

This Model Code of Student Conduct was developed by the Michigan Department of Education, in collaboration with other state and local agencies, organizations, educators, and concerned citizens, pursuant to Public Act 263 of 2000. This document may be modified to reflect local school district policy and procedure.

MODEL CODE OF STUDENT CONDUCT

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.

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*, MCLA 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.

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INTRODUCTION

The ↪ INSERT NAME OF 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 appropriate 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.

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; and

When a student is using school telecommunications networks, accounts, or other district services.

ATTENDANCE POLICY:

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 SCHOOL DISTRICT'S ATTENDANCE POLICY ↩

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 good learning environment.

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 I and Level II violations. The staff will refer Level III 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.

A teacher may issue suspensions for up to one day. The principal or assistant principal may issue short-term suspensions. The district's board of education or its designee may issue long-term suspensions or expulsions. (See *Suspension of a Student by a Teacher*, page 12.)

SHORT-TERM SUSPENSION:

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.

LONG-TERM SUSPENSION:

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.

EXPULSION:

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. The parent/guardian of the student may petition the school board to request the student's reinstatement to school, as permitted by state law.

LEVELS I, II, AND III VIOLATIONS

⇒ THE SCHOOL DISTRICT MAY MODIFY THE FOLLOWING VIOLATION LEVELS AND DEFINITIONS TO MEET LOCAL NEEDS AND POLICIES ⇐

Depending on severity or repetition, a Level I violation may be reclassified as a Level II or Level III violation.

LEVEL I 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 wilfully 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.

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 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. 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, personal entertainment devices, computer games, electronic pagers or beepers, radios, television sets, cassette players, compact disc players, telephones, or other personal communication devices. Certain devices may be permitted for health or other reasons, if approved by the principal.

10. 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.

11. Sexual Harassment (Level I)

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.

12. 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.

13. Tardiness

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

14. Technology Abuse

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

15. 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.

16. 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.

SCHOOL RESPONSES TO LEVEL I VIOLATIONS:

School administrators and staff may use appropriate 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;
- Change in student's class schedule;
- School service assignment;
- Confiscation of inappropriate item;
- Restitution/restoration;
- 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 II VIOLATIONS:

Depending upon severity or repetition, a Level II violation may be reclassified as a Level III violation.

1. Bullying/Harassment/Intimidation

"Bullying, harrassment or intimidation" means any gesture or written, verbal, or physical act that a reasonable person, under the circumstances, should know will have the effect or 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, color, national origin, age, sex, sexual orientation, disability, height, weight, socioeconomic status, or by any other distinguishing characteristic.

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.

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

A student will not haze or conspire to engage in hazing of another. As used in this section, "hazing" includes any method of initiation or pre-initiation into a student organization or any pastime, or amusement, engaged in with respect to such an organization which causes, or is likely to cause, bodily danger, physical harm, personal harm, or personal degradation or disgrace. The term "hazing" does not include customary athletic events or similar contests or competitions.

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.

14. Sexual Harassment (Level II)

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 RESPONSES TO LEVEL II 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 I violation, listed above;

Out-of-school suspension (short-term) for one (1) school day, up to and including ten (10) school days.

NOTE: Fighting poses an immediate threat to student safety. In most cases, out-of-school suspension is imposed even for a first offense. The length of suspension will depend on severity or repetition.

Recommendation to the school district board of education or its designees for long-term suspension or expulsion;

Law enforcement agency notification;

Denial of driving privileges.

LEVEL III VIOLATIONS:

Depending on severity or repetition, a Level I or Level II violation may be reclassified as a Level III.

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 in 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.

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 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 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.

10. 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).

11. 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 Assault Against an Employee

➡ THE DISTRICT SHOULD INSERT ITS DEFINITION OF VERBAL ASSAULT AGAINST AN EMPLOYEE HERE. THE BOARD OF EDUCATION SHOULD APPROVE THE DEFINITION OF VERBAL ASSAULT BY APPROPRIATE BOARD ACTION. ↩

If a student enrolled in grade 6 or above commits a verbal assault, 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 in the discretion of the school board or its designee. (MCL 380.1311a[2]).

13. 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.

14. 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).

A “firearm,” as defined in section 921, title 18 of the United States Code (18 U.S.C. § 921) means:

- Any weapon (including a starter gun) which will or is designed to, or may readily be converted to expel a projectile by action of an explosive;
- The frame or receiver of any such weapon;
- Any firearm muffler or firearm silencer; or
- Any destructive device.

The term “firearm” does not include an antique firearm (18 U.S.C § 921).

State law requires the school board or its designee to permanently expel from the school district a student who possesses a “dangerous weapon” in a “weapon-free school zone,” subject to possible reinstatement, pursuant to MCL 380.1311(5). (MCL 380.1311[2]).

However, a school board is not required to expel a student for possessing a weapon if the student establishes in a clear and convincing manner at least one of the following:

- The object or instrument possessed by the student was not possessed by the student 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.

“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).

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 enroute to or from school on a school bus, the superintendent or the school district or intermediate school district, or his or her designee, shall immediately report that finding to the student’s parent or legal guardian and the local law enforcement agency. (MCL 380.1313[1]).

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 RESPONSES TO LEVEL III VIOLATIONS:

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

Any school response to a Levels I or II violation, listed above;

Recommendation to the Board of Education or its designee for long-term suspension or expulsion;

[NOTE: Drug-related behaviors pose an immediate threat to student safety. In all Level III drug-related cases, out-of-school suspension is imposed even for the first offense.]

Placement in an alternative education program or transfer to another building;

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 the school district refers the individual to the appropriate county

department of the family independence agency or county 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 from a source approved by the administration.

Suspension of a Student by a Teacher

A teacher may suspend a student from the teacher's class, subject, or activity for up to one full school day, if the teacher has good reason to believe that the student engaged in any of the following types of conduct in the class, subject or activity:

⇒ THE SCHOOL DISTRICT SHOULD INSERT HERE THE BOARD OF EDUCATION'S POLICY SPECIFYING THE TYPES OF CONDUCT FOR WHICH A STUDENT MAY BE SUSPENDED BY A TEACHER, AND MAY WISH TO LIMIT APPLICATION OF THE POLICY TO CERTAIN GRADE LEVELS. STATE LAW REQUIRES THE BOARD TO ADOPT A SINGLE DAY, SINGLE CLASS SUSPENSION POLICY. (MCL 380.1309[2]). ⇐

For all other conduct, the teacher must handle the matter in accordance with the standard disciplinary process used in the school building. The teacher may also elect to not exercise the teacher suspension rights provided in this policy, and handle the matter in accordance with the standard disciplinary process used in the school building.

If the teacher suspends the student, the teacher shall immediately report the suspension and the reason for the suspension to the school principal, or the principal's designee, for appropriate action consistent with the Code of Student Conduct. If the student remains in school, the student shall be under appropriate supervision. The student will not be returned that school day to the class, subject, or activity from which he or she was suspended without the concurrence of the suspending teacher and school principal.

As soon as possible after the teacher-imposed suspension, the teacher shall contact the student's parent/guardian and schedule a parent-teacher conference to discuss the suspension. If possible, the parent-teacher conference should be scheduled during the teacher's non-instructional time, or before or after school. The teacher must report the outcome of the parent-teacher conference to the principal in writing. Whenever practicable, a school counselor, school psychologist, or school social worker should attend the conference. A school administrator will attend the conference if the teacher or the parent or guardian so requests. (MCL 380.1309).

Failure to Follow Prescribed Intervention Strategy: Separate Violation.

If a student fails to comply with the terms of the disciplinary action, such failure is a separate violation of the Code of Student Conduct, at the same level for which the student was initially disciplined; the student may be disciplined for the additional violation.

Staff 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.

DUE PROCESS PROCEDURES**Short-Term Suspension**

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 pose 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 or Expulsion

If recommended by the principal or assistant principal, the school's board of education or its designee shall conduct a hearing to determine whether to impose a long-term suspension or expulsion.

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 parents, 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.

Appeal to Board of Education for Reconsideration

A student aggrieved by 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 review or reconsideration by the board or its designee. The petition shall be in writing and contain the reasons 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 request for reconsideration.

Suspension and Expulsion of Students Receiving or Otherwise Eligible for Special Education

Students previously identified under state and federal regulations as eligible for special education are entitled to an extra measure of consideration for the disability in student discipline procedures. Also, other due process provisions are triggered for any student if a review of a student's record indicates significant prior knowledge about a potential but unidentified disability. School personnel are advised to consult with their local and intermediate district administrators for special education and to refer to the most recent edition of Special Education Considerations in Student Disciplinary Procedures (Michigan Department of Education).

Interviews of Students by Police or Other Public Agencies

The school district endeavors to cooperate with law enforcement agencies. 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; and (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 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.

Notification to Law Enforcement Agencies

State law requires each school board to comply with the statewide school safety policy adopted by the Superintendent of Public Instruction, Attorney General, and Director of Michigan State Police on October 4, 1999. (MCL 380.1308). The statewide school safety policy requires the following types of incidents occurring at school be reported to a local law enforcement agency:

Armed Student or Hostage	Robbery or Extortion
Suspected Armed Student	Unauthorized Removal of Student
Weapons on School Property	Threat of Suicide
Death or Homicide	Suicide Attempt
Drive-By Shooting	Larceny (Theft)
Physical Assault (Fights)	Intruders (Trespassing)
Bomb Threat	Illegal Drug Use or Overdose
Explosion	Drug Possession or Drug Sale
Arson	Vandalism or Destruction of Property
Sexual Assault	Minor in Possession of Alcoholic Liquor or Tobacco Products
(Criminal Sexual Conduct)	Bus Incident or Bus Accident

Attachments

TECHNOLOGY USE GUIDELINES

A model technology use guideline section will be added at a later date.

Information regarding technology planning can be accessed the Michigan Department of Education K-12 Technology Planning Web Site:

<http://www.techplan.org>

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 NAME ⇨

ACKNOWLEDGEMENT OF RECEIPT OF 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	Date: _____
Student Signature	Date: _____

SAMPLE NOTICE OF NONDISCRIMINATION

⇒ INSERT NAME OF SCHOOL DISTRICT ⇐ does not discriminate on the basis of race, color, and national origin (Title VI of the Civil Rights Act of 1964), sex (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>).