



Lakeview

SCHOOL DISTRICT

**CODE OF CONDUCT**

**2020-2021**

## STUDENT CODE OF CONDUCT

### A. PREAMBLE

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

The Student Code of Conduct does not cover the School District's attendance and tardiness policies, the District's requirements for credit and graduation, or the District's authority to regulate the participation of students in extracurricular and athletic activities. A decision to expel or suspend a student from participating in extracurricular and athletic events is solely within the discretion of the Superintendent of Schools or his/her designee and is outlined in the Athletic Code of Conduct.

Each prohibited act listed in the Student Code of Conduct sets forth the discipline which will be imposed for a violation. The discipline for violating some prohibited acts ranges from administrative intervention to expulsion; for other prohibited acts, the penalty ranges from suspension to expulsion; and for violation of the most serious prohibited acts, the penalty is expulsion. In cases where the stated penalty is not expulsion but is set forth in terms of a range, then the actual penalty imposed will depend upon the nature and severity of the offense, the age of the student, the student's prior behavioral records, the recommendation of school personnel, and all other circumstances deemed relevant.

In accordance with the Board's authority under law, a student violating any of the prohibited acts listed in this Student Code of Conduct shall be deemed to be guilty of a gross misdemeanor and will be disciplined.

The prohibited acts and penalties listed in this Student Code of Conduct are applicable when a student:

1. engages in a prohibited act on school property;
2. engages in a prohibited act in a motor vehicle being used for a school related activity;
3. engages in a prohibited act involving another student who is en route to school;
4. engages in a prohibited act which has its inception in school, is school connected or adversely affects, interferes with, or endangers the good order of the school system or the proper functioning of the educational process or the health or safety of students. For example, the sale, delivery or transfer of drugs, narcotic drugs, marijuana or other controlled substances to students off school property would be a violation of the Student Code of Conduct;
5. engages in a prohibited act when the student was not enrolled in the Lakeview School District or was enrolled in another school district, if the act of gross misdemeanor or other misconduct would constitute a sufficient basis for suspension or expulsion had it occurred while the student was attending the Lakeview School District.

### B. DEFINITIONS OF DISCIPLINE\*\*\*

Alternative Placement - Consequence for referral results in student being placed in a different educational setting (moved to different classroom, removed from a class, etc...)

Community Service - Consequence for referral results in involvement in community service activities or projects (community service organization and project must be approved by administration).

Conference with Student - Consequence for referral results in student meeting with administrator, teacher, and/or parent (in any combination).

Detention / Time Out - Consequence for referral results in student spending time in a specified area away from scheduled activities/classes.

Expulsion - The permanent exclusion of the student from the school system upon the recommendation of Superintendent of Schools and by action of the School Board.

In-School Suspension - Consequence for referral results in a period of time spent away from scheduled activities/classes during the school day.

Individualized Instruction - Consequence for referral results in student receiving individualized instruction specifically related to the student's problem behaviors.

Loss of Privilege - Consequence for referral results in student being unable to participate in some type of privilege.

Other Action Taken - Consequence for referral results in administrative decision that is not listed. Staff using this area will specify the administrative action taken.

Parent Contact - Consequence for referral results in parent communication by phone, email, or person-to-person about the problem.

Restitution - Consequence for referral results in apologizing or compensating for loss, damage, or injury; community services.

Saturday School - Consequence for referral results in student attending classes on a Saturday.

Suspension - Exclusion of a student from school for a specific period of time or exclusion of a student from school which exclusion terminates upon the fulfillment of a specific set of conditions.

Time in Office - Consequence for referral results in student spending time in the office away from scheduled activities/classes.

Snap Suspension - Teachers are authorized to suspend a student for up to one (1) day from a class or activity for misconduct resulting in the serious disruption of the class/activity. (MCL 380.1309(1)(2))

### \*\*\*RESTORATIVE PRACTICES

A disciplinary option in which students who have committed offenses will do the following: Meet with the offended parties, take responsibility for their actions, apologize, and make restitution. Any option may be invoked at an administrator's discretion and may be used in conjunction with, or instead of, any other disciplinary action.

Per MCL 380.1310c schools "shall consider using restorative practices as an alternative or in addition to suspension or expulsion."

### MANDATORY FACTORS

Before suspending or expelling a student, school must consider:

- Age
- Disciplinary history
- Disability
- Seriousness of behavior
- Whether behavior posed safety risk
- Restorative practices
- Whether lesser interventions would address behavior

C.

### Minor Offenses

These are offenses that are of a less serious nature that do not necessarily pose a threat to the health, safety or property of any person. Staff persons must use appropriate forms of positive, school-wide behavioral interventions and supports to correct misbehavior in less serious infractions. Staff persons should keep a record of interventions and share this documentation at the request of a student, parent/guardian or administrator. Minor infractions are not referred to an administrator. If minor behaviors are repetitive after appropriate interventions have been made, the student should then be referred to an administrator for a major offense.

#### 1. Defiance

- a. **Possession of cell phone or other electronic device** - *A student shall not use a cell phone or an electronic communication device in school without prior approval from their classroom teacher. For safety reasons, a principal may ban cell phones as needed.*
- b. **Refusal to comply with posted and published school norms** - *Violation of specific posted or written school or class rules that are not necessarily disruptive behaviors (for example; misuse of hall pass or classroom procedures).*

#### 2. Disrespect

- a. **Academic dishonesty** - *A student shall not engage in academic cheating. Cheating includes, but is not limited to, the actual giving or receiving of any unauthorized aid or*

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

- b. **Pestering, teasing, or bothering other students** - Non-confrontational activity that is not appropriate in a school setting and disruptive to the educational process. Engaging in rowdy, rough behavior that interferes with the safe and/or purposeful order of a school. Examples: horseplay; chasing another student in the hallway or classroom, etc.
3. Disruption
  - a. **General disruption of class** - Repeatedly talking out in class or out of turn, being exceptionally loud, running, throwing objects, failure to follow classroom rules, or other disruptive behavior not defined elsewhere among minor Infractions
  - b. **Inappropriate personal property** - Possession and/or use of items designated by the school as inappropriate materials such as, rollerblades, skateboards, cards, hats, food, etc. AND any other items that cause distraction or damage to persons or property or otherwise intervene with the learning process.
4. Dress Code - A student shall not dress or groom in a manner which, in the judgment of a building administrator, is unsafe to the student, or others, or to the educational process. Specific guidelines for appropriate student dress are included in this code of conduct on page 12.
5. Inappropriate Language (to students) - Written or verbal remarks or gestures that show a lack of respect, rudeness, or are inappropriate. The use of words or acts which demean, degrade, antagonize, or humiliate a person or group of persons.
6. Physical Contact/ Physical Aggression - Student engages in non-serious, but inappropriate physical contact.
7. Property Misuse - Student engages in low-intensity misuse of property.
8. Tardy - Arriving late to school or class after the posted school start time without an appropriate excuse
9. Technology Violation - Student engages in non-serious, non-sexual, but inappropriate use of cell phone, pager, music/video players, camera, and/or computer.

Teachers may use the following interventions listed above...

- Conference with student
- Individualized instruction
- Natural consequences
- Parent contact
- Restorative conference

The following are also examples of other possible teacher interventions.

Proactive Classroom Supports	Teacher-Based Action to Reduce and Eliminate Misbehavior
Create positive classroom expectations that are clearly defined and taught.	Provide lessons to teach or reteach the student how to behave responsibly.
Continuously teach and reteach classroom expectations throughout the year	Change student seating.
Model and practice expectations in appropriate setting (e.g., group work, individual work).	Pace the lesson more quickly to promote on-task behavior.
Use pre correction strategies to remind students of expectations before the next task.	Actively ignore misbehavior.
Use more positive than corrective interactions	Respond calmly, restating the desired behavior.
Utilize fluent and consistent corrections for early-stage misbehavior.	Restructure classroom practices based on student needs (e.g., structured recess, structured lunch, visual schedules).

Create classroom acknowledgment systems to increase responsible student behavior.	Use progress-monitoring tools (e.g., on-task monitoring form, replacement behavior worksheet, ratio of interactions tracking form, reflection sheets, behavior contracts, student point sheets).
Maintain positive expectations for all students, in all settings, at all times.	Establish and consistently implement corrective responses for rule violations (e.g., student loses, time for valued activity, in-class time-out, time-out in another class, restitution given for property, positive practice, loss of points or privileges).
Implement effective instructional practices.	Communicate teacher-based actions with parent.
Actively engage students in learning.	Utilize restorative affective statements and affective questions.
Provide immediate positive feedback.	Student-teacher impromptu conferencing with active listening.
Build positive relationships with students and families (e.g., utilize RP circles).	
Teach prevention lessons (e.g., social and emotional learning, bullying prevention, suicide prevention, and trauma-informed practices).	

D. Major Offenses

These are offenses that are of a serious nature that may pose a threat to the health, safety or property of any person. Staff persons must notify an administrator when a major offense occurs. The notification should take the form of a discipline referral. The administrator must complete an investigation of the incident and gather written statements from all witnesses. The administrator must notify the student and parent/guardian of all charges, consequences and applicable due process rights during the disciplinary process. Discipline may include any of the above discipline definitions up to permanent expulsion.

10. Abusive Language/ Inappropriate Language/ Profanity

- a. **Profanity & vulgarity/verbal altercation** (student) - *Student delivers verbal messages that include swearing, name calling, or use of words in an inappropriate way towards another student.*
  - b. **Profanity & vulgarity/verbal altercation** (toward staff) - *Student delivers verbal messages that include swearing, name calling, or use of words in an inappropriate way towards a staff member.*
  - c. **Verbal Assault** - *Verbal Assault at school directed against school employees, volunteers, contractors or other authorized personnel or students will not be tolerated. Verbal assault is to be considered any communication or behavior that, by its nature, poses a serious threat to the safety or well being of others.*
11. Arson - *A student shall not burn or attempt to burn any school building, structure or property, or intentionally set or attempt to set a fire on school property, or cause or attempt to cause an explosion, or be in possession of materials which may be used in the aforementioned activities.*
12. Bomb Threat/False Alarm - *Students making bomb threats, false alarms, or "similar threats" that place or that are perceived as placing the safety of one or more persons or of property at risk, will not be tolerated (grade 6-12 may qualify for a mandatory expulsion per MCL 380.1311a)*
13. Bullying - *Bullying includes cyber-bullying (bullying through the use of technology or any electronic communication) and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:*
- *Placing the student or students in reasonable fear of harm to the student's or students' person or property;*
  - *Causing a substantially detrimental effect on the student's or students' physical or mental health;*

- Substantially interfering with the student's or students' academic performance; or Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

- Race, Color, Origin**
- Disability**
- Sexual Orientation**
- Religion**
- Other**
- Sex**

14. Defiance/Insubordination/Non-Compliance

- Falsification of Records** - A student shall not use the name of another person or falsify times, dates, grades, addresses or other data on School District forms or records. A student shall not provide false, misleading or inaccurate statements or information on School District forms or records.
- Unauthorized presence of students on school property** -
 

A. On School Grounds: A student shall not be on any portion of the school grounds where his/her presence is unauthorized, nor remain after having been either ordered or requested to leave by any school employee possessing apparent authority over student conduct. A student should not be:

  1. On the school grounds where the student is regularly enrolled during any period of suspension which includes exclusion from the school of regular enrollment where such order of exclusion has been in fact made known to the student prior to the incident of unauthorized appearance.
  2. On the school grounds of any school or site of required school programming other than that student's school of regular enrollment or attendance, at any time other than when a school activity, function, or event is being held and the student's presence is either required or permitted, based on predetermination by the principal of the school at which the activity is being held.

Presence on the school grounds while in the company of a parent or guardian for the purpose of meeting with a school employee to discuss the student's status, or presence on the school grounds for the purpose of proceeding directly to the school office with prior permission of the principal shall not be considered a violation of this rule.

B. On Private or Public Property: During school hours students must be in school unless they have an approved reason for absence. Students who are habitually truant from school as described in this Code may be charged with truancy.
- Failure to Cooperate** - A student shall not refuse to cooperate with School District administrators and/or teaching staff investigating a possible violation of this Code of Conduct and/or building rules, and no student shall make false statements or give false evidence to School District administrators and/or teaching staff. A student shall not refuse to testify or otherwise cooperate with School District personnel in any disciplinary proceeding.
- Failure to Comply With Directions of School Personnel** - A student shall not be insubordinate or fail to comply with district policies or instructions and directions of District employees (including substitute teachers and student teachers), volunteers or persons acting in a chaperone or supervisory capacity. Students who persistently violate school policy may receive disciplinary action.

15. Disrespect

- Coercion, Extortion, or Blackmail** - A student shall not commit or attempt to commit extortion, coercion or blackmail. A student shall not engage in the act of securing or attempting to secure money or other items of value from an unwilling person, nor shall a student, by threats and/or violence, force another person to perform an unwilling act.
- Threats or conspiracies to commit violent acts** - Any acts, in writing, verbally, or otherwise that are considered threatening.
- Academic dishonesty** - A student shall not engage in academic cheating. Cheating includes, but is not limited to, the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic

work. A student shall not engage in plagiarism, which includes the copying of language, structure, idea and/or thought of another and represent it as one's own original work.

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

16. Disruption

- a. **General disruption of class** - Where a student is creating an unsafe classroom environment or creating a situation where a teacher is not able to teach due to the disruption.
- b. **Inciting a Disturbance or Melee** - Causing a serious disruption or fight amongst a group of individuals, which leads to a major commotion.

17. Fighting - A physical altercation resulting in pushing, shoving, or exchanging of blows between students will not be tolerated.

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

19. Gang Affiliation Display - A student shall not wear or possess any clothing, jewelry, symbol or other object that may reasonably be perceived by administrator as evidence of membership in or affiliation with any gang; a student shall not commit any act, verbal or nonverbal (gestures, handshakes, graffiti, etc.), that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang; a student shall not commit any act, verbal or nonverbal in furtherance of the interests of any gang or gang activity, including, but not limited to, (a) soliciting others for membership in any gang or gang related activity, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, committing any other illegal act or violation of School District rules or policies, or (d) inciting other students to act with physical violence on any person.

The term "gang" as used in this policy, means a group of two (2) or more persons whose purposes or activities include the commission of illegal acts or violations of this Code of Conduct, District rules or policies, or whose purpose or activities cause disruption or is likely to cause disruption to the educational process.

20. Harassment - Any threatening, insulting or dehumanizing gesture. **Verbal, physical, electronic or written harassment** for the purposes of this policy shall be defined as behavior that:

- Intimidates individuals or groups on any basis including race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes").
- Involves an expressed or implied threat to personal safety or has the effect of interfering with an individual's participation in the curricular or extracurricular activities of the school district.
- Bullies or hazes another student or teammate.
- Is disruptive to the educational process that may have originated in or outside of school, on or off campus.

a. **Race, Color, Origin**

b. **Disability**

c. **Sexual Orientation**

d. **Religion**

e. **Other**

f. **Sexual Harassment** - for the purposes of this policy consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature that is severe or pervasive enough to create a hostile or intimidating school environment. Sexual harassment may involve the behavior of a person of either gender, against a person of the same or opposite gender. Examples of prohibited behavior that is sexual in nature and is unsolicited and unwelcome include, but are not limited to:

- Written contact: sexually suggestive or obscene letters, notes, invitations, drawings, verbal contact; sexually suggestive or obscene comments, threats, jokes, any sexual propositions, comments about a person's body or sexual characteristics that are used in a negative or embarrassing way.
- Physical contact: any intentional pats, squeezes, touching, pinching, repeatedly brushing up against another's body, assault, blocking movement, or coercing sexual intercourse.
- Visual contact: suggestive looks or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, magazines, graffiti, calendars or clothing.

A student who feels he/she is being harassed by peers or by a staff member of the Lakeview School District, or is aware of the harassment of another student(s), shall report such incidents to a building administrator, counselor, teacher, school psychologist, school social worker, teacher aide, etc. The staff member receiving a student's report, a parent's report or observing an incident of alleged harassment is expected to examine the circumstances surrounding the alleged incident. If the receiving staff determines that harassment has occurred, they will take steps to end the harassment. In the event that the magnitude of the incident(s) warrants further follow-up measures, staff/faculty members will report charges of harassment to the building principal or his/her designee. The building principal or his/her designee will initiate a further investigation of the harassment charges and implement follow-up measures that he/she believes are appropriate. Should the investigation of the harassment incident(s) reveal that disciplinary action is warranted, it will be taken in accordance with the policies and procedures adopted by the Board of Education.

- g. **Sexual Violence (Criminal Sexual Conduct)**, as used in this policy, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age, intellectual or other disability, or use of drugs or alcohol). Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX. Harassing conduct creates a hostile environment when it interferes with or limits a student's ability to participate in or benefit from the school's program. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe.

21. Inappropriate Display of Affection - Student engages in inappropriate, consensual (as defined by school) verbal and/or physical gestures/contact, of a sexual nature to another student/adult.

22. Inappropriate Location

- a. *On School Grounds: A student shall not be on any portion of the school grounds where his/her presence is unauthorized, nor remain after having been either ordered or requested to leave by any school employee possessing apparent authority over student conduct. A student should not be:*
- i. *On the school grounds where the student is regularly enrolled during any period of suspension which includes exclusion from the school of regular enrollment where such order of exclusion has been in fact made known to the student prior to the incident of unauthorized appearance.*
  - ii. *On the school grounds of any school or site of required school programming other than that student's school of regular enrollment or attendance, at any time other than when a school activity, function, or event is being held and the student's presence is either required or permitted, based on predetermination by the principal of the school at which the activity is being held.*

*Presence on the school grounds while in the company of a parent or guardian for the purpose of meeting with a school employee to discuss the student's status, or presence on the school grounds for the purpose of proceeding directly to the school office with prior permission of the principal shall not be considered a violation of this rule.*

- b. *On Private or Public Property: During school hours students must be in school unless they have an approved reason for absence. Students who are habitually truant from school as described in this Code may be charged with truancy.*



23. Other Behavior
- a. **Criminal Acts** - A student shall not commit or participate in any conduct or act defined as a crime by federal or state law or local ordinance
24. Physical Aggression - A student shall not physically assault another student, a person employed by or engaged as a volunteer or contractor of the school (including substitute and student teachers). Physical Assault is defined as intentionally causing or attempting to cause harm to another through force or violence (grade 6-12 may qualify for a mandatory expulsion per MCL 380.1311a for assault of a staff member)
- a. **With Injury**
  - b. **Without Injury**
25. Property Damage/Vandalism - A student shall not intentionally cause or attempt to cause damage to school property or the property of another person, or steal, or attempt to steal, or knowingly be in the unauthorized possession of school property or the property of another person.
26. Skipping Class - Student leaves or misses class without permission.
27. Technology Violation - A student shall not engage in any act that violates the District's Network Usage and Safety Policy, any individual school computer use guidelines or mobile computing device program guidelines, including, but not limited to the following:  
Non-school-related work
- Hate mail, discriminatory remarks, and offensive and inflammatory communications
  - Sexting or accessing obscene or pornographic materials
  - Transmission of sexually suggestive language or images
  - Loading or use of unauthorized games, programs, files, or other electronic media
  - Destruction, modification or abuse of network hardware, software, or information
  - Impersonation of another user, anonymity and pseudonyms
  - Creation of links to other networks whose content or purpose would tend to violate the District's Network Usage and Safety Policy
  - Videotaping fights or videotaping someone in a place where they have an expectation of privacy I. Posting videos of inappropriate student conduct to a social media site that affects the school community or individuals within the school community in a negative manner.
28. Truancy - A student shall not be absent from school (a full day, or any part of a day, skipping class) without permission. A student shall not leave the school campus without following the proper check out procedure. Please refer to your school's administration policy on proper check out procedures.
29. Use/Possession of Alcohol - Alcoholic beverages or intoxicants, including, but not limited to glue, aerosol paint, lighter fluid, or other chemical substance for the purpose of becoming intoxicated or under the influence.
30. Use/Possession of Drugs -
- a. Any drug, narcotic drug, marijuana, hallucinogen, stimulant, depressant or other controlled substance, analogue intended for human consumption, as defined in Article VII of the Public Health Code, being MCL 33.7101, et seq., and as defined in other Michigan or Federal Statute. If Article VII of the Public Health Code, being MCL 33.7101, et seq., is amended or repealed, then the definitions of a drug, narcotic drug, and controlled substance analogue shall be defined under the existing State Law.
  - b. Any prescription or nonprescription drug, medicine, vitamin or chemical substance, with exception of an inhaler (e.g. pain relievers, stimulants, diet pills, pep pills, No-Doze pills, cough medicines, laxatives, stomach or digestive remedies), nor shall a student use or possess these substances for an improper purpose.
  - c. Any legal substance represented as an illegal or controlled substance (e.g. No-Doze as "speed" or "crack.")
  - d. Any drug paraphernalia or items used as such.
  - e. Manufacture, sale, delivery, transfer or intent to sell, deliver or transfer of any of the above substances
31. Use/Possession of Combustibles - A student shall not possess, handle or transmit any substance or prepared chemical that can explode, is capable of inflicting bodily injury, or is reasonably likely to cause physical discomfort to another person.
32. Use/Possession of Tobacco - A student shall not smoke, chew, vape, or otherwise use tobacco, nicotine products or a "look alike" product. A student shall not, while on District property or in

*proximity of campus, in District owned vehicles, and at District-related events have in his/her possession or under his/her control tobacco in any form, or paraphernalia related to its use.*

33. Use/Possession of Weapons - A student shall not possess, handle or transmit a gun, knife, blackjack, brass knuckles, baton, martial arts device, paintball gun, spring, airsoft and gas-powered guns, or other object or instrument that can be considered or used as a weapon that will expel a BB, pellet, or paint balls. No knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives or any other weapon. No "look-a-like" weapon or instrument (e.g., starter pistol, rubber knife, toy gun, etc.). Also no Personal Protection Devices (e.g., pepper gas, mace, stun gun, electric shock device, etc.) capable of inflicting bodily injury or causing physical discomfort to another person.
- a. for weapons/dangerous instruments, including "look-a-like" guns – suspension to expulsion
  - b. for possession, handling or transmitting a gun, including a BB gun or pellet gun – expulsion
  - c. for possession of a knife with a blade over three inches in length – expulsion
  - d. for possession of a knife with a blade equal to or less than three inches in length when used in a threatening manner - expulsion
  - e. for possession of a knife with a blade equal to or less than three inches in length – suspension - expulsion

However, the district is not required to expel or permanently expel a student if the student can prove in a clear and convincing manner that at least one (1) of the following statements is true:

- A. The object or instrument possessed by student was not possessed by student for use as a weapon, or for direct or indirect sale, or delivery to another person(s) for use as a weapon.
- B. The weapon was not knowingly possessed by the student.
- C. The student did not know or have reason to know that the object or instrument in the student's possession was a dangerous weapon.
- D. The weapon was possessed by the student at the suggestion, request, direction, or permission of police or school authorities.

There is a rebuttable presumption that expulsion for possession of a weapon is not justified if both of the following are met:

- (a) The superintendent or designee determines in writing that at least 1 of the factors listed in subsections (A) through (D) above has been established in a clear and convincing manner.
- (b) The student has no history of suspension or expulsion.

*Under MCL 380.1308, police must be notified.*

*The following is an example list of discipline interventions that can be used by administration*

Additional Attendance/Saturday School

Alternative Placement

- Alcohol/drug evaluation referral
- Change in schedule or class (with notification to parent/guardian)

Community Service

- Referral to mentoring
- Referral to district approved community organization

Conference with Student

- Intervention by counseling staff/guidance
- Intervention by administration

Expulsion (180 days to permanent)

In-School Suspension

- Partial day
- Full day
- Restorative reflection

Individualized Instruction

- Reteach/model expectations
- Written reflection assignment

Loss of Privilege

- Suspension of field trips, assemblies, or other special privileges
- Exclusion from special events or promotion exercises
- Exclusion from extracurricular activities

Other Actions

- Develop, review, or revise individual student planning tools (e.g., Behavior Support Plan)
- Individual/group counseling
- Use of restorative practices (e.g. affective statements, circles, small impromptu conferences, etc.)

Out of School Suspension

- Out-of-school suspension (1–10 days)
- Out-of-school suspension (11–expulsion)

Parent Contact

Restitution

- Pay for damage
- Community service
- Restorative conference with victim

Time in Office

Time Out/Detention

- Lunch detention
- After school detention

**D. DUE PROCESS PROCEDURES**

1. Introduction to the Rules of Due Process

The following due process procedures only govern the suspension or the expulsion of a student from the District's regular educational program. Discipline in the form of administrative intervention is solely within the discretion of the building principal or his/her designee and is not subject to the procedures of due process as provided in this Student Code of Conduct.

Under the Revised School Code sections - 1310, 1311(1), 1311(2), 1311a - administrators must consider the following before suspending or expelling a student.

- Age
- Disciplinary history
- Disability
- Seriousness of behavior
- Whether behavior posed safety risk
- Restorative practices
- Whether lesser interventions would address behavior

If a student charged with violation of this Code of Conduct has been returned to the regular school program pending a decision by either the building administrator or Superintendent of Schools then such action of reinstatement shall not limit or prejudice the District's right to suspend or expel the student following a decision by the building administrator or Superintendent of Schools.

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

2. Suspension of Ten (10) School Days or Less

a. As a general rule, prior to any suspension of the student, the building administrator shall investigate the alleged violation of the Student Code of Conduct and provide the student with the following due process:

1. The administrator shall inform the student of the charges against him/her, and if the student denies the charges, the administrator shall provide the student with an explanation of the evidence the administrator possesses.
2. The student shall be provided an opportunity to explain to the administrator his/her version of the facts.

If a student's presence in school poses an immediate danger to persons or property or an ongoing threat of disruption to the education process, the building administrator may immediately suspend the student, but the next school day, the student shall be provided with his/her due process rights as set forth in subparagraphs above.

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

The building administrator, or his/her designee, shall directly inform (in person or by phone) the student's parent of the suspension, giving the parent a clear explanation of the reasons and conditions of the suspension. A District "Student Suspension Notice" is to be completed, with copies going to the parent and the student's file.

A building administrator's decision to impose a penalty of one (1) to ten (10) school days with prior is final and not subject to further review or appeal.

3. Suspension for Eleven (11) or More School Days and Expulsion

a. Step One If, after his/her investigation, the building administrator decides that a suspension for eleven (11) or more school days or expulsion is warranted, the Superintendent of Schools or his/her designee agrees with the administrator's decision, the student and the parent(s) or guardian shall be notified of:

- 1) the charges against the student;
- 2) the recommended disciplinary action;
- 3) the fact that a hearing will be held before the hearing officer;
- 4) the time, place, location, and procedures to be followed at the hearing;

If the building administrator decides that the student's presence in school would present a danger to the student himself/herself, or to other students, school personnel, or the education process, then the student shall be suspended pending the decision of the hearing officer. If the student would not present a danger as described above, the student may be returned to school pending the decision of the hearing officer.

If the student is suspended pending a decision of the hearing officer, the Superintendent or designee shall appoint the hearing officer and schedule the hearing to commence within ten (10) school days following the initial suspension of the student. If the student is not suspended pending the decision of the hearing officer, the Superintendent or designee shall schedule the hearing to commence within fifteen (15) school days following the completion of the building principal's investigation of the charges.

The timelines for commencement of the hearing may be enlarged upon the request of the administrator, student, parent(s), or guardian for cause approved by the hearing officer.

b. Step Two A hearing before the hearing officer will be held for the purpose of determining the truth or falsity of the charges against the student and, if the charges are true, the appropriate disciplinary measure unless:

The student and/or his/her parent(s) or guardian notify the District that they waive their right to a hearing before a hearing officer. In such cases, the principal's recommended disciplinary penalty shall be imposed.

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

c. Step Three - The hearing officer's decision shall be given orally to the student and parents(s) or guardian within two (2) business days after the close of the hearing and a written decision shall be mailed not later than four (4) business days after the close of the hearing. These timelines, however, may be enlarged by the hearing officer due to extenuating circumstances.

The hearing officer's decision shall be final and not subject to further appeal.

## **E. MISCELLANEOUS PROVISIONS**

### **1. Voluntary Agreements of Discipline**

At any time during the disciplinary proceedings, the Superintendent or his/her designee may enter into a written contract with the student and/or his/her parent(s) or guardian setting forth the parties' agreement in settlement of the disciplinary charges. In such cases, the written agreement shall be final and binding and may not be later challenged by the Superintendent or his/her designee or the student and/or his/her parent(s) or guardian.

### **2. Suspended/Expelled Students on School Property or Attending School Activities**

A suspended or expelled student who enters onto school property without the permission of a building administrator shall be deemed to be trespassing.

### **3. Students with Disabilities**

Although students with disabilities are covered by the provisions of this Student Code of Conduct, the time limitations set forth in the due process procedures may be temporarily suspended or enlarged by the District to assure compliance with federal and state laws governing the discipline of students with disabilities.

## **F. DRESS CODE**

*(modeled after the 2016 Oregon NOW Model Student Dress Code)*

Student dress codes should support equitable educational access and should not reinforce gender stereotypes. Student dress codes and administrative enforcement should not reinforce or increase marginalization or oppression of any group based on race, gender, ethnicity, religion, sexual orientation, household income, gender identity or cultural observance.

### **Our values are:**

- All students should be able to dress comfortably for school without fear of or actual unnecessary discipline or body shaming.
- All students and staff should understand that they are responsible for managing their own personal "distractions" without regulating individual students' clothing/self expression.
- Teachers can focus on teaching without the additional and often uncomfortable burden of dress code enforcement.
- Students should not face unnecessary barriers to school attendance.
- Reasons for conflict and inconsistent discipline should be minimized whenever possible.

### **Our goals are:**

- Maintain a safe learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology (eye or body protection) or PE (athletic attire/shoes).
- Allow students to wear clothing of their choice that is comfortable.
- Allow students to wear clothing that expresses their self-identified gender.
- Allow students to wear religious attire without fear of discipline or discrimination.
- Prevent students from wearing clothing with offensive images or language, including profanity, hate speech, and pornography.
- Prevent students from wearing clothing with images or language depicting or advocating violence or the use of alcohol or drugs.
- Ensure that all students are treated equitably regardless of gender/gender identification, sexual orientation, race, ethnicity, body type/size, religion, and personal style.

The primary responsibility for a student's attire resides with the student and parents or guardians. The school district and individual schools are responsible for seeing that student attire does not interfere with the health or safety of any student, and that student attire does not contribute to a hostile or intimidating atmosphere for any student.

Students should be given the most choice possible in how they dress for school. Any restrictions must be necessary to support the overall educational goals of the school and must be explained within the dress code.

### **1. Basic Principle: Certain body parts must be covered for *all* students**

Clothes must be worn in a way such that genitals, buttocks, and nipples are covered with opaque material.

All items listed in the categories below must meet this basic principle.

**2. Students Must Wear:\***

- Shirt.
- Bottom: pants/sweatpants/shorts/skirt/dress/leggings
- Shoes; activity-specific shoes requirements are permitted (for example for sports)
- Face Masks (in phases 3-5 of the Return to School Plan)

\* High-school courses that include attire as part of the curriculum (for example, professionalism, public speaking, and job readiness) may include assignment-specific dress

**3. Students Cannot Wear:**

- Violent language or images.
- Images or language depicting drugs or alcohol (or any illegal item or activity) or the use of same.
- Hate speech, profanity, pornography.
- Images or language that creates a hostile or intimidating environment based on any protected class.
- Visible underwear (not including straps).
- Bathing suits.
- Helmets or headgear that obscures the face (except as a religious observance).
- Hoods or head covering (except as a religious observance, or per permission of building administration)