

# **Eau Claire Public Schools**

## **STUDENT CODE OF CONDUCT**

*Revised July of 2019*



**Beaver Pride!**

**MICHIGAN  
STATE BOARD OF EDUCATION  
PREAMBLE**

Michigan students, in all of their diversity, must be educated in a safe and supportive environment that fosters academic success and healthy development. Schools can create those environments by fostering student connectedness, establishing clear behavioral expectations, and employing preventative measures with constructive discipline that prioritizes keeping students in school through graduation.

The Michigan State Board of Education’s mission is: “All students graduate ready for careers, college, and community.” This can only be achieved if students are pursuing their education. To fulfill this mission, the Michigan State Board of Education (SBE) strongly urges school districts to adopt practices that allow educators to address disciplinary matters as opportunities for learning instead of punishment.

Legal mandates and community safety may require removal of individuals who possess a dangerous weapon, commit arson, or engage in criminal sexual conduct (Gun Free Schools Act, 1994; Michigan Compiled Laws under MCL 380.1311), make bomb threats or engage in verbal assault (MCL 380.1311a), and/or commit physical assault against another at school or a school-related event (MCL 380.1310, 380.1311, 380.1311a, 380.1312), in compliance with MCL 380.1310(C)(d) as revised.

Adoption of a code of student conduct is one element of a school district’s safe schools plan. There is no singular code of student conduct that meets the needs of every school district, although every school district is required by law to adopt a code, as set forth in the Revised School Code, MCL 380.1312(8):

“A local or intermediate school district or a public school academy shall develop and implement a code of student conduct and shall enforce its provisions with regard to pupil misconduct in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises.”

## **PURPOSE**

It is the expectation of Eau Claire Public Schools that all students be responsible, respectful, honest, and safe in order to foster a productive learning environment. Disciplinary consequences may be enforced if students fail to meet the standards for behavior that are established and outlined in the Student Handbook and the District Code of Conduct. The Administration of Eau Claire Public Schools retains the right to deviate from a prescribed consequence at any time when warranted. Assigned consequences may be more severe in some instances due to the specific details related to an infraction.

The primary purpose of these rules, policies and procedures is to provide a school atmosphere where everyone can participate in the process of learning in an environment that is reasonable, orderly, safe and conducive to teaching and learning. The purpose of the policies and procedures contained here are to present not only guidelines for responsible student citizenship, but to provide a systematic, consistent approach to handling violations of these policies that may arise in the school setting.

## **SECTION I: INTRODUCTION**

The Eau Claire Public School District is dedicated to creating and maintaining a positive learning environment for all students. All members of our learning community—including students, educators (including teachers, secretaries, custodians, aides, paraprofessionals, and other school personnel), parents, and engaged service providers—must assume a responsible role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate for the learning community. Those responsibilities include, but are not limited to, the following:

### **Students have the responsibility to:**

1. Take responsibility for your learning and recognize that it is a process.
2. Attend school regularly, arrive on time, and be prepared to learn.
3. Respect yourself and others in class, on school grounds, on buses, and at any school-related activity.
4. Respect the rights and feelings of fellow students, parents, educators (including teachers, secretaries, custodians, aides, paraprofessionals, and other school personnel), visitors, and guests.
5. Work within the existing structure of the school to address concerns.
6. Know and comply with school district rules and policies.
7. Participate in your learning communities, including helping formulate rules and procedures in the school, engaging in school-related activities, and fostering a culture of respect for learning and for others.

### **Parents have the responsibility to:**

1. Take responsibility for your child(ren)'s development as learners by, as much as possible, providing a home environment suited for learning and developing good study habits.
2. See that your child(ren) attends school regularly and on time.
3. Provide for your child(ren)'s general health and welfare as much as possible.
4. Teach and model respect for yourself, your child(ren), and all members of the school community.
5. Support the school's efforts to provide a safe and orderly learning environment.
6. Know and support the school and district rules and policies and work within the existing structure of the school to address concerns.
7. Advocate for your child(ren) and take an active role in the school community.
8. Attend your child(ren)'s parent/teacher conferences.

### **Educators have the responsibility to:**

1. Take responsibility for students' development as learners, including their academic success and positive social-emotional development, recognizing that children should be subject to behavior management and discipline policies appropriate to their ages and levels of understanding, While following trauma-informed principles.
2. Model and provide a mutually respectful and accountable atmosphere for learning that includes all members of the school community.
3. Cooperate and schedule conferences with students, parents, and other school personnel in an effort to understand and resolve academic and behavioral problems. Make every effort to accommodate families whose work schedules, access to transportation, or distance from school limits their ability to meet or participate.
4. Keep parents informed of their students' challenges, effort, and success.
5. Encourage students to participate in classroom, extracurricular, and other school-related activities.
6. Know and enforce the rules and policies consistently, fairly, and equitably.
7. Participate in formulating rules and procedures and other learning and developmental opportunities in the school.
8. Participate in training and professional learning communities provided by the District that supports providing a positive culture and climate and promotes student learning.

The Code of Student Conduct sets forth student rights and responsibilities while at school and school-related activities, and the consequences for violating school rules. It defines behaviors that undermine the safety and learning opportunities for all members of the school community and favors actions that encourage positive behavior and learning over actions designed to punish. When determining the consequences of student misconduct, school officials may use intervention strategies and/or disciplinary actions. Recognizing the importance of keeping students in school learning as much as possible, educators will consider the severity or repetition of misconduct, age and grade level of the student, circumstances surrounding the misconduct, impact of the student's misconduct on others in the school community, and any other relevant factors in determining how they will address misconduct.

- The Code of Student Conduct will be administered fairly, without partiality or discrimination.
- The Code of Student Conduct does not diminish any rights under federal law (20 U.S.C. 1400 et seq.) of a student determined to be eligible for special education programs and services.

### **When and Where the Code of Student Conduct Applies**

The Code of Student Conduct applies before, during, and after school and whenever student is engaged in a school-related activity. Each student is expected to follow this code of conduct:

- “At school,” meaning in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event, whether or not it is held on school premises.
- When a student’s conduct at any other time or place has a direct and immediate effect on maintaining order and discipline, or on protecting the safety and welfare of students or school district staff.
- When a student is using school telecommunications networks, accounts, or other district services.

### **Regarding Exclusionary Discipline**

Numerous studies have shown that exclusionary discipline often sets the stage for student disenfranchisement, academic failure, dropout, and potential criminalization. This runs counter to the SBE’s mission and goal that all students will graduate prepared for careers, college, and community. Further, based on a preponderance of research, the U.S. Department of Education (USED) links school attendance with academic success and links exclusionary discipline with lower school performance and higher rates of students’ academic failure.

Recognizing exclusionary discipline’s negative impact, the school community will reserve exclusion for only the most serious offenses. We will also employ social and emotional learning, positive behavioral expectations, restorative practices and constructive discipline measures and early intervention/diversion strategies that focus on screening and treatment to minimize a suspended student’s time away from school and potential court involvement.

To foster each student’s academic success and pro-social development, the school will consider research-based social and emotional learning strategies and options designed to promote positive behavior and modify negative behavior while holding students accountable and minimizing exclusion time. These may include research- or evidence-based preventative and discipline measures such as:

- Positive Behavioral Interventions and Supports (PBIS)
- Restorative practices
- Referral to School Mental Health Coordinator

While the ten-day limit for short-term suspension may be widely accepted, the evidence exists that excluding a student from two weeks of instruction can have a devastating effect on the student, school performance, and long-term success.

Therefore, as part of its commitment to graduating well-educated students, MDE recommends the maximum length of short-term suspensions be five days.

- Recognizing that grades should reflect learning rather than behavior, when suspension is used, students have the right to complete, turn in, and receive any credit earned on assignments and tests scheduled during their disciplinary absences.
- Administered well and appropriately, positive discipline can become a powerful tool for teaching students to succeed. When considering intervention options, we will strive to address disciplinary matters as opportunities for learning and reserve exclusion for only the most serious offenses.

## **SECTION II: DUE PROCESS PROCEDURES**

The Due Process Clause of the Fourteenth Amendment to the U.S. Constitution provides two types of protection: substantive due process and procedural due process.

- Substantive due process demands that a school rule must be reasonable and fair.
- Procedural due process protections apply to exclusionary discipline, including suspensions and expulsions from school.

Due process, in either instance, is a flexible concept. The standards required depend upon the seriousness of the allegations and the possible discipline action that may be imposed.

Recognizing exclusionary discipline's negative impact, the school community will reserve exclusion for only the most serious offenses. We will also employ positive behavioral expectations, restorative practices and discipline measures and early intervention/diversion strategies that focus on screening and treatment to minimize suspended students' time away from school and potential court involvement.

The Code of Student Conduct does not diminish any rights under federal law (20 U.S.C. 1400 et seq.) for a student determined to be eligible for special education programs and services. Students with an Individualized Education Program (IEP) are responsible for following The Code of Student Conduct. As a consequence of a violation of The Code of Student Conduct by a student with an IEP, specific procedures may apply. Information about these procedures is available at [www.michigan.gov/ose-eis](http://www.michigan.gov/ose-eis).

### **Short-Term Suspension Definition**

- For purposes of this code, a short-term suspension occurs when a student is suspended for one (1) school day, up to and including five (5) school days. During a short-term suspension, the student's rights and privileges of attending school, including extracurricular activities, are suspended.

### **Due Process for Short-Term Suspensions**

For a suspension of five (5) days or less, a student is entitled to minimal due process protections, including oral or written notice of the accusation(s), what disciplinary measures are being proposed, and an opportunity to respond.

- If feasible, the notice and hearing should precede the student's removal from school.
- If the student's presence poses a danger to persons or property or threatens to disrupt the academic process, prior notice and hearing may not be feasible. In this case, a hearing should follow the student's removal from school as soon as possible.



Except in extraordinary circumstances, alleged violations of The Code of Student Conduct are initially handled by the principal or assistant principal who shall provide the student with oral or written notice of the charges or allegations and an explanation of the evidence or basis for the charges. Barring a situation requiring immediate action, the student shall be given the opportunity to contact an adult advocate such as a parent or other family member, guardian, mentor, friend, and/or an attorney before presenting an explanation or a differing statement of the facts. The student's request to have a parent/guardian present should be respected.

If misconduct is found, the principal may authorize disciplinary action in accordance with The Code of Student Conduct, including short-term suspension. A student whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, may be immediately removed from the school without prior notice, explanation, or opportunity to respond. In such cases, the above procedures shall be provided as soon as practical. The student and parent/guardian shall be notified of the circumstances and action taken.

### **Long-Term Suspension and Expulsion Definition**

- A long-term suspension is when a student is suspended for more than five (5) school days. During a long-term suspension, the student's rights and privileges of attending school, including extracurricular activities, are suspended.

Recognizing exclusionary discipline's negative impact, based on a preponderance of research, the school community will reserve exclusion for only the most serious offenses and employ discipline measures and early intervention/diversion strategies with a focus on screening and treatment to minimize suspended students' time away from school and potential court involvement.

An expulsion occurs when the school district's board of education or designee terminates the student's rights and privileges to attend school, including extracurricular activities, for sixty (60) school days or more. An expulsion may be for an indefinite time, as specified by the school board or state law.

### **Due Process for Long-Term Suspension and Expulsion**

A more formal due process procedure is required when serious disciplinary measures are alleged against a student. When the student's misconduct requires legal action, school district staff will work to protect the student's Due Process by explaining what the student is accused of and giving him/her the opportunity to speak with an adult advocate such as a parent or other family member, guardian, mentor, friend, and/or attorney.

If recommended by the principal or assistant principal, the school district's board of education or its designee shall conduct a hearing to determine whether to impose a long-term suspension or expulsion. If the student has a hearing before the Board of Education, the board has the exclusive and final authority to **long-term suspend or expel** a student from the school district.

The student and parent/guardian shall be notified of the allegation(s), the recommended disciplinary action, the time, date, and location of the hearing, and of their right to attend and participate in the hearing.

- Prior to the hearing, the student and parent/guardian will have the opportunity to review all documents, videos, other media, or any other types of evidence, and a list of all witnesses slated to testify within a reasonable amount of time.
- Prior to the hearing, the student and parent/guardian should be notified of all of the district's processes for hearings and appeals.
- The board of education or its designee shall conduct a hearing, which may be recorded if the session is held in open session. The student shall be advised of the alleged violation and be given an explanation of the facts. The explanation may include the written or oral testimony of others, but names or personally identifying information of student witnesses may be redacted.
- At the request of the student or the student's parent/guardian, the board of education *may* meet in a closed session to "consider the dismissal, suspension, or disciplining of a student" [MCL 15.268(b)].
- The student and parent/guardian may be represented at the hearing by an attorney or other adult. Written or oral evidence may be presented at the hearing on behalf of the student.
- After the hearing, the board of education or its designee shall issue a decision, including a determination of disciplinary action.
- The parent/guardian of the student may petition the school board to request the student's reinstatement to school, as permitted by state law or as specified by the Board of Education at the time of removal.

### **Appeal Process**

In the event **new** evidence has been obtained, a student **may**, within five (5) days of receipt of the decision, petition the board of education for the opportunity to request appeal or reconsideration by the board or its designee. The petition shall be in writing and contain the reason that the board or its designee's decision should be reviewed or reconsidered. The board of education may grant or deny the request for an appeal or request for reconsideration.

### **SECTION III: TYPES OF SUSPENSION AND EXPULSION**

The Revised School Code provides each school district with the authority to suspend or expel students guilty of “gross misdemeanor or persistent disobedience.” This must not, however, infringe on any of the federally protected rights guaranteed to students who qualify for special education programs and services [MCL 380.1311(9)]. County Intermediate School Districts or Regional Educational Service Agencies’ consultants, Community Mental Health Centers, medical clinics, and other human service agencies may need to be involved with a child whose behavior is “persistent.”

Recognizing exclusionary discipline’s negative impact, the school community will reserve exclusion for only the most serious offenses and will employ discipline measures and early intervention/diversion strategies with a focus on screening and treatment to minimize a suspended student’s time away from school and potential court involvement.

In considering students’ suspension or expulsion, a district shall comply with MCL 380.1310(C)(d) as follows:

#### **SEC. 1310c.**

1. A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.
2. Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim's parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members or the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do 1 or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. 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 and cyberbullying.

3. As used in this section:
  - a. "bullying" and "cyberbullying" mean those terms as defined in section 1310b.
  - b. "restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a pupil's misconduct.
  - c. "school board" means a school board, intermediate school board, or the board of directors of a public school academy.
  - d. "school district" means a school district, an intermediate school district, or a public school academy.

**Sec. 1310D.**

1. Before suspending or expelling a pupil under section 1310, 1311(1), 1311(2), or 1311a, the board of a school district or intermediate school district or board of directors of a public school academy, or a superintendent, school principal, or other designee under section 1311(1), shall consider each of the following factors:
  - a. The pupil's age.
  - b. The pupil's disciplinary history.
  - c. Whether the pupil is a student with a disability.
  - d. The seriousness of the violation or behavior committed by the pupil.
  - e. Whether the violation or behavior committed by the pupil threatened the safety of any pupil or staff member.
  - f. Whether restorative practices will be used to address the violation or behavior committed by the pupil.
  - g. Whether a lesser intervention would properly address the violation or behavior committed by the pupil.
2. Except as provided in subsection (3), this section applies to give the board of a school district or intermediate school district or board of directors of a public school academy, or its designee, discretion over whether or not to suspend or expel a pupil under section 1310, 1311(1), 1311(2), or 1311a. In exercising this discretion with regard to a suspension of more than 10 days or an expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the board or board of directors, or its designee, can demonstrate that it considered each of the factors listed under subsection (1). For a suspension of 10 or fewer days, there is no rebuttable presumption, but the board or board of directors, or its designee, shall consider each of the factors listed under subsection (1).
3. This section does not apply to a pupil being expelled under section 1311(2) for possessing a firearm in a weapon free school zone.
4. Except as provided in subsection (3), consideration of the factors listed in subsection (1) is mandatory before suspending or expelling a student under section 1310, 1311(1), 1311(2), or 1311a. The method used for consideration of the factors is at the sole discretion of the

board of a school district or intermediate school district or board of directors of a public school academy, or its designee.

5. As used in this section:
  - a. "expel" means to exclude a pupil from school for disciplinary reasons for a period of 60 or more school days.
  - b. "firearm" means that term as defined in section 1311.
  - c. "suspend" means to exclude a pupil from school for disciplinary reasons for a period of fewer than 60 school days.
  - d. "weapon free school zone" means that term as defined in section 1311.

**SUBJECT TO 1310(d)**, Michigan law requires a school district to permanently expel (subject to possible reinstatement) a student who possesses a dangerous weapon in a weapon-free school zone unless that student meets one of four exceptions (listed below) provided in the law. Michigan law also requires permanent expulsion (subject to possible reinstatement) of students who commit arson, criminal sexual conduct (as defined in the law and noted below), or a physical assault against a school employee, contractor, or volunteer. Michigan law also requires school districts to suspend or expel a student in grades 6 and above who commits physical assault against another student. Those exclusions can last no more than 180 days. In addition, Michigan law also allows any teacher to impose one-day "snap suspensions" from his/her class for students, and it establishes procedures the teacher must follow when exercising this option. Under the law, the suspending teacher must take a number of steps explained in greater detail below. The following information describes the law.

### **Weapons, Arson, or Criminal Sexual Conduct Expulsion**

School districts are required to Permanently expel (subject to possible reinstatement) students who possess a dangerous weapon, commit arson, or engage in criminal sexual conduct in a school building or on school grounds. The law allows for possible reinstatement [MCL 380.1311].

- The term "criminal sexual conduct" is defined in the Michigan Penal Code, 1931, PA 328 MCL 750.520. It refers to sections which describe various levels of sexual penetration, sexual conduct, and assault with intent to commit criminal sexual conduct [MCL 750.520b, 520c, 520d, 520e, 520g].
- The term "dangerous weapon" means a firearm, dirk, dagger, stiletto, iron bar, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, and brass knuckles [MCL 380.1313(4)].
- The definition of "firearm" in section 380.1311 refers to the definition of that term in the federal Gun-Free Schools Act of 1994, which in turn refers to another section of federal law which defines "firearm" as:
  - Any weapon (including a starter gun) which will or is designed to, or may readily be converted to, expel a projectile by the action of an explosive.

- The frame or receiver of any such weapon.
- Any firearm muffler or firearm silencer.
- Any destructive device.

### 1. **Dangerous Weapon Exceptions:**

School boards are not required to expel a student if the student can establish in a clear and convincing manner at least one of the following:

- 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.
- The weapon was not knowingly possessed by the student.
- The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.
- The weapon was possessed by the student at the suggestion, request or direction of, or with the express permission of school or police authorities.

A student who possesses a weapon in a weapon-free school zone or commits arson or criminal sexual conduct at school or on school grounds is expelled from all Michigan public schools unless the school district operates or participates in an alternative education program appropriate for expelled students or unless the student is reinstated by the expelling Board of Education pursuant to the statutory reinstatement procedure. At the school district’s discretion, the district may admit the student to that program or a “strict discipline academy.”

If a student is expelled for possession of a dangerous weapon in a weapon-free school zone, arson in a school building or on school grounds, or criminal sexual conduct in a school building or on school grounds, the school board shall ensure that within three (3) days after the expulsion an official of the school district refers the individual to the appropriate county department of health and human services or county department of community mental health agency, and notify the individual’s parent or legal guardian, or, if the individual is at least age 18 or an emancipated minor, notifies the individual of the referral. [MCL 380.1311(5)].

### 2. **Weapon-Free School Zone and School Property Definition:** “Weapon-free school zone” means school property and a vehicle used by a school to transport students to or from school property [MCL 750.237a].

- a. “School property” means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses [MCL 750.237a].

3. **Reporting Requirements:** If a dangerous weapon is found in the possession of a student while the student is attending school or a school activity, or while the student is en route to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, shall immediately report that finding to the student's parent/guardian and the local law enforcement agency [MCL 380.1313(1)].

### **Physical Assault - Student to Employee, Contractor or Volunteer**

A student in grade six (6) or above who commits a physical assault against an employee, contractor, or a volunteer of a district, at school or on school grounds, shall be expelled permanently, subject to possible reinstatement. The term "physical assault" means "intentionally causing or attempting to cause physical harm to another through force or violence" [MCL 380.1311a].

A student expelled for committing physical assault against an employee, contractor, or volunteer of a district at school or on school grounds is expelled from all Michigan public schools unless the school district operates or participates in an alternative education program appropriate for expelled students or unless the student is reinstated by the expelling board of education pursuant to the statutory reinstatement process.

If a student in grade six (6) or above is expelled for committing a physical assault against a school employee, contractor, or volunteer, the school board shall ensure that within three days after the expulsion an official of the school district refers the individual to the appropriate county Department of Human Services or county Department of Community Mental Health agency, and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral [MCL 380.1311(4)].

### **Physical Assault - Student to Student**

A student in grade six (6) or above who commits physical assault against another student shall be suspended or expelled for up to 180 school days by the school board or its designee if the physical assault is reported to the school board, superintendent, or principal. The term "physical assault" means "intentionally causing or attempting to cause physical harm to another through force or violence" [MCL 380.1310].

### **Bomb Threats or Similar Threats**

If a student in grade six (6) or above makes a bomb threat, or similar threat, directed at a school building, other school property, or a school-related event, then the school board or the designee on behalf of the school board, as described in MCL 380.1311(1), shall suspend or expel the pupil from the school district for a period of time as determined at the discretion of the school board or its designee.

## **Teacher “Snap Suspension”**

While “Snap Suspension” is part of the law, we believe that it should be used minimally, if at all.

- A teacher may suspend a student from the teacher’s classroom for up to one day if the student’s behavior exceeds limits as defined by local policy. The policy shall be adopted as part of the school district’s Code of Student Conduct and specify the types of behavior for which a student may be suspended.
- If a student is retained in the school, he or she must be under appropriate supervision.
- The law requires a teacher who imposes this option to immediately report the “snap suspension” to the office, then, as soon as possible, schedule a meeting with the suspended student’s parent(s) or guardian(s) and attempt to include the school counselor, social worker, or psychologist.
- The teacher must also include the administrator in the meeting [MCL380.1309].
- A student may return that school day to the classroom, subject, or activity for which he or she was suspended, with the concurrence of the teacher and the school principal [MCL 380.1309].

## **Petitioning for Reinstatement**

For students in grades six (6) or above, although the law calls for the “permanent” expulsion of a student who possesses a dangerous weapon in a weapon-free school zone, commits arson, criminal sexual conduct, or a physical assault against an employee, contractor, or a volunteer of a district, at school or on school grounds, the law provides a process for petitioning for reinstatement to school [MCL 380.1311(5) and 380.1311a(5)]. It is the responsibility of the petitioning person (a parent, legal guardian, or the expelled student if he or she is at least 18 years of age or is an emancipated minor) to prepare and submit a petition for reinstatement.

## **Petition for Student to Return to School**

If a petition form is requested by a person wishing to be reinstated, the school board must make the petition form available.

For a student in grade five (5) or below that is expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent/guardian or the student (if he or she is at least 18 years of age or an emancipated minor) may initiate a petition for reinstatement at any time after 60 school days following the date of the expulsion. The student may be reinstated 90 school days following the date of expulsion.

For a student in grade five (5) or below that is expelled for committing arson or criminal sexual conduct in a school building or on school grounds, the parent/ guardian may initiate a petition for reinstatement at any time, and the student may be reinstated ten school days after the expulsion.



For a student in grade six (6) or above that is expelled for possessing a dangerous weapon in a weapon-free school zone, or who commits arson or criminal sexual conduct, the parent/guardian or the student (if he or she is at least 18 years of age or an emancipated minor) may initiate a petition any time after 150 school days following the date of expulsion. A student may be reinstated not earlier than 180 school days following the date of expulsion.

For a student in grade six (6) or above that is expelled for committing a physical assault against an employee, contractor, or volunteer, the parent/guardian or the student (if he or she is at least 18 years of age or an emancipated minor) may initiate a petition any time after 150 school days following the date of expulsion. A student may be reinstated 180 school days following the date of expulsion.

Mcl I 750.1 To 750.568 Sec. 520O states (1) as part of its adjudication order, order of disposition, judgment of sentence, or order of probation a court shall order that an individual who is convicted of or, a juvenile who is adjudicated for, a violation of section 520b, 520c, 520d, 520e, or 520g and who is a student at a school in this state is prohibited from doing either of the following:

1. Attending the same school building that is attended by the victim of the violation.
2. Utilizing a school bus for transportation to and from any school if the individual or juvenile will have contact with the victim during use of the school bus.

A district may establish reinstatement procedures for students expelled for reasons other than those listed.

### **Committee Review and Recommendation**

The local school board may include conditions in a petition for reinstatement, including the successful completion of a restorative justice process or a similar effort, which the student can complete during the exclusion period or as a condition for returning to school. If the expelling school board denies a petition for reinstatement, the petitioner may petition another school board for reinstatement. The following timelines and procedures apply to reinstatement:

Within ten (10) school days after receiving a petition for reinstatement, the school board must appoint a committee comprised of two school board members, one school administrator, one teacher, and one parent of a student in the school district to review the petition and any supporting information submitted by the petitioner. During this time, the superintendent may prepare and submit information concerning the circumstances of the expulsion and any factors weighing in favor of or against reinstatement.

Not later than ten (10) school days after being appointed, the committee must review the petition and supporting information, together with information provided by the school district, and submit a

recommendation to the school board. The committee may recommend unconditional reinstatement, conditional reinstatement, or against reinstatement. The recommendation must be accompanied by an explanation of the reasons for the recommendation. If the recommendation is for conditional reinstatement, it must include any recommended conditions.

According to the law, the committee's recommendation must be based on all of the following factors:

- The extent to which reinstatement of the student would create a risk of harm to pupils or school personnel.
- The extent to which reinstatement would create a risk of school district or individual liability for the school board or school district personnel.
- The age and maturity of the individual.
- The student's school record before the incident that caused the expulsion.
- The student's attitude concerning the incident that caused the expulsion.
- The student's behavior since the expulsion and the prospects for remediation.
- If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by, and that can be expected from that person if the student is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement [MCL 380.1311(6)(e)].

The committee may also choose to consider such factors as the successful completion of restorative justice measures, the presence of mental health considerations, family situations that might be impacting the child's behavior, observations from a school-based advocate for the student, and more.

### **School Board Decision**

After receiving the committee's recommendation, the school board must make a decision no later than the next regularly-scheduled board meeting. The school board must decide either to reinstate the student, to conditionally reinstate the student, or to deny reinstatement.

Before conditionally reinstating the student, a school board may require a student and the parent or legal guardian to agree in writing to specific conditions. The conditions may include, but are not limited to, the following:

- Successful completion of a restorative justice process and evidence of compliance with the resulting agreement developed by the participating affected parties.
- Agreement to a behavior contract which may involve the student, parent or legal guardian, and an outside agency.

- Participation in, or completion of, an anger management program or other appropriate counseling.
- Periodic progress reviews.
- Specified immediate consequences for failure to abide by a condition.

*\*The law specifies that the decision of the school board is final.*

### **Alternative Education**

A school district may provide alternative education for a student who has been suspended or expelled. The Michigan Attorney General issued an opinion cited as 1985 OAG 6271 in which he stated that the board of education of a school district which, in accordance with due process requirements, suspends for a lengthy period of time or permanently expels a non-disabled student who is subject to the compulsory education requirements is not required to provide an alternative education program for a student. The Michigan State Board of Education, however, encourages school districts to provide alternative education opportunities for excluded students. It encourages schools to explore the Michigan Department of Education's list of alternative education providers on its Michigan Safe Schools website at <http://www.michigan.gov/safeschools/0,4665,7-181-49444-232580--,00.html> with the goal of keeping suspended and/or expelled students engaged in learning.

Ultimately, however, it is the responsibility of the parent or legal guardian to locate a suitable alternative education program and to enroll their child in a program during the expulsion.

### **Mandatory Permanent Expulsion**

Subject to 1310(d), a student who has been expelled for possession of a dangerous weapon, arson, criminal sexual conduct, or physical assault against an employee, contractor, or volunteer is expelled from all Michigan public schools unless the district operates or participates in an alternative education program appropriate for the mandatory expelled student.

[MCL 380.1311(2) and 380.1311a(2)].

A program operated for mandatorily expelled students must ensure that a student is physically separated at all times during the school day from the general pupil population. If the student is not placed in an alternative education program or a "strict discipline academy," the school district may provide or arrange for the intermediate school district to provide to the student appropriate instructional services at home. Homebound services are designed to help students who are unable to attend school to keep up with their studies [MCL 388.1709].

## SECTION IV: VIOLATIONS OF THE CODE OF STUDENT CONDUCT

Michigan students, in all of their diversity, must be educated in a safe and supportive environment that fosters academic success and healthy development. The Michigan State Board of Education's mission is: "All students graduate ready for careers, college, and community." This can only be achieved if students are pursuing their education. To fulfill this mission, the Michigan State Board of Education (SBE) strongly urges school districts to adopt practices that allow educators to address disciplinary matters as opportunities for learning instead of punishment.

The SBE encourages schools to:

- Implement or expand evidence-based alternative and supplemental strategies for social and emotional learning such as Positive Behavioral Intervention and Supports (PBIS), Michigan Model for Health™ and restorative practices.
- Integrate these and other research- and evidence-based, pro-social development practices into their culture, supporting and sustaining them as vital elements of the school operations.
- Collect and utilize data for ongoing formative evaluation of disciplinary processes and their effectiveness.
- Reserve suspension and expulsion for only the most serious offenses such as those infractions required by law and deemed absolutely necessary.

Schools are required to consider restorative practices as an alternative to, or in addition to, suspension or expulsion. [MCL 380.1310C(1)] schools are also required to implement a plan that reduces expulsions and suspensions that exceed 10 school days. [MCL 388.1767A]

The school community will want to create an inclusive, achievement-oriented culture by implementing PBIS and restorative practices to help guide student conduct. These, partnered with social emotional learning curriculum such as Michigan Model for Health™ and access to mental health and other supports, will contribute to a positive school climate. As part of that climate, the school community will check that students understand what is respectful and accountable conduct toward themselves, their peers, adults, and property.

As referenced in this document's preamble, resources and technical assistance exist to develop and maintain a PBIS plan, implement restorative practices, and utilize other relevant community-based services. In the event that students violate the rules, the school community will prioritize keeping them in school and helping them learn from mistakes. Restoring students and those affected by their behavior is the desired outcome of this approach.

## **Student Rights and Responsibilities**

If a student feels unsafe or is threatened, the student or the student's parent/guardian should contact the principal. Individual rights relate to individual responsibilities and must be seen in relationship to the safety, health, and welfare of all members of the school community.

Expectations of student conduct should be kept within the bounds of reasonable behavior expected of all members of the community. Students should have freedom and encouragement to express their individuality in school, as long as their conduct does not intrude upon the freedom or safety of others. This applies especially to the freedom of fellow students to receive instruction. There must be a balance between individual freedom and the orderly operation of a classroom, but educators must prioritize keeping students engaged in learning as much as possible. The practices outlined above are powerful tools educators have used successfully to address misconduct and conflict at all levels.

All students should recognize the consequences of their language, manners, and actions toward each other, school staff, and volunteers. Students need to understand that they benefit from an orderly school operation and, as members of the school community, acknowledge their responsibility to promote a mutually respectful learning environment and support the reduction of any disruption to learning. The following pages list actions that can cause disruptions and, therefore, require some action to address the harm they cause. Whenever possible, the action to address this misconduct should include steps to heal the harm and restore the community members affected.

## **Violations of The Code of Student Conduct**

Various types of student misconduct are defined below. These definitions of misconduct are not all-inclusive, but only representative and illustrative. A student who commits an act of misconduct not listed herein is nonetheless subject to disciplinary action, including "snap suspension" by a teacher for misconduct in a class, subject, or activity.

School district staff may use intervention strategies including preventative measures such as intensive instruction, social-emotional learning, PBIS, restorative practices, teacher/student conferences, auxiliary staff/student intervention, and teacher/parent/guardian contacts for every type of violation listed here. As required by law, the staff will refer the last group of violations directly to school administrators due to the serious and/or unlawful nature of the misconduct. At the option of school administrators, a student accused of any violation of The Code of Student Conduct may be referred to a school social worker or counselor, in conjunction with or in lieu of other disciplinary procedures. Where the misconduct is subject to mandatory discipline under state law, however, the school board or designee will consider any mandatory sanctions as required by law.

## Student Misconduct Violations

### **Bullying/Cyberbullying:**

A student will not engage in bullying OR CYBERBULLYING any student for any reason in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy. "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in section 219a of the Michigan penal code, 1931 PA 328, MCL 750.219a.

- "Bullying" means 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 pupils either directly or indirectly by doing any of the following:
  - Substantially interfering with educational opportunities, benefits, or programs of one (1) or more pupils.
  - Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.
  - Having an actual and substantial detrimental effect on a pupil's physical or mental health.
  - Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

### **Cheating/Academic Misconduct:**

A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials. Discipline under this section may result in academic sanctions in addition to other discipline.

### **Defacement of Property:**

A student will not willfully cause defacement of, or damage to, property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray-painting surfaces are acts of defacement.

### **Destruction of Property:**

A student will not intentionally cause destruction of property of the school or others. Actions that impair the use of something are destructive. Ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary are acts of property destruction.

### **Disorderly Conduct:**

A student will not knowingly misbehave in a manner that causes disruption or obstruction to the educational process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.

### **Failure to Serve Assigned Detention:**

A student **shall** serve an assigned detention of which students and/or parents/guardians have been notified. **The detention notification method must be confirmed by a school employee.** Alternative consequences **may, on a case-by-case basis**, be approved by school administrators for students who lack transportation.

### **False Identification:**

A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel, **to avoid discipline**, to falsely obtain money or property, or for any other reason.

**Fighting:**

A student will not physically fight with another person. Self-defense or defense of others may be taken into account in determining whether this provision has been violated.

**Forgery:**

A student will not sign the name of another person for the purpose of defrauding ANOTHER.

**Fraud:**

A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value.

**Gambling:**

A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.

**Gang Activity:**

A student will not, by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school district's education mission.

Gang activity includes any one of the following:

- Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang.
- Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang.
- Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.
- Recruiting student(s) for gangs.

**Harassment/Intimidation:**

A student will not engage in or participate in any behavior that is included in the definition of harassment or intimidation. "Harassment or intimidation" means any gesture or written, verbal, or physical act that a reasonable person, under the circumstances, should know will have the effect of harming a student or damaging the student's property, placing a student in reasonable fear of harm to the student's person or damage to the student's property, or that has the effect of insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. Harassment or intimidation includes, but is not limited to, a gesture or written, verbal, or physical act.

**Hazing:**

The act of hazing is a crime in Michigan and will not be tolerated in the district. A student will not engage in or participate in any behavior that is included in the definition of hazing. The term "hazing" means "an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization." The term "organization" means "a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an educational institution." [MCL 750.411t].

See Board of Education Policy: 5516 - **STUDENT HAZING**

**Improper, Negligent, or Reckless Operation of a Motor Vehicle:**

A student will not intentionally or recklessly operate a motor vehicle so as to endanger the safety, health, or welfare of others on school property.

**Public Display of Affection:**

Students will not engage in inappropriate displays of affection.

**Appropriate Dress and Grooming:**

A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others.

**Appropriate Use of Electronic Communication Devices:**

Students may possess a cellular telephone or other electronic communication device while at school provided that during school hours and on a school vehicle the cellular phone or electronic communication device remains off and out of sight unless authorized school personnel have given students permission to use them.

**Insubordination/Unruly Conduct:**

A student will not willfully ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, write an assignment, work with another student, work in a group, take a test or do any other class or school-related activity not listed herein, refusing to leave a hallway or any other location when instructed by a school staff member, or running away from school staff when told to stop constitutes unruly conduct.

**Leaving School Without Permission:**

A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

**Loitering:**

A student will not remain or linger on school property without a legitimate purpose and/or without proper authority.

**Possession of Inappropriate Personal Property:**

A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning, including, but not limited to, pornographic or obscene material, laser lights, or personal entertainment devices. Certain devices may be permitted for health or other reasons, if approved by the administration.

**Profanity and/or Obscenity Toward Students:**

A student will not verbally, in writing, electronically, or with photographs or drawings direct profanity or insulting, obscene gestures toward any other student.

**Profanity and/or Obscenity Toward Staff:**

A student will not verbally, in writing, electronically, or with photographs or drawings direct profanity or insulting, obscene gestures toward any school district staff members or adult volunteers.

**Sexual Harassment:**

A student will not use words, pictures, objects, gestures, or other actions relating to sexual activity or a person's gender that cause embarrassment, discomfort, or a reluctance to participate in school activities. A student will not make unwelcome sexual advances, request sexual favors or engage in verbal communication or physical conduct of a sexual nature with or toward any other student, school district personnel, or adult volunteers.

**Smoking:**

A student will not smoke or use e-smoking devices, use tobacco or alternative cigarette options, or possess any substance containing tobacco or nicotine in any area under the control of a school district, including all activities or events supervised by the school district.

**Tardiness:**

A student will not fail to be in his or her place of instruction at the assigned time without a valid excuse.



**Technology Abuse:**

A student will not violate the district's "Technology Use Guidelines."

**Theft or Possession of Stolen Property:**

A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession property which does not belong to the student.

**Threat/Coercion:**

A student will not threaten another with bodily harm. A student will not coerce another to act or refrain from acting.

**Trespassing:**

A student will not enter upon the premises of the school district, other than the location to which the student is assigned, without authorization from proper school authorities. If removed, suspended, or expelled from school, a student will not return to the school premises without permission of the proper school authorities.

**Truancy:**

A student will not willfully and repeatedly fail to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school and parent/guardian.

**Weapon Look-A-Likes:**

A student shall not possess, use, sell, or distribute a toy weapon, a look-a-like or replica weapon except with the prior approval of a teacher or an administrator for appropriate educational use.

**School Community Responses to Violations**

The school community will maintain a safe and supportive environment and persistently check that students can identify respectful and accountable conduct toward themselves, their peers, adults, and property. In the event that students violate any part of the Code of Student Conduct, the school community will apply support and guidance to increase the opportunity for the student to both offer restitution and learn from mistakes.

**Intervention Strategies**

School administrators and staff should use mutually respectful and accountable intervention strategies, as determined by local district policies including, but not limited to, restorative practices, staff and student/parent conferences, auxiliary staff intervention and counseling programs, student programs for conflict resolution and peer mediation, and programs for anger management and violence prevention. They may also refer students and/or their families to community-based services such as mental health care, substance abuse prevention and diversion, and others. Any of the following intervention strategies and disciplinary actions may be used alone or in combination:

- administrator/student conference or reprimand
- administrator and teacher-parent/guardian conferences
- referrals and conferences involving various support staff or agencies
- daily/weekly progress reports
- behavioral contracts

- Behavior Intervention Plan (BIP)
- behavior intervention teacher training
- coordinate behavior intervention strategies among all personnel who work with the student
- consultation with a behavioral specialist
- cooperate with the parent/guardian to ensure follow-through on behavior intervention
- counseling and psychological services
- change in student's class schedule
- school service assignment
- confiscation of inappropriate item
- support restitution of offense
- restoration for all affected parties
- before- and/or after-school detention
- denial of participation in class and/or school activities
- weekend detention
- in-school suspension
- other intervention strategies, as needed
- teacher "snap suspensions" (see Section III)
- out-of-school suspension (short-term) from one (1) school day up to and including five (5) school days
- expulsion
- law enforcement agency notification

Intervention strategies are not limited to those listed herein. Other methods of addressing misconduct may be more appropriate, depending upon the circumstances. Educators will seek the option that maximizes students' learning and pro-social development while prioritizing keeping students engaged in learning.

### **Serious Violations**

Legal mandates and community safety may require removal of individuals subject to MCL 380.1310(d) who possess weapons, commit arson, or engage in criminal sexual conduct (Gun Free Schools Act, 1994; Michigan Compiled Laws under MCL 380.1311), make bomb threats or engage in verbal assault (MCL 380.1311a), and who commit physical assault against another (380.1310, 380.1311, 380.1311a, 380.1312). However, the USED links school attendance with academic success and links exclusionary discipline with lower school performance and higher rates of students' academic failure. Recognizing exclusionary discipline's negative impact, the school community will reserve exclusion for only the most serious offenses. The district will employ discipline measures and early intervention/diversion strategies with a focus on screening

and treatment to minimize suspended students' time away from school and potential court involvement.

When the student's misconduct requires legal action, school district staff will take the following steps:

- To the extent practicable, the school will explain what the student is accused of and will give him/her the opportunity to speak with an adult advocate such as a parent or other family member, guardian, mentor, friend, and/or attorney.
  - (Links to agencies listing pro-bono or affordable legal assistance is available through service providers listed in MDE's On-line Tool Kit at a link to be provided upon completion  
[http://www.michigan.gov/mde/0,4615,7-140-74638\\_72831---,00.html](http://www.michigan.gov/mde/0,4615,7-140-74638_72831---,00.html).)
- If the student's disciplinary action requires a hearing, the school will provide the student and his/her representative with copies of all documents that might be used in the hearing, a list of all witnesses and an opportunity to prepare for the hearing ahead of time.
- If the student is found not guilty of the alleged misconduct in a criminal trial, the school district may consider re-evaluating the student's expulsion.

The school community will persistently check that students understand what is respectful and accountable conduct toward themselves, their peers, adults, and property. In the event that students violate the following rules, the school community will apply any of the options listed above with the support and guidance to increase the opportunity for the student to offer restitution, learn from mistakes, and restore both the offender and the offended.

### **Serious Student Misconduct Violations**

**Alcohol and Drugs:**

A student will not possess, use, offer to buy or sell, or purport to buy or sell, a controlled substance, dangerous drug, prescription drug, counterfeit drug, intoxicating substance, or alcohol. A student legally in possession of prescribed medication will not be in violation of this section as long as his/her use and possession of the prescribed medication is authorized at school and the student follows the required possession and use protocols as defined by the school.

**Arson (Starting a Fire):**

A student will not intentionally, by means of starting a fire, cause harm to any property or person, or participate in the burning of any property or person. If a student commits arson in a school building or on school grounds or other school property, the school board or its designee may be required to expel the student from the school district permanently, subject to possible reinstatement, pursuant to MCL 380.1311(5) [MCL 380.1311(2)]. "Arson" means a felony violation as set forth in Chapter X of the Michigan Penal Code [MCL 750.71 to MCL 750.80].

**Extortion:**

A student will not make another person do any act against his or her will, by force or threat, expressed or implied.

**False Fire Alarm or Bomb Report; Tampering with Fire Alarm System:**

Unless an emergency exists, a student will not intentionally sound a fire alarm or cause a fire alarm to be sounded, nor will a student falsely communicate or cause to be communicated that a bomb is located in a building or on school property, or at a school-related event. These acts are prohibited, irrespective of the whereabouts of the student. A student will not destroy, damage, or otherwise tamper with a fire alarm system in a school building.

If a student enrolled in grade six (6) or above makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, then the school board or its designee may be required to suspend or expel the student from the school district for a period of time as determined at the discretion of the school board, or its designee [MCL 380.1311a(2)].

**Felony:**

A student will not commit a criminal act that approximates a felony offense.

**Fireworks:**

A student will not possess, handle, transmit, conceal, or use any fireworks or firecrackers on school property or any school-related event.

**Interference with School Authorities:**

A student will not interfere with administrators, teachers, or other school personnel or volunteers by threat or violence.

**Physical Assault:**

A student will not physically assault another person. If a student enrolled in grade six (6) or above commits a physical assault at school against another student, then the school board or its designee may be required to suspend or expel the student from the school district for up to 180 school days [MCL 380.1310(1)].

**Robbery:**

A student will not take or attempt to take from another person any property, by force or threat of force, expressed or implied.

**Sexual Assault:**

A student will not sexually assault another person. If a student commits and is convicted of criminal sexual conduct, the school board or its designee may be required to expel the student from the school district permanently, subject to possible reinstatement in a different school from the victim, pursuant to MCL 380.1311(5) [MCL 380.1311(2)]. "Criminal sexual conduct" means a violation as set forth in Chapter LXXVI of the Michigan Penal Code [MCL 750.520b to MCL 750.520g].

**Theft or Possession of Stolen Property:**

A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession property valued at more than \$100.00 that does not belong to the student.

**Weapons: Dangerous Instruments:**

A student will not possess, handle, transmit, or use a dangerous instrument capable of harming another person. A "dangerous instrument" means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous instruments include, but are not limited to, chemical mace, pepper gas or like substances, stun guns, BB guns, pellet guns, razors, or box cutters.

**Weapons: Dangerous Weapons:**

A student will not possess, handle, transmit, or use as a dangerous weapon an instrument capable of harming another person. A "dangerous weapon" means a firearm, dagger, dirk, stiletto, knife with a blade over three inches in length,

pocketknife opened by a mechanical device, iron bar, or brass knuckles [MCL 380.1313]. Except as noted below, the school board or its designee may be required to expel permanently a student who possesses a dangerous weapon, subject to possible reinstatement.

Note that under Michigan law, school boards are not required to expel a student for weapons possession if the student can establish in a clear and convincing manner at least one of the following:

- 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.
- The weapon was not knowingly possessed by the student.
- The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.
- The weapon was possessed by the student at the suggestion, request or direction of, or with the express permission of school or police authorities.

**Weapons: Use of Legitimate Tools as Weapons:**

A student will not use a legitimate tool, instrument, or equipment as a weapon with the intent to harm another. These items include, but are not limited to, pens, pencils, compasses, or combs.

As explained elsewhere in this code of conduct, a student who is expelled for possessing a weapon in a weapon-free school zone or FOR arson or criminal sexual conduct at school or on school grounds, or (if in grade six (6) or above for physical assault of a school employee, contractor, or volunteer is expelled from all Michigan public schools unless the school district operates or participates in an alternative education program appropriate for expelled students. The Michigan State Board of Education encourages school districts to provide alternative education opportunities for excluded students. It encourages schools to explore the Michigan Department of Education's list of alternative education providers on its Michigan Safe Schools website at <http://www.michigan.gov/safeschools/0,4665,7-181-49444-232580--,00.html> with the goal of keeping suspended and/or expelled students engaged in learning.

If a student is expelled for possession of a dangerous weapon in a weapon-free school zone, arson in a school building or on school grounds, or criminal sexual conduct in a school building or on school grounds, or (for students in grades 6 and above) for physical assault of a school employee, contractor, or volunteer, the school board shall ensure that within three days after the expulsion an official of the school district refers the individual to the appropriate county Department of Human Services or county Department of Community Mental Health agency, and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral [MCL 380.1311(4)].

The school district may request an emotional, behavioral, and/or chemical dependency evaluation and treatment and/or counseling recommendation as a condition for reinstatement. The intervention strategy or discipline may require the student to follow any or all treatment recommendations of the evaluation. The evaluation must be a source approved by school district administration.

## **SECTION V: OTHER STUDENT RESPONSIBILITIES**

The school community encourages student responsibility in terms of attendance, technology, and property. The expectations for these issues are defined below.

### **Attendance**

The school district emphasizes the value of regular attendance in enabling students to benefit from the school's education programs. Michigan law places responsibility on each student to attend school on a daily basis, and on each parent or guardian to send their child to school on a daily basis. More important, however, is the effect of regular and punctual attendance on the student's scholastic achievement. Not only is each day's lesson important to the individual student, the student's participation in class contributes to the education of others. Frequent absences and tardiness, for any reason, are certain to adversely affect the student's schoolwork. Each student is expected to be in school every day except when illness, injury, or some providential condition beyond the student's control prevents attendance.

The USED links school attendance with academic success and links exclusionary discipline with lower school performance and higher rates of students' academic failure. Recognizing exclusionary discipline's negative impact, the school community will prioritize getting suspended or expelled students back into school and will not count a student's suspension days as unexcused absences or truant days, but rather as disciplinary absences.

Recognizing that grades should reflect learning rather than behavior, when suspension is used, students have the right to complete, turn in, and receive any credit earned on assignments and tests scheduled during their disciplinary absences.

### **Technology**

The student will respect school district technology by adhering to the district's technology use policy. An Acceptable Use Policy (AUP) is a written agreement in the form of guidelines, terms and conditions of technology use, rules of online behavior, and access privileges.

### **Property**

The student will respect the school-district-provided lockers by adhering to the district's policy.

## **POLICY ON SEARCHES OF PUPILS' LOCKERS AND LOCKER CONTENTS**

### **Lockers Are School Property**

All lockers assigned to pupils are the property of the school district. At no time does the school relinquish its exclusive control of its lockers. The public school principal or his/her designee shall have custody of all combinations to all lockers or locks. Pupils are prohibited from placing locks on any locker without the advance approval of the public school principal or his/her designee.

### **Legitimate Use of School Lockers**

The school assigns lockers to its pupils for the pupils' convenience and temporary use. Pupils are to use lockers exclusively to store school-related materials and authorized personal items such as outer garments, footwear, grooming aids, or lunch. Pupils shall not use the lockers for any other purpose, unless specifically authorized by school board policy or the public school principal or his/her designee, in advance of pupils bringing the items to school. Pupils are solely responsible for the contents of their lockers and should not share their lockers with other pupils, nor divulge locker combinations to other pupils, unless authorized by the public school principal or his/her designee.

### **Search of Locker Contents**

Random searches of school lockers and their contents may have a positive impact on deterring violations of school rules and regulations, ensure proper maintenance of school property, and provide greater safety and security for pupils and personnel. Accordingly, the board authorizes the public school principal or his/her designee to search lockers and locker contents at any time, without notice, and without parent/guardian or pupil consent.

The public school principal or his/her designee shall not be obligated to but may request the assistance of a law enforcement officer in conducting a locker search. The public school principal or his/her designee shall supervise the search. In the course of a locker search, the public school principal or his/her designee shall respect the privacy rights of the pupil regarding any items discovered that are not illegal or against school policy and rules.

### **Seizure**

When conducting locker searches, the public school principal or his/her designee may seize any illegal or unauthorized items, items in violation of board policy or rules, or any other items reasonably determined by the public school principal or his/her designee to be a potential threat to the safety or security of others. Such items include, but are not limited to, the following: firearms, explosives, dangerous weapons, flammable material, illegal controlled substances or controlled substance analogues or other intoxicants, contraband, poisons, and stolen property. Law enforcement officials shall be notified immediately upon seizure of such dangerous items or

seizure of items that schools are required to report to law enforcement agencies under the Statewide School Safety Information Policy. Any items seized by the public school principal or his/her designee shall be removed from the locker and held by school officials for evidence in disciplinary proceedings and/or turned over to law enforcement officials. The parent/guardian of a minor pupil, or a pupil eighteen (18) years of age or older, shall be notified by the public school principal or his/her designee of items removed from the locker.

### **Notice of Policy**

A copy of the local school board policy regarding locker searches shall be provided annually to each pupil and parent/guardian of the pupil assigned a school locker.

### **References**

The Revised School Code, 380.1306, 2000 PA 87 (Locker Searches)



# Eau Claire Public Schools

## Student/Parent Petition for Reinstatement

An expelled student may apply to attend the same school or to a different school. This is called a Petition for Reinstatement. Typically, students who are expelled, must wait 180 days before filing a petition to ask for reinstatement.

### **A Requests to Petition the Board of Education for Reinstatement is made:**

- The District will provide the process and necessary forms for filing a petition.
- Once the Petition is completed, the petition must be filed at the Superintendent's office.
- The Board of Education will make a committee to review the petition within **10 school days** after the petition is filed. The review committee is made up of school board members, a teacher, an administrator, and a parent of another student in the district.
- The Review committee will submit a written opinion of the request, which includes suggestions and conditions should the Board agree to reinstatement.
- The Petition goes before the Board of Education for acceptance or denial.

### **The Review Committee:**

1. The committee looks at:
  - ❖ The risk of harm to other students if the student returns to school
  - ❖ The risk of individual or school district liability
  - ❖ The age and maturity of the student
  - ❖ The student's school record before he or she was expelled
  - ❖ The student's attitude about the incident that caused the expulsion
  - ❖ The student's behavior since the expulsion
  - ❖ The degree of cooperation by the student's parent(s)/guardian
2. The committee will put their official opinion in writing. The opinion must be reviewed at the next regularly scheduled board meeting.

### **School Board Makes the Decision:**

1. At the next regularly scheduled School Board Meeting:
  - a. The student and parent(s)/guardian must attend.
2. The school board will review the Committee's opinion and either approve or reject the petition.
3. The school board's approval to reinstate a student can be conditional.
4. The District may require the student and parents to agree in writing to specific conditions for returning. (Examples of some possible conditions are signing a behavior contract, and attending anger management or counseling.)

*(February 2019)*

Student/Parent Petition for Reinstatement

**Eau Claire Public Schools**

- I am seeking reinstatement to **Eau Claire Public Schools** for the \_\_\_\_\_ school year.
- I last attended **Eau Claire Public Schools** in 20\_\_\_\_\_ and was in Grade \_\_\_\_\_.

**Student Requesting to Petition the Board of Education for Reinstatement:**

Student Name:	D.O.B.:
Address:	Parent/Guardian:
City/Zip:	Phone:

**Checklist for Completing Petition**

All items below must be included with your petition and labeled with your full name. Incomplete petitions will not be reviewed. Your petition for reinstatement shall (must) consists of (*\* If requested at the time of the suspension/expulsion*):

1. **SIGNED cover sheet (this form).**
2. **Written Statement:** A typed statement (500-1000 words) from you that addresses all **five (5)** of the following:
  - 2.1. Your prior history with *Eau Claire Public Schools*.
  - 2.2. Circumstances (*what led you to make the choices that led to your suspension/expulsion*) that affected your ability to meet academic or behavioral expectations of *Eau Claire Public Schools*.
  - 2.3. Steps you have taken to improve/change the situation that led to suspension/expulsion.
  - 2.4. Specific steps and strategies you will use to achieve success should you be approved for reinstatement.
  - 2.5. Your long-term academic and career plans and how your studies at *Eau Claire Public Schools* will help you in achieving your goals.
3. **\*Supporting Documentation:** It is your responsibility to demonstrate how and what you have done (changed) to justify readmission to *Eau Claire Public Schools*. This includes any documentation that was required by the Board at the time of the suspension/expulsion. You may also submit documentation from counselors, teachers, and/or others you feel relevant to the situation. For example: if you have received counseling support, supply a letter from your provider stating your progress and whether you are well enough to return.
4. **\*Transcripts:** It is your responsibility to complete online courses or any other classes during the expulsion, you must provide copies of all academic transcripts and placement test scores. Unofficial transcripts are acceptable.

I have read this form and all instructions carefully. I understand that an incomplete petition may not be accepted.

**Student Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Parent/Guardian Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Eau Claire Public Schools Progressive Behavior Matrix**  
A Continuum of Disciplinary Responses to Student Misconduct

**Tier I- Tier II: Mild to Moderate Violations**  
(Low level disruption to learning environment)

VIOLATIONS	Tier I (Teacher Managed)		Tier II	Tier III (Habitual problem)
	CONSEQUENCE 1	CONSEQUENCE 2	CONSEQUENCE 3	CONSEQUENCE 4
<b>Tardy</b> * Per 9 Weeks	<b>For tardy 1-2 Verbal Warning</b>  Parent Contact (by reporting staff member)  Log Behavior/ Parent contact details	<b>Tier I: Behavior Referral</b>  3rd Tardy 1 Lunch Detention  Parent Contact (by reporting staff) Log Behavior/ Parent contact details	<b>Tier II: Behavior Referral</b>  4th Tardy 3 Lunch Detentions  Parent Contact (by reporting staff) Log Behavior/ Parent contact details	<b>Tier III: Behavior Referral</b>  5th Tardy 1 day of ISS  Parent Contact (by Administrator) *Referral to Mental Health Coordinator
<b>Inappropriate Language</b>	<b>Verbal Warning/ Redirection</b>  Staff Logs Behavior in SWIS/ POWERSCHOOL	<b>Tier I: Behavior Referral</b>  Lunch Detention  Parent Contact (by reporting staff)  Log Behavior/ Parent contact details	<b>Tier II: Behavior Referral</b>  1 Day ISS  Parent Contact (by Administrator)  Log Behavior/ Parent contact details	<b>Tier III: Behavior Referral</b>  3-5 days ISS  Parent Conference (with Administrator)  Log Behavior/ Parent contact details  *Referral to Mental Health Coordinator
<b>Physical Contact (Horse Play)</b>				
<b>Defiance / Disrespect / Non-Compliance</b>				
<b>Disruption</b>				
<b>Property Misuse</b>				
<b>Dress Code Violation</b>				
<b>Inappropriate Display of Affection</b>				
<b>Inappropriate Location / Out of Bounds Area</b>				
<b>Technology Violation</b>	<b>Verbal Warning/ Redirection</b>  Staff Logs Behavior in SWIS/ POWERSCHOOL	<b>Tier I: Behavior Referral</b>  Lunch Detention  Parent Contact (by reporting staff) Log Behavior/ Parent contact details	<b>Tier II: Behavior Referral</b>  1 Day ISS  Referring staff Log Behavior Parent Contact (by Administrator)	<b>Tier III: Behavior Referral</b>  3 days ISS  Parent Conference with Administration Referring staff Log Behavior

VIOLATIONS	Tier I (Teacher Managed)		Tier II	Tier III (Habitual problem)
	CONSEQUENCE 1	CONSEQUENCE 2	CONSEQUENCE 3	CONSEQUENCE 4
<b>Personal Electronic Device (PED) (Cell Phone)</b>	<b>Verbal Warning/Redirection</b>  Staff Logs Behavior in SWIS/ POWERSCHOOL	<b>Tier I: Behavior Referral</b>  Lunch Detention Parent Contact (by reporting staff) Log Behavior/ Parent contact details  Student picks up phone from office at the end of the day.	<b>Tier II: Behavior Referral</b>  1 Day ISS Referring staff Log Behavior  Parent Contact (by Administrator)  Parents may pick up the phone at the end of day.	<b>Tier III: Behavior Referral</b>  3 Day ISS Referring staff Log Behavior  Parent Conference with Administrator  Parents may pick up the phone at the end of day.
<b>Cheating/Academic Misconduct</b>	<b>Tier II Behavioral Referral</b>  1 Day ISS & Grade of Zero  Parent Contact (By Administration)		<b>Tier III Behavioral Referral</b>  1-3 Days OSS Loss of Credit in Class  Parent Conference With Administrator *Student success team meeting & parents	
<b>Other Behaviors</b> Infractions of school rules not covered by the categories described.	<b>Verbal Warning/Redirection</b>  Staff Logs Behavior in SWIS/ POWERSCHOOL	<b>Tier I: Behavior Referral</b>  Lunch Detention  Parent Contact (by reporting staff)  Log Behavior/ Parent contact details	<b>Tier II: Behavior Referral</b>  1 -3 Days ISS  Parent Contact (by Administrator)	<b>Tier III: Behavior Referral</b>  3-5 Days OSS  Parent Contact (by Administrator)
<b>Skipping</b>	<b>Tier II Behavioral Referral</b>  1st Incident 1 day ISS  Parent Contact (By Administration)	<b>Tier II Behavioral Referral</b>  2nd Incident 3 days ISS  Parent Contact w/ Administrator  *Referral to Mental Health Coordinator	<b>Tier III Behavioral Referral</b>  3rd Incident 1 day OSS  Parent Conference With Administrator  *Student success team meeting & parents.	<b>Tier III Behavioral Referral</b>  4th Incident 3 days OSS  Parent Conference With Administrator  *5th Incident recommended for Expulsion

\*Once a student has received a **“Consequence 4”** the above violations move to a Major (Tier III).

**Major Violations (Tier III)  
Administrator Managed**

\*Student is immediately removed from the classroom/situation.

\*Depending on the severity, discipline will be imposed on an escalating scale ranging from 1-3 days of ISS to the extreme (recommendation for expulsion). Assigned levels are based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation.

<b>VIOLATION</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4</b>
<b>Pulls Fire Alarm</b>	<b>Tier III Behavioral Referral</b>  1-3 Days OSS  Parent Contact (By Administration)	<b>Tier III Behavioral Referral</b>  3-5 Days OSS  Parent Contact w/ Administrator  *Referral to Mental Health Coordinator	<b>Tier III Behavioral Referral</b>  7 Days OSS  Parent Conference With Administrator  *Student success team meeting & parents.	<b>Tier III Behavioral Referral</b>  10 Days OSS  Parent Contact by Administrator  *Recommendation for Expulsion  * Involve Law Enforcement
<b>Inappropriate Language / Profanity Directed towards staff.</b>				
<b>Severe Disruption</b>				
<b>Severe Defiance / Disrespect / Insubordination / Non-Compliance</b>				
<b>Gang Affiliation Display</b>				
<b>Property Damage / Vandalism</b>				
<b>Forgery / Theft</b>				
<b>Technology Violation</b>				
<b>Harassment / Bullying</b>				
<b>Fighting / Physical Aggression</b>				
<b>Possession of Alcohol, Tobacco, and or Drug Paraphernalia</b>  (Includes Vaping, pipes, rolling papers, blunts, scales, etc. and/or look alike drugs.)	<b>Tier III Behavioral Referral</b>  1-3 Days OSS  Parent Contact w/ Administrator  *May Involve Law Enforcement	<b>Tier III Behavioral Referral</b>  3-5 Days OSS  Parent Conference With Administrator  *Referral to Mental Health Coordinator  *May Involve Law Enforcement	<b>Tier III Behavioral Referral</b>  5-7 Days OSS  Parent Conference With Administrator & Superintendent  * Involve Law Enforcement	<b>Tier III Behavioral Referral</b>  10 Days OSS  Parent Contact by Administrator  *Recommendation for Expulsion  * Involve Law Enforcement

VIOLATION	LEVEL 3	LEVEL 4
<p><b>*Using Alcohol, Tobacco, and or Drug Paraphernalia</b> (Includes Vaping, pipes, rolling papers, blunts, scales, etc. and/or look alike drugs.)</p>	<p><b>Tier III Behavioral Referral</b> 5-7 Days OSS Parent Conference With Administrator &amp; Superintendent  * Involve Law Enforcement</p>	<p><b>Tier III Behavioral Referral</b> 10 Days OSS Parent Contact by Administrator  *Recommendation for Expulsion  * Involve Law Enforcement</p>
<p><b>Drug Delivery or Receipt</b> (The act of delivering, receiving, purchasing, selling, or supplying of a controlled or alleged controlled substance).</p>		
<p><b>Bomb Threats or Similar Threats</b></p>		
<p><b>Physical Assault - Student to Student</b></p>		
<p><b>Hazing</b></p>		
<p><b>Extortion</b></p>		
<p><b>Use / Possession of Combustibles</b> (Excluding matches &amp; lighters)</p>		
<p><b>Physical Assault- Student to Employee, Contractor or Volunteer</b></p>		
<p><b>Aarson</b></p>		
<p><b>Criminal sexual Conduct</b></p>		
<p><b>Use / Possession of weapons</b>  <i>* Administration MUST notify parents and Law Enforcement [MCL 380.1313(1)]</i></p>	<p><b>Tier III Behavioral Referral</b> <b>10 Days OSS</b> Parent Contact by Administrator *Recommendation for Expulsion * Involve Law Enforcement</p> <p>Note that under Michigan law, school boards are not required to expel a student for weapons possession if the student can establish in a clear and convincing manner at least one of the following:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The weapon was not knowingly possessed by the student.</li> <li>• The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.</li> <li>• The weapon was possessed by the student at the suggestion, request or direction of, or with the express permission of school or police authorities.</li> </ul>	