

# BOARD POLICY

JD

## STUDENTS STUDENT CODE OF CONDUCT

MAY 2, 2022

### INTRODUCTION

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

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

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

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

### PROHIBITED ACTS

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

The prohibited acts listed alphabetically below may involve disciplinary consequences ranging from an administrative warning and intervention to an expulsion from school. Each assigned consequence of a prohibited act will be determined on a case-by-case review and

the actual penalty will depend upon the nature and severity of the offense, the particular facts involved, the age of the student, the student's prior behavioral record, the persistent and/or chronic nature of the misconduct, the recommendation of school personnel, and all other circumstances deemed relevant. Inappropriate student conduct may also result in the involvement of law enforcement personnel such as the local police.

#### ALCOHOL, MARIJUANA, DRUGS, OR OTHER BANNED CHEMICAL SUBSTANCES

A student will not possess, use, be under the influence of, offer to buy or sell, or purport to buy or sell, a controlled substance, dangerous drug, drug paraphernalia, prescription drug, counterfeit drug, intoxicating substance, or alcohol. A student legally in possession of prescribed medication will not be in violation of this section as long as his/her use and possession of the prescribed medication is authorized at school and the student follows the required possession and use protocols as defined by the school.

#### BULLYING AND HAZING

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

#### COERCION, EXTORTION, AND BLACKMAIL

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

#### DESTRUCTION OF SCHOOL OR PERSONAL PROPERTY

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

#### DISRUPTION OF SCHOOL OPERATIONS

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

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

#### ELECTRONIC COMMUNICATION DEVICES

Electronic communication devices (ECDs) such as cell phones, tablets, computers, and any/all other forms of technology will be permitted for use as approved by the classroom teacher or the building administration. Students may not use ECDs on school property or

during school sponsored activities to access and/or view internet websites that are otherwise blocked or prohibited for students at school.

#### FALSE ALARMS

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

#### FALSE ALLEGATIONS

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

#### FALSIFICATION OF A SCHOOL DOCUMENT

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

#### FIGHTING, ASSAULT, AND BATTERY ON ANOTHER PERSON

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

#### FIREWORKS/EXPLOSIVES/SMOKE DEVICES

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

#### GANG ACTIVITY

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

#### INAPPROPRIATE COMMUNICATIONS

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

### INSUBORDINATION

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

### MAKING A FALSE STATEMENT

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

### MISCONDUCT PRIOR TO ENROLLMENT

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

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

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

### OUT OF ASSIGNED AREA AND LOITERING

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

### PERSISTENT DISOBEDIENCE OR MISCONDUCT

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

### PERSONAL PROTECTION DEVICES

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

### RECORDING WITHOUT PERMISSION

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

### SEXUAL HARASSMENT

A student will not use words, pictures, objects, gestures, or other actions relating to sexual activity or a person's gender that cause embarrassment, discomfort, or a reluctance to participate in school activities. A student shall not make unwelcomed sexual advances,

request sexual favors or engage in unwelcomed verbal communication, inappropriate touching, or physical conduct of a sexual nature with or toward any other student, school district personnel, or adult volunteers.

#### SMOKING AND VAPING

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

#### THEFT OF SCHOOL OR PERSONAL PROPERTY

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

#### VERBAL ASSAULT

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

#### VIOLATION OF A SCHOOL'S STUDENT HANDBOOK

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

#### VIOLATION OF LIVNET USAGE

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

#### WEAPON LOOK-ALIKES

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

### **MAJOR OFFENSES**

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

#### ARSON

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

not commit an act of arson as prohibited by MCL 750.71 through MCL 750.80.

### CRIMINAL ACTS

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

### PHYSICAL ASSAULT

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

### SEXUAL ASSAULT AND CRIMINAL SEXUAL CONDUCT

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

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

### THREATS OF VIOLENCE

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

### WEAPONS AND DANGEROUS INSTRUMENTS

A student shall not possess, handle or transmit a knife, blackjack, baton, martial arts device, paintball or splat gun, or other object or instrument that can be considered a weapon or is capable of inflicting bodily harm. A dangerous weapon means a firearm, dagger, dirk, stiletto, knife with a blade over three inches in length, pocketknife opened by a mechanical device, iron bar, or brass knuckles [MCL 380.1313].

If a dangerous weapon is found in the possession of a student while the student is in attendance at school or a school activity or while the student is enroute to or from school on a

school bus, a school administrator shall immediately report that finding to the student's parent/guardian and the local law enforcement agency [MCL 380.1313(1)]

## **ELEMENTS OF DUE PROCESS AND OTHER CONSIDERATIONS REGARDING DISCIPLINARY MEASURES**

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

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

### Definitions of Disciplinary Consequences

- A short-term suspension is defined as a suspension of one (1) through ten (10) school days. A school principal has the authority to suspend a student for up to and including ten (10) school days.
- A long-term suspension is defined as a suspension ranging from eleven (11) through sixty (60) school days and requires a more formal procedural process requested by the school principal to the district-level director. The process is known as a 'Disciplinary Hearing'.
- To be 'expelled' from school refers to a suspension of over sixty (60) school days and such a ruling may only follow from a district-level Disciplinary Hearing.
- A 'permanent expulsion' refers to a suspension of a minimum of one hundred eighty (180) school days and such a ruling may only follow from a district-level Disciplinary Hearing. A 'permanently' expelled student is subject to possible reinstatement to school through a 'Petition for Reinstatement' procedure after one hundred fifty (150) school days.
- 'Restorative practice' references alternative efforts to suspension that emphasize repairing the harm to the victim and the school community caused by the pupil's misconduct.

### Rebuttable Presumption and Consideration of Individual Factors

Consistent with Michigan law, the District adopts a rebuttable presumption that students should not be disciplined by the imposition of a long-term suspension (more than ten (10) school days) or expelled (more than sixty (60) school days) unless the District has determined, in its sole discretion, the presumption has been rebutted (to oppose by contrary proof) by considering each of the following seven (7) factors listed below:

1. The pupil's age;
2. The pupil's disciplinary history;
3. Whether the pupil is a student with a disability within the meaning of IDEA or ADA/Section 504;

4. The seriousness of the violation or behavior committed by the pupil;
5. Whether the violation or behavior committed by the pupil threatened the safety of any pupil or staff member;
6. Whether restorative practices will be used to address the violation or behavior committed by the pupil; restorative practices refer to intervention strategies that emphasize repairing harm to the victim and the school community caused by a student's misconduct, and
7. Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

For a suspension of ten (10) or fewer days, rebuttable presumption does not apply, but the same seven (7) factors shall be considered in a similar manner prior to a determination of disciplinary consequence. The method used for consideration of the factors is at the sole discretion of school and district administration. The seven (7) factors to be considered prior to a determination of disciplinary consequence does not apply to a student being expelled for possessing a firearm in a weapon-free school zone.

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

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

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

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



## **DISCIPLINARY HEARINGS FOR SUSPENSIONS OF ELEVEN (11) OR MORE SCHOOL DAYS**

**Step 1.** If after an investigation into student misconduct, the building principal determines a suspension for eleven (11) or more school days or expulsion is warranted, and the appropriate district-level administrator concurs with the principal's decision, the student and the parents or guardian shall be notified (usually via electronic message) of:

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

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

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

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

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

The Hearing Officer's ruling shall be provided telephonically, if possible, to the student or the parents or guardian within two (2) days after the close of the hearing, and a written decision shall be scanned electronically or mailed through the USPS within four (4) days after the conclusion of the disciplinary hearing.

**Step 3.** If the Hearing Officer's ruling imposes a suspension of twenty (20) school days or less, the decision of the Hearing Officer shall be final and not subject to further appeal. The Hearing Officer may amend the principal's charges upon motion of the principal or amend the charges upon his/her own motion to conform to the evidence presented at the hearing. Additionally, the Hearing Officer may impose a greater or lesser penalty than that imposed or recommended by the principal. The Hearing Officer should not merely substitute his/her

judgment for that of the principal's judgment. If the Hearing Officer's ruling is to impose a suspension in excess of twenty (20) school days or recommends expulsion, the student and/or his/her parents or guardian may appeal the Hearing Officer's decision to the Board of Education.

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

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

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

If the Hearing Officer's ruling is to impose a suspension of twenty (20) school days or more and the student and parents or guardians do not request a timely appeal hearing before the Board of Education, then the decision of the disciplinary Hearing Officer shall be final and not subject to further appeal. During any suspension, the suspended student will not be permitted on any school property, in any school building, or admitted to any school function.