



# STUDENT'S RIGHTS, RESPONSIBILITIES, AND CODE OF CONDUCT

## 2023-2024



DPSCD does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, Military status, ancestry, genetic information, or any other legal protected category, in its educational programs and activities, including employment and admissions. Questions? Concerns? Contact the Civil Rights Coordinator at (313) 240-4377 or [dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org) or 3011 W Grand Blvd. 14th floor, Detroit, MI 48202.

## Board Members

Angelique Peterson-Mayberry  
President

Misha Stallworth  
Vice President

Dr. Iris Taylor  
Secretary

Sonya Mays  
Treasurer

Sherry Gay-Dagnogo  
Member

LaTrice McClendon  
Member

Bishop Corletta J. Vaughn  
Member

Dr. Nikolai P. Vitti  
Superintendent



# TABLE OF CONTENTS

Board Members .....	2
Language Assistance Services .....	5
Blueprint 2023 .....	6
Letter from the Board of Education and Superintendent .....	7
Educate and Empower Every Student in Every Community Everyday .....	8
Multi-Tiered System of Supports .....	9
Expect Respect.....	10
DPSCD Public Safety Department Role in Schools.....	12
Roles, Rights, Responsibilities and Expectations .....	13
Attendance Policy .....	18
Chronic Absenteeism21	
Dress Code.....	23
Discipline of Students with Disabilities.....	24
Section 504 .....	24
Title IX Sexual Harassment.....	27
Technology Use .....	28
Bullying Policy.....	28
Positive Behavioral Interventions and Supports (PBIS) .....	29
Interventions, Supports and Disciplinary Actions.....	29
Implementation of Interventions, Supports, and Disciplinary Action.....	31
Alternative Disciplinary Options.....	32
<b>A Infractions .....</b>	<b>33</b>
<b>Disciplinary Actions Per Occurrence for A Infractions .....</b>	<b>34</b>
<b>B Infractions.....</b>	<b>35</b>
<b>Disciplinary Actions Per Occurrence for B Infractions .....</b>	<b>37</b>
<b>C Infractions.....</b>	<b>41</b>
<b>Disciplinary Actions Per Occurrence for C Infractions .....</b>	<b>44</b>
<b>D Infractions .....</b>	<b>50</b>
<b>Disciplinary Actions Per Occurrence for D Infractions .....</b>	<b>53</b>
Due Process Rights.....	56
Disciplinary Hearings and Expulsion Review .....	57
Permanent Expulsion .....	58
Reinstatement After Permanent Expulsion.....	58

Readmission Guidelines and Hearings ..... 59

Appeals ..... 60

Student Grievance ..... 61

Additional Resources for Students and Families ..... 62

De-Escalation - Seclusion and Restraint ..... 62

Appendix A – Glossary of Terms ..... 63

Appendix B - Due Process Rights of Students and Parents in Disciplinary Cases..... 65

Appendix C – Interrogations and Searches ..... 66

Appendix D – Index of Reportable Incidents..... 68

Appendix E – Title IX Definitions ..... 69

Parent and Student Statement of Understanding ..... 71

## Language Assistance Services

Detroit Public Schools Community District provides language assistance (oral interpretation and written translation) services to parents and guardians with limited English proficiency. The District accepts a parent's or guardian's assertion that language assistance is needed in speaking, reading or writing English without requiring additional corroboration. For free help, please contact your child's school or the District's Translations Coordinator at (313) 870-3776 or (313) 212-4312.

DPSCD prohibits discrimination based on race, color, national origin, sex, disability and/or religion. Questions? Concerns? Contact the Compliance Officer at (313) 240-4377. We offer assistance for the Deaf and Hard of Hearing to access DPSCD programs. Call or Text: 313-212-4312 Email: [translation.request@detroitk12.org](mailto:translation.request@detroitk12.org).

خدمات المساعدة اللغوية-اللغة العربية

توفر مخراس بدوريات العلماء مساعدة لغوية إحصائية شاملة وترجمة مكتوبة إلى اللاتين الذين لا يجيدون اللغة الإنجليزية. يكافؤ نقل المصطلحات على أحد اللاتين أو الوصفي في تأكيد أو النفي

تحتاج المساعدة في قراءة أو كتابة باللغة الإنجليزية دون الشراط إجابات المساعدة المجانية، يرجى التصل بمدرسة تلك أو منسق الترجمة التابع للحي على

212-4312- / 870-3776 (313)

تصل بمسؤول المثقال على الرقم 4377-240 (313) DPSCD) التمييز على أساس العرق أو اللون أو الأصل القومي أو الجنس أو الإعاقة و/أو الدين. هل لديك أسئلة أو مخاوف؟

نحن نوفر المساعدة للطلاب المصابين بالصمم وصعوبة السمع الاستفادة من برامج المنظمة التعليمية للمدارس العامة في ديترويت (DPSC). اتصل أو أرسل رسالة نصية على الرقم: 313-212-4312 أو البريد الإلكتروني: [translation.request@detroit12.org](mailto:translation.request@detroit12.org)

**Español – Servicios de asistencia de lenguaje y aviso de no discriminación**

El Distrito comunidad de las Escuelas Públicas de Detroit ofrecen servicios de asistencia lingüística (interpretación oral y traducción escrita) a padres y tutores con dominio limitado del inglés. El Distrito acepta las declaraciones de padres o tutores en las que expresan que necesitan ayuda con el idioma para hablar, leer o escribir en inglés, sin necesidad de una comprobación adicional. Para obtener ayuda gratuita, por favor comuníquese con la escuela de su hijo o el Coordinador de Traducciones del Distrito al (313) 870-3776 o (313) 212-4312.

DPSCD prohíbe la discriminación basada en la raza, color, origen nacional, sexo, discapacidad y/o religión. ¿Preguntas? ¿Preocupaciones? Comuníquese con el Oficial de Cumplimiento al (313) 240-4377.

Ofrece asistencia a las personas sordas y con dificultades auditivas para que puedan acceder a los programas del DPSCD. Llame o envíe un mensaje de texto al: 313-212-4312 Correo electrónico: [translation.request@detroitk12.org](mailto:translation.request@detroitk12.org)

বাংলা - ভাষা সাংক্রান ত সহায়তা সসবাসমহ

ইংরেজির সীজির দরমো ে রেের গ্রিন জির োএ োর োও অজিএ োবকবুরের এ নয েট্টেরেট এ োবজিক কুএ এসুই এ োযা সংক্লেস্ত সহযর র ো (এরেটোজিক বযএ যো প্রদানও জিজির অনুবোদ) েসবো প্রদান করে। অরিরিক্ত এপ্রোর পরেোএ ন ে োডোই েজিক্ট জির োএ োর ো বা অজিএ োবেরদ ইই দোব ব্রেন নিনরেের েে, ইংরেজি এবা, এ ডো ও এএ োর এ নয এ োযা সংক্লেস্ত সহযর র োর পরেোএ ন ে রেের। িবনোএ িু এয সহযর র োর এ নয, অনুগ্রহ করে গ্রিনোর জিশুর কু এর সোরে বা েজিক্টস ট্রান্সএসপ েকোঅরিএ েনরট-েি সোরে (313) 870-3776 (313)212-4312 নযরে েেোগোরেোগ করুন।

DPSC এ োরি, েবএ, োর ীর র োর উৎস, জিঙ্গ, প্রব্রবন্ধরকো ও / বো ধএএ র এউর জিজি করে ববএষযেক িনিষদ্ধ করে। প্রশ্ন? উজিঙ্গ?  
একপ্রারেস অজিসোরের সোরের (313) 240-4377 নম্বরে োোোগারেোগ করুন।

DPSC েি েপ্রেগেএ এসিস্েহ অযোেস িদরে গ্রির ো বিরধর ো ও কোনে এক এেোনের বযোএ োরে সহোর র ো প্রদেদ করি। এেোনে রো েরেট্ট করুন: 313-212-4312  
ইএেএই: [translation.request@detroitk12.org](mailto:translation.request@detroitk12.org)

## Limba română – Servicii de asistență lingvistică

Detroit Public Schools Community District oferă părinților și tutorilor legali cu cunoștințe limitate de engleză servicii de asistență lingvistică (traducere orală și traducere). Districtul aderă la principiul că asistența lingvistică vizând comunicarea verbală, citire și scriere în limba engleză este necesară și nu solicită coroborare suplimentară a acestuia. Pentru asistență gratuită, vă rugăm să contactați Coordonatorul Traduceri al Districtului, la numărul de telefon (313) 870-3776 / (313) 212-4312.

DPSCD interzice discriminarea pe bază de rasă, culoare, naționalitate, origine, gen, handicap și/ sau religie. Dacă aveți întrebări sau nedumeriri, vă rugăm contactați ofiterul responsabil cu regulamentul la nr. Tel (313) 240-4377.

Ofierim asistență persoanelor fără auz sau cu deficiențe de auz pentru a accesa programele DPSCD. Sunați sau trimiteți mesaj la: 313-212-4312 Email: [translation.request@detroitk12.org](mailto:translation.request@detroitk12.org)

**Lus Hmoob – Kev Pab Cuam Txhais Lus**

Detroit Public Schools Community District muab kev pab cuam lus (txhais ua lus thiab txhais ntawv) pab cuam rau cov niamtiv thiab cov tsom kwm uas paub lus Askiv tsis zoo. Tuam tsev kawm lees paub niam txiv thiab cov saib xyuas uas tsis paub lus zoo yuav tsum tau hais nyem thiab sau ua lus Askiv uas tsis tag yuav nrhiav lwm tus neeg sab nrauv pab ntxiv. Hais txog pab dawb, thov hu rau koj tus menyuam lub tsev kawm ntawv lossis Tuam Tsev Kawm Ntawv tus neeg txuas lus fab kev txhais lus (313) 870-3776 / (313)212-4312.

DPSCD txwv tsis pub muaj kev ntxub ntxaug vim yog ib haiv neeg, cev nqaij daim tawv tsos xis, neeg keeb kwm hauv lub teb chaws, txivneej los yog pojniam, neeg xiam oob qhab, thiab/lossis kev ntseeg xaj xab nam. Puas muaj lub nug? Puas muaj kev txawj xeeb dab tsí? Hu rau Tus Kws Saib Xyuas Txoj Cai rau ntawm tus xov tooj (313) 240-4377.

Peb muab kev pab rau cov neeg Lag Ntseg thiab Hnov Lus Tsis Zoo kom tau txais kev pab rau ntawm DPSCD. Hu Xov Tooj lossis Xa Kab Ntawv rau: 313-212-4312 Email: [translation.request@detroitk12.org](mailto:translation.request@detroitk12.org)





# BLUEPRINT 2023

## MISSION

We educate and empower every student, in every community, every day, to build a stronger Detroit.

## VISION

All students will have the knowledge, skills and confidence necessary to thrive in our city, our nation, our world.

## CORE VALUES

### Students First

Make decisions that are in the best interest of students. Use every resource strategically so that we can meet students' individual needs.

### Excellence

Be relentless in your pursuit of greatness. Be bold and innovate. Learn from your mistakes. Hold yourself and others to high standards.

### Integrity

Do the right thing, even when no one is looking. Be honest. Be trustworthy. Be accountable.

### Equity

Diversity is an asset that makes us stronger. Advocate for the needs of others. Ensure that all members of our community have access to the tools and resources they need to be successful.

### Service

Listen. Empathize. Respond. Own problems and help to solve them.

### Tenacity

Embrace hard work and persevere in the face of challenges. Follow through on your commitments and strive to do your best, no matter what.

**Students Rise.  
We All Rise.**

## PRIORITIES



### Transformative Culture

Build and sustain strong school cultures where everyone feels loved, challenged, and prepared.



### Outstanding Achievement

Offer differentiated learning experiences that dramatically accelerate the academic experience of all students and to ensure they are college and career ready.



### Whole Child Commitment

Provide students with opportunities and resources to meet their physical and mental health needs, explore their interests, and honor their identities.



### Exceptional Talent

Build an excellent, effective team of dedicated staff to serve our students in a variety of settings.



### Responsible Stewardship

Ensure sustainable, transparent, and equitable deployment of resources to support safety and success.

DPSCD does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, in its educational programs and activities, including employment and admissions. Questions? Concerns? contact the Civil Rights Coordinator at (313) 240-4377 or [dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org) or 3011 West Grand Boulevard, 14<sup>th</sup> Floor, Detroit MI 48202.

## Letter from the Board of Education and Superintendent

Detroit Public Schools is committed to supporting every student feeling loved, challenged and prepared for college and career by fostering a safe, supportive learning environment that emphasizes restorative practices, tiered support systems, standardized corrective intervention strategies, and responsive wrap-around services. We believe that through proactive equitable support, our students can meet high expectations, both academically and socially.

Our school environments should be spaces that are conducive to positive student interactions and academic achievement, therefore, there is strong emphasis on teaching our students strategies that promote proactive communication skills, allowing them to engage in advocacy and restorative dialogue. Additionally, students must be equipped to problem solve and navigate conflict in a respectful and peaceful manner, so they can personally contribute to the creation of classrooms that promote and sustain high quality teaching and learning.

Families, students, schools, staff, and the District must partner together to create a positive school culture as outlined in The Student's Rights, Responsibilities and Code of Conduct (The Code). Therefore, we encourage everyone to review the entire document, and to have additional conversations about the importance of contributing to a safe and positive learning environment by abiding by the expectations outlined. It is also important that all participants in our District community understand the defined consequences that must be implemented when violations of the Code of Conduct occur.

After reviewing and discussing the documents with your student, please sign the **"PARENT AND STUDENT STATEMENT OF UNDERSTANDING, RECEIPT AND REVIEW OF STUDENTS' RIGHTS, RESPONSIBILITIES AND CODE OF CONDUCT"**, and return to your child's school. If you have questions you would like answered before signing, please take this time to engage with your student's teachers and school staff. This is a great way to begin to build the important line of communication between you and your student's school. Please keep a copy for your records once signed. Principals, teachers, and staff will also sign their own statement of receipt.

Thank you for working with us to create safe, positive learning environments at every school in the Detroit Public Schools Community District.

Dr. Nikolai P. Vitti  
Superintendent  
Detroit Public Schools Community District

Board of Education  
Angelique Peterson-Mayberry,  
President Misha Stallworth, Vice  
President  
Dr. Iris Taylor, Secretary  
Sonya Mays, Treasury  
Sherry Gay-Dagnogo, Member  
LaTrice McClendon, Member  
Bishop Corletta J. Vaughn, Member

# Educate and Empower Every Student in Every Community Everyday

The Detroit Public Schools Community District's 2023-2024 Student Code of Conduct was written in accordance with federal and state law, policies of the Detroit Board of Education, Superintendent administrative guidelines, as well as applicable agency guidance. The main goal of this document is to make sure all students in DPSCD can learn in a safe and helpful place. The school wants to support your learning and make sure you do well in your studies. They want to create an environment where you feel like you belong and where your feelings and well-being are important.

To do this, the school has some clear expectations for how students should behave, how adults should behave and how we hold ourselves and each other accountable to these expectations. The District wants to prevent problems before they happen, and if there are any issues, they want to handle them in a way that helps you learn from them, rather than just getting punished. DPSCD believes in helping all students be ready for jobs, college, and being part of the community. They want you to have the knowledge, skills, and confidence to succeed not only in Detroit but also in our country and the whole world!

The Student Code of Conduct makes sure that educators deal with discipline to learn and grow, not just to be punished. They also want you to feel responsible for your learning environment, so you can take charge and make your school a better place for everyone. These rules are here to make your school experience awesome and help you become successful students and responsible members of the community! Let's have a fantastic school year together!

The Code of Conduct has different ways to handle behavior when students make mistakes. Instead of just punishing, it tries to teach you the right way to behave and respond in different situations and provides support as students and staff work through the process. The response to your behavior will match the seriousness of the issue. The school wants to make sure you have good relationships with others and learn responsibility. They also want to give you support and help if you need it. They don't like to use suspensions or expulsions as punishment and will only do it as a last resort when nothing else works or if the incident has placed great harm on another member of the school community. If a suspension must happen, the school will try to bring you back to the classroom quickly. They believe in "restorative practices," which means helping you understand how your actions have caused harm to others and/or yourself and outline ways to restore broken relationships so that we can all get along better. Let's work together to make our school a happy and positive place for everyone!

## **Transformative School Climate and Culture**

Detroit Public Schools Community District's schools are working to provide engaging, safe, and supportive environments that foster well-being and meet the academic, social, emotional, and physical needs of students. Through this Code and the work happening in our schools, we hope to build honest and open relationships with our students without fear of retribution, promote a safe culture within our buildings, and create an environment conducive to learning that refrains from interrupting the learning environment for students to the greatest extent possible.

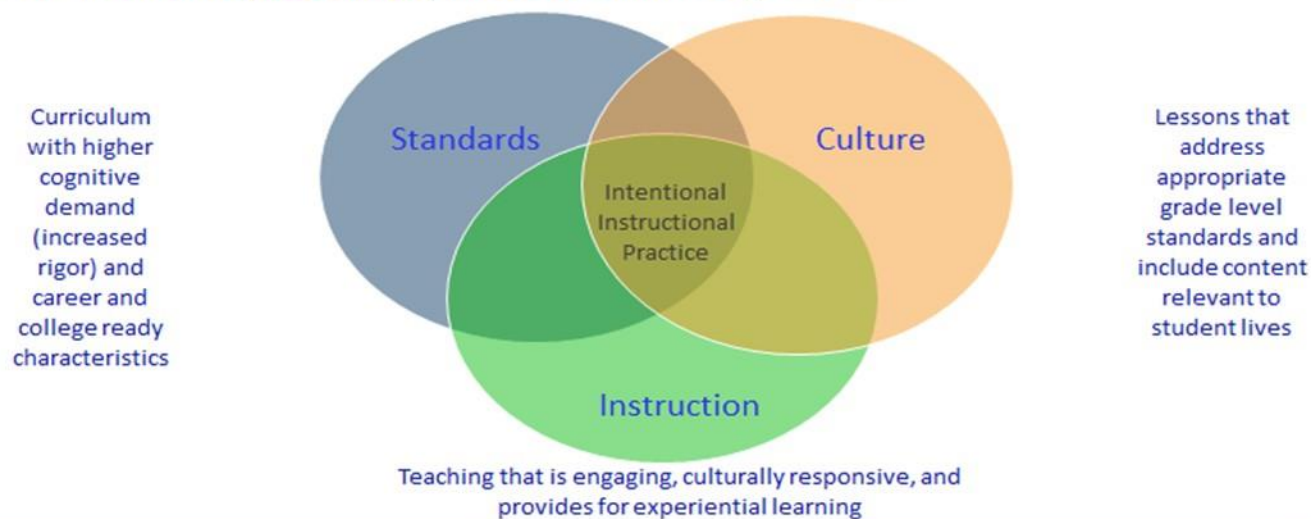
To achieve transformative culture, the Student Code of Conduct shall undergo a sequence of annually phased, structural revisions. Everyone in the school community, including students, families, principals, school staff, and the district office, has rights and responsibilities that help make our school strong. We all have an important part to play!

When someone makes a mistake, the way we handle it is all about promoting positive relationships and teaching good behaviors. We want to help each other learn and grow. Suspending someone from school is something we only do if we've tried everything else and it's the last option. We want to avoid that as much as possible. To make our school even better, we keep improving the Student Code of Conduct each year. We do it step by step, so everyone can get used to the changes and work together to make our school a happy and positive place. So, let's remember that we all have a role to play in making our school a great place to learn. By treating each other with kindness and working together, we can make our school a place where everyone feels good and can do their best!



# Multi-Tiered System of Supports

When **Standards**, **Instruction**, and **Culture** intersect, we'll see...



**Students Rise. We All Rise.**

Detroit Public Schools Community District understands that when people in charge work together with students, they feel happier and behave better. The Code of Conduct's goal is to build a strong community and handle problems by fixing any harm and making relationships better. Detroit Public Schools Community District uses clear plans to help teachers, students, families, and others in the community work together to make sure schools are welcoming and students do well.

**Leadership Teams:** Each school has a Culture & Climate Leadership Team (CLT), Engagement Leadership Team (ELT) and an Instructional Leadership Team (ILT) that meet regularly to review data and collaboratively plan appropriate schoolwide and individual student interventions that support student growth and proficiency, as well as positive culture, climate and engagement. The alignment and cohesion of leadership teams creates sustainable, scalable, and engaging school climates to support successful implementation of multi-tiered systems of support and student achievement.

**Tiered Delivery System** is like a plan to help all students in school. It has different levels or "tiers" of help. The goal is to support each child in the best way for them. The first tier helps all students in the regular classroom. The second tier gives extra help to some students who need it. The third tier provides even more help to a few students who need the most support. The Tiered Delivery System helps teachers and schools use their resources wisely. They use a framework that works well for all students. One important part of this system is PBIS, which helps with good behavior. It also helps students with their schoolwork, attendance, and social needs. This way, all schools can work together to make sure every child gets the right help they need to succeed.

**Restorative Practices** are actions and ways to fix things when something goes wrong. They help us build friendships, solve problems, and make things right after something bad happens.

In school, there are special teams of leaders who work together to make sure everyone gets the help they need. They use different methods to support students and make sure the school is a safe and happy place for everyone.

A big part of making our school a great place is having a plan for teaching and learning that helps every student with their feelings, interactions with others, and schoolwork. It's important for all of us, whether we're students, families, community members, or staff, to work together and follow our beliefs, expectations, and promises to make our school the best it can be.

## Expect Respect

At the core of a positive school climate and culture is a teaching and learning plan designed to support every student in their social, emotional, and academic development. We know behavior education is complex work that happens in classrooms and cafeterias, on buses and playgrounds, and even offices and auditoriums. Whether you are a student, family member, community member, or staff member, we all have a responsibility to embody our beliefs, our expectations, and our commitments.

### WE EXPECT:

- Students, staff, and families demonstrate respect to one another and hold high expectations for behavior.
- Students, staff, and families to build and sustain ongoing positive and authentic relationships.
- Students, staff, and families to contribute to a safe learning environment.

### WE BELIEVE:

- In authentic relationships and a supportive community that fosters a sense of belonging.
- In a thriving school environment where staff and students are physically and emotionally safe.
- In the importance of student and staff voice in decision making.
- Families and school staff must be collaborative partners in supporting every student.

### WE WILL:

- Utilize innovative strategies and supports to create a positive school community where students, staff and families feel safe.
- Provide schools with the necessary resources, professional development, and technical assistance to implement the Expect Respect plan.

### Schools with positive culture have:

- Effective leadership that creates and communicates clear expectations, communicates openly and honestly, is accessible and supportive of school staff and professional learning, and supports students in acquiring and effectively applying the knowledge, attitudes, and skills necessary to understand and manage emotions, setting and achieving positive goals, feeling, and showing empathy for others, establishing and maintaining positive relationships, and making responsible decisions.

- Positive relationships with all community members — students, parents, teachers/staff, school police, and community partners.
- Training and resources that provide social, emotional, and academic support, and positive interventions designed to help students problem solve, develop appropriate school and classroom behaviors, and reduce the need for classroom removal or school police intervention.
- Supports for students who are experiencing emotional crisis, trauma, or serious challenges in their homes or communities.
- Academic and extracurricular activities for all students that meet developmental and academic needs.
- A learning environment where students and staff feel physically and emotionally safe.

**Expect Respect** is Detroit Public Schools Community District’s universal theme that reinforces that those in authority must lead by example, teach, and reteach students the value of making positive choices, and help them own consequences when behavior is not appropriate. For DPSCD schools to be institutions of learning and positive culture, the provision of clear expectations for all community members shall ensure that staff, students, and parents feel safe and respected at school.

In teaching our students the importance of respect for self and others, DPSCD outlines five principles to serve as an important foundation to guide behavior, both individually and in interpersonal relationships. If students abide by these principles, the learning environment will be strengthened.

1. My words, actions and attitudes always demonstrate respect for myself and others.
2. I seek to correct harm that I have caused to others in the school community.
3. I demonstrate pride in myself, in my future, and in my school by arriving on time, dressed appropriately, and prepared to focus on my studies.
4. I always seek the most peaceful means of resolving conflict, and obtain the assistance of teachers, administrators, or school staff when I am unable to resolve conflicts on my own.
5. I take pride in promoting a safe and clean learning environment at my school.

### Expect Respect Campaign Monthly Themes

Month	Core Value	Character Trait
SEPTEMBER	Tenacity	Responsibility
OCTOBER	Integrity	Respect
NOVEMBER	Students First	Kindness
DECEMBER	Service	Generosity
JANUARY	Service	Citizenship
FEBRUARY	Excellence	Self-Control
MARCH	Integrity	Honesty
APRIL	Students First	Compassion
MAY	Students First	Cooperation
JUNE	Equity	Acceptance

## DPSCD Public Safety Department Role in Schools

In an effort to provide safe school environments, the District created its own Public Safety Department in 2004. This action was to allow for the efficient and effective response to issues within our school community. As an Anti-Racist District, we frame the work of our internal public safety department in support of community, and in support of the safety of our students. We do not support a Public Safety Department that looks to criminalize our students and further perpetuate the school-to-prison pipeline. To that end, the Detroit Public Schools Community District Public Safety Department partners with school leaders to:

- Develop comprehensive safety plans: best practices in safety measures for schools and coordination of safety drills to prepare for potential risks and threats to the school community.
- Utilize mediation to help address internal disputes to de-escalate tensions for school community members.
- Deliver educational presentations and lectures for both students and staff about in-person and online safety, health, and behaviors that support health and respect for self and others.
- Provide safety functions such as monitoring large events, conducting property searches when deemed necessary, and in the most extreme cases, detaining and arresting individuals involved in crimes.

The DPSCD Public Safety Department does not enforce nor implement the Code of Conduct.

Our District Public Safety officers must have several professional and personal traits that allow them to integrate successfully into a school environment. In addition to the services they provide, these officers also must adhere to all District policies, model moral and ethical behavior for students, and help promote better relationships between the public and law enforcement officers by having a student-friendly, non-threatening attitude that puts school communities at ease.

By Board action, effective July 2020, an oversight taskforce comprised of community members will work with the District's Public Safety Department to ensure the most comprehensive and supportive measures are in place to foster safe school communities.

DPSCD Public Safety Department  
8500 Cameron Street  
Detroit, Michigan 48211  
(313) 748-6000

## Roles, Rights, Responsibilities and Expectations

The Code of Conduct applied to students at all times when they are on Detroit Public Schools Community District property or attending school events, whether they are in the actual school building or doing school activities online. This means that the rules cover what students do during school hours, but also before and after school, like when they are in clubs, playing sports, riding the school bus, going on field trips, or even just going to and from school.

The school will carefully consider each situation when deciding if the Code of Conduct rules should be applied. They will look at things like how close the incident was to the school, how much time has passed since the student was at school, if there was a fight or argument on school property, and if the incident caused problems at school. This way, the school can make fair decisions about how to handle each situation.

Detroit Public Schools Community District is required to take additional steps when considering disciplinary consequences involving students with special needs or disabilities. The Code of Conduct requires Principals and school staff to follow federal and state laws and regulations, including procedures for determining manifestation (i.e., whether the behavior is linked to a student's disability, conducting Functional Behavioral Assessments and developing Behavioral Intervention Plans, Board of Education policies, Superintendent directives and administrative guidelines) as well as applicable agency directives. Board policy, and state and federal laws including procedures for determining manifestation (i.e., whether the behavior is linked to a student's disability, conducting Functional Behavioral Assessments, and developing Behavioral Intervention Plans). Detroit Public Schools Community District is committed to applying the Code of Conduct fairly and without discrimination based on a student's Individualized Education Program (IEP), 504 plan, race, ethnicity, national origin, gender, sexual orientation, or religion.

**Freedom from Discrimination, Harassment and Bullying:** DPSCD does not discriminate based on race, color, national origin, sex, sexual orientation, transgender identity, disability, religion, height, weight, citizenship, marital or family status, ancestry, genetic information, or any other legally protected category in its educational programs and activities, including employment and admissions. Questions? Concerns? Contact the Office of Equity, Advocacy and Civil Rights, [dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org), call the DPSCD Parent Hotline at (313) 240-4377, or in person at 3011 West Grand Boulevard, 14<sup>th</sup> Floor, Detroit, MI 48202.

**The Right to Due Process:** Due process safeguards must apply in instances where the behavior or rights of students are being evaluated. Students must be treated with fairness and considering the total circumstances. Students have the right to be fully informed of the alleged breach of behavior and be provided an opportunity to respond to such charges. Any permanent record that results from the student's actions should clearly state whether the charges were or were not substantiated. The Code sets forth the procedural rules for student discipline.

**Make-up Work:** Students removed from school for any disciplinary action are entitled to make-up work. Make-up work will be provided to parents by the Principal/designee within two (2) school days of the assigned discipline. Parents are responsible for picking up the assignments and returning the completed work for grading. Students are allowed the same number of days to make-up the work as the days of absence for discipline.

**Effective Communication:** To ensure effective communication with our students' families or guardians who are disabled, including those who are limited in English language proficiency or deaf or hard of hearing, or blind, we provide appropriate auxiliary aids and services free of charge, such as qualified sign language and oral interpreters, audio recordings, readers, and braille. For free help, please contact your child's school or the District's Translations Coordinator at (313) 870-3776 or (313) 212-4312.



## **STUDENTS**

### **RIGHTS, RESPONSIBILITIES & EXPECTATIONS**

The Code of Conduct is your guide for expectations at school. Your Principal, teachers, and other staff members will support your efforts to be successful in the personal, social, and academic behaviors that are expected at school.

When you follow the rules and guidelines in the Code of Conduct, you are being a good citizen and showing good character. This helps to make your school a place where everyone is respectful, responsible, and safe, which is great for learning. The Code of Conduct also tells you about behaviors that are not allowed at school. It explains what happens if someone doesn't follow the rules. The goal is to give them a chance to learn from their mistakes and become better students.

#### **STUDENTS HAVE THE RIGHT TO:**

- A free public-school education, equitable academic resources, and inclusive teaching and learning environments in all classrooms.
- A socially, emotionally, and physically safe and positive school climate.
- Be taught by effective teachers.
- Due process.
- Be treated with respect and dignity by the school community.
- Positive school disciplinary policies and practices.
- Participate in decisions that affect their education.

#### **RESPONSIBILITIES:**

- Attend school and receive a free and appropriate public education with equitable resources.
- Meet the standards of behavior in the Code of Conduct and abide by it.
- Abide by and follow other school rules, regulations, and policies.
- Behave in a manner that contributes to a safe learning environment and which supports the rights of others to learn.
- Be truthful about and accountable for your actions. Try to correct and improve unsafe behavior with the support of teachers and staff.
- Demonstrate pride in self and academic future by dressing appropriately for school and school functions.
- Show respect for school property and respect the property of others.
- Ensure the school is updated with accurate contact information including, but not limited to, home address, telephone number(s), and e-mail address.
- Respond in a timely manner to communications from school.

#### **EXPECTATIONS:**

- Learn in a safe environment that is inclusive to all.
- Receive a written/electronic copy of District and school policies and procedures.
- Feel safe from retaliation when bringing complaints or concerns to the school Principal, staff, or District officials.
- Request or challenge in writing an explanation of anything in their education records.
- Be told, orally and in writing, the reason(s) for disciplinary decisions.
- Receive information about the procedures for appealing disciplinary decisions.
- Contact the family/guardian to be present and/or grant permission for an interview to be conducted with the police present..
- Family/guardian will be notified of the nature of the investigation and other details as appropriate unless the situation involves child abuse or neglect.

## **PARENTS/GUARDIANS/CAREGIVERS/FAMILIES RIGHTS, RESPONSIBILITIES & EXPECTATIONS**

The Code of Conduct is your guide for understanding the personal, social, and academic behaviors that are expected of your child at school and how school Principals, teachers and staff will work with you and your child to help them demonstrate positive behavior and enjoy academic success.

### **PARENTS/GUARDIANS/CAREGIVERS/FAMILIES HAVE THE RIGHT TO:**

- A free public-school education for their child.
- Access information about their child.
- Be actively involved and engaged in the education of their child.
- File complaints and/or appeals regarding matters affecting their child's education.

### **RESPONSIBILITIES:**

- Ensure regular, on time, daily attendance for the duration of the school year.
- Remain aware of child's performance by maintaining contact with the school through reviewing work, progress reports and other school notices, talking to the child about school, and meeting with school staff as requested.
- Be aware of the academic and behavior expectations outlined by District policies and this Code, as well as, the procedures of your child's individual school/classrooms, and help your child understand them.
- Partner and collaborate with the school to support expectations of academic achievement and appropriate behavior in school and the community.
- Be respectful and courteous to staff, other parents/guardians, and students while on school premises, refraining from disruptive behavior.
- Support your child in ways that maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- Inform school officials and/or staff of changes in the home situation that may affect student conduct or performance.
- Ensure the school is updated with accurate contact information including, but not limited to, home address, telephone number(s), and email address(es).
- Respond in a timely manner to communications from school.

### **EXPECTATIONS:**

- To be treated courteously, fairly, and respectfully by all school staff.
- Receive information about the policies of the Board and procedures that relate to their children's education.
- Receive regular reports, written, oral or electronic, from school staff regarding their children's academic progress, behavior, and attendance including, but not limited to, report cards, behavior progress reports, and conferences.
- Receive information of inappropriate or disruptive behaviors by their child and any disciplinary actions taken by school staff.
- Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals.
- Have access to and receive recommendations for support services (e.g., tutoring, after-school programs, academic programs, mental health services, etc.) within Detroit Public Schools Community District and the community.
- Receive information about services for students with disabilities and English language learners, when applicable.
- Receive language assistance services (including oral and written translations) in order to participate in District programs.

## **SCHOOL STAFF (TEACHERS, SUPPORT STAFF, ADMINISTRATORS) RIGHTS, RESPONSIBILITIES & EXPECTATIONS**

The Code of Conduct is like a map that helps everyone at school behave well. It tells us what to do when someone doesn't follow the rules or behaves badly. When we all follow the Code, there will be fewer bad behaviors, and we can all feel good about ourselves and how we treat others. If you have any worries about safety or how the school feels, you can talk to your school Principal. They will work with you and others to keep the school a safe and happy place for learning and working together.

At the school level, the Climate and Culture Leadership Team (CLT) assesses and reviews disciplinary data and prepares recommendations for improving school climate, discipline, and student support. At the District level, the Office of Whole Child Support is responsible for monitoring the effective implementation of school-wide expectations, rules, policies, systems, Positive Behavior Intervention Supports, and classroom management, as well as Expect Respect. The Office of Employee Relations monitors issues related to staff concerns related to the school environment.

### **SCHOOL STAFF HAS THE RIGHT TO:**

- Work in a positive environment for teaching and learning, safe, and free from verbal or physical threats.
- Be treated courteously, fairly, and respectfully by students, parents or guardians, and other school staff.
- Receive support, training, and assistance when applying interventions, supports, and discipline.
- Communicate concerns, suggestions, and complaints to Detroit Public Schools Community District's District office and have them acknowledged without fear of retaliation.
- Receive supportive professional development and the necessary resources to deliver quality instruction.

### **RESPONSIBILITIES:**

- Create a climate of mutual respect and dignity for all students by establishing expectations for student behavior and academic performance that strengthen students' self-concept.
- Treat students, parents/guardians, and other staff courteously, fairly, and respectfully.
- Know and adhere to school policies and rules, including the Code of Conduct, and apply them in a fair and consistent manner.
- Communicate regularly with students, parents and others informing them about student performance, behavior, and attendance.
- Protect the legal rights, health, safety, and welfare of all students.
- Address student misconduct with appropriate interventions, supports, disciplinary actions, reporting and follow-up in accordance with the Code of Conduct, applicable law, and District policies.
- Provide alternative education and makeup work for students with lawful absences, including those students who are absent for disciplinary reasons.
- Maintain accurate records and reports, and document disciplinary actions in accordance with state law, as well as District policy and procedures.
- Maintain and respect the confidentiality of students, parents, and school staff.

### **EXPECTATIONS**

- Establish expectations for all students and staff that promote positive behavior, interventions and supports and discipline for inappropriate conduct when appropriate.
- Address any personal biases that may prevent equal treatment of students in the school or classroom setting.
- Support the development of and student participation in appropriate extracurricular activities.
- Refer students to the appropriate committees, departments, offices, divisions, agencies, or organizations when outside support is necessary.

## On Time, Every Day, All Day

There is a strong relationship between regular school attendance and academic performance. Students who are in class and on time daily have the best chance for school success!

### **Attendance Expectations**

- Students are expected to attend all classes each day.
- Students are expected to be on time for each class during the school day.
- Students are to remain in school the entire school day.
- Students are expected to maintain a ninety-six percent (96%) attendance rate.
- The District complies with the Michigan Compulsory School Law, which states that all students between the ages of six (6) and sixteen (16) are to attend school during the entire school year.

### **Absences**

- Notify the school regarding your child's absence.
- Send a note regarding the reason for the absence when your child returns to school.
- A note should be received within three (3) days of your child's return to the school.
- Make sure that all make-up work is completed and returned to the teacher.
- Students are required to have an excused absence to participate in extracurricular activities.
- Students who miss at least 10% of the school year, for any reason, are considered chronically absent.
- Students who have an excessive number of unexcused absences are considered truant and may be referred to the Wayne County Prosecutor's Office.

### **Tardiness**

- Students who arrive later than the beginning of the school day or after the start time of class without an excuse and/or pass are considered tardy.
- Excessive tardiness disrupts the learning process and negatively impacts the student's academic achievement.

### **Consequences for Irregular Attendance**

- Loss of learning
- Loss of engagement and sense of belonging in the school environment
- Possible failure in class or grade level.
- Investigation by the Attendance Agent.
- Referral of student for Department of Health and Human Services ("DHHS") action.
- Referral of parents to the Wayne County Prosecutor for prosecution.

With your support, we can make a difference in your child's academic success.

## Attendance Policy

The law in Michigan governing compulsory attendance requires a parent, legal guardian, or other person having control or charge of a child aged six (6) to sixteen (16) to send the child to school during the entire school year, except under very limited circumstances specified in MCL 380.1561.

The Board as an agency of the State of Michigan is required to enforce the regular attendance of students. The Board recognizes that presence in the classroom enables students to participate in instruction, class discussions, and other related activities. Educators shall encourage regular attendance of students, maintain accurate attendance records, and follow reporting procedures prescribed by the Superintendent or designees. As such, regular and timely attendance, and classroom participation are integral to instilling incentives for the student to excel.

The classroom experience is of unique value and it cannot be duplicated by make-up work. Student interaction and the development of ideas through discussion are lost when a student is absent, tardy, dropped off late, or picked-up early by a parent/guardian. A student's enrollment in a course is their commitment to attend all class sessions. Therefore, it is the intent of this policy to disallow students from being absent from class unless a situation exists which makes their absence absolutely necessary. The Board directs the Superintendent to establish an attendance plan that will foster responsibility and reliability on the part of the District students to attend all classes. This attendance plan should be updated annually and located in an easily accessible location on the District website. Students will acknowledge greater emphasis on attendance at school because credit in their classes will be contingent upon their presence.

### **ATTENDANCE DEFINED**

**School Attendance** - Students are to be counted in attendance only if they are actually present for at least two (2) hours of the day or engaged in a school-approved educational activity which constitutes a part of the instructional program for the student.

**Class Attendance** - Students are to be counted in attendance if they are physically present in class for at least half of the class period, have been excused by the teacher on a class-related assignment, or have been requested by a member of the school support staff for an approved school activity.

**Tardiness** - A student is considered tardy if they are not present at the moment the school bell rings for the class assigned. NOTE: If a student is not present when attendance is taken but is present later in the school day, that student must be considered in attendance, but tardy, and the absence should be changed. A student who is tardy should never remain on record as being absent.

**Early Sign-Outs** – Early release is discouraged within the final thirty (30) minutes of the school day.

Attendance is required of all students, except those exempted by State law, during the days and hours that the school is in session.

A student may be considered a full-time equivalent student provided the student is enrolled in the following number of courses as defined by State law, per school year:

- A. Grades K-8: at least two (2) attendance-taking courses, and
- B. Grades 9 and above: at least six (6) attendance-taking courses.

A student enrolled in the District's alternative education program may be considered a full-time student provided the student is enrolled in at least four (4) attendance-taking courses, as defined by State law, per school year in the alternative education environment.



The Principal or designees shall require, from the parent or legal guardian of each student or from an adult student who has been absent for any reason, a written statement confirming the cause for such absence for excused reasons. The student's parent or legal guardian shall inform the school when a student will be absent for excused reasons as soon as possible. Failure to report and explain the absence(s) shall result in unexcused absence(s). The Principal shall have the final authority to determine acceptability of the reason for the absence(s). The Superintendent and designee(s) reserve the right to verify such statements and to investigate the cause of each:

- A. Single absence;
- B. Prolonged absence;
- C. Absence of more than two (2) days' duration;
- D. Repeated unexplained full and partial-day absences and tardies;
- E. Repeated explained and unexplained early student pick-ups; and
- F. Repeated explained and unexplained late student drop-offs.

The Superintendent or designees shall report infractions of the law regarding student attendance for students below the age of sixteen (16) to the proper internal and external authorities.

#### **EXCUSED ABSENCES:**

Brief illness, appointments, and family business are considered absences for purposes of meeting attendance policy requirements. An absence will be considered an "excused absence" if a parent/guardian contacts the school and provides a reason for the absence. The absence, as well as the reason for the absence, will then be documented in our attendance system. Excused absences may include, but are not limited to, the following:

- A. Personal illness of the student (medical evidence may be required by the Principal for absences exceeding five (5) consecutive days). The written statement must include all days the student has been absent from school. If a student is continually sick and repeatedly absent from school due to a specific medical condition, they must be under the supervision of a healthcare provider in order to receive excused absences from school;
- B. Medically verified chronic illnesses – statement signed by physician;
- C. Family emergency;
- D. Recovery from accident;
- E. Legally documented court subpoena, a required court appearance, or placement in detention at a juvenile center in which the student continues their education;
- F. Professional appointments;
- G. Death in the immediate family. Immediate family is defined as the student's or the student's legal guardian's parents, spouse, children, and siblings by blood, adoption, or marriage;
- H. Observation or celebration of a religious holiday or service when it is mandated for all members of a faith that such a holiday or service should be observed, or for pre-arranged religious instruction (documentation of the religious affiliation of the student may be required by school officials) as further set forth below;
- I. Academic activity or school-sponsored field trip directly related to the instructional outcomes of one (1) or more course(s);
- J. Approved student activities such as Student Council, National Honor Society, class meetings, and academic/athletic competitions;
- K. A short-term family commitment with prior notification of the absence being provided to the school administrator;
- L. College visits;
- M. Out-of-school suspension from school; and/or
- N. Other individual student absences beyond the control of the parent or student, as determined and approved by the Principal (requires support documentation).

Long-term absenteeism, including excused absences, may lead to the failure of a course, the necessity to repeat a course, the possibility of retention, and/or the filing of a truancy petition.

## **ABSENCES FOR RELIGIOUS INSTRUCTION**

Upon the signed request of a student's parent, the Board will allow exceptions to the student's continuous attendance at school:

- A. for religious instruction outside the school building for no more than two (2) class hours per week;
- B. for attendance at confirmation classes provided the child is between the ages of twelve (12) and thirteen (13) years of age and the instructional period is no longer than five (5) months in either of those years; and
- C. for observance of a recognized religious holiday.

A student must be properly registered, and a copy of such registration must be filed with the Principal.

The time for release for religious instruction or education shall be arranged by the Superintendent or designee in keeping with the regulations of the State Board of Education. They will also ensure the appropriate continuance of the instructional program in the public school during such release times.

No solicitation for attendance at religious instruction shall be permitted on District premises. No member of the staff shall neither encourage nor discourage participation in any religious instruction program.

Policy 5200 – Student Attendance

# Chronic Absenteeism

Chronic absenteeism and habitual truancy are important predictors of school performance, including high school graduation. Average daily attendance rates often mask the number of students who are chronically absent - which equates to missing at least ten percent (10%) of the school year or approximately eighteen (18) school days for any reason.

Chronic absenteeism can be determined by comparing the number of absences in relation to the number of school days. Chronic absenteeism can be defined as excused, unexcused, and suspension days. These categories correlate to the multi-tier systems of support and provide the recommended strategy to make positive impacts on chronic absenteeism.

Chronic absenteeism in the school District indicates the presence of a much larger salient issue. Thus, addressing chronic absenteeism will resolve other issues in the District as they relate to ensuring students have the resources to be successful, increasing student-family engagement, data driven resource interventions, and enabling college-career readiness.

## Levels of Chronic Absenteeism

1. Students who miss 5% (9 days) or less of total school days are considered to be **low risk**.
2. Students who miss 5%-10% (between 9 to 18 days) of school days are **at risk**.
3. Students who miss 10%-20% (between 18 to 36 days) of total school days are considered **chronic (recovery possible)**.
4. Students who miss 20% (over 36 days) or more of total school days are considered **chronic (severe)**.

## Climate and Culture Leadership Team Role in Attendance Interventions

The Climate and Culture Leadership Team (CLT) in collaboration with school administration will create a PBIS/Attendance Plan which will include strategies for improving school and individual student attendance metrics and monitoring the progress of individual students. This school-wide progress monitoring plan will assist in the tracking of student data and the identification of early signs of attendance concerns. The CLT will develop school-wide incentives to recognize students for appropriate and improved attendance.

## 3-6-9 Attendance Protocol

Procedures around parent notification of attendance concerns are key to decreasing the percentage of students who are chronically absent.

Unexcused Days Absent	Follow-Up Action Required
1-2 Days	Parent Contact by Teacher
Day 3	Intervention by Attendance Agent which can include: Home Visit, Daily Check-In Monitoring, Meeting with parents
6 Days	Intervention by Attendance Agent
7-8 Days	Intervention by Attendance Agent
9 Days	Intervention by Attendance Agent: Attendance Intervention Plan Developed and Implemented
9+ Days	Intervention by Attendance Agent, Contact with Truancy Intervention Project (TIP), Wayne County Prosecutor's Office

Initial contact should be completed by the teacher, for the first two (2) days a student is absent. At day three (3) of absence, the student will be referred to an attendance agent for intervention, which may include home visits, meeting with parents or daily and check-in monitoring with the student. In most instances, this level of intervention will provide the

necessary wrap-around services to assist students with attending school. Intervention and communication with the family should be consistent if the student continues to be absent from school. Once a student receives nine absences within a school year a truancy referral will be submitted to the Wayne County Juvenile Court's Truancy Intervention Project (TIP) for additional intervention and an Attendance Intervention Plan will be initiated and monitored at the school site by the attendance agent and school team.

### **Progress Monitoring**

District staff will use the Power School system daily to generate a report of teachers who have not taken attendance. This report will be provided to Principals and Principal leaders for appropriate follow-up. Parents will receive an automated attendance call if students are not in class. Additional focus will be given at the school level to verify that attendance data has been accurately collected.

Weekly, attendance agents will receive a report of students who have been absent for at least 3 days, with a teacher contact log for parent notice. Through a weekly check-in process, attendance agents will contact students who have been designated as chronically absent and logs will be included in discussion during the Climate and Culture Leadership Team (CLT) meetings for review, and collaborative problem-solving around how to remove barriers and assist the student in regular school attendance.

During monthly attendance agent meetings, staff will review individual school data and discuss strategies that are showing the greatest improvement. Attendance agent notes will be reviewed weekly through Power School and Attendance Intervention Plans will be submitted for additional monitoring. To further support the importance of attendance, Principals will share attendance data through schoolwide assemblies, posting current attendance data in highly visible areas of the school, data chats, PTA/SAC meetings, and other relevant methods.

### **ATTENDANCE INTERVENTION AND SUPPORT**

The CLT addresses the attendance needs of a school through implementing intervention strategies. They use different ways to help students come to school every day, like rewards and extra help. Other teams at school also check how well attendance is going for all students and give them the support they need to come to school. In DPSCD, all schools have weekly meetings with the CLT to talk about attendance and how they can help students come to school regularly.

## Dress Code

The intention of the Dress Code is to promote an inclusive and positive school community, and as such, will apply to regular school days, summer school days, after-school events, as well as any school-related events and course/club activities, such as graduation ceremonies, dances, prom, and athletic events. To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently without reinforcing or increasing marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size.

DPSCD does not discriminate on the basis of race including hair texture and protective hairstyles, color, national origin, sex, sexual orientation, gender identity, disability, religion, height, weight, citizenship, marital or family status, ancestry, genetic information, or any other legally protected category in its educational programs and activities.

Students and parents/guardians who feel there has been discriminatory enforcement of the dress code should report the concern to school staff and/or the Office of Equity, Advocacy and Civil Rights.

Individual schools have the option of requiring students to wear a uniform — usually a solid collar shirt, polo, or t-shirt and skirt, pants, or shorts. Check with your school for detailed information regarding the style and color of the uniform.

**Students cannot be excluded from school for not wearing their uniforms.** Concerns about school uniform requirements should be addressed with your school's Principal. If financial need makes purchasing the required uniform difficult for your family, please inquire at your school. The school may have information about uniform exchanges or low-cost purchasing options.

At schools that do not require a uniform, students must conform to this dress code:

### General Requirements

- Students may be required to wear certain types of clothing, usually for safety reasons, while participating in classes such as physical education, shop, chemistry, etc., or in curricular and extracurricular classes or activities such as band, choir, dance, drama, and theater.
- Students are responsible for keeping themselves and their clothes neat and clean.
- Students may wear their hair in any style they choose.
- Students may wear headdresses (such as hats, religious headwear, hoodies, etc.) if it allows the face to be visible to staff and does not interfere with the line of sight of any student or staff.
- Students may wear PPE (masks, gloves) to guard against health-related risks.

### Students May Not Wear

- Styles of clothes that endanger themselves or other students.
- Bedtime attire such as pajamas, undershirts, or undergarments as outerwear.
- Students' clothing or tattoos may not display statements or pictures that are related to the use of drugs, alcohol, tobacco products, or sex, or that promote hate and/or violence or signify gang affiliations.
- Attire that may be considered weapons, including but not limited to chain belts or wallet chains.
- Jewelry or similar artifacts that are obscene or may cause disruptions to the educational environment.
- Hair rollers or hair curlers.
- Flip-flops, house slippers, steel-toe-shoes or boots, or any other type of footwear that could constitute a safety hazard.



## Discipline of Students with Disabilities

The standards of conduct contained within this Code apply to all students, including those students identified as special education or Section 504 and those suspected of having a disability. However, due to the unique needs of students with disabilities, appropriate disciplinary action and implementation of the Student Code of Conduct will vary in accordance with applicable local, state, and federal laws.

### Students with a Disability

“Student with a disability” means a person who: (I) is determined by an individualized education program team (IEPT), or a hearing officer to have one (1) or more of the impairments that necessitate special education or related services, or both; (II) who is not more than 25 years of age as of September 1 of the school year of enrollment; (III) who has not completed a typical course of study leading to a high school diploma; and (IV) who has not graduated from high school. A student who reaches the age of 26 years after September 1 is a “student with a disability” and entitled to continue a special education program or service until the end of that school year.<sup>1</sup> These students are commonly referred to by local, state, federal, and education agencies as students who are included in the Individuals with Disabilities Education Act (“IDEA”), or IDEA students.

### Section 504

This designation refers to section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving federal financial assistance. Under federal law, a “handicapped person” is defined as one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Students who meet these requirements should have a 504 Evaluation and Educational Plan developed by a 504 team.

### Disciplinary Actions for IDEA and Section 504 Students

When an administrator is considering disciplinary action involving the removal of an IDEA or 504 student, the student’s records shall be reviewed to determine the total number of days during the current school year that the student has missed due to disciplinary action. Once this determination has been made, the following procedures must be followed:

1. If the student has not accumulated more than 10 (ten) days of disciplinary removal for the school year, then utilize procedures as outlined for non-disabled students.
2. If the pending suspension is more than ten (10) consecutive days (including proposed expulsions) **OR** if the suspension is less than ten (10) days but would result in ten (10) cumulative days for one school year and a pattern of removals has been determined, this constitutes a change in placement. Before implementing a suspension or expulsion that constitutes a change in placement, the student must have an IEP/504 meeting to determine whether the behavior issue is a manifestation of the student’s disability (a “manifestation determination” review). This meeting must take place within ten (10) school days of the decision to change the placement from school.

---

<sup>1</sup> Michigan Administrative Rules for Special Education, Rule 340.1702

## Exception

In cases where the offense involves the current use of drugs/alcohol, the Section 504 meeting is not necessary. The student may be disciplined in the same manner as non-disabled students. Note, if the offense is centered on possession alone, not use, a manifestation hearing is still required.

If the IEP/504 team determines that the behavior is a manifestation of the student's disability, the student is NOT subject to further disciplinary action. However, the evaluation will continue to determine whether the student's current educational placement is appropriate. The student MUST return to their original placement UNLESS the parent agrees otherwise through the IEP/504 process.

### EXCEPTION:

If the offense involves any of the following, school personnel may remove the student to an interim alternative educational setting for not more than forty-five (45) days:

- Carrying or possessing a weapon at school or at a school function
- Knowingly possessing or using illegal drugs
- Selling or soliciting the sale of a controlled substance while at school or at a school function
- Inflicting serious bodily injury upon another person

If the IEP/504 team determines that the behavior is NOT a manifestation of the student's disability, the student may be removed in the same manner as any non-disabled student.<sup>2</sup>

The school must continue to provide IDEA student services so that the student progresses toward IEP goals, even if the child is no longer served in the same school environment. Section 504 students are not entitled to a continuation of specialized services.

The IEP team decides what services will be provided and the location where the services will be rendered.

When a change in placement occurs, the student is entitled to the procedural protections of Section 504/IDEA, including, an expedited due process hearing (appeal). When an appeal is pending, the student's placement will remain in the disciplinary removal setting until a decision is reached or the expiration of the removal issued by the District, whichever comes first.

Students with disabilities, even if expelled, must be provided with an appropriate education in an alternative educational setting.

---

<sup>2</sup> A student with a disability who is not currently engaged in the illegal use of drugs or alcohol and who commits a drug or alcohol offense is afforded Section 504 protections, including the right to a manifestation determination (29 USC §705(20) © (iv)).

## Students Suspected of Having a Disability

Students suspected of having a disability have the right to assert any of the disciplinary protections available to students with disabilities if prior to the behavior subject to disciplinary action, one or more of the following exist:

1. The parent/guardian(s) have expressed specific concerns in writing to supervisory or administrative personnel of the District, or a teacher of the student, that the student is in need of special education and related services.
2. The parent/guardians(s) have requested or consented in writing to a special education evaluation.
3. The student's teacher, or other school personnel, expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the appropriate supervisor or director of special education for the District.
4. The District shall not be deemed to have knowledge that the student is a student with a disability if the parent of the student has previously refused to consent to an evaluation of the student, or has refused special education and related services, or the student was found ineligible for special education.

If a request is made for an evaluation of a student during the time in which the student is subjected to disciplinary measures, the student remains in the disciplinary removal setting and the evaluation shall be conducted in an expedited manner. If the student is found to be a student with a disability, the District shall provide special education and related services as appropriate.

Where a student presents an immediate threat to the safety of others, school officials may promptly adjust the placement or suspend the child for up to ten (10) school days, in accordance with procedures applied to non-disabled students.

## Early Elementary Students with Suspected Disabilities

In instances where a student who may be in the early stages of exposure to the education environment (Kindergarten – Grade 2) has displayed three or more instances of erratic and potentially dangerous behavior that poses an immediate risk to the life, safety, and/or welfare of staff and/or the student's peers, to the extent the District suspects a disability under the IDEA or Section 504, the District staff will convene a review of existing evaluation data or other evaluation planning meeting information and will expedite any evaluation that may be appropriate with the consent of the Parent or Guardian.

The District staff will expedite the evaluation and, during such time, the District staff will attempt to work with the Parent or Guardian to identify an educational placement and supports (either in school or in another interim setting) that will address the safety concerns, while also educating the student and conducting assessments for the student. The Superintendent or their designee will be kept informed of the situation and setting where the student will be educated and assessed by the staff. If the Parent or Guardian refuses to consent to evaluations and / or services or supports under IDEA and / or Section 504, the District may treat the student as a general education student and may apply the appropriate consequences under the discipline sections of the Code of Conduct, up to and including expulsion of the student.

## Title IX Sexual Harassment

DPSCD prohibits discrimination based on sex, sexual orientation, and gender identity in all its programs and activities including admission and employment in accordance with Title IX of the Education Amendments of 1972, 21 U.S.C. § 1681. The District is committed to responding promptly and effectively when it has actual knowledge of any form of sex discrimination including sexual harassment.

Any person may report sex discrimination, including sexual harassment. All District employees are required to promptly report incidents of sexual harassment, observed, or learned about, to the Office of Equity, Advocacy & Civil Rights (EACR).

Other members of the District community and third parties are encouraged to report incidents of sexual harassment to a District employee, EACR, or the Title IX Coordinator.

Jenice Mitchell Ford, General Counsel  
Civil Rights Coordinator/Title IX Coordinator  
3011 W. Grand Blvd., Floor 10 Detroit, MI 48202  
Phone: (313) 240-4377  
[Dpscd.compliance@detroitk12.org](mailto:Dpscd.compliance@detroitk12.org)

Students have the right to Supportive Measures as appropriate when an accusation of sexual harassment has been made. Supportive Measures can be put in place before, during, and/or after any investigation. Supportive measures are designed to ensure that students are safely able to access the District's programs and activities.

For more information on your rights under Title IX, or to review our Title IX grievance procedures, please visit our Title IX website page by clicking [here](#).

## Technology Use

The Detroit Public Schools Community District Board of Education is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of District operations. Students and their parents must sign and submit a Student Technology Acceptable Use and Safety form annually. The Superintendent or their designee shall oversee the development and implementation of a written District Technology Plan (“DTP”). One (1) of the primary purposes of the DTP is to evaluate new and emerging technologies and how they will play a role in student achievement and success and/or efficient and effective District operations.

The DTP shall set forth procedures for the proper acquisition of technology. The DTP shall also provide guidance to staff and students about making safe, appropriate, and ethical use of District Technology Resources, as well as inform both staff and students about disciplinary actions that will be taken if its Technology Resources are abused in any way or used in an inappropriate, illegal, or unethical manner.

The Superintendent shall review and recommend the approval of the District Technology Plan, any changes, amendments, or revisions to the Board annually.

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies, Social Media policy, Communication Device policy, and The Handbook, further govern students’ and staff members’ use of technology, including their personal devices. Users have no right or expectation of privacy when using District technology resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District’s computer network and/or Internet connection).

Further safeguards shall be established so the Board’s investment in both hardware and software achieves the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying.

Policy 7540 – Technology



## Bullying Policy

It is the policy of the District to provide a safe and nurturing educational environment for all of its students and an equally safe and mission-driven environment for its employees. The policy is intended to protect individuals from bullying and aggressive behavior regardless of the matter or motivation for the impermissible behavior. The policy applies to all activities at any District property and to all District-sponsored activities whether on or off District property.

Bullying, cyber-bullying or other aggressive behavior toward staff, students or other members of the District community, whether by students, staff, or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited. This prohibition includes written, physical, verbal, or electronic communication, including hazing, gestures, comments, threats, or actions that cause or threaten to cause bodily harm, reasonable fear for personal safety, or personal degradation. Demonstration of appropriate behavior, treating others with civility and respect, and refusal to tolerate harassment or bullying is expected of all District community members to provide positive examples for student behavior.

For additional resources [www.stopbullying.gov](http://www.stopbullying.gov)

Policy 5517.01 – Bullying and Other Aggressive Behavior

## Positive Behavioral Interventions and Supports (PBIS)

To promote positive behavior, schools provide a range of prevention and intervention support services for students during and/or after school hours throughout the school year, the District supports schoolwide implementation of PBIS (Positive Behavioral Interventions and Supports).

When a student does something wrong, the school will decide how to help them. They will look at what the student did and choose the best way to help them learn and do better next time. The school will keep track of the help they give to the student, even if they have to suspend them from school for a while.

By using the right help and support, the school wants to make sure that the student behaves better in the future. This will also make the school a happier and more positive place for everyone. The help they give may include different things from a list, or sometimes a mix of different ways, depending on what the student needs.

## Interventions, Supports and Disciplinary Actions

These strategies and interventions often involve support staff, both school-based and within the broader community, and aim to engage the student's support system to ensure successful learning and consistency of interventions, and to change the conditions that contribute to the student's inappropriate or disruptive behavior.

### A Infractions- Strategies and Interventions

(Classroom Strategies for use on the first three instances of an A infraction, and PRIOR to the 1<sup>st</sup> referral)

<ul style="list-style-type: none"> <li>• Use Signals and nonverbal cues to redirect students</li> <li>• Create safe spaces within the classroom <ul style="list-style-type: none"> <li>➤ Provide a n area for students to work with minimal stimulus (distractions)</li> <li>➤ Create a safe place for a time out</li> <li>➤ Create a "Calming Area" where students can go to de-escalate</li> </ul> </li> <li>• Student Engagement Activity – send a student on an errand when you notice they are getting agitated</li> <li>• Calm Classroom-Mindfulness Activity</li> <li>• Expect Respect- Student Character Trait Lesson/Pledge Cards</li> <li>• Daily/Weekly communication with home</li> <li>• Sanford Harmony: Social Emotional Learning Lesson</li> <li>• Student Self-Monitoring</li> <li>• Restorative Practices (affective statements/questions, circles, fair process, formal conferences)</li> </ul>	<ul style="list-style-type: none"> <li>• Daily progress sheet on behavior and verbal correction</li> <li>• Reminders and redirection (e.g., role play)</li> <li>• Establish a buddy teacher system</li> <li>• Think/Reflection Sheet</li> <li>• Evaluation of privileges in class Citizenship Feedback</li> <li>• Alternative Seating</li> <li>• Invite parents to serve as school volunteers</li> <li>• Check-In Check-Out School</li> <li>• PBIS Rewards</li> <li>• Mentoring program/ peer mediation</li> <li>• Parent Communication/Resources</li> <li>• Conference</li> <li>• Conflict Resolution</li> <li>• CHAMPS- Classroom Management Strategies</li> <li>• Teach/Reteach norms and expectations</li> </ul>
--	--

In addition to A Infractions strategies and interventions, B Infractions strategies and interventions can involve the school administration and aim to correct behavior by educating the student on the seriousness of the behavior with the goal of keeping the student in school.

<b>B Infractions- Strategies and Interventions</b>	
(Support Staff and Administrative Responses)	
<ul style="list-style-type: none"> <li>• Structured Breaks</li> <li>• Counselor Referral</li> <li>• School Beautification</li> <li>• Daily/Weekly Progress Report</li> <li>• Self-Monitoring Plan</li> <li>• Social Emotional Learning (SEL) lessons</li> <li>• Expect Respect lessons</li> <li>• Check In/Check Out</li> <li>• Small group Counseling/SSW</li> <li>• School Intervention Plan</li> <li>• Referral to school counselor/social worker</li> <li>• Behavioral Mental Health Referral</li> <li>• Restorative Practices</li> </ul>	<ul style="list-style-type: none"> <li>• Restitution (monetary or service-based)</li> <li>• Conflict resolution</li> <li>• Calm Classroom Mindfulness Activity</li> <li>• Peer mediation</li> <li>• Restorative Behavior Agreement</li> <li>• Referral to Problem-Solving Team</li> <li>• Mentoring programs</li> <li>• Lunch Detention</li> <li>• Change in schedule or class</li> <li>• Conference</li> <li>• Loss of privileges</li> <li>• In-school/After school program</li> <li>• Restorative Practices</li> </ul>

In addition to A and B Infractions, strategies, and interventions; C Infractions strategies and interventions may involve time away from the school community, because of the impact the behavior has had on the community. Removing a student from school should be the last thing we do when they misbehave, and we must have a plan to help them come back to school later.

<b>C Infractions- Strategies and Interventions</b>	
(Referral Responses)	
<ul style="list-style-type: none"> <li>• Restorative Behavior Agreement</li> <li>• Student Safety Plans</li> <li>• Parent Communication/Resources</li> <li>• Conference</li> <li>• Conflict Resolution</li> <li>• Restorative Practices (affective statements/questions, circles, fair process, formal conferences)</li> <li>• Functional Behavioral Assessment or Behavioral Intervention Plan ▪</li> <li>• Referral to an appropriate community organization</li> <li>• Referral to a credit recovery program if applicable</li> <li>• Transition Planning</li> <li>• Development of or revision to the PBIS plan</li> </ul>	<ul style="list-style-type: none"> <li>• Development of or revision to problem-solving team plan</li> <li>• Referral to Counseling/SSW/or an appropriate community organization</li> <li>• Refer student to Problem Solving Team (PST)</li> <li>• Alternative educational placement or alternative educational setting</li> <li>• Lunch Detention</li> <li>• Functional Behavioral Assessment or Behavioral Intervention Plan</li> <li>• Formal Conference</li> <li>• Permanent expulsion for certain offenses, as specified in Board policy</li> <li>• Alternative educational placement or alternative educational setting</li> </ul>

Social Worker/School Counselor Strategies and Interventions	
(Strategic Focus, Referrals)	Tier 3 (Individual, Intensive, Crisis Response)
<ul style="list-style-type: none"> <li>• Small group session (6-8 students)</li> <li>• Check In/ Check Out</li> <li>• Consultation w/Stakeholders</li> <li>• Collaboration w/Stakeholders</li> <li>• Appraisal and Advisement</li> <li>• Credit Recovery Plans</li> <li>• Goal Setting</li> <li>• Peer Mediation</li> <li>• Restorative Circles</li> </ul>	<ul style="list-style-type: none"> <li>• Short term Counseling/SSW</li> <li>• Threat Assessment</li> <li>• Suicide Risk Assessment</li> <li>• Crisis Management</li> <li>• 504/IEP Consultation</li> <li>• Safety Plans</li> <li>• Community Based Referrals</li> </ul>

D Infractions may involve the removal of a student from the school environment because of the impact on the student and the community. They may involve the placement of the student in a temporary placement that provides a safe environment and additional support to promote positive behavior. These interventions focus on maintaining the safety of the school community and encourage and re-engage the student in positive community participation. Removal should remain a consequence of last resort and provide a plan for reentry for the student.

## Implementation of Interventions, Supports, and Disciplinary Action

When intervention or disciplinary action is appropriate, it shall always:

- Depend upon the substantiation of the allegations or charges.
  - Involve a reasonable and logical relationship between the seriousness of the act and the severity of the discipline.
  - Be constructive in intent.
  - Take into account such factors as age, the intent of the student and their past records.
  - Consider the use of positive support strategies and the use of the school's student support resources; and
  - Adhere to District policies ensuring appropriate due process, especially when considering exclusions.
- (See Policy 5611 Due Process)

When teachers or school leaders need to help a student with their behavior, they must follow certain steps. They will write down what happened and what they did to help the student. If needed, they will try to talk to the student's parent or guardian on the phone. If they can't reach them by phone, they will send a note home with the student or put it in the mail within a day. This way, everyone knows what happened and what is being done to help the student.

If something happens at school, the student will tell their parent or guardian about it. They will also give them any notes or letters the school gives them about what happened. This way, everyone stays informed and knows what's going on.

**Note:** Staff should consider student age and grade when assigning consequences. Avoid assigning any form of suspension to K-2<sup>nd</sup> grade students. Use a variety of interventions and supports outlined within the Code of Conduct. When assigning consequences for 3<sup>rd</sup>-5<sup>th</sup> grade students, use interventions and supports outlined in the Code of Conduct and limit suspensions.

## Alternative Disciplinary Options

The following are some examples of how schools might handle misbehavior. If you want to know more about how your school deals with these situations, you can talk to the Principal, Assistant Principal or Dean at your school.

- **Before/After School Detention**— Assignment to a designated area on campus at the beginning or end of the regular school day for a specified period of time when applicable.
- **Extracurricular Participation** – Students not adhering to District and school-wide expectations will not be able to participate in after-school events.
- **Network/Internet Suspension** – Certain technology-based infractions may result in a suspension of network and/or internet access. Alternative instructional materials may be provided.
- **Restitution** – If the student is involved in the defacing or destruction of school property, the student/family will be held responsible for payment to replace or repair the equipment/items.
- **Safety Concern Transfer**—In instances where there is reasonable evidence that demonstrates a valid concern for the safety of a student, staff or others due to the student's presence at the school, contact the Code of Conduct Office to request a Safety Concern Transfer to the District's alternative campus. Safety Concern Transfers must be approved by the Code of Conduct Office and the Superintendent.
- **School Beautification** – Assist with the clean-up of a location without the use of chemicals.
- **School Bus Suspension or Revocation** – If a student doesn't follow the rules on the school bus, they might not be allowed to ride the bus for some time. This is called a "bus suspension." It's different from getting in trouble at school. Even if a student can't ride the bus, they still have to come to school as usual. If you have any questions about this or if it's fair, you can ask the Office of Equity for help and information.

If a student gets suspended (Out of School Suspension) or expelled from the school bus, they are not allowed to ride it. If they try to get on the bus without permission, it is like trespassing, which is against the rules. They could get in trouble and be arrested for doing that. This rule also applies to extracurricular activities, like after-school clubs or sports. **It's important to follow the rules and stay out of trouble.**

### Additional Notes:

- ❖ **If the Principal thinks something is making the school unsafe, they might have to use different rules for discipline. But before they do that, they need permission from the Superintendent or their designee.**
- ❖ If a school administrator's own child goes to the same school where they work, someone else will handle any discipline needed for that child. This way, it's fair and no one gets special treatment.
- ❖ **A student who has been suspended or expelled from school and returns to any District property without being authorized to do so is considered trespassing and is subject to appropriate escalation.**

## Administrative Transfer

**If the options mentioned earlier are not effective, the school might decide to request that the student move to a different school building or a special program within Detroit Public Schools Community District (DPSCD). This is called an "Administrative Transfer."**

The school will attempt multiple different strategies to help students remain at their current school, but sometimes, special situations may need a different approach in another place. The Principal can decide to request an administrative transfer if there are concerns about safety, bullying, or if the student has broken the rules many times without showing signs of improvement.

To initiate the request for an Administrative Transfer, the school's Principal will submit a Request for Administrative Transfer document to their Assistant Superintendent. Administrative Transfer options include: enrollment in an another school setting for the remainder of the school semester, enrollment in another school setting for the remainder of the school year, or enrollment in another school setting for the remainder of the sending school building's highest grade level.

The Assistant Superintendent will review the request for Administrative Transfer, and then must approve or deny. If the request is approved by the Assistant Superintendent, it is then routed to The Code of Conduct Office (Code Office) for final decision. To ensure an equitable, fair and transparent process, all Administrative Transfers must receive final approval through the Code of Conduct Office.

A student recommended by the Principal for an administrative transfer is entitled to make up work until the student's placement is complete. The student is to remain enrolled in the sending school until the administrative transfer to the receiving school is finalized by the Student Code of Conduct Office.

## A Infractions

To ensure students are provided opportunities to function in an environment conducive to learning, it is necessary that A Infractions are addressed through classroom management expectations. Therefore, **prior to the first referral**, there must be evidence of three (3) instances of the same A infraction. Schools shall ensure there is written warning documentation for each infraction, and that classroom/school rules have been clearly established. Document all strategies and interventions in PowerSchool.

The warning documentation shall include but not be limited to:

1. One on one conference with the student, parent (via phone if necessary), Guidance Counselor/Social Worker, and teacher.
2. One on one documented communication between the parent, Guidance Counselor/Social Worker, and teacher.
3. **Occurrence 3 shall require the infraction be written as the first referral** to administration accompanied by written documentation of the previous occurrences and intervention strategies attempted.

### **A01 FAILURE TO FOLLOW INSTRUCTIONS/INSUBORDINATION**

Refusing to follow rules and not listening to teachers or helpers in school can be dangerous and make it hard for others to learn. This includes telling lies or giving wrong information to school staff.

### **A03 USE OF ELECTRONIC COMMUNICATION DEVICES ("ECD") SMARTPHONES, CELLULAR PHONES, OR OTHER DEVICES THAT CAUSE DISRUPTION WHILE ON SCHOOL PROPERTY**

Section A: Using phones, tablets, or games at the wrong times is not allowed. Also, using personal devices to send or get messages in a wrong way, including using artificial intelligence (AI), is not allowed.

Section B: Using devices to take, share, or publish inappropriate pictures or videos is not allowed. This includes fights or disruptions. It's also not okay to send or keep explicit pictures using school devices or at school events this includes forwarding, sending, airdropping, using, sharing, viewing or possessing a sexually explicit image (specifically, images that do not depict any enrolled student activity; actions that are not transmitted as means of harassment) via text message or iMessage, email, social networking websites and/or other electronic means using school property (computers, devices, networks, or servers) on school grounds or at school sponsored activities/events.

**Please note:** If the use of the electronic communication device results in chaotic disruption, sexual harassment, or includes sexually explicit images of currently enrolled students, refer to the C infractions. (See Title IX page 27)

### **A04 UNAUTHORIZED USE OF SCHOOL MATERIALS/EQUIPMENT**

Using school stuff, like computers and technology, without permission from a teacher or principal is not allowed. It's also not okay to mess with the computers or use the internet in ways that are not allowed by the school's rules.

### **A05 CHEATING/ACADEMIC MISCONDUCT**

Cheating, plagiarizing, and copying another's work. This includes the unauthorized use of artificial intelligence (AI).

### **A06 INAPPROPRIATE DISPLAYS OF AFFECTION**

Students will not engage in voluntary inappropriate displays of affection, such as kissing, touching, or rubbing of private body parts.

### **A08 SKIPPING/CUTTING CLASS/LOITERING**

Leaving the classroom or other assigned area without permission from the adult in charge and/or leaving the classroom or school grounds during regular school hours without permission and without a parent/guardian/an emergency contact person. This includes skipping/class cutting; persistent hall walking; loitering in halls, cafeteria, gym, bathroom, or unassigned areas.

### **A09 DRESS CODE VIOLATION**

Violating DPSCD dress code/expectations. (See page 23)

### **A10 DISTRACTION TO CLASSROOM/ASSIGNED LEARNING AREA**

Section A: behavior that interferes with instruction and learning, such as yelling out in class or talking out of turn, rude noises, picking on or teasing other students, pranks, and other non-physical contact behavior that detracts from the educational process. Section B: excessive or chronic behavior that directly affects the safety of others such as throwing harmful items (not directed at or making physical contact with others), turning over a table, refusing to remain in a seat, or disrupting a safety drill.



**A11 ROUGH PLAY**

Rough play means playing loudly and physically, but not trying to hurt anyone on purpose. It can be like horsing around, roughhousing, or touching each other a lot, but it's not meant to be mean or hurtful.

## Disciplinary Actions Per Occurrence for A Infractions

Grades PreK-2: Submission of Behavior Referral with no suspension-based removal (ISS/OSS)

**IF STAFFING IS AVAILABLE, SCHOOL ADMINISTRATORS MAY REPLACE OSS WITH ISS.**

A Infractions	1 <sup>st</sup> Referral Prior to 1 <sup>st</sup> Referral, there must be 3 documented instances of the same A infraction along with interventions implemented	2 <sup>nd</sup> Referral	3 <sup>rd</sup> Referral	4 <sup>th</sup> Referral
<b>A01 FAILURE TO FOLLOW INSTRUCTIONS / INSUBORDINATION</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statements/ Questions</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>1 Day ISS/ OSS</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Formal Conference</li> <li>Restorative Behavior Agreement</li> <li>2 Days OSS</li> </ul>
<b>A03 USE OF ELECTRONIC COMMUNICATION DEVICES OR OTHER DEVICES THAT CAUSE DISRUPTION WHILE ON SCHOOL PROPERTY</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statements/Questions</li> <li>Confiscation of the device and returned to the student</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Confiscation of the device and return only to a parent</li> <li>Small Impromptu Conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Confiscation of the device and return only to parent</li> <li>Restorative Circle</li> <li>1 Day ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Confiscation of the device and return only to a parent</li> <li>Restorative Practice</li> <li>1 Day OSS</li> </ul>
<b>A04 UNAUTHORIZED USE OF SCHOOL MATERIALS/ EQUIPMENT</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statements/ Questions</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>1 Day ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>Restorative Behavior Agreement</li> <li>2 Days OSS</li> </ul>
<b>A05 CHEATING/ ACADEMIC MISCONDUCT</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statements/ Questions</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Circle</li> <li>1 Day ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>2 Days OSS</li> </ul>
<b>A06 INAPPROPRIATE DISPLAYS OF AFFECTION</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statements/ Questions</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Counseling/SSW Referral</li> <li>1 Day ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>Counseling/SSW Referral</li> <li>2 Days OSS</li> </ul>
<b>A08 SKIPPING/CUTTING CLASS/LOITERING</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statements/ Questions</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> <li>Culture Leadership Team Referral</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Restorative Behavior Agreement</li> <li>1 Day ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>Referral to PBIS or Attendance Team</li> <li>2 Days OSS</li> </ul>
<b>A09 DRESS CODE VIOLATION</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statements/ Questions</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Counseling/SSW Referral</li> </ul>	<ul style="list-style-type: none"> <li>Restorative Behavior Agreement</li> <li>Formal Conference</li> </ul>
<b>A10 DISTRACTION TO CLASSROOM/ASSIGNED LEARNING AREA</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statements/ Questions</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> <li>Counseling/SSW Referral/ Intervention</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Behavior Agreement</li> <li>Restorative Circle</li> <li>1 Day ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>2 Days OSS</li> </ul>
<b>A11 ROUGH PLAY</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statements / Questions</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>1 Day ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>Restorative Behavior Agreement</li> <li>2 Days OSS</li> </ul>

Refer to page 29 for information on Assigning Interventions & Administering Discipline. A glossary of Terms can be found on page 65.

## B Infractions

**Note:** Staff should consider student age and grade when assigning consequences. Avoid assigning any form of suspension to K-2 students. Use a variety of interventions and supports outlined within the Code of Conduct. When assigning consequences for 3<sup>rd</sup>-5<sup>th</sup> grade students use interventions and supports outlined in the Code of Conduct and limit suspensions.

### **B01 ABUSIVE LANGUAGE**

Harsh, violent, profane, or derogatory language (written, spoken, or nonverbal gestures) which would demean the dignity of another. Includes, swearing, name-calling, insults, or other confrontational means of expression by the student.

### **B03 POSSESSION OF PROHIBITED OBJECTS**

Possession of an object other than those listed in infractions D01, D02, and D03, and that has the propensity for danger, negligent harm, or disruption to the learning environment. Includes non-explosive firecrackers, lighter/matches, and water guns that are non-look alike/non-replica guns.

### **B04 THEFT OR RECEIPT OF STOLEN PROPERTY (less than \$100)**

Taking, conspiring to take, without permission of the owner or custodian, or receiving or possessing property known to be stolen valued at less than \$100.00.

### **B05 EXTORTION**

Obtaining money, property, or anything of value from another, against their will, by forcing an individual to either act or refrain from acting by threat of harm (e.g., harm to reputation, violence or property damage) or coercion.

### **B06 PROPERTY DAMAGE, INCLUDING GRAFITTI**

Intentional damage, destruction or defacement to another person's or school property. Intentional damage, destruction or defacement to another person's or school property. Includes actions that impair the use of something, such as intentionally clogging the plumbing system or damaging school equipment to the point where repair is necessary.

### **B08 INTERFERENCE WITH OR INTIMIDATION OF SCHOOL PERSONNEL**

Preventing or attempting to prevent school personnel from engaging in their lawful duties through threats of violence, harassment, or intimidation.

### **B09 HARASSMENT**

Harassment is when someone purposely scares or bullies another person at school. It can make the person feel scared or hurt, and it can even stop them from joining school activities or learning properly. Harassment can happen in different ways, like saying mean things, writing hurtful messages, using technology, or making someone feel bad emotionally. When harassment becomes really serious and makes it hard for a student to enjoy school or participate in activities, it creates a hostile environment.

### **B10 GAMBLING**

Participating in games of chance or skill for money or profit; requires the use of money or exchangeable goods.

### **B14 FIGHTING – MUTUAL COMBAT, MUTUAL ALTERCATION**

A physical altercation between one or more students that does not cause severe injury.

**B15 INITIATING AN ATTACK ON A STUDENT**

Intentionally hurting someone else without a good reason is not okay. This includes hitting, kicking, or being mean to others. It's also wrong to try to make someone sick on purpose by coughing, sneezing, or spitting on them. Using aggressive or mean words or actions to hurt someone is not allowed either. This includes threatening to fight or trying to make others fight after school. We should always treat each other with kindness and respect.

\*A Threat Assessment may be conducted to evaluate the risk of harm and severity of intent.

**B16 RESPONSE TO A PHYSICAL ATTACK, THREAT OF ATTACK, OR VERBAL ALTERCATION**

Self-defense means protecting yourself when someone is trying to hurt you. But hitting back after a fight is over or when there's no immediate danger is not self-defense. Also, hitting someone in response to mean words during an argument is not self-defense. Only actions to block an attack or protect yourself are considered self-defense. If your response fits this definition, you won't get in trouble.

**B17 SEXUALLY SUGGESTIVE AND/OR DISCRIMINATORY ACTIONS**

The use of words, pictures, objects, gestures, or other actions relating to sexual activity or a person's gender may cause embarrassment, discomfort, or a reluctance to participate in school activities. Students may be charged with this infraction for transmitting materials that are construed as harassment or disparagement of others based on sex, gender, or sexual orientation. (See Title IX page 27)

**B20 HAZING**

Hazing is when someone purposely does things that can hurt or make others feel bad. They do it to make the person join a group or team, but it's not a nice way to do it. This can be dangerous or make the person feel embarrassed or sad. It doesn't matter if the person agrees to it or not, hazing is not okay.

**B21 TRESPASSING**

Being on any DPSCD school property without permission and/or in order to participate in a fight or other serious disturbance, including while suspended or expelled.

## Disciplinary Actions Per Occurrence for B Infractions

Grades PreK-2 submission of behavior referral with no suspension-based removal (ISS/OSS)

Grades 3-5 submission of behavior referrals should be assigned the minimal ISS/OSS consequence.

**IF STAFFING IS AVAILABLE, SCHOOL ADMINISTRATORS MAY REPLACE OSS WITH ISS**

B Infractions	1 <sup>st</sup> Referral	2 <sup>nd</sup> Referral	3 <sup>rd</sup> Referral	4 <sup>th</sup> Referral
<b>B01</b> <b>ABUSIVE LANGUAGE</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Counseling/ssw referral</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>Restorative Behavior Agreement</li> <li>Counseling/ssw referral</li> <li>2 Days OSS</li> </ul>
<b>B03</b> <b>POSSESSION OF PROHIBITED OBJECTS</b>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small impromptu conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Restorative Behavior Agreement</li> <li>Counseling/ssw referral</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Counseling/ssw referral</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>Counseling/ssw referral</li> <li>2 Days OSS</li> </ul>
<b>B04</b> <b>THEFT OR RECEIPT OF STOLEN PROPERTY</b> (Less than \$100)  <b>Notes:</b> Staff are required to submit form 446, Theft and Damage Report, to inform DPSCD Public Safety Department and Risk Management.  Inform General Counsel and Risk Management for guidance related to restitution.	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small impromptu conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Counseling/ssw referral</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Restorative Behavior Agreement</li> <li>Counseling/ssw referral</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>Counseling/ssw referral</li> <li>2 Days OSS</li> </ul>
<b>B05</b> <b>EXTORTION</b> <b>Pre K- 2<sup>ND</sup> Grade:</b> Staff is required to complete Form 63 Undesirable Incident Report  Inform General Counsel and Risk Management for guidance related to restitution.  <b>3<sup>rd</sup> -12<sup>th</sup> Grade:</b> Reportable Offenses: Required reporting to DPSCD Public Safety Department and completing Undesirable Incident Report  Refer to Behavior Mental Health/School Counselor/Social Worker	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small impromptu conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Counseling/SSW Referral</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Restorative Behavior Agreement</li> <li>Counseling/ssw referral</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Formal Conference</li> <li>Counseling/ssw referral</li> <li>2 Days OSS</li> </ul>

<p><b>B06 PROPERTY DAMAGE, INCLUDING GRAFITTI</b></p> <p>Staff is required to complete Undesirable Incident Report and inform DPSCD Public Safety Department of property damage valued over \$100. Form 446 Theft and Damage Report must be submitted.</p> <p>Inform General Counsel and Risk Management for guidance related to restitution.</p>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Small impromptu conference</li> <li>• 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Counseling/SSW Referral</li> <li>• 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 2 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Formal Conference</li> <li>• Counseling/SSW Referral</li> <li>• 2 Days OSS</li> </ul>
<p><b>B08 INTERFERENCE WITH OR INTIMIDATION OF SCHOOL PERSONNEL</b></p>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Small impromptu conference</li> <li>• 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Culture Leadership Team Referral</li> <li>• Counseling/SSW Referral</li> <li>• 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Counseling/SSW Referral</li> <li>• 2 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Formal Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 2 Days OSS</li> </ul>
<p><b>B09 HARASSMENT</b></p> <p>Staff are required to complete Form 73, Bullying, Harassment or Intimidation Incident and School Investigation Form.</p> <p>Referral to a Behavioral Mental Health Provider/School Counselor/School Social Worker is required.</p> <p>Inform/Report to the District's Office of Equity, Advocacy, and Civil Rights and offer supportive measures to students impacted by harassment.</p>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Small impromptu conference</li> <li>• 1 Day OSS</li> <li>• Counseling/SSW Referral</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Culture Leadership Team Referral</li> <li>• Counseling/SSW Referral</li> <li>• 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Formal Conference</li> <li>• Counseling/SSW Referral</li> <li>• 2 Days OSS</li> </ul>
<p><b>B10 GAMBLING</b></p>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Small impromptu conference</li> <li>• 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Counseling/SSW Referral</li> <li>• Restorative Circle</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Counseling/SSW Referral</li> <li>• 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Formal Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 2 Days OSS</li> </ul>
<p><b>B14 FIGHTING – MUTUAL COMBAT, MUTUAL ALTERCATION</b></p>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• 1-3 Day(s) OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 3-6 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Formal Conference</li> <li>• Restorative Circle</li> <li>• Counseling/SSW Referral</li> <li>• 6-10 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• 10 Days OSS</li> <li>• Referral to Hearing Officer</li> <li>• Counseling/SSW Referral</li> </ul> <p>Incident – Day Zero Investigation – Days 1-4 Parent Conference – Days 1-4</p>

				<ul style="list-style-type: none"> <li>▪ Submit Case to Code Office – Day 5</li> </ul>
<p><b>B15 INITIATING AN ATTACK ON A STUDENT</b></p> <p>School staff must report to DPSCD Public Safety Department and conduct a threat assessment for threats of violence; refer to administrative guidelines for forms and process flowcharts.</p> <p>Referral to a Behavioral Mental Health Provider/School Counselor/School Social Worker is required.</p>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 1-5 Day(s) OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 6-10 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 6-10 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ 10 Days OSS</li> <li>▪ Referral to Hearing Officer</li> <li>▪ Counseling/SSW Referral</li> </ul> <p>Incident – Day Zero Investigation – Days 1-4 Parent Conference – Days 1-4 Submit Case to Code Office – Day 5</p>
<p><b>B16 RESPONSE TO A PHYSICAL ATTACK, THREAT OF ATTACK, OR VERBAL ALTERCATION</b></p> <p>Referral to a Behavioral Mental Health Provider/School Counselor/School Social Worker is required.</p>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Counseling/SSW Referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Culture Leadership Team Referral</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 1 -2 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ 10 Days OSS</li> <li>▪ Referral to Hearing Office</li> <li>▪ Counseling/SSW Referral</li> </ul> <p>Incident – Day Zero Investigation – Days 1-4 Parent Conference – Days 1-4 ▪ Submit Case to Code Office – Day 5</p>
<p><b>B17 SEXUALLY SUGGESTIVE AND/OR DISCRIMINATORY ACTIONS</b></p> <p>Immediately report the incident to the Office of Equity, Advocacy &amp; Civil Rights (EACR) and the parents/guardians of students involved.</p> <p>Administration, in consultation with the counselor/social worker, must obtain statements from the accused student, impacted student(s), and any witnesses.</p> <p>Appropriate Supportive Measures must be put in place for the accused student AND any students impacted by the behavior.</p> <p>No consequences may be issued prior to</p>	<ul style="list-style-type: none"> <li>▪ Submit Title IX Ticket</li> <li>▪ DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</li> </ul> <p>If the Title IX ticket result in a “<u>not confirmed</u>” Title IX case from EACR, proceed with the following:</p> <ul style="list-style-type: none"> <li>• Supportive Measures</li> <li>• Mandatory Parent Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 2-3 Days ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit Title IX Ticket</li> <li>▪ DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</li> </ul> <p>If the Title IX ticket result in a “<u>not confirmed</u>” Title IX case from EACR, proceed with the following:</p> <ul style="list-style-type: none"> <li>▪ Supportive Measures</li> <li>▪ Mandatory Parent Conference</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Refer to Whole Child Support</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 3-4 Days ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit Title IX Ticket</li> <li>▪ DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</li> </ul> <p>If the Title IX ticket result in a “<u>not confirmed</u>” Title IX case from EACR, proceed with the following:</p> <ul style="list-style-type: none"> <li>• Supportive Measures</li> <li>• Mandatory Parent Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 3-5 Days OSS</li> </ul> <p>Multiple repeated occurrences may result in referral to Hearing Officer for additional assignment of days or alternative intervention)</p>	<ul style="list-style-type: none"> <li>▪ Submit Title IX Ticket</li> <li>▪ DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</li> </ul> <ul style="list-style-type: none"> <li>▪ 10 Days OSS</li> <li>▪ Referral to Hearing Officer</li> <li>▪ Counseling/SSW Referral</li> </ul> <p>Incident – Day Zero Investigation – Days 1-4 Parent Conference – Days 1-4 ▪ Submit Case to Code Office – Day 5</p>

consultation with EACR. Inform/Report to the District's Office of Equity Civil Rights.				
<b>B20 HAZING</b>  Referral to a Behavioral Mental Health Provider/School Counselor/School Social Worker is required.	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu Conference</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Culture Leadership Team Referral</li> <li>Counseling/SSW Referral</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Restorative Behavior Agreement</li> <li>Counseling/SSW Referral</li> <li>2 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>10 Days OSS</li> <li>Referral to Hearing Officer</li> <li>Counseling/SSW Referral</li> </ul> Incident – Day Zero Investigation – Days 1-4 Parent Conference – Days 1-4 Submit Case to Code Office – Day 5
<b>B21 TRESPASSING</b>  If suspended or suspended pending referral to Code Office, a student will not return to the school premises without permission from the proper school authorities.  Reportable Incident: Michigan School Safety law requires trespassing incidents be immediately reported to DPSCD Public Safety Department. School staff will complete an Undesirable Incident Report.	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Affective Statement/Questions</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Small Impromptu</li> <li>Counseling/SSW Referral</li> <li>1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Restorative Circle</li> <li>Counseling/SSW Referral</li> <li>2 Days OSS</li> <li>Restorative Behavior Agreement</li> </ul>	<ul style="list-style-type: none"> <li>Parent Conference</li> <li>Contact DPSCD Public Safety</li> <li>Counseling/SSW Referral</li> </ul>



## C Infractions

**Note:** Staff should consider student age and grade when assigning consequences. Avoid assigning any form of suspension to K-2 students. Use a variety of interventions and supports outlined within the Code of Conduct. When assigning consequences for 3<sup>rd</sup>-5<sup>th</sup> grade students use interventions and supports outlined in the Code of Conduct and limit suspensions.

### **C03 THEFT OR RECEIPT OF STOLEN PROPERTY**

Taking or conspiring to take without permission of the owner or custodian, receiving or possessing property known to be stolen valued at \$100.00 or more.

### **C04 SEXUAL MISCONDUCT**

A student shall not engage in intimate physical sexual contact with another person, including, but not limited to consensual sexual intercourse, oral sex, or intentional touching of the other person's genitals, groin, inner thigh, buttock or breast, or the clothing covering those areas, other inappropriate behavior of a sexual nature including displays of sexual parts. A student shall not participate in sexting, which includes creating, sharing, Airdrop/Nearby Share via cellular devices, or possessing images of a minor (anyone under 18 years of age) engaged in a sexual act. A "sexual act" includes sexual intercourse, masturbation, or a lewd exhibition of nudity. (See Title IX page 27)

### **C07 BULLYING/CYBERBULLYING**

Generally, involves repeatedly using power in an intentional manner, to inflict psychological distress or physical harm that adversely affects another's ability to participate in or benefit from a school's education or extracurricular programs. (See Bullying Policy page 28)

Engaging in written, verbal, or physical conduct intended to place one or more students in fear of harm or cause substantial emotional distress by directly or indirectly doing the following:

- Substantially interfering with educational opportunities;
- Adversely affecting the ability of a student(s) to participate in or benefit from school programs;
- Having an actual and substantial detrimental effect on a student's physical or mental health; or
- Causing a substantial disruption of the orderly operation of the school.

Cyberbullying is engaging in any electronic communication (i.e., internet, smart phone, wireless handheld device, etc.), network, or technology, including social media (e.g., Facebook, Twitter, SnapChat, Instagram, etc.), to bully a student, educator, employee, parent/guardian, contractor, agent, or volunteer.

Relational aggression is a type of bullying in which the student's interaction with peers involves covert bullying or manipulative behavior, causing harm within relationships. Examples are social exclusion of a peer from their group, threatening to stop talking to a friend with silent treatment, or gossiping and spreading rumors at school or online. This includes hate speech.

### **C09 USE OR POSSESSION OF DRUG PARAPHERNALIA OR CONTROLLED SUBSTANCES**

Using or having drugs or things related to drugs at school is not allowed. This includes illegal drugs, medicine not prescribed for you, and marijuana or CBD in any form. Vape pens, edibles, and any items for using drugs are also not allowed. Just having them is considered as having drugs. Drug paraphernalia means any tools or items designed for using drugs." "Using or having drugs or things related to drugs at school is not allowed. This includes illegal drugs, medicine not prescribed for you, and marijuana or CBD in any form. Vape pens, edibles, and any items for using drugs are also not allowed. Just having them is considered as having drugs. Drug paraphernalia means any tools or items designed for using drugs.

Controlled substance means any drug, or substance, that is delineated in Schedules 1 through 5 of Part 72 of the Michigan Public Health Code, being MCL 333.7201 through MCL 333.7231 Drug generally means, a substance that is recognized as a drug by official Pharmacopoeia or national formulary; a substance that is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; a substance, other than food, that is intended to affect the structure or function of the body or; a substance that is intended for use as a component of any substance specified within this definition.

\*If someone had drugs or alcohol before coming to school, or they got rid of it without anyone knowing, or they used it at school without any proof, they won't be in trouble for the C09 infraction.

\* If someone smells like drugs or has the smell on their clothes, but there is no other sign they are using drugs, they won't get in trouble for an illegal use or possession violation. Just smelling like drugs is not enough to get in trouble.

#### **C10 GANG-RELATED ACTIVITY**

Gangs are defined as an ongoing organization, association, or group of 2 or more people, other than a nonprofit organization, that identifies itself by all of the following:

- A unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, geographical or territorial sites, or boundary or location.
- An established leadership or command structure
- Defined membership criteria Gang activity typically refers to a group of two or more individuals that associate periodically as an ongoing criminal group, with an overt or covert command structure, to regularly conspire and/or commit illegal and disruptive acts within the school community.

#### **C11 ADMITTANCE OF UNAUTHORIZED INDIVIDUALS INTO SCHOOL BUILDINGS**

Knowingly and intentionally admitting or allowing an unauthorized person(s) or student into any school building without expressed permission from the proper school authorities, through any unopened door or unmonitored point of entry, in a manner that breaches any method of established security.

#### **C12 FALSE ALARM**

Intentionally activating a fire alarm system in any school building and/or reporting a fire, bomb, or other dangerous lockdown situation when none exists or without valid cause.

#### **C14 SEXUAL HARASSMENT**

Any unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity; or Any conduct that is determined to be Sexual Harassment under Title IX (see appendix for comprehensive definition). (See Title IX page 27)

\*This definition can include conduct that occurs electronically or over social media if it impacts the learning environment.

#### **C15 VERBAL ASSAULT**

Threatening or aggressive language or gestures directed toward staff (verbal, cyber, or written behavior) that threatens or intends to cause actual harm to staff.

#### **C16 INCITING OR PARTICIPATING IN MASS DISTURBANCE**

Causing a big disruption at school that makes it hard for others to learn and can be unsafe. It includes when a group of students attack another student, big fights that need lots of adults to stop, or using phones to send mean messages and make things chaotic. It's also not allowed to block or delay school transportation or scare students while they're going to or coming from school that requires the immediate presence of multiple authorities (DPSCD Public Safety Department, District leaders or other crisis intervention support).

#### **C17 USE OR POSSESSION OF ALCOHOL**

Drinking (witness or recorded) of alcoholic liquor/beverages, whether or not medicated. This includes regular alcoholic drinks or drinks made with cough syrup. Just having alcohol is considered as having it. But if the alcohol is gone or used before coming to school, and there's no proof of it, you won't get in trouble for the C17 violation. Also, just smelling like alcohol, without any other signs of being drunk or using it, won't get you in trouble for an illegal use or possession violation.

#### **C18 USE OR POSSESSION OF INHALANTS**

Using or having certain chemicals or substances that can make you feel high or change your mind is not allowed at school. This includes sniffing or inhaling them in a way that they are not meant to be used. Teachers will watch for signs like strange smells, glassy eyes, or slurred words to know if someone has these chemicals. But just having the chemicals without any other signs of using them won't get you in trouble for violating the rule about inhalants.

**C19      USE OR POSSESSION OF TOBACCO AND HOOKAH PRODUCTS**

Using or having cigarettes, e-cigarettes, hookah pipes, or tobacco products at school is not allowed. If someone smells like tobacco but there's no other sign they were using it, they won't get in trouble for an illegal use or possession violation.

**C20      UNINTENTIONAL PHYSICAL CONTACT WITH SCHOOL STAFF**

Unintentionally striking a staff member who is intervening in a fight or other disruptive activity.

## Disciplinary Actions Per Occurrence for C Infractions

Grades PreK-2 submission of behavior referral with no suspension-based removal (ISS/OSS)

Grades 3-5 submission of behavior referrals should be assigned the minimal ISS/OSS consequence.

### IF STAFFING IS AVAILABLE, SCHOOL ADMINISTRATORS MAY REPLACE OSS WITH ISS

C Infractions	1 <sup>st</sup> Referral	2 <sup>nd</sup> Referral	3 <sup>rd</sup> Referral	4 <sup>th</sup> Referral
<b>C03</b> <b>THEFT OR RECEIPT OF STOLEN PROPERTY</b>  (Restitution Required)  Reportable Offense: Required reporting to DPSCD Public Safety Department.  Staff is required to complete Undesirable Incident Report and Form 446 Theft and Damage Report must be submitted.  Inform General Counsel and Risk Management for guidance related to restitution.  Students with a Disability must have documented recommendation from the assigned IEP Case Manager/504 Coordinator for any disciplinary determination to remove the student from the classroom, assigned learning environment, or school building.	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Small Impromptu Conference</li> <li>• Restorative Behavior Agreement</li> <li>• 2 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Small Impromptu Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 3-4 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• 1 Day OSS</li> <li>• Formal Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 2 Days OSS</li> </ul>	
<b>C04</b> <b>SEXUAL MISCONDUCT</b>  Immediately report the incident to the Office of Equity, Advocacy & Civil Rights (EACR) and the parents/guardians of students involved.  Administration, in consultation with counselor/social worker must obtain statements from the accused student, impacted student(s), and any witnesses. Appropriate Supportive Measures must be put in place for the accused student AND any students impacted by the behavior. No consequences may be issued prior to consultation with EACR	<ul style="list-style-type: none"> <li>• <b>Submit Title IX Ticket</b></li> <li>• <b>DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</b></li> </ul> <p>If the Title IX ticket result in a "<u>not confirmed</u>" Title IX case from EACR, proceed with the following:</p> <ul style="list-style-type: none"> <li>• Supportive Measures</li> <li>• Mandatory Parent Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 3-5 Days ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Submit Title IX Ticket</b></li> <li>• <b>DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</b></li> </ul> <p>If the Title IX ticket result in a "<u>not confirmed</u>" Title IX case from EACR, proceed with the following:</p> <ul style="list-style-type: none"> <li>• Supportive Measures</li> <li>• Mandatory Parent Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Refer to Whole Child Support</li> <li>• Counseling/SSW Referral</li> <li>• 4-5 Days ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Submit Title IX Ticket</b></li> <li>• <b>DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</b></li> </ul> <p>If the Title IX ticket result in a "<u>not confirmed</u>" Title IX case from EACR, proceed with the following:</p> <ul style="list-style-type: none"> <li>• Supportive Measures</li> <li>• Mandatory Parent Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Refer to Whole Child Support</li> <li>• Counseling/SSW Referral</li> <li>• 3-5 Days OSS</li> </ul> <p>Multiple repeated occurrences may result in referral to Hearing Officer for additional assignment of days or alternative intervention</p>	

<p><b>C07 BULLYING /CYBERBULLYING</b></p> <p>NOTE: Victims of bullying will be automatically referred for Counseling/SSW and the parent will be notified</p> <p>Staff is required to complete form 73, Bullying, Harassment or Intimidation Incident and School Investigation Form</p> <p>Referral required: Those bullied and those suspected of bullying will be automatically referred for Behavioral Mental Health Provider/School Counselor/School Social Worker Counseling/SSW and the parent/guardian will be notified.</p> <p>Implement Supportive Measures for any impacted students.</p>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Small Impromptu Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Small Impromptu Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 2 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 3 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• 10 Days OSS</li> <li>• Counseling/SSW Referral</li> <li>• Referral to Hearing Officer</li> </ul> <p>Incident – Day Zero</p> <p>Investigation – Days 1-4</p> <p>Parent Conference – Days 1-4</p> <p>Submit Case to Code Office – Day 5</p>
<p><b>C09 USE OR POSSESSION OF DRUG PARAPHERNALIA OR CONTROLLED SUBSTANCES</b></p> <p>Reportable Offense: school officials are required to report the incident to DPSCD Public Safety Department and complete Undesirable Incident Report.</p> <p>School staff is required to refer students to the appropriate Behavioral Mental Health Provider/School Counselor/School Social Worker for substance abuse Counseling/SSW.</p> <p>Students with a Disability must have documented recommendations from the assigned IEP Case Manager/504 Coordinator for any disciplinary determination to remove the student from the classroom, assigned learning environment, or school building</p>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Small Impromptu Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 1-3 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 1-3 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Conference</li> <li>• Restorative Circle</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 3-5 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>• Counseling/SSW Referral</li> <li>• 10 Days OSS</li> <li>• Referral to Hearing Officer</li> </ul> <p>Incident – Day Zero</p> <p>Parent Conference – Days 1-4</p> <p>Submit Case to Code Office – Day 5</p>

<p><b>C10 GANG RELATED ACTIVITY</b></p> <p>Reportable Offense: school officials are required to report the incident to DPSCD Public Safety Department and complete Undesirable Incident Report.</p> <p>Students with a Disability must have documented recommendation from the assigned IEP Case Manager/504 Coordinator for any disciplinary determination to remove the student from the classroom, assigned learning environment, or school building.</p>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 5 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Counseling/SSW Referral</li> <li>▪ 7 Days OSS</li> <li>▪ Formal Conference</li> <li>▪ Restorative Behavior Agreement</li> </ul> <p style="text-align: center;"><b>OR</b></p> <p>The Principal may at their discretion refer the student to Hearing Officer and Counseling/SSW Referral</p> <p>Incident – Day Zero Investigation Days 1-4 Parent Conference Day s 1-4 Submit Case to Code Office – Day 5</p>
<p><b>C11 ADMITTANCE OF UNAUTHORIZED INDIVIDUALS IN SCHOOL BUILDINGS</b></p> <p>Reportable Offense: school officials are required to report the incident to DPSCD Public Safety Department and complete Undesirable Incident Report.</p> <p>Students with a Disability must have documented recommendations from the assigned IEP Case Manager/504 Coordinator for any disciplinary determination to remove the student from the classroom, assigned learning environment, or school building.</p>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Small Impromptu Conference</li> <li>▪ Counseling/SSW Referral</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ 5 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Counseling/SSW Referral</li> <li>▪ 7 Days OSS</li> <li>▪ Parent Conference</li> </ul> <p style="text-align: center;"><b>OR</b></p> <p>The Principal may at their discretion refer the student to the Hearing Officer and Counseling/SSW Referral</p> <p>Incident – Day Zero Investigation Days 1-4 Parent Conference Day s 1-4 Submit Case to Code Office – Day 5</p>

<p><b>C12 FALSE ALARM</b></p> <p>School Staff is required to complete Undesirable Incident Report and Report the incident to DPSCD Public Safety Department.</p> <p>Students with a Disability must have documented recommendation from the assigned IEP Case Manager/504 Coordinator for any disciplinary determination to remove the student from the classroom-assigned learning environment or school building.</p>	<ul style="list-style-type: none"> <li>▪ 10 Days OSS</li> <li>▪ Referral to Hearing Officer</li> <li>▪ Counseling/SSW Referral</li> </ul> <p>Incident – Day Zero Investigation – Days 1-4 Parent Conference – Days 1-4 Submit Case to Code Office – Day 5</p>		
<p><b>C14 SEXUAL HARASSMENT</b></p> <p>Immediately report the incident to the Office of Equity, Advocacy &amp; Civil Rights (EACR) and the parents/guardians of students involved.</p> <p>Administration, in consultation with counselor/social worker must obtain statements from the accused student, impacted student(s), and any witnesses. Appropriate Supportive Measures must be put in place for the accused student AND any students impacted by the behavior. No consequences may be issued prior to consultation with EACR</p>	<ul style="list-style-type: none"> <li>▪ Submit Title IX Ticket</li> <li>▪ DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</li> </ul> <p>If the Title IX ticket result in a “<u>not confirmed</u>” Title IX case from EACR, proceed with the following:</p> <ul style="list-style-type: none"> <li>• Supportive Measures</li> <li>• Mandatory Parent Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Counseling/SSW Referral</li> <li>• 2-3 Days ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit Title IX Ticket</li> <li>▪ DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</li> </ul> <p>If the Title IX ticket result in a “<u>not confirmed</u>” Title IX case from EACR, proceed with the following:</p> <ul style="list-style-type: none"> <li>• Supportive Measures</li> <li>• Mandatory Parent Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Refer to Whole Child Support</li> <li>• 3-4 Days ISS/OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Submit Title IX Ticket</li> <li>▪ DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY, and CIVIL RIGHTS (EACR)</li> </ul> <p>If the Title IX ticket result in a “<u>not confirmed</u>” Title IX case from EACR, proceed with the following:</p> <ul style="list-style-type: none"> <li>• Supportive Measures</li> <li>• Mandatory Parent Conference</li> <li>• Restorative Behavior Agreement</li> <li>• Refer to Whole Child Support</li> <li>• 3-5 Days OSS</li> </ul> <p>Multiple repeated occurrences may result in referral to Hearing Officer for additional assignment of days or alternative intervention)</p>
<p><b>C15 VERBAL ASSAULT</b></p> <p>School staff must report to DPSCD Public Safety Department and conduct a threat assessment for threats of violence; refer to administrative guidelines for forms and process flowcharts.</p>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 5 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Counseling/SSW Referral</li> <li>▪ 7 Days OSS</li> <li>▪ Formal Conference</li> <li>▪ Restorative Behavior Agreement</li> </ul> <p><b>OR</b></p> <p>The Principal may at their discretion refer the student to Hearing Officer and Counseling/SSW Referral</p> <p>Incident- Day Zero Investigation- Days 1-4 Parent Conference Days- 1-4 Submit Case to Code Office- Day5</p>	



<p><b>C16 INCITING OR PARTICIPATING IN MASS DISTURBANCE</b></p> <p>School staff must report to DPSCD Public Safety Department and conduct a threat assessment for threats of violence.</p>	<ul style="list-style-type: none"> <li>▪ 5 Days OSS</li> <li>▪ Parent Conference</li> <li>▪ Counseling/SSW Referral</li> <li>▪ Restorative Behavior Agreement</li> </ul> <p style="text-align: center;"><b>OR</b></p> <p>The Principal may at their discretion refer the student to Hearing Officer and Counseling/SSW Referral</p> <p>Incident- Day Zero Investigation – Days 1-4 Parent Conference –Days 1-4 ▪ Submit Case to Code Office – Day 5</p>
<p><b>C17 USE OR POSSESSION OF ALCOHOL</b></p> <p>Reportable Offense: school officials are required to report incidents to DPSCD Public Safety Department and complete Undesirable Incident Report.</p> <p>School staff is required to refer students to the appropriate Behavioral Mental Health Provider/School. Counselor/School Social Worker substance abuse Counseling/SSW.</p>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Small Impromptu Conference</li> <li>▪ Counseling/SSW Referral</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ 1-3 Days OSS</li> </ul>

<p><b>C18 USE OR POSSESSION OF INHALANTS</b></p> <p>Reportable Offense:</p> <p>School officials are required to report incident to DPSCD Public Safety Department and complete Undesirable Incident Report.</p> <p>School staff is required to refer student to appropriate Behavioral Mental Health Provider/School Counselor/School Social Worker substance abuse Counseling/SSW.</p>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Small Impromptu Conference</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 1-2 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 2-3 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 3-5 Days OSS</li> </ul>	
<p><b>C19 USE OR POSSESSION OF TOBACCO AND HOOKAH PRODUCTS</b></p> <p>Reportable Offense: school officials are required to report incident to DPSCD Public Safety Department and complete Undesirable Incident Report.</p> <p>School staff is required to refer the student to the appropriate Behavioral Mental Health Provider/School Counselor/School Social Worker substance abuse Counseling/SSW.</p>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Small Impromptu Conference</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 1-2 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 2-3 Days OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Counseling/SSW Referral</li> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ 3-5 Days OSS</li> </ul>	
<p><b>C20 UNINTENTIONAL PHYSICAL CONTACT WITH SCHOOL STAFF</b></p> <p>School staff is required to complete. Undesirable Incident Report and report incident to DPSCD Public Safety Department.</p>	<ul style="list-style-type: none"> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Counseling/SSW Referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ Counseling/SSW Referral</li> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Restorative Behavior Agreement</li> <li>▪ 1 Day ISS or 1 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Counseling/SSW Referral</li> <li>▪ Parent Conference</li> <li>▪ Restorative Circle</li> <li>▪ Culture Leadership Team Referral</li> <li>▪ 1 -2 Day OSS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Counseling/SSW Referral</li> <li>▪ 10 Days OSS</li> <li>▪ Referral to Hearing Officer</li> </ul> <p>Incident – Day Zero Investigation – Days 1-4 Parent Conference – Days 1-4 Submit Case to Code Office – Day 5</p>

\*Title IX Coordinator may recommend corrective measures consistent with this Code  
Refer to page 29 for information on assigning interventions  
Glossary of Terms can be found on page 65.

## D Infractions

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

### Seven Factors for Consideration

The District in accordance with state law, shall consider these seven (7) factors, including lesser interventions, for all suspensions and expulsions, except those involving students knowingly in possession of a gun with the intent to use. In all other cases, it is presumed that removals over ten (10) days are not justified unless the District can demonstrate that they considered the seven (7) factors, including lesser interventions.

The seven (7) factors are as follows:

1. Student's age.
2. Student's disciplinary history.
3. Whether the student is a student with a disability.
4. The seriousness of the violation or behavior committed by the student.
5. Whether the violation or behavior committed by the student threatened the safety of any student or staff member.
6. Whether restorative practices will be used to address the violation or behavior committed by the student.
7. Whether a lesser intervention would properly address the violation or behavior committed by the student.

In exercising discretion with regard to suspension of more than ten (10) days or an expulsion, there is a rebuttable presumption that the suspension or expulsion is not justified unless the District can demonstrate that the seven (7) factors were considered. For a suspension of ten (10) or fewer days, there is no rebuttable presumption; but the District shall consider each of the factors.

This section does not apply to a student being expelled under MCL 380.1311(2) for possessing a firearm in a weapon free school zone.

In considering a student's suspension or expulsion, the District shall consider using restorative practices as an alternative or in addition to suspension or expulsion. If the District suspends or expels a student, in accordance with applicable law, the District shall consider using restorative practices in addition to suspension or expulsion. If the District decides not to suspend or expel a student, the District shall consider using restorative practices to address the issue. See the section entitled Restorative Practices for requirements and a description of the types of restorative practices which follows.

**Note:** Staff should consider student age and grade when assigning consequences. Avoid assigning any form of suspension to K-2<sup>nd</sup> grade students. Use a variety of interventions and supports outlined within the Code of Conduct. When assigning consequences for 3<sup>rd</sup>-5<sup>th</sup> grade students use interventions and supports outlined in the Code of Conduct and limit suspensions.

### D01 POSSESSION OF FIREARM, INCLUDES EXPLOSIVE DEVICES

According to Section 921 of the U.S. Code, the following are included within the definition of firearm.

- any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive;
- the frame or receiver of any weapon described above;
- any firearm muffler or firearm silencer;
- any destructive device, which includes:

A. any explosive, incendiary, or poison gas

1. Bomb;
2. Grenade,
3. Rocket having a propellant charge of more than four ounces,
4. Missile having an explosive or incendiary charge of more than one-quarter ounce,
5. Mine, or
6. Similar (explosive) device

B. any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.

C. any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, from which a destructive device may be readily assembled.

Includes explosives and non-consumer fireworks such as: homemade explosives, M-80s, M-100s, quarter sticks, cherry bombs, silver salutes, and other forbidden explosives.

## **D02 POSSESSION OF OTHER WEAPONS**

Other weapons as defined by Michigan Revised School Code 380.1313(4)—dagger, dirk, stiletto, knives, pocketknife opened by a mechanical device, iron bar, or brass knuckles.

Facsimile or replica guns (non-firearm gun or look-alike gun): any device or object imitating an actual firearm, including, and replica non-guns, and air-air soft guns firing nonmetallic projectiles. Includes “Orbeez” gun types that expel gel water pellets.

Pneumatic guns as defined in Section 1 of the Michigan Firearms and Ammunition Act, MCL 123.1101: any implement, designed as a gun, which will expel a BB or pellet by spring, gas, or air, including a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

Knives with straight razor, box cutter with razor or any other small cutting blade/weapon.

Martial arts weapons, taser, stun gun, flare gun, nail gun, or bullets (ammunition).

## **D03 USE OF ANY INSTRUMENT DESIGNED OR USED FOR INFLECTING BODILY HARM OR PHYSICAL DAMAGE**

Using an implement, those identified in C08 violations or use of a non-weapon object, in the commission of an aggressive act toward another person.

## **D04 PHYSICAL ASSAULT OF SCHOOL STAFF**

Intentionally striking a DPSCD employee, volunteer, or contractor through force of violence, who is engaging in their lawful duties as employed by DPSCD. Includes the striking of staff who are providing student directives or requests, intervening in a fight or other disruptive activity, or administering de-escalation for student well-being/and the maintenance of a safe and orderly environment.

## **D05 PHYSICAL ASSAULT OF A STUDENT**

Intentionally causing or attempting to cause physical harm to another student, through force or violence which could or does result in permanent injury or disfigurement. Includes causing substantial risk of death or causing permanent or serious disfigurement, loss of function of any part of the body, or impairment of the function of any part of the body.

## **D06 BOMB or SIMILAR THREATS**

Communicating terroristic threats, including bomb threats, or committing terroristic acts directed at any student, employee, volunteer, contractor, physical plant, or property. Includes the conveyance of information to detonate explosive or incendiary devices/substances, and/or subject others to substantial risk of death or serious physical injury.

Acts of violence where the student specifically threatens the use of weapons to commit harm against any student(s)—and the student has access to carry out the threat or has demonstrated an overt act to indicate the sincerity of carrying out the threat—will be treated as a D06 violation.

**D07 ARSON**

Willfully or maliciously burning, damaging, or destroying by fire or explosives, District buildings/property or the contents inside; generally, the intentional and malicious act of burning or setting fire to another's property. Includes attempting to set fire or aiding another in setting fire to another's property.

**D08 DISTRIBUTION OR SALE OF DRUG PARAPHERNALIA, CONTROLLED SUBSTANCES, ALCOHOL, AND INHALANTS**

Distributing, selling, or attempting to sell any drugs, controlled substances, alcohol and inhalants. The combination of equipment, product, or materials, designed for packaging, sale, or use will be applied to determine distributive intent.

**D09 CRIMINAL SEXUAL CONDUCT**

**Means a violation as set forth in the Michigan Penal Code. (MCL 750.520b to MCL 750.520g). It includes sexual penetration or sexual contact that occurs:**

- with another person under 13 years of age;
- with another person at least 13 but less than 16 years of age under certain circumstances;
- when the actor knows the victim is mentally or physically incapable or is aided and abetted by 1 or more person;
- when a weapon is used or an item fashioned into a weapon;
- when concealment or the element of surprise is used to overcome the victim; or
- when force is used to accomplish the sexual penetration or contact, or the actor causes personal injury and force or coercion is used.

It is sexual contact with another person at least 13 but less than 16 years of age AND the other person is 5 or more years older.

Sexual contact is the intentional touching of the victim's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for: (i) revenge, (ii) to inflict humiliation or (iii) out of anger. Intimate parts mean the primary genital area, groin, inner thigh, buttock, or breast of a human being.

In accordance with Michigan Revised School Code (MCL 380.1311) if a student commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another student enrolled in the same school District, the school board, or the designee of the school board on behalf of the school board, shall expel the student from the school District permanently, subject to possible reinstatement.

# Disciplinary Actions per Occurrence for D Infractions

Applicable to all K-12 students

D Infractions 1 <sup>st</sup> Referral	
<p><b>D01 - POSSESSION OF FIREARM, EXPLOSIVE DEVICES</b></p> <ul style="list-style-type: none"> <li>Refer to Code Office for Mandatory Expulsion Hearing</li> <li>Suspension pending expulsion hearing.</li> <li>Report the incident to DPSCD police and complete Undesirable Incident Report</li> <li>MDR is required if the student is a student with a disability.</li> <li>Counseling/SSW Referral</li> </ul> <p><b>Incident – Day Zero</b>  <b>Investigation – Days 1-4</b>  <b>Parent Conference – Days 1-4</b>  <b>Submit Case to Code Office – Day 5</b></p> <ul style="list-style-type: none"> <li>Permanent Expulsion offense, subject to possible reinstatement</li> <li>Permanent Expulsion will be presumed as not justified if, a) the student has no history of suspension and expulsion, and b) the student establishes in a clear and convincing manner at least 1 of the following: <ul style="list-style-type: none"> <li>a) The object or instrument possessed by the student was not possessed for use as a weapon, or for direct or indirect delivery to another individual for use as a weapon.</li> <li>b) The weapon was not knowingly possessed by the student.</li> <li>c) The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.</li> <li>d) The weapon was possessed by the student at the suggestion, request, or direction of, or with the express permission of, school or police authorities.</li> </ul> </li> <li>If Permanent Expulsion is presumed to be not justified, District-level response will apply MI Revised School Code's 7 Factors for consideration of Alternative Placement Recommendation.</li> </ul>	<p><b>D02 - POSSESSION OF OTHER WEAPONS</b></p> <ul style="list-style-type: none"> <li>Refer to Code Office for Mandatory Expulsion Hearing</li> <li>Suspension pending expulsion hearing.</li> <li>Report the incident to DPSCD police and complete Undesirable Incident Report</li> <li>MDR is required if the student is a student with a disability.</li> <li>Counseling/SSW Referral</li> <li>10 Days OSS</li> </ul> <p><b>Incident – Day Zero</b>  <b>Investigation – Days 1-4 Parent</b>  <b>Conference – Days 1-4</b>  <b>Submit Case to Code Office – Day 5</b></p> <ul style="list-style-type: none"> <li>Permanent Expulsion offense, subject to possible reinstatement</li> <li>Permanent Expulsion will be presumed as not justified if, a) the student has no history of suspension and expulsion, and b) the student establishes in a clear and convincing manner at least 1 of the following: <ul style="list-style-type: none"> <li>a) The object or instrument possessed by the student was not possessed for use as a weapon, or for direct or indirect delivery to another individual for use as a weapon.</li> <li>b) The weapon was not knowingly possessed by the student.</li> <li>c) The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.</li> <li>d) The weapon was possessed by the student at the suggestion, request, or direction of, or with the express permission of school or police authorities.</li> </ul> </li> <li>If Permanent Expulsion is presumed to be not justified, District-level response will apply MI Revised School Code's 7 Factors for consideration of Alternative Placement Recommendation.</li> </ul>



<p><b>D03 - USE OF ANY INSTRUMENT DESIGNED OR USED FOR INFLICTING BODILY HARM OR PHYSICAL DAMAGE</b></p> <ul style="list-style-type: none"> <li>• Refer to Code Office for Expulsion Hearing</li> <li>• Suspension pending expulsion hearing.</li> <li>• Report the incident to DPSCD police and complete Undesirable Incident Report</li> <li>• MDR is required if the student is a student with a disability.</li> <li>• Non-Permanent Expulsion offense, subject to possible readmission</li> <li>• District-level removal response: Apply MI Revised School Code's 7 Factors for Consideration of Non-Permanent Expulsion or Alternative Placement recommendation.</li> <li>• Counseling/SSW Referral</li> <li>• 10 Days OSS</li> </ul> <p><b>Incident – Day Zero</b>  <b>Investigation – Days 1-4</b>  <b>Parent Conference – Days 1-4</b>  <b>Submit Case to Code Office – Day 5</b></p>	<p><b>D04 - PHYSICAL ASSAULT OF SCHOOL STAFF</b></p> <ul style="list-style-type: none"> <li>• Refer to Code Office for Mandatory Expulsion Hearing</li> <li>• Suspension pending expulsion hearing.</li> <li>• Report the incident to DPSCD police and complete Undesirable Incident Report</li> <li>• MDR is required if the student is a student with a disability.</li> <li>• Permanent Expulsion offense, subject to possible reinstatement</li> <li>• District-level removal response: Apply MI Revised School Code's 7 Factors for Consideration of Permanent Expulsion or Alternative Placement recommendation.</li> <li>• Counseling/SSW Referral</li> <li>• 10 Days OSS</li> </ul> <p><b>Incident – Day Zero</b>  <b>Investigation – Days 1-4 Parent Conference – Days 1-4</b>  <b>Submit Case to Code Office – Day 5</b></p>
<p><b>D05 - PHYSICAL ASSAULT OF A STUDENT</b></p> <ul style="list-style-type: none"> <li>• Refer to Code Office for Expulsion Hearing</li> <li>• Suspension pending expulsion hearing.</li> <li>• Report the incident to DPSCD police and complete Undesirable Incident Report</li> <li>• MDR is required if a student is a student with a disability.</li> <li>• Non-Permanent Expulsion offense, subject to possible readmission</li> <li>• District-level removal response: Apply MI Revised School Code's 7 Factors for Consideration of Non-Permanent Expulsion or Alternative Placement recommendation.</li> <li>• Counseling/SSW Referral</li> <li>• 10 Days OSS</li> </ul> <p><b>Incident – Day Zero</b>  <b>Investigation – Days 1-4</b>  <b>Parent Conference – Days 1-4</b>  <b>Submit Case to Code Office – Day 5</b></p>	<p><b>D06 - BOMB or SIMILAR THREATS</b></p> <ul style="list-style-type: none"> <li>• School staff must conduct a threat assessment for threats of violence; refer to administrative guidelines for forms and process flowchart.</li> </ul> <ul style="list-style-type: none"> <li>• Refer to Code Office for Expulsion Hearing</li> <li>• Suspension pending expulsion hearing.</li> <li>• Report the incident to DPSCD police and complete Undesirable Incident Report</li> <li>• MDR is required if the student is a student with a disability.</li> <li>• Non-Permanent Expulsion offense, subject to possible readmission</li> <li>• Counseling/SSW Referral</li> </ul> <p>District-level removal response: Apply MI Revised School Code's 7 Factors for Consideration of Non-Permanent Expulsion or Alternative Placement recommendation.</p> <p><b>Incident – Day Zero</b>  <b>Investigation – Days 1-4</b>  <b>Parent Conference – Days 1-4</b>  <b>Submit Case to Code Office – Day 5</b></p>

<p style="text-align: center;"><b>D07 – ARSON</b></p> <ul style="list-style-type: none"> <li>▪ Refer to Code Office for Mandatory Expulsion Hearing</li> <li>▪ Suspension pending expulsion hearing.</li> <li>▪ Report the incident to DPSCD police and complete Undesirable Incident Report. Complete Form 446 Theft and Damage Report for any resulting damage to property.</li> <li>▪ MDR is required if the student is a student with a disability.</li> <li>▪ Permanent Expulsion offense, subject to possible reinstatement</li> <li>▪ District-level removal response: Apply MI Revised School Code's 7 Factors for Consideration of Permanent Expulsion or Alternative Placement recommendation.</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 10 Days OSS</li> </ul> <p><b>Incident – Day Zero</b>  <b>Investigation – Days 1-4</b>  <b>Parent Conference – Days 1-4</b>  <b>Submit Case to Code Office – Day 5</b></p>	<p style="text-align: center;"><b>D08 – DISTRIBUTION OR SALE OF DRUG PARAPHERNALIA, CONTROLLED SUBSTANCES, ALCOHOL, AND INHALANTS</b></p> <ul style="list-style-type: none"> <li>▪ Refer to Code Office for Expulsion Hearing</li> <li>▪ Suspension pending expulsion hearing.</li> <li>▪ Report the incident to DPSCD police and complete Undesirable Incident Report</li> <li>▪ MDR is required if a student is a student with a disability.</li> <li>▪ Non-Permanent Expulsion offense, subject to possible readmission</li> <li>▪ District-level removal response: Apply MI Revised School Code's 7 Factors for Consideration of Non-Permanent Expulsion or Alternative Placement recommendation.</li> <li>▪ Counseling/SSW Referral</li> <li>▪ 10 Days OSS</li> </ul> <p><b>Incident – Day Zero</b>  <b>Investigation – Days 1-4</b>  <b>Parent Conference – Days 1-4</b>  <b>Submit Case to Code Office – Day 5</b></p>
--	---

<p style="text-align: center;"><b>D09- CRIMINAL SEXUAL CONDUCT</b></p> <ul style="list-style-type: none"> <li>• Immediately contact DPSCD PD, the Office of Equity, Advocacy &amp; Civil Rights, and parents/guardians of students involved.</li> <li>• Supportive measures must be put in place for accused students and any impacted students.</li> <li>• Conduct a Threat Assessment - emergency removal may be necessary.</li> <li>• Counseling/SSW Referral</li> </ul> <p><b>Report to Title IX Coordinator</b>  <b>DO NOT PROCEED WITH ANY OTHER STEPS UNTIL DIRECTED BY THE OFFICE OF EQUITY, ADVOCACY and CIVIL RIGHTS</b></p>
--

Refer to page 29 for information on Assigning Interventions & Administering Discipline.

A Glossary of Terms can be found on page 65.

## Due Process Rights

The Board of Education recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due process is provided to a student, the Board establishes the following guidelines:

A. Students subject to short-term suspension:

Except when emergency removal is warranted, a student must be given oral or written notice of the charges against them and the opportunity to respond **prior to the implementation** of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. Before deciding to institute a short-term suspension, the Principal or other designated administrator shall provide the student with an opportunity to be heard and shall be responsible for making the suspension decision. An appeal of the short-term suspension may be addressed to the Code of Conduct Office (Code Office). The Principal's decision will not be delayed during this process.

B. Students subject to long-term suspension and expulsion:

**A student and their parent or guardian must be given written notice of the intention to suspend or expel and the reasons.** In the case of expulsion, a student and their parent or guardian must be given the opportunity to appear before the Superintendent or their designee, to address charges. The student and/or their guardian must also be provided a brief description of the student's rights and of the hearing procedure. The Board designates the Superintendent or designee as its representative at any hearings regarding the appeal of a long-term suspension. The Board shall act on any appeal received within fifteen (15) calendar days of notice, which must be submitted in writing, to an expulsion, to a request for reinstatement, or to a request for admission after being permanently expelled from another District.

## School Level Conferences, Hearings and Expulsion Review

Any disciplinary action that may result in a student being referred for placement in an alternative program or expelled, must begin with a school level conference at the school **within three (3) school days of the date of the infraction for grades K-5 and within five (5) school days of the date of the infraction for grades 6-12.**

Parent/guardian (or authorized designee) and student are expected to attend all school level conferences and hearings. The school administrator or designee must hold a school level hearing even though a parent/guardian (or authorized designee) is unable to or chooses not to attend. The school administrator must document all attempts to reach the parent/guardian. Parents may be represented by an advisor of their choice, who may or may not be an attorney. Parental authorization for an advisor to appear on behalf of the student must be on file in writing with the Principal at the time of or before the time of the school level conference. Only the parent/guardian or the advisor may speak for the child at the hearing. The selected speaker will be determined before the school level conference starts.

School administrators will have the ability to recommend to the Student Code of Conduct Office that a student be administratively transferred where appropriate. Such a request must demonstrate an evaluation/approach that through documented efforts and evidence, the school finds that a new school setting would be best. For example, the school looked at the impact of an overage student being in his current placement, the student's relations with peers demonstrates a need to change the setting, or the student neighborhood school is no longer safe for that student for clearly documented reasons, etc.

**IF THE SCHOOL ADMINISTRATOR OR DESIGNEE IS THE TARGET OF THE ALLEGED BEHAVIOR, ANOTHER ADMINISTRATOR WILL CONDUCT THE SCHOOL LEVEL CONFERENCE, ADVISE THE STUDENT OF THE CHARGES AND MAKE THE DISCIPLINARY DECISION.**

At the school level conference, the student and the parents must first be fully informed about the alleged breach in behavior and then be afforded the opportunity to present their side of the case. At the beginning of the school level conference, student and parent should be given a copy of the Rights of Students and Parents in Disciplinary Hearings. (See *Appendix B*) If allegations of unacceptable behavior are substantiated, the school administrator or designee will determine the disciplinary action to administer.

At the conclusion of the school level conference, the administrator or designee will inform the parent and student of the charge and the disciplinary action to be taken.

The Expulsion Review Panel will review cases for students recommended for expulsion for the purpose of referring the case back to the Principal, assigning to an alternative education program or referring the case for an Expulsion Hearing.

Expulsion Hearings are conducted by the Hearing Officer as a designee for the Superintendent. Parent/guardian (or authorized designee) and student must attend. Once the Code Office receives the case, deems it appropriate for review, and notifies the parent by phone/ and writing, an Expulsion Hearing will be scheduled within ten (10) days of the inappropriate incident. The Code Office will document all attempts to reach the parent/guardian and the student will remain out of school until the hearing is attended. Parents may be represented by an advisor of their choice, who may or may not be an attorney. Parental authorization for an advisor to appear on behalf of the student must be on file in writing at the Code Office at or before the time of the hearing. Only the parent/guardian or the advisor may speak for the student unless a selected speaker is designated.

At the hearing, the students and parents/guardians are fully informed of the charges and recommendation of the Expulsion Review Panel. The student is afforded the opportunity to address the allegations and present their side. At the conclusion of the hearing, the Hearing Officer will advise the Superintendent or their designee of their decision. The adoption or rejection of the hearing officer's recommendation for discipline by the Superintendent or their designee is final.

# Permanent Expulsion

(MCL 380.1311)

Michigan law requires the permanent expulsion of a student, subject to possible future reinstatement, for certain acts. These include possession of a dangerous weapon, commission of arson or criminal sexual conduct in a school building or on school grounds or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another student enrolled in the same school District; and, for students' grade 6 and above, commission of physical assault at school against an employee, volunteer, or contractor.

The District is not required to expel for possession of a dangerous weapon if the student can establish in a clear and convincing manner at least one of the following:

1. 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.
2. The weapon was not knowingly possessed by the student.
3. The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.
4. The weapon was possessed by the student at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

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

1. The District determines in writing that at least one (1) of the factors listed above (1 – 4) has been established in a clear and convincing manner, and;
2. The student has no history of suspension or expulsion.

## Reinstatement After Permanent Expulsion

A student who is permanently expelled must attend a reinstatement hearing with the Board of Education in order to return to DPSCD.

A petition requesting reinstatement must be completed by the student/parent/guardian and sent to the Office of the Board of Education. The petition and any supporting information will be reviewed by the Board of Education's Reinstatement Review Panel (the "Panel"). The student, parent and/or guardian will have an opportunity to appear and address the Panel.

The Panel may recommend unconditional reinstatement, conditional reinstatement, or may recommend against reinstatement. If the recommendation is for conditional reinstatement, it must include any recommended conditions. The recommendation shall be based on consideration of all the following factors:

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

The Panel's written recommendation must be submitted to the full Board for a decision at its next scheduled regular Board meeting. If reinstatement of the student is approved, the Board may require the student and/or their parent or guardian to agree to specific conditions before reinstating, including but not limited to, agreement to a behavior contract which could include an outside agency, participation in anger management program or other Counseling/SSW; periodic progress reviews, and specified, immediate consequences for failure to abide by a condition. The decision of the Board is final.

## Readmission Guidelines and Hearings

A petition requesting readmission must be sent to the Code Office. The Readmission Review Panel shall review the petition for readmission when a student has been expelled for a non-permanent expulsion offense. The student must meet criteria set by DPSCD before readmission will be considered and/or approved.

A Readmission Hearing will be held during which time the Hearing Officer will hear from the student, review the petition and any additional information, review the evidence presented by the Readmission Review Panel and make a decision. If the decision is to readmit the student, the student may be readmitted immediately provided the period of time for expulsion has expired. A contractual agreement and action plan regarding expected behavior, attendance, and academic progress and consequences for violations thereof may be required to be signed by the student, parent/guardian, and the Hearing Officer, as a condition of readmission.

### **Readmission after Non-Permanent Expulsion**

DPSCD has established conditions under which the student/parent/guardian or student eighteen (18) years or above may petition for readmission.

# Appeals

## Short-Term Suspension

A student may appeal a short-term suspension, those suspensions assigned by a Principal/school level administration. An appeal of the short-term suspension should be made in writing and addressed to the Code of Conduct Office.

## Long-Term Suspension

A student may appeal a long-term suspension decision made by the Hearing Officer. The Board designates the Superintendent or their designee as its representative at any hearings regarding the appeal of a long-term suspension.

Appeals can be for procedural violations or substantive violations. Appeals on procedural grounds (e.g. timelines, notice, etc.) should only be granted if the violation had a significant impact on the outcome. A minor delay beyond prescribed timelines if it had no impact, should not be grounds for appeal. An appeal on substantive grounds challenges the facts and decision. The appeal decision maker shall consider whether the student's rights were violated, including whether:

- All prescribed timelines were met.
- All notifications were timely and accurate.
- The student was afforded the right to be accompanied by a representative of their choosing.
- The original decision maker was neutral.
- The facts presented at the hearing were fairly and fully considered.
- The school tried non-exclusionary alternatives to address the student's behavior before proposing exclusion and how well those alternatives were implemented.
- Other factors outside the student's control caused the behavior, including whether the student has or might have a disability or need treatment for mental health concerns.
- New facts have been uncovered that are exculpatory.
- The reasons set forth by the school describing why alternative, non-exclusionary forms of discipline were not appropriate have changed in a positive way for the student; and
- Any other relevant factors or procedures

If any of the above factors are established on appeal, a documentation review may occur by the Deputy Superintendent of Schools. The request for appeal must be received by mail or email to the Deputy Superintendent of Schools' office within five (5) business days of the hearing.

Appeal decisions will be rendered within ten (10) business days after submission of the appeal. Students pending an appeal will not have a change in placement during the appeals process, e.g., if the student is in school, they would remain in school. Likewise, if the student is out of school, they should remain out of school.

## Student Grievance

The Board recognizes that, as citizens, students have the right to request redress of grievances. Further, the Board believes that the inculcation of respect for lawful procedures is an important part of the educational process.

Accordingly, individual and group grievances should be provided for, and appropriate grievance procedures implemented.

A student grievance shall be any such that arises out of actions, procedures, and policies of this Board or its employees or the lack of such policy or procedure. The grievance will be responded to within ten (10) days of receipt.

The Board or its employees will hear the complaints and grievances of the students of the District provided that such complaints and grievances are made according to procedures established by the Superintendent.

An aggrieved student may request resolution of the grievance by initiating the following formal procedure:

A formal grievance is a complaint in writing from the student/parent to the Principal or designee. (In the event that the grievance is against the Principal, designee or other administrative staff, the written grievance goes directly to the Superintendent of schools or designee.) The written grievance should be filed within five (5) school days of the event to which it refers and should include the following, as appropriate:

- a) Statement of the allegation.
- b) Description of the alleged facts.
- c) Summary of steps they already has taken in attempt to resolve the problem.
- d) Name/s of the person/s thought to be responsible for the alleged events.
- e) Other facts considered to be pertinent to the case.
- f) Signature of the peson initiating the grievance.



## Additional Resources for Students and Families

If you need assistance beyond your school, the following offices and services of Detroit Public Schools Community District may be able to help. Follow the links below to be taken directly to each department's webpage or visit our main website at [www.detroitk12.org](http://www.detroitk12.org).

- [DPSCD Public Safety Department](#): Incident Report, threat assessment, outside referral, crisis management
- [Office of Enrollment](#): Enrollment, neighborhood schools, exam high schools.
- [Office of Equity, Advocacy & Civil Rights](#): Reporting student harassment and discrimination.
- [Office of Exceptional Student Education](#): Services for students with disabilities.
- [Office of Family and Community Engagement](#): Parent Teacher Associations, Parent Academy, and Alumni resources.
- [Office of Homeless and Foster Care](#): Supports and services for youth who are homeless or in foster care.
- [Office of Physical Health](#): Vaccination forms, health and safety information.
- [Office of Student Affairs & Advocacy](#): Student attendance, discipline and support services.
- [Office of Whole Child Support](#): Behavioral Health and Wellness support, School Counselors, 504 referrals

## De-Escalation - Seclusion and Restraint

This policy is intended to provide the framework for organizational supports that result in effective interventions based on team-based leadership, data-based decision-making, continuous monitoring of student behavior, regular universal screening, and effective ongoing professional development. The District is committed to investing in prevention efforts and to teach, practice, and reinforce behaviors that result in positive academic and social outcomes for students.

In the event that staff members need to restrain and/or seclude students, it must be done in accordance with this policy, which is intended to:

- A. Promote the care, safety, welfare, and security of the school community and the dignity of each student;
- B. Encourage the use of proactive, effective, evidence and research-based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all students; and
- C. Ensure that seclusion and restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation, and reporting by trained personnel.

In furtherance of these objectives, the District will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the District will include socially valued and measurable outcomes, empirically validated and practical practices, systems that efficiently and effectively support implementation of these practices, and continuous collection and use of data for decision-making.

Policy 5630.01 - Student Seclusion and Restraint

## Appendix A – Glossary of Terms

<b>Appeal</b>	To resort to a superior administrative level to review the decision of a lesser administrative level.
<b>Arson</b>	To unlawfully and intentionally burn or attempt to burn, any real or personal property by fire or incendiary device.
<b>Bullying</b>	Conduct intended to place a person in fear of harm or cause substantial distress.
<b>Breaking and Entering</b>	Unlawful entry into a school building or other school structure.
<b>Cyber Bullying</b>	The use of electronic communication, network, social media, or technology to intimidate, harass, bully or threaten.
<b>Due Process</b>	Orderly procedures where a person is served notice, have an opportunity to be heard and enforce/protect rights.
<b>Expunge</b>	To permanently remove from a student's discipline record.
<b>False Alarms</b>	The act of initiating a fire alarm or initiating a report warning of a fire or an impending bombing or other catastrophe without just cause.
<b>Fighting</b>	A physical altercation between one or more students that does not cause serious injury.
<b>Free and Appropriate Public Education</b>	Section 504, The Individuals with Disabilities Education Act (IDEA) and Michigan Revised Administrative Rules that all students with a disability, aged birth through 25 have a right to receive a free appropriate education. Free means that the educational and related services are provided without cost to the parent, except for those fees that are imposed on students without disabilities.
<b>Functional Behavior Assessment</b>	An assessment of the factors that affect a student's behavior typically includes a review of the environment and the student's needs.
<b>Gang Activity</b>	An ongoing organization, an association group of two or more individuals who use a common identifying name, sign, or symbol, have a high rate of interaction among themselves to the exclusion of others, and are frequently involved in anti-social, delinquent or criminal activity.
<b>Gang-Like Activity</b>	Activity that is associated with or similar to gang activity.
<b>Group Violence</b>	Three or more persons inflicting physical harm upon a victim or victims.
<b>Illegal Activity</b>	Conduct that is in violation of state and/or federal law.
<b>Incendiary Device</b>	Any material/object which causes a fire or explosion.
<b>Individualized Education Program (IEP)</b>	A specially designed instruction program developed by the IEP team, which describes the student's eligibility, the student's present level of performance, annual goals and short-term objectives, specific educational and related services, amount of time spent in general education, the least restrictive environment, the reasons why the IEP is accepted or rejected, transition services, and the dates and frequency of services. The IEP shall be reviewed annually or more often as needed.
<b>Intimidation</b>	Conduct intended to place a person in fear of harm less than bullying.
<b>Insubordination</b>	Refusal to obey the reasonable and lawful directions of authorized school personnel.
<b>In-School Suspension (ISS)</b>	School wide strategy for creating and sustaining a positive nurturing school climate based on respectful relationships between teachers and students, teachers and teachers, students, and students.
<b>Jurisdiction</b>	The power to hear and determine a school matter.
<b>Loitering</b>	The act of being in or about school District premises or in a specifically restricted area of a school District building at unauthorized times or without the specific authorization of school personnel.
<b>Out of School Suspension (OSS)</b>	A temporary removal from school and activities.
<b>Petition</b>	A formal written request.

<b>Physical Assault</b>	Intentionally or attempting to cause physical harm to a student/adult through force or violence.
<b>Problem Solving Team</b>	A school-based problem-solving group that works collaboratively with parents, staff, and community members to address issues that affect student learning.
<b>Refusal to Identify Self</b>	Refusing to show an identification card and/or give a correct name when requested to do so by school personnel.
<b>Restitution</b>	A restorative justice disciplinary action that allows students the opportunity to pay back for their misbehavior. When determining an amount, the fair market value of the property will be used.
<b>Sexual Harassment</b>	Any type of unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity.
<b>Tardy</b>	Arriving in school or class after specified start time without an excuse or pass as outlined in the District's attendance policy.
<b>Title IX Coordinator</b>	The Title IX Coordinator oversees the Office of Equity, Advocacy & Civil Rights, and is responsible for coordinating the District's response to complaints of sex discrimination.
<b>Trespassing</b>	To enter or remain on school District premises without authorization and with no lawful purpose for entry.
<b>Terroristic Acts</b>	To threaten or cause violence to any person or property with intent to cause a reaction of any type by an official or institution or agency authorized to deal with emergencies; prevent or interrupt the occupation or use of an area, building or room or to cause interruption of public communication, water, gas, or power supply.
<b>Truancy</b>	Students who have missed at least 10% of the school year with unexcused absences are considered chronically absent/truant. (Not including excused absences and suspensions).

## Appendix B - Due Process Rights of Students and Parents in Disciplinary Cases

1. Students will be afforded due process with regard to disciplinary hearings. Due process will be less or more formal based on exclusion being considered.
2. School officials will inform the student of the charges against them, including the basis (evidence) for such charges.
3. A student is entitled to receive make-up work for missed assignments that occurred because of suspension.
4. Students are entitled to take required examinations when an incident occurs that requires disciplinary action. Parents must contact the Principal to make arrangements for testing.
5. When a student is suspended, a disciplinary hearing will be held at the school before the suspension begins. A re-entry hearing may also be held.
6. If the parent/guardian cancels the appointment, the school Principal must reschedule the hearing date one time.
7. Parents/guardians may be represented by an advisor of their choice.
8. While parents/guardians and advisors do not have the right to question witnesses, they may request for school officials to present questions, on their behalf, to witnesses.
9. At the disciplinary hearing, the student will be afforded the opportunity to address the alleged behavior or charges presenting their side.
10. If the charges are substantiated at the school level hearing, the parent/guardian has the right to appeal the charges for a suspension to the Student Code of Conduct Office consistent with Board Policy 5611 – Due Process.
11. A parent/guardian or student may not appeal a decision of the Principal to suspend a student pending an Expulsion Review.
12. Students have a right to have hearings conducted in a timely manner. Unreasonable delays or multiple postponements in scheduling hearings will not be permitted.
13. Parents may petition for readmission after expulsion.
14. If a student with a disability is suspended beyond the initial total of ten (10) days, the school must follow procedures for Students with Disabilities and determine if the behavior is a manifestation of the student's disability.
15. The Code of Conduct Office may expunge a student's disciplinary infractions determined to be unsubstantiated (e.g., resulting from a due process violation, based on insufficient evidence, or the student was not guilty of the infraction) that has been placed on the District's database.
16. If a student believes any student rights set forth in the Code have been violated, the student, and/or parent or guardian, may submit a complaint in writing, see Student Grievance, to school administration and/or the Superintendent's Office.
17. Students have a right to review the evidence upon which the charges are based prior to an expulsion hearing.

## Appendix C – Interrogations and Searches

Any search initiated or requested by the Detroit Public Schools Community District Public Safety Department, Detroit Police Department or any other police department shall be governed by applicable legal standards.

### Types of Searches:

#### **1. Individualized Student Searches**

School officials possess the authority to search individual students and their personal effects (including but not limited to clothing, backpacks, book bags, purses, vehicles that are parked on property owned or leased by the Board of Education, and similar items). The search will only be conducted if school officials have a reasonable suspicion that:

- A. there has been a criminal infraction or that there is a violation of a school policy or rule governing student behavior or discipline; AND,
- B. the individual who is the subject of the search participated in the infraction or violation; AND,
- C. evidence of the infraction or violation, or the proceeds there from, is in the possession of the student in the location to be searched.

Reasonable suspicion means that school officials have a good reason to think that a student might have something they're not allowed to have at school. They can see something, hear something, or someone told them about it. But just having a feeling or a guess is not enough to search a student.

If a school official or a safety officer believes that a student might have something they shouldn't, they can do a simple check like patting down pockets or looking inside bags and coats. If they need to do more than that, they will talk to the Office of General Counsel first.

When a school official needs to search a student, it should always be done by someone of the same gender as the student. If possible, there should be another person of the same gender as a witness too. The search will be done privately so that nobody else can see. The search can be done by safety officers, school staff, or school officials. After the search, a report will be written and sent to the DPSCD Public Safety Department.

#### **Locker and Desk Searches**

Desks and lockers are the property of the Board of Education. Students are allowed to use this property; but at all times, desks and lockers remain under the control and ownership of the Board of Education. As a condition of the use of Board property, students assume full responsibility for the security of the locker and/or desk assigned to them.

The Board of Education reserves the right to conduct random searches of desks, lockers and personal items (such as purses, book bags, coats, etc.). These searches may be conducted at any time for any reason, without notice, without student consent and without reasonable suspicion or a search warrant.

The following should be used as guidelines for the search of lockers and/or desks:

- D. Locker and desk searches are best performed when students are not present, such as prior to the opening of the school, after school or on the weekend.
- E. Locker and desk searches may include the use of trained dogs or other trained animals.
- F. Students should be alerted through their student handbooks or by other written materials that at any time their lockers and desks can be searched.
- G. Locker and desk searches may be conducted by school officials, with or without the assistance of DPSCD PD employees.

## 2. Metal Detector Screenings

### A. Introduction

The purpose of a metal-detector scan is to prevent weapons and/or contraband from entering the schools. DPSCD reserves the right to use, but it is not limited to stationary walk-through metal detectors, hand-held “wand” metal detectors, portable walk-through metal detectors, and x-ray machines. All persons who enter District buildings used for academic instruction are subject to a metal detector scan. The Board has authorized several types of metal-detector screenings.

1. “As needed” Screenings: The Superintendent, their designee, or school official may also authorize metal-detector screenings on days on which special events such as athletic events or visits by dignitaries are held. As needed screenings may also be conducted to address safety concerns.
2. Daily Screenings: The Superintendent, their designee, or school officials may also authorize daily metal-detector screenings of students to ensure the safety and security of students, staff, volunteers, and visitors.

### B. Public Notice

Each entrance of the District property shall have a sign stating the equivalent of the following statement: “Any person entering this building may be subject to search.” However, the removal of the sign through vandalism or any other means shall not waive the District’s ability to conduct any subject searches contained in this policy.

### C. Scanning Procedures

1. All the doors that are not used for metal detector checks should be locked from the outside. They can still be opened from the inside in case of emergencies.
2. Before going through the metal detector, we need to put our metal things like keys and coins in separate containers. The people doing the checks might also ask us to take out things like coats, bags, and purses to scan with a handheld metal detector.
3. If the metal detector makes a loud sound, the people in charge might need to do a special check on the person or their bags. They will be very careful and respectful when doing this. After the check, they will scan again to make sure everything is okay.
4. Nobody can go inside the school until they pass through the metal detector without any problems, or until a more detailed check is done to find the cause of the alarm sound.
5. The metal detector checks will be done quickly to keep things moving smoothly.

### D. Refusal to Cooperate:

If someone doesn't want to be checked by the school officials as allowed by this policy, they will talk to the Principal. If a student doesn't want to be checked, the school will call their parents. But nobody can go inside the school unless they agree to be scanned and searched. If someone refuses and stays outside, it will be counted as an unexcused absence.

#### **Attachments to Policy:**

None

#### **Legal References:**

Raina Mcburrows et. al v DPSCD  
Case No. 2:09-cv-14863 - Consent Judgment **MCLA** §380.1308

## Appendix D – Index of Reportable Incidents

Michigan school safety law requires that the following incidents be reported to a local law enforcement agency: (MCL 380.1308)

Armed Student or Hostage

Suspected Armed Student

Weapons on School Property

Death or Homicide

Drive-By-Shooting

Physical Assault (Fights)

Bomb Threat

Drug Possession or Destruction of Property

Vandalism or Destruction of Property

Minor in Possession of Alcohol

Bus Incident or Accident

Robbery or Extortion

Unauthorized Removal of Student

Threat of Suicide

Suicide Attempt

Larceny (Theft)

Intruders (Trespassing)

Illegal Drug Use or Overdose

Explosion

Arson

Sexual Assault

## Appendix E – Title IX Definitions

**Actual Knowledge** - Notice to the school of an allegation of Sexual Harassment. A school has actual knowledge when it has notice that a person may have been victimized. Schools are put on notice when any person reports Sexual Harassment to a school employee or if school personnel witnesses Sexual Harassment.

**Complainant** – An individual who is alleged to be the victim of conduct that could constitute sexual harassment, including a student, parent/guardian of a student, employee of the District, or third party who submits a complaint alleging Sexual Harassment prohibited by Title IX.

**Respondent** – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sexual Harassment** – Conduct based on sex that meets one or more of the following descriptions:

1. A school employee conditioning an educational benefit or service on an individual's participation in unwelcome sexual conduct.
2. Any type of unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity.
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

**Sexual Assault is defined as:**

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or their temporary or permanent mental incapacity.
- Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. fear for the person's safety or the safety of others; or
2. suffers substantial emotional distress.

For the purpose of this definition:

- a. Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or Counseling/SSW.

**Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

For the purpose of this definition:

- a. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse.



- b. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** - A felony or misdemeanor crime of violence committed:

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or,
5. By any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Office of Equity, Advocacy & Civil Rights (EACR)** – The department within the District is charged with overseeing Student Title IX investigations.

**Formal Title IX Complaint** – A complaint filed with the Title IX Coordinator or the Office of Equity, Advocacy & Civil Rights that triggers the below grievance procedures.

**Complaint Submission Date** – The date on which a Formal Title IX Complaint was submitted to the Title IX Coordinator or the Office of Equity, Advocacy, & Civil Rights.

**Supportive Measures** – Individualized services offered as appropriate to either or both the complainant and respondent involved in an alleged incident of Sexual Harassment prior to or during an investigation. Supportive measures may include Counseling/SSW, extensions of time or other course-related adjustments, modifications of class schedules, mutual restrictions on contact between the parties, changes in policies or procedures, and other similar accommodations. A Formal Title IX Complaint does not need to be filed for appropriate Supportive Measures to be implemented.

**Preponderance of the Evidence** – The evidence standard used to determine whether an alleged incident of Sexual Harassment occurred. The standard weighs the evidence to determine if an alleged incident more likely than not occurred.

*(Retain this copy for your records)*

**PARENT AND STUDENT STATEMENT OF UNDERSTANDING, RECEIPT AND REVIEW OF STUDENTS' RIGHTS, RESPONSIBILITIES AND CODE OF CONDUCT**

**TO THE PRINCIPAL:**

We, the undersigned, join the Detroit Public Schools Community District in an effort to "successfully create a clean, safe and healthy environment to promote positive student behavior and achievement."

Therefore, **we, the undersigned, agree to:**

---

**FOR THE STUDENT**

- Read and follow the rules and regulations outlined in the Student Code of Conduct
- Not engage in bullying and report bullying when I see it.
- Not bring a weapon or anything that may endanger others to school or to a school event.
- Notify school staff if I see a weapon or dangerous situation in school or at a school event.
- Seek school staff assistance when conflicts arise involving me or my peers.

**STUDENT'S SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**SCHOOL** \_\_\_\_\_

---

**FOR THE PARENT/GUARDIAN**

- Read the rules and regulations outlined in the Student Code of Conduct
- Teach and encourage my children to follow school guidelines.
- Respect school staff and adhere to school policies and procedures.
- Notify school officials when conflicts arise involving students.

**PARENT/GUARDIAN'S SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

---

**We agree** to this commitment and expect that the **School's Principal** will:

- Respect the rights of students and parents/guardians and enforce the Student Code of Conduct
- Promote conflict resolution.
- Listen and act on parent and student concerns where appropriate to develop a safe and healthy school environment.

*(Return this copy to your child's school)*

**PARENT AND STUDENT STATEMENT OF UNDERSTANDING, RECEIPT AND REVIEW OF  
STUDENTS' RIGHTS, RESPONSIBILITIES AND CODE OF CONDUCT**

**TO THE PRINCIPAL:**

We, the undersigned, join the Detroit Public Schools Community District in an effort to "successfully create a clean, safe and healthy environment to promote positive student behavior and achievement."

Therefore, **we, the undersigned, agree to:**

---

**FOR THE STUDENT**

- Read and follow the rules and regulations outlined in the Student Code of Conduct
- Not engage in bullying and report bullying when I see it.
- Not bring a weapon or anything that may endanger others to school or to a school event.
- Notify school staff if I see a weapon or dangerous situation in school or at a school event.
- Seek school staff assistance when conflicts arise involving me or my peers.

**STUDENT'S SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**SCHOOL** \_\_\_\_\_

---

**FOR THE PARENT/GUARDIAN**

- Read the rules and regulations outlined in the Student Code of Conduct
- Teach and encourage my children to follow school guidelines.
- Respect school staff and adhere to school policies and procedures.
- Notify school officials when conflicts arise involving students.

**PARENT/GUARDIAN'S SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

---

**We agree** to this commitment and expect that the **School's Principal** will:

- Respect the rights of students and parents/guardians and enforce the Student Code of Conduct
- Promote conflict resolution.
- Listen and act on parent and student concerns where appropriate to develop a safe and healthy school environment.

**STAFF STATEMENT OF UNDERSTANDING, RECEIPT AND REVIEW OF STUDENTS' RIGHTS,  
RESPONSIBILITIES AND CODE OF CONDUCT**

I, the undersigned, join the Detroit Public Schools Community District in an effort to "successfully create a clean, safe and healthy environment to promote positive student behavior and achievement."

Therefore, **I, the undersigned, agree to:**

- 
- Read the rules and regulations outlined in the Student Code of Conduct
  - Respect the rights of students and parents/guardians and enforce the Student Code of Conduct
  - Not engage in bullying and report bullying when I see it.
  - Teach and encourage my students to follow school guidelines.
  - Promote conflict resolution.
  - Listen and act on parent and student concerns where appropriate to develop a safe and healthy school environment.
  - Abide by all Board Policies, including Policy 3139.01 - Work Rules and Staff Corrective Discipline and Policy 3210 - Standards of Ethical Conduct, which provide that Staff members should not, "intentionally expose a student to unnecessary embarrassment or disparagement" or "use abusive and/or profane language."

**STAFF MEMBER'S SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**SCHOOL** \_\_\_\_\_