

# Student's Rights, Responsibilities and Code of Conduct 2018-2019



Students Rise. We All Rise.

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### **English 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.

### **خدمات المساعدة اللغوية اللغة العربية**

توفر مدارس ديترويت العامة مساعدة لغوية (ترجمة شفوية وترجمة مكتوبة) إلى الوالدين الذين لا يجيدون اللغة الإنجليزية بكفاءة. تقبل المنطقة على أحد الوالدين أو الوصي في تأكيد أن اللغة تحتاج المساعدة في قراءة أو كتابة باللغة الإنجليزية دون اشتراط إثبات. للمساعدة المجانية، يرجى الاتصال بمدرسة طفلك أو منسق الترجمة التابع للحي على (313) 870 3776 / (313) 212 4312.

### **Español – Servicios de asistencia de lenguaje**

El Distrito de la 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.

### **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 (translație 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.

### **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 nyeem 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 menyuum lub tsev kawm ntawv lossis Tuam Tsev Kawm Ntawv tus neeg txuas lus fab kev txhais lus (313) 870-3776 / (313) 212-4312.





# BLUEPRINT 2020

## Our Strategic Plan for Rebuilding Detroit's Public Schools

### 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.

### PRIORITIES



#### Outstanding Achievement

Dramatically improve the academic experience of all students to ensure they are college and career ready.



#### Transformative Culture

Transform our culture so that students, families, community members, and staff feel safe, respected, and connected.



#### Whole Child Commitment

Champion a whole child approach that unlocks students' full potential.



#### Exceptional Talent

Build an excellent team of dedicated staff to serve our students.



#### Responsible Stewardship

Manage and deploy our resources responsibly, transparently, and equitably to support our students' success.

Students Rise. We All Rise.

## Letter from Superintendent

Dear Families:

We are pleased to present you with the Students' Rights, Responsibilities and Code of Conduct which details the expectations for all students who attend Detroit Public Schools Community District.

As you know, the safety and security of students in our buildings is of utmost importance. To make our schools the centers of excellence that we all expect them to be, we must ensure that students follow the Code and display positive behavior in and out of the classroom.

Please review this Code with your child and discuss the importance of the contents. Doing so will ensure that our students are aware of their rights as well as the behavioral expectations necessary for overall improvement. By following the guidelines set forth in this Code, students will be well on their way to establishing a safe and supportive school environment that contributes to their educational success.

We ask families to partner with the school and district staff to create a positive school culture. Therefore, after you review the Code, please sign the "Parent and Student Statement of Receipt" and have your child return it to school. Please keep a copy for your records.

Together we can transform the educational experiences for all students, empowering them to build a stronger Detroit and a better world.



Dr. Nikolai P. Vitti

Superintendent

Detroit Public Schools Community District

## Introduction

Under Michigan law, every school district is required to adopt a Student Code of Conduct (“Code”), to ensure that every student in every school will be provided with a safe and secure environment in which to pursue the excellent educational opportunities available.

This Code governs student behavior at all district schools/programs, including career technical and vocational schools, alternative schools and self-governing schools. School administrators and staff are responsible for addressing student behavior and administering the Code at their locations. Disciplinary action taken at a student’s home school extends to career and vocational attendance and all other district programs and activities.

The jurisdiction of the Code covers infractions that occur on school grounds, on school buses or in other school vehicles, during school-sponsored field trips, when connected with school-related events and activities and when students are in route to or from school. Specific consideration will be given, when the incident involves the student’s proximity to the school, the length of time elapsed since the student was on school premises, whether there is a connection to an on premise altercation or confrontation and whether there is a disruption to the school environment or orderly operation of the school.

All staff are required to function in accordance with the Code. Thus, whenever an employee discovers a student engaging in unacceptable conduct, the employee is required to take prompt action in accordance with district policies. Prompt action may include directly addressing and correcting the student, intervening to stop the behavior, seeking the assistance of other staff persons and/or reporting the incident to an administrator.

It is the responsibility of both student and parent/guardian to know the rules of the Code and to support the fair and impartial administering of the rules. With age and maturity, students will be expected to assume greater responsibility for their actions.

Professional educators are expected to adhere to the Michigan Professional Educator’s Ethics<sup>1</sup> in their job performance and in the administration of the Code.

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<sup>1</sup> The Michigan Professional Educator’s Code of Ethics can be located at [https://www.michigan.gov/documents/Code\\_of\\_Ethics\\_Layout\\_128009\\_7.pdf](https://www.michigan.gov/documents/Code_of_Ethics_Layout_128009_7.pdf)



## **Bill of Rights and Responsibilities for Students**

### **STUDENT RIGHTS:**

- I. The right to a free public school education.
- II. The right to equitable academic resources.
- III. The right to inclusive teaching and learning environments in all classrooms.
- IV. The right to due process.
- V. The right to a socially, emotionally, and physically safe and positive school climate.
- VI. The right to effective teachers.
- VII. The right to be treated with respect and dignity by the school community.
- VIII. The right to positive school disciplinary policies and practices.
- IX. The right to participate in decisions that affect our education.

### **STUDENT RESPONSIBILITIES:**

- I. Attend school regularly and punctually.
- II. Know and adhere to the Code.
- III. Abide by and follow other school rules, regulations, and policies.
- IV. Behave in a manner that contributes to a safe learning environment and which supports the rights of others to learn.
- V. Show respect for school property and respect the property of others, both private and public.
- VI. Know the Student Code of Conduct and abide by other school rules and regulations.
- VII. Express yourself in oral, written, electronic/and other modes of expression, in a manner, which promotes cooperation and support of the educational process.
- VIII. Help maintain a school environment free of weapons, illegal drugs, controlled substances and alcohol.
- IX. Share information with school officials regarding matters, which may endanger the health and welfare of the school community.
- X. Work with school staff in developing broad extracurricular programs to represent the range of physical, social and cultural interests and needs of students.
- XI. Keep parents/guardians informed of school-related matters, including progress in school, social and educational events and ensure that parents receive communications provided by school staff to students for transmittal to parents.

## **Bill of Parent/Guardian Rights and Responsibilities**

### **PARENT/GUARDIAN RIGHTS:**

- I. The right to a free public school education for their child.
- II. The right to access information about their child.
- III. The right to be actively involved and engaged in the education of their child.
- IV. The right to file complaints and/or appeals regarding matters affecting their child's education.

### **PARENT/GUARDIAN RESPONSIBILITIES:**

- I. Ensure regular, on time, daily attendance for the duration of the school year.
- II. 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.
- III. Enter the school building in a respectful manner treating all members of the school community with courtesy and respect, and refraining from disruptive behavior
- IV. Ensure the school is updated with accurate contact information including, but not limited to, home address, telephone number(s), and e-mail address.
- V. Respond in a timely manner to communications from school.

## **“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.
- Three (3) early departures from school without an excuse are the equivalent of one (1) unexcused absence.

### **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.
- Three (3) instances of tardiness of more than fifteen (15) minutes after the start of class without an excuse are the equivalent of one (1) unexcused absence.

### **Truancy**

- Students with more than ten (10) unexcused absences during the school year are considered truant.

### **Consequences for irregular attendance**

- 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.

## Special Considerations & Student Rights

**Freedom from Discrimination, Harassment and Bullying:** DPSCD does not discriminate based on race, color, national origin, sex, disability and/or religion. Questions? Concerns? For more information, contact the Compliance Officer at (313) 240-4377 or [detroitk12.org/admin/compliance/](http://detroitk12.org/admin/compliance/).

**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 with consideration of 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. Assignments must be completed and returned before new assignments are issued. All make-up work must be completed within five (5) school days of the student's readmission to school.

## **Attendance Policy**

The law in Michigan governing compulsory attendance requires a parent, legal guardian, or other person having control or charge of a child age six (6) to sixteen (16) to send the child to school during the entire school year, except under very limited circumstances specified in subsection (3) of MCL 380.1561.

The Board of Education (“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 his/her 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, or is dropped off late or picked-up early by a parent/guardian. A student's enrollment in a course is his/her 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 purpose of this attendance policy is to foster responsibility and reliability on the part of District students to attend all classes. Students will acknowledge greater emphasis on attendance at school because credit in their classes will be contingent upon their presence.

### **Attendance Defined**

- A. 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.
- B. 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.
- C. 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.
- D. 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 under Policy 5223 or by other provisions of State law, during the days and hours that the school is in session.

The Principal or his/her 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 confirmation of 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 his/her 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 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 his/her 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, s/he must be under the supervision of a health care 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 his/her education;
- F. Professional appointments;
- G. Death in the immediate family;
- 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);
- I. Academic activity or school sponsored field trip directly related to the instructional outcomes of one (1) or more course;
- 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.

## 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 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% or less of total school days are considered to have **satisfactory attendance**. Students who miss 5%-10% of school days are at risk of becoming **chronically absent**.
2. Students who miss 10%-20% of total school days are considered **chronically absent**.
3. Students who miss 20% or more of total school days are considered **severely chronically absent**.

### APPROPRIATE DRESS FOR STUDENTS K-12

All students, including students exempt from the student dress code, are expected to exemplify proper grooming standards in a manner that projects an appropriate image for the student, school, and District.

The District shall not require specific brands of clothing. All clothing items must be of an approved color from the common color selections presented in this dress code policy.

#### Slacks and Pants:

- Color: All slacks and pants must be a solid color: Khaki, navy blue, or black
- Style: Slacks and pants can be pleated or flat front, full length and appropriately fastened at the waist
- Belts: If the garment has belt loops a belt should be worn at all times

**Tops:**

- Shirts and blouses must have buttoned down or straight collars; turtlenecks and polo styles are permitted. All tops must be worn tucked inside pants, slacks, or skirts
- Color: All students shall wear approved colors required by the school
- Style: Long and short sleeves with a collar required. Turtlenecks and polo styles permitted
- Logos: Manufacturer trademarks, if any, must be one inch or less. DPSCD school logos are permitted and are not limited in size

**Skirts and Jumpers/Skorts:**

- Color: Khaki, navy blue and black, in a solid, single color
- Style: Skirts must be at least knee length

**Jackets, Cardigans, and Sweaters:**

- Color: Should match an accepted uniform color
- Style: All must be worn over a collared shirt, turtleneck or polo style top
- Jackets for middle school and high school students cannot have hoods

**Footwear:**

- Athletic shoes, laced shoes, shoe boots, loafers, dress shoes, or other closed toed/closed heel shoes. Students are also prohibited from wearing steel-toed boots or shoes to school.

## **INAPPROPRIATE DRESS FOR STUDENTS K-12**

- Dresses, skirts, and skorts shorter than the student's fingertips when standing in a normal position with the arms down
- Clothing that is either revealing or provocative, showing abdomen region or cleavage, T-shirts or halter-tops, biker pants, or pants allowed to sag below the waistline or are excessively tight
- 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

- Hats, caps, bandanas, or do-rags, except headwear worn for legitimate religious and cultural purposes
- Flip-flops, house slippers, steel-toe-shoes or boots, or any other type of footwear that could constitute a safety hazard
- Hair rollers, hair curlers, plastic hair bags, hairnets, hair bonnets, sweat bands and skullcaps
- Shorts are not allowed

## 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. When a student engages in misconduct, the list of interventions should be considered based on the type of behavior the student exhibited. Schools are required to provide and document support services at all stages of the disciplinary process, including during suspension. When used consistently and appropriately, interventions help improve student behavior, lower the incidence of repeated misbehavior, and contribute to a more positive school environment. Support services may include any of the interventions listed below or a combination of services that best meet the needs of the individual student.

Examples of Supports and Interventions <sup>2</sup>	
<p><b>Parent Conference</b> School staff should keep parents informed of their child’s behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication.</p>	<p><b>Daily/Weekly Progress Reports</b> Teachers and/or principals may send behavioral progress reports to parents on a regular basis until they feel that the student is in control of his/her behavior and working in the classroom successfully.</p>
<p><b>Guidance Conference</b> Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal, and social issues that might have caused or contributed to the behavior.</p>	<p><b>Development of Individual Behavior Contract</b> The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student, teacher and parent/guardian.</p>

<sup>2</sup> Adapted from PBIS.org.

<p><b>Counseling, social work or other agency referral</b> Where available, school-based counseling personnel and/or school-based mental health programs offer a wide range of comprehensive and confidential mental health services and interventions including, but not limited to: assessments, individual, group and family counseling and/or therapy, teacher consultations, and educational strategies for parents and staff.</p>	<p><b>Referral to Resource Coordinating Team (RCT)</b> Pupil Personnel Teams are school-based teams that use a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral and an individualized plan is created to help the student overcome his/her academic and/or other challenges.</p>
<p><b>Restorative Practices</b> Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline. Restorative practices include collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing.</p>	<p><b>Mentoring Program</b> A mentoring program matches a mentor who may be a counselor, teacher, student, and/or administrator with a student in need of additional support. The object of this relationship is to help the student in his/her personal, academic, and social development.</p>

## Restorative Practices

All members of a school community bring with them diverse abilities, interests, viewpoints, and family and cultural backgrounds. These differences can be a source of energy and strength when members of the community value and respect one another. Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline.

A restorative approach to discipline changes the foundational questions that are asked when an incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions: What happened; Who was harmed or affected by the behavior; What needs to be done to make things right; How can people behave differently in the future?

### Types of Restorative Practices<sup>3</sup>

**Circle Process:** Regular use of restorative circles within the instructional program of a school is a significant prevention and intervention strategy. The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, and address other issues as they arise.

Students are the largest group of stakeholders in a school community and its greatest natural resource in creating and sustaining a safe and supportive school environment. Building community among students and between students and staff members is integral to creating a supportive and inclusive school culture. When students feel accepted, valued, respected, and included, they build a positive connection to school and foster resiliency. Community building circles focus on:

- **Safety and Trust.** Community members need a sense of safety and trust to connect with one another.
- **Honor.** Members interact with fairness and integrity and acknowledge their personal responsibility for their actions.
- **Openness.** Community members feel free to share their thoughts and feelings.
- **Respect.** To bond as a community, members must feel they are valued and respected as individuals, and they must respond respectfully to one another.
- **Empowerment.** A sense of empowerment is a crucial element and a desired outcome of being a member of a community. Community support enables members to gain a new view of themselves and a new sense of confidence in their abilities.

When used as an intervention measure to address inappropriate student behavior, restorative circles:

- Empower participants to take responsibility for the well-being of others;
- Prevent or deal with conflict before it escalates;
- Addresses underlying factors that lead youth to engage in inappropriate behavior; and
- Provides those who committed an infraction the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.
- A circle can also be used in response to a particular issue that affects the school community.

**Collaborative Negotiation:** Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom he/she disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

**Peer Mediation:** An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.

**Formal Restorative Conference:** A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle that have also been affected by the incident. The purpose of the conference is for the harm-doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired. A formal restorative conference may be used as an intervention in conjunction with a disciplinary response (e.g., a student participates in a formal restorative conference in conjunction with a teacher removal or a principal or superintendent suspension) or may be used as a disciplinary intervention to address misconduct that does not require teacher removal or suspension.



## **Classification of Infractions**

Infractions of the Student Code of Conduct are grouped into four levels:

Level 1: Minor

Level 2: Moderate

Level 3: Major

Level 4: Severe

Each classification of an infraction is followed by disciplinary procedures to be implemented by the administrator or designee. The detail in the document is to ensure consistency among administrators with administering discipline for infractions. When disciplinary actions are used, teachers and administrators must follow appropriate procedures, including receiving and documenting the students' statement and additional witness statements, when applicable, in support of the action taken. Consequences should be delivered based on the charts included in the Code. Each time discipline is administered a written or verbal contact should be made to the parent/guardian by an administrator and a restorative practice should occur.

## Minor: Level 1 Infractions

To ensure students are provided opportunities to function in an environment conducive to learning, it is necessary that Level 1 infractions are addressed through classroom management expectations. Therefore, prior to the first referral, schools shall ensure there is written warning documentation for each infraction. The warning documentation shall include but not be limited to:

- A. One on one documented conference with the student and teacher
- B. One on one documented communication between the parent and teacher
- C. 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**

A student will not ignore or refuse to comply with directions or instructions given by district personnel or volunteers.

### **A02 REFUSAL TO IDENTIFY SELF**

Refusing to show or wear an identification card and/or give correct name when requested by school personnel, or using another person's name or identity.

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

Smart phones, cell phones, personal communication devices or other ECDs while on campus must be off and out of sight. Use of these devices for educational purposes must be approved by the principal and teacher and are otherwise prohibited during the school day. The district is not responsible for the loss, theft, damage, or vandalism to student cell phones or ECDs or any other student property.

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

A student may only use school equipment, technology or materials when prior approval is given by an administrator or teacher.

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

A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials.

### **A06 DISORDERLY CONDUCT**

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

### **A07 INAPPROPRIATE DISPLAYS OF AFFECTION**

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

### **A08 LOITERING/TRESPASSING**

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

### **A09 TARDINESS/UNAUTHORIZED ABSENCE**

A student must be in his or her place of instruction at the assigned time without a valid excuse.

### **A10 APPROPRIATE DRESS/GROOMING**

A student will adhere to the district's approved dress code policy.

Level 1 Infractions	1 <sup>st</sup> Referral	2 <sup>nd</sup> Referral	3 <sup>rd</sup> Referral	4 <sup>th</sup> Referral
<b>A01 – FAILURE TO FOLLOW INSTRUCTIONS/ INSUBORDINATION</b>	Parent Conference Restorative Practice	Parent Conference Restorative Practice Behavior Contract with progress monitoring Detention	Parent Conference Restorative Practice Work Detail Class Suspension 2 days ISSP	Parent Conference Restorative Practice 4 days ISSP
<b>A02 - REFUSAL TO IDENTIFY SELF</b>	Parent Conference Restorative Practice	Parent Conference Restorative Practice Behavior Contract with progress monitoring Detention	Parent Conference Restorative Practice 1-2 days ISSP	Parent Conference Restorative Practice 2-4 days ISSP
<b>A03 - USE OF ELECTRONIC COMMUNICATION DEVICES (“ECD”) SMART PHONES, CELLULAR PHONES OR OTHER DEVICES THAT CAUSE DISRUPTION WHILE ON SCHOOL PROPERTY</b>	Parent Conference Restorative Practice Detention Confiscation of device and returned to student	Confiscation of device and return only to parent Restorative Practice Detention	Confiscation of device and return only to parent Restorative Practice 1-3 ISSP	Confiscation of device and return only to parent Restorative Practice 4-5 ISSP
<b>A04 - IMPROPER OR UNAUTHORIZED USE OF SCHOOL MATERIALS/EQUIPMENT</b>	Parent Conference Detention Restorative Practice	Parent Conference Detention Restorative Practice Behavior Contract with progress monitoring	Parent Conference Restorative Practice Counseling Referral/ Intervention 1-2 days ISSP	Parent Conference Restorative Practice 3 days ISSP
<b>A05 - CHEATING/ ACADEMIC MISCONDUCT</b>	Parent Conference Restorative Practice	Parent Conference Restorative Practice Detention 1 day ISSP	Parent Conference Restorative Practice 2-3 days ISSP	Parent Conference Restorative Practice SOS
<b>A06 - DISORDERLY CONDUCT</b>	Parent Conference Detention Restorative Practice	Parent Conference Detention Restorative Practice Behavior Contract with progress monitoring	Parent Conference Restorative Practice Counseling Referral/ Intervention 1-2 days ISSP	Parent Conference Restorative Practice 3 days ISSP
<b>A07 - INAPPROPRIATE DISPLAYS OF AFFECTION</b>	Parent Conference Detention Restorative Practice	Parent Conference Detention Restorative Practice	Parent Conference Restorative Practice Counseling Referral/ Intervention 1-2 days ISSP	Parent Conference Restorative Practice Counseling Referral/ Intervention 3-4 days ISSP
<b>A08 - LOITERING/TRESPASSING</b>	Parent Conference Detention Restorative Practice	Parent Conference Restorative Practice Detention 1 day ISSP	Parent Conference Restorative Practice Counseling Referral/ Intervention 2-3 days ISSP	Parent Conference Restorative Practice Counseling Referral/ Intervention 3-4 days ISSP
<b>A09 – TARDINESS/UNAUTHORIZED ABSENCE</b>	Parent Conference Restorative Practice Detention	Parent Conference Detention Restorative Practice Behavior Contract with progress monitoring	Parent Conference Restorative Practice Counseling Referral/ Intervention 2-3 days ISSP	Use of Tardy Monitoring Sheet Parent Conference Restorative Practice Referral to Attendance Team 3-4 days ISSP
<b>A10 – APPROPRIATE DRESS/GROOMING</b>	Parent Conference Restorative Practice Detention	Parent Conference Restorative Practice 1 day ISSP	Parent Conference Restorative Practice Behavior Contract 2-3 days ISSP	Parent Conference Restorative Practice Behavior Contract 4-5 days ISSP

Refer to page 36 for information on Assigning Interventions & Administering Discipline.  
Glossary can be found on page 44.

## Intermediate: Level 2 Infractions

To ensure students are provided opportunities to function in an environment conducive to learning, Level 2 infractions will be addressed through classroom management expectations, but could result in ISS or OSS based on the severity of the violation after the first referral. Therefore, prior to the issuance of ISS or OSS after the first level 2 infraction please refer to the level 2 matrix located on page 23 of the revised school Code and make sure that the following has been accomplished:

- A. One on one documented conference with the student and teacher
- B. One on one documented communication between the parent and teacher
- C. Implementation and documentation of the infraction and intervention strategies attempted to address the documented behavior.

**B01 \*THREATS OF VIOLENCE/INTIMIDATION**

Written, verbal or physical conduct, or electronic communication that is intended to place one or more persons in fear of harm. Refer to C7 - Bullying to describe conduct of a serious, severe or substantial, nature.

**B02 PROFANITY/OBSCENITY TOWARD STUDENTS**

Written, verbal or electronic communication with photographs or drawings directing profanity or insulting, obscene gestures toward any other student.

**B03 PROFANITY/OBSCENITY TOWARD STAFF**

Written, verbal or electronic communication with photographs or drawings directing profanity or insulting, obscene gestures toward any district staff member, contractors, adult volunteers or adults on District property.

**B04 POSSESSION OF DANGEROUS OBJECTS**

Possession of a dangerous weapon or firearm which has the capacity to cause injury other than those listed in infractions C01, D01, D02, and D03, for example mace, firecrackers, pepper spray, and other irritant sprays.

**B05 THEFT OR RECEIPT OF STOLEN PROPERTY**

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.

**B06 EXTORTION, COERCION OR BLACKMAIL**

Obtaining money or property or anything of value from an unwilling person or forcing an individual to either act or refrain from acting by use of either physical force or intimidation.

**B07 DEFAACEMENT OF PROPERTY**

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

**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 INTERFERENCE WITH THE MOVEMENT OF PUPILS IN AND OUT OF SCHOOLS, BETWEEN SCHOOLS, OR BETWEEN HOME AND AN ASSIGNED SCHOOL**

Any action that prevents or delays scheduled transportation of pupils to and from an assigned school that prevents pupils from entering or leaving schools at scheduled hours, or that causes fear or jeopardy to students while walking to and from an assigned school.

- B10 HARASSMENT**  
Written, verbal, or physical conduct that is persistent or pervasive that causes emotional distress or does the following to one or more students directly or indirectly:
- Substantially interferes with educational opportunities;
  - Adversely affects the ability of students to participate in or benefit from school programs; or
  - Causes a substantial disruption to the orderly operation of schools.
- B11 GAMBLING**  
Participating in games of chance or skill for money or profit.
- B12 VERBAL ABUSE**  
Name-calling, racial or ethnic slurs or derogatory statements directed at, and offensive to, another person.
- B13 FORGERY/GIVING FALSE INFORMATION OR IDENTIFICATION**  
Intentionally misrepresenting information to school district personnel, such as giving false information, false identification or signing another person’s name to a document.
- B14 ABUSE OF TECHNOLOGY**  
The act of tampering with or unauthorized use of computer hardware or software, including loading unauthorized software, making unauthorized copies of software, tampering with the hard drive, infection of computers with viruses, unauthorized internet access, unauthorized access to another’s files, computers, or computer systems, and computer network “hacking.” The use of the internet or Detroit Public Schools Community District technology, equipment or materials, including networks and servers to commit any offense is a violation under the Student Code of Conduct.
- B15 \*FIGHTING – MUTUAL COMBAT, MUTUAL ALTERCATION**  
A physical altercation between one or more students that does not cause serious injury but requires physical restraint.
- B16 \*INITIATING A FIGHT**  
Intentionally initiating a fight between others or with another student that results in a physical altercation
- B17 \*RESPONSE TO A PHYSICAL ATTACK**  
Any action of responding to a physical attack in a combative response that is not defined as self-defense. *Self-defense* is described as an action to block an attack by another person or to shield yourself from being hit by another person. If the retaliation meets this definition then there will be no consequence. Retaliating by hitting a person back is not self-defense and consequences outlined in the Code should be followed.
- B18 HAZING**  
Any intentional, knowing, or reckless activity which endangers the physical safety, causes mental distress, embarrassment, humiliation or ridicule of a student done for the purpose of being initiated into, affiliated with, participating in or becoming a member of any organization, team, group, club, school activity, regardless of whether the activity is done with or without the consent of the person(s) being hazed.
- B19 FAILURE TO SERVE PREVIOUSLY ASSIGNED DISCIPLINE**  
A student will serve out his/her discipline sentence. A student and/or parents/guardians will be previously notified of any discipline sentence.
- B20 LEAVING SCHOOL PREMISES WITHOUT PERMISSION**  
A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

Level 2 Infractions	1 <sup>st</sup> Referral	2 <sup>nd</sup> Referral	3 <sup>rd</sup> Referral	4 <sup>th</sup> Referral
<b>*B01 - THREATS OF VIOLENCE/INTIMIDATION</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
<b>B02 – PROFANITY/OBSCENITY TOWARD STUDENTS</b>	Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 5-8 days ISSP
<b>B03 – PROFANITY/OBSCENITY TOWARD STAFF</b>	Detention Parent Conference Restorative Practice	Restorative Practice Class Suspension 2-3 days ISSP	Mandatory SOS Restorative Practice 4-5 days ISSP	Referral to Hearing Officer 5-8 days ISSP 1-2 day OSS
<b>B04 - POSSESSION OF DANGEROUS OBJECTS</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
<b>B05 - THEFT OR RECEIPT OF STOLEN PROPERTY</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
<b>B06 - EXTORTION, COERCION OR BLACKMAIL</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
<b>B07 - DEFACEMENT OF PROPERTY</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
<b>*B08 - INTERFERENCE WITH OR INTIMIDATION OF SCHOOL PERSONNEL</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
<b>B09 - INTERFERENCE WITH THE MOVEMENT OF PUPILS IN AND OUT OF SCHOOLS, BETWEEN SCHOOLS, OR BETWEEN HOME AND AN ASSIGNED SCHOOL</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS



Level 2 Infractions	1 <sup>st</sup> Referral	2 <sup>nd</sup> Referral	3 <sup>rd</sup> Referral	4 <sup>th</sup> Referral
<b>B10 - HARASSMENT</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 5-8 days ISSP
<b>B11 - GAMBLING</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice 5-8 days ISSP
<b>B12 - VERBAL ABUSE</b>	Restorative Practice Detention	Counseling Referral/ Intervention Referral Restorative Practice 1-3 days ISSP	Parent Conference Restorative Practice SOS 3-4 days ISSP	Parent Conference Restorative Practice 4-6 days ISSP
<b>B13 - FORGERY/GIVING FALSE INFORMATION OR IDENTIFICATION</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Restorative Practice 5-8 days ISSP
<b>B14 ABUSE OF TECHNOLOGY</b>	Detention Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 1-2 days ISSP	Suspension of Usage Parent Conference Restorative Practice 3-5 days ISSP	Suspension of Usage (Permanent) 3-5 days ISSP Parent Conference Restorative Practice
<b>*B15 –FIGHTING – MUTUAL COMBAT, MUTUAL ALTERCATION</b>	Parent Conference Restorative Practice 2-3 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 4-5 days ISSP	Mandatory SOS Parent Conference Restorative Practice 4-5 days ISSP	Referral to Hearing Officer Parent Conference Restorative Practice
<b>*B16- INITIATING A FIGHT</b>	Parent Conference Restorative Practice 2-3 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 4-5 days ISSP	Mandatory SOS Parent Conference Restorative Practice 4-5 days ISSP	Referral to Hearing Officer Parent Conference Restorative Practice
<b>*B17- RESPONSE TO A PHYSICAL ATTACK</b>	Parent Conference Restorative Practice	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 2-3 days ISSP	Mandatory SOS Parent Conference Restorative Practice 4-5 days ISSP	Referral to Hearing Officer Parent Conference Restorative Practice
<b>B18- HAZING</b>	Parent Conference Restorative Practice 2-3 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 4-5 days ISSP	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISSP	Referral to Hearing Officer Parent Conference Restorative Practice
<b>B19- FAILURE TO SERVE PREVIOUSLY ASSIGNED DISCIPLINE</b>	Parent Conference Restorative Practice 2-3 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 4-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 6-8 days ISSP	Referral to Hearing Officer Parent Conference Restorative Practice

Level 2 Infractions	1 <sup>st</sup> Referral	2 <sup>nd</sup> Referral	3 <sup>rd</sup> Referral	4 <sup>th</sup> Referral
<b>B20- LEAVING SCHOOL WITHOUT PERMISSION</b>	Parent Conference Restorative Practice 2-3 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 4-5 days ISSP	Parent Conference Restorative Practice Mandatory SOS 6-8 days ISSP	Referral to Hearing Officer Parent Conference Restorative Practice

\*Student should be recommended for counseling support at the 2<sup>nd</sup> occurrence

\*\*Multiple Class II (8 or more) referrals may result in a referral to the Hearing Officer for Alternative School Placement

Refer to page 36 for information on Assigning Interventions & Administering Discipline.

Glossary can be found on page 44.

## Major: Level 3 Infractions

Level 3 infractions are behaviors that jeopardize the school and classroom safety and order. These infractions may require removing the student from the classroom or school environment due to the seriousness of the demonstrated behavior.

1. Interventions and responses listed in Level 1 and Level 2 may be used for Level 3 depending on the severity of the incident.
2. Removal from the learning environment should be limited as much as possible while appropriately addressing the severity of the behavior.

### **C01 POSSESSION OF A KNIFE**

Any knife regardless of blade length or total size, straight razor, box cutter with razor or any instrument which has been altered to be used as a weapon in a manner similar to a knife such as a letter opener or file. Refer to D02 if the blade length is 3-inches or greater.

### **C02 DESTRUCTION OF PROPERTY**

Acts that result in a substantial threat of or actual destruction of property of \$100.00 or more, which significantly necessitates altering a school's operation and activities. Specifically included are acts which result in:

- Significant damage to the physical plant or property;
- Conditions that require the evacuation of students; or
- The inability of a school to perform its functions.

### **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 genitalia, groin, inner thigh, buttock or breast or the clothing covering those areas, or other inappropriate behavior of a sexual nature including displays of sexual parts.

### **C05 SEXTING**

Forwarding, sending, using, sharing, viewing or possessing a sexually explicit image via text message, 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. Acts that occur off school grounds, outside of school-sponsored activities or on student owned devices that result in disruption to the orderly operation of school environment are punishable under this provision.

### **C06 FORGERY/FRAUD**

Signing the name of another person for the purpose of defrauding school personnel of DPSCD or causing or deceiving another by false or misleading information in order to obtain anything of value.

**C07 BULLYING/CYBERBULLYING**

Written, verbal, or physical conduct or any electronic communication that is intended to place one or more students or other persons 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 substantial disruption of the orderly operation of school.

The use of any electronic communication (i.e. internet, personal digital assistant (PDA), smart phone, or wireless handheld device), network or technology, including social media (e.g. Facebook, Twitter, Tumblr, Instagram, etc.), to bully is cyber-bullying. Bullying and cyber-bullying are prohibited against all students, educators, employees, parent/guardians, contractors, agents, or volunteers.

**C08 POSSESSION OF PROHIBITED SUBSTANCE or OBJECTS**

Possession of any blade not considered to be a weapon (includes common pocketknife, plastic knife, or blunt-bladed table knife), martial arts weapons, taser, bullets, syringes, BB guns, paint guns, air strike guns, over-the-counter drugs, or devices including, but not limited to, mace or pepper spray (2 oz. or less), firearm facsimile or any other object that may puncture, wound, or otherwise injure another person.

**C09 USE OR POSSESSION OF ILLEGAL OR CONTROLLED SUBSTANCES OR MATERIALS**

Illegal or controlled substances include tobacco, alcohol, narcotics, drugs prohibited by law, over the counter medicines and prescription medications not prescribed for use by the student in possession of them. Students found guilty of the second offense of C09 within the same school and in the same school year, will be charged with a C13 – Other Illegal Conduct (an expellable offense). In the event intervention is provided to a student, DPSCD will not be prevented from suspending or expelling the student. For possession or use of tobacco, discipline may be reduced if the student actively participates in a smoking cessation program.

**C10 GANG ACTIVITY**

Participating in gang, gang-like activity or group violence is also punishable under this provision.

Gang or gang-like activity includes an ongoing organization, association or group of two or more individuals who display one or more of the following:

- Wear or display common clothing, jewelry, insignia, signs that intentionally identify the student as a member of the group;
- Have a high rate of interaction among themselves to the exclusion of others; or
- Are frequently involved in anti-social, delinquent or criminal activity.

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

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

**C12 FALSE ALARM**

Activating a fire alarm system in any school building on school property and/or reporting a fire or bomb when none exists.

**C13 OTHER ILLEGAL CONDUCT**

Other acts, not specifically listed, which constitute an offense under city ordinances, state or federal laws.

**C14 \*SEXUAL HARASSMENT**

Unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which:

- Substantially interferes with educational opportunities;
- Creates an intimidating, hostile or offensive educational environment; or
- Otherwise adversely affects a student’s educational opportunities.

**C15 Verbal Assault**

Communicating threats against an employee or volunteer of the school district or makes a bomb threat or similar threat at a school building, other school property, or a school-related event.

Level 3 Infractions	1 <sup>st</sup> Referral	2 <sup>nd</sup> Referral	3 <sup>rd</sup> Referral	4 <sup>th</sup> Referral
<b>C01 - POSSESSION OF A KNIFE</b>	5 days OSS & referred to hearing office (possible expulsion) Parent Conference Restorative Practice			
<b>C02 - DESTRUCTION OF PROPERTY</b>	Mandatory Parent Conference Restorative Practice 3-5 days ISSP and Behavior Contract	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	3 - 5 day OSS (Multiple repeated occurrences may result in referral to Hearing Officer for additional assignment of days or alternative intervention )
<b>C03 - THEFT OR RECEIPT OF STOLEN PROPERTY</b>	Mandatory Parent Conference Restorative Practice 3-5 days ISSP and Behavior Contract	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	Referral to Hearing Officer Parent Conference Restorative Practice
<b>C04 - SEXUAL MISCONDUCT</b>	5 days OSS & referred to Hearing Officer (possible expulsion)			
<b>C05 - SEXTING</b>	Mandatory Parent Conference Restorative Practice 3-5 days ISSP and Behavior Contract	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	3 - 5 day OSS (Multiple repeated occurrences may result in referral to Hearing Officer for additional assignment of days or alternative intervention )
<b>C06 - FORGERY/FRAUD</b>	Mandatory Parent Conference Restorative Practice 3-5 days ISSP and Behavior Contract	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	3 - 5 day OSS (Multiple repeated occurrences may result in referral to Hearing Officer for additional assignment of days or alternative intervention )
<b>C07 - BULLYING</b>	Mandatory Parent Conference Restorative Practice 3-5 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISSP	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	Referral to Hearing Officer
<b>C08- POSSESSION OF PROHIBITED SUBSTANCE or OBJECTS</b>	Mandatory Parent Conference Restorative Practice 3-5 days ISSP Night Time Substance Abuse Teen Court and Behavior Contract	Referral to Hearing Officer Parent Conference Restorative Practice		
<b>C09 - USE OR POSSESSION OF ILLEGAL OR CONTROLLED SUBSTANCES OR MATERIALS</b>	5 days OSS & referred to Hearing Officer (possible expulsion) Parent Conference Restorative Practice			

<b>C10- GANG ACTIVITY</b>	Parent Conference Restorative Practice and 5 days OSS	7 days OSS and Principal may at his/her discretion, refer the student to Hearing Officer Parent Conference Restorative Practice
<b>C11- ADMITTANCE OF UNAUTHORIZED INDIVIDUALS INTO SCHOOL BUILDINGS</b>	Parent Conference Restorative Practice and 5 days OSS	7 days OSS and Principal may at his/her discretion, refer the student to the Hearing Officer Parent Conference Restorative Practice
<b>C12 - FALSE ALARM</b>	5 days OSS & referred to Hearing Officer (possible expulsion) Parent Conference Restorative Practice	
<b>C13 - OTHER ILLEGAL CONDUCT</b>	Parent Conference Restorative Practice and 5 days OSS	5 days OSS & referred to Hearing Officer (possible expulsion) Parent Conference Restorative Practice
<b>C14 – Sexual Harassment</b>	5 days OSS & referred to Hearing Officer (possible expulsion) Parent Conference Restorative Practice	
<b>C15 – Verbal Assault</b>	Parent Conference Restorative Practice and 5 days OSS	7 days OSS and Principal may at his/her discretion, refer the student to the Hearing Officer Parent Conference Restorative Practice

Refer to page 36 for information on Assigning Interventions & Administering Discipline.  
Glossary of terms can be found on page 44.

## Extreme: Level 4 Infractions

Level 4 infractions are behaviors that seriously jeopardize the school and classroom safety and order. Level 4 infractions require removing the student from the classroom or school environment due to the seriousness of the demonstrated behavior.

### **D01 POSSESSION OF A FIREARM**

Firearm means: (a) any weapon (including a pistol, rifle, starter gun, gun, zip gun, pellet gun, and BB gun or any other type of gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (c) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device, such as any explosive, incendiary device, bomb, grenade, poison gas or rocket. Students found guilty of this offense are subject to mandatory expulsion.

### **D02 POSSESSION OF A KNIFE (Blade 3 inches or more)**

Knives are defined to include any knife regardless of blade length or total size, straight razor, box cutter with razor or any instrument which has been altered to be used as a weapon in a manner similar to a knife such as a letter opener or file.

### **D03 POSSESSION OF OTHER DANGEROUS WEAPONS**

Possession of weapons and objects (other than guns or knives) such as brass knuckles, explosives, M-80 or similar firecrackers and clubs, daggers, dirks, stilettos, pocket knife opened by a mechanical device, iron bar, brass knuckles or other devices which have the capacity to cause serious injury or death.

Possession is defined to include:

- Carrying the item;
- Storing the item in a space used by or assigned to a student such as a locker or a desk;
- Having the item under one's control such as hiding a weapon in the building or on school grounds; or
- Voluntarily permitting another person to store the item in an assigned school space without reporting it to staff members.

### **D04 USE OF A WEAPON OR AN OBJECT AS A WEAPON**

Use of a weapon or dangerous object is defined to include:

- Using a weapon or dangerous object in a physical altercation with staff or other students;
- Having a weapon in one's possession during a physical altercation;
- Threatening a person with a weapon or dangerous object;
- Using a weapon or dangerous object while committing robbery;
- Extorting or coercing through threat or actual use of a weapon or dangerous object; or
- Discharging of a firearm.

### **D05 PHYSICAL ASSAULT OF AN EMPLOYEE, VOLUNTEER OR CONTRACTOR**

Intentionally causing, or attempting to cause physical harm to an employee, volunteer or contractor through force or violence.

### **D06 PHYSICAL ASSAULT OF ANOTHER STUDENT CAUSING GREAT BODILY HARM**

Intentionally causing or attempting to cause physical harm to a student through force or violence. Acts that result in permanent injury or disfigurement.

### **D07 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.

**D08 ARSON**

The willful and malicious burning or attempt to burn any part of property that belongs to, or is under contract with the school district, or property of persons employed by the District or on school property or the setting of fires on school property. Students found guilty of this offense are subject to mandatory expulsion.

**D09 SALE/DISTRIBUTION OF CONTROLLED SUBSTANCES OR ILLEGAL MATERIALS**

To attempt, conspire to sell, sell or distribute any illegal or controlled substance or a substance represented to another person as illegal or controlled. Students will be charged under this section if they are in possession of an illegal or controlled substance that is packaged for sale.

**D10 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 intimate parts of the body of another person for a sexual purpose, for revenge to inflict humiliation or out of anger.

<b>D01 - POSSESSION OF A FIREARM</b>	Hearing Officer Mandatory Expulsion
<b>D02 - POSSESSION OF A KNIFE (Blade 3 inches or more)</b>	Hearing Officer Mandatory Expulsion
<b>D03 - POSSESSION OF OTHER DANGEROUS WEAPONS</b>	Hearing Officer Mandatory Expulsion
<b>D04 - USE OF A WEAPON OR AN OBJECT AS A WEAPON</b>	Hearing Officer Mandatory Expulsion
<b>D05 - PHYSICAL ASSAULT OF AN EMPLOYEE, VOLUNTEER OR CONTRACTOR</b>	10 days OSS & referred to Hearing Officer (possible expulsion)
<b>D06 - PHYSICAL ASSAULT OF ANOTHER STUDENT CAUSING BODILY HARM</b>	10 days OSS & referred to Hearing Officer (possible expulsion)
<b>D07- BOMB or SIMILAR THREATS</b>	10 days OSS & referred to Hearing Officer (possible expulsion)
<b>D08- ARSON</b>	Hearing Officer Mandatory Expulsion
<b>D09 - SALE/DISTRIBUTION OF CONTROLLED SUBSTANCES OR ILLEGAL MATERIALS</b>	10 days OSS & referred to Hearing Officer (possible expulsion)
<b>D10- CRIMINAL SEXUAL CONDUCT</b>	Hearing Officer Mandatory Expulsion

Refer to page 36 for information on Assigning Interventions & Administering Discipline. Glossary of terms can be found on page 44.

\*To determine if exceptions apply



## Forms of Discipline

The following are examples of formal disciplinary actions that may be used in each school. Students and parents/guardians who desire to have further information about the disciplinary actions used in specific schools should contact officials at that school.

- **Alternative Education Centers** – Alternative Education Centers provide a structured educational environment for the student who has displayed a pattern of inappropriate behavior in the regular school setting. These schools are committed to guiding students toward academic excellence by assisting them to modify inappropriate behaviors, and providing positive student interactions that allow them to interact positively in the regular school setting and the community.
- **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.
- **Cafeteria Suspension** – Denial of the privilege of eating meals in the cafeteria with other students for a specified period of time and assignment to another area in the school for meals.
- **Class Suspension** – Denial of the privilege of attending an individual class for a specified period of time and assignment to another area in the school for the time that class meets.
- **Expulsion** – A student may be expelled from school based on grounds specified in the Code. “Expulsion” means the removal of the right and obligation of a student to attend a public school under conditions set by the Board, and for a period of time not to exceed 180 school days.
- **In-School Suspension** – Assignment to a designated area within the school when a student is removed from the regular school program for a specified period of time.
- **Network/Internet Suspension** – Certain technology-based infractions may result in a suspension of network and/or Internet access. Alternative instructional materials may be provided.
- **Saturday Detention** – Assignment to a session at the school on Saturday for work assignments, academic work, or guidance.
- **District Hearing Officer** – Designee of the Superintendent who holds a disciplinary hearing with the parent/guardian in the event that resolution is not achieved at the school level.
- **School Bus Suspension or Revocation** – Denial of the privilege of riding a school bus based on misconduct occurring while the student is being transported at public expense. Bus code infractions may result in the suspension of bus privileges. A student may be suspended or expelled from riding the bus at any point in the discipline process. A bus suspension is separate from a school suspension and applies only to the loss of bus riding privileges unless subject to other disciplinary actions, such as out-of-school suspension. Students are required to attend school. Bus suspension does not affect or excuse school attendance.

**NOTE:** A student who has been suspended or expelled from the school bus who boards, rides, or attempts to ride a school bus, without being authorized to do so, is considered to be trespassing and is subject to arrest.

- **Student Option for Success (SOS) Program** – An evening counseling program developed to assist elementary, middle and high school students who are experiencing disciplinary problems in the regular school settings. Participation must begin at first available class. Parental participation is required. (3<sup>rd</sup> through 12<sup>th</sup> Grade)
- **Night-time Substance Use Prevention Counseling Education Program** – The Night-time Substance Use Prevention Counseling Education Program is an alternative program available to students who have committed a level 3 alcohol or drug infraction based on the Code. Parental participation is required. (Ages 11 and up)
- **Suspension** – Removal of students from their regular school program for a period not to exceed ten (10) days.

**NOTE:** 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 arrest.

## **Assigning Interventions & Administering Discipline**

When intervention or disciplinary action is appropriate, it shall at all times:

- 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, intent of the student and his/her past records; and
- Take into account the use of positive support strategies and the use of the school's student support resources.

When intervention strategies or disciplinary actions are used, teachers and administrators must follow appropriate procedures, including providing written documentation or statements in support of the action taken as soon as possible. Administrators must make every reasonable attempt to notify the parent/guardian by phone. If telephone contact cannot be made, written notice will be sent home with the student or placed in the U.S. Mail within 24 hours of the disciplinary issue.

The student will take responsibility for notifying his/her parent or guardian including delivering the written notification provided by the school.

## **Discipline of Students with Disabilities**

The standards of conduct contained within this Student Code of Conduct 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 necessitates 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 normal course of study; 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>4</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 which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.<sup>5</sup> These students 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 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.

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<sup>4</sup> Michigan Administrative Rules for Special Education, Rule 340.1702.

<sup>5</sup> 34 C.F.R. §104.1

2. If the pending suspension is in excess of ten (10) consecutive days (including proposed expulsions) **OR** if the suspension is less than ten (10) days but would result in 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.

## **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.<sup>4</sup>

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 continues to determine whether the student's current educational placement is appropriate. The student MUST return to his/her 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>5</sup>

The school must continue to provide IDEA student's services so that the student progresses towards 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 the child needs and where those services will be provided.

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<sup>4</sup> A student with a disability who is not currently engaged in the illegal use of drugs or alcohol who commits a Drug/alcohol offense, such as possession, sale, or distribution of drugs or alcohol, is afforded Section 504 protection, including the right to an evaluation of whether the behavior is related to the disability and the right to due process.

OCR defines "current use of drugs" as illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem" OCR Staff Memorandum, 19 EDELR 859 (OCR 1992).

<sup>5</sup> IDEA students must be provided services as indicated in 3a and b. Section 504 students are not entitled to a continuation of services but are treated the same as non-disabled students.

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 DPSCD, whichever comes first.

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

## **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 DPSCD, or a teacher of the student, that the student is in need of special education and related services.
2. The parent/guardians(s) has 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 DPSCD.
4. DPSCD 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 period 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, DPSCD 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.

## **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 appeal procedures implemented.

For purposes of this policy, a student complaint or 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 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 to the principal or designee. (In the event that the complaint is against the principal, designee or other administrative staff, the written complaint goes directly to the deputy superintendent of schools or designee.) The written complaint 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 he/she 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 person initiating the complaint

# Expulsion Review and Hearings

## Hearings

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

Parent/guardian (or authorized designee) and student are expected to attend all disciplinary hearings. The school administrator or designee must hold a hearing even though a parent/guardian is unable 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 hearing. Only the parent/guardian or the advisor may speak for the child at the hearing. The selected speaker will be determined before the hearing starts.

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

At the hearing, 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 hearing, student and parent should be given a copy of the Rights of Students and Parents in Disciplinary Hearings. (See *Attachment D*) If allegations of unacceptable behavior are substantiated, the school administrator or designee will determine the disciplinary action to administer.

At the conclusion of the hearing, 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 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. 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 present their side of the case. At the conclusion of the hearing, the hearing officer will advise the student of his/her recommendation for discipline. The adoption or rejection of the hearing officer's recommendation for discipline by the Superintendent or his/her designee is final.

A student who commits a Level 3 offense will be suspended and may be recommended for expulsion review. A student who commits a Level 4 offense will be suspended pending the expulsion review.

### **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; and, for students' grade 6 and above, commission of physical assault at school against an employee, volunteer or contractor.

### **Readmission**

Although expulsion is permanent, the State of Michigan and DPSCD have established conditions under which the student/parent/guardian or student eighteen (18) years or above may petition for readmission.

### **Readmission Guidelines and Hearings**

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

A Readmission Hearing will be held during which time the Hearing Officer (Superintendent's Designee) will review the evidence presented by the Readmission Review Panel and make a decision. If the decision is to readmit the student, a contractual agreement and action plan regarding expected behavior, attendance, and academic progress and consequences for violations; thereof, shall be required to be signed by the student, parent/guardian, and the Hearing Officer.

### **Reinstatement Process**

A student who is expelled must attend a reinstatement hearing in order to return to DPSCD.

A petition requesting reinstatement must be completed by the parent and sent to the Code Office. The petition will be submitted for review to the Reinstatement Review Panel. The student, parent and/or guardian will have an opportunity to appear and address the panel.



The Reinstatement Panel may recommend unconditional, conditional or against reinstatement. If the recommendation is for conditional reinstatement, it must include any recommended conditions. The panel's written recommendation must be submitted to the full board at its next scheduled regular board meeting. If reinstatement of the student is approved, the student and legal parent/guardian must attend restorative practice sessions before the student can return to school.

## **RIGHTS OF STUDENTS AND PARENTS IN DISCIPLINARY HEARINGS**

1. A student will be given the opportunity to receive make-up work for missed assignments that occurred as a result of a Short-Term Suspension, In-School Suspension or Expulsion Review.
2. 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.
3. School officials will inform the student of the charges against him/her, including the basis (evidence) for such charges.
4. When a student is suspended, a disciplinary hearing will be held at the school.
5. If the parent/guardian cancels the appointment, the school principal must reschedule the hearing date one time.
6. Parents may be represented by an advisor of their choice.
7. While parents do not have the right to question witnesses, they may request for school officials to present questions, on their behalf, to the witnesses.
8. At the hearing, the student will be afforded the opportunity to present his/her side.
9. If the charges are substantiated at the school level hearing, the parent has the right to appeal the charges for a Short-Term Suspension or In-School Suspension to the Student Code of Conduct Office.
10. A parent or student may not appeal a decision of the principal to suspend a student pending an Expulsion Review.
11. Parents have the right to petition for readmission after expulsion.
12. If a student with a disability is suspended beyond the initial total of 10 days, the school determines if the behavior is a manifestation of the student's disability.
13. The Code Office must expunge any student's unsubstantiated charge placed on the District's database.

14. If a student believes any student rights set forth in the Student Code have been violated, the student, and/or parent or guardian, should make a written report to school administration and/or Superintendent's Office.
15. Students have a right to review the evidence upon which the charges are based prior to an expulsion hearing.

## **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, has 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>	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 including a review of the environment and the student's needs.

<b>Gang Activity</b>	An ongoing organization, 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 Program (ISSP)</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>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>Resource Coordinating Team (RCT)</b>	A school-based problem-solving group that works collaboratively with parents, staff and community members to address issues that affect student learning.
<b>Student Option for Success (SOS)</b>	After school counseling program for students and parents who are experiencing disciplinary problems in the regular school setting.
<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>Trespassing</b>	To enter into 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>	More than ten (10) absences from school or classes in a school year as defined in the District's attendance policy

## INTERROGATIONS AND SEARCHES

Any search initiated or requested by the Detroit Public Schools Community District Police Department (“DPSCD PD”), 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, book packs, 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 can be based on direct observations of the student by school officials (including but not limited to seeing a gun shaped bulge in clothing, hearing the sound of a pager or cell phone, or smelling the aroma of marijuana). Reasonable suspicion may also be based on information provided to school officials by others (including school staff, students, volunteers, and visitors) indicating that the student in question has contraband in his or her possession. A mere hunch or generalized suspicion does not constitute reasonable suspicion nor do they provide a sufficient basis for searching an individual student.

Once a school official or a member of the DPSCD PD unit has determined that a student should be searched for contraband based upon a reasonable suspicion, the following guidelines apply. A search should be no more intrusive than is necessary. If a search demands more than a “pat-down” or the emptying of pockets and the removal of coats, jackets, shoes and/or socks, school officials should contact the Office of General Counsel immediately.

Individual searches should always be conducted by a school official of the same sex as the student being searched and to the extent practicable in the presence of another same sex school official who can act as a witness. The search may be done outside the view of any person who is not directly involved in the search. Such searches shall be conducted by DPSCD PD, DPSCD security contractors/agents, school officials or school staff. A written report shall be prepared regarding any individualized student search and forwarded to the Public Safety Department.

## 2) 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 their 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:

- a) 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.
- b) Locker and desk searches may include the use of trained dogs or other trained animals.
- c) Students should be alerted through their student handbooks or by other written materials that at any time their lockers and desks can be searched.
- d) Locker and desk searches may be conducted by school officials, with or without the assistance of DPSCD PD employees.

## 3) 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 into 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, his/her 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, his/her 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 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 entrances that are that are not used during a metal-detector screening should be locked in such a way that they will prevent entry from the outside. The entrances should remain operable from the inside of the building and must comply with fire code regulations.
- 2) Prior to passing through a metal-detector, individuals should be instructed to place their metal possessions into a separate container. Those conducting the metal-detector screenings may also ask individuals to remove any other personal items (coats, book bags, purses, etc.) so they can be scanned by a hand-held metal-detector.
- 3) If the alarm of a metal-detector sounds, that shall be construed as reasonable suspicion for an individual pat-down search or for the search of the individual's separate possessions (such as book bag, purse, coat, etc.). If a pat-down search is necessary, male DPSCD Public Safety officers should administer pat-down searches for male students, and female DPSCD Public Safety officers should administer pat-down searches for female students. Once that search is accomplished, another metal-detector screening should be made. If the alarm of a metal-detector sounds again, the individual should be taken to a private place for a more thorough screening and search.
- 4) An individual should never be allowed to enter a school building until he/she can walk through a metal-detector without sounding the alarm or until some form of secondary search can identify the item causing the alarm.
- 5) Screenings should be done as expeditiously as possible.

d) Refusal to Cooperate: Persons who refuse to cooperate with school officials during a search authorized by this policy should be referred to the principal of the respective school. Students who refuse to be searched will have their parents contacted by school officials. At no time should a student be allowed into the school unless they are willing to be scanned and searched. Any absence that occurs as a result of refusing a search authorized by this policy should 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

## 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



*(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)

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