

DETROIT
PUBLIC
SCHOOLS

RIGHTS
AND
RESPONSIBILITIES
OF STUDENTS IN
THE DETROIT
PUBLIC SCHOOLS

K-12
2009-2010



September 2009

Dear Parents:

We are happy to present you with the Detroit Public Schools 2009-2010 Student Code of Conduct booklet. This booklet details the Rights, Rules and Responsibilities for all students who attend Detroit Public Schools.

As you know, the safety and security of students in our buildings is of utmost importance. To make our schools the Centers of Excellence that we all expect them to be, we must ensure that students follow the Code of Conduct and display positive behavior in and out of the classroom. Therefore, it is important that you review this booklet and discuss its contents with your children. Doing so also will help us achieve our goals to improve student achievement, create clean and safe school environments, enhance parental and community involvement and transform Detroit Public Schools into an effective and efficient organization.

The Code of Conduct also has been reviewed by Acting Superintendent Teresa Gueyser, Acting General Counsel Phyllis Hurks-Hill and Inspector General John Bell.

By following the guidelines set forth in this booklet, students will be well on their way to establishing a safe and supportive school environment that contributes toward their educational success. We also ask parents to work with teachers, principals and school staff on conflict resolution and creating a positive school culture.

After you review the Code of Conduct, please sign the "Parent and Student Statement of Receipt" and have your child return it to school.

We wish your children a successful and productive school year, and we thank you for saying "I'm In" to Detroit Public Schools.

Sincerely,

A handwritten signature in blue ink that reads "Robert C. Bobb". The signature is written in a cursive style.

Robert C. Bobb,
Emergency Financial Manager

Detroit Board of Education

OUR MISSION

To develop a customer and data-driven, student centered learning environment in which students are motivated to become productive citizens and life-long learners, equipped with skills to meet the needs of their next customer, higher education or the world of work.

OUR VISION

The Detroit Public Schools will be a competitive leader in academic achievement through the use of continuous improvement strategies so that the Detroit Public Schools are the first choice for residents and eligible non-residents.

OUR GOALS

- *Improve student achievement*
- *Create clean and safe school environments*
- *Enhance parental and community involvement*
- *Transform the District into an effective and efficient organization*

DETROIT BOARD OF EDUCATION
THE PARENT AND STUDENT STATEMENT OF RECEIPT AND REVIEW OF
RIGHTS AND RESPONSIBILITIES OF STUDENTS IN THE DETROIT PUBLIC SCHOOLS

TO THE PRINCIPAL:

We, the undersigned, join the Board of Education and General Superintendent in an effort to “successfully create a clean, safe and healthy environment to promote positive student behavior and achievement.” The elimination of guns and dangerous weapons from schools is the responsibility of everyone.

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

FOR THE STUDENT

- ✓ Read and follow the rules and regulations outlined in the Student Code of Conduct.
- ✓ Not bring a gun or other weapon to school or to a school event.
- ✓ Alert an adult if I see a gun or other weapon in school or at a school event.
- ✓ Not carry or hide another person’s gun or weapon.
- ✓ Tell my peers to seek adult assistance when conflict situations begin to get out of control.

STUDENT’S SIGNATURE _____ **DATE** _____
SCHOOL _____

FOR THE PARENT/GUARDIAN

- ✓ Read the rules and regulations outlined in the Student Code of Conduct.
- ✓ Teach my children about the dangers and consequences of guns and the use of weapons.
- ✓ Keep any guns and/or weapons I own under lock and away from my children.
- ✓ Support the district’s policies to eliminate guns and weapons and work with the school in developing violence prevention programs.
- ✓ Encourage my children to follow school guidelines for reporting guns and weapons to the appropriate adult.
- ✓ Teach my children how to settle arguments without resorting to violence.

PARENT/GUARDIAN’S SIGNATURE _____ **DATE** _____

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

- ✓ Communicate the district’s policies on guns and weapons to all participants in the school community and focus upon everyone’s responsibilities.
- ✓ Use the school’s student council meetings to obtain ideas to develop a safe and healthy school environment.
- ✓ Ensure that students have an anonymous way to report any guns or other weapons they see at school.
- ✓ Promote conflict resolution instruction for all students as part of the curriculum.

(Retain this copy for your records)

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**DETROIT BOARD OF EDUCATION
RIGHTS AND RESPONSIBILITIES OF STUDENTS
IN THE DETROIT PUBLIC SCHOOLS**

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**DETROIT PUBLIC SCHOOLS
STUDENT CODE OF CONDUCT
Grades K-12**

I. INTRODUCTION

Students in the Detroit Public School's system are guaranteed the right to a public education. If this right is to be guaranteed, regular attendance in class is of vital importance for a student to succeed in school. The United States Supreme Court has held that a student may not be deprived of this right to a public education without adherence to procedural due process. **It is the responsibility of the Detroit Board of Education and its staff to ensure that no student is arbitrarily denied the right to an education. It is the responsibility of each student to attend school and to behave in a manner that does not threaten, interfere with or deprive other students of their right to an education.**

The purpose of the code of conduct is:

- To provide for students' rights and responsibilities
- To provide regulations governing the behavior of students and
- To prevent actions or activities which interfere with the school programs and/or are prohibited by law

The General Superintendent's regulations reflected in this Code shall be mandatory and uniformly enforced in **EVERY** Detroit Public School.

A. ATTENDANCE REGULATIONS

Regular attendance in class is of vital importance if a student is to succeed in school. **All students are expected to be in school every day and on time for each class. Any student age fifteen (15) and younger with absences of 20 days or more may be subjected to court action regarding school compulsory laws.**

It is believed that the major responsibility for regular attendance lies with the individual student and his/her parent/guardian. Staff persons have the responsibility to assist parent/guardians and students in achieving the goal of good attendance. Teachers should counsel with any student immediately if it appears that a poor attendance pattern is being formed. This should be an ongoing, continuous process.

The District does not recognize any absence or tardiness as acceptable without a valid excuse. Staff is required to take appropriate action whenever an unexcused absence or tardiness occurs. The action taken will be designed to correct attendance problems and will be determined by the seriousness of the problem, rather than waiting for a minimum or maximum number of absences or tardiness.

B. ATTENDANCE POLICY

1. ATTENDANCE STANDARDS

All students are expected to be in school every day and on time for each class. An unexcused absence is an absence from class for longer than fifteen (15) minutes not approved by the principal (or designee) or justified by a written statement by a parent/guardian's health care provider or a government agency. All students are expected to be in a designated area within the school building or in their scheduled classroom before the tardy bell rings. All students have the right to be provided with equitable instructional time. Schools have the right to prevent students with excessive tardiness from interrupting the educational process of other students.

2. ADMITTANCE TO THE BUILDING

All students must enter the building through designated doors. High school students must enter with a valid photo ID card that must be in their possession and clearly displayed on their person during the entire school day. Students are not to enter the school more than fifteen (15) minutes before their program begins and are to leave within ten (10) minutes after the end of their program unless they show legitimate cause (athletic activities, school clubs, dramatics, etc.) for arriving earlier or remaining longer.

Students are not to leave the school building during the school day. They must follow their complete schedule. School staff must approve exceptions to this rule. Students will also need proper authorization to re-enter the school building.

3. ABSENCE/TARDY EXCUSES

Students will be required to establish a valid reason for absence and/or tardiness from school or class. Methods for establishing valid reasons include:

- ✓ A note or phone call from a parent/guardian
- ✓ A pass from a staff member
- ✓ A written statement from a doctor
- ✓ A copy of documents for court or other mandatory appearances

4. MAKE-UP WORK FOR EXCUSED ABSENCE AND TARDINESS

A student must contact the teacher regarding make-up work within three (3) days of his/her return to class. Only students who have established a valid reason for absence or tardiness will be eligible for make-up work.

5. SUPPORTIVE SERVICES

Truancy from school and/or class results in supportive services being provided by the school. These supportive services must include one or more of the following:

- ✓ Conference with the teacher
- ✓ Referral to the attendance office
- ✓ Conference with parent/guardian
- ✓ Referral to the counselor
- ✓ Referral to school social work or psychological services

- ✓ Referral to an outside agency
- ✓ Others not listed

C. RESPONSIBILITIES

1. STUDENTS

- ✓ Attend all classes on time each day
- ✓ Follow local school attendance procedures
- ✓ Present proper excuse in writing for all absences
- ✓ Be responsible for requesting make-up assignments for excused absences within three (3) days of return to school
- ✓ Confer with parents and school staff regarding personal concerns due to absences

2. PARENTS/GUARDIANS

- ✓ Be responsible for the student's regular attendance
- ✓ Notify the school when the student is absent
- ✓ Contact the school on a regular basis about the student's attendance and academic progress
- ✓ Cooperate with and support the school in enforcing the attendance rules and regulations

3. ATTENDANCE AGENTS

- ✓ Provide support to improve student achievement by increasing daily student attendance
- ✓ Work in collaboration with schools to promote exemplary attendance
- ✓ Work in conjunction with other student support programs to provide students with intervention assistance
- ✓ Investigate the referral of chronic attendance problems, and when necessary, refer to the 36th District Court for prosecution.

4. OTHER STAFF MEMBERS

- ✓ Maintain accurate attendance records in an official attendance roll book
- ✓ Cooperate with attendance personnel, counselors, unit heads, students and parent/guardians in developing and implementing programs designed to stimulate good attendance
- ✓ Inform students about attendance policy
- ✓ Notify parents/guardians when students exhibit an attendance problem and maintain a record of such notices
- ✓ Refer chronic attendance problems to the attendance office

II. SCHOOL JURISDICTION

The Student Code of Conduct provides that offenses are prohibited by this policy whenever they occur on school grounds, on school buses, during school-sponsored field trips, when connected with school related events and activities and when students are en route to or from school. Each off-premise incident must be treated individually. Specific consideration will be given, for example, when the incident involves the student's proximity to the school, the length of time elapsed since the student was on school premises, whether there is a connection to an on-premise altercation or confrontation, whether the student stopped at a restaurant or store on the way home, and whether the student has returned to the custody of his/her parents.

Students are advised that all staff employed by the School District of the City of Detroit are required to function in accordance with this code.* Thus, whenever an employee discovers a student engaging in unacceptable conduct, the employee is required to take prompt action. Prompt action may include directly addressing the student, seeking the assistance of other staff persons and/or reporting the incident to an administrator.

It is the responsibility of all students, staff and their parents to become familiar with the Student Code of Conduct. The responsibility lies with the Detroit Public School system to inform parents of the contents of the Student Code of Conduct. ***(WHENEVER THE PARENT IS MENTIONED IN THE CODE, IT ALSO MEANS GUARDIAN.)***

When students engage in unacceptable conduct, they will be subject to disciplinary action. In all instances, disciplinary measures shall be administered to correct the behavior of the student.

* This code is written in accordance with the Michigan Revised School Code and Federal Regulations. This code will be reviewed and updated whenever regulations affecting the behavior of students are revised.

III. DELEGATION STATEMENT

BOARD OF EDUCATION AND THE GENERAL SUPERINTENDENT/ DESIGNEE

The Board of Education and the General Superintendent/Designee have the authority to develop administrative rules, regulations and procedures necessary for the implementation of this code or for the administration of student rights, responsibilities, discipline and attendance within the District. The regulations related to student rights, due process procedures, or appeal procedures are provided within this document. **The Student Code of Conduct Guidelines for Schools shall be available for review by staff, students and parents in each school office.**

PRINCIPALS

The school principal, career and technical center director, or other administrator assigned responsibility for an educational facility may develop supplementary administrative rules, regulations, and procedures necessary to implement this Code and the Board and General Superintendent's regulations. However, such additional regulations may neither substitute for nor negate this code or regulation of the Board or General Superintendent.

IV. STUDENT RESPONSIBILITIES

A. PARTICIPATION

Students have the responsibility of participating fully in the learning process. Students must report to school and to all scheduled classes on time with appropriate supplies and come prepared to work. Students are expected to pay attention to instruction, complete assignments to the best of their ability and request help when needed.

B. BEHAVIOR

Students have the responsibility to reasonably avoid any behavior that is detrimental to achieving their own or other students' educational goals. Students must cooperate in taking reasonable care of books, other instructional materials, technology, and encourage a climate where learning is cherished. Most particularly, students must refrain from engaging in behavior that violates the provisions of the Student Code of Conduct. Illegal activity conducted on school property may result in criminal prosecution.

C. RESPECT FOR STAFF

Students have the responsibility of showing respect for the knowledge and the authority of school staff. Students must obey reasonable directions, use only acceptable and courteous language, avoid actions that show contempt and appeal decisions through the channels as described in this code. Assaults on school staff will not be tolerated.

D. RESPECT FOR STUDENTS

Students have the responsibility of showing respect for the rights and human dignity of fellow students. For example, students must refrain from name-calling, fighting, harassment, belittling or engaging in deliberate attempts to embarrass or harm another student.

V. STUDENT RIGHTS

Students are protected under Michigan Law (MCL380.1312) from the use of unlawful corporal punishment by staff.

A. THE FAIR ADMINISTRATION OF DISCIPLINE

The Detroit Public Schools Board of Education does not discriminate against, deny benefits to or exclude participation of any person in its programs, activities or employment on the basis of race, gender, color, national origin, creed, religion, disability or any other basis prohibited by law.

B. GUIDELINES FOR MAKE-UP WORK

Students removed from school as a result of the following disciplinary actions:

- Short-Term Suspension
- Administrative Transfer
- Long-Term Suspension (Grades 9-12)
- Expulsion Review

are entitled to make up work as outlined below:

Make-up work information will be provided to parents by the principal. However, parents must request the work through the person identified in the letter sent to parents with notification of the hearing. **Make-up work will be provided within two school days of the student's removal from school.** Parents are responsible for picking up the assignments and returning the completed work for grading. Assignments must be completed and returned before new assignments are issued. Parents must receive graded assignments as an indication that the assignment is completed.

A student will be given the opportunity to make up missed academic course work assignments during a **Short-Term Suspension**. A student who remains out of school past the 1-5 days of Short-Term Suspension **WILL NOT** be allowed to make up work beyond the actual suspension dates. All make-up work must be completed within three (3) days of the student's readmission to school. A student charged with an offense that may result in a Long-Term Suspension is entitled to make-up work until the Student Code of Conduct Office approves the Long-Term Suspension. The student must return, after a Long-Term Suspension, to the school which the student attended when the suspension began (Grades 9-12).

A student recommended by the principal for an Administrative Transfer is entitled to make up work until the student's placement is completed. A student charged with an expulsion offense is entitled to make up work until a final decision is made by the Expulsion Hearing Officer. Students are entitled to take required examinations at a specified and approved location by the principal when an incident that requires disciplinary action occurs. Students are not entitled to make up academic course work missed during absences due to truancy.

C. THE RIGHTS TO FREEDOM OF EXPRESSION

1. EXPRESSION OF BELIEFS AND OPINIONS

Students have the right to express their beliefs and opinions on issues orally, symbolically and through publication, so long as such expression is made in a reasonable manner. However, freedom of expression does not include engaging in libelous, obscene or personal attacks on individuals and groups, defamation of character, commercial solicitations, or the distribution of materials of a racial, ethnic, sexual or religious nature that are likely to result in disruption nor materials that otherwise endanger the health and safety of people or threaten to disrupt the educational process. Furthermore, written expressions must bear the name of the circulator.

Students have the right to disagree. The exercise of the right to disagree must not infringe in any way upon the rights of others. The right to disagree does not include participation in student sit-ins, assemblies not authorized by the principal or the obstruction of halls and stairways, building entrants and exit pathways.

2. STUDENT DRESS

The Detroit Board of Education Dress Code was adopted to provide students with an educational environment that is conducive to the learning process. The policy was created to prevent distractions and health or safety hazards that disrupt classroom settings or decorum. The District retains the right to monitor student attire and take corrective action when such distractions, in the sole judgment of the District, present a health or safety hazard, or disrupt the classroom settings or decorum. The District should refrain from imposing suspensions for dress code.

Whether or not a student is dressed appropriately or properly groomed shall be left to the discretion of the principal or his/her designee. A student whose clothing or apparel violates the dress code may be removed from class for the day or until the dress code violation is corrected.

APPROPRIATE DRESS FOR STUDENTS K-12:

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

Shirts shall be worn inside slacks with belts – at all times and by all students – unless the shirt is designed to be worn outside of the slacks or the pants are designed to be worn without a belt.

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

Slacks and Pants:

- ✓ Color: All slacks and pants must be a solid color: Khaki, navy blue, or black.
- ✓ Style: Slacks and pants can be pleated or flat front, full length and appropriately fastened at the waist.
- ✓ Material: Cotton, canvas, corduroy, linen, polyester, wool or fabric blends.

Tops:

- ✓ Shirts and blouses must have button down or straight collars. Turtlenecks and polo styles are permitted. All tops must be worn tucked inside pants, slacks, or skirts.
- ✓ Color: All students shall wear white, blue, black, yellow or pink.
- ✓ Style: Long and short sleeves with a collar required. Turtlenecks and polo styles permitted.
- ✓ Logos: Manufacturer trademarks, if any, must be one inch or less. DPS school logos are permitted and are not limited in size.

Skirts and Jumpers/Skorts:

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

Jackets, Cardigans, and Sweaters:

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

Footwear:

- ✓ Style: Athletic shoes, laced shoes and/or other shoe boots, loafers, dress shoes, or other closed toed/closed heel shoes.
- ✓ Mules are inappropriate.

INAPPROPRIATE DRESS FOR STUDENTS K-12:

- ✓ Dresses, skirts, and skorts shorter than the student's fingertips when standing in a normal position with the arms down.
- ✓ Clothing that is either revealing or provocative, showing abdomen region or cleavage, T-shirts or halter-tops, biker pants, or pants allowed to sag below the waistline or are excessively tight.
- ✓ Bedtime attire such as pajamas, or undershirts or undergarments as outerwear.
- ✓ Students' clothing or tattoos may not have printed statements or pictures on either that are related to the use of drugs, alcohol, tobacco products, or sex, or that promote hate and/or violence or signify gang affiliations.
- ✓ Attire that may be considered weapons, including but not limited to chain belts or wallet chains.
- ✓ Jewelry or similar artifacts that are obscene or may cause disruptions to the educational environment.
- ✓ Hats, caps, bandanas, or do-rags, except headwear worn for legitimate religious purposes.
- ✓ Flip-flops, house slippers, steel-toe-shoes or boots, or any other type of footwear that could constitute a safety hazard.
- ✓ Facial jewelry and visible body piercing, including piercing of the tongue, during school hours.
- ✓ Hair rollers, hair curlers, plastic hair bags, hairnets, sweat bands and skullcaps.

ADDITIONAL REQUIREMENTS FOR GRADES 9-12:

Identification Badges

Secondary students are required to wear student ID badges on campus and at other events. (See Student Code of Conduct Violation A02) The ID badge must be clearly displayed on the front of the student.

Request for Exemption From Dress Code:

A parent or guardian of a student may request the student be exempted from the mandatory dress code requirement on the basis of a religious objection.

D. FREEDOM FROM UNREASONABLE SEARCHES AND SEIZURES

Students have rights, which have been established and guaranteed by the Fourth Amendment to the United States Constitution protecting their right of privacy of their person and freedom from the unreasonable search and seizure of property. A signed receipt shall be provided to students of all items seized.

The school district may conduct reasonable searches and seizures such as the following:

1. SEARCH OF LOCKERS, DESKS AND OTHER ASSIGNED SPACES

Property assigned to a student by the school district remains the property of the district and under joint control of the school district. In accordance with applicable law, lockers, desks and other spaces assigned to or used by a student are subject to search.

Searches of such spaces shall be conducted with at least two (2) school staff members present. The school district retains the right to search regardless of whether the student has given consent or is present for the search.

2. PERSONAL SEARCHES OF STUDENTS AND THEIR PROPERTY

The principal/designee may conduct personal searches of students and searches of student property brought onto school grounds whenever there is a reasonable suspicion to believe that the student is in possession of an article which is illegal or prohibited under this code or school rules.

The principal/designee is authorized to seize any items found during a search, which are illegal or which violate the code or regulations. **Items seized, which are not illegal but violate this code or school rules, should be returned to the student's parents within ten (10) school days. Searches can include asking students to present illegal or prohibited articles, requesting a student to empty his/her pockets, and search of clothing or personal property.**

Pat-down searches can be conducted but must be limited to searches for illegal items. Whenever possible, pat-down searches should be conducted out of the presence of other students. Pat-down searches must be conducted by a person of the same gender as the student and in the presence of a second staff member.

Where there is reasonable suspicion that a student is in possession of dangerous items that can do bodily harm and the student refuses to permit a search, the student should be detained by administrative staff, reported to the police and suspended on an emergency basis.

No strip searches shall be conducted by school personnel. If school personnel have a reasonable suspicion that a student is in possession of an illegal, dangerous item that can do bodily harm, which cannot be obtained without use of a strip search, administrative staff should detain the student, reported to the police, and suspended on an emergency basis.

3. METAL DETECTOR SEARCHES

In accordance with applicable law, the administration is authorized to use stationary or mobile metal detectors at any time during the day.

4. STUDENT RIGHTS WHEN QUESTIONED BY THE POLICE

Principals are authorized to permit police officers and identified representatives from the court to interview pupils on official business. Students may be searched or arrested when such action is authorized by a warrant or otherwise permitted by law. When considered appropriate, such interviews shall be conducted in the presence of the principal or a designee. The principal or his/her designee **shall** inform parents of this questioning and, whenever possible, they may be present.

VI. BEHAVIORAL EXPECTATIONS AND UNACCEPTABLE CONDUCT

Detroit Public Schools students have the right to learn, and no student has the right to disrupt the learning activities.

Students may not endanger or threaten to endanger the safety of others, damage property or impede the orderly conduct of the school program while at school, at a school related activity, on a school bus or en route to or from school. In all regards, the best interest of the child should be a priority when disciplinary action is considered. Appropriate corrective discipline should be administered in accordance with the severity of the offense.

Gang-like activity is typically identified by law enforcement as an ongoing organization, association or group of three or more individuals who:

- ✓ Use a common identifying name, sign or symbol
- ✓ Have a high rate of interaction among themselves to the exclusion of others
- ✓ Are frequently involved in anti-social, delinquent or criminal activity

Gang activity will not be tolerated in school, on school grounds or during school related functions.

Unacceptable conduct is divided into (3) levels of offenses which may result in disciplinary action under this code. The following list of unacceptable behavior is meant to be instructive and not all-inclusive. A student who commits an act of misconduct that is not listed is also subject to disciplinary action. **All illegal activities will be reported to proper authorities as required by law.**

A. LEVEL 1 OFFENSES

A01 INSUBORDINATION

A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, write an assignment, work with another student, work in a group, take a test or do any other class or school related activity not listed herein, refusing to leave a hallway or any other, or running away from school staff when told to stop constitutes insubordination.

A02 REFUSAL TO IDENTIFY SELF

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

A03 STUDENT DEMONSTRATIONS

Any form of protest or demonstration that disrupts the normal educational process or that is conducted in a manner that violates legal restraints.

A04 TRUANCY

A student will not fail to report to the school's assigned class or activity without prior permission, knowledge or excuse by the school or parent/guardian.

A05 USE OF ELECTRONIC PAGERS, CELLULAR PHONES OR OTHER ELECTRONIC DEVICES THAT CAUSE DISRUPTION WHILE ON SCHOOL PROPERTY NO CELL PHONE USAGE ALLOWED IN SCHOOL

It is the policy of the Detroit Public Schools that students may not use pagers, cell phones, or personal communication devices on school property. The use of these items is strictly prohibited on school property, including parking lots, gymnasiums, halls, cafeterias, classrooms, and buses until after dismissal for the day. Confiscated pagers, cell phones, personal communication devices or other electronic devices will be returned to the parent/guardian. It is the responsibility of the parent/guardian to make arrangements with the principal/designee to immediately retrieve the item within ten (10) school days. Cell phones may not be carried on the student's person during normal school hours. Violations will result in the cell phones confiscation. Cell phones may be stored in a locker or backpack in a turned off position.

A06 UNAUTHORIZED USE OF SCHOOL MATERIALS/EQUIPMENT

Using at school, without obtaining prior approval of an administrator or teachers, any equipment or materials.

A07 CHEATING/ACADEMIC MISCONDUCT

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

A08 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.

A09 INAPPROPRIATE DISPLAYS OF AFFECTION

Students will not engage in inappropriate displays of affection, such as kissing or long embraces of a personal nature.

A10 LEAVING SCHOOL WITHOUT PERMISSION

A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

A11 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.

DISCIPLINARY ACTION FOR A (LEVEL 1) OFFENSE MAY RESULT IN ONE OF THE FOLLOWING:

1. Short-Term Suspension
2. Long-Term Suspension (Grades 9-12)
3. Administrative Transfer

A total of five (5) Level 1 offenses in the same school, in the same school year, **may** result in a Long-Term Suspension (Grades 9-12) or Administrative Transfer.

A total of three (3) Level 1 offenses and one (1) Level 2 offense in the same school, in the same school year, **may** result in a Long-Term Suspension (Grades 9-12) or Administrative Transfer.

When counting days, the date of the incident is zero (0).

Parents may appeal the decision.

B. LEVEL 2 OFFENSES

B01 THREATS OF VIOLENCE/COERCION

Words or actions that may threaten to do injury to another person or that intimidates another person through fear for his/her safety. No actual physical contact is necessary.

B02 POSSESSION OF OTHER DANGEROUS OBJECTS

Dangerous objects include but are not limited to explosives, firecrackers, clubs, mace, pepper spray and other irritant sprays.

Possession is defined to include:

- ✓ Carrying the item; or
- ✓ Storing the item in a space used by or assigned to a student such as a locker or a desk; or

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

B03 USE OR POSSESSION OF ILLEGAL OR CONTROLLED SUBSTANCES OR MATERIALS

Illegal or controlled substances include tobacco, alcohol, narcotics, drugs prohibited by law, over the counter medicines and prescription medications not prescribed for use by the student in possession of them. (Students found guilty of the second offense of B03 within the same school and in the same school year, will be charged a C16 (which is an expellable offense.) In the event intervention is provided to a student, the Detroit Public Schools will not be prevented from suspending or expelling the student.

B04 BURGLARY, THEFT, ROBBERY, LARCENY, OR BREAKING AND ENTERING

Taking money or property valued at less than \$100.00 and breaking and entering any school building, facility, vehicle, property, office, room, storage space or other enclosure without permission.

B05 LOITERING OR TRESPASSING

Being in school or on the grounds of any school without the permission of the administration.

B06 EXTORTION, COERCION OR BLACKMAIL

Obtaining money or property (something of value) from an unwilling person or forcing an individual to act by either physical force or intimidation (threat).

B07 DEFAACEMENT OF PROPERTY

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

B08 INTERFERENCE WITH OR INTIMIDATION OF SCHOOL PERSONNEL

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

B09 INTERFERENCE WITH THE MOVEMENT OF PUPILS IN AND OUT OF SCHOOLS, BETWEEN SCHOOLS, OR BETWEEN HOME AND AN ASSIGNED SCHOOL

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

B10 HARASSMENT

Non-Sexual Harassment: Conduct which is directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose. Sexual Harassment: Unwelcome sexual advances, requests for favors and other verbal or physical conduct of a sexual nature when:

- ✓ The harassment substantially interferes with the student's education;
- ✓ It creates an intimidating, hostile or offensive educational environment; or
- ✓ It otherwise adversely affects a student's educational opportunities.

B11 GAMBLING

Participating in games of chance or skill for money or profit.

B12 ADMITTANCE OF UNAUTHORIZED INDIVIDUALS INTO SCHOOL BUILDINGS

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

B13 VERBAL ABUSE

Name-calling, racial or ethnic slurs or derogatory statements directed at, and offensive to, another person.

B14 BULLYING/HARASSMENT/INTIMIDATION

To place another student in reasonable fear of harm through the use of threatening words, **instigation** and/or other conduct, **including cyber bullying**, but without displaying a weapon or subjecting the victim to actual physical attack.

B15 FORGERY/GIVING FALSE INFORMATION

Intentionally misrepresenting information to school district personnel such as giving false information or signing another person's name to a document.

B16 ABUSE OF TECHNOLOGY

The act of tampering with or unauthorized use of computer hardware or software, including loading unauthorized software, making unauthorized copies of software, tampering with the hard drive, infection of computers with viruses, unauthorized internet access and computer network "hacking." The use of the internet to commit any offense is a violation under the Student Code of Conduct.

B17 FIGHTING (NO INJURY)

The use of physical force on another student that does not cause serious injury.

B18 HAZING

Any activity which endangers the physical safety of a student or causes physical or mental distress, embarrassment, humiliation or ridicule, regardless of whether the hazing is done with or without the consent of the person(s) being hazed.

B19 OTHER PROHIBITED CONDUCT

Any school related conduct that constitutes an offense under city, state or federal laws.

DISCIPLINARY ACTION FOR A (LEVEL 2) OFFENSE MAY RESULT IN ONE OF THE FOLLOWING:

1. Short-Term Suspension
2. Long-Term Suspension (Grades 9-12)
3. Administrative Transfer

- ✓ A total of two Level (2) offenses in the same school, in the same school year, **may** result in a Long-Term Suspension (Grades 9-12) or Administrative Transfer.

- ✓ A total of three (3) Level 1 offenses and one (1) Level 2 offense in the same school, in the same school year, **may** result in a Long-Term Suspension (Grades 9-12) or Administrative Transfer.
- ✓ When counting days, the date of the incident is zero (0).
- ✓ Parents may appeal the decision.

C. LEVEL 3 OFFENSES

C01 POSSESSION OF A FIREARM

Possession of a firearm includes but is not limited to handguns, rifles, shotguns, zip guns, starter pistols, pellet guns, BB guns, parts of a gun or toy gun or toy guns which have the appearance of a real gun.

C02 POSSESSION OF A KNIFE

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

C03 POSSESSION OF OTHER DANGEROUS WEAPONS

Possession of weapons, other than guns or knives, which have the capacity to cause serious injury or death.

C04 USE OF A WEAPON OR AN OBJECT AS A WEAPON

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

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

C05 PHYSICAL ASSAULT OF AN EMPLOYEE, VOLUNTEER OR CONTRACTOR

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

C06 DESTRUCTION OF PROPERTY

Acts that result in a substantial threat of or actual destruction of property which necessitates significantly altering a school's operation and activities. Specifically included are acts which result in;

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

C07 THEFT OR RECEIPT OF STOLEN PROPERTY

Taking without permission of the owner or custodian, or having in his or her possession property valued at \$100.00 or more which does not belong to the student.

C08 ARSON

The willful and malicious burning or attempt to burn any part of property that belongs to or under contract to the school district, or property of persons employed by the district or on school property; also, the use of fire bombs, or incendiary devices.

C09 SALE/DISTRIBUTION OF CONTROLLED SUBSTANCES OR ILLEGAL MATERIALS

The attempt of actual sale or distribution of any illegal or controlled substance or a substance represented to another person as illegal or controlled. Students will be charged under this violation if they are in possession of a substantial quantity of an illegal or controlled substance that is packaged for sale.

C10 PHYSICAL ASSAULT OF ANOTHER STUDENT

Intentionally causing or attempting to cause physical harm to a student through force or violence. Participating in gang-like activity or group violence is also punishable under this provision.

C11 CRIMINAL SEXUAL CONDUCT

Criminal sexual conduct means sexual penetration or touching a person's intimate parts. It can be criminal in nature whether with or without consent. It is criminal without consent when there is any sexual penetration or touching of a person's intimate parts. It is criminal, whether or not there is consent, when there is (1) any sexual perpetrator involving a person under age 16; (2) any sexual touching involving a person under age 13; or (3) any sexual touching of a person 13, 14 or 15 years old if the perpetrator is 5 or more years older than the victim. School staff must report to principal or designee if:

- ✓ A student grabs another student on the breast or buttocks; or
- ✓ A student under age 16 performs or receives oral sex.

C12 CONSENSUAL SEXUAL MISCONDUCT

Displays of affection which includes, but is not limited to: sexual intercourse, oral sex or intentional touching of the other person's genitals, groin, inner thigh, buttock or breast or the clothing covering those areas.

C13 FORGERY/FRAUD

A student will not sign the name of another person for the purpose of defrauding school personnel of the Board of Education. A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value.

C14 TERRORISTIC ACTIVITY

Communicating terroristic threats or committing terroristic acts directed at any student, employee, volunteer, contractor, physical plant or property.

C15 FALSE ALARM

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

C16 OTHER ILLEGAL CONDUCT

Other acts, not specifically listed, which fall within the general definition of illegal acts.

DISCIPLINARY ACTION FOR A (LEVEL 3) OFFENSE CAN RESULT IN ONE OF THE FOLLOWING:

1. Permanent expulsion from all public schools in this state;
2. Expulsion for up to 180 school days from all public schools in this state; or
3. Administrative transfer.
4. Student may be subject to criminal prosecution at the request of the Department of Public Safety.

Students who have committed a Level 3 offense must be suspended and recommended by the school to the assigned Constellation Student Code of Conduct Office for Expulsion Review.

Michigan Law (MCL 380.1311) requires the permanent expulsion of a student, subject to possible future reinstatement, for certain acts. These include possession of a dangerous weapon, commission of arson or criminal sexual conduct in a school building or on school grounds, and for students grade 6 and above, commission of physical assault at school against an employee, volunteer or contractor.

VII. SUSPENSION AND CAREER AND TECHNICAL CENTER ATTENDANCE

The Career and Technical Center Director is responsible for students' behavior while they are in attendance at the center. Short-Term Suspension, Long-Term Suspension, Administrative Transfer or Expulsion from the home school extends to the Career and Technical Center and the reverse.

VIII. DISCIPLINARY ACTIONS

A. TEACHER DISCIPLINARY ACTIONS

Teachers have the authority to utilize various behavior management techniques such as but not limited to the Resource Coordinating Team (RCT) to encourage positive student behavior within the classroom. The assistance of the parent or legal guardian, other educational support services and/or other community agencies may be utilized as well as the school's Resource Coordinating Team (RCT).

A teacher may exclude a student from the class who, in the teacher's opinion, is causing serious disruption. The teacher shall provide a statement in writing as soon as possible, not to exceed twenty-four hours. The teacher shall be available to confer with the principal, assistant principal, administrator or counselor.

The teacher will re-admit the student after some adjustment has been made following a conference with the student and at least two of the following parties as determined by key personnel: principal, administrator, counselor, school social worker, school psychologist, attendance officer or parents of the student. The parents must be notified immediately of the code violation and disciplinary action.

Whether the teacher is present shall be determined by mutual agreement between the principal and the teacher. The teacher shall be informed as to the results of the conference and/or the adjustment before the student returns to class. If someone other than the teacher files an action on a student, that staff member shall follow the procedures outlined above.

B. ADMINISTRATIVE DISCIPLINARY ACTIONS

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

- ✓ Depend upon the substantiation of the charges
- ✓ Involve a reasonable and logical relationship between the seriousness of the act and the severity of the discipline
- ✓ Be constructive in intent
- ✓ Take into account such factors as age, stature, and intent of the student and his/her past records
- ✓ Take into account the use of positive support strategies and the use of the school's Resource Coordinating Team (RCT).

In those instances in which the seriousness of the offense does not dictate an immediate disciplinary response, the administrator or the designee will attempt to take actions designed to encourage a change in the student's behavior. For example, the administrator might warn the student that the behavior was unacceptable. The assistance of the home, other educational supportive services and/or other professional community agencies may be utilized as well as the school's Resource Coordinating Team (RCT).

Each building principal is authorized to adopt disciplinary actions for use by building administrators in situations that do not warrant Short-Term Suspension, Long-Term Suspension, Administrative Transfer or Expulsion. Building disciplinary rules and procedures must be written and distributed to staff, parents and students on an annual basis.

In those instances where the seriousness of the offense requires the removal of the student from a class or building, the following forms of disciplinary action are authorized:

1. SHORT-TERM SUSPENSION

The temporary removal of a student from the building and all school sponsored activities. A student in grades K-5 may be suspended for one to three school days. A student in grades 6-12 may be suspended for one to five school days. Short-Term Suspensions should only be applied after the considerations of all other alternatives available to correct the student's behavior have been exhausted.

Before a suspended student may be returned to school, he/she will be required to attend a readmission hearing with the parents/guardian to discuss the behavioral problem(s). In the event that the administrator is unable to arrange the hearing by the date set for readmission, the principal may, at the request of the parent, authorize an alternative method of achieving the hearing or may waive the requirement of the hearing.

2. LONG-TERM SUSPENSION (Grades 9-12)

The temporary removal of students in Grades 9-12 from the Detroit Public Schools system for more than five (5) school days and up to twenty (20) school days. Upon return to the school system from a Long-Term Suspension, a student will be assigned to the same school and a referral may be made to the Resource Coordinating Team (RCT).

Long-Term Suspensions are allowed only at the high school level and only at the end of a semester. A Long-Term Suspension is not and cannot become an Administrative Transfer.

3. **ADMINISTRATIVE TRANSFER**

The reassignment of a student to another building within the Detroit Public Schools or the temporary assignment of a student to an alternative educational program operated by the school district or another agency.

An Administrative Transfer is a rare, limited option based on an individual review of each case. Schools are required to utilize a variety of interventions, including but not limited to the use of the school's Resource Coordinating Team (RCT) to assist students in improving their behavior.

While a student is awaiting a decision regarding an Administrative Transfer, the student is to remain in the present school unless the student presents a danger to others. All Administrative Transfers must have the approval of the Director/Designee of the Student Code of Conduct Office.

When a student is approved for an Administrative Transfer, the assigned Constellation Student Code of Conduct Supervisor will arrange for placement of the transferred student in an appropriate course of study in another school or an alternative program in the district. **THE RECEIVING SCHOOL MAY NOT REFUSE ACCEPTANCE OF AN ADMINISTRATIVE TRANSFER.**

4. **REQUIREMENTS FOR THE USE OF DISCIPLINARY ACTIONS**

A student who has committed two (2) Level 2 offenses in the same school in the same school year may be recommended to the Constellation Code of Conduct Office for a Long-Term Suspension (Grades 9-12) or an Administrative Transfer (Grades K-12).

A combination of Level 1 and Level 2 offenses may result in a recommendation for a Long-Term Suspension or an Administrative Transfer. Specifically, students who accumulate a total of three (3) Level 1 offenses and one (1) Level 2 offense in the same school, in the same school year, may be recommended for a Long-Term Suspension (Grades 9-12) or an Administrative Transfer (Grades K-12).

A suspension pending an Expulsion Review may extend up to forty-five (45) school days after the school level hearing. The Director of Student Code of Conduct/Designee shall review the case for the purposes of rescinding the suspension and referring the case back to the principal, or confirming the suspension and referring the case to the General Superintendent's Expulsion Review Panel. This panel will conduct a similar review of the case. In instances where the panel recommends expulsion, the case will be referred to the General Superintendent's Hearing Officer for a hearing and decision.

5. **THE RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS**

Due process safeguards must apply in all instances where the behavior or rights of students are being evaluated. The student has the right to be fully informed about the alleged breach of behavior and must be provided with an opportunity to respond to such charges. Any permanent record that results from the student's actions or their consequences should clearly state whether the charges of misbehavior were or were not substantiated.

Unsubstantiated charges must be expunged.

Required due process procedures vary depending on the nature of the misconduct and the seriousness of the disciplinary action that may be imposed on a student as a result of the hearing. Thus, separate sets of procedures apply depending on whether a student faces possible Short-Term or Long-Term Suspension, Administrative Transfer or Expulsion.

6. **DISCIPLINARY PROCEDURES/SCHOOL LEVEL HEARINGS**

To ensure the student receives fair treatment consistent with the fundamental requirement of due process, Short-Term or Long-Term Suspensions, Administrative Transfers or recommendations for Expulsions must be made in accordance with the following procedures:

a. **INVESTIGATION – SCHOOL LEVEL**

Before it is determined that a student should be disciplined, an investigation must be conducted. The investigation will be conducted by the principal or administrative designee. This official will inform the student orally and in writing of the charges against him/her including the basis (evidence) for such charges. It is preferable that a written statement be given by the student. However, a verbal statement is acceptable. Following the investigation, if the charges are substantiated, the parent will be notified by telephone. A letter will be sent by first class mail within one (1) school day stating that the student is being removed from school and the reason(s) for the removal. The letter will include the time and place for parents to attend a hearing.

b. **DISCIPLINARY ACTION HEARINGS**

For Long-Term Suspensions (Grades 9-12), Administrative Transfers and Expulsions, the school level hearing shall serve as a disciplinary action hearing. The hearing shall be held within three (3) school days for Grades K-5 and five (5) school days for Grades 6-12 following removal to determine whether the student engaged in the unacceptable behavior. If unacceptable behavior is substantiated, the principal/administrative designee will determine what discipline should be rendered.

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

The staff person(s) making the charge of misbehavior shall be present at the hearing as requested by the principal. While parents do not have the right to confront student witnesses, they may request their questions be asked of school representatives or witnesses. If the principal or designee is the target of the alleged behavior, another administrator assigned by the Constellation Student Code of Conduct Office will conduct the hearing, advise the student of the charges and make the disciplinary decision. At the hearing, the student and the parents must first be fully informed about the alleged breach in behavior and then be afforded the opportunity to present their side of the case. Within one (1) school day of the formal hearing, the principal or designee will forward communication to the student's parents by first class mail and phone, when possible, advising them of:

- ✓ The decision as to whether the student engaged in the behavior as charged;
- ✓ What the recommended disciplinary action will be (if the charge was substantiated) and
- ✓ The right to appeal and appeal procedures.

Any permanent record that results from the student's actions should clearly state whether the charges of misbehavior were or were not substantiated.

c. **SHORT-TERM SUSPENSION HEARINGS**

The administrator hearing the case will decide whether the charges against the student have been substantiated. If it is decided that the student engaged in the conduct as charged, the administrator will impose the appropriate disciplinary action.

- ✓ Grades K-5 one (1) to three (3) school days
- ✓ Grades 6-12 one (1) to five (5) school days

The school level hearing will be a **readmission** hearing. If the charges are not substantiated, the student's records will be expunged.

d. **APPEALS FOR SHORT-TERM SUSPENSIONS/LONG-TERM SUSPENSIONS AND ADMINISTRATIVE TRANSFERS FOR LEVEL 1 & 2 OFFENSES**

Parents have the right to appeal the decision of a Short-Term or Long-Term Suspension and/or Administrative Transfer to the assigned Constellation Student Code of Conduct Office.

1. **FIRST STEP IN THE APPEAL PROCESS**

Parents must inform the assigned Constellation Student Code of Conduct Office in writing within three (3) school days that they wish to appeal the principal's decision. The request may be initiated by a telephone call to the Constellation Student Code of Conduct Office, followed by a written request.

In the case of an appeal of the principal's recommendation to administratively transfer an elementary school student, the student shall be allowed to remain at the present school until a final decision is made by the Constellation Student Code of Conduct Office, unless the student poses a danger to students and staff. A parent or student may not appeal a decision of the principal to suspend a student pending an Expulsion Review.

2. **SECOND STEP IN THE APPEAL PROCESS**

Upon receipt of the appeal request, the assigned Constellation Student Code of Conduct Supervisor will appoint a three-member review panel consisting of two staff members, one of whom must be a building principal or assistant principal, and one member of the community selected on a rotating basis from a list of volunteer parents and community members. Panel members shall not be members of the student's school community. Persons involved in the incident being reviewed or making a determination regarding the guilt or disciplinary action cannot be members of the Hearing Panel.

An appeal hearing will be scheduled to take place within five (5) schools days after receipt of the appeal request. At the hearing, the Hearing Panel will review the facts and the procedures utilized by the principal to arrive at a decision. All evidence must be presented to the student at that time. Staff shall be present if requested. The student's parents and advisor, who may or may not be an attorney, may be present at the hearing and may present evidence and question witnesses. At the conclusion of the hearing, the Hearing Panel shall make its written recommendation to the Director of Student Code of Conduct. The Panel's recommendation to the Director of Student Code of Conduct will be determined by a majority vote. The student and the parents will be notified by first class mail of the decision. Parents have the right to appeal the decision of the Panel's recommendation to the General Superintendent within five (5) school days after receipt of the decision.

3. **THIRD STEP IN THE APPEAL PROCESS**

The General Superintendent's Designee will convene a three-member Hearing Panel. The Panel will consist of the chair, a building principal or assistant principal, and a central office administrative staff member. The student will have the right to have his/her parents and an advisor, who may or may not be an attorney, present at the time the appeal is heard and may submit evidence and present witnesses, if appropriate.

The General Superintendent, through the General Superintendent's Designee, will notify the parents and the student of his/her decision by first class mail within five (5) schools days following the hearing.

The decision of the General Superintendent is final.

C. **GENERAL SUPERINTENDENT'S DISCIPLINARY ACTIONS**

Michigan Law (MCL 380.1311 & 1311A) mandates the permanent expulsion of a student, subject to possible reinstatement, for certain acts. These acts include possession of a dangerous weapon, commission of arson or criminal sexual conduct in a school building or on school grounds, and for students grade 6 and above, commission of physical assault at school against an employee, volunteer or contractor.

The Law provides further that the General Superintendent/Designee may authorize permanent expulsion from school for additional Level III offenses.

1. **GENERAL SUPERINTENDENT HEARINGS**

The General Superintendent's Designee (Hearing Officer) will convene an expulsion hearing for all cases recommended for expulsion by the General Superintendent's Expulsion Review Panel, which is comprised of three administrators. The Hearing Officer will make a decision on behalf of the General Superintendent whether sufficient evidence exists to sustain the finding that the student committed a Level III offense and that the student should be expelled from the Detroit Public Schools. The decision of the General Superintendent's Designee is final. Parental authorization for any advisor to appear on behalf of the student must be on file in writing in the Student Code of Conduct Office at the time of the hearing. Only the parent/guardian or advisor may speak for the student at the hearing. The selected speaker will be determined before the beginning of the hearing. Parent/guardian may bring witnesses to the hearing.

2. **READMISSION HEARINGS**

Although expulsion is permanent, the State of Michigan and the Detroit Public Schools have established conditions under which the student/parent/guardian or student eighteen (18) or above may petition for readmission. The student must meet criteria set by the State and/or Detroit Public Schools before readmission will be considered and/or approved.

3. **READMISSION GUIDELINES**

Once the conditions for readmission have been met, the parents/student/ guardian or student over eighteen (18) may petition for readmission. A petition requesting readmission must be sent to the Detroit Public Schools Student Code of Conduct Office. The Detroit Public Schools is not required by law or policy to provide any assistance in preparing the readmission petition.

A petition requesting readmission must be sent to the Detroit Public Schools Student Code of Conduct Office. Y. Gladys Barsamian and Hancock Preparatory Centers will assist parents and students with petitions for students enrolled in their programs. The General Superintendent's Readmission Review Panel shall review all petitions for readmission when a student has been expelled for a non-mandatory expulsion offense.

The Hearing Officer will review the evidence presented by the General Superintendent's Readmission Review Panel and make a decision. If the decision is to readmit the student, a contractual agreement regarding expected behavior, attendance, and academic progress may be required to be signed by the student, parent, the General Superintendent's Designee and the Hearing Officer. If the decision is not to readmit the student, the Hearing Officer will outline the steps that students and parents must take before admission will be considered.

D. BOARD OF EDUCATION REINSTATEMENT PROCESS

Within ten (10) days of receiving a petition for reinstatement, the Student Code of Conduct Office will process a petition for the Board of Education Reinstatement Review Panel. The panel will be comprised of two (2) board members, one (1) school administrator, one (1) classroom teacher, and a parent of a child enrolled in the district. The panel members will serve on a rotational basis except the chair.

Within ten (10) school days from appointment of a Reinstatement Review Panel and confirmation from the Student Code of Conduct Office to the Board Secretary's Office, the panel will review the petition and any supporting information; will provide the student, parent, and/or guardian an opportunity to appear and address the panel; and shall submit a written recommendation to the full board at its next scheduled regular Board meeting.

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

- ✓ The extent to which reinstatement of the individual would create a risk of harm to pupil or school personnel
- ✓ The extent to which reinstatement of the individual would create a risk of school district's liability or individual for the school board or school district personnel
- ✓ The age and maturity of the individual
- ✓ The individual's school record before the incident that caused the expulsion
- ✓ The individual's attitude concerning the incident that caused the expulsion
- ✓ The individual'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 parent or legal guardian and that can be receptiveness toward possible conditions placed on the reinstatement.

IX. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

A. DEFINITIONS - IDEA OR SECTION 504 STUDENTS

STUDENT WITH A DISABILITY (IDEA) DEFINED

“Student with a Disability” means an individual enrolled in school who is under twenty-six (26) years of age and who is determined by an Individualized Education Program Team (IEPT) to have a characteristic or set of characteristics that necessitates special education or ancillary and other services, or both.

Determination of an impairment shall not be based solely on behaviors relating to environmental, cultural or economic differences. These individuals are commonly referred to by local, state, federal and education agencies as students who are included in the Individuals with Disabilities Education Act or IDEA students.

SECTION 504 STUDENT DEFINED

“Section 504 Student” means any student who has a physical or mental impairment, which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such impairment.

Major activities include but are not limited to functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working. The student has a 504 Evaluation, Summary and Education Plan developed by a 504 team. All IDEA students are protected from discrimination under Section 504. However, all Section 504 students are not eligible for programs/services under IDEA. Implementation of Section 504 is not the responsibility of Special Education.

B. SHORT-TERM SUSPENSION/LONG-TERM SUSPENSION/ ADMINISTRATIVE TRANSFER/EXPULSION PROCEDURES OF IDEA OR SECTION 504 ELIGIBLE STUDENTS

Whenever an administrator is considering disciplinary action involving removal of a special education or 504 eligible student, the student’s records shall be reviewed to determine the total number of days during the current school year that the student has missed due to disciplinary action.

Once the number of days a student has been out of school due to disciplinary action has been determined, the following procedures must be followed:

- ✓ Under federal laws, an IDEA/504 student facing disciplinary removal from school, whose current recommended disciplinary removal from school is in excess of ten (10) consecutive school days, or will result in excess of ten (10) cumulative days constituting a pattern characterized by similarities in the student behavior that caused the removals and the length, frequency and proximity of the removals in relation to each other, must have an

IEP/504 meeting that determines whether or not the behavior is a manifestation of the student's disability.

- ✓ This meeting must take place within ten (10) school days of the decision to remove the student from school.
- ✓ In cases where the offense involves the current use and/or possession of drugs/alcohol, the Section 504 meeting is not necessary and the student may be disciplined in the same manner as non-disabled students.
- ✓ If the IEP/504 team determines that the behavior is a manifestation of the student's disability, the student is not subject to further disciplinary action and must return to his/her original placement unless the parent agrees otherwise through the IEP/504 process.
- ✓ Regardless of the manifestation determination outcome, in cases where the offense involves the student carrying a weapon to or possessing a weapon at school or at a school function, knowingly possessing or using illegal drugs, selling or soliciting the sale of a controlled substance while at school or a school function, or inflicting serious bodily injury upon another person, school personnel may remove the student to an interim alternative educational setting for not more than forty-five (45) school days.
- ✓ In the event that DPS administration believes reinstating the student to his/her current placement is substantially likely to result in injury to the student or others, it can appeal via an expedited due process that is facilitated by the Office of Specialized Student Services, for placement in an interim alternative educational setting for not more than forty-five (45) school days.
- ✓ Likewise, the parent can request an expedited due process hearing from the Office of Specialized Student Services, to appeal manifestation determinations or decisions regarding the student's placement during the disciplinary removal.
- ✓ During such an appeal, the student's placement would remain in the disciplinary removal setting pending the decision or until the expiration of the removal issued by DPS whichever comes first.

C. STUDENTS SUSPECTED OF A DISABILITY OR THE DISTRICT HAS THE KNOWLEDGE THAT A STUDENT IS SUSPECTED OF BEING DISABLED

Students suspected of a disability are those who prior to the behavior subject to disciplinary action meet one or more of the following situations:

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

D. SHORT-TERM SUSPENSION/LONG-TERM SUSPENSION/ ADMINISTRATIVE TRANSFER/EXPULSION OF STUDENTS SUSPECTED OF BEING IDEA OR 504 ELIGIBLE

When considering the Short-Term/Long-Term Suspension, Administrative Transfer or Expulsion of a general education student, if there is reasonable cause to believe that the student is eligible under

IDEA or Section 504 or is suspected of being disabled, the student has the right to assert any of the disciplinary protections available to students with disabilities.

X. GUIDELINES REGARDING STUDENTS WITH DISABILITIES

1. If DPS does not have knowledge that a student has a disability prior to taking disciplinary measures against the student, the student may be subjected to disciplinary measures applied to students without disabilities who engaged in comparable behaviors.
2. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the student remains in the disciplinary removal setting and the evaluation shall be conducted in an expedited manner.
3. If the student is found to be a student with a disability, DPS shall provide special education and related services as appropriate, and pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

XI. RECORDS

When a student is not eligible to attend his/her assigned school because of a Short-Term Suspension, Long-Term Suspension or Administrative Transfer, the principal or designee will complete a suspension report. The Student Code of Conduct Office will provide the appropriate forms. The same process will be followed when corrective action requires contact with parents, even though the student may continue in regular attendance. Each Constellation Student Code of Conduct Office shall maintain a file on all appeals, Long-Term Suspensions, Administrative Transfers, and Expulsion Reviews resulting in corrective action.

Each school must complete Disciplinary Action Worksheets (Form 4549). Enter all information into the computer indicating the number of Short-Term Suspensions, Long-Term Suspensions, Administrative Transfers, Expulsion Reviews, type of behavior and THE NUMBER OF DAYS OF THE SUSPENSION. Upon request, copies of the disciplinary summaries will be distributed to schools reporting disciplinary actions.

An Undesirable Incident Report (Form 63) **must** be completed when the incident results in any disciplinary action. If the student's Short-Term Suspension, Long-Term Suspension, Administrative Transfer, or Expulsion is changed, modified, or set aside, all records, including the Undesirable Incident Report, must note the change. Unsubstantiated charges will be expunged from the student's record. If on appeal, the student's Short-Term Suspension, Long-Term Suspension or Administrative Transfer is changed, modified or set aside, the disciplinary records must note the change. All records where appropriate and legally authorized should be provided to parents/guardians upon request. Records subject to exclusion include student statements with identifiable information or personal information about school staff and employees.

As used in this Student Code of Conduct, the word "days" means school days.

XII. MEDICATION POLICY

Purpose: To prevent interruption of a student's education by providing assistance with medication needed during school hours.

Procedure: The student's parent/guardian must provide the school with written permission, and the physician's instructions to administer any medication (prescription or non-prescription). Verbal instructions will not be honored.

Medications to be administered by school personnel should be transported to the school by the parent/guardian, rather than with the student. The parent must provide the school with a container of the medication with the pharmacy label attached. The label must include the child's name, dosage and specific instructions for administering the medicine. This requirement also pertains to refills. Students may carry and self-administer medicines during school if so stated in writing by the attending physician and written permission is submitted by the parent/guardian. This includes inhalers and other asthma medications. Medication permission forms may be obtained from your child's school. Copies of the complete medication policy may be obtained from the Office of Health, Physical Education and Safety by calling (313) 873-7739.

STUDENTS REQUIRING THE USE OF MEDICAL DEVICES* IN SCHOOL

*Breathing machines, crutches, casts, slings, braces, wheelchairs – In a general education setting, the use of such devices should be of limited duration (as in the case of students recovering from trauma resulting in injury or severe but temporary illness) or largely self-managed by the student.

Use of medical devices should not present a risk to other students or unduly interfere with the educational process in the school. Parents/guardians must present written permission and instructions from the physician. Instructions for storage, use, duration of use and assistance to be given by school personnel must be clearly delineated by the student's attending physician.

XIII. RIGHTS OF STUDENTS AND PARENTS

1. A student will be given the opportunity to receive make-up work for missed assignments that occurred as a result of a Short-Term Suspension, Long-Term Suspension, Administrative Transfer or Expulsion Review.
2. A student charged with an expulsion offense is entitled to make-up work until a decision is reached by the Expulsion Hearing Officer.
3. Students are entitled to take required examinations when an incident occurs that requires disciplinary action. Parents must contact the principal or the Constellation Student Code of Conduct Supervisor to make arrangements for testing.
4. School officials will inform the student verbally and in writing of the charges against him/her, including the basis (evidence) for such charges.
5. When a student is suspended, a disciplinary hearing will be held at the school.
6. If the parent/guardian cancels the appointment, the school principal must reschedule the hearing date one time.
7. Parents may be represented by an advisor of their choice.
8. While parents do not have the right to confront witnesses, they may request for school officials to present questions, on their behalf, to the witnesses.
9. At the hearing, the student and the parents are to be fully informed concerning the alleged breach in behavior. After this, the student must be afforded the opportunity to present his/her side.
10. If the charges are substantiated at the school level hearing, the parent has the right to appeal the charges to the Constellation Code of Conduct Supervisor for a Short-Term Suspension, Long-Term Suspension or an Administrative Transfer.
11. A parent or student may not appeal a decision of the principal to suspend a student pending an Expulsion Review.
12. Students have the right to petition for readmission after expulsion.
13. If a student with a disability is suspended beyond the initial total of 10 days, the school determines if the behavior is a manifestation of the student's disability.
14. The Student Code of Conduct Office must expunge any student's unsubstantiated charge placed on the district's database.
15. If a student believes any rights set forth in the student code have been violated, the student, and/or parent or guardian, should make a written report to school administration and/or Board of Education office.

XIV. GLOSSARY OF TERMS

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| Appeal | To resort to a superior administrative level to review the decision of a lesser administrative level. |
| Arson | To unlawfully and intentionally damage or attempt to damage, any real or personal property by fire or incendiary device. |
| Physical Assault | Intentionally causing physical harm to a student through force or violence. |
| Breaking and Entering | Unlawful entry into a school building or other school structure. |
| Cyber Bullying | The use of the internet or technology to intimidate, harass, bully or threaten. |
| Expunge | To permanently remove from a student's discipline record. |
| False Alarms | The act of initiating a fire alarm or initiating a report warning of a fire or an impending bombing or other catastrophe without just cause. |
| Fighting | The act of involving hostile bodily contact in or on school property, including any activity under school sponsorship (for example; dance, athletic events, etc.). |
| Free and Appropriate Public Education | Section 504, The Individuals with Disabilities Education Act (IDEA) and Michigan Revised Administrative Rules require that all students with a disability, aged birth through 25 have a right to receive a free appropriate education. Free means that the educational and related services are provided without cost to the parent, except for those fees that are imposed on students without disabilities. |
| Functional Behavior Assessment (FBA) | An assessment of the factors that affect a student's behavior, typically including a review of the environment and the student's needs. |
| Gang Activity | An ongoing organization, association or group of three or more individuals who use a common identifying name, sign or symbol, have a high rate of interaction among themselves to the exclusion of others and are frequently involved in anti-social, delinquent or criminal activity. |
| Gang Like Activity | Activity that is associated with or similar to gang activity. |
| Group Violence | Three or more persons inflicting physical harm upon a victim or victims. |
| Illegal Activity | Against or in violation of local, state and or federal law. |
| Incendiary Device | Any material/object which causes a fire or explosion. |
| Individualized | A specially designed instruction program developed by the IEP team, which |

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| Education Program (IEP) | describes the student’s eligibility, the student’s present level of performance, annual goals and short-term objectives, specific educational and related services, amount of time spent in general education, the least restrictive environment, the reasons why the IEP is accepted or rejected, transition services, and the dates and frequency of services. The IEP shall be reviewed annually or more often as needed. |
| Intimidation/Bullying | To place another person in reasonable fear or bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical assault. |
| Insubordination | Refusal to obey the reasonable and lawful directions of authorized school personnel. |
| Jurisdiction | The power to hear and determine a school matter. |
| Larceny | The unauthorized taking, carrying, leading or riding away of property from the possession or constructive possession of another person. |
| Loitering | The act of being in or about any school building or in a specifically restricted area of the school building at unauthorized times or without the specific authorization of school personnel. |
| Petition | A formal written request. |
| Refusal to Identify Self | Refusing to show an identification card and/or give a correct name when requested to do so by school personnel. |
| Resource Coordinating Team (RCT) | The Resource Coordinating Team is a school-based problem-solving group that works collaboratively with parents, staff and community members in addressing individual and school-wide issues. |
| Tardiness | The act of unauthorized lateness to school or classes for a specified period as outlined in the district’s attendance policy. |
| Trespassing | To enter or remain on a public school campus or facility without authorization and with no lawful purpose for entry. |
| Terroristic Activity | To threaten or cause violence to any person or property with intent to cause a reaction of any type by an official or volunteer agency authorized to deal with emergencies; prevent or interrupt the occupation or use of an area, building or room or to cause interruption of public communication, water, gas or power supply. |
| Truancy | Unauthorized and/or unexcused absence(s) from school or classes. |

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The Board of Education of the school district of the City of Detroit does not discriminate in course offerings to any student on the basis of race, sex, color, creed, national origin, religion, marital status or handicap, as required by Titles VI and VII of the Civil Rights Act of 1964 as amended. Title IX of the Education Amendments of 1972 and Section 504 of the Handicap Act of 1973.

For More Information

Contact the Office of Civil Rights,
3011 W. Grand Blvd., Detroit, MI 48202,
(313) 873-3111



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