



LIVONIA PUBLIC SCHOOLS

15125 Farmington Road • Livonia, Michigan 48154

Phone (734) 744-2500

DATE: March 15, 2022
TO: Andrea Oquist, Superintendent of Schools
FROM: Daniel R. Willenborg, Director of Secondary Programs
SUBJECT: Policy JD Student Code of Conduct

During the BOE Study Session of March 7, 2022, we carefully reviewed the revisions to Policy JD Student Discipline. Included in the revisions was a renaming of the JD Policy to 'Student Code of Conduct' and the elimination of the following stand-alone policies:

JCDA	Student Behavior and Conduct
JCDAA	Prohibited Use of Tobacco Substances
JCDAE	Electronic Communication Devices
JCDBA	Prohibiting Gang Activity

Each of the eliminated policies are incorporated into the newly revised policy. During our Study Session review, Board and Cabinet members provided valuable edits and corrections. Those modifications from March 7 have been made and are highlighted in the attached Policy JD.

Please include this item in our Policy Committee of the Committee of the Whole meeting of March 21, 2022.

POLICY JD: STUDENT CODE OF CONDUCT

INTRODUCTION

The Livonia Public Schools School District is dedicated to creating and maintaining a positive learning environment for all students. All members of our educational community including students, teachers, other school and district personnel, and parents, play an important role in promoting the academic growth and social development of each child. Courteous, respectful, civil, and responsible behavior fosters a positive climate in which our learning community can thrive.

This Student Code of Conduct sets forth student rights and responsibilities while at school and school-related activities, and the potential consequences for violating District policy. It defines behaviors that undermine the safety and learning opportunities for any members of the school community. When determining the consequences of student misconduct, school officials may use intervention strategies and/or disciplinary actions including exclusionary measures.

This policy covers only serious and major types of misconduct. The following rules are not to be construed as an all-inclusive list or as a limitation of the authority of school officials to deal appropriately with violations of a school building's individual rules and regulations or other types of conduct which interfere with the good order of the school environment, the proper functioning of the educational process, or the health and safety of students, even if not explicitly stated herein.

The specific prohibited acts and consequences listed below are applicable when a student is on school or District property, is on a school bus or vehicle being used for a school-related purpose, at a school-sponsored activity whether or not the event is held on school premises, is enroute to or from school, and when a student's conduct at any time and place adversely affects and/or substantially disrupts the daily operations and positive climate of our schools.

PROHIBITED ACTS

Administrative intervention in a prohibited act may include the removal of a student from a class period, an in-school suspension, a reprimand, restitution, loss of recess, detention and/or work assignments before or after school, additional classroom assignments, and revocation of the privilege of attending after school functions, special events, athletic contests, and activities.

The prohibited acts listed alphabetically below may involve disciplinary consequences ranging from an administrative warning and intervention to an expulsion from school. Each assigned consequence of a prohibited act will be determined on a case-by-case review and the actual penalty will depend upon the nature and severity of the offense, the particular facts involved, the age of the student, the student's prior behavioral record, the persistent and/or chronic nature of the misconduct, the recommendation of school personnel, and all other circumstances deemed relevant. Inappropriate student conduct may also result in the involvement of law enforcement personnel such as the local police.

ALCOHOL, MARIJUANA, DRUGS, OR OTHER BANNED CHEMICAL SUBSTANCES

A student will not possess, use, be under the influence of, offer to buy or sell, or purport to buy or sell, a controlled substance, dangerous drug, drug paraphernalia, 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.

BULLYING AND HAZING

Students are prohibited from engaging in bullying and hazing behaviors that interfere with another's participation in educational programs or activities by placing that person in fear of physical harm or by causing emotional distress while at school or at school-related activities. Bullying and hazing behaviors can be expressed through a variety of manners such as physical, verbal, psychological, written words, and social media posts. The Board of Education Policy JCEC also addresses bullying.

COERCION, EXTORTION, AND BLACKMAIL

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

DESTRUCTION OF SCHOOL OR PERSONAL PROPERTY

A student shall not cause or attempt to cause damage or vandalism to school property or personal property of others.

DISRUPTION OF SCHOOL OPERATIONS

A student shall not by any type of conduct (violence, force, noise, coercion, threat, intimidation, fear, passive resistance, etc.) intentionally cause the disruption or obstruction of any function of the school nor shall **an individual** engage in such conduct if such disruption or obstruction is reasonably likely to result.

Neither shall **any student** urge other students to engage in such conduct for the purpose of causing a disruption or obstruction if such disruption or obstruction is reasonably likely to result from **that student's** urging.

ELECTRONIC COMMUNICATION DEVICES

Electronic communication devices (ECDs) such as cell phones, tablets, computers, and any/all other forms of technology will be permitted for use as approved by the classroom teacher or the building administration. Students may not use ECDs on school property or during school sponsored activities to access and/or view internet websites that are otherwise blocked or prohibited for students at school.

FALSE ALARMS

A student shall not knowingly cause a false fire **alarm** or other unwarranted alarm.

FALSE ALLEGATIONS

A student shall not libel or slander, or make false allegations against another student or school district employee including athletic coaches, substitute teachers, or volunteers.

FALSIFICATION OF A SCHOOL DOCUMENT

A student shall not falsify times, dates, grades, or other data on school district forms or records.

FIGHTING, ASSAULT, AND BATTERY ON ANOTHER PERSON

A student shall not physically assault, or behave in such a way to cause, or threaten to cause physical injury to a school employee, substitute teacher, student teacher, student, volunteer, chaperone, or other person.

FIREWORKS/EXPLOSIVES/SMOKE DEVICES

A student shall not possess, handle, or transmit any substance or device that can explode, create smoke, or is capable of inflicting bodily injury.

GANG ACTIVITY

A student shall not wear or possess any clothing, jewelry, symbol, or other object that may reasonably be perceived by any student, teacher, or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal (gesture, handshakes, etc.), that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal, in furtherance of the interests of any gang or gang activity, including, but not limited to, a) soliciting others for membership in any gang or gang related activity, b) requesting any person to pay protection or otherwise intimidating or threatening any person, c) committing any other illegal act or violation of District rules or policies, or d) inciting other students to act with physical violence on any person. The term "gang" means a group of two or more persons whose purpose or activities include the commission of illegal acts or violations of this Code of Conduct, or building Student Handbook, or whose purpose or activities cause disruption or is likely to cause disruption to the educational process.

INAPPROPRIATE COMMUNICATIONS

A student will not verbally, in writing, electronically, with photographs, gestures, or drawings, or other methods, direct profanity or insults toward another student or any District/school staff member or an adult volunteer.

INSUBORDINATION

A student shall not willfully ignore or refuse to comply with the reasonable directions of school personnel, including adult volunteers acting in a chaperone or supervisory capacity.

MAKING A FALSE STATEMENT

A student shall not deliberately provide false information or false evidence to any school official in an attempt to deceive.

MISCONDUCT PRIOR TO ENROLLMENT

In order to protect the health and safety of students and employees and to prevent threatened disruption to the education process, an otherwise eligible resident student may be suspended or expelled on the basis of:

- a. A prior act of misconduct committed outside of school hours and/or off school premises when the student was not enrolled in the Livonia Public Schools,
- b. A prior act of misconduct, while the student was enrolled in another district,

If the misconduct would constitute a sufficient basis for suspension or expulsion had it occurred while the student was attending the Livonia Public Schools.

OUT OF ASSIGNED AREA and LOITERING

A student shall not leave the school building, classroom, cafeteria, campus, or any other assigned area without permission from authorized school personnel. A student will not remain or linger on school property without a legitimate purpose and/or without proper authority.

PERSISTENT DISOBEDIENCE OR MISCONDUCT

A student involved in numerous behavioral infractions over an extended period of time may be subject to progressive disciplinary consequences.

PERSONAL PROTECTION DEVICES

A student shall not possess, handle, or transmit a personal protection device such as pepper gas, mace, a stun gun, or an electronic shock device capable of inflicting bodily injury or causing physical discomfort to another person.

RECORDING WITHOUT PERMISSION

A student shall not record by any means (i.e., audio, video, or digital, etc.) any student or school personnel without the expressed permission of the person recorded.

SEXUAL HARASSMENT

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. A student shall not make unwelcomed sexual advances, request sexual favors or engage in unwelcomed verbal communication, inappropriate touching, or physical conduct of a sexual nature with or toward any other student, school district personnel, or adult volunteers.

SMOKING AND VAPING

A student shall not smoke or use electronic smoking devices, use tobacco or alternative cigarette options, or possess any substance containing tobacco or nicotine on school and district property, including all activities or events off school grounds and supervised by school officials.

THEFT OF SCHOOL OR PERSONAL PROPERTY

A student shall not steal or attempt to steal school or personal property. A student shall not be in possession of stolen property

VERBAL ASSAULT

A student shall not commit a verbal assault on a student, teacher, or other school personnel. Verbal assault means spoken words, written words, or behavior that, in the judgment of the building administration, would reasonably put another in fear of physical or emotional distress or damage to property.

VIOLATION OF A SCHOOL'S STUDENT HANDBOOK

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

VIOLATION OF LIVNET USAGE

A student shall not violate or attempt to violate District policies, procedures, or school Student Handbook regulations regarding the use of district computers, personal computers, networks, and telephone systems. Violations of any of the rules and responsibilities of the LIVNET policies may result in a loss of access and privileges to technology devices and computer usage, and may result in other disciplinary or legal actions including restitution.

WEAPON LOOK-ALIKES

A student shall not possess, use, sell, or distribute a toy gun, a look-a-like weapon, or a replica weapon without the prior approval of a building administrator.

MAJOR OFFENSES

The prohibited acts listed below are generally codified as illegal acts and will typically involve law enforcement personnel such as the local police. In most instances of a major offense, the student will be scheduled for a disciplinary hearing.

ARSON

A student shall not burn or attempt to burn any tangible property or intentionally set a fire on school property or cause or attempt to cause an explosion on school property. A student shall not commit an act of arson as prohibited by MCL 750.71 through MCL 750.80.

CRIMINAL ACTS

A student shall not commit or participate in any conduct or act defined as a crime by state law or local ordinance. A student may be suspended or expelled from school based upon conduct that takes place off school grounds and/or outside of the regular school day. Although the legal system may not have yet adjudicated legal charges, if the description of the conduct fits the definition of a crime, or an arrest and legal charges are in process through a law enforcement agency, the District's threshold to enforce exclusionary disciplinary consequences has been satisfied and fulfilled.

PHYSICAL ASSAULT

A student shall not physically assault another person. 'Physical assault' means intentionally causing or attempting to cause physical harm to another through force or violence. An act of physical assault is differentiated from fighting in that a physical assault is a one-sided attack on another person often resulting in bodily harm.

SEXUAL ASSAULT AND CRIMINAL SEXUAL CONDUCT

A student shall not sexually assault another person. 'Sexual assault' means forcing or coercing an individual to engage in non-consensual sexual contact. A student who is convicted of, or a juvenile who is adjudicated for, a violation of MCL 750.520b, 520c, 520d, 520e, or 520g, and who is a student at a school in this state is prohibited from doing either of the following:

- (a) attending the same school building that is attended by the victim of the violation.
- (b) utilizing a school bus for transportation to and from any school if the individual or juvenile will have contact with the victim during use of the school bus.

THREATS OF VIOLENCE

A student shall not make a threat directed toward students or staff, or toward a school building, other school property, or a school-related event that, in the judgment of building administration, would reasonably put students and other school personnel in fear of harm or personal injury. Threats of violence may originate from anyplace and at anytime, and may include, but are not limited to, references of a gun, rifle, bomb, incendiary device, or other weapon.

WEAPONS AND DANGEROUS INSTRUMENTS

A student shall not possess, handle or transmit a knife, blackjack, baton, martial arts device, paintball or splat gun, or other object or instrument that can be considered a weapon or is capable of inflicting bodily harm. 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].

If a dangerous weapon is found in the possession of a student while the student is in attendance at school or a school activity or while the student is enroute to or from school on a school bus, a school administrator shall immediately report that finding to the student's parent/guardian and the local law enforcement agency [MCL 380.1313(1)]

ELEMENTS OF DUE PROCESS AND OTHER CONSIDERATIONS REGARDING DISCIPLINARY MEASURES

These procedures govern the suspension, expulsion, or permanent expulsion of a student from the school district's regular educational program. Federal law protects the educational and privacy rights of students and disciplinary consequences will not be shared beyond the student's parents or guardians.

The initial judgment that a student has engaged in a prohibited act under this Student Code of Conduct will be made by the building administrator. If a student charged with violation of this Student Code of Conduct has been returned to the regular school program pending a decision by a School District administrator, the reinstatement does not limit or prejudice the School District's right to suspend or expel the student following a decision by a superior administrator or the Board of Education.



Definitions of Disciplinary Consequences

- A short term suspension is defined as a suspension of one through ten school days. A school principal has the authority to suspend a student for up to and including ten school days.
- A long term suspension is defined as a suspension ranging from eleven through sixty school days and requires a more formal procedural process requested by the school principal to the district-level director. The process is known as a 'Disciplinary Hearing'.
- To be 'expelled' from school refers to a suspension of over sixty school days and such a ruling may only follow from a district-level Disciplinary Hearing.
- A 'permanent expulsion' refers to a suspension of a minimum of 180 school days and such a ruling may only follow from a district-level Disciplinary Hearing. A 'permanently' expelled student is subject to possible reinstatement to school through a 'Petition for Reinstatement' procedure after 150 school days.
- 'Restorative practice' references alternative efforts to suspension that emphasize repairing the harm to the victim and the school community caused by the pupil's misconduct.

Rebuttable Presumption and Consideration of Individual Factors

Consistent with Michigan law, the District adopts a rebuttable presumption that students should not be disciplined by the imposition of a long-term suspension (more than ten school days) or expelled (more than 60 school days) unless the District has determined, in its sole discretion, the presumption has been rebutted (to oppose by contrary proof) by considering each of the following seven factors listed below:

1. The pupil's age;
2. The pupil's disciplinary history;
3. Whether the pupil is a student with a disability within the meaning of IDEA or ADA/Section 504;
4. The seriousness of the violation or behavior committed by the pupil;
5. Whether the violation or behavior committed by the pupil threatened the safety of any pupil or staff member;
6. Whether restorative practices will be used to address the violation or behavior committed by the pupil; restorative practices refer to intervention strategies that emphasize repairing harm to the victim and the school community caused by a student's misconduct, and
7. Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

For a suspension of ten or fewer days, rebuttable presumption does not apply, but the same seven factors shall be considered in a similar manner prior to a determination of disciplinary consequence. The method used for consideration of the factors is at the sole discretion of school and district administration. The seven factors to be considered prior to a determination of disciplinary consequence does not apply to a student being expelled for possessing a firearm in a weapon free school zone.

Prior to the suspension of a student, the principal/assistant principal shall investigate the incident, inform the student of the charges, and allow the student to explain his/her version of the facts. If upon conclusion of that investigation the principal determines that the student has violated school rules or district policy, the principal may impose the disciplinary action of a suspension not to exceed ten (10) school days.

A disciplinary suspension of five (5) school days or less shall be at the sole discretion of the building principal and shall not be subject to an appeal by the student, parents, or guardian. However, if the principal imposes a suspension in excess of five (5) school days but less than eleven (11) school days, the student and/or his/her parents or guardians may appeal the principal's decision to the appropriate Elementary or Secondary Director or other designee of the Superintendent. The appeal hearing will be conducted on an informal basis (usually over the telephone) and the student will be given an opportunity to state why an appeal is in order and to explain his/her version of the facts. Following the informal hearing, the appropriate Director or Superintendent designee will review the facts and make a ruling that shall be final and not subject to further review.

The Code of Student Conduct does not diminish any rights under federal law (20 U.S.C. 1400 et seq.) for a student determined to be eligible for special education programs and services. Students with an Individualized Education Program (IEP) are responsible for following the Student Code of Conduct. As a consequence of a violation of the Student Code of Conduct by a student with an IEP, specific procedures may apply.

The suspension or expulsion of a student from an extracurricular activity such as athletic participation is not covered by this Student Code of Conduct and accordingly a decision of student suspension from extracurricular activities is solely within the discretion of the building administration. In addition, disciplinary consequences in the nature of an in-school suspension or exclusion of a student from class, or in the nature of a written reprimand, detention, and/or work assignment before or after school, additional classroom assignments, etc., is also solely within the discretion of the building administration and is not covered by this Student Code of Conduct.

DISCIPLINARY HEARINGS FOR SUSPENSIONS OF ELEVEN OR MORE SCHOOL DAYS

Step 1. If after an investigation into student misconduct, the building principal determines a suspension for eleven or more school days or expulsion is warranted, and the appropriate district-level administrator concurs with the principal's decision, the student and the parents or guardian shall be notified (usually via electronic message) of

- a. the charges against the student
- b. the recommended disciplinary action
- c. the fact that a hearing will be held before an impartial school employee
- d. the time, place, location, procedures to be followed at the hearing, and of their right to attend and participate in the hearing.
- e. the right to appeal any adverse decision of the hearing officer if the suspension is for more than 20 days.

If the district-level administrator decides that the student's presence in school would present a danger to other students, school personnel, or a disruption to the educational environment of the school, then the student shall be suspended pending a disciplinary hearing and a ruling of a hearing officer. If the student does not present a danger as described above, the student may be returned to school pending the ruling of the hearing officer.

If the student is placed under suspension pending a disciplinary hearing, the appropriate district-level administrator shall appoint an impartial disciplinary hearing officer and provide for a hearing to take place within seven (7) school days following the initial suspension of the student. If

the student is not suspended pending a disciplinary hearing, the appropriate district-level administrator shall appoint an impartial disciplinary hearing officer and cause the hearing to be held within fifteen (15) school days following the completion of the principal's initial investigation. The timelines for commencement of the disciplinary hearing may be enlarged upon the request of the administrator, student, or parent.

Step 2. The disciplinary hearing officer's role will be to determine the truth and validity of the charges against the student and to decide upon a disciplinary consequence if a consequence is merited. A student and/or his/her parents or guardian may waive their rights to a hearing before a hearing officer. If a student and/or parents fail to present themselves during a scheduled disciplinary hearing, the disciplinary hearing may proceed and may result in a ruling unfavorable to the student.

The hearing officer's ruling shall be provided telephonically, if possible, to the student or the parents or guardian within two (2) days after the close of the hearing, and a written decision shall be scanned electronically or mailed through the USPS within four days after the conclusion of the disciplinary hearing.

Step 3. If the hearing officer's ruling imposes a suspension of twenty (20) school days or less, the decision of the hearing officer shall be final and not subject to further appeal. The hearing officer may amend the principal's charges upon motion of the principal or amend the charges upon his/her own motion to conform to the evidence presented at the hearing. Additionally, the hearing officer may impose a greater or lesser penalty than that imposed or recommended by the principal. The hearing officer should not merely substitute his/her judgment for that of the principal's judgment. If the hearing officer's ruling is to impose a suspension in excess of twenty (20) school days or recommends expulsion, the student and/or his/her parents or guardian may appeal the hearing officer's decision to the Board of Education.

Step 4. A student may, within five (5) school days of original receipt of the Hearing Officer's ruling to suspend in excess of twenty (20) days or to permanently expel a student, request an appeal to the Board of Education. The request to appeal shall be in writing and contain the petitioner's reasoning for appeal. The Board of Education may grant or deny the request for an appeal. If granted, the appeal will be heard in open or closed session, as elected by the parent. The Superintendent, or a designee, shall notify the student and parents of the time, place, location, and procedures to be followed at the Board of Education hearing and shall determine, based upon the record made before the hearing officer, whether the student should be suspended pending a ruling of the Board of Education.

The Board, not later than at its next regular public meeting following the appeal hearing, if feasible, shall issue a ruling and shall, within seven (7) days following the BOE hearing, make communication to the student, parents, or guardians, of a final decision.

The Board of Education must approve a Hearing Officer's ruling to permanently expel a student. If the Hearing Officer's ruling is for a student expulsion and the student and/or his/her parents or guardians do not request an appeal hearing before the Board of Education, the Board of Education will still make the final decision on expulsion at a voting Board of Education meeting. **Permanent expulsion requires Board of Education approval.** In that case, the Board of Education ruling will be based upon information submitted to it by appropriate school officials and a formal hearing will not be allowed for the student and parents or guardian.

If the hearing officer's ruling is to impose a suspension of twenty (20) school days or more and the **student and parents or guardians** do not request a timely appeal hearing before the

Board of Education, then the decision of the Disciplinary Hearing Officer shall be final and not subject to further appeal. During any suspension, the suspended student will not be permitted on any school property, in any school building, or admitted to any school function.

OFFICIAL NOTICE OF DISCIPLINARY HEARING

This disciplinary hearing will be held before a hearing officer at

**Livonia Public Schools Administration Building
15125 Farmington Rd.
Livonia, MI 48154**

On , 2022, at :00 a.m.

This disciplinary hearing is held pursuant to Board of Education Policy JD for student conduct that may result in a suspension for eleven or more school days or expulsion from school. The hearing proceedings will adhere to the steps below:

1. A reading of charges against the student
2. An explanation from the school administration regarding the incident
3. An opportunity for the student to share their response to the charges.
4. An impartial hearing officer will evaluate the facts presented and rule regarding the recommendation for long-term suspension or expulsion.

STATEMENT OF STUDENT RIGHTS IN THE HEARING PROCESS

Private Hearing:

This hearing will be private and is being held before a school district administrator not having previous knowledge of the student's suspension or behavioral record

Purpose:

The purpose of the hearing is to evaluate the facts of the case and determine if, in the judgment of the hearing officer, the decision to impose a long-term suspension or expulsion is warranted

Appearances:

Both the guardian or parent and student have the right to testify as to the facts, offer other evidence, and explain the reasons for disagreeing with the principal's charges, and/or the assistant superintendent's requested disciplinary action. Therefore, in order to protect the student's interests, the guardian or parent and student should appear and be prepared to present their case. The student's failure to attend this hearing may result in a decision against him/her

Right to Counsel:

The guardian or parent and/or student may bring an attorney to the hearing. That attorney must file for an appearance as soon as possible, to provide them time to contact legal representation on behalf of the district before the day of the hearing. Failure to file an appearance may result in an adjournment

Witnesses:

If you have any witnesses who have knowledge of the circumstances of this case, you may arrange to have them present at this hearing. If assistance is necessary to produce teachers or administrators, please email Mr. Daniel R. Willenborg, Director of Secondary Programs & District Services, at dwillenb@livoniapublicschools.org

Records:

If you have any written instruments, documents, or letters relevant to this case, they should be presented at the hearing.

Request for Postponement:

A guardian or parent and/or student who are unable to attend on the day of hearing should email Mr. Daniel R. Willenborg, Director of Secondary Programs & District Services, at dwillenb@livoniapublicschools.org. A postponement, which is granted, may result in the continued suspension of the student.

Transcript of Hearing:

The hearing will be recorded onto an audio file. Upon request, a copy of that audio file will be made available for the student or his/her parent.

Decision:

Within two (2) school days after the close of the hearing, the student and parent or guardian will be notified orally, if possible, of the decision of the hearing officer. Within four (4) school days after the close of the hearing, the student and parent or guardian will be mailed a written decision of the hearing officer. The decision shall outline the facts of the case and the hearing officer's conclusions.

Appeal:

If the suspension is for more than twenty (20) days or for an expulsion, and if the guardian or parent and/or student are not in agreement with the written decision of the hearing officer, they may, within five (5) days following receipt of the written decision, request a hearing before the Board of Education. The Board of Education must approve an expulsion.

The request for a hearing must be in writing and received by the superintendent's office within five (5) days following receipt of the decision of the hearing officer.

Upon receipt of a timely appeal and acceptance for a hearing, the superintendent's office will notify the guardian or parent and student of the date, time and location of the hearing before the Board of Education and the procedures to be followed in the Board hearing.

Upon receipt of the appeal, the superintendent will decide, based upon the record before the hearing officer, whether the student will remain suspended until the Board of Education decision.

The superintendent's decision concerning continued suspensions will be based upon reasonable belief that the record establishes the student to be a danger to himself/herself, to other students, teachers, school administrators or the educational process of the student's school.

JD PRODECURES

EXHIBIT B

Petition For Reinstatement in the Livonia Public Schools

This Petition for Reinstatement was modified from the form developed by the Michigan Department of Education pursuant to *The Revised School Code*, MCL 380 1311(7) and MCL 380 1311a(7)

DATE: _____

TO: Livonia Public Schools School District
Attn: Director of Secondary Programs
15125 Farmington Road
Livonia, MI 48154

FROM: _____
Name of Petitioner

1. Status of Petitioner:

- Parent(s) or Legal Guardian(s) of the Suspended Individual
- Suspended Individual (18 Years of Age or Older).
- Suspended Individual (as an Emancipated Minor) A copy of the court order of emancipation must be attached

2. This Petition for Reinstatement is made on behalf of:

Name: _____ **Age:** _____ **Telephone #:** _____

Address: _____

3. Parent(s) or Legal Guardian(s) of the Suspended Individual (Include names, addresses, and telephone numbers of both parents/legal guardians, if appropriate):

Parent(s) Legal Guardian(s) Name(s) _____

Telephone #: _____

Address: _____

4. Date of Suspension: _____

5. Grade Level of Suspended Individual: _____

6. Suspending School

District:

 Name of Suspending School District

7. Briefly describe the incident that caused the suspension:

8. Has the suspended individual received assistance from a state or county social services agency? Yes No

If yes, attach all written documentation prepared by the agency regarding assistance the individual received from the date of suspension to the date of this Petition.*

9. Has the suspended individual received assistance from a state or county community mental health agency? Yes No

If yes, attach all written documentation prepared by the agency regarding assistance the individual received from the date of suspension to the date of this Petition:

10. Has the suspended individual received assistance from a private mental health professional from the date of suspension to the date of this Petition? Yes No

If yes, attach a detailed report from the mental health professional setting forth any findings, including results of all tests and examinations performed, diagnosis, conclusions, and treatments provided from the date of suspension to the date of this Petition.

11. Was any criminal or juvenile court action initiated against the suspended individual as a result of the incident that caused the suspension? Yes No

If yes, was the suspended individual convicted as an adult or adjudicated as a juvenile offender as a result of the incident that cause the suspension?

Is there a probation Officer involved? Yes No

Probation Officer Name and Title: _____

Address: _____ Telephone # _____

12. Other than the incident that caused the suspension was the suspended individual charged or convicted of any criminal offense in any court in the United States since the suspension date? (Refusal to answer or produce documentation may be considered by the Board in its decision whether or not to reinstate the individual). Yes No

(Date, Charge, Court Address and Telephone #, Status of Case)

13. Describe the suspended individual's attitude concerning the incident that caused the suspension.

14. Describe the suspended individual's behavior since the suspension.

15. List aspects of the suspended individual's prior school record that the Board should take into consideration.

16. What is the likelihood the suspended individual will be successful if reinstated to public education in the school district?

17. Attach three letters of reference from persons who are not related to the suspended individual.

I understand that I am required to inform the Board of Education of the Livonia Public Schools School District, in writing, of any change of circumstances from those recorded in this Petition or its attachments. I understand that if I fail to keep the Board of Education informed that failure may be cause to revoke or deny reinstatement

I understand that any false, incomplete or inaccurate information recorded in this Petition for Reinstatement or its attachments may result in the denial of this Petition, or revoke the individual's reinstatement to public school

Signed: _____

Name of Petitioner(s)

JD PROCEDURES

EXHIBIT C

PROCEDURES REGARDING A PETITION FOR REINSTATEMENT

POLICY JD

Although codified law may call for a 'permanent' expulsion, it also provides for a process to 'petition for reinstatement' which may allow an expelled student to return to school after a defined period of expulsion. [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. If a petition form is requested by a person wishing to be reinstated, the district must make the petition form available.

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. The 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 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, or who commits arson, criminal sexual conduct, physical assault or other prohibited act, 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 150 school days following the initial date of expulsion. A student may be reinstated not earlier than 180 school days following the date of initial expulsion. A district may establish reinstatement procedures for students expelled for reasons other than those listed.

Reinstatement Committee Review and Recommendation

The local board of education may include conditions in a reinstatement recommendation 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 must appoint a committee 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.

For a student in grade six (6) or above that is expelled for possessing a dangerous weapon in a weapon-free school zone, or who commits arson, criminal sexual conduct, physical assault or other prohibited act, 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 150

school days following the initial date of expulsion. A student may be reinstated not earlier than 180 school days following the date of initial expulsion. A district may establish reinstatement procedures for students expelled for reasons other than those listed.

Reinstatement Committee Review and Recommendation

The local board of education may include conditions in a reinstatement recommendation 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 must appoint a committee 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 reinstatement 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:

- (1) unconditional reinstatement
- (2) conditional reinstatement
- (3) 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 reinstatement 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(6)(e)].

The reinstatement 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.

The Board of Education Must Approve the Reinstatement Committee's Recommendation

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

JD PROCEDURES

EXHIBIT D

EXPELLED STUDENTS AND ALTERNATIVE EDUCATION

POLICY JD

A school district may provide alternative education for a student who has been suspended or expelled. The Michigan Attorney General issued an opinion cited as 1985 OAG 6271 stating that the board of education of a school district which, in accordance with due process requirements, suspends for a lengthy period of time or permanently expels a non-disabled student who is subject to the compulsory education requirements is not required to provide an alternative education program for a student. The Michigan State Board of Education, however, encourages school districts to provide alternative education opportunities for excluded students:

- Ideally students would be placed in a comprehensive alternative program that devotes resources to academics and social skills.
- In situations where programs are full or unavailable, districts may provide community-based or home-based instruction and receive prorated per pupil funding
- Students may be enrolled in an online program, with attention paid on providing proper instructional support

Ultimately, however, 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

- A student who has been suspended or expelled from his or her resident district for any reason may attend a nonresident alternative education program without the resident district's approval (MCL 388.1606(60)(h)).
- If there is no available alternative education program through his or her resident district, an expelled student may enroll in an adult education program (MCL 388.1707 (2)(b)(ii)). The expelled student must be at least 16 years of age on September 1 of the school year. The reason of expulsion must be due to weapons, arson, criminal sexual assault or physical assault against an employee or a volunteer of the district.