

MADISON EARLY CHILDHOOD CENTER

STUDENT AND PARENT HANDBOOK
and
CODE OF CONDUCT

Madison Early Childhood Center
25601 Couzens
Madison Heights, MI 48071
(248) 543-5465

Dear Students, Parents/Guardians, and Family Members:

Welcome to the Madison District Public Schools. The Board of Education and the members of the staff are pleased to have you as a part of our District and will do our best to help make your experience as productive and successful as you wish to make it. As an educational community, we believe that providing and maintaining a quality academic program is a responsibility we share with parents and students. We also believe that a safe and orderly environment in which to learn is critical to student success. Please review this important parent and student handbook for important information about student expectations and discipline, which are critical to advancing learning and promoting student achievement.

Sincerely,

Angel Abdulahad
Superintendent of Schools

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ARTICLE I - INTRODUCTION

The primary objective of the Madison District Public Schools is to assist each student to develop into a responsible, self-controlled individual, willing to assume his/her role as a productive member of society. An important aspect of this learning process is learning to respect the rules and regulations that are established for the protection of the rights of all members of the school community.

ARTICLE II - SCHOOL ATTENDANCE

A. Ages of Attendance

Compulsory school attendance in the State of Michigan includes all students from ages 6-16. Truancy is defined as the willful nonattendance of school and will result in disciplinary actions at the building level.

The School District will work cooperatively with all parents and students to assure positive student attendance. In an extreme case of student nonattendance, however, the District may seek court action against the student and/or his or her parent(s)/guardian(s) to assure compliance with state law.

B. Necessary Absence

When health problems or other emergencies require a student to be absent from school, the school may request verification from the parents/guardians.

C. Emergency Release

An individual student may be released from school in an emergency situation to a custodial parent, guardian, legal authorities, or other person properly authorized by the parent/guardian to accept custody.

D. Student Detention

A student shall not be required to stay beyond regular school hours for disciplinary reasons unless a parent has received prior notification of such action by the School District.

ARTICLE III - STUDENT HEALTH

Ideally, all medication should be given to students at home. The second most desirable would be for students to administer their medication themselves. Since that is not always possible, school personnel can assist a student during the school day. Only those medications which are necessary to maintain the student in school, and which must be given during school hours, will be administered. In order for school personnel to administer medication (even aspirin) to a student, the School District's "Medication Authorization Form" must be completed and on file in the school office. The "Medication Authorization Form" must be completed annually for students receiving ongoing medications.

ARTICLE IV - STUDENT RIGHTS, RESPONSIBILITIES & LIMITATIONS

A. Student Expression

School District administrators and teachers may exercise control over or otherwise limit student expression that may be reasonably attributed to the School District by the general public, parents or students for any legitimate educational reason. Additionally, other types of student expression that occur on school premises may be controlled or otherwise limited in order to avoid material and substantial interference with school work, student discipline, the rights of others, or the proper functioning of the educational process.

B. Academic Freedom

Without minimizing the importance of established truths and values, it shall be the policy of the District to foster dispassionate, unprejudiced, scientific studies of controversial issues in an atmosphere free from bias and prejudice throughout the scope of the District's curriculum and instructional program. Students and parents shall be encouraged to serve on curriculum committees and systematically advise the administration of new areas of interest directed toward developing more comprehensive and meaningful learning experiences.

C. Learning Materials

The Board of Education shall encourage the development of programs and the selection of materials, which will foster socially responsible citizenship in the students through precept, example, and practice. The content of all such materials shall be such as to constitute fair treatment for all racial, religious, and multi-ethnic groups.

D. Student Dress

The style and manner in which a student dresses while he/she attends school shall be the responsibility of his/her parents. Parental discretion shall be the major criteria for student dress. The District, however, maintains the right to impose reasonable restrictions on dress for the following reasons:

1. If the style of dress or grooming is disruptive to the educational process.
2. If the style of dress or grooming is detrimental to the health, safety, or welfare of the student or other students with whom he/she attends school:
3. If the dress is of a type which may cause physical damage to the school plant.

E. Student-School Board Relationships

Your Board of Education solicits your views and encourages your attendance at the public Board Meetings. Accordingly, the Board invites student representatives from each secondary school to attend its meetings.

F. Student Records

The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents and students 18 years or older with certain rights with respect to the student's education records. These rights are fully explained in Board of Education Policy 8330.

G. Search and Seizure

From time to time, school property, such as lockers and desks, is assigned to a student. Students do not, however, acquire a reasonable expectation of privacy in such property. The District reserves the unrestricted right to search and seize property assigned to a student at any time, for any reason, with or without notice to the student. The privacy rights of students shall be respected regarding any items that are not illegal or against school policy.

The District does make parking available to students who are licensed drivers on the condition they consent, in advance, to the search of their vehicle by District personnel at any time, for any reason, with or without notice to the student.

District personnel may, to the full extent permitted by law, search and seize students and their personal effects. Illegal items and items inappropriate in the educational environment may be confiscated by District personnel and, when appropriate, delivered to police authorities.

H. Police Investigations and Arrest

The District's practice is to cooperate with local police authorities in the interest of the welfare of all citizens and the school community. Parents will be notified if police arrest or wish to question students in school. The timing of parental notification will depend on the circumstances taken as a whole.

I. Transportation

1. Licensed student drivers must have permission from the school to use their automobiles during the school day. Such drivers must register with the school and park only in designated areas.
2. A student who rides the school bus must abide by the driver's direction and the Student Code of Conduct or face the loss of bus privileges.

Examples of misconduct that may lead to temporary or permanent suspension of bus privileges include, but are not limited to:

1. Insubordination
2. Smoking
3. Fighting
4. Profane or Foul Language
5. Destruction of Property
6. Repeated Offenses

J. Acceptable Use of Technology and Network Policy

Madison District Public Schools encourages and promotes the educational use of technology in our schools. To ensure students, staff and parents take full advantage of the technologies available; all uses of technology in the School District must have proper authorization and adhere to District policies. All use of technology is a privilege, not a right, and must be in support of and consistent with the purposes and stated goals of the School District. There are no inherent warranties for technological resources that Madison District Public Schools is providing. Madison District Public Schools reserves the right to monitor network activity.

Guidelines:

- Students will use technology as authorized by appropriate school personnel.
- Only software legally owned and/or authorized by the District may be put on District computers.
- All network activities will be legal and appropriate use.
- Prior approval of the building principal and District web manager is needed to place anything on the building or District web pages.

Technology users will:

- Comply with District policies, rules and regulations.
- Use networks and technology in support of Madison District Public Schools' educational goals.
- Obey all District, state and national copyright laws.
- Report to the building administrator or teacher any misuse of networks and/or technology.
- Use District equipment responsibly; respect individual work, files, programs and security.

- Hold harmless Madison District Public Schools from any and all claims or damages of any nature arising from access, use or inability to access or use the technology or network system.

Technology users will not:

- Intentionally tamper with computer or network components in a way that makes them temporarily or permanently inoperable.
- Access, vandalize, or modify anyone else's account, data, files and/or password without authorization of the network administrator or building principal.
- Use District technology for commercial or 'for profit' purposes.
- Use District technology to impersonate another, obtain illegal copies of software or audio, text or video materials for which Madison District Public Schools does not have ownership.
- Use District technology to send or intentionally receive messages that are inflammatory, harassing in nature, sexist, racist or otherwise inappropriate.
- Disclose confidential information, passwords, or access codes.
- Post personal information (such as address or phone number), credit card numbers, bank account numbers, or any other financial information.
- Use District technology to distribute material that:
 1. Violates the Family Education Rights and Privacy Act, which affords students certain rights with respect to their education records.
 2. Jeopardizes the health and safety of students; is obscene, pornographic or libelous.
 3. Causes disruption of school activities.
 4. Plagiarizes the work of others.
 5. Is a commercial advertisement.
 6. Has not been approved by the building administrator, network administrator or web manager.

Any attempt at performing one of the aforementioned prohibited acts is also prohibited.

K. Wireless Communication Devices

Students may use wireless communication devices such as cell phones (WCDs) before and after school as long as they do not create a distraction, disruption, or otherwise interfere with the educational environment, during after school activities (e.g. extra-curricular activities), and/or at school-related functions. Use of WCDs, except approved laptops and PDAs, at any other time is prohibited and they must be powered completely off and stored out of sight.

Students will not:

- Use WCDs on school property or at a school-sponsored activity to access and/or view Internet websites that are otherwise blocked to students at school.
- Use WCDs to capture, record, or transmit the words (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member, or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording, or transmission of such words or images. Students who violate this provision and/or use a WCD to violate the privacy rights of another person shall have their WCD confiscated and held until the end of the school year.
- Use WCDs in classrooms, and/or bathrooms.
- Use a WCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior.

- Use a WCD to capture and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using their WCDs to receive such information.

No expectation of confidentiality will exist in the use of WCDs on school premises/property.

Possession of a WCD by a student is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of the privilege.

Students are personally and solely responsible for the care and security of their WCDs. The Board assumes no responsibility for theft, loss, damage, or vandalism to WCDs brought onto its property, or the unauthorized use of such devices. See Policy 5136 – Wireless Communication Devices for complete details on the use of WCDs.

ARTICLE V - FREEDOM FROM DISCRIMINATION

It is the policy of the Board of Education and the School District not to unlawfully discriminate on the basis of sex, race, color, national origin, religion, height, weight, marital status, handicap or disability. The School District reaffirms its long-standing policy of compliance with all applicable federal and state laws and regulations prohibiting discrimination, including, but not limited to, Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Michigan Handicappers' Civil Rights Act; and the Elliott-Larsen Civil Rights Act. The Board of Education will not tolerate harassment of students by fellow students or by any of its employees, Board members, vendors, contractors or others doing business with the School District, parents, visitors, invitees, guests, etc. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to a student's sex, race, color, national origin, religion, height, weight, marital status, handicap or disability is strictly prohibited and disciplinary action will be taken against the offender, regardless of the offender's position with the School District. Any student who believes that he/she has suffered harassment shall report the incident to his/her principal and the student is guaranteed that he/she will not suffer any form of reprisal by school officials for reporting the incident. The School District has the responsibility of investigating and resolving all complaints of harassment and discrimination.

CODE OF CONDUCT

ARTICLE VI - STUDENT DISCIPLINE

A. Preamble

The Student Code of Conduct establishes the rules governing the most serious and obvious types of student misconduct. The prohibited acts listed in this Student Code of Conduct are not to be construed as an all-inclusive list or as a limitation upon the authority of school officials to deal appropriately with violations of a school building's individual rules and regulations, or other types of conduct which interfere with the good order of the school system, the proper functioning of the educational process, or the health and safety of students.

The Student Code of Conduct does not cover the School District's attendance and tardiness policies, the School District's requirements for credit and graduation, or the School District's authority to regulate the participation of students in extracurricular and athletic activities.

Each prohibited act listed in the Student Code of Conduct sets forth the discipline which may be imposed for a violation. The discipline for violating some prohibited acts ranges from administrative intervention to expulsion; for other prohibited acts, the penalty ranges from suspension to expulsion; and for violation of the most serious prohibited acts, the penalty is expulsion. In cases where the stated penalty is not expulsion but is set forth in terms of a range, then the actual penalty imposed will depend upon the nature and severity of the offense, the particular facts involved, the age of the student, the student's prior behavioral record, the persistent and/or chronic nature of the misconduct, the recommendation of school personnel, and all other circumstances deemed relevant.

A student violating any of the prohibited acts listed in this Student Code of Conduct shall be deemed to be guilty of a gross misdemeanor and will be disciplined. Additionally, a student who engages in a prohibited act, which violates law, may be referred to the appropriate police authority.

The prohibited acts and penalties listed below are applicable when a student:

1. engages in a prohibited act on school property;
2. engages in a prohibited act in a motor vehicle being used for a school related purpose;
3. engages in a prohibited act at a school-related activity, function or event;
4. engages in a prohibited act enroute to or from school;
5. engages in a prohibited act involving another student who is enroute to or from school;
6. engages in a prohibited act off school premises, which act, in the judgment of the building administrator, is of such seriousness that the student's continued attendance in school would present a danger to the health and safety of students or employees and/or would endanger the proper functioning of the educational process; or
7. engages in a prohibited act when the student was not enrolled in the Madison District Public Schools or was enrolled in another school district, if the act of misconduct would constitute a sufficient basis for suspension or expulsion had it occurred while the student was attending the Madison District Public Schools.

B. Definitions of Discipline

1. **Administrative Intervention** - Disciplinary action which does not result in a student being suspended from school. Administrative intervention may include the removal of a student from a class period, in-school suspension, a reprimand, detention and/or work assignment before or after school, additional classroom assignments, and revocation of the privilege of attending after school functions and activities, events, etc.
2. **Suspension** - Exclusion of a student from school for a specific period of time or exclusion of a student from school which exclusion terminates upon the fulfillment of a specific set of conditions.
3. **Expulsion** - The permanent exclusion of the student from the school system.

C. Prohibited Acts

1. Failure to Cooperate

A student shall not refuse to cooperate with School District administrators and/or teaching staff investigating a possible violation of this Code of Conduct and/or building rules, and no student shall make false statements or give false evidence to School District administrators and/or teaching staff. A student shall not refuse to testify or otherwise cooperate with School District personnel in any disciplinary proceeding.

Penalty - administrative intervention to expulsion.

2. False Allegations

A student shall not libel or slander, or make false allegations against another student, School District employee (including substitute and student teachers), Board of Education members or volunteers.

Penalty - administrative intervention to expulsion

3. Failure to Comply With Directions of School Personnel

A student shall not be insubordinate or fail to comply with instructions and directions of School District employees (including substitute and student teachers), volunteers or persons acting in a chaperone or supervisory capacity.

Penalty - administrative intervention to expulsion.

4. Falsification of Records

A student shall not use the name of another person or falsify times, dates, grades, addresses or other data on School District forms or records. A student shall not provide false, misleading or inaccurate statements or information on School District forms or records.

Penalty - administrative intervention to expulsion.

5. Scholastic Dishonesty

A student shall not engage in academic cheating. Cheating includes, but is not limited to, the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. A student shall not engage in plagiarism, which includes the copying of language, structure, idea and/or thought of another and represent it as one's own original work.

Penalty - administrative intervention to expulsion.

6. **Copyrighted Material**

A student shall not unlawfully duplicate, reproduce, retain or use copyrighted material.

Penalty - administrative intervention to expulsion.

7. **Improper Communications**

A student shall not make threatening, annoying, nuisance, vulgar and/or obscene communications, verbally, in writing, or by gestures, to School District employees (including substitutes and student teachers), Board of Education members, chaperones, volunteers or visitors to the school building. The prohibition against such communications shall apply whether the communications are made in a school building or on school premises or outside of a school building or off school premises, and regardless of whether such communications are made during, before, or after school hours or during times when school is not in session.

Penalty - administrative intervention to expulsion.

8. **Indecency**

A student shall not engage in conduct that is contrary to commonly recognized standards of decency and behavior, which includes obscenity, indecent exposure, or the use of language in verbal or written form, or in pictures, or in caricatures or gestures, which are offensive to the general standards of propriety.

Penalty - administrative intervention to expulsion.

9. **Disruption of School**

A student shall not, by any type of conduct (violence, force, noise, coercion, threat, intimidation, fear, passive resistance, etc.), cause the disruption or obstruction of any function of the school, nor shall he or she engage in any such conduct if such disruption or obstruction is reasonably likely to result. Neither shall a student urge other students to engage in such conduct for the purpose of causing such disruption or obstruction.

While the following acts are not intended to be exclusive, they illustrate the kinds of offenses encompassed within this rule, but it must be remembered that any conduct which causes disruption, is likely to result in disruption, or interferes with the educational process, is forbidden.

- **Occupying** any school building, school grounds, or a part thereof, without the permission of a school building staff member, which deprives others of its use.
- **Blocking** normal pedestrian or vehicle traffic, the entrances or exits of any school building or corridor or room, without the permission of a building principal.
- **Preventing**, attempting to prevent, or interfering with, the convening or continued functioning of any class, activity, meeting or assembly.
- **Instigating** or participating in a disturbance, or causing a disturbance, which interrupts the educational opportunities of others or threatens the general health, safety and welfare of others on school property or at a school sponsored activity.

Penalty - administrative intervention to expulsion.

10. **Discriminatory Harassment**

A student shall not engage in unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to a person's sex, race, color, national origin, religion, height, weight, marital status, or handicap or disability (e.g., sexual or racial comments, threats or insults, unwanted sexual touching, etc.).

Penalty - administrative intervention to expulsion.

11. Violations of Building's Rules and Regulations

A student shall not commit or participate in any conduct or act prohibited by a school building's rules and regulations.

Penalty - administrative intervention to expulsion.

12. Bullying and Hazing

Students are prohibited from engaging in conduct, whether written, verbal or physical, that unreasonably interferes in another's participation in or enjoyment of school or school-related activities, such as bullying or hazing. Bullying means intimidating or attempting to intimidate others by any means or methods, including taunts, name-calling, put-downs, discriminatory harassment, extortion or exclusion. Hazing means initiating another student into any grade, school or school-related activity by any means or methods that may cause physical or emotional pain, embarrassment or discomfort.

Penalty - administrative intervention to expulsion.

13. Dress

A student shall not dress or groom in a manner which, in the judgment of a building administrator, is unsafe to the student or others or disruptive to the educational process.

Penalty - administrative intervention to expulsion.

14. Smoking/Tobacco

A student shall not smoke, chew or otherwise use tobacco. A student shall not, while on school property, have in his/her possession or under his/her control tobacco in any form.

Penalty - administrative intervention to expulsion.

15. Trespassing, Loitering

A student shall not be on school property or in a school building except to participate in the educational process of the School District, nor shall a student loiter in building hallways, classrooms, bathrooms, etc.

Penalty - administrative intervention to expulsion.

16. Suspended Student on School Property or Attending School Activities

A student, while on suspension, shall not enter onto School District property without the permission of a building administrator.

A student, while on suspension, shall not participate in or attend any school related activity, function or event held on or off school property without permission of a building administrator.

Penalty - administrative intervention to expulsion.

17. False Alarms

A student shall not knowingly cause a false fire alarm or make a false fire, bomb or catastrophe report.

Penalty - suspension to expulsion.

18. Electronic Communication Devices and Laser Pointers

Students are prohibited from using or possessing active (i.e., turned on) electronic communication devices (e.g., pager, cellular telephone, etc.) on school premises from the beginning until the end of the instructional day, including passing times, lunch times and after school detention. Students are also prohibited from openly possessing inactive electronic communication devices from the beginning until the end of the instructional day, and such devices shall be stored in the student's book bag, locker, purse, etc. Student use and possession of active electronic communication devices before and after the instructional day shall be limited to areas designated in writing by school administration. Students are prohibited from using or possessing active electronic communication devices, at any time, in the locker rooms and bathrooms and on school buses.

Students are prohibited from possessing or using laser pointers on school premises and at school-related activities without the express permission of school administration.

Penalty - administrative intervention to expulsion.

19. Damage of Property or Theft/Possession

A student shall not intentionally cause or attempt to cause damage to school property or the property of another person, or steal, attempt to steal, or knowingly be in the unauthorized possession of school property or the property of another person.

Penalty - suspension to expulsion.

20. Coercion, Extortion or Blackmail

A student shall not commit or attempt to commit extortion, coercion or blackmail. A student shall not engage in the act of securing or attempting to secure money or other items of value by the use of threats and/or violence, nor shall a student, by threats and/or violence, force another person to perform an unwilling act.

Penalty - suspension to expulsion.

21. Arson

A student shall not burn, or attempt to burn, any tangible property or intentionally set a fire on school property or cause or attempt to cause an explosion on school property.

Penalty - suspension to expulsion.

This section is supplemental to, and does not limit or supersede, sections 19, 23, and 33.

22. Fireworks, Explosives, Chemical Substances

A student shall not possess, handle or transmit any substance or prepared chemical that can explode, is capable of inflicting bodily injury or is reasonably likely to cause physical discomfort to another person.

Penalty - suspension to expulsion.

23. Criminal Acts

A student shall not commit or participate in any conduct or act defined as a crime by federal or state law or local ordinance.

Penalty - suspension to expulsion.

24. Alcohol/Chemical Substances

A student shall not manufacture, sell, handle, possess, use, deliver, transmit or be under any degree of influence (legal intoxication not required) of any alcoholic beverages or intoxicant of any kind. A student shall not inhale glue, aerosol paint, lighter fluid, reproduction fluid or other chemical substance for the purpose of becoming intoxicated or under the influence (legal intoxication not required).

Penalty - suspension to expulsion.

25. Look-A-Like Weapons

A student shall not possess, handle or transmit any object or instrument that is a “look-a-like” weapon or instrument (e.g., starter pistol, rubber knife, toy gun, etc.).

Penalty - administrative intervention to expulsion.

26. Weapons and Dangerous Instruments

A student shall not possess, handle or transmit a knife with a blade of three (3) inches or less, blackjack, baton, martial arts device, paint ball or splat gun, or other object or instrument that can be considered a weapon or is capable of inflicting bodily injury.

Penalty - suspension to expulsion.

27. Personal Protection Devices

A student shall not possess, handle or transmit a personal protection device (e.g. pepper gas, mace, stun gun, electric shock device, etc.) capable of inflicting bodily injury or causing physical discomfort to another person.

Penalty- suspension to expulsion.

28. Drugs, Narcotic Drugs and Counterfeit Substances

A student shall not manufacture, sell, possess, use, deliver, transfer or be under the influence (legal intoxication not required) of any drug, narcotic drug, marijuana, hallucinogen, stimulant, depressants controlled substance, counterfeit substance or a controlled substance analogue intended for human consumption.

A student shall not sell, deliver or transfer, or attempt to sell, deliver or transfer, any prescription or non-prescription drug, medicine, vitamin or chemical substance (e.g., pain relievers, stimulants, diet pills, pep pills, No-Doze pills, cough medicines, laxatives, stomach or digestive remedies), nor shall a student use or possess these substances for an improper purpose.

A student shall not sell or represent a legal substance as an illegal or controlled substance (e.g., selling NODOZ as “Speed” or “Crack”) or sell, manufacture, possess, use, deliver or transfer “designer” drugs).

Penalty - suspension to expulsion.

29. Fighting, Assault and/or Battery on Another Person

A student shall not physically assault, or cause, behave in such a way to cause, or threaten to cause physical injury to a school employee (including substitute and student teachers), student, volunteer, chaperone or other person (e.g., fighting).

Penalty - suspension to expulsion.

30. Violation of Acceptable Use Policy

A student shall not violate or attempt to violate the Acceptable Use of Technology Policy. Violation of any of the rules and responsibilities may result in a loss of access privileges/technology privileges/computer usage and may result in other disciplinary or legal actions including restitution.

Penalty - administrative intervention to expulsion.

31. Gang Insignia/Activity

A student shall not wear or possess any clothing, jewelry, symbol or other object that may reasonably be perceived by any student, teacher or administrator as evidence of membership in or affiliation with any gang; a student shall not commit any act, verbal or nonverbal (gesture, handshakes, etc.) that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang; a student shall not commit any act, verbal or non-verbal, in furtherance of the interests of any gang or gang activity, including, but not limited to, a) soliciting others for membership in any gang or gang related activity, b) requesting any person to pay protection or otherwise intimidating or threatening any person, c) committing any other illegal act or violation of School District rules or policies, or d) inciting other students to act with physical violence on any person.

The term "gang" means a group of two or more persons whose purpose or activities include the commission of illegal acts or violations of this Code of Conduct, School District rules or policies, or whose purpose or activities cause disruption or is likely to cause disruption to the educational process.

Penalty - administrative intervention to expulsion.

32. Dangerous Weapons

A student shall not possess a dangerous weapon in a weapon free school zone.

Penalty - expulsion

A "dangerous weapon," for purpose of this section only, means a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocketknife opened by a mechanical device, iron bar or brass knuckles. The word "firearm," for purposes of this section only, means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by action of any explosive; or any destructive device which includes any explosive, incendiary or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four (4) ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce, or (v) mine. A "weapon free school zone" means school property, which includes a building, playing field or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school or vehicle used by a school to transport students to and from school property.

This section is supplemental to, and does not limit or supersede, section 26.

33. Arson Prohibited by Law

A student shall not commit an act of arson, prohibited by MCL 750.71 through MCL 750.80.

Penalty - expulsion.

This section is supplemental to, and does not limit or supersede, sections 19, 21 and 23.

34. Criminal Sexual Conduct

A student shall not commit criminal sexual conduct, as defined by MCL 750.520 b-e and g.

Penalty - expulsion.

This section is supplemental to, and does not limit, sections 7-11, 20, 23 and 29

35. Misconduct Prior to Enrollment

An otherwise eligible resident may be suspended or expelled for an act of misconduct committed while the student was (a) a resident of another district, (b) enrolled in another school, (c) outside of school hours, or (d) off school premises if the misconduct would have constituted a sufficient basis for suspension or expulsion had it occurred while the student was enrolled in the District.

Penalty - suspension to expulsion.

ARTICLE VII - DUE PROCESS PROCEDURES

A. Introduction To The Rules Of Due Process

The following due process procedures only govern the suspension or the expulsion of a student from the School District's regular educational program. Discipline in the form of administrative intervention is solely within the discretion of the building principal or his/her designee and is not subject to the procedures of due process as provided in this Student Code of Conduct.

If a student charged with violation of this Code of Conduct has been returned to the regular school program pending a decision by either the principal or Superintendent, such action of reinstatement shall not limit or prejudice the District's right to suspend or expel the student following a decision by the principal or Superintendent.

The initial judgment that a student has engaged in a prohibited act under this Student Code of Conduct shall be made by the building administrator.

B. Suspension for Ten School Days or Less

1. **Step One.** As a general rule, prior to any suspension of the student, the building administrator shall provide the student with the following due process:
 - a. The administrator shall inform the student of the charges against him/her and, if the student denies the charges, the administrator shall provide the student with an explanation of the evidence the administrator possesses.
 - b. The student shall be provided an opportunity to explain to the administrator his/her version of the facts.

If a student's presence in school poses an immediate danger to persons or property or an ongoing threat of disruption to the educational process, the building administrator may immediately suspend the student and, as soon thereafter as reasonable, provide the student with his/her due process rights as set forth in subparagraphs a and b, above.

If, after providing the student with his/her due process rights, the administrator determines that the student has engaged in a prohibited act under this Student Code of Conduct, then he/she may impose a disciplinary penalty of a suspension not to exceed ten (10) school days.

The principal, or his/her designee, shall inform (in person or by phone) the student's parent of the suspension and of the reasons and conditions of the suspension. A District "Student Suspension Notice" is to be completed, with copies going to the parent and the student's file.

A building administrator's decision to impose a penalty of ten (10) school days or less may be appealed, in writing, to the Superintendent of Schools within five (5) school days. The Superintendent will consider the appeal and may choose to meet with the student, parents, and the building administrator. The Superintendent shall render a written decision, either upholding, modifying or reversing the discipline,

within five (5) school days. The decision of the Superintendent is final and not subject to further review or appeal.

C. Suspension for Eleven (11) or More School Days and Expulsion

1. **Step One.** If the building administrator decides that a suspension for eleven (11) or more school days or expulsion is warranted, the student and the parent(s) or guardian shall be notified of:
 - a. the charges against the student;
 - b. the recommended disciplinary action;
 - c. the fact that a hearing will be held before the Superintendent or his/her designee; and
 - d. the time, place, location and procedures to be followed at the hearing.

If the building administrator decides that the student's presence in school would present a danger to the student, or to other students, school personnel or the educational process, then the student shall be suspended pending the decision of the Superintendent. If the building administrator determines that the student would not present a danger as described above, the student may be returned to school pending the decision of the Superintendent. If the student is suspended pending a decision of the Superintendent or designee, the hearing shall commence within ten (10) school days following the initial suspension of the student. If the student is not suspended pending the decision of the Superintendent, then the Superintendent or designee shall schedule the hearing to be held within fifteen (15) school days following the completion of the building principal's investigation of the charges. The timelines for commencement of the hearing may be enlarged upon the request of the administrator, student, parent(s) or guardian.

2. **Step Two.** A hearing before the Superintendent or his/her designee will be held for the purpose of determining the truth or falsity of the charges against the student and, if the charges are found to be true, the appropriate disciplinary measures to be imposed.

The student and/or his/her parent(s) or guardian may notify the School District that they waive their right to a hearing. In such cases, the principal's recommended disciplinary penalty shall be imposed. Provided, however, if the recommended penalty is expulsion, the Superintendent will nevertheless make the final decision on expulsion.

The Superintendent or designee may amend the principal's charges upon motion of the building administrator, student, parent(s) or guardian, or amend the charges upon his/her own motion to conform to the evidence presented at the hearing. Additionally, the Superintendent or designee may impose a greater or lesser penalty than that imposed or recommended by the building administrator.

3. **Step Three.** The Superintendent's decision shall be given orally to the student and parent(s) or guardian not later than five (5) school days after the close of the hearing. A written decision shall be mailed at that same time. These timelines, however, may be enlarged by the Superintendent or designee due to extenuating circumstances.
4. **Step Four.** Where a hearing has been held before the Superintendent or his/her designee under this Article VII.C., an appeal to the Board of Education may be taken by the student, parent or guardian by filing a written notice with the Secretary of the Board within five (5) school days of the decision. The appeal will be heard in open or closed session, as elected by the student and/or parent(s) or guardian(s).

An appeal will not involve further testimony or new evidence. During the appeal hearing, the Superintendent shall share the results of the hearing at his/her level and make a recommendation to the Board of Education in terms of disciplinary action against the student. The student, parent(s) or guardian(s) or a legal representative will have an opportunity to address the Board of Education. The Board of Education may ask questions of either the Superintendent or the student and will render a written decision on the appeal within ten (10) school days.

ARTICLE VIII - MISCELLANEOUS PROVISIONS

A. Voluntary Agreements of Discipline

At any time during the disciplinary proceedings, the Superintendent or his/her designee may enter into a written contract with the student and/or his/her parent(s) or guardian setting forth the parties' agreement in settlement of the disciplinary charges. In such cases, the written agreement shall be final and binding and may not be later challenged by the Superintendent or his/her designee or the student and/or his/her parent(s) or guardian.

B. Suspended/Expelled Students on School Property or Attending School Activities

A suspended or expelled student who enters onto school property without the permission of a building administrator shall be deemed to be trespassing.

C. Maintaining Class Progress

A suspended student has the right to maintain progress, when practical in the judgment of the building principal, during the period of suspension.