



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



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SUPERINTENDENT OF  
PUBLIC INSTRUCTION

September 30, 2005

**MEMORANDUM**

TO: State Board of Education

FROM: Michael P. Flanagan, Chairman 

SUBJECT: Presentation on Department of Education's Efforts Regarding  
Zero Tolerance Including the Draft of the Model Code of Student  
Conduct

At the request of the State Board of Education, the Department of Education reviewed the 2001 Model Code of Student Conduct. In response to this review, the document was revised as the Model Code of Student Conduct 2005 (see attached). The code was developed by the Michigan Department of Education's Coordinated School Health and Safety Programs Unit, the Bureau of School Finance and School Law, and the Teacher of the Year. The revisions occurred in four major areas:

1. Due Process Procedures – These procedures were placed at the beginning of the document to ensure that families and students understand the consequences of violating the code, and are aware of the guidance available to effectively deal with a violation.
2. School Law Updates - Includes any updates in school law as related to the Model Code of Student Conduct since 2001.
3. Promising Practices - Recent contributions of Michigan educators, who have integrated into their buildings, the use of school-wide approaches to achieve appropriate student conduct, positive behavior supports and interventions, and other effective pro-social practices. When a violation occurs, new language has been added to recommend schools consider the opportunity for the offender to make restitution and explore how to offer restoration to the school community members (educators, students, and parents).

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4. Collaboration – Efforts were made to illustrate the significance of a shared partnership between school community members (educators, students, and parents). Collaborative leadership and responsibility between each member increases the likelihood of academic success for all students.

This revision will be posted on the Department of Education website for public review at the "What's New" link. In addition, an introductory letter and the Model Code of Student Conduct 2005 will be mailed to key stakeholders invested in academic success for all students.

The Model Code of Student Conduct 2005 is intended to be modified after the public's review and comments, collected between October 12, 2005 and October 30, 2005.

Attachment

# Michigan Department of Education

## MODEL CODE OF STUDENT CONDUCT 2005

### Preamble

Creating safe and drug-free schools requires the commitment of the entire community, including families, schools, and community leaders. The Michigan Department of Education encourages each school district to take the lead in bringing all of its community's resources together, to ensure welcoming, safe, gun-free, and drug-free schools for all students.

Children thrive in academic environments in which equal amounts of challenge and support are applied. In addition to balancing these goals, schools find an increase in appropriate student behavior when there is school wide focus on respect, positive behavior supports, and a proactive approach to prevent disruptive and/or dangerous behavior. Students adopt enduring and lifelong learning in school communities that model a high degree of respect and consistency between what each member of the community says and how each one behaves. In addition to support, high expectations, and consistency, the school community's code of conduct requires explicit language regarding the boundaries, consequences, and behavior of all students. A positive behavioral approach and the activation of early interventions will build the school community's capacity to both avert worst case scenarios and consequences and will promote pro-social behavior.

Positive peer pressure and support for a pro-social climate requires a collaborative approach between the adults and students in a school building, and in the district. Chances for success are greatest when input from all school community partners, is included. Student contributions and leadership are essential to success in the classroom, and in the larger school community. Students, and their partners in the school, are encouraged to work collaboratively to define and enforce high expectations, positive conduct, boundaries, and consequences.

The layout of this document intentionally articulates the proactive steps of positive behavior supports available before articulating the school community's consequences for disruptive conduct. Recommended responsibilities of each school community member are listed below.

Students have the responsibility to

1. Accept that learning is their responsibility and that it is a lifelong process.
2. Attend school regularly, arrive on time and be prepared to learn.
3. Conduct themselves in a mutually respectful and accountable manner in class, on school grounds, on buses, or at any school-related activity.
4. Respect all of the rights and feelings of fellow students, parents, teachers, secretaries, custodians, aides, paraprofessionals, and other school personnel and 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 formulating rules and procedures in the school.

Parents have the responsibility to:

1. Support the schools' efforts to provide a safe and orderly learning environment.
2. See that the student attends school regularly and on time.
3. Provide for the general health and welfare of the student.
4. Provide a home atmosphere and study area suited for learning and the development of good study habits.
5. Work within the existing structure of the school to address concerns.
6. Know and support the school and district rules and policies.
7. Participate in formulating rules and procedures in the school.

School District staff members have the responsibility to:

1. Provide a mutually respectful and accountable atmosphere for learning and teaching.
2. Accept students as important and worthwhile individuals.
3. Cooperate and schedule conferences with students, parents, and other school personnel in an effort to understand and resolve academic and behavioral problems.
4. Enforce the rules and policies consistently and fairly.
5. Encourage students to participate in classroom, extracurricular, and other school-related activities.
6. Participate in formulating rules and procedures in the school.
7. Keep parents informed of a student's challenges, effort, and success.

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."

This Model Code of Student Conduct is provided as a tool to assist Michigan school districts in developing, updating, or revising their local codes. This document may be modified to reflect local school district policy and procedure.

A school district interested in developing a school-wide approach to behavior and discipline will find helpful information on the following web sites:

- <http://www.cenmi.org>
- <http://www.pbis.org/main.htm>
- <http://www.cec.sped.org/osep/recon.html>
- [http://www.ed.gov/admins/lead/safety/actguide/action\\_guide.txt](http://www.ed.gov/admins/lead/safety/actguide/action_guide.txt)

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# SECTION I

## INTRODUCTION

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The [insert the name of the school district] is dedicated to creating and maintaining a positive learning environment for all students. Teachers, administrators, parents, and students 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.

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. When determining the mutually respectful action to be taken as a consequence of student misconduct, school officials may use intervention strategies and/or disciplinary actions, depending upon 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.

The Code of Student Conduct will be administered uniformly and 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. (A Sample Notice of Nondiscrimination is provided as Attachment 4.)

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

The Code of Student Conduct applies before, during, and after school:

When a student is at school:

"At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event, whether or not it is held on school premises.

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.

"Student" is a person enrolled in grades K-12. Children, not yet in kindergarten, are unable to understand this code of student conduct and should be subject to behavior management and discipline policies appropriate to their ages and levels of understanding. (As parents and students obtain, read, and discuss the Code of Student Conduct, refer to Attachment 2, an official Acknowledgement of Receipt of the Code of Student Conduct.)

## SECTION II

### DUE PROCESS PROCEDURES

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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. In *Goss v. Lopez*, the U.S. Supreme Court found that students had a property interest in educational benefits and a liberty interest in their reputations, both of which qualify for Fourteenth Amendment protection. Substantive due process demands that a school rule must be reasonable and fair. Procedural due process protections apply to 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.

In developing a policy governing school rules and regulations, the following principles to assure substantive due process should be considered:

The policy must provide notice of what conduct is prohibited or permitted.

- The rules must be reasonably understandable to the average child/student, taking into account the age of the individual child/student.
- The rules must be rationally related to a valid educational purpose.
- The rules must be precise so as not to prohibit constitutionally protected activities.

The policy must provide students with notice of potential consequences for violating specific rules. Potential consequences may include physical management.

The type of punishment specified in the policy must be within the expressed or implied authority of the school district to utilize.

The punishment must be of reasonable severity in relation to the seriousness of the misconduct or the number of times the misconduct was committed.

- A copy of the rules and procedures must be disseminated to all students.

The following are some of the elements of procedural due process that should be considered:

- The timely and specific notice of charges against a student.
- The student's right to question school staff or students involved in or witness to the incident.

The student's right to present evidence on his or her behalf.

- The student's right to an impartial hearing.
- The student's right to rebut adverse testimony.
- The student's right to be represented by qualified counsel at the hearing.

The student's right to a record of the hearing.

The student's right to appeal.

## **SECTION II**

### **DUE PROCESS PROCEDURES**

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

A short-term suspension occurs when a student is suspended for one (1) school day, up to and including ten (10) 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 suspension of ten (10) 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 at the student's school. If a short-term suspension is contemplated, the principal or assistant principal 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. The student shall be given the opportunity to present an explanation or a differing statement of the facts.

If the misconduct is found, the principal may authorize disciplinary action in accordance with this Code of Student Conduct, including short-term suspensions. Students 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 ten (10) school days. During a long-term suspension, the student's rights and privileges of attending school, including extracurricular activities, are suspended.

An expulsion occurs when the school district's board of education terminates the student's rights and privileges to attend school, including extracurricular activities. An expulsion is for an indefinite time, unless otherwise specified by the school board or state law.

## SECTION II

### DUE PROCESS PROCEDURES

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#### 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. The student shall be given reasonable time to prepare for a hearing. The person conducting the disciplinary hearing must be impartial.

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. Based upon the results of this hearing, the school district's board of education has the exclusive and final authority to expel a student from the school district.

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

The board of education or its designee shall conduct a hearing, which may be recorded. 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.

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.

## SECTION II

### DUE PROCESS PROCEDURES

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#### Appeal Process

A student that disagrees with the decision of the board of education 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. If granted, the board shall notify the student in writing of the procedures to be used for the appeal or the request for reconsideration.

## SECTION III

### TYPES OF SUSPENSIONS AND EXPULSIONS

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The Revised School Code provides each school district with the authority to establish a local discipline policy. Each local school board or its designee has the authority to suspend or expel students guilty of "gross misdemeanor or persistent disobedience." Districts are required to develop and implement a code of student conduct and to enforce its provisions with regard to student misconduct in a classroom, on school grounds, 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 grounds.

In addition to the suspension and expulsion of students who commit violations identified in a district's code of student conduct, Michigan law requires a school district to permanently expel a student who possesses a dangerous weapon, commits arson, criminal sexual conduct or a physical assault against a school employee or volunteer. Michigan law also requires school districts to suspend or expel a student for up to 180 school days who commits a physical assault against another student; requires that a student be suspended or expelled for a bomb threat, or similar threat; and allows a one-day snap suspension by a teacher for a student who creates a safety threat. The following information describes the law.

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

School districts are required to permanently expel a student who possesses a dangerous weapon, commits arson, or criminal sexual conduct in a school building or on school grounds, subject to possible reinstatement [MCL 380.1311]. 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 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. 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.

## SECTION III

### TYPES OF SUSPENSIONS AND EXPULSIONS

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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. At the school district's discretion, the district may admit the student to that program or a "strict discipline academy."

#### 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]. "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 in attendance at 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 or Volunteer

A student in grade six (6) or above who commits a physical assault against an employee 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 who commits physical assault against an employee 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. At the school district's discretion, the district may admit the student to that program or a "strict discipline academy."

#### 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

## SECTION III

### TYPES OF SUSPENSIONS AND EXPULSIONS

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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 of the school board, as described in MCL 380.1311(1) on behalf of the school board, 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. The school board policy should include the types of behavior for which a student who makes a bomb threat, or similar threat, would be suspended or expelled.

#### Verbal Threat Against an Employee

If a student in grade six (6) or above commits a verbal threat, as defined by school board policy, at school against a person employed by or engaged as a volunteer or contractor by the school board, then the school board or its designee shall 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)].

#### Teacher “Snap” Suspension

A teacher may suspend a student from the classroom for up to one day if the student creates a safety threat 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. A parent-teacher conference shall follow the suspension as soon as possible and may include a school counselor, school psychologist, or school social worker. 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].

Insert the school district policy on Teacher “Snap Suspension” here.

#### Petitioning for Reinstatement

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 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 the petition for reinstatement. The school board is not required to assist in the preparation of the petition. If a petition form is requested by a

## SECTION III

### TYPES OF SUSPENSIONS AND EXPULSIONS

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person wishing to be reinstated, the school board must make the petition form available. (A form for a Petition of Reinstatement is provided as Attachment 3.)

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 any time after 60 school days following the date of the expulsion. A 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, a petition for reinstatement may be initiated at any time, and the student may be reinstated 10 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, 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 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 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.

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

Insert the school district policy specifying petition of reinstatement procedures for students expelled for reasons other than weapons, arson, criminal sexual conduct, and student to employee physical assault here.
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#### Committee Review and Recommendation

The local school board may include conditions in a petition for reinstatement. 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.

## **SECTION III**

### **TYPES OF SUSPENSIONS AND EXPULSIONS**

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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.

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.

#### **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 to either reinstate the student, conditionally reinstate the student, or 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:

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### TYPES OF SUSPENSIONS AND EXPULSIONS

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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 an 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-handicapped student who is subject to the compulsory education requirements, is not required to provide an alternative education program for a student.

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 Expulsion

A student that has been expelled for weapons, arson, criminal sexual conduct or physical assault against an employee 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 and at the school district's discretion admits the student to that program or strict discipline academy [MCL 380.1311(2) and 380.1311a(2)].

A program operated for mandatory 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].

Insert the school district information on educational options and alternative programs available for students suspended or expelled here.
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## SECTION IV

### VIOLETIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES

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#### Student Rights and Responsibilities

Individual rights relate to individual responsibilities and must be seen in relationship to the safety, health and welfare of all students in each school. 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 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.

All students should recognize the consequences of their language, manners, and actions toward each other and school staff. 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.

If a student feels unsafe or is threatened, the student or the student's parent/guardian should contact the principal.

#### Violations of the Code of Student Conduct

Student misconduct is classified into three levels. In addition to these three levels of discipline, a teacher may suspend a student for his or her conduct in a class, subject or activity. The definitions of misconduct at each level 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.

School district staff may use intervention strategies such as teacher/student conferences, auxiliary staff/student intervention, and teacher/parent/guardian contacts for Level 1 and Level 2 violations. The staff will refer Level 3 violations directly to school administrators, because of 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 will act to impose any mandatory sanctions.

#### LEVELS 1, 2, and 3 Violations and School Community Responses

The school district may modify the following violation levels and definitions to meet local needs and policies.
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The school community will check that students understand what is respectful and accountable conduct toward themselves, their peers, adults, and property. The

## **SECTION IV**

### **VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES**

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school community will want to use a positive behavioral support and intervention approach as they respond to student conduct. Whenever possible, interventions aimed at restoring both the victim(s) and offender(s) will contribute to a positive school climate. As referenced in this document's preamble, resources and technical assistance exist to develop and maintain a positive behavior support plan. In the event that students violate the following rules, the school community will apply support and guidance to increase the opportunity for the student to offer restitution and to learn from mistakes. Restoring students and those affected by their behavior is the outcome of this approach. Depending on severity or repetition, a Level 1 violation may be reclassified as a Level 2 or Level 3 violation.

#### **Level 1 Violations**

- 1. 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.
- 2. 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.
- 3. Disorderly Conduct**  
A student will not harass others or 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.
- 4. Inappropriate Displays of Affection**  
Students will not engage in inappropriate displays of affection, such as kissing or long embraces of a personal nature.
- 5. Inappropriate 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. A student will not dress in a manner that is distracting or indecent, to the extent that it interferes with the learning and teaching process.

## SECTION IV

### **VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES**

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**6. Insubordination/Unruly Conduct**

A student will not 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.

**7. Leaving School Without Permission**

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

**8. Negligent or Improper Operation of a Motor Vehicle**

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

**9. Profanity and/or Obscenity Toward Students**

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

**Sexual Harassment (Level 1)**

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.

**Smoking**

A student will not smoke, use tobacco, or possess any substance containing tobacco in any area under the control of a school district, including all activities or events supervised by the school district.

**12. Tardiness**

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

**13. Technology Abuse**

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

**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, computer games, radios,

## SECTION IV

### VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES

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television sets, cassette players, compact disk players, or other personal entertainment devices. Certain devices may be permitted for health or other reasons, if approved by the administration.

15. **Inappropriate Use of Electronic Communication Devices**  
Students may possess a cellular telephone or other electronic communication devices 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. The use of cell phones and other electronic communication devices in locker rooms or bathrooms is prohibited. In no case will any cellular phone or electronic communication device be allowed that provides for a wireless, unfiltered connection to the Internet.
16. **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.
17. **Truancy**  
A student will not fail to report to the school's assigned class or activity without prior permission, knowledge or excuse by the school or parent/guardian.
18. **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 Level 1 Violations

School administrators and staff may use mutually respectful and accountable intervention strategies, as determined by local district policies including, but not limited to, 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. Any of the following intervention strategies and disciplinary actions may be used:

- 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.

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### **VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES**

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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 offender and offended.
- 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.
- Out-of-school suspension (short-term) from one (1) school day up to and including ten (10) school days.  
Law enforcement agency notification.

#### Level 2 Violations

The school community will persistently check that students know 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 the support and guidance to increase the opportunity for the student to both offer restitution and learn from mistakes. Depending upon severity or repetition, a Level 2 violation may be reclassified as a Level 3 violation.

#### **1 Bullying/Harassment/Intimidation**

"Bullying, 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. Bullying, harassment or intimidation includes, but is not limited to, such a gesture or written, verbal, or physical act, that is reasonably perceived as being motivated by a student's religion, race, ethnicity, national origin, age, gender, sexual orientation, disability, height, weight, socioeconomic status, or by any other distinguishing characteristic.

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### **VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES**

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- 2. 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.
- 3. Failure to Serve Assigned Detention**  
A student will not fail to serve an assigned detention of which students and/or parents/guardians have been notified.
- 4. 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 or falsely obtain money or property.
- 5. 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.
- 6. Forgery**  
A student will not sign the name of another person for the purpose of defrauding school personnel or the Board of Education.
- 7. 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.
- 8. 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.
- 9. 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.

## **SECTION IV**

### **VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES**

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Gang activity includes:

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

**10. 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 "hazing" does not include activity that is normal and customary in an athletic, physical education, military training, or similar program sanctioned by the school district. Further, 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].

**11. 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.

**12. Loitering**

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

**13. 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.

## SECTION IV

### **VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES**

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- 14. Sexual Harassment (Level 2)**  
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.
- 15. 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 \$100.00 or less which does not belong to the student.
- 16. Threat/Coercion**  
A student will not threaten another with bodily harm. A student will not coerce another to act or refrain from acting.

#### School Community Responses to Level 2 Violations

The school district may modify this list in accordance with alternatives available to the district, such as conflict resolution or peer mediation programs.

Intervention strategies are not limited to those listed herein. Other methods of addressing misconduct may be more appropriate, depending upon the circumstances. Any or all of the following intervention strategies and disciplinary actions may be used:

- Any school response to a Level 1 violation, listed above.
- Out-of-school suspension (short-term) for one (1) school day, up to and including ten (10) school days.  
Teacher "snap suspension." (See Section III, Page 8.)

#### Level 3 Violations

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 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. Depending on severity or repetition, a Level 1 or Level 2 violation may be reclassified as a Level 3.

## **SECTION IV**

### **VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES**

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- 1. 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.
- 2. 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, on school grounds or other school property, the school board or its designee shall 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].
- 3. Extortion**  
A student will not make another person do any act against his or her will, by force or threat of force, expressed or implied.
- 4. 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 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 shall 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)].
- 5. Felony**  
A student will not commit a criminal act that results in being convicted or, in some cases, charged with a felony offense.
- 6. Fireworks**  
A student will not possess, handle, transmit, conceal, or use any fireworks or firecrackers.

## SECTION IV

### VIOLETIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES

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- 7 Interference with School Authorities**  
A student will not interfere with administrators, teachers or other school personnel by threat of force or violence.
- 8. 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 shall suspend or expel the student from the school district for up to 180 school days [MCL 380.1310(1)].
- If a student enrolled in grade six (6) or above commits a physical assault at school against a person employed by, or engaged as a volunteer or contractor by the school board, then the school board or its designee shall expel the student from the school district permanently, subject to possible reinstatement under MCL 380.1311a(5). [MCL 380.1311a(1)].
- "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence. [MCL 380.1310(3)(b), MCL 380.1311a(12)(b)].
- 9. 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 criminal sexual conduct in a school building, on school grounds or any other school property, the school board or its designee shall expel the student from the school district permanently, subject to possible reinstatement, 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.
- 12. Verbal Threat Against an Employee**  
If a student enrolled in grade six (6) or above commits a verbal threat, as defined by school board policy, at school against a person employed by or engaged as a volunteer or contractor by the school board, then the school

## SECTION IV

### VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES

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board or its designee shall suspend or expel the student from the school district for a period of time as determined in the discretion of the school board or its designee [MCL 380.1311a(2)].

#### **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].

#### **15. Weapons: Use of Legitimate Tools as Weapons**

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

#### **School Community Responses to Level 3 Violations**

Any or all of the following intervention strategies or disciplinary actions may be used:

- Any school response to a Level 1 or 2 violation, previously listed.
- Recommendation to the Board of Education or its designee for long-term suspension or expulsion.
- Placement in an alternative education program or transfer to another building.

Insert the school district's information, educational options and alternative programs available for students suspended or expelled here. (See Section III, Page 11.)
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- In the event 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 days after the expulsion, an official of

## **SECTION IV**

### **VIOLATIONS OF THE CODE OF CONDUCT AND THE SCHOOL COMMUNITY RESPONSES**

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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)].

Requesting an emotional, behavioral, and/or chemical dependency evaluation and treatment and/or counseling recommendation. 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**

### **SCHOOL COMMUNITY AND OTHER AGENCY AUTHORITY**

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#### **School Authority**

The authority of any member of the school staff extends to all school district students while the students are 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.

#### **School Activities**

A student who is suspended from school for any reason will not be allowed to practice, participate in, or attend any school activity, regardless of location, during the suspension (including weekends and/or holidays).

#### **Maintaining Class Progress**

When appropriate in the judgment of the principal, a suspended student may maintain academic progress under the terms and conditions set by the principal.

#### **Interviews of Students by Police or Other Public Agencies**

The school district endeavors to cooperate with law enforcement agencies and child protection services. Students may be interviewed in school by law enforcement officials. School officials will grant law enforcement interviews with a student after considering the (1) type of incident; (2) seriousness of the incident; (3) age and maturity of the student; (4) relationship of the incident to school and the educational process; (5) whether time is of the essence; (When practical, school personnel will be present during the police interview, and an attempt will be made to contact the parent/guardian prior to the interview. If the child/student is a minor and the parent was not present during the interview, the parent/guardian will be notified by the principal that an interview has taken place). School personnel are encouraged to request that the law enforcement interviewer has had appropriate training and/or work with the age of the child being interviewed, or trained to work with a team, composed of appropriately-trained personnel, conducting the interview. Law enforcement may request that the child's parent/guardian not be contacted prior to the interview. Should this occur, and the child is a minor, the parent/guardian is to be notified following the interview similar to other situations when the parent is not present.

#### **Notification to Law Enforcement Agencies**

State law requires each school board to comply with the statewide school safety information policy [MCL 380.1308]. The statewide school safety policy requires incidents of violence occurring at school be reported to a local law enforcement agency.

## SECTION VI

### OTHER STUDENT RESPONSIBILITIES

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The school community encourages student responsibility in terms of attendance, technology, and property. The expectations for these three 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.

Insert the school district's attendance policy here.

#### Technology

The student will respect the 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, outlining the terms and conditions of technology use and rules of online behavior and access privileges. It is often included in a school district's Code of Student Conduct.

Information regarding the development of an effective Acceptable Use Policy can be accessed at the website provided by the Regional Educational Media Center (REMC) Association of Michigan. <http://www.remctoolkit.org/aup.htm>

#### Property

The student will respect the school district provided lockers by adhering to the district's policy. The Model Policy on Searches of Pupils' Lockers and Locker Content is included as Attachment 1.

This model policy for locker searches was developed by the Michigan Department of Education, in collaboration with other state and local agencies, pursuant to the Revised School Code, 380.1306(5), 2000 PA 87.\* It may be adopted by Michigan school districts and public school academies for the purposes of this legislation, and may be modified to adequately reflect local school district policy and procedure.

## MODEL 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 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 parental/guardianship or pupil consent.

The public school principal or his/her designee shall not be obligated, 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)

New Jersey v. T.L.O., 469 U.S. 325 (1985)

U.S. Constitution, Amendment IV

\*If the board of a school district, local act school district, or intermediate school district or board of directors of a public school academy operates a school that has pupil lockers, the board or board of directors shall adopt a policy on searches of pupils' lockers and locker contents. The board or board of directors shall provide a copy of this policy to each pupil at a school that has lockers and to the parent or legal guardian of each of those pupils. The board . . . shall also provide a copy of the policy to the department upon request by the department. [ 380.1306(2)].

INSTRUCTIONS TO PARENTS/GUARDIANS: Please sign, detach, and return this page to your child's homeroom teacher after reading this Code of Student Conduct, discussing it with your child, and obtaining your child's signature.

**BOARD OF EDUCATION**  
[Insert the school district's name]

**ACKNOWLEDGEMENT OF RECEIPT OF THE CODE OF STUDENT CONDUCT**

Homeroom Teacher: \_\_\_\_\_

Name of Student: \_\_\_\_\_

Distribution Date: \_\_\_\_\_

As the parent/guardian of \_\_\_\_\_, I  
have read and discussed the Code of Student Conduct with my child

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

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Student Signature

This Petition for Reinstatement was developed by the Michigan Department of Education pursuant to the Revised School Code, MCL 380.1311(7) and MCL 380.1311a(7). This form may be adopted or modified at the option of local school districts or petitioners.

PETITION FOR SCHOOL REINSTATEMENT

DATE: \_\_\_\_\_

TO: Board of Education of \_\_\_\_\_  
[Insert Name and Address of School District]

FROM: \_\_\_\_\_, Petitioner  
[Insert Name of Petitioner]

1. Status of Petitioner:

- Parent(s) or Legal Guardian(s) of the Expelled Individual
- Expelled Individual (18 Years of Age or Older).
- Expelled Individual (as an Emancipated Minor). *A copy of the court order of emancipation must be attached.*

2. This Petition for Reinstatement is made on behalf of:

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Telephone # \_\_\_\_\_

Address: \_\_\_\_\_

3. Parent(s) or Legal Guardian(s) of the Expelled Individual (Include names, addresses, and telephone numbers of both parents/legal guardians, if appropriate):

Parent(s)       Legal Guardian(s)

Name(s): \_\_\_\_\_ Telephone #: \_\_\_\_\_

Address: \_\_\_\_\_

Parent(s)       Legal Guardian(s)

Name(s): \_\_\_\_\_ Telephone #: \_\_\_\_\_

Address: \_\_\_\_\_

4. Date of expulsion:

5. Grade Level of Expelled Individual:

6. Expelling School District: \_\_\_\_\_  
*[Insert Name of Expelling School District]*

Telephone: \_\_\_\_\_

*[Insert address and telephone number if the above-petitioned school district is not the expelling school district.]*

7. Briefly describe the incident that caused the expulsion:

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8. Has the expelled individual received assistance from a state or county social services agency?

- Yes       No       Refuse to Answer\*

If yes, attach all written documentation prepared by the agency regarding assistance the individual received from the date of expulsion to the date of this Petition.

- Refuse to Provide Documentation\*

9. Has the expelled individual received assistance from a state or county community mental health agency?

- Yes       No       Refuse to Answer\*

If yes, attach all written documentation prepared by the agency regarding assistance the individual received from the date of expulsion to the date of this Petition.

- Refuse to Provide Documentation\*

10. Has the expelled individual received assistance from a private mental health professional from the date of expulsion to the date of this Petition?

- Yes       No       Refuse to Answer\*

If yes, attach a detailed report from the mental health professional setting forth any findings, including results of all tests and examinations performed, diagnosis, conclusions, and treatments provided from the date of expulsion to the date of this Petition.

- Refuse to Provide Documentation.\*

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**Refusal to answer or produce documentation may be considered by the Board in its decision whether or not to reinstate the individual.**

11. Was any criminal or juvenile court action initiated against the expelled individual as a result of the incident that caused the expulsion?

Yes     No

Date	Charge	Case No.	Court, Address and Telephone #	Status of Case

12. Was the expelled individual convicted as:

an adult, or  adjudicated as a juvenile offender as a result of the incident that caused the expulsion?

Yes     No (If yes, attach a copy of the judgment of sentence or order of disposition, and information regarding their probation officer.)

Probation officer: Name and Title: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone # \_\_\_\_\_

13. Other than the incident that caused the expulsion, was the expelled individual charged or convicted of any criminal offense in any court in the United States since the expulsion date?

Yes     No

Date	Charge	Court, Address and Telephone #	Status of Case

14. Describe the expelled individual's attitude concerning the incident that caused the expulsion.

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15. a. Describe the expelled individual's behavior since the expulsion.

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b. List aspects of the expelled individual's prior school record that the Board should take into consideration.

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16. What is the likelihood the expelled individual will be successful if reinstated to public education in the school district?

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17. Attach three letters of reference from persons who are not related to the expelled individual.

understand that I am required to inform the Board of Education of the

School District, in writing, of any change of circumstances from those recorded in this Petition or its attachments. I understand that if I fail to keep the Board of Education informed, that failure may be cause to revoke or deny reinstatement.

I understand that any false, incomplete or inaccurate information recorded in this Petition for Reinstatement or its attachments may result in the denial of this Petition, or revoke the individual's reinstatement to public school.

Signed:

*[Insert Name of Petitioner]*

*[Insert Name of Petitioner]*

Dated:

**SAMPLE NOTICE OF NONDISCRIMINATION**

[Insert the school district's name] does not discriminate on the basis of race, color, and national origin (Title VI of the Civil Rights Act of 1964), gender (Title IX of the Education Amendments of 1972), disability (Section 504 of the Rehabilitation Act of 1973), or age (Age Discrimination Act of 1975) in its programs or activities. The following person(s) have been designated to handle inquiries regarding the nondiscrimination policies:

Name and/or Title  
Address  
Telephone Number

Name and/or Title  
Address  
Telephone Number

Note on use of the above sample notice: The United States Department of Education Office of Civil Rights has indicated that it is acceptable to identify the coordinator of its civil rights programs through the coordinator's position title alone. An acceptable nondiscrimination notice should provide information on how to contact the responsible employee. If a school district designates two different people to coordinate compliance with Section 504 and Title IX, both names or titles should be included in the notice.

For further information on notice of nondiscrimination, see the following website: <http://www.ed.gov/offices/OCR/docs/nondisc.html>).