

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5101 Student Expression

The District will balance student speech and expression rights with its responsibility to provide a safe, orderly learning environment.

Students may not engage in speech or expressive conduct that would materially and substantially interfere with or disrupt school operations, including school activities and educational programming. An actual disruption is not required before school officials may regulate student speech or impose discipline if they can reasonably forecast a substantial and material disruption or interference with school operations.

Students may be disciplined for speech or expressive conduct that: is materially and substantially disruptive or that school officials can reasonably forecast will create a substantial disruption; is obscene, sexually explicit, indecent, or lewd; promotes the use of or advertises illegal substances; incites violence; contains "fighting words" or constitutes a true threat of violence; [Optional: constitutes hate speech or symbols, including, but not limited to, swastikas or Confederate flags]; involves a student walkout; ~~urges~~incites a violation of law, Board Policy, or rule; or is not constitutionally protected. Administrators will evaluate student speech on a case-by-case basis, including the location, context, and nexus to the school, before imposing discipline.

Student activism is subject to the above standards.

As used in this Policy, "fighting words" are words that tend to provoke a violent response amounting to a breach of the peace.

Legal authority: U.S. CONST. amend. I; Const 1963, art I, § 5; *Tinker v Des Moines Indep Community Sch Dist*, 393 US 503 (1969)

Date adopted:

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Date adopted: August 15, 2022

Date revised: August 19, 2024

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5102 Lockers

Lockers are District property and may be made available for student use. Lockers are assigned to students on a temporary basis, and District administration may revoke a student's locker assignment at any time. The District retains ownership of lockers notwithstanding student use.

Students have no expectation of privacy in their lockers. The building principal or designee may inspect lockers without any particularized suspicion or reasonable cause and without advance notice. Upon the ~~request of the~~ building principal or ~~designee~~designee's request, law enforcement may ~~assist with searching~~help search lockers.

During a locker search, student privacy rights will be respected for any items that are not illegal or against Board Policy.

The Board directs the Superintendent to include this Policy in the student code of conduct and to distribute it to ~~parents/guardians~~Parents.

Legal authority: MCL 380.1306

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

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Legal authority: MCL 380.1306

Date adopted: August 15, 2022

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5100 Student Rights

5103 Search and Seizure

School officials may search a student and the student's belongings if they have reasonable suspicion that the search will reveal contraband or evidence of a violation of law, Board Policy, or rule. In rare cases, school officials may conduct a search without reasonable suspicion if there is an imminent threat of physical harm or death.

A reasonable suspicion search must be justified at its inception and reasonable in its scope. A search is justified at its inception when school officials have reasonable grounds to suspect that the search will uncover contraband or evidence of a violation of law, Policy, or rule. A search is reasonable in scope when the measures used are reasonably related to the search objectives and are not excessively intrusive in light of the student's age and sex and the nature of the infraction.

School officials are not required to have reasonable suspicion to search lockers or other District property. See Policy 5102.

The District may use detection dogs to search for contraband on District property consistent with Policy 3107.

A breath alcohol test is a search and may be administered upon reasonable suspicion that a student has consumed or is under the influence of alcohol. For voluntary, noncurricular school activities (e.g., school dances), suspicionless breath alcohol tests may be administered for student health and safety purposes if students and their ~~parents/guardians~~ Parents have been provided advance written notice.

Strip searches are prohibited.

The building principal or designee will turn over to law enforcement ~~illegal items and any confiscated~~ dangerous weapons, as defined in Policy 5206, ~~and~~ For all other confiscated contraband and evidence, the building principal or designee may turn the item over to law enforcement or store it in a secure place ~~any other contraband or evidence seized from a search at school~~ until a disciplinary hearing.

This Policy does not apply to any outside entity that may require drug or breath alcohol testing as a condition of participation. See Policy 5105.

Legal authority: MCL 380.1306, 380.1313(2)

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

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Strip searches are prohibited.

The building principal or designee will turn over to law enforcement any confiscated dangerous weapons, as defined in Policy 5206. For all other confiscated contraband and evidence, the building principal or designee may turn the item over to law enforcement or store it in a secure place at school until a disciplinary hearing.

This Policy does not apply to any outside entity that may require drug or breath alcohol testing as a condition of participation. See Policy 5105.

Legal authority: MCL 380.1306, 380.1313(2)

Date adopted: August 15, 2022

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Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5104 Age of Majority

State law recognizes students are adults at age 18 or when otherwise legally emancipated. Except as noted below, all Board Policies, applicable codes of conduct, and any other applicable rules or behavioral expectations apply to all students regardless of age.

Unless inconsistent with a court order, students who are 18 years or older or legally emancipated may:

- A. have the same rights as their ~~parents/guardians~~Parents as they relate to access to or control of their student records;
- B. represent themselves during disciplinary conferences;
- C. request a personal curriculum;
- D. have other rights or privileges as determined by the Superintendent or designee;
- E. [Optional] sign themselves in and out of school;
- F. [Optional] provide reason(s) for their absences and tardies;

Eligible students who wish to assert these rights must notify the building principal in writing. Otherwise, sections ~~B-F~~ above will not apply. The building principal or designee may notify an eligible student's ~~parent/guardian~~Parent that the eligible student has exercised the rights listed under this Policy.

Legal authority: MCL 380.1278b; MCL 722.4, 722.52

Date adopted:

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Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5104 Age of Majority

State law recognizes students are adults at age 18 or when otherwise legally emancipated. Except as noted below, all Board Policies, applicable codes of conduct, and any other applicable rules or behavioral expectations apply to all students regardless of age.

Unless inconsistent with a court order, students who are 18 years or older or legally emancipated may:

- A. have the same rights as their Parents as they relate to access to or control of their student records;
- B. represent themselves during disciplinary conferences;
- C. request a personal curriculum;
- D. have other rights or privileges as determined by the Superintendent or designee;
- E. sign themselves in and out of school;
- F. provide reason(s) for their absences and tardies;

Eligible students who wish to assert these rights must notify the building principal in writing. Otherwise, sections B-F above will not apply. The building principal or designee may notify an eligible student's Parent that the eligible student has exercised the rights listed under this Policy.

Legal authority: MCL 380.1278b; MCL 722.4, 722.52

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Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5105 *Collaboration with Outside Entities*

The District may, from time to time, collaborate with outside entities to offer programming to students. Nothing in these Board Policies, including, without limitation, protocols for student searches and seizures, student discipline, interrogation of students, and seclusion and restraint, may be interpreted to interfere with any rule, regulation, or policy imposed by an outside entity with which the District cooperates or collaborates, except as otherwise prohibited by law.

Date adopted:

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The District may, from time to time, collaborate with outside entities to offer programming to students. Nothing in these Board Policies, including, without limitation, protocols for student searches and seizures, student discipline, interrogation of students, and seclusion and restraint, may be interpreted to interfere with any rule, regulation, or policy imposed by an outside entity with which the District cooperates or collaborates, except as otherwise prohibited by law.

Date adopted: August 15, 2022

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Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5106 Transgender Students [Optional] [Note: If the Board elects not to adopt this policy, delete the body of the policy and replace the title with "Intentionally Left Blank" after the policy number *and* in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]

[Optional] The Board recognizes that transgender students, nationally and in Michigan, are targeted with physical violence and experience a hostile school environment more frequently than their peers. ~~Supportive environments~~ A supportive environment that ~~acknowledge~~ acknowledges and ~~affirm~~ affirms a student's gender identity is a protective factor that improves health and educational outcomes.]

The Board supports protecting the rights of all students to self-identify and use the name, pronouns, and facilities that correspond with their gender identity. The Board prohibits unlawful discrimination, bullying, and harassment on the basis of sex, which includes sexual orientation and gender identity. ~~The Board further prohibits unlawful discrimination, bullying, and harassment on the basis of gender, gender identity, gender or expression, or gender-based stereotypes pursuant to Title IX of the Education Amendments of 1972.~~

~~A. Definitions~~

- ~~0. "Gender" means a set of social, physical, psychological and emotional traits, often influenced by societal expectations and a person's sexual and reproductive anatomy that classify an individual as feminine, masculine, androgynous, or other.~~
- ~~0. "Gender Identity" means a person's deeply held internal sense or psychological knowledge of their own gender. A person's gender identity can be the same or different from their sex assigned at birth. Gender identities may include, "male," "female," "androgynous," "transgender," "genderqueer" and many others, or a combination thereof.~~
- ~~0. "Gender Expression" means the multiple ways in which a person represents or expresses gender to themselves and others, often through one's name, pronouns, behavior, clothing, haircut, activities, voice, and other distinctive cultural markers of gender, and which may or may not conform to socially defined behaviors and characteristics typically associated with being masculine or feminine.~~
- ~~0. "Gender Neutral" means not gendered, usually operating outside the male/female binary, and may refer to language (e.g., pronouns), spaces (e.g., bathrooms), or identities.~~
- ~~0. "Transgender" means a person whose gender identity or expression is different from their sex assigned at birth.~~

- 0. ~~“Cisgender” means a person whose gender identity aligns with the sex assigned at birth.~~
- 0. ~~“Gender Nonconforming” includes people whose gender identity or expression does not conform to the stereotypical expectations of the sex they were assigned at birth. People who identify as Gender Nonconforming may or may not also identify as Transgender.~~
- 0. ~~“Gender fluid” means a person who does not identify with a single fixed gender and whose identification and presentation may shift, whether within or outside of the male/female binary.~~
- 0. ~~“Nonbinary” includes people who do not identify with the binary concepts of man/woman or masculine/ feminine. Not all Transgender people identify as Nonbinary. Other genders that may be included under the nonbinary umbrella are Genderqueer, Gender fluid, and Agender.~~
- 0. ~~“Preferred Gender Pronouns” means the pronoun or set of pronouns by which a person would like others to call them when their proper name is not being used. Traditional examples include “she/her/hers” or “he/him/his.” Some people prefer Gender Neutral pronouns such as “they/them/theirs.” Some people prefer no pronouns at all.~~

L.A. Unlawful Discrimination, Harassment, and Bullying

If a District employee receives a verbal, written, or electronic report of, witnesses, or otherwise directly or indirectly has notice that a student has experienced discrimination, harassment, or bullying ~~based on a student’s actual or perceived gender, gender identity, or gender expression~~, in violation of this Policy, the staff member must promptly report the alleged misconduct pursuant to the District’s unlawful discrimination and harassment policies.

If a student receives a verbal, written, or electronic report of, witnesses, or otherwise directly or indirectly has notice there has been an incident of discrimination, harassment, or bullying ~~based on a student’s actual or perceived gender, gender identity, or gender expression~~ in violation of this Policy, the student is encouraged to promptly report such incident pursuant to the District’s unlawful discrimination and harassment policies.

Complaints alleging unlawful discrimination, harassment, or bullying ~~based on a person’s actual or perceived gender, gender identity, or gender expression must be taken seriously and in violation of this Policy must be~~ handled pursuant to the District’s unlawful discrimination and harassment policies.

M.B. Initial Notification

The person best suited to determine a student’s ~~Gender Identity~~ gender identity is the individual student. A student will not be required to present legal or medical documentation of a gender transition when the student notifies the District of ~~his,~~

~~her, or their Gender Identity~~the student's gender identity, preferred name, or Preferred Gender Pronounspreferred gender pronouns.

Once a student or the student's ~~parent/guardian~~Parent notifies the District of the student's ~~Gender Identity~~gender identity, the District will meet with the student and the student's ~~parents~~Parents, as appropriate, to discuss whether the student requires any accommodations or supports at school and how any needed supports will be communicated to staff and students. The District will ensure that all staff engage in reasonable and good faith efforts to address the student by the student's preferred name and Preferred Gender Pronounspreferred gender pronouns.

The nature and type of supports the student may need at school may vary depending on the student's age, grade level, abilities, family situation, and other factors. Any determination made about accommodations and supports for the student at school will take into account the student's preferences, the ~~parent~~Parent(s)'s preferences, as appropriate, input from staff, applicable legal standards, and the most recent guidance from the U.S. Department of Education and the Michigan State Board of Education.

[OPTIONAL DEVELOPMENT OF GENDER SUPPORT PLAN] The District will develop a Gender Support Plan to address the student's particular circumstances or needs. ~~At Parent or student request, a~~ Gender Support Plan will be reviewed and ~~may be modified at any time at parent or student request.~~

A Gender Support Plan may, but is not required to, include a Gender Communication Plan, detailing how the District, the ~~parents~~Parents, and the student will communicate a change in ~~one or more aspects of~~ the student's ~~commonly assumed gender~~circumstances or needs with appropriate members of the school community. If a Gender Support Plan does not include a Gender Communication Plan, the District will ensure that all staff engage in reasonable and good faith efforts to address the student by ~~their~~the student's preferred name and Preferred Gender Pronounspreferred gender pronouns.

A student may not have informed ~~parents~~Parents of the student's ~~Gender Identity~~gender identity. In that situation, disclosure to a student's ~~parents~~Parents should be carefully considered on a case-by-case basis. Administrators should involve the school counselor or social worker and consider the health, safety, and well-being of the student, as well as the school's responsibility to keep ~~parents~~Parents informed, before making any disclosure.

N.C. Student Records

Upon request, if a student's ~~Gender Identity~~gender identity requires changes to student records, the District will make the appropriate changes, regardless of whether the student has "transitioned", sought a legal name change, or taken other legal or medical action. This includes, but is not limited to, updating the District's information systems, email addresses, class rosters, transcripts, and diplomas.

~~[OPTIONAL Optional: The District will comply with reasonable requests to amend a former student's secondary educational records, including diplomas and transcripts, after graduation, to ensure that those requesting records (e.g., college admissions office or potential employers) will only see the name and gender marker corresponding to the student's stated gender identity.]~~

Q.D. Student Privacy

A student's birth name and sex assigned at birth, or the fact that those differ from the student's preferred name and ~~Preferred Gender Pronouns~~ preferred gender pronouns is confidential information that constitutes personally identifiable information under the Family Educational Rights and Privacy Act. The District will ensure that any information relating to a student's ~~Gender Identity or Gender Expression~~ gender identity or gender expression is kept confidential in accordance with applicable state, local, and federal privacy laws.

~~Unless authorized by law, District staff will not disclose information that may reveal a student's birth name or sex assigned at birth, or that those differ from the student's preferred name and Preferred Gender Pronouns to others, including parents and other school staff.~~

Q.E. Restroom and Locker Room Access

~~[Choose Option 1 or 2.]~~

~~[Option 1: Student requests to use facilities like restrooms and locker rooms consistent with a student's Gender Identity gender identity will be addressed by the District on a case-by-case basis consistent with state and federal law and guidance.]~~

~~[Option 2: Upon request, students will have access to the facilities that correspond with their gender identity, but may also choose to use single-user or gender-neutral restrooms.]~~

~~The District will not force or coerce a student to use a sex-segregated facility that does not correspond with the student's Gender Identity gender identity.]~~

Alternative and non-stigmatizing options, like gender-neutral or single-user restrooms will be made available to all students who request them.

~~[Optional: (only include if including reference to Gender Support Plan above.) These determinations may be incorporated into a Gender Support Plan.]~~

R.F. Staff Training

The District will incorporate training on this Policy into the District's training on responding to and investigating unlawful discrimination and harassment. The Superintendent or designee will ensure that District personnel are notified of mandatory training sessions.

Legal authority:- MCL 37.2102, 37.2402; MCL 380.1310b; 20 USC 1232g; 20 USC 1681 et seq.; 20 USC 7151; ~~Policy No. 5207 (Bullying); Policy No. 5202 (Discriminatory Harassment of Students); Policy No. 3118 (Title IX Sexual Harassment)~~34 CFR 106.1 et seq.

Date adopted:

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5100 Student Rights

5106 Transgender Students

The Board recognizes that transgender students, nationally and in Michigan, are targeted with physical violence and experience a hostile school environment more frequently than their peers. A supportive environment that acknowledges and affirms a student's gender identity is a protective factor that improves health and educational outcomes.

The Board supports protecting the rights of all students to self-identify and use the name, pronouns, and facilities that correspond with their gender identity. The Board prohibits unlawful discrimination, bullying, and harassment on the basis of sex, which includes sexual orientation and gender identity or expression, or gender-based stereotypes.

A. Unlawful Discrimination, Harassment, and Bullying

If a District employee receives a verbal, written, or electronic report of, witnesses, or otherwise directly or indirectly has notice that a student has experienced discrimination, harassment, or bullying in violation of this Policy, the staff member must promptly report the alleged misconduct pursuant to the District's unlawful discrimination and harassment policies.

If a student receives a verbal, written, or electronic report of, witnesses, or otherwise directly or indirectly has notice there has been an incident of discrimination, harassment, or bullying in violation of this Policy, the student is encouraged to promptly report such incident pursuant to the District's unlawful discrimination and harassment policies.

Complaints alleging unlawful discrimination, harassment, or bullying in violation of this Policy must be handled pursuant to the District's unlawful discrimination and harassment policies.

B. Initial Notification

The person best suited to determine a student's gender identity is the individual student. A student will not be required to present legal or medical documentation of a gender transition when the student notifies the District of the student's gender identity, preferred name, or preferred gender pronouns.

Once a student or the student's Parent notifies the District of the student's gender identity, the District will meet with the student and the student's Parents, as appropriate, to discuss whether the student requires any accommodations or supports at school and how any needed supports will be communicated to staff and students. The District will ensure that all staff engage in reasonable and good faith efforts to address the student by the student's preferred name and preferred gender pronouns.

The nature and type of supports the student may need at school may vary depending on the student's age, grade level, abilities, family situation, and other factors. Any determination made about accommodations and supports for the student at school will take into account the student's preferences, the Parent(s)'s preferences, as appropriate, input from staff, applicable legal standards, and the most recent guidance from the U.S. Department of Education and the Michigan State Board of Education.

A student may not have informed Parents of the student's gender identity. In that situation, disclosure to a student's Parents should be carefully considered on a case-by-case basis. Administrators should involve the school counselor or social worker and consider the health, safety, and well-being of the student, as well as the school's responsibility to keep Parents informed, before making any disclosure.

C. Student Records

Upon request, if a student's gender identity requires changes to student records, the District will make the appropriate changes, regardless of whether the student has "transitioned", sought a legal name change, or taken other legal or medical action. This includes, but is not limited to, updating the District's information systems, email addresses, class rosters, transcripts, and diplomas.

D. Student Privacy

A student's birth name and sex assigned at birth, or the fact that those differ from the student's preferred name and preferred gender pronouns is confidential information that constitutes personally identifiable information under the Family Educational Rights and Privacy Act. The District will ensure that any information relating to a student's gender identity or gender expression is kept confidential in accordance with applicable state, local, and federal privacy laws.

E. Restroom and Locker Room Access

Upon request, students will have access to the facilities that correspond with their gender identity, but may also choose to use single-user or gender-neutral restrooms.

The District will not force or coerce a student to use a sex-segregated facility that does not correspond with the student's gender identity.

Alternative and non-stigmatizing options, like gender-neutral or single-user restrooms will be made available to all students who request them.

F. Staff Training

The District will incorporate training on this Policy into the District's training on responding to and investigating unlawful discrimination and harassment. The Superintendent or designee will ensure that District personnel are notified of mandatory training sessions.

Legal authority: MCL 37.2102, 37.2402; MCL 380.1310b; 20 USC 1232g; 20 USC 1681 et seq.; 20 USC 7151; 34 CFR 106.1 et seq.

Date adopted: August 15, 2022

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5201 Investigations, Arrests, and Other Law Enforcement Contact

The Board desires to maintain a positive working relationship with law enforcement agencies while protecting student rights and educational needs.

“Law enforcement officer” means a county sheriff or deputy sheriff; an officer of a city, village, or township police department; a city, village, or township marshal; a constable; a Michigan State Police officer; a federal law enforcement officer; an investigator of the state Department of Attorney General; a U.S. Immigration and Customs Enforcement (ICE) agent; a Federal Bureau of Investigations (FBI) agent; or any other person who has the legal authority to investigate criminal activity or to effectuate an arrest.

A. Student Records

District personnel may only share personally identifiable information from a student’s education record with law enforcement officers pursuant to Policy 5309 and state and federal law.

B. Reporting to Law Enforcement

A District administrator may contact a law enforcement officer any time the administrator suspects criminal activity; activity that threatens the health or safety of a student; or activity that disrupts or potentially disrupts the school environment.

C. School Related Criminal Activity

School related criminal activity is alleged or suspected criminal activity that occurs on school grounds, at a school-sponsored activity or athletic event, or in a vehicle owned or used by the District.

Law enforcement officers may contact and question students at school about school related criminal activity as provided below.

A law enforcement officer must notify the building principal or designee before questioning a student at school. The building principal or designee must request the law enforcement officer’s identification before allowing the student to be questioned.

The building principal or designee will make reasonable attempts to contact a student’s parent/guardianParent before the student is questioned by law enforcement. If the student is 18 years or older or is emancipated, the building principal will make reasonable attempts to contact the student’s parent/guardianParent, if requested by the student. If a parent/guardianParent cannot be reached after reasonable attempts, the student may be questioned only if the law enforcement officer identifies emergency circumstances requiring immediate questioning. A building principal or designee will be present for the

questioning. The student will be questioned in a private room and out of sight of others as much as practicable.

The law enforcement officer ~~has the responsibility to advise~~ is responsible for advising the student of all applicable rights, including the right against self-incrimination.

If at any time the building principal or designee believes that the law enforcement officer's questioning is being conducted in an inappropriate manner, the building principal or designee will request that the questioning cease.

D. Non-School Related Criminal Activity

Unless specifically authorized by law, a law enforcement officer may not question a student at school about non-school related criminal activity without parent/guardianParent consent or an appropriate warrant or court order.

E. Taking a Student into Custody

A law enforcement officer seeking to take a student into custody must contact the building principal or designee. If practicable, the building principal or designee will request that the law enforcement officer provide a copy of the warrant, written parent/guardianParent consent, court order, or other document authorizing the officer to take the student into custody. If the law enforcement officer takes a student into custody, the building principal or designee will obtain and record the officer's name, badge number and law enforcement agency; the date, time, and reason for the arrest; and the location to which the student is reportedly being taken.

Whenever practicable, a student should be taken into custody in a manner that minimizes observation by others and disruption to the educational environment.

When a law enforcement officer removes a student from school, the building principal or designee will take immediate steps to notify the student's parent/guardianParent about the student's removal and the location to which the student is reportedly being taken, except when a student has been taken into custody as a victim of suspected child abuse or neglect.

F. Optional: Notification to Superintendent or Designee

The building principal or designee will promptly notify the Superintendent any time a law enforcement officer seeks or demands to question a student, take a student into custody, or remove a student from school.

G. Child Abuse and Neglect

This Policy does not govern child abuse and neglect investigations. See Policy 5701.

Nothing in this Policy limits a District employee's authority to question a student about suspected misconduct or investigate suspected misconduct at school.

Legal authority: MCL 380.11a

Date adopted:

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5200 Student Conduct and Discipline

5201 Investigations, Arrests, and Other Law Enforcement Contact

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“Law enforcement officer” means a county sheriff or deputy sheriff; an officer of a city, village, or township police department; a city, village, or township marshal; a constable; a Michigan State Police officer; a federal law enforcement officer; an investigator of the state Department of Attorney General; a U.S. Immigration and Customs Enforcement (ICE) agent; a Federal Bureau of Investigations (FBI) agent; or any other person who has the legal authority to investigate criminal activity or to effectuate an arrest.

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District personnel may only share personally identifiable information from a student’s education record with law enforcement officers pursuant to Policy 5309 and state and federal law.

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Law enforcement officers may contact and question students at school about school related criminal activity as provided below.

A law enforcement officer must notify the building principal or designee before questioning a student at school. The building principal or designee must request the law enforcement officer’s identification before allowing the student to be questioned.

The building principal or designee will make reasonable attempts to contact a student’s Parent before the student is questioned by law enforcement. If the student is 18 years or older or is emancipated, the building principal will make reasonable attempts to contact the student’s Parent, if requested by the student. If a Parent cannot be reached after reasonable attempts, the student may be questioned only if the law enforcement officer identifies emergency circumstances requiring immediate questioning. A building principal or designee will be present

for the questioning. The student will be questioned in a private room and out of sight of others as much as practicable.

The law enforcement officer is responsible for advising the student of all applicable rights, including the right against self-incrimination.

If at any time the building principal or designee believes that the law enforcement officer's questioning is being conducted in an inappropriate manner, the building principal or designee will request that the questioning cease.

D. Non-School Related Criminal Activity

Unless specifically authorized by law, a law enforcement officer may not question a student at school about non-school related criminal activity without Parent consent or an appropriate warrant or court order.

E. Taking a Student into Custody

A law enforcement officer seeking to take a student into custody must contact the building principal or designee. If practicable, the building principal or designee will request that the law enforcement officer provide a copy of the warrant, written Parent consent, court order, or other document authorizing the officer to take the student into custody. If the law enforcement officer takes a student into custody, the building principal or designee will obtain and record the officer's name, badge number and law enforcement agency; the date, time, and reason for the arrest; and the location to which the student is reportedly being taken.

Whenever practicable, a student should be taken into custody in a manner that minimizes observation by others and disruption to the educational environment.

When a law enforcement officer removes a student from school, the building principal or designee will take immediate steps to notify the student's Parent about the student's removal and the location to which the student is reportedly being taken, except when a student has been taken into custody as a victim of suspected child abuse or neglect.

F. Intentionally Left Blank

G. Child Abuse and Neglect

This Policy does not govern child abuse and neglect investigations. See Policy 5701.

Nothing in this Policy limits a District employee's authority to question a student about suspected misconduct or investigate suspected misconduct at school.

Legal authority: MCL 380.11a

Date adopted: August 15, 2022

Date revised: August 19, 2024

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5202 Unlawful Discrimination, Harassment, and Retaliation Against Students

The District prohibits unlawful discrimination. ~~For purposes of this Policy, "unlawful discrimination"~~"Unlawful Discrimination" includes unlawful harassment and retaliation, unless specifically stated otherwise. The District will investigate all allegations of ~~unlawful discrimination~~Unlawful Discrimination and will take appropriate action, including discipline, against any person who, following an investigation, is determined to have engaged in ~~unlawful discrimination~~Unlawful Discrimination.

~~This Policy applies to student to student conduct and staff to student conduct. See Policy 4102 for District personnel harassment.~~

Complaints alleging Unlawful Discrimination, harassment, and Retaliation against a student will be investigated using the process outlined in Policies 3115-3115H.

The identities of the District's Title IX sexual harassment (staff to staff, staff to student, student to student, or student to staff)Coordinator, Section 504 Coordinator, and Civil Rights Coordinator are governed by listed in Policy 31183115B.

~~This Policy applies to all conduct occurring on school property, including in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, at a school sponsored activity or event whether or not it is held on school premises, or conduct with a direct nexus to school.~~

~~The District will comply with all applicable state and federal laws related to unlawful discrimination.~~

C.A. Student Handbooks

The Superintendent or designee will include in student handbooks a statement explaining the District's policy against ~~unlawful discrimination~~Unlawful Discrimination, including unlawful harassment and ~~retaliation~~Retaliation. This statement must include an explanation of types of ~~unlawful discrimination~~Unlawful Discrimination, examples of harassment, reporting requirements, and consequences as described in this Policy.

D. Types of Unlawful Harassment

~~"Unlawful harassment" is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward a student because of the student's race, color, religion, sex (including pregnancy, gender identity, or sexual orientation), national origin, disability, or any other legally protected class that has the purpose or effect of:~~

~~0. creating an intimidating, hostile, or offensive environment; or~~

~~0. unreasonably interfering with the student's ability to benefit from the District's educational programs or activities.~~

~~**Race, color, and national origin harassment** is prohibited by Title VI of the Civil Rights Act of 1964 and the Michigan Elliott-Larsen Civil Rights Act. Race, color, and national origin harassment is unwelcome conduct based on a student's actual or perceived race, color, or national origin. Race, color, and national origin harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially motivated physical threats, attacks, or other hateful conduct. Under this Policy, harassment based on ethnicity, ancestry, or perceived ancestral, ethnic, or religious characteristics, will be considered race, color, and national origin harassment.~~

~~**Disability harassment** is prohibited by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Michigan Persons with Disabilities Civil Rights Act. Disability harassment is unwelcome conduct based on a student's actual or perceived disability. Disability harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as disability motivated physical threats, attacks, or other hateful conduct.~~

~~**Sex-based harassment** is prohibited by Title IX of the Education Amendments of 1972 and the Michigan Elliott-Larsen Civil Rights Act. For the definition of sexual harassment under Title IX, see Policy 3118. Sex-based harassment prohibited by this Policy includes harassment based on gender identity or sexual orientation. This Policy also prohibits harassment of a sexual nature that does not rise to the level of Title IX sexual harassment, as defined in Policy 3118.~~

K.B. Reporting Requirements

District personnel must immediately report incidents of alleged ~~unlawful discrimination~~Unlawful Discrimination, including incidents that District personnel witness or about which they receive reports or information, regardless of whether the incidents are verbal, visual, or physical, and whether the incidents also constitute harassment, bullying, or hazing.

District personnel who witness an act of ~~unlawful discrimination~~Unlawful Discrimination must intervene immediately, unless circumstances would make intervention dangerous. A person who is unable to intervene should promptly attempt to find another person who is able to intervene, contact a building administrator, or contact law enforcement, as the situation requires.

Any student who witnesses an act of ~~unlawful discrimination~~Unlawful Discrimination is encouraged to report it to District personnel. No student will be retaliated against based on any report of suspected ~~unlawful discrimination~~Unlawful Discrimination. A student may also anonymously report an incident of ~~unlawful discrimination~~Unlawful Discrimination. The District will investigate anonymous reports to the extent possible pursuant to ~~its investigation procedures described below~~Policies 3115-3115H. Minor students do not need

~~parent/guardian~~ Parent permission to file ~~complaints~~ Complaint or participate in the ~~formal complaint resolution process~~ Grievance Procedure described ~~below~~ in Policies 3115-3115H.

~~L. How to Report Unlawful Discrimination~~ [Note: One person may serve in more than one coordinator role]

~~If you or someone you know has been the victim of unlawful sex-based discrimination, you may file a report with any District employee or with the Title IX Coordinator:~~

~~[TITLE IX COORDINATOR NAME OR POSITION/TITLE]
[TITLE IX COORDINATOR ADDRESS]
[TITLE IX COORDINATOR PHONE NUMBER]
[TITLE IX COORDINATOR EMAIL]~~

~~Formal Complaints of Title IX Sexual Harassment must be filed with the Title IX Coordinator. For information on the District's Title IX Sexual Harassment Grievance Process, see Policy 3118.~~

~~If you or someone you know has been the victim of disability-based discrimination, you may file a complaint with:~~

~~[SECTION 504 COORDINATOR NAME OR POSITION/TITLE]
[SECTION 504 COORDINATOR ADDRESS]
[SECTION 504 COORDINATOR PHONE NUMBER]
[SECTION 504 COORDINATOR EMAIL]~~

~~If you or someone you know has been the victim of any other type of unlawful discrimination, including unlawful conduct based on race, color, or national origin, you may file a complaint with:~~

~~[CIVIL RIGHTS COORDINATOR NAME OR POSITION/TITLE]
[CIVIL RIGHTS COORDINATOR ADDRESS]
[CIVIL RIGHTS COORDINATOR PHONE NUMBER]
[CIVIL RIGHTS COORDINATOR EMAIL]~~

~~A report of unlawful discrimination may be made verbally or in writing.~~

~~The coordinators identified above will document all unlawful discrimination reports, as well as any incidents they personally observe. The District will retain this documentation in accordance with applicable record retention requirements.~~

~~EE. Complaint Process~~

~~Any person who has been the victim of unlawful discrimination or any person who has witnessed an incident of unlawful discrimination may make a complaint at any time. District personnel who receive a complaint of unlawful discrimination must immediately document the reported incident and notify the appropriate coordinator identified above by the end of the next school day.~~

~~GG. Investigation Timelines~~

~~The District will initiate an investigation within [Choose number 2 through 5] school days after receiving a complaint of unlawful discrimination. In most cases, an investigation will be completed within [Choose number 10 through 20] school days.~~

~~The District will attempt to comply with all law enforcement requests for cooperation. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend its investigation. The District will promptly resume its investigation as soon as it is notified by the law enforcement agency that the law enforcement agency has completed its evidence gathering process. This delay should not exceed 10 school days. If the District's investigation is suspended, interim steps will be taken to provide for the safety of the alleged victim or victims and the school community and to avoid potential retaliation. Those steps may include suspending the alleged perpetrator from work or school until the investigation is complete. If the law enforcement agency does not notify the District within 10 school days that the investigation may resume, the District will notify the law enforcement agency that the District intends to promptly resume its investigation.~~

~~Within 5 school days after completing the investigation, the District will separately notify, in writing, the alleged victim and the alleged perpetrator of the investigation's outcome. Any disciplinary action against the alleged perpetrator will be implemented in accordance with the due process standards contained within Policy 5206.~~

~~An alleged victim of unlawful discrimination may present new evidence at any time.~~

~~An alleged perpetrator's status as a student with a disability will not affect the District's obligation to protect the alleged victim during and after an investigation.~~

~~MM. Investigation Procedures~~

~~The District will use the following procedures when initiating and conducting investigations of unlawful discrimination:~~

- ~~0. Any written or verbal report of unlawful discrimination or harassment, including anonymous written or verbal reports, will be promptly addressed and investigated.~~
- ~~0. The District will assure the alleged victim that:
 - ~~— the complaint will be fully investigated;~~
 - ~~— the alleged victim's identity will be kept confidential during the investigation, to the extent possible;~~
 - ~~— the alleged victim will not be retaliated against by the District; and~~
 - ~~— the District will enforce its non-retaliation policy.~~~~

- ~~0. The District will take preventative measures to ensure that others, including the alleged perpetrator, do not retaliate against the alleged victim during or after the investigation.~~
- ~~0. The District will notify the alleged victim that the victim will not be required to confront the alleged perpetrator during the investigation, that steps will be taken to immediately ensure that the alleged conduct does not continue, and that retaliation is prohibited.~~
- ~~0. The District will interview any witnesses identified by the alleged victim and the alleged perpetrator. All witnesses will be assured that their identities will be kept confidential during the investigation, to the extent both possible and practical, and that retaliation is prohibited.~~
- ~~0. The District will implement individualized interim measures during the investigation to ensure that any unlawful conduct does not continue. Interim measures may include, but are not limited to, temporary schedule changes, no-contact directives, short term suspensions, changes to class schedules or lockers, and student escorts.~~
- ~~0. The District will take action to end unlawful discrimination, including monitoring that the conduct does not reoccur and modifying responses if the unlawful discrimination does reoccur.~~
- ~~0. If the alleged victim is a minor student, the District will notify the student's parent/guardian of the complaint. The parent/guardian will be informed of the investigation's status, as appropriate.~~
- ~~0. Unless otherwise required by law, if an alleged victim has been discriminated against or harassed based on sexual orientation, gender identity, or non-compliance with gender stereotypes, the District will first consult with the student to determine an appropriate method of notifying the student's parent/guardian of the complaint.~~
- ~~0. All documentation, including witness statements, must be kept with the complaint and reports.~~
- ~~0. The District will use the preponderance of the evidence standard as the appropriate standard to substantiate allegations of unlawful discrimination.~~
- ~~0. If the District determines that a school official's impartiality has been compromised during the investigation process, that school official will be removed from the investigation and have no further involvement.~~
- ~~0. If an alleged victim requests complete confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the alleged victim's request. If an alleged victim insists that the victim's name or other identifying information not be disclosed to the alleged perpetrator, the appropriate coordinator or designee~~

~~will notify the alleged victim that the District's ability to investigate and respond to the complaint may be limited.~~

~~FFF. Remedies~~

~~The District will take appropriate and effective measures to promptly remedy effects of unlawful discrimination. Appropriate remedies will be based on the circumstances and may include, but are not limited to:~~

- ~~0. providing an escort to ensure that the victim can safely attend classes and school activities;~~
- ~~0. providing the victim with school based counseling services;~~
- ~~0. providing the victim with academic support services, such as tutoring;~~
- ~~0. rearranging course schedules, to the extent practicable, to minimize contact between the victim and perpetrator;~~
- ~~0. moving the victim's or the perpetrator's locker;~~
- ~~0. issuing a "no contact" directive to the perpetrator; or~~
- ~~0. imposing discipline, up to and including suspension or expulsion, consistent with Policy 5206 and the student code of conduct.~~

~~Whenever possible, the District will strive to ensure that the victim's academic and other school-related schedules remain intact.~~

~~These remedies may also be available to any other student who is or was affected by unlawful discrimination.~~

~~The applicable coordinator should also consider whether broader remedies are required, which may include, but are not limited to:~~

- ~~0. assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;~~
- ~~0. additional staff training;~~
- ~~0. a climate survey; or~~
- ~~0. letters to students, staff, and parents/guardians reminding them of their obligations under this Policy and applicable handbooks.~~

~~If the alleged victim is a student with a disability, the Superintendent or designee will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the alleged victim continues to receive a free appropriate public education.~~

~~WWW. Investigation Report~~

~~After the investigation concludes, the appropriate coordinator or designee will create an investigation report. The report must include the following information:~~

- ~~0. the alleged victim's name, a description, or identifying information;~~
- ~~0. the alleged victim's relevant protected class(es);~~
- ~~0. the name, a description, or identifying information about the person making the report, if not the alleged victim;~~
- ~~0. the protected class(es) of the person making the report, if not the alleged victim;~~
- ~~0. the nature of the allegation, a description of the alleged incident(s), and the date and time (if known) of the alleged incident(s);~~
- ~~0. the name(s) and protected classes of all persons alleged to have committed the unlawful discrimination, if known, or a description/identifying information available if the name is not known;~~
- ~~0. the name(s) or description/identifying information and protected classes of all known witnesses to the alleged incident;~~
- ~~0. any written statement of the person making the report, the alleged victim (if different than the reporter), the alleged perpetrator(s), and any known witnesses;~~
- ~~0. the applicable standard of evidence, conclusion, and recommendations; and~~
- ~~0. the response by District personnel, including the date any incident was reported to law enforcement.~~

~~III. Filing a False Report~~

~~Any person who knowingly or maliciously files a false report of unlawful discrimination will be subject to discipline, up to and including expulsion.~~

~~KKKK. Retaliation~~

~~Retaliation against a person who reports unlawful discrimination is prohibited. Any person who retaliates against a person who reports suspected unlawful discrimination will be disciplined in accordance with Policy 5206. This prohibition against retaliation also applies to retaliation against people who participate in or cooperate with an investigation related to a complaint.~~

~~MMMM.C. _____ Office for Civil Rights~~

~~Any person who believes that he or she was the victim of unlawful discrimination Unlawful Discrimination may file a complaint with the Office for Civil Rights (OCR) at any time:~~

U.S. Department of Education

Office for Civil Rights
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
Phone: (216) 522-4970
E-mail: OCR.Cleveland@ed.gov

~~This~~An OCR complaint may be filed before, during, or after filing a ~~complaint~~Complaint with the District. A person may forego filing a ~~complaint~~Complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to ~~unlawful discrimination~~Unlawful Discrimination also file a ~~complaint~~Complaint with the District to ensure that the District is able to take steps to prevent any further ~~harassment~~discrimination and to discipline the alleged perpetrator, if ~~necessary~~appropriate. OCR does not serve as an appellate body for District decisions. An investigation by OCR will occur separately from any District investigation.

~~NNNN.~~ Appeal Process

~~An alleged victim or alleged perpetrator may appeal the written investigation findings and conclusions to the [Choose one: Superintendent / Board President] within 5 business days of receipt. Upon receipt of an appeal, the [Choose one: Superintendent / Board President] or designee will review the investigation report, may contact additional witnesses, may consider all additional evidence, and may re-interview any witnesses. The [Choose one: Superintendent / Board President] will then notify the parties in writing of the decision. The [Choose one: Superintendent / Board President] or designee is not required to give deference to the investigation report and may consider any new, previously unavailable evidence in evaluating the appeal.~~

~~[Note: An appeal may be to the Superintendent instead of the Board President only if the Superintendent is not the applicable coordinator.]~~

~~OOOO.~~ Training

~~The District will provide to District personnel training on responding to and investigating unlawful discrimination. This training is mandatory for all District personnel responsible for implementing and enforcing anti-discrimination and anti-harassment laws and related policies and procedures. The Superintendent or designee will ensure that District personnel are notified of mandatory training sessions.~~

Legal authority: 20 USC 1400 et seq., 1681 et seq.; 29 USC 206 et seq., 621 et seq., 701 et seq., 794, 2601 et seq., 6101 et seq.; 38 USC 4301 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000f et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.8, ~~106.9;1, et seq.~~1, et seq.; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5202 Unlawful Discrimination, Harassment, and Retaliation Against Students

The District prohibits unlawful discrimination. "Unlawful Discrimination" includes unlawful harassment and retaliation, unless specifically stated otherwise. The District will investigate all allegations of Unlawful Discrimination and will take appropriate action, including discipline, against any person who, following an investigation, is determined to have engaged in Unlawful Discrimination.

Complaints alleging Unlawful Discrimination, harassment, and Retaliation against a student will be investigated using the process outlined in Policies 3115-3115H.

The identities of the District's Title IX Coordinator, Section 504 Coordinator, and Civil Rights Coordinator are listed in Policy 3115B.

A. Student Handbooks

The Superintendent or designee will include in student handbooks a statement explaining the District's policy against Unlawful Discrimination, including unlawful harassment and Retaliation. This statement must include an explanation of types of Unlawful Discrimination, examples of harassment, reporting requirements, and consequences as described in this Policy.

B. Reporting Requirements

District personnel must immediately report incidents of alleged Unlawful Discrimination, including incidents that District personnel witness or about which they receive reports or information, regardless of whether the incidents are verbal, visual, or physical, and whether the incidents also constitute harassment, bullying, or hazing.

District personnel who witness an act of Unlawful Discrimination must intervene immediately, unless circumstances would make intervention dangerous. A person who is unable to intervene should promptly attempt to find another person who is able to intervene, contact a building administrator, or contact law enforcement, as the situation requires.

Any student who witnesses an act of Unlawful Discrimination is encouraged to report it to District personnel. No student will be retaliated against based on any report of suspected Unlawful Discrimination. A student may also anonymously report an incident of Unlawful Discrimination. The District will investigate anonymous reports to the extent possible pursuant to Policies 3115-3115H. Minor students do not need Parent permission to file a Complaint or participate in the Grievance Procedure described in Policies 3115-3115H.

C. Office for Civil Rights

Any person who believes that he or she was the victim of Unlawful Discrimination may file a complaint with the Office for Civil Rights (OCR) at any time:

U.S. Department of Education
Office for Civil Rights
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
Phone: (216) 522-4970
E-mail: OCR.Cleveland@ed.gov

An OCR complaint may be filed before, during, or after filing a Complaint with the District. A person may forego filing a Complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to Unlawful Discrimination also file a Complaint with the District to ensure that the District is able to take steps to prevent any further discrimination and to discipline the alleged perpetrator, if appropriate. OCR does not serve as an appellate body for District decisions. An investigation by OCR will occur separately from any District investigation.

Legal authority: 20 USC 1400 et seq., 1681 et seq.; 29 USC 206 et seq., 621 et seq., 701 et seq., 794, 2601 et seq., 6101 et seq.; 38 USC 4301 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.1, et seq.; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted: August 15, 2022

Date revised: August 19, 2024

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5203 Hazing

Hazing is prohibited. Hazing is an intentional or reckless act directed against a student that endangers the student's physical or mental health or safety that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization, activity, team, or social group. This Policy applies regardless of a student's consent, permission, or assumption of risk. Any student who engages in hazing may be subject to discipline.

Hazing includes, but is not limited to:

- physical brutality or punishment (e.g., whipping, beating, striking, branding, or placing a harmful substance on a student's body);
- physical activity that subjects a student to an unreasonable risk of harm or that adversely affects a student's physical or mental health or safety (e.g., sleep deprivation, exposure to the elements, confinement in a small space, or undressing or exposing a student);
- consumption of food, liquid, alcohol, drugs, or other substance that subjects a student to an unreasonable risk of harm or that adversely affects a student's physical or mental health or safety;
- an activity that induces, causes, or requires a student to commit a crime or an act of hazing;
- intentional humiliation or embarrassment of a student;
- detention or seclusion of a student; and
- other activities that subject a student to an unreasonable risk of harm or that adversely affect a student's physical or mental health or safety.

Legal authority: MCL 750.411t

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5203 Hazing

Hazing is prohibited. Hazing is an intentional or reckless act directed against a student that endangers the student's physical or mental health or safety that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization, activity, team, or social group. This Policy applies regardless of a student's consent, permission, or assumption of risk. Any student who engages in hazing may be subject to discipline.

Hazing includes, but is not limited to:

- physical brutality or punishment (e.g., whipping, beating, striking, branding, or placing a harmful substance on a student's body);
- physical activity that subjects a student to an unreasonable risk of harm or that adversely affects a student's physical or mental health or safety (e.g., sleep deprivation, exposure to the elements, confinement in a small space, or undressing or exposing a student);
- consumption of food, liquid, alcohol, drugs, or other substance that subjects a student to an unreasonable risk of harm or that adversely affects a student's physical or mental health or safety;
- an activity that induces, causes, or requires a student to commit a crime or an act of hazing;
- intentional humiliation or embarrassment of a student;
- detention or seclusion of a student; and
- other activities that subject a student to an unreasonable risk of harm or that adversely affect a student's physical or mental health or safety.

Legal authority: MCL 750.411t

Date adopted: August 15, 2022

Date revised: August 19, 2024

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5204 Student Appearance and Dress Code

Student dress, ~~hair style, make up~~, cleanliness, or personal appearance that is a threat to the safety, health, or welfare of students or others; violates any statute or Policy 5101; or substantially disrupts the educational environment or that school officials reasonably forecast will substantially disrupt the educational environment, is grounds for remedial or disciplinary action. The Superintendent or designee will develop and publish specific dress code regulations consistent with the law and this Policy.

Legal authority: MCL 37.2101 et.seq.

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5204 Student Appearance and Dress Code

Student dress, cleanliness, or personal appearance that is a threat to the safety, health, or welfare of students or others; violates any statute or Policy 5101; or substantially disrupts the educational environment or that school officials reasonably forecast will substantially disrupt the educational environment, is grounds for remedial or disciplinary action. The Superintendent or designee will develop and publish specific dress code regulations consistent with the law and this Policy.

Legal authority: MCL 37.2101 et.seq.

Date adopted: August 15, 2022

Date revised: August 19, 2024

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206 Student Discipline [Note: This Policy complies with all relevant laws and rules and reflects the most common practices to address student discipline. If this Policy does not reflect your District's practices, Thrun Law Firm will work with you to modify the Policy to incorporate your District's practices consistent with applicable law.]

[Note: The Board must also adopt Policies 5206A, 5206B, 5206C, and 5206E. Board Policy 5206D is optional.]

A. Student Discipline - Generally

The Board is committed to providing students and staff with a safe learning environment free from substantial disruption. Consistent with this commitment, the District may discipline students who engage in misconduct, up to and including suspension or expulsion from school.

The District will take steps to effectively discipline students in a manner that minimizes out-of-school suspensions and expulsions. The District will comply with applicable laws related to student discipline, including the consideration of specific factors and possible use of restorative practices.

B. Applicability

This Policy applies to student conduct that occurs:

1. on District property;
2. at a school-sponsored or school-related event;
3. on a school bus or vehicle;
4. while traveling to or from school, including at a bus stop; and
5. at any other time or place if the conduct has a nexus to the school, substantially disrupts the school environment, or as permitted by law.

C. Student Code of Conduct

The Superintendent or designee will develop, regularly update, and annually publish a student code of conduct in all student handbooks. The student code of conduct must:

1. identify offenses that may result in discipline;
2. identify possible disciplinary consequences for each offense, which may, if appropriate, include suspension or expulsion;

3. be consistent with applicable state and federal laws and Board Policies; and
4. include a copy of Policy 5206E entitled "Suspension from Class, Subject, or Activity by Teacher."

D. Definitions

For purposes of this Policy:

1. "suspend" or "suspension" means a disciplinary removal from school for less than 60 school days;
2. "expel" or "expulsion" means a disciplinary removal from school for 60 or more school days;
3. "restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct; and
4. "Mandatory 7 Factors" means the following:
 - a. the student's age;
 - b. the student's disciplinary history;
 - c. whether the student has a disability;
 - d. the seriousness of the behavior;
 - e. whether the behavior posed a safety risk;
 - f. whether restorative practices are a better option; and
 - g. whether lesser interventions would address the behavior.

E. Restorative Practices

Before suspending or expelling a student (except a student who possesses a firearm in a weapon-free school zone), teachers, administrators, and the Board must first determine whether restorative practices would better address the student's misconduct, recognizing the Board's objective of minimizing out-of-school suspensions and expulsions. Likewise, teachers, administrators, and the Board must consider whether restorative practices should be used in addition to the suspension or expulsion. Restorative practices, which may include a victim-offender conference, should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment, and cyberbullying.

All victim-offender conferences must be conducted consistent with state and federal law and Policies. No student who claims to be the victim of unlawful harassment may be compelled to meet with the alleged perpetrator of the harassment as part of a restorative practice.

F. Discretionary Suspension or Expulsion

Under Michigan law, a suspension of 10 or fewer school days is presumed to be reasonable. A suspension of more than 10 school days or an expulsion is, in most circumstances, presumed not to be justified. Before imposing a suspension or an expulsion, administrators or the Board must consider the Mandatory 7 Factors.

1. Building Administrators - 10 or fewer days

The Board delegates to all building administrators the authority to suspend a student for up to 10 school days consistent with the student code of conduct.

A building administrator may also suspend a student for up to 10 school days pending further investigation and possible further disciplinary consequences, including a longer-term suspension or expulsion.

Before exercising this authority, the building administrator must consider the Mandatory 7 Factors.

Additionally, before suspending a student for any length of time, the building administrator must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

2. Superintendent - Less than 60 school days

The Board delegates to the Superintendent the authority to suspend a student for less than 60 school days consistent with the student code of conduct. Before exercising this authority, the Superintendent must consider the Mandatory 7 Factors.

Any time the Superintendent finds that a suspension of more than 10 school days is warranted, the Superintendent must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

Additionally, before suspending a student for any length of time, the Superintendent must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

3. Board - Suspension or Expulsion

The Board may suspend or expel a student for an offense consistent with the student code of conduct.

Before exercising this authority, the Board must consider the Mandatory 7 Factors.

Any time the Board finds that a suspension of more than 10 school days or expulsion is warranted, the Board must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

Before exercising this authority, the Board must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

G. Criminal Sexual Conduct – Discretionary Suspension or Expulsion

If a student commits criminal sexual conduct, as defined in Revised School Code Section 1311, against another student enrolled in the District and expulsion is not mandatory under Policy 5206 H.3, the District may suspend or expel the student even if the student has not been criminally charged, subject to consideration of the Mandatory 7 Factors.

Before exercising this authority, the District must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

H. Mandatory Suspension or Expulsion

Building principals and other administrators must refer all incidents that may result in a mandatory suspension or expulsion to the Superintendent or designee for transmission to the Board. As explained below, the Board recognizes that in some circumstances it may choose not to suspend or expel a student. Nothing in this section may be construed as limiting the Board's discretion to suspend or expel a student for any offense that the student code of conduct identifies as possibly resulting in suspension or expulsion.

1. Possession of a Dangerous Weapon

a. Possession of a Firearm

If a student possesses a firearm in a weapon-free school zone, the Board will permanently expel the student unless the student demonstrates, in a clear and convincing manner, at least one of the following:

- the student was not possessing the firearm to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
- the student did not knowingly possess the firearm;
- the student did not know or have reason to know that the firearm constituted a "dangerous weapon"; or
- the student possessed the firearm at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

b. Possession of a Dangerous Weapon (Other than a Firearm)

If a student possesses a dangerous weapon (other than a firearm) in a weapon-free school zone, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Board is not required to expel a student for possession of a dangerous weapon (other than a firearm) if the student demonstrates, in a clear and convincing manner, at least one of the following:

- the student was not possessing the instrument or object to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
- the student did not knowingly possess the weapon;
- the student did not know or have reason to know that the instrument or object constituted a "dangerous weapon"; or
- the student possessed the weapon at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

c. Applicable Definitions for Dangerous Weapon Offense

"Weapon-free school zone" means school property and a vehicle used by a school to transport students to or from school property.

"School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

"Dangerous weapon" means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

"Firearm" means (i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action

of an explosive; (ii) the frame or receiver of any such weapon; (iii) any firearm muffler or firearm silencer; or (iv) any destructive device. "Firearm" does not include an antique firearm, as defined by 18 USC § 921.

"Destructive device" means (i) any explosive, incendiary, or poison gas (including a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device); (ii) any type of weapon (other than a shotgun or a shotgun shell that the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (iii) any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

d. Additional Procedures for Dangerous Weapon Expulsion

The Superintendent or designee must ensure that if a student is expelled for possession of a dangerous weapon, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for possession of a dangerous weapon to the county department of social services or the county community mental health agency and notify the student's parent/guardianParent (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion. The Superintendent or designee must also make a referral to local law enforcement and contact the student's parent/guardianParent immediately any time a student is found to have brought a dangerous weapon to school or possessed a dangerous weapon at school, at a school related activity, or in a school vehicle. If a District official confiscates a dangerous weapon, the District official will give the dangerous weapon to law enforcement and will not release the dangerous weapon to any other person, including the legal owner.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for possession of a dangerous weapon may not enroll in the District.

2. Arson

If a student commits arson as defined in Revised School Code Section 1311, in a school building or on school grounds, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing arson, the student's permanent record reflects the expulsion. The

Superintendent or designee must refer a student who is expelled for committing arson to the county department of social services or the county community mental health agency and notify the student's ~~parent/guardian~~Parent (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing arson may not enroll in the District.

3. Criminal Sexual Conduct

If a student commits criminal sexual conduct as defined in Revised School Code Section 1311, in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another student enrolled in the District, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing criminal sexual conduct, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing criminal sexual conduct to the county department of social services or the county community mental health agency and notify the student's ~~parent/guardian~~Parent (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing criminal sexual conduct may not enroll in the District.

4. Physical Assault

a. Physical Assault Against Employee, Volunteer, or Contractor

If a student in grade 6 or above commits a physical assault at school against an employee, volunteer, or contractor and the victim reports the physical assault to the Board or to a school administrator or, if the victim is unable to report the assault, another person makes the report on the victim's behalf, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for physically assaulting an employee, volunteer, or contractor, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for physically assaulting an employee, volunteer, or contractor to the county department of social services or the

county community mental health agency and notify the student's ~~parent/guardian~~Parent (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311a(5), a student expelled by another district or public school academy for physically assaulting an employee, volunteer, or contractor may not enroll in the District.

b. Physical Assault Against Another Student

If a student in grade 6 or above commits a physical assault at school against another student and the physical assault is reported to the Board or to an administrator, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for committing a physical assault against another student may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

c. Applicable Definitions for Physical Assault ~~Against Student~~

- i. "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.
- ii. "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

5. Bomb Threat or Similar Threat

If a student in grade 6 or above makes a bomb threat or similar threat directed at a school building, other District property, or at a school-related event, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for making a bomb threat or similar threat may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

I. Victims of Alleged Sexual Assault

The District will not expel a student or suspend a student for more than 10 days for an action the student took immediately preceding, immediately following, or that could reasonably be tied to an incident in which the student was sexually assaulted or an incident in which the student reports being sexually assaulted, an incident where another person witnesses and reports the student's sexual assault, or an incident for which school officials receive credible information that the student was sexually assaulted. This subsection does not apply if:

- The student is convicted of, pleads guilty or responsible to, or is adjudicated responsible for aggravated assault, assault with intent to commit murder, assault with intent for great bodily harm, assault with intent to maim, attempted murder, homicide, manslaughter; or criminal sexual conduct;
- The student commits an act described in Section H.1 through H.3 of this Policy;
- A Title IX investigation conducted pursuant to Policy 3118 concludes by clear and convincing evidence that the report of sexual assault was false; or
- The Board or the Superintendent determines, after considering the Mandatory 7 factors, that a longer-term suspension or expulsion is warranted.

In determining whether to suspend a student described in this section, the District will consider the recommendations of the District's Title IX Coordinator, as applicable.

I.J. Statewide School Safety Information Policy (SSSIP) & Law Enforcement Reporting

The Superintendent or designee must notify law enforcement when required by the SSSIP and make all other reports and provide all other notifications required by the SSSIP or any state or federal law. Nothing in this Policy limits the ability of a school administrator to contact law enforcement at any other time.

I.K. Educational Programming During Suspension or Expulsion

Except as otherwise required by law or as provided in this Policy, a student who has been suspended or expelled may not be on school property, attend classes or other school functions, or participate in extracurricular activities during the student's suspension or expulsion without written permission from the Superintendent or designee. District personnel may assist students who have been suspended or expelled to explore alternative means, as allowed by law, to earn credit and to complete coursework during the period of the student's suspension or expulsion.

Legal authority: 18 USC 921; 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL
380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1310e,
380.1311, 380.1311a, 380.1312, 380.1313

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206 Student Discipline

A. Student Discipline - Generally

The Board is committed to providing students and staff with a safe learning environment free from substantial disruption. Consistent with this commitment, the District may discipline students who engage in misconduct, up to and including suspension or expulsion from school.

The District will take steps to effectively discipline students in a manner that minimizes out-of-school suspensions and expulsions. The District will comply with applicable laws related to student discipline, including the consideration of specific factors and possible use of restorative practices.

B. Applicability

This Policy applies to student conduct that occurs:

1. on District property;
2. at a school-sponsored or school-related event;
3. on a school bus or vehicle;
4. while traveling to or from school, including at a bus stop; and
5. at any other time or place if the conduct has a nexus to the school, substantially disrupts the school environment, or as permitted by law.

C. Student Code of Conduct

The Superintendent or designee will develop, regularly update, and annually publish a student code of conduct in all student handbooks. The student code of conduct must:

1. identify offenses that may result in discipline;
2. identify possible disciplinary consequences for each offense, which may, if appropriate, include suspension or expulsion;
3. be consistent with applicable state and federal laws and Board Policies; and
4. include a copy of Policy 5206E entitled "Suspension from Class, Subject, or Activity by Teacher."

D. Definitions

For purposes of this Policy:

1. “suspend” or “suspension” means a disciplinary removal from school for less than 60 school days;
2. “expel” or “expulsion” means a disciplinary removal from school for 60 or more school days;
3. “restorative practices” means practices that emphasize repairing the harm to the victim and the school community caused by a student’s misconduct; and
4. “Mandatory 7 Factors” means the following:
 - a. the student’s age;
 - b. the student’s disciplinary history;
 - c. whether the student has a disability;
 - d. the seriousness of the behavior;
 - e. whether the behavior posed a safety risk;
 - f. whether restorative practices are a better option; and
 - g. whether lesser interventions would address the behavior.

E. Restorative Practices

Before suspending or expelling a student (except a student who possesses a firearm in a weapon-free school zone), teachers, administrators, and the Board must first determine whether restorative practices would better address the student’s misconduct, recognizing the Board’s objective of minimizing out-of-school suspensions and expulsions. Likewise, teachers, administrators, and the Board must consider whether restorative practices should be used in addition to the suspension or expulsion. Restorative practices, which may include a victim-offender conference, should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment, and cyberbullying.

All victim-offender conferences must be conducted consistent with state and federal law and Policies. No student who claims to be the victim of unlawful harassment may be compelled to meet with the alleged perpetrator of the harassment as part of a restorative practice.

F. Discretionary Suspension or Expulsion

Under Michigan law, a suspension of 10 or fewer school days is presumed to be reasonable. A suspension of more than 10 school days or an expulsion is, in most circumstances, presumed not to be justified. Before imposing a suspension or an expulsion, administrators or the Board must consider the Mandatory 7 Factors.

1. Building Administrators - 10 or fewer days

The Board delegates to all building administrators the authority to suspend a student for up to 10 school days consistent with the student code of conduct.

A building administrator may also suspend a student for up to 10 school days pending further investigation and possible further disciplinary consequences, including a longer-term suspension or expulsion.

Before exercising this authority, the building administrator must consider the Mandatory 7 Factors.

Additionally, before suspending a student for any length of time, the building administrator must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

2. Superintendent - Less than 60 school days

The Board delegates to the Superintendent the authority to suspend a student for less than 60 school days consistent with the student code of conduct. Before exercising this authority, the Superintendent must consider the Mandatory 7 Factors.

Any time the Superintendent finds that a suspension of more than 10 school days is warranted, the Superintendent must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

Additionally, before suspending a student for any length of time, the Superintendent must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

3. Board - Suspension or Expulsion

The Board may suspend or expel a student for an offense consistent with the student code of conduct.

Before exercising this authority, the Board must consider the Mandatory 7 Factors.

Any time the Board finds that a suspension of more than 10 school days or expulsion is warranted, the Board must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

Before exercising this authority, the Board must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

G. Criminal Sexual Conduct – Discretionary Suspension or Expulsion

If a student commits criminal sexual conduct, as defined in Revised School Code Section 1311, against another student enrolled in the District and expulsion is not mandatory under Policy 5206 H.3, the District may suspend or expel the student even if the student has not been criminally charged, subject to consideration of the Mandatory 7 Factors.

Before exercising this authority, the District must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

H. Mandatory Suspension or Expulsion

Building principals and other administrators must refer all incidents that may result in a mandatory suspension or expulsion to the Superintendent or designee for transmission to the Board. As explained below, the Board recognizes that in some circumstances it may choose not to suspend or expel a student. Nothing in this section may be construed as limiting the Board's discretion to suspend or expel a student for any offense that the student code of conduct identifies as possibly resulting in suspension or expulsion.

1. Possession of a Dangerous Weapon

a. Possession of a Firearm

If a student possesses a firearm in a weapon-free school zone, the Board will permanently expel the student unless the student demonstrates, in a clear and convincing manner, at least one of the following:

- the student was not possessing the firearm to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
- the student did not knowingly possess the firearm;
- the student did not know or have reason to know that the firearm constituted a "dangerous weapon"; or
- the student possessed the firearm at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

b. Possession of a Dangerous Weapon (Other than a Firearm)

If a student possesses a dangerous weapon (other than a firearm) in a weapon-free school zone, the Board will consider whether to permanently

expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Board is not required to expel a student for possession of a dangerous weapon (other than a firearm) if the student demonstrates, in a clear and convincing manner, at least one of the following:

- the student was not possessing the instrument or object to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
- the student did not knowingly possess the weapon;
- the student did not know or have reason to know that the instrument or object constituted a “dangerous weapon”; or
- the student possessed the weapon at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

c. Applicable Definitions for Dangerous Weapon Offense

“Weapon-free school zone” means school property and a vehicle used by a school to transport students to or from school property.

“School property” means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

“Dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

“Firearm” means (i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (ii) the frame or receiver of any such weapon; (iii) any firearm muffler or firearm silencer; or (iv) any destructive device. “Firearm” does not include an antique firearm, as defined by 18 USC § 921.

“Destructive device” means (i) any explosive, incendiary, or poison gas (including a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device); (ii) any type of weapon (other than a shotgun or a shotgun shell that the Attorney General finds is

generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (iii) any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

d. **Additional Procedures for Dangerous Weapon Expulsion**

The Superintendent or designee must ensure that if a student is expelled for possession of a dangerous weapon, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for possession of a dangerous weapon to the county department of social services or the county community mental health agency and notify the student's Parent (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion. The Superintendent or designee must also make a referral to local law enforcement and contact the student's Parent immediately any time a student is found to have brought a dangerous weapon to school or possessed a dangerous weapon at school, at a school related activity, or in a school vehicle. If a District official confiscates a dangerous weapon, the District official will give the dangerous weapon to law enforcement and will not release the dangerous weapon to any other person, including the legal owner.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for possession of a dangerous weapon may not enroll in the District.

2. **Arson**

If a student commits arson as defined in Revised School Code Section 1311, in a school building or on school grounds, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing arson, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing arson to the county department of social services or the county community mental health agency and notify the student's Parent (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing arson may not enroll in the District.

3. Criminal Sexual Conduct

If a student commits criminal sexual conduct as defined in Revised School Code Section 1311, in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another student enrolled in the District, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing criminal sexual conduct, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing criminal sexual conduct to the county department of social services or the county community mental health agency and notify the student's Parent (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing criminal sexual conduct may not enroll in the District.

4. Physical Assault

a. Physical Assault Against Employee, Volunteer, or Contractor

If a student in grade 6 or above commits a physical assault at school against an employee, volunteer, or contractor and the victim reports the physical assault to the Board or to a school administrator or, if the victim is unable to report the assault, another person makes the report on the victim's behalf, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for physically assaulting an employee, volunteer, or contractor, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for physically assaulting an employee, volunteer, or contractor to the county department of social services or the county community mental health agency and notify the student's Parent (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311a(5), a student expelled by another district or public school academy for physically assaulting an employee, volunteer, or contractor may not enroll in the District.

b. Physical Assault Against Another Student

If a student in grade 6 or above commits a physical assault at school against another student and the physical assault is reported to the Board or to an administrator, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for committing a physical assault against another student may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

c. Applicable Definitions for Physical Assault

- i. "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.
- ii. "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

5. Bomb Threat or Similar Threat

If a student in grade 6 or above makes a bomb threat or similar threat directed at a school building, other District property, or at a school-related event, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for making a bomb threat or similar threat may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

I. Victims of Alleged Sexual Assault

The District will not expel a student or suspend a student for more than 10 days for an action the student took immediately preceding, immediately following, or that could reasonably be tied to an incident in which the student was sexually assaulted or an incident in which the student reports being sexually assaulted, an incident where another person witnesses and reports the student's sexual assault, or an incident for which school officials receive credible information that the student was sexually assaulted. This subsection does not apply if:

- The student is convicted of, pleads guilty or responsible to, or is adjudicated responsible for aggravated assault, assault with intent to commit murder,

assault with intent for great bodily harm, assault with intent to maim, attempted murder, homicide, manslaughter; or criminal sexual conduct;

- The student commits an act described in Section H.1 through H.3 of this Policy;
- A Title IX investigation conducted pursuant to Policy 3118 concludes by clear and convincing evidence that the report of sexual assault was false; or
- The Board or the Superintendent determines, after considering the Mandatory 7 factors, that a longer-term suspension or expulsion is warranted.

In determining whether to suspend a student described in this section, the District will consider the recommendations of the District's Title IX Coordinator, as applicable.

J. Statewide School Safety Information Policy (SSSIP) & Law Enforcement Reporting

The Superintendent or designee must notify law enforcement when required by the SSSIP and make all other reports and provide all other notifications required by the SSSIP or any state or federal law. Nothing in this Policy limits the ability of a school administrator to contact law enforcement at any other time.

K. Educational Programming During Suspension or Expulsion

Except as otherwise required by law or as provided in this Policy, a student who has been suspended or expelled may not be on school property, attend classes or other school functions, or participate in extracurricular activities during the student's suspension or expulsion without written permission from the Superintendent or designee. District personnel may assist students who have been suspended or expelled to explore alternative means, as allowed by law, to earn credit and to complete coursework during the period of the student's suspension or expulsion.

Legal authority: 18 USC 921; 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1310e, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted: August 15, 2022

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206A Student Discipline - Due Process [Note: This Policy complies with all relevant laws and rules and reflects the most common practices to address student discipline. If this Policy does not reflect your District's practices, Thrun Law Firm will work with you to modify the Policy to incorporate your District's practices consistent with applicable law.]

The District will provide students due process to the extent required by state and federal law before a student is suspended or expelled. All District administrators must respect student due process rights.

If a District administrator determines that an emergency exists that requires the immediate removal of a student from school, the administrator may contact the student's parent/guardianParent or local law enforcement or take other measures to have the student safely removed from school. The administrator must, as soon as practicable thereafter, follow the procedures outlined in this Policy.

A. Building Administrator – 10 or Fewer School Days

Before suspending a student for 10 or fewer school days, an administrator must: (1) provide the student verbal notice of the offense the student is suspected to have committed, and (2) provide the student an informal opportunity to explain what happened. Except in emergency circumstances, an administrator will not suspend the student unless, after providing the student notice and an opportunity to explain, the administrator is reasonably certain that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence.

B. Superintendent or Designee – 59 or Fewer School Days

Before suspending a student for more than 10 school days but less than 60 school days, the Superintendent or designee must provide the parent/guardianParent or student with: (1) written notice of the offense the student is suspected to have committed; (2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and (3) an opportunity for a hearing at which the student may present evidence and witnesses to show that the student did not commit the alleged offense or that suspension is not an appropriate consequence. The Superintendent or designee will provide the parent/guardianParent or student at least 3 calendar days' notice before the hearing. The parent/guardianParent and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Superintendent or designee will not suspend the student unless, following the hearing, he or she is convinced by a preponderance of the evidence that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence. [Optional (not required but recommended): A parent/guardianParent or student may appeal the Superintendent's or designee's decision to the Board.

The appeal must be submitted to the Board within 3 calendar days of the decision. The Board will hear the appeal at its next regularly scheduled meeting. The Board's decision is final. The student's suspension will run while the appeal is pending.]

C. Board Suspension or Expulsion

Before the Board suspends or expels a student, the Superintendent or designee must provide the ~~parent/guardian~~Parent or student with: (1) written notice of the offense the student is suspected to have committed; (2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and (3) an opportunity for a Board hearing at which the student may present evidence and witnesses to show that the student did not commit the suspected offense or that suspension or expulsion is not an appropriate consequence. The Superintendent or designee will provide the ~~parent/guardian~~Parent or student at least 3 calendar days' notice before the hearing. The ~~parent/guardian~~Parent and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Board will not suspend or expel the student unless, following the hearing, a majority of the Board finds by a preponderance of the evidence that the student committed misconduct that should result in suspension or expulsion under either the student code of conduct or this Policy and that suspension or expulsion is the appropriate consequence. The Board's decision is final.

Legal authority: *Goss v Lopez*, 419 US 565 (1975)

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206A Student Discipline - Due Process

The District will provide students due process to the extent required by state and federal law before a student is suspended or expelled. All District administrators must respect student due process rights.

If a District administrator determines that an emergency exists that requires the immediate removal of a student from school, the administrator may contact the student's Parent or local law enforcement or take other measures to have the student safely removed from school. The administrator must, as soon as practicable thereafter, follow the procedures outlined in this Policy.

A. Building Administrator – 10 or Fewer School Days

Before suspending a student for 10 or fewer school days, an administrator must: (1) provide the student verbal notice of the offense the student is suspected to have committed, and (2) provide the student an informal opportunity to explain what happened. Except in emergency circumstances, an administrator will not suspend the student unless, after providing the student notice and an opportunity to explain, the administrator is reasonably certain that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence.

B. Superintendent or Designee – 59 or Fewer School Days

Before suspending a student for more than 10 school days but less than 60 school days, the Superintendent or designee must provide the Parent or student with: (1) written notice of the offense the student is suspected to have committed; (2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and (3) an opportunity for a hearing at which the student may present evidence and witnesses to show that the student did not commit the alleged offense or that suspension is not an appropriate consequence. The Superintendent or designee will provide the Parent or student at least 3 calendar days' notice before the hearing. The Parent and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Superintendent or designee will not suspend the student unless, following the hearing, he or she is convinced by a preponderance of the evidence that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence. A Parent or student may appeal the Superintendent's or designee's decision to the Board. The appeal must be submitted to the Board within 3 calendar days of the decision. The Board will hear the appeal at its next regularly scheduled meeting. The Board's decision is final. The student's suspension will run while the appeal is pending.

C. Board Suspension or Expulsion

Before the Board suspends or expels a student, the Superintendent or designee must provide the Parent or student with: (1) written notice of the offense the student is suspected to have committed; (2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and (3) an opportunity for a Board hearing at which the student may present evidence and witnesses to show that the student did not commit the suspected offense or that suspension or expulsion is not an appropriate consequence. The Superintendent or designee will provide the Parent or student at least 3 calendar days' notice before the hearing. The Parent and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Board will not suspend or expel the student unless, following the hearing, a majority of the Board finds by a preponderance of the evidence that the student committed misconduct that should result in suspension or expulsion under either the student code of conduct or this Policy and that suspension or expulsion is the appropriate consequence. The Board's decision is final.

Legal authority: *Goss v Lopez*, 419 US 565 (1975)

Date adopted: August 15, 2022

Date revised: August 19, 2024

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206B Student Discipline - Students with Disabilities

The District will follow all applicable state and federal laws related to disciplining students with disabilities. Students with disabilities are entitled to all due process protections afforded to other students pursuant to Policy 5206A. For students with disabilities, the additional procedures and protections in this Policy also apply.

A. Change of Placement

On the date on which the District decides to: (1) expel a student with a disability; (2) ~~suspend~~remove a student with a disability for more than 10 consecutive school days; (3) ~~suspend~~remove a student with a disability for more than 10 cumulative school days in the same school year if a pattern of removals exists; or (4) place a student with a disability in an interim alternative educational setting (explained below), the District will notify the student's ~~parent/guardian~~Parent of that decision, will provide the ~~parent/guardian~~Parent a copy of applicable procedural safeguards, and will conduct a manifestation determination review (MDR) within 10 school days.

B. Manifestation Determination Review

The MDR team, which includes the ~~parent/guardian~~Parent and relevant members of the student's IEP or Section 504 Team, will determine whether the student's conduct was a manifestation of the student's disability.

1. Conduct Was a Manifestation

If the conduct was a manifestation of the student's disability, the District must immediately return the student to the placement from which the student was removed unless the ~~parent/guardian~~Parent and the District agree to change the placement or the student is placed in an interim alternative educational setting for up to 45 school days (see section C).

For a student with an IEP, if the conduct was a manifestation of the student's disability, the District must either: (1) conduct a functional behavioral assessment (unless one was previously conducted) and implement a behavior intervention plan for the student; or (2) if a behavior intervention plan was already developed, review and modify the behavior intervention plan to address the conduct at issue.

If the conduct was a manifestation because the District failed to implement the student's IEP or 504 Plan, the District must take immediate steps to remedy the implementation failure.

2. Conduct Was Not a Manifestation

If the conduct was not a manifestation of the student's disability, the District may proceed with the suspension or expulsion by adhering to the due process requirements in Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from recurring.

C. Interim Alternative Educational Setting ("IAES")

The District may remove a student with a disability who engages in any of the following conduct to an IAES for not more than 45 school days, even if the conduct is a manifestation of the student's disability:

1. carrying a weapon to or possessing a weapon at school, on school premises, or to or at a school function;
2. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.

For purposes of this section only, a "weapon" means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. A "weapon" does not include a pocket knife with a blade of less than 2½ inches in length.

No student with a disability may be removed to an IAES without first receiving the due process rights afforded under Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from continuing.

D. Dangerous Students

The District may remove a dangerous student from school as permitted by law. District administrators must follow all state and federal laws governing the removal of dangerous students with disabilities.

E. Services During Disciplinary Removal or IAES

A student who is eligible for services under the Individuals with Disabilities Education Act (IDEA) who is expelled or suspended for more than 10 school days during a school year or placed in a 45-school day IAES is entitled to receive programs and services, although in a setting other than the regular school setting, that are sufficient to enable the student to participate in the general education

curriculum and to progress toward meeting the goals contained in the student's IEP.

F. Students Not Yet IDEA Eligible

A student who is not currently identified as a student with a disability under the IDEA is entitled to the rights and procedures provided to students with disabilities if the District had knowledge that the student was a student with a disability before the misconduct occurred. The District is deemed to have knowledge that a student was a student with a disability only if: (1) the student's parent/guardianParent expressed concern in writing to a school administrator that the student needed special education or related services; (2) the student's parent/guardianParent requested a special education evaluation; or (3) the student's teacher or other District personnel expressed specific concerns about a pattern of behavior demonstrated by the student to the District's special education director or to other supervisory personnel. The District will not be deemed to have knowledge that the student was a student with a disability if: (1) the student's parent/guardianParent refused to allow the District to evaluate the student; (2) the student's parent/guardianParent refused special education for the student; or (3) the student was previously evaluated and determined to not be a student with a disability.

This Policy does not provide a comprehensive description of the disciplinary rights and procedures due to students with disabilities. District administrators must ensure that the rights of students with disabilities are protected and all procedures applicable to students with disabilities are followed as required by the IDEA, Section 504 of the Rehabilitation Act, state law, and Board Policy.

Legal authority: 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206B Student Discipline - Students with Disabilities

The District will follow all applicable state and federal laws related to disciplining students with disabilities. Students with disabilities are entitled to all due process protections afforded to other students pursuant to Policy 5206A. For students with disabilities, the additional procedures and protections in this Policy also apply.

A. Change of Placement

On the date on which the District decides to: (1) expel a student with a disability; (2) remove a student with a disability for more than 10 consecutive school days; (3) remove a student with a disability for more than 10 cumulative school days in the same school year if a pattern of removals exists; or (4) place a student with a disability in an interim alternative educational setting (explained below), the District will notify the student's Parent of that decision, will provide the Parent a copy of applicable procedural safeguards, and will conduct a manifestation determination review (MDR) within 10 school days.

B. Manifestation Determination Review

The MDR team, which includes the Parent and relevant members of the student's IEP or Section 504 Team, will determine whether the student's conduct was a manifestation of the student's disability.

1. Conduct Was a Manifestation

If the conduct was a manifestation of the student's disability, the District must immediately return the student to the placement from which the student was removed unless the Parent and the District agree to change the placement or the student is placed in an interim alternative educational setting for up to 45 school days (see section C).

For a student with an IEP, if the conduct was a manifestation of the student's disability, the District must either: (1) conduct a functional behavioral assessment (unless one was previously conducted) and implement a behavior intervention plan for the student; or (2) if a behavior intervention plan was already developed, review and modify the behavior intervention plan to address the conduct at issue.

If the conduct was a manifestation because the District failed to implement the student's IEP or 504 Plan, the District must take immediate steps to remedy the implementation failure.

2. Conduct Was Not a Manifestation

If the conduct was not a manifestation of the student's disability, the District may proceed with the suspension or expulsion by adhering to the due process requirements in Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from recurring.

C. Interim Alternative Educational Setting ("IAES")

The District may remove a student with a disability who engages in any of the following conduct to an IAES for not more than 45 school days, even if the conduct is a manifestation of the student's disability:

1. carrying a weapon to or possessing a weapon at school, on school premises, or to or at a school function;
2. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.

For purposes of this section only, a "weapon" means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. A "weapon" does not include a pocket knife with a blade of less than 2½ inches in length.

No student with a disability may be removed to an IAES without first receiving the due process rights afforded under Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from continuing.

D. Dangerous Students

The District may remove a dangerous student from school as permitted by law. District administrators must follow all state and federal laws governing the removal of dangerous students with disabilities.

E. Services During Disciplinary Removal or IAES

A student who is eligible for services under the Individuals with Disabilities Education Act (IDEA) who is expelled or suspended for more than 10 school days during a school year or placed in a 45-school day IAES is entitled to receive programs and services, although in a setting other than the regular school setting, that are sufficient to enable the student to participate in the general education

curriculum and to progress toward meeting the goals contained in the student's IEP.

F. Students Not Yet IDEA Eligible

A student who is not currently identified as a student with a disability under the IDEA is entitled to the rights and procedures provided to students with disabilities if the District had knowledge that the student was a student with a disability before the misconduct occurred. The District is deemed to have knowledge that a student was a student with a disability only if: (1) the student's Parent expressed concern in writing to a school administrator that the student needed special education or related services; (2) the student's Parent requested a special education evaluation; or (3) the student's teacher or other District personnel expressed specific concerns about a pattern of behavior demonstrated by the student to the District's special education director or to other supervisory personnel. The District will not be deemed to have knowledge that the student was a student with a disability if: (1) the student's Parent refused to allow the District to evaluate the student; (2) the student's Parent refused special education for the student; or (3) the student was previously evaluated and determined to not be a student with a disability.

This Policy does not provide a comprehensive description of the disciplinary rights and procedures due to students with disabilities. District administrators must ensure that the rights of students with disabilities are protected and all procedures applicable to students with disabilities are followed as required by the IDEA, Section 504 of the Rehabilitation Act, state law, and Board Policy.

Legal authority: 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206C Student Discipline - Reinstatement Following Expulsion

The District will consider a petition for reinstatement from an expelled student or the parent/guardianParent consistent with this Policy and Revised School Code Sections 1311 and 1311a.

A. Reinstatement Following Mandatory Permanent Expulsion

The parent/guardianParent of a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon may file a petition for reinstatement 60 school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon no sooner than 90 school days after the expulsion date.

The parent/guardianParent of a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a dangerous weapon but not for possessing a firearm or threatening another person with a dangerous weapon, or who was expelled for committing arson or criminal sexual conduct, may file a petition for reinstatement at any time. The Board, in its discretion, may reinstate a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a dangerous weapon (unless the possession was of a firearm or involved threatening another person with a dangerous weapon) or for committing arson or criminal sexual conduct no sooner than 10 school days after the expulsion date.

The parent/guardianParent of a student (or student, if emancipated or at least 18 years old) who was in grade 6 or above at the time of expulsion and who was expelled for (1) possessing a dangerous weapon; (2) committing arson; (3) criminal sexual conduct pursuant to Policy 5206 H.3 (mandatory expulsion) or (4) physically assaulting an employee, volunteer, or contractor, may file a petition for reinstatement 150 school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade 6 or above at the time of expulsion and who was expelled for (1) possessing a dangerous weapon; (2) committing arson; (3) criminal sexual conduct pursuant to Policy 5206 H.3; or (4) physically assaulting an employee, volunteer, or contractor, no sooner than 180 school days after the expulsion date.

The parent/guardianParent (or the student, if emancipated or at least 18 years old) must prepare and submit the reinstatement petition. The Superintendent or designee will provide a reinstatement petition form, upon request, for the parent/guardianParent or student to use. The Board may request that the parent/guardianParent or the student attach additional relevant information to the reinstatement petition.

The Board will appoint a reinstatement committee, consisting of two board members, one administrator, one teacher, and one parent/guardianParent of a current District student to consider a reinstatement petition no more than 10 school days after receiving a reinstatement petition. The Superintendent must prepare and submit information to the reinstatement committee about the circumstances surrounding the student's expulsion and any factors supporting and not supporting reinstatement.

The reinstatement committee must convene not later than 10 school days following its appointment to: (1) review the reinstatement petition and supporting documentation submitted by the parent/guardianParent or the student; (2) review the information submitted by the Superintendent; and (3) submit to the Board a written recommendation whether the Board should unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement to the student based on consideration of all of the following factors:

1. the extent to which reinstatement would create a risk of harm to other students or District personnel;
2. the extent to which reinstatement would create a risk of District liability or individual liability for the Board or District personnel;
3. the student's age and maturity;
4. the student's school record before the incident that caused the expulsion;
5. the student's attitude concerning the incident that caused the expulsion;
6. the student's behavior since the expulsion and the student's prospects for remediation; and
7. if the petition was filed by a parent/guardianParent, the degree of cooperation that the parent/guardianParent has provided the student and the degree of cooperation the parent/guardianParent can be expected to provide the student if the student is reinstated.

Before making its recommendation, the reinstatement committee may request that the student and the parent/guardianParent appear in person to answer questions. If the committee recommends that the student be conditionally reinstated, the committee must include in its written recommendation to the Board a list of recommended conditions.

At or before its next regularly scheduled meeting following receipt of the reinstatement committee's recommendation, the Board will consider the recommendation and make a final decision to unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement. The Board may require a student, and if the petition was filed by a parent/guardianParent, the parent/guardianParent, to agree in writing to specific conditions to reinstatement, including, without limitation, a behavior contract, completion of an anger

management program, a "last-chance" agreement, counseling, drug treatment, or a psychological evaluation. The District is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, ~~parents/guardians~~Parents (or the student, if emancipated or at least 18 years old) will provide verification that the conditions were satisfied. The Board's decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final.

[Optional: If the Board denies reinstatement, the ~~parent/guardian~~Parent or student may not file another petition for reinstatement until 180 school days after the date of the denial, unless the Board specifies otherwise at the time of denial.]

If the Board establishes different or additional reinstatement terms or procedures at the time of expulsion pursuant to Revised School Code Section 1310d, those terms or procedures will apply in lieu of or in addition to the procedures above.

B. Reinstatement Following Discretionary Permanent Expulsion

Unless otherwise expressly authorized by the Board at the time of a permanent expulsion, a student expelled for reasons other than those resulting in a mandatory permanent expulsion under Policy 5206 may not petition the Board for reinstatement until at least 150 school days after the date of the expulsion, and the student may not be reinstated until at least 180 school days after the date of the permanent expulsion. Upon receipt of a timely reinstatement petition, the Board will ~~hold a hearing review and consider the petition~~ at its next regularly scheduled meeting ~~to~~. The Board will also review and consider the petition and any information submitted by the ~~parent/guardian~~Parent or student and the Superintendent or designee in either support of or opposition to the petition. The Board may unconditionally grant, conditionally grant, or deny the reinstatement petition. The District is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, ~~parents/guardians~~Parents (or students who are emancipated or at least 18 years old) will provide verification that the conditions were satisfied. The Board's decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final. If the Board denies reinstatement, the ~~parent/guardian~~Parent or student may not file another petition for reinstatement until at least 180 school days after the date of the denial, unless the Board specifies otherwise at the time of denial.

Legal authority: 18 USC 921; 20 USC 1401 et seq.; 20 USC 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206C Student Discipline - Reinstatement Following Expulsion

The District will consider a petition for reinstatement from an expelled student or the Parent consistent with this Policy and Revised School Code Sections 1311 and 1311a.

A. Reinstatement Following Mandatory Permanent Expulsion

The Parent of a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon may file a petition for reinstatement 60 school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon no sooner than 90 school days after the expulsion date.

The Parent of a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a dangerous weapon but not for possessing a firearm or threatening another person with a dangerous weapon, or who was expelled for committing arson or criminal sexual conduct, may file a petition for reinstatement at any time. The Board, in its discretion, may reinstate a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a dangerous weapon (unless the possession was of a firearm or involved threatening another person with a dangerous weapon) or for committing arson or criminal sexual conduct no sooner than 10 school days after the expulsion date.

The Parent of a student (or student, if emancipated or at least 18 years old) who was in grade 6 or above at the time of expulsion and who was expelled for (1) possessing a dangerous weapon; (2) committing arson; (3) criminal sexual conduct pursuant to Policy 5206 H.3 (mandatory expulsion) or (4) physically assaulting an employee, volunteer, or contractor, may file a petition for reinstatement 150 school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade 6 or above at the time of expulsion and who was expelled for (1) possessing a dangerous weapon; (2) committing arson; (3) criminal sexual conduct pursuant to Policy 5206 H.3; or (4) physically assaulting an employee, volunteer, or contractor, no sooner than 180 school days after the expulsion date.

The Parent (or the student, if emancipated or at least 18 years old) must prepare and submit the reinstatement petition. The Superintendent or designee will provide a reinstatement petition form, upon request, for the Parent or student to use. The Board may request that the Parent or the student attach additional relevant information to the reinstatement petition.

The Board will appoint a reinstatement committee, consisting of two board members, one administrator, one teacher, and one Parent of a current District student to consider a reinstatement petition no more than 10 school days after receiving a reinstatement petition. The Superintendent must prepare and submit information to the reinstatement committee about the circumstances surrounding the student's expulsion and any factors supporting and not supporting reinstatement.

The reinstatement committee must convene not later than 10 school days following its appointment to: (1) review the reinstatement petition and supporting documentation submitted by the Parent or the student; (2) review the information submitted by the Superintendent; and (3) submit to the Board a written recommendation whether the Board should unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement to the student based on consideration of all of the following factors:

1. the extent to which reinstatement would create a risk of harm to other students or District personnel;
2. the extent to which reinstatement would create a risk of District liability or individual liability for the Board or District personnel;
3. the student's age and maturity;
4. the student's school record before the incident that caused the expulsion;
5. the student's attitude concerning the incident that caused the expulsion;
6. the student's behavior since the expulsion and the student's prospects for remediation; and
7. if the petition was filed by a Parent, the degree of cooperation that the Parent has provided the student and the degree of cooperation the Parent can be expected to provide the student if the student is reinstated.

Before making its recommendation, the reinstatement committee may request that the student and the Parent appear in person to answer questions. If the committee recommends that the student be conditionally reinstated, the committee must include in its written recommendation to the Board a list of recommended conditions.

At or before its next regularly scheduled meeting following receipt of the reinstatement committee's recommendation, the Board will consider the recommendation and make a final decision to unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement. The Board may require a student, and if the petition was filed by a Parent, the Parent, to agree in writing to specific conditions to reinstatement, including, without limitation, a behavior contract, completion of an anger management program, a "last-chance" agreement, counseling, drug treatment, or a psychological evaluation. The District

is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, Parents (or the student, if emancipated or at least 18 years old) will provide verification that the conditions were satisfied. The Board's decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final.

If the Board denies reinstatement, the Parent or student may not file another petition for reinstatement until 180 school days after the date of the denial, unless the Board specifies otherwise at the time of denial.

If the Board establishes different or additional reinstatement terms or procedures at the time of expulsion pursuant to Revised School Code Section 1310d, those terms or procedures will apply in lieu of or in addition to the procedures above.

B. Reinstatement Following Discretionary Permanent Expulsion

Unless otherwise expressly authorized by the Board at the time of a permanent expulsion, a student expelled for reasons other than those resulting in a mandatory permanent expulsion under Policy 5206 may not petition the Board for reinstatement until at least 150 school days after the date of the expulsion, and the student may not be reinstated until at least 180 school days after the date of the permanent expulsion. Upon receipt of a timely reinstatement petition, the Board will review and consider the petition at its next regularly scheduled meeting. The Board will also review and consider any information submitted by the Parent or student and the Superintendent or designee in either support of or opposition to the petition. The Board may unconditionally grant, conditionally grant, or deny the reinstatement petition. The District is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, Parents (or students who are emancipated or at least 18 years old) will provide verification that the conditions were satisfied. The Board's decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final. If the Board denies reinstatement, the Parent or student may not file another petition for reinstatement until at least 180 school days after the date of the denial, unless the Board specifies otherwise at the time of denial.

Legal authority: 18 USC 921; 20 USC 1401 et seq.; 20 USC 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206E Student Discipline - Suspension from Class, Subject, or Activity by Teacher

A teacher may suspend a student from any class, subject, or activity for up to one full school day if the teacher has good reason to believe that the student:

- A. intentionally disrupted the class, subject, or activity;
- B. jeopardized the health or safety of any of the other participants in the class, subject, or activity; or
- C. was insubordinate during the class, subject, or activity.

Any teacher who suspends a student from a class, subject, or activity must immediately report the suspension and its reason to the building principal or designee. If a student is suspended from a class, subject, or activity, but will otherwise remain at school, the building principal or designee must ensure that the student is appropriately supervised during the suspension and, if the student is a student with a disability, that all procedures applicable to students with disabilities are followed.

Any teacher who suspends a student from a class, subject, or activity must, as soon as possible following the suspension, request that the student's parent/guardianParent attend a parent-/guardianParent-teacher conference to discuss the suspension. The building principal or designee must attend the conference if either the teacher or the parent/guardianParent requests the building principal's attendance. The building principal or designee must make reasonable efforts to invite a school counselor, school psychologist, or school social worker to attend the conference.

Legal authority: MCL 380.1309

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206E Student Discipline - Suspension from Class, Subject, or Activity by Teacher

A teacher may suspend a student from any class, subject, or activity for up to one full school day if the teacher has good reason to believe that the student:

- A. intentionally disrupted the class, subject, or activity;
- B. jeopardized the health or safety of any of the other participants in the class, subject, or activity; or
- C. was insubordinate during the class, subject, or activity.

Any teacher who suspends a student from a class, subject, or activity must immediately report the suspension and its reason to the building principal or designee. If a student is suspended from a class, subject, or activity, but will otherwise remain at school, the building principal or designee must ensure that the student is appropriately supervised during the suspension and, if the student is a student with a disability, that all procedures applicable to students with disabilities are followed.

Any teacher who suspends a student from a class, subject, or activity must, as soon as possible following the suspension, request that the student's Parent attend a Parent-teacher conference to discuss the suspension. The building principal or designee must attend the conference if either the teacher or the Parent requests the building principal's attendance. The building principal or designee must make reasonable efforts to invite a school counselor, school psychologist, or school social worker to attend the conference.

Legal authority: MCL 380.1309

Date adopted: August 15, 2022

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5208 Student Acceptable Use and Internet Safety ~~Policy~~

Student use of District technology is a privilege, not a right, and is governed by Policy 3116 and the applicable acceptable use agreement. As part of its Internet Safety Policy the District must implement the rules and procedures identified in Policy 3116. A student's failure to comply with Policy 3116 and the applicable acceptable use agreement may result in discipline or loss of technology privileges.

Students have no expectation of privacy in or right to continued use of District technology resources.

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5208 Student Acceptable Use and Internet Safety Policy

Student use of District technology is a privilege, not a right, and is governed by Policy 3116 and the applicable acceptable use agreement. As part of its Internet Safety Policy the District must implement the rules and procedures identified in Policy 3116. A student's failure to comply with Policy 3116 and the applicable acceptable use agreement may result in discipline or loss of technology privileges.

Students have no expectation of privacy in or right to continued use of District technology resources.

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5209 Student Use of Cell Phone and Electronic Communication Devices

[Choose Option 1 or 2.]

[Option 1 (students permitted to use cell phones at school): Students may use cell phones or other electronic devices while at school, so long as they do so safely, responsibly, and respectfully, and comply with all other school rules while using the devices.]

Students are personally and solely responsible for the security of their cell phones and other electronic devices. The District is not responsible for theft, loss, or damage of any cell phone or other electronic device.

Students may not use cell phones or other electronic devices while they are in locker rooms, restrooms, or any other area in which others may have a reasonable expectation of privacy.

Taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal photographs, video, audio, or other similar data, whether by electronic data transfer or otherwise (including via cell phone or other electronic device), may constitute a crime under state or federal law. A student engaged in any of these activities at school, at a school event, or on school-provided transportation, may be subject to discipline pursuant to this Policy and the student code of conduct. A student engaged in any of these activities outside of school may be disciplined if the student's activities substantially disrupt or negatively affect the school environment.

The Superintendent, building principals, and teachers are authorized to develop building-level and classroom rules for students' use of cell phones and other electronic devices. Those rules must be clearly communicated to students. A student who violates the rules or this Policy are subject to corrective or disciplinary action, consistent with Policy and the student code of conduct.

School administrators and teachers may confiscate a student's cell phone or other electronic device if the student's use or possession of a cell phone or electronic device violates this Policy, the student code of conduct, or any applicable building or classroom rule. The building principal or designee may require a meeting with the student's Parent to discuss the rule violation before returning the cell phone or electronic device.]

[Option 2 (students prohibited from using cell phones during school hours): Students may not use cell phones or other electronic devices during school hours. Cell phones or other electronic devices must be stored in the student's locker during school hours if a student chooses to bring them to school.]

Students are personally and solely responsible for the security of their cell phones and other electronic devices. The District is not responsible for theft, loss, or damage of any cell phone or other electronic device.

Taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal photographs, video, audio, or other similar data, whether by electronic data transfer or otherwise (including via cell phone or other electronic device), may constitute a crime under state or federal law. A student engaged in any of these activities at school, at a school event, or on school-provided transportation, may be subject to discipline pursuant to this Policy and the student code of conduct. A student engaged in any of these activities outside of school may be disciplined if the student's activities substantially disrupt or negatively affect the school environment.

School administrators and teachers may confiscate a student's cell phone or other electronic device if the student's use or possession of a cell phone or electronic device violates this Policy, the student code of conduct, or any applicable building or classroom rule. The building principal or designee may require a meeting with the student's ~~parent/guardian~~Parent to discuss the rule violation before returning the cell phone or electronic device.

Students who violate this Policy are subject to corrective or disciplinary action, consistent with Policy and the student code of conduct.]

Legal authority: MCL 380.1303(2)

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5209 Student Use of Cell Phone and Electronic Communication Devices

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The Superintendent, building principals, and teachers are authorized to develop building-level and classroom rules for students' use of cell phones and other electronic devices. Those rules must be clearly communicated to students. A student who violates the rules or this Policy are subject to corrective or disciplinary action, consistent with Policy and the student code of conduct.

School administrators and teachers may confiscate a student's cell phone or other electronic device if the student's use or possession of a cell phone or electronic device violates this Policy, the student code of conduct, or any applicable building or classroom rule. The building principal or designee may require a meeting with the student's Parent to discuss the rule violation before returning the cell phone or electronic device.

Legal authority: MCL 380.1303(2)

Date adopted: August 15, 2022

Date revised: August 19, 2024

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5210 GPS Tracking Device with Audio Surveillance Capabilities [Recommended-Note: If the Board elects not to adopt this Policy, delete the body of the policy and replace the title with "Intentionally Left Blank" after the policy number *and* in the Table of Contents to ensure accurate numbering of subsequent policies in the Policy Manual.]

A student may possess a GPS tracking device with audio surveillance capabilities at school only if the parent/guardianParent disables the device's audio surveillance capabilities during the school day while the student attends school, subject to the following provisions:

- A. The student's parent/guardianParent must sign an agreement that the device's audio surveillance capabilities will be disabled during the school day, which includes transportation to and from school.
- B. The student's parent/guardianParent must direct the device manufacturer to promptly notify the building principal or designee if the audio surveillance capabilities are enabled during the school day.
- C. Any use of the device's audio surveillance capabilities during the school day is prohibited, except in an emergency involving the student's health, safety, or welfare.

Violation of this Policy will result in consequences, including but not limited to the device being confiscated or prohibited at school. If the device is confiscated, it will be returned to the student's parent/guardianParent after confirmation that the device's audio surveillance capabilities have been disabled and no recordings have been made. A confiscated device will be labeled with the student's name and held in a secure location until returned to the student's parent/guardianParent.

The following definitions apply to this Policy:

- A. "GPS tracking device" means a device other than a cell phone which allows a parent/guardianParent to remotely track the location of a child using the Global Positioning System (GPS) or similar technology that can pinpoint longitude, latitude, ground speed, and course direction of the target.
- B. "Audio surveillance capability" means the ability of a device to remotely listen, overhear, record, amplify, or transmit audio occurring in one location to another device in another location or which has a voice monitoring or two-way call feature.

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5210 *GPS Tracking Device with Audio Surveillance Capabilities*

A student may possess a GPS tracking device with audio surveillance capabilities at school only if the Parent disables the device's audio surveillance capabilities during the school day while the student attends school, subject to the following provisions:

- A. The student's Parent must sign an agreement that the device's audio surveillance capabilities will be disabled during the school day, which includes transportation to and from school.
- B. The student's Parent must direct the device manufacturer to promptly notify the building principal or designee if the audio surveillance capabilities are enabled during the school day.
- C. Any use of the device's audio surveillance capabilities during the school day is prohibited, except in an emergency involving the student's health, safety, or welfare.

Violation of this Policy will result in consequences, including but not limited to the device being confiscated or prohibited at school. If the device is confiscated, it will be returned to the student's Parent after confirmation that the device's audio surveillance capabilities have been disabled and no recordings have been made. A confiscated device will be labeled with the student's name and held in a secure location until returned to the student's Parent.

The following definitions apply to this Policy:

- A. "GPS tracking device" means a device other than a cell phone which allows a Parent to remotely track the location of a child using the Global Positioning System (GPS) or similar technology that can pinpoint longitude, latitude, ground speed, and course direction of the target.
- B. "Audio surveillance capability" means the ability of a device to remotely listen, overhear, record, amplify, or transmit audio occurring in one location to another device in another location or which has a voice monitoring or two-way call feature.

Date adopted: August 15, 2022

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5212 *Registered Sex Offenders - Students*

Inclusion on the state's sex offender registry alone is not a sufficient basis to exclude a student from school. The District reserves the right, consistent with Policy 5411 and applicable law, to determine the educational placement of a student who is listed on the state's sex offender registry.

For a student who is listed on the state's sex offender registry, the building principal may establish a safety plan, which may include excluding the student from extracurricular activities.

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5213 Personal Protection Orders Against Students

If a student obtains a personal protection order against another student in the same building, either student's ~~parent/guardian~~Parent should notify the building principal and provide a copy of the order. The building principal or designee may work with the families to change class schedules, lockers, lunch assignments, or bus assignments of either student. While the District will seek to work collaboratively with both families, the District will not enforce a personal protection order to which the District is not a party.

The existence of a personal protection order does not diminish a student's rights under ~~the Individuals with Disabilities Education Act~~state or federal law.

The existence of a personal protection order alone is not a sufficient basis to exclude a student from school. The District reserves the right, consistent with Policy 5411, to determine the educational placement of a student who is the subject of a personal protection order.

Date adopted:

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5213 Personal Protection Orders Against Students

If a student obtains a personal protection order against another student in the same building, either student's Parent should notify the building principal and provide a copy of the order. The building principal or designee may work with the families to change class schedules, lockers, lunch assignments, or bus assignments of either student. While the District will seek to work collaboratively with both families, the District will not enforce a personal protection order to which the District is not a party.

The existence of a personal protection order does not diminish a student's rights under state or federal law.

The existence of a personal protection order alone is not a sufficient basis to exclude a student from school. The District reserves the right, consistent with Policy 5411, to determine the educational placement of a student who is the subject of a personal protection order.

Date adopted: August 15, 2022

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