



Harbor Springs Public Schools

Excellence in Character
Excellence in Education

Harbor Springs Public Schools

STUDENT CODE OF CONDUCT

Miller Johnson School Policy Services

This Student Code of Conduct is copyrighted to Miller Johnson. It is intended for the sole and exclusive use of Miller Johnson and Harbor Springs Public Schools. No portion of the document may otherwise be reproduced, copied, distributed, or sold, in any form, without the prior written permission of Miller Johnson.

Introduction

The School District must balance the interests of students and the community in a safe and conducive educational environment with its duty to provide educational services to student who engage in misconduct or behaviors that interfere with the safety and the delivery of educational services. Board of Education Policy 2006 and this Student Code of Conduct are intended to strike that balance. However, these documents do not limit the School District's lawful authority.

Interscholastic Activities

Student participation in interscholastic athletics is a privilege, not a right. Student athletes are subject to the Student Code of Conduct at all times, as well as the additional disciplinary rules that govern participants who represent the School District as members of an athletic team. These additional rules may be set forth in an Athletic Code of Conduct, an Extracurricular Code of Conduct, or other School District documents.

Transportation

Student Drivers A student driver must be licensed and receive permission from the School District in order to park his/her vehicle on School District property or use his or her vehicle during the school day. A student driver must register with his/her school and park only in designated areas.

School Transportation A student who is transported by the School District or transported to a School District-related event must abide by the driver's direction, the Student Code of Conduct, and, if applicable, the School District's Athletic Code of Conduct, Extracurricular Code of Conduct, or similar documents. Violators face the loss of transportation privileges and possible disciplinary action. Examples of misconduct that may lead to temporary or permanent suspension of transportation privileges or other possible disciplinary action include, but are not limited to: insubordination, smoking, fighting, profane or foul language, and destruction of property. The School District provides transportation to and from school and school-related events that take place off School District premises. Parents who wish to transport their own students or other students to or from such events or students who wish to transport themselves or other students to or from such events must obtain permission from the building administrator or the School District's Athletic Director.

Student Dress and Appearance

The style and manner in which a student dresses while he/she attends school and school-related functions is largely the responsibility of the student and his/her parents.¹ The School District, however, maintains the right to impose reasonable restrictions on dress and grooming, where the style of dress or grooming is reasonably considered disruptive or detrimental to the School District's mission and/or the health, safety, or welfare of the student or other students with whom he/she attends school.

Police Investigations and Arrests

The School District cooperates with local police authorities in the interest of the welfare of all citizens and the school community. Parents will be notified if police arrest or question their student in school. The timing of parental notification will depend on the circumstances, taken as a whole.

¹ The word "parents," when used in this Student Code of Conduct, includes legal guardians and, where required by law, those acting in the place of parents

Search and Seizure

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

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

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

Student Bullying and Cyberbullying

The Board of Education has adopted a policy on bullying and cyberbullying, Policy 2006. The Policy is intended to protect students from bullying, including cyberbullying, regardless of the subject matter or motivation for the behavior.

Complaint Procedure In order to implement the bullying policy, the School District has developed the following complaint procedure:

A student who believes that he/she has been the victim of bullying or cyberbullying must immediately report the incident(s) to the building principal. A student's parent must also report any such incident(s) on behalf of the student. Upon receipt of a report (complaint), the principal or his/her designee (the investigator) will conduct a prompt investigation. At the request or with the permission of the complainant, the investigator may first attempt to resolve the matter informally, such as through restorative practices. Informal steps will not, however, cause a substantial delay in the investigation. The complainant may, at any time, request that the matter move to a formal investigation. Where the bullying activity is alleged to have been based, in whole or in part, on the protected classifications of race, color, sex, national origin, or disability, the building principal will notify the School District's designated Coordinator pursuant to Board of Education Policy 8007.

Step 1: Formal Investigation. The investigator will interview the complainant and document the interview. Generally, the complainant will be asked to reduce the complaint to writing, to provide the names and contact information, if known, of any persons who witnessed and may be able to substantiate the allegations of the complaint, and to produce any documents or other things supporting the complaint. The complainant will be directed not to discuss the complaint with other students while the investigation is pending.

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

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

Step 2: Decision.

Complaint Found Valid. If the investigator concludes that the complaint is valid (i.e., bullying or cyberbullying in violation of School District policy has occurred), the following actions will be taken:

- The parent of both the complainant and the accused will be notified of the results of the investigation;
- The results of the investigation will be reported to the Superintendent;²
- The Superintendent will consider whether restorative practices may be appropriate and, if so, invite the complainant and the accused to participate in a restorative practices team meeting;
- The Superintendent, or his/her designee, will consider whether disciplinary action may be appropriate and, if so, initiate disciplinary action in accordance with the Student Code of Conduct; and
- The Superintendent, or his/her designee, will determine whether relief to the complainant is feasible and available.

Complaint Found Not Valid. If the investigator concludes that the complaint is not valid (i.e., no bullying or cyberbullying in violation of School District Policy has occurred or can be substantiated), the following actions will be taken:

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

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

Introduction to Disciplinary Actions and Prohibited Acts

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

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

Attendance and Tardiness Policies The Student Code of Conduct does not include the School District's attendance and tardiness policies, the School District's requirements for credit and graduation,

² Unless otherwise noted, all references to the Superintendent are also a reference to his/her designee.

or the School District's authority to regulate the participation of students in extracurricular and athletic activities.

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

A student violating any of the prohibited acts listed in this Student Code of Conduct will be disciplined in accordance with the Code of Conduct. Additionally, a student who engages in a prohibited act which violates law may be referred to the appropriate police authority.

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

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

Presumption Against Long-Term Suspension or Expulsion and Consideration of Individual Factors

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

- The student's age;
- The student's disciplinary history;
- Whether the student is disabled within the meaning of IDEA or ADA/Section 504;

- The seriousness of the student’s misconduct or behavior;
- Whether the student’s misconduct or behavior threatened the safety of any pupil or staff member;
- Whether restorative practices will be used to address the student’s misconduct or behavior; and
- Whether less severe discipline would properly address the student’s misconduct or behavior.

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

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

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

Definitions of Discipline

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

Snap Suspension If, during a class, subject, or activity, a teacher has good reason to believe: a student has engaged in conduct which unquestionably interferes with the education of him/herself or other students, or that a student has engaged in conduct which poses a clear and present danger to him/herself or other students, the teacher may suspend the student from that class, subject, or activity for up to one full school day.

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

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

Prohibited Acts

1. Alcohol, Marijuana, and Chemical Substances

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

Penalty. Administrative intervention to permanent expulsion.

2. Arson

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

Penalty. Administrative intervention to expulsion.

This section is supplemental to, and does not limit or supersede, paragraphs 3, 12, 22, and 35.

3. Arson Prohibited by Law

Description. A student shall not commit an act of arson, prohibited by [MCL 750.71 through MCL 750.80](#).

Penalty. Administrative intervention to permanent expulsion.

This section is supplemental to, and does not limit or supersede, paragraphs 2, 12, 22, and 35.

4. Bullying and Hazing

Description. Students are prohibited from engaging in conduct, whether written, verbal, or physical, that unreasonably interferes with another's participation in or enjoyment at school or school-related activities, such as bullying or hazing. The Board of Education has adopted a policy on bullying as a part of Policy 2006. A corresponding administrative regulation 2006-AR has been developed to implement the policy.

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

Penalty. Administrative intervention to permanent expulsion.

5. Coercion, Extortion, and Blackmail

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

Penalty. Administrative intervention to permanent expulsion.

6. Copyrighted Material

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

Penalty. Administrative intervention to permanent expulsion.

7. Criminal Acts

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

Penalty. Administrative intervention to permanent expulsion.

8. Criminal Sexual Conduct

Description. A student shall not commit criminal sexual conduct, as defined by [MCL 750.520b-e and g.](#)

Penalty. Administrative intervention to permanent expulsion, in accordance with [MCL 380.1311.](#)

This section is supplemental to, and does not limit, paragraphs 9, 10, 14, 24, 25, and 34.

9. Discriminatory Harassment

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

Penalty. Administrative intervention to permanent expulsion.

10. Disruption of School

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

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

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

Penalty. Administrative intervention to permanent expulsion.

11. Damage of Property or Theft/Possession

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

Penalty. Administrative intervention to permanent expulsion.

12. Dangerous Weapons

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

Penalty. Administrative intervention to permanent expulsion.

This section is supplemental to, and does not limit or supersede, paragraph 35.

13. Dress

Description. A student shall not dress or groom in a manner, which in the judgment of a building administrator, is unsafe to the student or others or disruptive to the educational process.

Penalty. Administrative intervention to expulsion.

14. Drugs, Narcotic Drugs, and Counterfeit Substances

Description. A student shall not manufacture, sell, possess, use, deliver, transfer, or be under the influence (legal intoxication not required) of any drug, narcotic drug, hallucinogen, stimulant, depressant, controlled substance, counterfeit substance, or a controlled substance analogue intended for human consumption.

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

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

Penalty. Administrative intervention to permanent expulsion.

15. Electronic Communication Devices and Laser Pointers

Description. Districtwide, students are prohibited from using or possessing active (i.e., turned on) electronic communication devices in restrooms, locker rooms, offices, and other locations where students and staff have a reasonable expectation of privacy. Separately, all students are prohibited from possessing or using laser pointers on school premises and at school-related activities without the express permission of school administration.

High School. Students are expected to use good judgment when using or possessing active electronic communication devices in hallways during passing time, in the parking lot, cafeteria during lunch, and extra-curricular activities. Students may not use or possess active electronic communication devices without explicit staff permission in class or on buses.

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

Penalty. Administrative intervention to permanent expulsion.

16. Failure to Comply with Directions of School Personnel

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

Penalty. Administrative intervention to permanent expulsion.

17. Failure to Cooperate

Description. A student shall not refuse to cooperate with School District administrators and/or teaching staff investigating a possible violation of this Student Code of Conduct, other codes of conduct, and/or building rules. No student shall make false statements or give false evidence to

School District administrators and/or teaching staff. A student shall not refuse to testify or otherwise cooperate with School District personnel in any disciplinary proceeding.

Penalty. Administrative intervention to permanent expulsion.

18. False Alarms

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

Penalty. Administrative intervention to permanent expulsion.

19. False Allegations

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

Penalty. Administrative intervention to permanent expulsion.

20. Falsification of Records

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

Penalty. Administrative intervention to permanent expulsion.

21. Fighting, Assault, and Battery on Another Person

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

Penalty. Administrative intervention to permanent expulsion.

22. Fireworks, Explosives, and Chemical Substances

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

Penalty. Administrative intervention to permanent expulsion.

23. Gang Insignia/Activity

Description. A student shall not wear or possess any clothing, jewelry, symbol, or other object that may reasonably be perceived by any student, teacher, or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal (gesture, handshakes, etc.), that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal, in furtherance of the interests of any gang or gang activity, including, but not limited to: a) soliciting others for membership in any gang or gang related activity, b) requesting any person to pay protection or otherwise intimidating or threatening any person, c) committing any other illegal act or violation of School District rules or policies, or d) inciting other students to act with physical violence on any person. The term "gang" means a group of two or more persons whose purpose or activities include the commission of illegal acts or violations of this Code of Conduct, School District

rules or policies, or whose purpose or activities cause disruption or is likely to cause disruption to the educational process.

Penalty. Administrative intervention to permanent expulsion.

24. Improper Communications

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

Penalty. Administrative intervention to permanent expulsion.

25. Indecency

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

Penalty. Administrative intervention to permanent expulsion.

26. Look-A-Like Weapons

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

Penalty. Administrative intervention to permanent expulsion.

27. Misconduct Prior to Enrollment

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

Penalty. Administrative intervention to permanent expulsion.

28. Personal Protection Devices

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

Penalty. Administrative intervention to permanent expulsion.

29. Trespassing, Loitering

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

Penalty. Administrative intervention to permanent expulsion.

30. Scholastic Dishonesty

Description. 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, structures, ideas, and/or thoughts of another and represent it as the student's own original work.

Penalty. Administrative intervention to permanent expulsion.

31. Smoking/Tobacco

Description. A student shall not smoke, chew, or otherwise use tobacco. A student shall not, while on school property, have in his/her possession or under his/her control, tobacco in any form. This includes electronic cigarettes, vaporizers, or any other device that simulates smoking any type of product, regardless whether they are manufactured, distributed, marketed, or sold under any product name or descriptor.

Penalty. Administrative intervention to permanent expulsion.

32. Suspended Student on School Property or Attending School Activities

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

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

Penalty. Administrative intervention to permanent expulsion.

33. Violation of Acceptable Use Policy

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

Penalty. Administrative intervention to permanent expulsion.

34. Violations of Building's Rules and Regulations

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

Penalty. Administrative intervention to permanent expulsion.

35. Weapons and Dangerous Instruments

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

Penalty. Administrative intervention to permanent expulsion.

Due Process - Procedures for Discipline

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

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

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

Short-Term Suspension (i.e., 10 School Days or Fewer)

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

- Inform the student of the misconduct or behavior for which discipline is being considered and, if the student denies the misconduct or behavior, an explanation of the evidence the administrator possesses;
- Provide the student an opportunity to explain his/her version of the facts; and
- Consider each of the seven individual factors listed on pages 5-6 of this Student Code of Conduct.

If a student's presence in school poses an immediate danger to persons or property or an ongoing threat of disruption to the educational process, the building administrator may immediately suspend the student, and as soon thereafter as reasonable, provide the student with his/her due process rights as set forth above.

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

The principal, or his/her designee, will inform (in person or by phone) the student's parents of the suspension and of the reasons and conditions of the suspension and, thereafter, in writing. A building administrator's decision to impose a penalty of up to ten (10) school days is final and not subject to further review or appeal.

Long-Term Suspension (i.e., 11 School Days or More), Expulsion (60 School Days or More), and Permanent Expulsion

Step 1. If the building administrator decides that a suspension for eleven (11) or more school days or expulsion is warranted, the student and the parent shall be notified in writing of:

- The charges against the student;
- The recommended disciplinary action;
- The fact that a hearing will be held before the Superintendent or his/her designee; and
- The time, place, location, and procedures to be followed at the hearing.

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

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

Step 2. A hearing before the Superintendent, or his/her designee, will be held for the purpose of determining the truth or falsity of the charges against the student and, if the charges are found to be true, the consideration of the individual factors listed on pages 5-6 of this Student Code of Conduct, the consideration of restorative practices, and the appropriate disciplinary measures to be imposed.

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

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

Step 3. The Superintendent's decision shall be given orally to the student and parent not later than five (5) school days after the close of the hearing. A written decision will be mailed at that same time. These timelines, however, may be enlarged by the Superintendent, or his/her designee, due to extenuating circumstances.

Step 4. A decision by the Superintendent to permanently expel a student may be appealed to the Board of Education by filing a written notice with the Superintendent within five (5) school days of the decision. The appeal will be heard in open or closed session, as elected by the parent.

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

Inconsistency with Law, Board Policy, or Administrative Regulation

This Student Code of Conduct is intended to be consistent with Michigan law the Policies of the Board of Education and Administrative Regulations promulgated by the Superintendent. If there are any inconsistencies, they should be resolved with the understanding Michigan law supersedes both the Policies of the Board of Education and Administrative Regulations, and Board Policy supersedes Administrative Regulations.