the student returns to the placement in effect prior to the interim alternative setting unless otherwise specified on the IEP.

Short-term Suspension

- Students may be suspended for one (1) to ten (10) days upon a violation of the Student Code of Conduct.
- There is no change of educational status.
- A parent/guardian contact is required prior to or as soon as possible after the issuance of the suspension for a student with an IEP or 504 Plan.

Long-term Suspension

- Any time a student with an IEP accumulates more than 10 days of suspension in a school year, a new IEPT meeting must be held.
- In the event of a student with an IEP being excluded or expelled, the goals from the IEP must be followed.
- In consultation with Student Services, the IEPT must develop a plan to meet the goals of the IEP during the interim alternate placement.
- The IEPT must develop or review as appropriate, a behavior intervention plan. A functional behavioral assessment must be conducted or reviewed as soon as practicable and presented at the IEPT when a student has accumulated the 11th day of suspensions in a school year.

Violation of Drug or Illegal Substance Use or Possession, Weapons or Firearms

- A student may be placed in an interim alternative educational setting determined by an IEPT/MDR meeting for up to forty-five (45) school days.
- Penalties for possession/use of illegal substances, weapons or firearms are cumulative throughout the student's educational tenure with the Kalamazoo Public Schools and are applicable to the school calendar year (August – July).

Emergency Suspension

An emergency situation exists when there is a substantial chance of injury to the student or others.

- A suspension for not more than ten (10) days from the incident may be given.
- An IEPT meeting must be convened within ten (10) days after the short-term suspension begins.
- Long-term suspension procedures must be completed within ten (10) school days.

INDEX

	<i>Page Number</i>
Alternative education room assignment	14, 18
Appeal	18
Arson	15
Assault	15
Battery	15
Being on school property or attending a school activity during suspension	11
Bomb threats or false fire alarms	15
Bullying/Cyberbullying	11
Bus Behavior	21
Cafeteria violation	8
Category I-general misconduct infractions	8
Category I-general misconduct consequences	9
Category II-serious misconduct infractions	11
Category II-serious misconduct consequences	13
Category III-illegal conduct infractions	13
Category III-illegal conduct consequences	15
Code Infractions	8
Contact with Law Enforcement Officials	21
Criminal Sexual Conduct	16
Cyber crimes	16
Defiance of school personnel	12
Detention	10
Digital Citizenship Violation	8
Disruptive school and classroom behavior	8
Distribution of unauthorized materials	8
District Beliefs	1
District Policies	6
Electronic Usage	9
Emergency Suspension	31
Explosives or Fireworks	16
Extortion	16
Exclusion	19
Expulsion	19
Failure to accept assigned consequences	12
Failure to stop fighting	16
Fighting	12
Forgery/Plagiarism/Cheating	12
Gambling	12
Guidelines for Students with Disabilities	30
Harassment	12
Hazing	13
Illegal substances	14, 16, 19, 20
Impeding investigation	16
Inappropriate dress	9
Inappropriate physical contact	13
Inappropriate sexual comments/gestures	13
Inciting others to break school rules	13
Inciting others to break the law or commit a violent act	16
Intentional damage, or defacement of property under \$200	13

Interference with school staff	13
Intimidation	13
Juvenile Court Petition	19
Leaving the Classroom or School	13
Locker Searches	22
Long-term Suspension	31
Mandatory expulsions for firearm	20
Michigan School Codes	1
Online Learning Expectations	5
Parent/guardian contacts or conferences	14
Participating in disruptive gatherings	13
Permanent expulsion	19
Personal Searches	22
Possession of a non-school related object which has the potential to be used as a weapon	17
Possession of look-alike or replica weapons, firearms, guns or knives	14
Potentially harmful behavior to oneself or others	9
Profanity/Obscenity	9
Reasonable force guidelines/inappropriate disciplinary actions	22
Referral to school support services	15
Refusing to follow school and classroom rules	9
Refusing to identify oneself	13
Refusing to report to the office	13
Related topics for all students	21
Repeated disruptive behavior	13
Required Parent/Guardian Attendance	14
Restorative practice	7
Restorative principles	8
Riot	17
Sale of Illegal Substances	20
Saturday detention	12
Seizure of Illegal Materials	22
Short-term Suspension	31
Stalking	17
Student Searches	22
Student, Staff and Parent/Guardian Responsibilities	2, 3, 4
Suspension	14, 18
Theft or possession of stolen property (larceny)	17
Title IX Statement & Grievance Procedure	23
Unauthorized areas	9
Usage of electronic devices	9
Using an object as a weapon	17
Vandalism	17
Vehicle Searches	22
Violating the State Riot Act	17
Violation of Drug or Illegal Substance Use or Possession, Weapons or Firearms	31
Visiting other schools	14
Weapons and "look-alike/replica/toys"	14, 17, 20