

Code of Conduct



YPSILANTI

COMMUNITY SCHOOLS

Learning, Achieving, Succeeding!

Ypsilanti Community Schools Board of Education 2017

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INTRODUCTION: *Ypsilanti Community Schools Code of Conduct*

The vision of the Ypsilanti Community Schools is to be the first choice for an exceptional cradle to career education. One major pillar supporting the YCS vision is maintaining a positive culture and climate focused on learning. The responsibility of developing and maintaining a secure and productive teaching and learning environment is the obligation of each member of the school community, including the students, staff, parents, and community members.

The policies and procedures emphasize collaborative problem solving and offer opportunities for students and adults to develop lasting skills to manage anger and conflict. Ypsilanti Community Schools is committed to using a variety of pro-active and student-focused strategies to promote a positive school climate based on:

- Implementation of evidence-based strategies for social and emotional learning such as Positive Behavioral Interventions and Supports (PBIS) and restorative practices.
- Integration of social and emotional learning and other evidence-based pro-social development practices into the school culture, supporting and sustaining them as vital elements of the school operations.
- Collecting and effectively utilize data—including discipline and academic performance records, truancy data, student and stakeholder surveys, and other relevant measurements—for ongoing formative evaluation of disciplinary processes and their effectiveness.
- Using discretion afforded under zero tolerance laws and other regulations to reserve suspension and expulsion for only the most serious offenses such as those infractions required by law and deemed absolutely necessary.

Every school district is required by law to adopt a code, as set forth in the Revised School Code, MCL 380.1312(8):

“A local or intermediate school district or a public school academy shall develop and implement a code of student conduct and shall enforce its provisions with regard to pupil misconduct in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises.”

The information in the following pages explains the code of conduct of acceptable student behaviors and subsequent discipline policies and procedures of Ypsilanti Community Schools that will be used to ensure fair and equitable treatment for all members of our student population.

When and Where the Code of Student Conduct Applies

The Code of Student Conduct applies before, during, and after school and whenever the student is engaged in a school-related activity. Each student is expected to follow this code of conduct:

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

- When a student's conduct at any other time or place has a direct and immediate effect on maintaining order and discipline, or on protecting the safety and welfare of students or school district staff.
- When a student is using school telecommunications networks, accounts, or other district services.

Off Campus Events

Students at school-sponsored, off-campus events and activities shall be governed by District rules and regulations and are subject to the authority of Schools Officials. Any conduct that adversely affects the school climate and has a direct and immediate adverse effect on the discipline or general welfare of the school, and/or its students is prohibited, on as well as off- school property. Failure to obey the rules and regulations or failure to obey the lawful instructions of School Officials shall result in loss of eligibility to attend school-sponsored, off-campus events or activities and may result in suspension and/or other disciplinary measures as outlined in the Student Code of Conduct.

SECTION I: *Rights and Responsibilities in the School Community*

Ypsilanti Community Schools is dedicated to creating and maintaining a positive learning environment for all students. All members of our learning community—including students, educators (teachers, administrators, and support personnel), and parents must assume a responsible role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate for the learning community.

Those responsibilities include, but are not limited to, the following:

Students (persons enrolled in grades K-12) have the responsibility to:

1. Take responsibility for your learning and recognize that it is a process.
2. Attend school regularly, arrive on time, and be prepared to learn.
3. Respect yourself and others in class, on school grounds, on buses, and at any school-related activity.
4. Respect the rights and feelings of fellow students, parents, educators (including teachers, secretaries, custodians, aides, paraprofessionals, and other school personnel), visitors, and guests.
5. Work within the existing structure of the school to address concerns.
6. Know and comply with school district rules and policies.
7. Participate in your learning communities, including helping formulate rules and procedures in the school, engaging in school-related activities, and fostering a culture of respect for learning and for others.

Parents have the responsibility to:

1. Take responsibility for your child's development as learners by, as much as possible, providing a home environment suited for learning and developing good study habits.
2. See that your child attends school regularly and on time.
3. Provide for your child's general health and welfare as much as possible.
4. Teach and model respect for yourself, your child, and all members of the school community.
5. Support the school's efforts to provide a safe and orderly learning environment.
6. Know and support the school and district rules and policies and work within the existing structure of the school to address concerns.
7. Advocate for your child and take an active role in the school community.

Educators have the responsibility to:

1. Take responsibility for students' development as learners, including their academic success and positive social-emotional development, recognizing that children should be subject to behavior management and discipline policies appropriate to their ages and levels of understanding.
2. Model and provide a mutually respectful and accountable atmosphere for learning that includes all members of the school community.

3. Cooperate and schedule conferences with students, parents, and other school personnel in an effort to understand and resolve academic and behavioral problems.
4. Keep parents informed of their students' challenges, effort, and success.
5. Encourage students to participate in classroom, extracurricular, and other school-related activities.
6. Know and enforce the rules and policies consistently, fairly, and equitably.
7. Participate in formulating rules and procedures and other learning and developmental opportunities in the school.

The Code of Student Conduct sets forth student rights and responsibilities while at school and school-related activities, and the consequences for violating school rules. It defines behaviors that undermine the safety and learning opportunities for all members of the school community and favors actions that encourage positive behavior and learning over actions designed to punish. When determining the consequences of student misconduct, school officials may use intervention strategies and/or disciplinary actions. Recognizing the importance of keeping students in school learning as much as possible, educators will consider the severity or repetition of misconduct, age and grade level of the student, circumstances surrounding the misconduct, impact of the student's misconduct on others in the school community, and any other relevant factors in determining how they will address misconduct.

The Code of Student Conduct will be administered fairly, without partiality or discrimination. The Code of Student Conduct does not diminish any rights under federal law (20 U.S.C. 1400 et seq.) of a student determined to be eligible for special education programs and services. Students with an Individualized Education Program (IEP) are responsible for following The Code of Student Conduct. As a consequence of a violation of The Code of Student Conduct by a student with an IEP, specific procedures may apply. Specific discipline procedures related to Students with an Individualized Education Program (IEP) can be found in the Ypsilanti Community Schools Special Education Discipline Procedures Manual.

SECTION II:

Violations of the Code of Conduct and the school community responses

Rights relate to individual responsibilities and must be seen in relationship to the safety, health, and welfare of all members of the school community. Expectations of student conduct should be kept within the bounds of reasonable behavior expected of all members of the community.

Students should have freedom and encouragement to express their individuality in school, as long as their conduct does not intrude upon the freedom or safety of others. This applies especially to the freedom of fellow students to receive instruction. There must be a balance between individual freedom and the orderly operation of a classroom.

All students must recognize the consequences of their language, manners, and actions toward each other, school staff, and volunteers. Students need to understand that they benefit from an orderly school operation and, as members of the school community, acknowledge their responsibility to promote a mutually respectful learning environment and support the reduction of any disruption to learning. The following charts list actions that can cause disruptions and, therefore, require some action to address the harm they cause. Whenever possible, the action to address this misconduct should include steps to heal the harm and restore the community members affected.

The disciplinary actions contained in this booklet apply to all students, including special education students. However, due to the unique needs of special education students and federal and state laws, the procedures determining the appropriate disciplinary action will vary somewhat from regular education when a special education student is involved. See the section on Special Education Suspension and Expulsion.

The infractions and definitions have been taken from the *Michigan Department of Education, Model Code of Conduct, 2014*, and represent general infractions of the Student Code of Conduct. If a specific consequence is not stated for a violation of a particular rule, then reasonable disciplinary actions may be taken at the discretion of the administration. Actions may range from a verbal warning to a recommendation for expulsion depending on the nature and severity of the offense, the prior behavior records for the student, the recommendation of school personnel and other relevant circumstances.

Legal mandates and community safety may require removal of individuals who possess weapons, commit arson, or engage in criminal sexual conduct (Gun Free Schools Act, 1994; Michigan Compiled Laws under MCL 380.1311), make bomb threats or engage in verbal assault (MCL 380.1311a), and who commit physical assault against another (380.1310, 380.1311, 380.1311a, 380.1312). The district will employ discipline measures and early intervention/diversion strategies with a focus on screening and treatment to minimize suspended students' time away from school and potential court involvement.

Level I and Level II General Misconduct Violations

Level I-Disciplinary Consequences:

Level 1 misconduct violations harm the learning environment and are generally handled by the teacher and/or staff, using in-school interventions. Behavioral health professionals and/or restorative process providers can be utilized.

Level II-Disciplinary Consequence:

Level II misconduct violations cause more serious harm to the learning environment and are generally referred to administration or a school support system such as behavioral health professionals or restorative process provider.

Infraction Number	General Misconduct Violations	Consequences	
		Level 1	Level 2
1	<p>Bullying: A student will not engage in bullying any student for any reason in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy. "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in section 219a of the Michigan penal code, 1931 PA 328, MCL 750.219a.</p> <p>"Bullying" means any written, verbal, or physical act, or any electronic communication that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly by doing any of the following:</p> <ul style="list-style-type: none"> • Substantially interfering with educational opportunities, benefits, or programs of one (1) or more pupils. • Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress. • Having an actual and substantial detrimental effect on a pupil's physical or mental health. • Causing substantial disruption in, or substantial interference with, the orderly operation of the school. 		

	General Misconduct Violations	Consequences	
Infraction Number		Level 1	Level 2
2	Cheating/Academic Misconduct: A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials. Discipline under this section may result in academic sanctions in addition to other discipline.	X	
3	Defacement of Property: A student will not willfully cause defacement of, or damage to, property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray-painting surfaces are acts of defacement.	X	X
4	Destruction of Property: A student will not intentionally cause destruction of property of the school or others. Actions that impair the use of something are destructive. Ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary are acts of property destruction.		X
5	Disorderly Conduct: A student will not harass others or misbehave in a manner that causes disruption or obstruction to the educational process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.	X	
6	Failure to Serve Assigned Detention: A student will not fail to serve an assigned detention of which students and/or parents/guardians have been notified.		X
7	False Identification: A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property.		X
8	Fighting: A student will not physically fight with another person. Self-defense or defense of others may be taken into account in determining whether this provision has been violated.		X
9	Forgery: A student will not sign the name of another person for the purpose of defrauding school personnel or the Board of Education.	X	X

	General Misconduct Violations	Consequences	
Infraction Number		Level 1	Level 2
10	<p>Fraud: A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value.</p>	X	X
11	<p>Gambling: A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.</p>		X
12	<p>Gang Activity: A student will not, by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school district's education mission.</p> <p>Gang activity includes any one of the following:</p> <ul style="list-style-type: none"> • Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang. • Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang. • Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs. • Recruiting students for gangs. 	X	X
13	<p>Harassment/Intimidation: "Harassment or intimidation" means any gesture or written, verbal, or physical act that a reasonable person, under the circumstances, should know will have the effect of harming a student or damaging the student's property, placing a student in reasonable fear of harm to the student's person or damage to the student's property, or that has the effect of insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. Harassment or intimidation includes, but is not limited to, a gesture or written, verbal, or physical act.</p>	X	X

	General Misconduct Violations	Consequences	
Infraction Number		Level 1	Level 2
14	<p>Hazing: The act of hazing is a crime in Michigan and will not be tolerated in the district. A student will not engage in or participate in any behavior that is included in the definition of hazing. The term "hazing" means "an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization." The term "hazing" does not include activity that is normal and customary in an athletic, physical education, military training, or similar program sanctioned by the school district. Further, the term "organization" means "a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an educational institution." [MCL 750.411t].</p>	X	X
15	<p>Improper, Negligent, or Reckless Operation of a Motor Vehicle: A student will not intentionally or recklessly operate a motor vehicle so as to endanger the safety, health, or welfare of others on school property.</p>		X
16	<p>Inappropriate Displays of Affection: Students will not engage in inappropriate displays of affection.</p>	X	
17	<p>Inappropriate Dress and Grooming: A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others. See YCS Student Dress Code.</p>	X	X
18	<p>Inappropriate Use of Electronic Communication Device: Students may possess a cellular telephone or other electronic communication device while at school provided that during school hours and on a school vehicle the cellular phone or electronic communication device remains off and out of sight unless authorized school personnel have given students permission to use them.</p>	X	X

Infraction Number	General Misconduct Violations	Consequences	
		Level 1	Level 2
19	<p>Insubordination/Unruly Conduct: A student will not ignore or refuse to comply with respectful directions or instructions given by school authorities. Refusing to open a book, write an assignment, work with another student, work in a group, take a test or do any other class or school-related activity not listed herein, refusing to leave a hallway or any other location when instructed by a school staff member, or running away from school staff when told to stop constitutes unruly conduct.</p>	X	X
20	<p>Leaving School Without Permission A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel</p>		X
21	<p>Loitering: A student will not remain or linger on school property without a legitimate purpose and/or without proper authority.</p>		X
22	<p>Negligent or Improper Operation of a Motor Vehicle A student will not negligently operate a motor vehicle on school property, so as to endanger the property, safety, health, or welfare of others.</p>		X
23	<p>Possession of Inappropriate Personal Property: A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning, including, but not limited to, pornographic or obscene material, laser lights, or personal entertainment devices. Certain devices may be permitted for health or other reasons, if approved by the administration.</p>	X	X
24	<p>Profanity and/or Obscenity Toward Students: A student will not verbally, in writing, electronically, or with photographs or drawings direct profanity or insulting, obscene gestures toward any other student.</p>	X	X
25	<p>Profanity and/or Obscenity Toward Staff: A student will not verbally, in writing, electronically, or with photographs or drawings direct profanity or insulting, obscene gestures toward any school district staff members or adult volunteers.</p>		X
26	<p>Sexual Harassment (Level 1): A student will not use words, pictures, objects, gestures, or other actions relating to sexual activity or a person's gender that cause embarrassment, discomfort, or a reluctance to participate in school activities.</p>	X	

Infraction Number	General Misconduct Violations	Consequences	
		Level 1	Level 2
27	Sexual Harassment (Level 2): A student will not make unwelcome sexual advances, request sexual favors or engage in verbal communication or physical conduct of a sexual nature with or toward any other student, school district personnel, or adult volunteers.		X
28	Smoking: A student will not smoke or use e-smoking devices, use tobacco or alternative cigarette options, or possess any substance containing tobacco or nicotine in any area under the control of a school district, including all activities or events supervised by the school district.		X
29	Tardiness: A student will not fail to be in his or her place of instruction at the assigned time without a valid excuse.	X	X
30	Technology Abuse: A student will not violate the district's "Technology Use Guidelines."	X	X
31	Theft or Possession of Stolen Property: A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession property valued at \$100.00 or less which does not belong to the student.		X
32	Threat/Coercion: A student will not threaten another with bodily harm. A student will not coerce another to act or refrain from acting.	X	X
33	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.		X
34	Truancy: A student will not willfully and repeatedly fail to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school and parent/guardian.	X	X
35	Weapon Look-A-Like: A student shall not possess, use, sell, or distribute a toy weapon, a look-a-like or replica weapon except with the prior approval of a teacher or an administrator for appropriate educational use.		X

LEVEL I DISCIPLINARY ACTION:

Level I Misconduct Violations are addressed immediately in the classroom, hall, lunchroom, playground and other school areas by attending staff. Parent / guardian contact shall be made aware of the violation at the discretion of the teacher or staff. The teacher or staff will document the violation and response in PowerSchool. Examples of possible responses follow. In-school interventions should be used.

LEVEL II DISCIPLINARY ACTIONS:

Level II Misconduct Violations may require a referral to the building administrator or designated school personnel. A referral may also be made to a school support system such as behavioral health professionals or restorative process provider. Violations will be monitored for increasing intensity and are cumulative in nature.

First Violation

1. Teacher or staff completes Student Discipline Referral (ODR), found in PowerSchool.
2. When the situation has de-escalated, a Restorative Plan may be developed cooperatively and given to all parties, including parent/guardian.
3. Appropriate in-school interventions will be utilized

Second Violation

1. Teacher or staff completes Student Discipline Referral (ODR), found in PowerSchool.
2. When the situation has de-escalated, the Restorative Plan will be developed cooperatively and given to all parties, including parent/guardian.
3. Appropriate in-school interventions will be utilized.
4. Copies of the Student Discipline Referral (ODR) and Restorative Plan are sent to Parent/Guardian.
5. The teacher or Principal will contact Parent/Guardian.

Third Violation

1. Teacher or staff completes Student Discipline Referral (ODR), found in PowerSchool.
2. When the situation has de-escalated, the Restorative Plan developed after Violation 2 will be reviewed and revised as indicated.
3. Teacher-Student-Parent/Guardian-Administrator conference is mandatory and scheduled immediately. The Parent/Guardian is informed of Fourth Violation consequences should violations continue to occur. Parent(s)/Guardian(s) who do not attend the conference shall be notified, in writing, of potential Fourth Violation consequences.

Fourth Violation

1. Principal completes Suspension Notice.
2. Principal contacts Parent/Guardian (phone call or home-call/visit) regarding suspension before the suspension is implemented.
3. Out-of-school/program Suspension is implemented.
4. Length of suspension generally not to exceed three (3) school days but is at the discretion of the Principal. Severe circumstances may warrant suspension for a longer period of time but is not to exceed ten (10) school days. A student suspended from school is not

allowed to attend school or any school-related activity for the period of the suspension. The student shall be assigned homework during the period of suspension for completion and submission to the classroom teacher on the day of readmission.

5. A referral will be made to the building support team for the purpose of developing appropriate interventions and plans to help resolve a behavioral problem. The team may assist in planning for the student's return and future success at school after serving a suspension. A referral may also be made to community-based agencies for additional intervention and/or assistance.
6. Parent/Guardian-Student-Principal conference is required with each out-of-school/program Suspension.

POSSIBLE LEVEL I AND LEVEL II INTERVENTIONS

In response to disciplinary violations or conflict, staff shall use a continuum of strategies that are restorative rather than punitive. Schools shall use restorative and other positive responses except for the most serious and dangerous offenses when exclusion from school is absolutely necessary to protect the safety of the school community.

RESTORATIVE PRACTICES:

A continuum of strategies includes, but is not limited to the following.

Affective Statements – One-on-one informal conversations that are held as an immediate response or follow up to an action that has somehow caused harm to help the student correct the behavior in the present and future. The statements provide a precise and respectful description of a student's behavior and the specific impact of those behaviors, delivered at a time to maximize impact.

Restorative Questions – A standard set of questions that ask the wrongdoer to identify what has happened, who has been harmed, what harm was done and what needs to be done to make things right.

Impromptu Conference – A structured conversation to ask both the wrongdoer and those harmed to answer a series of Restorative Questions in front of one another.

Restorative Circles – Spaces in which participants take turns speaking to a topic, guided by at least one circle keeper, using a talking piece and going around to ensure that everyone has an equal opportunity to speak. There are many different types of circles that can be used to promote a positive learning environment and deal with issues as they arise.

Restorative Conferencing – A facilitator leads those who were involved in an incident, whether they were harmed or did the harm, as well as their supporters in a face-to-face process. This process aims to address the harm, make things right and prevent reoccurrence, and is based on the ideas of restorative practices and mutual accountability, resulting in a signed agreement.

OTHER IN-SCHOOL INTERVENTIONS:

Class Exclusion: A student who misbehaves is denied the right to attend particular classes for one day. An alternative educational setting and make-up privileges are provided for this period.

Collection of Unauthorized Materials: School administrators and teachers may collect materials that students are prohibited from possessing during the school day, for example, cell phones, iPods, cigarettes, radios and tape recorders, beepers, laser pointers and other electronic devices.

Conference between Student and Teacher: A discussion about changes in behavior, use of a travel card, or conflict management skill building activities.

Contract with Student: A written statement developed collaboratively, listing steps to be taken by the student to improve behavior, the date for a review, and the consequences if the contract is not honored.

Communication to Parent/Guardian: Notification to the parent/guardian of a meeting by phone or letter that a behavior problem exists, the action taken, expectations for future behavior and necessary follow-up.

Conference with Parent/Guardian, Student, and Teacher: A meeting or telephone conversation with staff, parent/guardian and student to discuss student achievement and unacceptable conduct, better ways of behavior and a plan for future behavior.

Exclusion from Extracurricular Activities: This action denies the student the opportunity to participate in extracurricular activities for a specified period of time.

Official Warning to the Student: A written notice to the student specifying the action to be taken if the same or similar misconduct is repeated within a stated period of time. A copy of the notice should be sent to the parent/guardian and one kept for the record.

Referral to Outside Agencies: Action taken by the building administrator or in consultation with staff, parent/guardian and student when behavior signals a need.

Special Assignment: Assignment to an activity or program that builds awareness, knowledge and skills to meet similar situations more positively.

Referral to Building Support Team: The Building Support Team made up of building staff that interact with the identified student provides relevant information and makes recommendations to meet the student's needs. Actions may include counseling, classroom interventions, evaluation or assessment and/or participation in a school-based support group, etc.

Time-In System: A program that assigns a student to a different location in the classroom or building, preferably with a safe adult, coordinated by staff members, teachers or school administrators.

Other School Authorized Activities: Other appropriate actions, such as community service, which comply with school district policies and administrative regulations, may be carried out in conjunction with the school's discipline management plan. Parent/guardian will be given 24-hour notification, and are responsible for transportation.

Before or After School Detention: Students are required to be in school for up to one hour before or after the regular school day. Supervision is provided by school staff for all detained students. Parent/guardian will be given 24-hour notification, and are responsible for transportation.

OUT-OF-SCHOOL INTERVENTIONS

A. Definitions

- a. **One (1) to five (5) day suspension:** After an informal hearing, an administrator may impose an action to deny a student's right to attend classes and activities for one (1) to five (5) school days. Homework will be provided and make-up privileges will be the same as for an excused absence. This intervention should be used as a last resort.
- b. **In-School suspension (up to five (5) DAYS).** After an informal hearing, a student may be barred from attending scheduled classes and be required to attend a special program for up to 5 consecutive school days.

B. Considerations

- a. Exclusion from school shall only be considered when a student commits the most serious offenses. No student may be excluded from school:
 - For a first-time offense unless otherwise required by federal or state law, except in the case of an emergency removal.
 - Until and unless non-exclusionary discipline alternatives have been carefully considered, tried and documented to the extent reasonable and feasible;
 - Only if, after that consideration, it is determined that exclusion from school is absolutely necessary to protect the safety of the school community; and
 - Only after considering the full impact of the decision to exclude a student on both the student and the school community.
- b. Factors to consider in deciding whether to exclude a student from school

School administrators must consider whether other factors outside of the student's control contributed to the problem behavior and whether such behavior could be alleviated by helping the student deal with the factors causing the behavior. Examples of such factors include, but are not limited to:

1. Mental illness or undiagnosed disabilities;
2. Appropriateness of the student's placement or setting;
3. Whether the student is or has been a victim of bullying behaviors or classroom environments;
4. Family situations such as involvement in foster care, domestic violence, homelessness, poverty, recent death of a loved one, or immigration status;
5. Substance abuse or addiction;
6. The student's disciplinary history;
7. The student's age and ability to understand consequences;
8. The student's expression of remorse;

9. Whether the student was acting in self-defense;
10. Whether the school district made any effort to address the student's behavior using positive, preventive methods prior to the incident at issue;
11. If the misconduct involved possession of a "weapon," as defined under school policy, whether the "weapon" in question was brandished or employed as a weapon or in an otherwise threatening fashion;
12. The egregiousness of the student's conduct and whether it placed students or staff at serious risk of emotional or physical harm;
13. Whether other interventions, such as positive behavior supports and restorative practices, can adequately address the behavior at issue while enabling the student to remain in school, and whether such interventions have been tried before with this particular student;
14. Whether the student is being disciplined for engaging in bullying behavior and, if so, whether restorative practices have been in place and whether the student was exposed to them previously;
15. Whether, if the student is being disciplined for bullying behavior, there is a restorative practices approach to disciplining the student that would be more effective than exclusionary discipline at addressing the problem; and
16. Any other relevant circumstances, including whether the student should have been identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. If the student has not previously been evaluated for a disability but has engaged in a pattern of behavior that suggests the student should have been, the school shall immediately begin the procedure to conduct an evaluation as set forth in Section 1414 of U.S. Code Title 20 on evaluation of students with disabilities.

Level III Serious Misconduct Violations

Level III-Serious Conduct Misconduct includes student behaviors that very seriously disrupt the orderly educational process in the classroom or on school grounds. In many instances, the violations are illegal.

	Level III-Serious Misconduct Violations
36	Alcohol and Drugs: A student will not possess, use, offer to buy or sell, or purport to buy or sell, a controlled substance, dangerous drug, prescription drug, counterfeit drug, intoxicating substance, or alcohol. A student legally in possession of prescribed medication will not be in violation of this section as long as his/her use and possession of the prescribed medication is authorized at school and the student follows the required possession and use protocols as defined by the school.
37	Arson (Starting a Fire): A student will not intentionally, by means of starting a fire, cause harm to any property or person, or participate in the burning of any property or person. If a student commits arson in a school building or on school grounds or other school property, the school board or its designee shall expel the student from the school district permanently, subject to possible reinstatement, pursuant to MCL 380.1311(5) [MCL 380.1311(2)]. “Arson” means a felony violation as set forth in Chapter X of the Michigan Penal Code [MCL 750.71 to MCL 750.80].
38	Extortion: A student will not make another person do any act against his or her will, by force or threat, expressed or implied.
39	False Fire Alarm or Bomb Threat, Tampering with Fire Alarm System: Unless an emergency exists, a student will not intentionally sound a fire alarm or cause a fire alarm to be sounded, nor will a student falsely communicate or cause to be communicated that a bomb is located in a building or on school property, or at a school-related event. These acts are prohibited, irrespective of the whereabouts of the student. A student will not destroy, damage, or otherwise tamper with a fire alarm system in a school building.
40	Bomb Threat (6th grade or above): If a student enrolled in grade six (6) or above makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, then the school board or its designee shall suspend or expel the student from the school district for a period of time as determined at the discretion of the school board, or its designee [MCL 380.1311a(2)].
41	Felony: A student will not commit a criminal act that results in being convicted of a felony offense.
42	Fireworks: A student will not possess, handle, transmit, conceal, or use any fireworks or firecrackers on school property or any school-related event.
43	Interference with School Authorities: A student will not interfere with administrators, teachers, or other school personnel or volunteers by threat or violence.

	Level III-Serious Misconduct Violations
44	<p>Physical Assault Against Another Student: A student will not physically assault another person. If a student enrolled in grade six (6) or above commits a physical assault at school against another student, then the school board or its designee shall suspend or expel the student from the school district for up to 180 school days [MCL 380.1310(1)].</p> <p>“Physical assault” means intentionally causing or attempting to cause physical harm to another through force or violence [MCL 380.1310(3)(b), MCL 380.1311a(12)(b)].</p>
45	<p>Physical Assault Against A Staff Member/Contractor: If a student enrolled in grade six (6) or above commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board, then the school board or its designee shall expel the student from the school district permanently, subject to possible reinstatement under MCL 380.1311a(5) [MCL 380.1311a(1)].</p> <p>“Physical assault” means intentionally causing or attempting to cause physical harm to another through force or violence [MCL 380.1310(3)(b), MCL 380.1311a(12)(b)].</p>
46	<p>Robbery: A student will not take or attempt to take from another person any property, by force or threat of force, expressed or implied.</p>
47	<p>Sexual Assault: A student will not sexually assault another person. If a student commits criminal sexual conduct in a school building, on school grounds or any other school property, the school board or its designee shall expel the student from the school district permanently, subject to possible reinstatement, pursuant to MCL 380.1311(5) [MCL 380.1311(2)]. “Criminal sexual conduct” means a violation as set forth in Chapter LXXVI of the Michigan Penal Code [MCL 750.520b to MCL 750.520g].</p>
48	<p>Theft or Possession of Stolen Property: A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession property valued at more than \$100.00 that does not belong to the student.</p>
49	<p>Verbal Threat Against an Employee: If a student enrolled in grade six (6) or above commits a verbal threat, as defined by school board policy, at school against a person employed by or engaged as a volunteer or contractor by the school board, then the school board or its designee shall suspend or expel the student from the school district for a period of time as determined by the discretion of the school board or its designee [MCL 380.1311a(2)].</p>
50	<p>Weapons: Dangerous Instruments: A student will not possess, handle, transmit, or use a dangerous instrument capable of harming another person. A “dangerous instrument” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous instruments include, but are not limited to, chemical mace, pepper gas or like substances, stun guns, BB guns, pellet guns,</p>

	Level III-Serious Misconduct Violations
	razors, or box cutters.
51	Weapons: Dangerous Weapons: A student will not possess, handle, transmit, or use as a dangerous weapon an instrument capable of harming another person. A “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over three inches in length, pocketknife opened by a mechanical device, iron bar, or brass knuckles [MCL 380.1313].
52	Weapons: Use of Legitimate Tools as Weapons: A student will not use a legitimate tool, instrument, or equipment as a weapon with the intent to harm another. These items include, but are not limited to, pens, pencils, compasses, or combs.

Legal mandates and community safety may require removal of individuals who possess weapons, commit arson, or engage in criminal sexual conduct (Gun Free Schools Act, 1994; Michigan Compiled Laws under MCL 380.1311), make bomb threats or engage in verbal assault (MCL 380.1311a), and who commit physical assault against another (380.1310, 380.1311, 380.1311a, 380.1312). However, recognizing exclusionary discipline’s negative impact, the school community will reserve exclusion for only the most serious offenses. The district will employ discipline measures and early intervention/diversion strategies with a focus on screening and treatment to minimize suspended students’ time away from school and potential court involvement.

When the student’s misconduct requires legal action, school district staff will work to protect his/her constitutional rights by taking the following steps:

- The school will explain what the student is accused of and will give him/her the opportunity to speak with an adult advocate such as a parent or other family member, guardian, mentor, friend, and/or attorney.
- If the student’s case requires a hearing, the school will provide the student and his/her representative with copies of all documents that might be used in the hearing, a list of all witnesses and an opportunity to prepare for the hearing ahead of time. During the hearing, the student and/or representative will have an opportunity to cross-examine witnesses.
- If the student is found not guilty of the alleged misconduct in a criminal trial, the school district may consider re-evaluating the student’s expulsion.

Section III: *Due Process: Suspension and Expulsion*

Ypsilanti Community Schools ensures that school personnel within the District adhere to all required due process procedures when administering the Student Code of Conduct. Procedural due process protections apply to exclusionary discipline, including suspensions and expulsions from school.

School administrators are charged with maintaining an atmosphere in each school building, which is conducive for learning. Sometimes it becomes necessary to suspend individual students from school who disrupt the learning atmosphere. When suspending or expelling any student, administrators shall guarantee that each student has certain due process rights. Information regarding these rights is provided to the student at the time of disciplinary action.

Short-Term Suspension Definition

For purposes of this code, a short-term suspension occurs when a student is suspended for one (1) school day, up to and including ten (10) school days. During a short-term suspension, the student's rights and privileges of attending school, including extracurricular activities, are suspended.

For a suspension of ten (10) days or less, a student is entitled to minimal due process protections, including oral or written notice of the accusation(s), what disciplinary measures are being proposed, and an opportunity to respond. If feasible, the notice and hearing should precede the student's removal from school. If the student's presence poses a danger to persons or property or threatens to disrupt the academic process, prior notice and hearing may not be feasible. In this case, a hearing should follow the student's removal from school as soon as possible.

Except in extraordinary circumstances, alleged violations of the Code of Student Conduct are initially handled at the student's school. If a short-term suspension is contemplated, the principal or assistant principal shall provide the student with oral or written notice of the charges or allegations and an explanation of the evidence or basis for the charges. The student shall be given the opportunity to contact an adult advocate such as a parent or other family member, guardian, mentor, friend, and/or an attorney before presenting an explanation or a differing statement of the facts.

If misconduct is found, the principal may authorize disciplinary action in accordance with this Code of Student Conduct, including short-term suspension. A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the educational process, may be immediately removed from the school without prior notice, explanation, or opportunity to respond. In such cases, the above procedures shall be provided as soon as practical.

SNAP SUSPENSION, PA 103:

A teacher may suspend a student from the teacher's classroom for up to one day if the student's behavior exceeds limits as defined by the following acts of misconduct:

Classroom teachers may suspend a student from the teacher's subject, class, or activity for up to one (1) full day of that particular class period for the following acts of misconduct:

1. Physical aggression towards self, or others, which in the reasonable judgment of the teacher creates an unsafe classroom environment.

2. Profane or vulgar comments (oral or written) toward classroom teachers, other District employees, or students, during class time or a school-sponsored activity.
3. Inappropriate physical contact of a sexual nature during class time or during a school-sponsored activity.
4. Possession of a weapon or dangerous weapon.

If a student is retained in the school, he or she must be under appropriate supervision. The law requires a teacher who imposes this option to immediately report the “snap suspension” to the office, then as soon as possible, schedule a meeting with the suspended student’s parent(s) or guardian(s) and attempt to include the school counselor, social worker, or psychologist. If the teacher or parent requests that a school administrator attend, the teacher must also include the administrator in the meeting [MCL380.1309]. A student may return that school day to the classroom, subject, or activity for which he or she was suspended, with the concurrence of the teacher and the school principal [MCL 380.1309].

YCS Procedure for Short-Term Suspension

1. An administrator may remove a student from class to a place pursuant to guidelines outlined earlier in this document.
2. When appropriate, teachers (or other involved staff) shall first inform the student of his/her misconduct. In the event of subsequent acts of misconduct, the teacher (or other involved staff) shall either inform the student's Parent/Guardian or make a counselor referral.
3. The Parent/Guardian shall be informed whenever disciplinary problems exist.
4. At such time as the teacher (or other involved staff) concludes that they are to take other measures within the guidelines, may refer the student to the Principal (or designee).
5. Students shall not be released from school by any Principal, Assistant Principal, Dean of Students, Teacher, or School Secretary without verified Parent(s)/Guardian(s) notification.
6. In the event a Principal deems it necessary, a student may be sent home during school hours. In the case of a minor student, if a Parent/Guardian is not able to pick up the student at school, or the Principal (or designee) is unable to accompany the student home, the student shall be retained in the school building until dismissal time, unless the Parent/Guardian directs otherwise.
7. At such time as the Principal (or designee) determines that out-of- school/program suspension is an appropriate action, he/she shall inform the student orally or in writing of the charges and evidence and provide the student with an opportunity to present his/her version.
8. The Principal (or designee) shall inform the Parent/Guardian of the minor student of the charges, the rationale for the suspension, and the length of the suspension. Communication shall be by phone, home-call/visit, and written notification. Written documentation regarding the phone contact or home-call/visit and a copy of the written notification shall be maintained.
9. The Parent/Guardian shall also receive a copy of the Suspension Notice from the Principal (or designee) in person or through the mail, and a copy shall be placed in the student's file. The Parent/ Guardian of a student with special education services shall also receive a copy of the Special Education Procedural Safeguards.
10. The Principal may grant a conference at the request of the Parent/ Guardian of a minor student to discuss the offense and the suspension decision. The Principal (or designee) may alter or negate the original suspension decision as a result of the conference. If the suspension is negated, all records of the suspension shall be removed from the files.
11. The student and Parent/Guardian of a minor student shall be informed of the right and means to appeal certain suspension decisions. For a suspension of one to five school days, the decision of the Principal is final. The suspended student or Parent/ Guardian of a minor student may request an administrative review of a suspension from six to ten school days. The request must be made within three (3) school days of the decision being reviewed and shall be directed to the appropriate administrator as follows:
 - a. The principal for the decision of an Assistant Principal

- b. The Superintendent for a decision of a principal
12. The Superintendent shall be informed immediately if a weapon is involved and if a recommendation for long-term suspension or expulsion for any offense is being made.
 13. The Principal (or designee) shall be responsible for entering suspension data into Power School within twenty-four (24) hours of the decision for all suspensions from school regardless of the length of time.

Long-Term Suspension and Expulsion Definition

A long-term suspension is defined as a suspension of a student for more than ten (10) school days. During a long-term suspension, the student's rights and privileges of attending school, including extracurricular activities, are suspended.

Expulsion

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

Due Process for Long-Term Suspension and Expulsion

A more formal due process procedure is required when serious disciplinary measures are alleged against a student. When the student's misconduct requires legal action, school district staff will work to protect his/her constitutional rights by explaining what the student is accused of and giving him/her the opportunity to speak with an adult advocate such as a parent or other family member, guardian, mentor, friend, and/or attorney. The student shall be given reasonable time to prepare for a hearing. The person conducting the disciplinary hearing must be impartial.

If recommended by the principal or assistant principal, the school district's board of education or its designee shall conduct a hearing to determine whether to impose a long-term suspension or expulsion. Based upon the results of this hearing, the school district's board of education has the exclusive and final authority to expel a student from the school district.

Appeal Process

A student that disagrees with the decision of the board of education may, within five (5) days of receipt of the decision, petition the board of education for the opportunity to request appeal or reconsideration by the board or its designee. The petition shall be in writing and contain the reason that the board or its designee's decision should be reviewed or reconsidered. The board of education may grant or deny the request for an appeal or request for reconsideration. If granted, the board shall notify the student in writing of the procedures to be used for the appeal or the request for reconsideration.

YCS Procedure Long Term Suspension/Expulsion, More Than 10 Days

Except in emergency situations (health or safety), appropriate procedures must be followed to place students on long-term suspension or expulsion for more than 10 school days.

SUSPENSION APPEAL PROCESS:

Decisions of the Hearing Officer may be appealed if the suspension or expulsion is 10 school days or more. Appeal rights will be described in writing when a long-term suspension or expulsion is issued.

Appropriate procedures are as follows:

1. Investigation of Alleged Violations and Recommendation:

The appropriate building or program administrator conducts an investigation regarding alleged violations of Board of Education Policy and the Student Code of Conduct. If after investigation the administrator decides that a recommendation for long-term suspension or expulsion (more than 10 school days) is warranted, the administrator shall notify the student and the Parent/Guardian in writing of:

- a. The charges against the student.
- b. The recommended disciplinary action.
- c. The right to a hearing before an impartial Hearing Officer.
- d. The administrator issues a written notice as soon as possible, but no later than two (2) school days after the infraction. A copy of the notice is also sent by fax to Superintendent's office. The student is temporarily suspended pending the hearing process.

2. Notice of Hearing:

- a. After receiving an administrator's recommendation for long-term suspension or expulsion, the superintendent's office issues a written notification of hearing to the student and Parent/Guardian.
- b. Any notice of a proposal to recommend a long-term suspension shall state the time, date, and place that the student will be afforded an opportunity for a formal hearing, and the hearing shall be held no later than ten (10) school days after the date of the notice. A copy of this policy and administrative procedures shall accompany the notice.
- c. At the time of the hearing, a public notice of the hearing is posted on the front of the YCS Administrative Office building as required by the Open Meetings Act, Public Act 267.

3. Hearing Officer:

- a. The Superintendent (or designee) serves as the hearing officer.
- b. The Hearing Officer may not have been involved in the investigation of the charges.

4. Hearing Procedures:

- a. The Purpose of the hearing is to determine:
 - i. If the student did or did not do what the charges claim.

- ii. Whether the disciplinary action recommended by the school shall be imposed or whether some other type of discipline shall be imposed.
- b. Open/Closed Meeting:
 - i. Eighteen (18) year olds or other independent students or a Parent/ Guardian of a minor student may request to have the hearing held in an Open Meeting (so that others can observe and/or obtain full disclosure of the hearing), or in a Closed Meeting (private, so that others cannot observe and/or obtain disclosure of hearing, only the hearing decision) pursuant to the Open Meetings Act.
 - ii. A decision by the hearing must delivered in an Open Meeting, ensuring that the information is available to the public if it is ever requested.
- c. Appearances: Students and Parent(s)/ Guardian(s) have the right to testify as to the facts, or other evidence, and explain their reasons for disagreeing with the school's charges or recommendation for discipline.
- d. Right to Legal Counsel: Attorneys are permitted. When a student is represented by legal counsel, the District may be represented by legal counsel.
- e. Witnesses:
 - i. If the student wishes to present witnesses who have knowledge of the circumstances of their case, the student must arrange to have them attend the hearing.
 - ii. If the student needs help in identifying District staff witnesses, the student is to contact his/her assigned Student Advocate.
- f. Records: If the student has any written information, documents or letters relevant to their case, these are to be presented at the hearing.
- g. Evidence:
 - i. Strict rules of evidence do not apply. However, all testimony and documents must be relevant to the misconduct charge. Hearsay and other evidence not admissible in a court are admitted if a reasonably prudent person would accept the offered evidence as reliable under all of the circumstances.
 - ii. In expulsion cases, hearsay shall generally not be the only evidence determining whether the charges are true or false. However, sworn affidavits from student eyewitnesses (whose identity is not disclosed) to serious offenses (usually criminal offenses), may be admissible if a school administrator makes a determination of the student's trustworthiness by an investigation of the past relationship, if any, between the student eyewitness and the accused student to determine improper bias or motive.

- h. **Record of Hearing:**
The hearing shall be mechanically or electronically recorded and/or minutes recorded. If the District or student chooses to have a stenographic record, the requesting party will bear the cost of making that record.
 - i. **Decision:**
The Hearing Officer renders a written decision within seven (7) school days after the close of the hearing, unless the student or Parent(s)/Guardian(s) agree to an extension.
 - j. **Postponements:**
 - i. A person requesting postponement of the hearing is to call Superintendent's Office.
 - ii. Postponements are granted only if all parties consent to the continued suspension of the student or in exceptional circumstances.
5. **Right of Appeal:**
The Hearing Officer advises the student and Parent/Guardian of their right to appeal when appropriate (if the suspension or expulsion is more than 11 school days). The student remains suspended while any appeals are processed. Also see Suspension Appeal Process.

Procedures Applicable to Special Education and Section 504 Students:

1. Unless modified by an Individual Education Plan (IEP), a student with a disability is expected to follow the same rules as general education students and is subject to the same discipline procedures, as long as the discipline does not exceed ten (10) school days of suspension.
2. **Student with an IEP: Manifestation Determination Review**
 - a. Before a student with Special Education services may be suspended or expelled for more than ten (10) school days, a Manifestation Determination Review (MDR) must be conducted.
 - b. The MDR must be held within ten (10) school days of the first day of school suspension.
 - c. The MDR team does not determine discipline, but shall review all relevant information in the student's file, including the student's IEP, any teacher observations and any relevant information provided by the Parent/Guardian to determine:
 - i. If the conduct in question was caused by or had a direct and substantive relationship to the student's disability or
 - ii. If the conduct in question was the direct result of the District's failure to implement the IEP.
 - d. If the answer to either 1 or 2 above is yes, the misconduct shall be determined to be a manifestation of the student's disability.
 - i. If the IEPT determines that the conduct was a manifestation of the student's disability, the student shall return to his/her

current placement and a Functional Behavior Assessment and Behavior Intervention Plan will be developed.

- ii. If a BIP had been previously been developed, review the BIP and make appropriate modification, as necessary to address the behavior, and return the student to the placement from which the student was removed.
 - iii. If the IEPT (Parent/Guardian and the District) agrees to a change of placement as part of the modification of the BIP, an IEP meeting or amendment must be completed to determine placement.
 - e. If the IEPT determines that the conduct was not a manifestation of the student's disability, the student may be disciplined according to school policy.
 - f. If the discipline results in a suspension or expulsion for more than ten (10) school days the District shall provide educational services to be determined at by the IEP Team.
3. Interim Alternative Educational Setting (IAES)
- a. In cases where a student with Special Education services is found to be in possession of a dangerous weapon, drugs, or inflicts life threatening bodily harm to another individual, the District may place the student in an interim alternative educational placement.
 - b. The IAES may be for a period of up to forty- five (45) school days while the District determines if the behavior was a plan for an alternate placement.
4. Student with a SECTION 504 PLAN: Manifestation Determination Review
- a. Before a student with Section 504 Plan may be suspended or expelled for more than ten (10) school days, a Manifestation Determination Review (MDR) must be conducted.
 - b. The MDR must be held within ten (10) school days of the first day of school suspension.
 - c. The Support Team does not determine discipline, but shall review all relevant information in the student's file and give consideration to the following questions:
 - i. Was the 504 Plan appropriate given the conduct in question?
 - ii. Was the 504 Plan implemented?
 - iii. Did the student's disability impair the student's ability to understand the impact and consequences of his /her behavior?
 - iv. Did the student's disability impair the student's ability to control his/her behavior?
 - d. If the Support Team determines that the conduct was a manifestation of the student's disability, the student is returned to the placement from which he/she was removed. The team reviews the student's current Section 504 Plan and makes appropriate modification to the plan to

support behavior considerations.

- e. If the Support Team determines that the conduct was not a manifestation of the student's disability, the student may be disciplined according to school policy.

Mandatory Expulsion

The term expulsion refers to the removal of a student from school as mandated by state law. In the case of an expulsion, a student may only be readmitted to the District through formal action of the District or as permitted by state law.

The Revised School Code provides each school district with the authority to establish a local discipline policy. Each local school board or its designee has the authority to suspend or expel students guilty of “gross misdemeanor or persistent disobedience.” This must not, however, infringe on any of the federally protected rights guaranteed to students who qualify for special education programs and services [MCL 380.1311(8)].

In addition to the suspension and expulsion of students who commit violations identified in the YCS Code of Student Conduct, Michigan law requires a school district to remove a student who possesses a dangerous weapon unless that student meets one of four exceptions (listed below) provided in the law. Michigan law also requires removal of students who commit arson, criminal sexual conduct (as defined in the law and noted below), or a physical assault against a school employee or volunteer. Michigan law also requires school districts to remove students who commit physical assault against another student or make a bomb threat, or similar threat. Those exclusions can last no more than 180 days. In addition, Michigan law also allows any teacher to impose one-day “snap suspensions” from his/her class for students, and it establishes procedures the teacher must follow when exercising this option. Under the law, the suspending teacher must take a number of steps explained in greater detail below. The following information describes the law.

Weapons, Arson, or Criminal Sexual Conduct Expulsion

School districts are required to expel students who possess a dangerous weapon, commit arson, or engage in criminal sexual conduct in a school building or on school grounds. The law allows for possible reinstatement [MCL 380.1311]. The term “criminal sexual conduct” is defined in the Michigan Penal Code, 1931, PA 328 MCL 750.520. It refers to sections which describe various levels of sexual penetration, sexual conduct, and assault with intent to commit criminal sexual conduct [MCL 750.520b, 520c, 520d, 520e, 520g]. The term “dangerous weapon” means a firearm, dirk, dagger, stiletto, iron bar, knife with a blade over 3 inches in length, pocketknife opened by a mechanical device, and brass knuckles [MCL 380.1313(4)]. The definition of “firearm” in section 380.1311 refers to the definition of that term in the federal Gun-Free Schools Act of 1994, which in turn refers to another section of federal law which defines “firearm” as:

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

1. **Weapon-Free School Zone and School Property Definition:** “Weapon-free school zone” means school property and a vehicle used by a school to transport students to or from school property [MCL 750.237a]. “School property” means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses [MCL 750.237a].

2. Reporting Requirements: If a dangerous weapon is found in the possession of a student while the student is attending school or a school activity, or while the student is en route to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, shall immediately report that finding to the student's parent/guardian and the local law enforcement agency [MCL 380.1313(1)].

3. Dangerous Weapon Exceptions:

School boards are not required to expel a student if the student can establish in a clear and convincing manner at least one of the following:

- The object or instrument possessed by the student was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
- The weapon was not knowingly possessed by the student.
- The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.
- The weapon was possessed by the student at the suggestion, request or direction of, or with the express permission of school or police authorities.

Physical Assault - Student to Employee or Volunteer

A student in grade six (6) or above who commits a physical assault against an employee or a volunteer of a district, at school or on school grounds, shall be expelled permanently, subject to possible reinstatement. The term "physical assault" means "intentionally causing or attempting to cause physical harm to another through force or violence" [MCL 380.1311a].

A student expelled for committing physical assault against an employee or volunteer of a district at school or on school grounds is expelled from all Michigan public schools.

Physical Assault - Student to Student

A student in grade six (6) or above who commits physical assault against another student shall be suspended or expelled for up to 180 school days by the school board or its designee if the physical assault is reported to the school board, superintendent, or principal. The term "physical assault" means "intentionally causing or attempting to cause physical harm to another through force or violence" [MCL 380.1310].

Bomb Threats or Similar Threats

If a student in grade six (6) or above makes a bomb threat, or similar threat, directed at a school building, other school property, or a school-related event, then the school board or the designee on behalf of the school board, as described in MCL 380.1311(1), shall suspend or expel the pupil from the school district for a period of time as determined at the discretion of the school board or its designee.

Verbal Threat Against an Employee

If a student in grade six (6) or above commits a verbal threat, as defined by school board policy, at school, other school property, or a school-related event, against a person employed by or engaged as a volunteer or contractor by the school board, then the school board or its designee shall suspend or expel the student from the school district for a period of time as determined at the discretion of the school board or its designee [MCL 380.1311a(2)].

Petitioning for Reinstatement

Although the law calls for the “permanent” expulsion of a student who possesses a dangerous weapon in a weapon-free school zone, commits arson, criminal sexual conduct, or a physical assault against an employee or a volunteer of a district, at school or on school grounds, the law provides a process for petitioning for reinstatement to school [MCL 380.1311(5) and 380.1311a(5)]. It is the responsibility of the petitioning person (a parent, legal guardian, or the expelled student if he or she is at least 18 years of age or is an emancipated minor) to prepare and submit the petition for reinstatement.

Petition for Student to Return to School

If a petition form is requested by a person wishing to be reinstated, the school board must make the petition form available. See attachment 1 for the YCS Petition to Return to School form.

For a student in grade five (5) or below that is expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent/guardian, or the student (if he or she is at least 18 years of age or an emancipated minor), may initiate a petition for reinstatement any time after 60 school days following the date of the expulsion. A student may be reinstated 90 school days following the date of expulsion.

For a student in grade five (5) or below that is expelled for committing arson or criminal sexual conduct in a school building or on school grounds, the parent/ guardian, or the student (if he or she is at least 18 years of age or an emancipated minor), may initiate a petition for reinstatement at any time, and the student may be reinstated ten school days after the expulsion.

For a student in grade six (6) or above that is expelled for possessing a dangerous weapon in a weapon-free school zone, commits arson or criminal sexual conduct, the parent/guardian, or the student (if he or she is at least 18 years of age or an emancipated minor), may initiate a petition any time after 150 school days following the date of expulsion. A student may be reinstated 180 school days following the date of expulsion.

For a student in grade six (6) or above that is expelled for committing a physical assault against an employee or volunteer, the parent/guardian, or the student (if he or she is at least 18 years of age or an emancipated minor), may initiate a petition any time after 150 school days following the date of expulsion. A student may be reinstated 180 school days following the date of expulsion.

Committee Review and Recommendation

The local school board may include conditions in a petition for reinstatement, including the successful completion of a restorative justice process or a similar effort, which the student can complete during the exclusion period or as a condition for returning to school. If the expelling school board denies a petition for reinstatement, the petitioner may petition another school board for reinstatement. The following timelines and procedures apply to reinstatement:

Within ten (10) school days after receiving a petition for reinstatement, the school board will appoint a committee comprised of two school board members, one school administrator, one teacher, and one parent of a student in the school district to review the petition and any supporting information submitted by the petitioner. During this time, the superintendent may prepare and submit information concerning the circumstances of the expulsion and any factors weighing in favor of or against reinstatement.

Not later than ten (10) school days after being appointed, the committee must review the petition and supporting information, together with information provided by the school district, and submit a recommendation to the school board. The committee may recommend unconditional reinstatement, conditional reinstatement, or against reinstatement. The recommendation must be accompanied by an explanation of the reasons for the recommendation. If the recommendation is for conditional reinstatement, it must include any recommended conditions.

The committee's recommendation must be based on all of the following factors:

- The extent to which reinstatement of the student would create a risk of harm to pupils or school personnel.
- The extent to which reinstatement would create a risk of school district or individual liability for the school board or school district personnel.
- The age and maturity of the individual.
- The student's school record before the incident that caused the expulsion.
- The student's attitude concerning the incident that caused the expulsion.
- The student's behavior since the expulsion and the prospects for remediation.
- If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by, and that can be expected from, that person if the student is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement [MCL 380.1311(5)(e)].

The committee may also choose to consider such factors as the successful completion of restorative justice measures, the presence of mental health considerations, family situations that might be impacting the child's behavior, observations from a school-based advocate for the student, and more.

School Board Decision

After receiving the committee's recommendation, the school board must make a decision no later than the next regularly scheduled board meeting. The school board must decide either to reinstate the student, to conditionally reinstate the student, or to deny reinstatement.

Before conditionally reinstating the student, a school board may require a student and the parent or legal guardian to agree in writing to specific conditions. The conditions may include, but are not limited to, the following:

- Successful completion of a restorative justice process and evidence of compliance with the resulting agreement developed by the participating affected parties.
- Agreement to a behavior contract, which may involve the student, parent or legal guardian, and an outside agency.
- Participation in, or completion of, an anger management program or other appropriate counseling.
- Periodic progress reviews.
- Specified immediate consequences for failure to abide by a condition.

The law specifies that the decision of the school board is final.

Alternative Education

It is the responsibility of the parent or legal guardian to locate a suitable alternative education program and to enroll their child in a program during the expulsion. When a student has been expelled, the building administrator may provide referral information to community agencies or local alternative educational opportunities for the parent/guardian.

Law Enforcement Concerns

Police Contact with Students

- If a student is a suspect in a crime committed either on or off-campus and it is necessary to involve the police, the Parent/Guardian shall be contacted immediately before any questioning occurs. However, administrators are not required to wait until the arrival of the Parent/Guardian before allowing the questioning of the student.
- If a student is arrested on school grounds, building administrators (or designees) shall make contact with the Parent/Guardian of the arrested student after the police have removed the student from the building. A student arrested by the police from a school building and later released by the police may return to the building for the remainder of the day at the discretion of building administrators (or designees).
- Prompt Parent/Guardian Notification if student is a victim, witness or complainant: A police officer may interview a student if the student is a victim, witness or complainant of a crime committed at school (on school premises, in a school vehicle or at school-sponsored activities). School Officials shall promptly notify the Parent/Guardian before, or at the time of, the interview by law enforcement. If unable to reach the Parent/Guardian before or during the law enforcement interview, notice should be given as soon as practicable, in most cases, not later than the end of the school day in which the interview occurs.

Police Arrest

When a complaint is filed with the police, the building administrator, Superintendent (or designee) shall swear out the complaint if student arrest is warranted.

Police Notification

The results of a school-related investigation including any and all written reports, statements and video recordings taken by a School Official may be shared with the local police if it is determined that a criminal violation has occurred or to aid in a criminal investigation. A YCS Public Safety Officer, Assistant Principal or Principal, following any incident of student misconduct, completes an Incident Report. The report is filed with the Washtenaw Sheriff Department and maintained by the District. Building administrators have the discretion to sign a complaint for offenses that do not warrant arrest. Michigan schools are mandated to report twenty-two (22) categories of student misconduct to appropriate law enforcement agencies.

Section IV: *Other Student Responsibilities*

BUS CONDUCT

Students who use transportation service provided by YCS (including school buses and AATA) are considered to be in school and in an extended classroom. Students are therefore subject to all rules, rights and responsibilities of the Student Code of Conduct, in addition to the specific rules for health and safety while on the bus. Misbehavior on a bus is distracting to driving and interferes with the safety of all students. Acts of misconduct as listed in Level II and Level III are considered as seriously disruptive and will result in maximum disciplinary action.

SCHOOL BUS CONDUCT POLICY

YCS recognizes the drivers of school buses (including AATA) to be in authority with regard to student behavior in or about the vehicle, which he/she operates. The responsibility of safely transporting students to and from school is very important. Bus drivers must safely navigate through traffic, drive in inclement weather conditions, and keep their eyes on the students at all times. This is a challenging job!

The behavior of the student on and around the bus directly affects their safety and the safety of others.

School rules and regulations apply at all times:

- When students are riding a school bus to and from school
- Riding to and from school-sponsored activities
- Waiting at bus stops

Students who use transportation services provided by YCS are considered to be in school and in an extended classroom. Students are therefore subject to all rules, rights and responsibilities of the Student Code of Conduct, in addition to the specific rules for health and safety while on the bus.

STUDENT BEHAVIOR RULES:

1. Follow all rules outlined in the District's Uniform Discipline Code.
2. Respect and respond to all directives from the bus driver.
3. Enter and exit the bus in an orderly fashion.
4. Remain seated while bus is in motion.
5. Keep hands, head, and feet inside the bus.
6. No horseplay, i.e. wrestling, pushing, loud/inappropriate volume, and so on.
7. No throwing of objects inside or outside the bus.
8. No inappropriate language.
9. No inappropriate touching or sexual activity.
10. No weapons, alcohol, or drugs (real or synthetic) including tobacco.
11. No physical or verbal altercations or assault.
12. No damage or defacing of the bus.

A student's right to school bus transportation is a privilege, dependent on good behavior. In cases where a student seriously or continuously misbehaves, Parent(s)/Guardian(s) will be notified by the School Principal, or designee, of the school. Transportation privileges will be revoked if in the opinion of the School Principal, or designee, such action is necessary for the general safety and well being of each student.

CONSEQUENCES FOR VIOLATIONS:

The bus driver is to refer all violations to the School Principal and the following disciplinary action is taken:

- 1st and 2nd Violation: School Principal (or designee), conferences with student and Parent/Guardian is notified.
- 3rd Violation: Student suspended from the bus for three to five (3-5) school days and Parent/Guardian is notified.
- 4th Violation: Student suspended from the bus for an extended period of time until an agreement can be reached between Parent/ Guardian, School Principal, Dean Transportation Supervisor and student.

Serious offenses receive disciplinary measures, up to and including expulsion from school.

PARENT/GUARDIAN RESPONSIBILITIES:

- Read and discuss with your child the responsibilities, safety concerns, behavior rules and violation consequences covered by the Code of Conduct.
- Inform your child of the location of bus stop pick-up and drop-off times.
- See that your child arrives at the bus stop in a timely fashion and conducts themselves appropriately at bus stops and on school buses.
- Support School Officials in their efforts to operate a safe and efficient transportation system.

Important: Parents/guardians are responsible for providing transportation for their student to attend school during suspension from the bus. This is not a suspension from class. If the student does not attend school during a bus suspension, the absence is unexcused.

Students Walking to School

Students who walk to and from school are expected to observe school rules and demonstrate appropriate behavior. Therefore, the consequences for Acts of Misconduct and Disciplinary Action outlined in the Student Code of Conduct will be consistently enforced.

STUDENT ATTENDANCE

Ypsilanti Community Schools values regular school attendance in enabling students to benefit from the school's education programs. Michigan law places responsibility on each student to attend school on a daily basis, and on each parent or guardian to send their child to school on a daily basis. More important, however, is the effect of regular and punctual attendance on the student's scholastic achievement. Not only is each day's lesson important to the individual student, the student's participation in class contributes to the education of others. Frequent absences and tardiness, for any reason, are certain to adversely affect the student's schoolwork. Each student is expected to be in school every day except when illness, injury, or some providential condition beyond the student's control prevents attendance.

Parent Responsibility

If students are unable to attend school for any part of the day, it is the responsibility of the parent/guardian to notify the school of this necessary absence. It is expected that every effort will be made to limit absenteeism.

YCS Attendance Procedures:

A. Verified Absences

Verified absences are absences that have been documented by the parents, guardian or student 18 years of age within three (no more than five) working days. Verified absences are counted as part of the total number of absences for the student and include:

- Verified illness or hospitalization
- Verified family illness or emergency
- Verified funeral services
- Verified religious instruction

Appointments should be made after school hours. In most cases this should be possible, particularly at the secondary level. If exceptions are necessary, the parent can contact the principal or attendance officer. *Please make note of the Tardiness section below also.

B. Leaving School

When a student needs to leave the building during school hours, he or she must check out at the main office at all schools. The student must stop and check in at the office when he or she returns to school the same day. In each case an adult who is the documented contact in Power School may sign a student out. The adult signing the student out must be physically present at the school in to remove a student from the building.

C. Counting Absences

Absences are not termed excused or unexcused. All absences, including illness, vacations, medical appointments and other obligations count toward total absences. The following absences are exceptions and **do not count** toward the total number of days absent:

- School related activities, e.g. field trips, special school events, etc.
- Suspensions (both in-school and out-of-school)
- Administrator or school counselor meetings
- Documented court appointments

All students are responsible for obtaining make-up assignments that are available from their classroom teachers. Student should contact the teacher and request schoolwork upon returning from absence.

D. Tardiness

Students arriving to class more than 10 minutes after the bell will be counted as absent at the High School or Middle School, unless excused by a staff member for reasons beyond the control of the student. The school district considers being on time a critical skill for future employment and continuity of the class lessons. Three incidents of tardiness will equal one absence.

E. Extended Illnesses

If a student is out on an extended illness, the parent needs to provide a doctor's note giving the diagnosis and stating that the student is unable to attend school for a specified period of time. The student may become eligible for homebound service under certain circumstances. Parents should contact the Student Support Services office at 734-221-1952 regarding homebound educational services.

F. Elementary School Attendance Procedures:

In addition to working with identified students and their families who need further support, as described in the Prevention Activities, the elementary schools will address attendance as follows:

After 3 days absent After the student has been absent for 3 days in one year that have not been verified by the parent, the teacher or designee will call the family, letting them know of the school's concern. This communication will be documented.

After 7 days absent After 7 days absent within one year, the principal will send a letter including information on the importance of good attendance. This communication will be documented.

After 10 days absent After 10 days absent in one year, the social worker and teacher will review the student's record and determine if there is a pattern of absences (e.g. every Friday or present, absent, present, absent, etc.) that does not seem to be related to an illness or other verified reason. Tardies will also be reviewed. The social worker, teacher and principal will meet with the family to discuss the student's attendance. This meeting will be documented.

After 13 days absent After 13 days absent in one year, the family will meet with the social worker and principal, and the Intake Supervisor from the Washtenaw County Family Court, Juvenile Division (Township if applicable) will also be invited. The school and family will create a written agreement on the student's future attendance

More than 15 days *If a student is absent more than 15 days in one year and there is not an extended illness and/or other extenuating circumstances, the Intake Supervisor from the Washtenaw County Family Court,

Juvenile Division will be contacted and truancy charges will be considered and/or Educational Neglect charges will be filed. *The Township may also levy a fine if applicable.

G. High School/Middle School Attendance Procedures:

- After 3 days absent A phone call/communication will be made home (teacher or attendance officer)
- After 7 days absent After 7 days absent in a class, the School Attendance Office or office will mail a letter and a phone call home and document the communication.
- After 10 days absent After the 10th absence in a class, the parent/guardian and student will meet with the Attendance Officer and the Review Board. The Review Board will consist of a counselor, a teacher, the student and the parent or guardian. The purpose of the meeting is to inform the student and the parent that the student is in danger of losing partial or total credit. In this meeting, the following will occur:
1. The student's absences and incidences of tardiness are reviewed.
 2. A contract will be signed by all members at the meeting.
 3. The contract will state the number of days absent and the number of days a student has left, if any, before losing credit.
 4. The contract will state the requirements the student will have to follow to earn credit.
 5. The student is responsible for collecting make-up work and returning the work in a timely manner.
 6. Due to the nature of each class, the teacher may give different assignments based on his/her classroom policy.
- If the student meets all of his or her obligations as written in the contract, he or she may continue class and may continue working toward credit.
- After 13 days absent If the student is absent 12 times in a class in one semester, the parent or guardian and student will meet with the High School Assistant Principal. If the student has not satisfied the contractual terms and has not shown that extenuating circumstances exist, credit may be denied partially or completely. The decision of the Assistant Principal and Review Board will be provided in writing within 5 school days and may include:
1. Credit denied,
 2. Credit reduced,
 3. Individual plan written based on medical

problem or emergency situation,

4. Washtenaw County Family Court, Juvenile Division, Intake Supervisor contacted about the truancy.

Appeal Process*

The student with his/her parent or guardian may appeal the decision of the Review Board and the High School Assistant Principal to the High School Principal.

1. The appeal must be presented within 5 school days of receiving the written decision to deny or reduce credit.
2. The appeal must be in writing and must state the reasons the student and parent disagree with the decision and the resolution they are requesting.
3. The student with his/her parent or guardian may appeal the decision of the High School Principal to the Central Office Designee following the same timelines and written appeal.

** In the case of a middle school student gross truancy may cause retention if student cannot adequately test out of core classes.*

SEARCHES

At all times Ypsilanti Community Schools reserves the right to conduct random searches of student desks, lockers and automobiles on District property or at District- sponsored events. These searches may be conducted without notice and without individualized suspicion. A student's failure to cooperate or permit searches and seizures by the District is subject to disciplinary action at the school or District's discretion.

Automobile Inspections:

Student vehicles on school property may be inspected or searched by building administrators or security personnel when there is reasonable suspicion to justify a search. Any student who refuses to permit the search of a vehicle on school property shall forfeit the right to park on school property, without further hearing or appeal. Students may also be disciplined or expelled for denying access when there is reasonable suspicion.

Suspicion of Alcohol Use:

The District may authorize the use of a portable Breathalyzer when there is reasonable suspicion or belief that a student is under the influence of alcohol. The District also reserves the right to utilize such a device at any school-sponsored event, either on or off-campus. Failure to submit to a request to be tested may result in disciplinary action. Police will be notified of students who appear to be under the influence of alcohol or drugs. A Parent/Guardian will be contacted immediately and must pick-up the student from school and/or school-sponsored event.

Canine and Other Searches:

The District may use trained canines and other detection equipment to search for contraband, illegal or unauthorized drugs, synthetic drugs, alcohol or weapons. Students should not expect privacy regarding items placed in school property because school property is subject to search at any time by School Officials.

Desk and Storage Area Searches:

A desk or other storage area provided by the District for student use, as well as the contents, may be searched by administrators or security personnel when there is reasonable suspicion for a search. Students may be disciplined or expelled for interfering with a search.

Locker Searches:

Student lockers are school property and remain at all times under the control of the District. Students are expected to assume full responsibility for the security of their lockers and their contents. A Principal (or designee) may search a student's locker and contents at any time with or without notice, without student consent and without a search warrant. In the course of a search, the student's privacy rights shall be respected regarding any item that is not illegal or against school policy. However, the school may search such items if there is reasonable individualized suspicion that the item contains other items, which violate Board policy or applicable law. If a student interferes with a search, the student may be disciplined or expelled.

A law enforcement agency having jurisdiction over the school may assist school personnel in conducting a search of a student's locker and contents at the request of a Principal (or designee), provided the search is conducted in accordance with District policy. Pursuant to Public Act 87, any evidence obtained as a result of a search of a student's locker or contents shall not be inadmissible in any court or administrative proceeding, including (but not limited to) any disciplinary hearing pursuant to the Uniform Discipline Code because the search violated PA 87, or District policy adopted pursuant to PA 87.

Metal Detectors:

The District reserves the right to use walk-through or hand-held metal detectors with students on a random, unannounced basis. Failure to submit to a sweep may result in disciplinary action.

Personal Search of Student:

A student's personal effects (purse, book bag, athletic bag, backpack and so on) may be searched whenever a School Official has reasonable suspicion that a student is in possession of illegal or unauthorized material or evidence in violation of the Uniform Discipline Code. If a search yields illegal or contraband materials the District shall notify police as appropriate.

Video or Other Cameras:

The District reserves the right to videotape student activities and behavior on buses and in common areas within school buildings, with or without specific advance.

RESOURCES:

Michigan Department of Education, Model Code of Conduct, 2014

International Institute for Restorative Practices, Restorative Practices Handbook

Ypsilanti Community Schools, Student Code of Conduct, 2013-2014

Committee Members:

Thank you to the committee members who contributed to the YCS Student Code of Conduct.

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