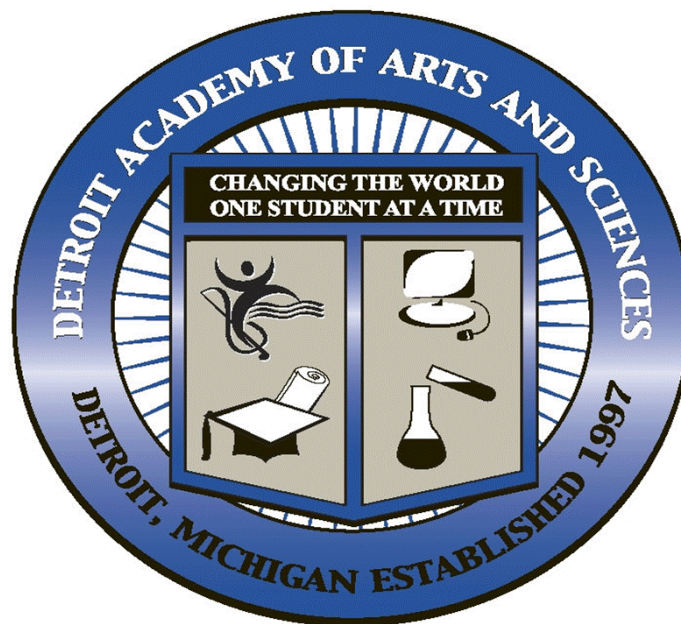


DETROIT ACADEMY OF ARTS & SCIENCES SCHOOL DISTRICT

STUDENT CODE OF CONDUCT



"Changing the World One Student at a Time"

STUDENT CODE OF CONDUCT

POLICY OF DISCIPLINE AND STUDENT RIGHTS

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Introduction

Students in the Detroit Academy of Arts & Sciences (DAAS) are public school students and as such, have the guarantee and right to a public education subject to the rules, regulations, and policies as expressed by the DAAS Board of Directors.

The United States Supreme Court has also held that a student may not be deprived of their right to a public education without the adherence to procedural due process. It is the responsibility of the DAAS School Board and its staff to ensure due process and that no student is arbitrarily denied the right to an education. It is the responsibility of each student to behave in a manner that does not threaten, interfere with or deprive other students of their rights to an education.

The purpose of the Student Code of Conduct is to provide regulations governing the behavior of students:

- To prevent any actions or activities which interfere with the school program and/or are prohibited by law;
- To clearly define students' rights and responsibilities; and
- To provide regulations governing the behavior of students and their consequences.

This discipline code is further designed to clarify school policies governing the rights and responsibilities of students, parents, teachers, and other school personnel within Detroit Academy of Arts and Sciences. Students, staff, parents and others need to know about these policies and procedures and are encouraged to study and discuss the contents of the Student Code of Conduct. Understanding the rights and responsibilities is one way to better ensure that these rights are respected and fairly administered.

The Student Code of Conduct further sets forth the consequences for violating school rules while at school and school-related activities. When determining the appropriate action to be taken as a consequence of student misconduct, school officials may use intervention strategies and/or disciplinary actions, depending upon the severity or repetition of misconduct; age and grade level of the student; circumstances surrounding the misconduct; impact of the student's misconduct on others in the school community; and/or, any other relevant factors. The Student Code of Conduct will be administered uniformly and fairly, without partiality or discrimination from kindergarten through twelfth grade.

This Code is written in accordance with the Michigan Revised School Code and Federal regulations and will be enforced in accordance with the local requirements of the Prosecuting Attorney's office. It will be reviewed and updated whenever regulations affecting the behavior of the students are revised. Each staff member employed by DAAS is required to function in accordance with this code.

It is the responsibility of all students, staff and their parents/guardians to become familiar with this Student Code of Conduct. Students and parents must recognize that when students engage in unacceptable conduct, they will be subject to disciplinary action. In all instances where disciplinary measures must be taken, they shall be administered to correct the behavior of the student and where applicable, disciplinary action will be taken to protect the members of the DAAS community and the safety of DAAS facilities, such action will not be used solely for punitive purposes.

The school principal, who has the responsibility for the educational facility, may develop supplementary administrative rules, regulations and procedures as necessary. A copy of these approved school regulations and the Michigan Law related to the Student Code of Conduct will be filed with each Principal and the CEO/Executive Director/Superintendent.

WHEN AND WHERE THE STUDENT CODE OF CONDUCT APPLIES

The Student Code of Conduct applies before, during, and after school. At school refers to the classroom, school premises, school bus (and other school-related vehicles), or school-sponsored activities/events on or off school premises. The Code is also applicable when a student's conduct at any other time or place has direct and immediate effect on maintaining order and discipline, protecting the safety and welfare of students, or school staff. It is also expected to be applied when a student is using school telecommunication networks, accounts, or other school communication services.

SCHOOL JURISDICTION

In general, DAAS has the authority to make reasonable regulations relative to the conduct of students concerning their safety while in attendance at school or en route to or from school. Thus, the Student Code of Conduct applies to the offenses that are prohibited by this policy when directed against students en route to or from school, when done with intent to or in a manner which does disrupt, or impede the orderly conduct of any school activity, no matter the location. It will be necessary to treat each off-premises injury to a student by another student on an individual basis. The key issues are:

1. Whether the students are "en route" to or from school:
 - a. The students' proximity to the school,
 - b. The length of time elapsed since the students were on-premises,
 - c. Whether there is a connection to an on-premises altercation or confrontation,
 - d. Whether the students have returned to the custody of their parents, and
 - e. Whether they stopped at a restaurant, store, etc, on the way home.
2. Whether the incident disrupts school discipline irrespective of the first issue.

ATTENDANCE POLICY

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

II. STUDENT RESPONSIBILITIES

It is imperative that all Detroit Academy of Arts & Sciences students take their educational experience seriously. Such a commitment will serve to support school successes and promote a safe, secure and productive learning environment. The following will outline the responsibilities that must be assumed by students.

STUDENT EXPECTATIONS

Students will comply with all reasonable requests of a teacher, principal, or other school official. Specifically, students are expected to:

- Adhere to the Student Code of Conduct.
- Act in a responsible manner, exhibiting respect towards others.
- Model civility (appropriate tone, language, and behavior)
- Accept responsibility for his/her behavior
- Cooperate with the school staff to maintain a safe and orderly learning environment.
- Follow established school and classroom codes of conduct and rules, including safety rules.
- Adhere to the Dress Code Policy
- Respect the rights and property of others
- Inform staff members when there is a safety concern.

RESPECT FOR STAFF

Students are expected to show respect for the knowledge and authority of all school staff, including custodians; lunchroom aides, and support staff. Students must obey directions

- use only acceptable and courteous language,
- avoid actions that show contempt,
- and, appeal decisions only through appropriate channels.

RESPECT FOR OTHER STUDENTS

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

III. STUDENT RIGHTS

THE FAIR ADMINISTRATION OF DISCIPLINE

The Detroit Academy of Arts & Sciences does not discriminate, deny, or exclude participation of any person in its programs, activities, or employment on the basis of race, sex, color, national origin, creed, religion, handicap or sexual orientation.

SEARCHES AND SEIZURES

Students have rights, which have been established and guaranteed by the Fourth Amendment to the United States Constitution, generally protecting their right to privacy of their person and freedom from the unreasonable search and seizure of their property. Nevertheless, DAAS authorized personnel may conduct searches and seizures such as the following:

1. Search of Lockers

Lockers may be searched and property seized in accordance with the Michigan Statute governing it, which reads as follows:

MCL 380.1306. Lockers, property of a school district; no expectation of privacy

- 1) A pupil who uses a locker that is the property of a ... public school academy is presumed to have not expectation privacy in that locker or that locker's contents.
- 2) ... [I]n the course of a search ... the privacy rights of the pupil shall be respected regarding any items that are not illegal or against school policy. The ... board of directors shall provide a copy of this policy to each pupil at a school that has lockers and to the parent or legal guardian of each of those pupils.
- 3) A public school principal or his or her designee may search a pupil's locker's contents at any time...

- 4) A law enforcement agency having jurisdiction over the school may assist school personnel in conducting a search of a pupil's locker and the locker's content if that assistance is at the request of the school principal or his/her designee and the search is conducted in accordance with the policy under subsection (2)...
- 5) Any evidence obtained as a result of a search of a pupil's locker's contents shall not be inadmissible in any court or administrative proceedings because the search violated this section, violated the policy under subsection (2), or because no policy was adopted.

2. Desks and other assigned spaces

- Property assigned to students by DAAS staff remains the property of DAAS. Desks and other spaces assigned to students other than lockers are subject to search if the school administration has a reasonable suspicion that the desk or other space contains materials which are illegal or violate school rules. Searches of students' school assigned spaces shall be conducted with at least two school staff members present.
- DAAS retains the right to search regardless of whether the student has given consent or is present for the search. Except in the case of an emergency as described below, students will be permitted to be present when school assigned spaces are searched by school personnel.
- DAAS retains the right to search in emergency situations such as a bomb threat or a reasonable suspicion that a weapon or dangerous materials are on the premises. In the event of such an emergency, the principal or authorized school personnel have the right to enter school property assigned to the student. The student should be notified of such action as soon thereafter as possible.
- **The following guidelines apply to the search of school property other than lockers assigned to a student.**
 - There must be reasonable suspicion to believe that a student is:
 - *In possession of an illegal or prohibited article as defined by this policy or applicable laws; or*
 - *Using the desk and/or other property in such a way as to endanger his/her own health and/or safety or the health and/or safety of other persons ; or*
 - *Using the desk or other property in violation of school policy or regulations.*

3. Personal Searches of Student and Their Property

- The Principal or other authorized personnel may conduct personal searches of students and searches of student property brought onto school grounds whenever there is a reasonable suspicion to believe that the student is in possession of an article which is illegal or prohibited under this policy, applicable law, or school rules.
- The Principal or authorized personnel are authorized to seize any items found during a search which are illegal or which violate policy or regulations. Items seized, which are not illegal, but violate this Code or school rules, will be returned to the student's parents once no longer needed by DAAS for disciplinary purposes.
- School personnel shall not conduct strip searches. If school personnel have a reasonable suspicion that a student is in possession of an illegal or dangerous item that can do bodily harm, which cannot be obtained without the use of a strip search, the student should be suspended on an emergency basis and reported immediately to the police.

- The Michigan Statute governing confiscation of dangerous weapons shall apply, notwithstanding anything to the contrary in this Student Code of Conduct. The statute states:

MCL 380.1313 - Dangerous weapon found in possession of pupil; report; confiscation by school official; determination of legal owner; “dangerous weapon” defined. (1) If a dangerous weapon is found in the possession of a pupil while the pupil is in attendance at school or a school activity or while the pupil is en route to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, immediately shall report that finding to the pupil's parent or legal guardian and the local law enforcement agency. (2) If a school official finds that a dangerous weapon is in the possession of a pupil as described in subsection (2a), the school official may confiscate the dangerous weapon or shall request a law enforcement agency to respond as soon as possible and to confiscate the dangerous weapon. If a school official confiscates a dangerous weapon under this subsection, the school official shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon. A school official who complies in good faith with this section is not civilly or criminally liable for that compliance. (3) A law enforcement agency that takes possession of a dangerous weapon under subsection (3a) shall check all available local and state stolen weapon and stolen property files and the national crime information center stolen gun and property files to determine the legal owner of the dangerous weapon. If the dangerous weapon is a pistol, the law enforcement agency also shall check the state pistol registration records to determine the legal owner. If the law enforcement agency is able to determine the legal owner of the dangerous weapon, and if the legal owner did not knowingly provide the dangerous weapon to the pupil or lawfully provided the dangerous weapon to the pupil but did not know or have reason to know that the pupil would possess the dangerous weapon while in attendance at school or a school activity or while en route to or from school on a school bus, the law enforcement agency shall send by certified mail to the legal owner a notice that the agency is in possession of the dangerous weapon and that the legal owner has 90 days from receipt of the notice to claim the dangerous weapon.(4) As used in this section, “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.
- The following guidelines apply to searches of students and their property:
 - Searches can include asking students to present illegal or prohibited articles, requesting a student to empty his/her pockets, searching of clothing (e.g., coat), personal property (e.g., book bags).
 - Under some circumstances, pat-down searches can be conducted, but should be limited to the search for illegal items:
 - Whenever possible, pat-down searches should be conducted out of the presence of other students
 - Pat-down searches must be conducted by a person of the same sex and in the presence of a second staff member.
 - Where there is a reasonable suspicion that a student is in possession of dangerous items that can do bodily harm and the student refuses to permit a search, the student should be suspended on an emergency basis and reported immediately to the police.

STUDENTS' RIGHTS WHEN UNDER INTERROGATION BY POLICE

- Principals are authorized to permit police officers and identified representatives from the court to interview students on official business. Students may be searched or arrested when such action is authorized by a warrant or otherwise permitted by law.
- All other identified representatives from other public and private agencies may interview students only with parental/guardian approval or as otherwise permitted by law, i.e., representatives from the Family Independence Agency. If the police do not have a warrant from the court, the principal will have discretion as to whether or not to honor the request to interview the student in school.
- When considered appropriate, such interviews shall be conducted in the presence of the Principal, teacher, or other authorized personnel. Parents will be informed of this questioning and, whenever possible and advisable, may be present.

IV. DISCIPLINARY ACTIONS AND DUE PROCESS

TEACHER/STAFF DISCIPLINARY ACTIONS

Every effort is made at the school level to support appropriate student behavior. These efforts include, but are not limited to, preventive techniques such as staff and student conferences; auxiliary staff intervention and counseling; student programs for conflict resolution and peer mediation; programs for anger management and violence prevention; behavioral contracts and in-school detention. Every effort is made to create a structure within which a student can learn behavioral management techniques before a crisis surfaces. However, when misconduct occurs, teachers have the authority to utilize various management strategies within the classroom which will address incidents of minor misbehavior, so long as such techniques do not violate DAAS policies.

A teacher may remove from his/her class a student who, in the teacher's opinion, is causing serious disruption. The teacher shall provide in writing, the necessary information concerning the problem before the student can be formally disciplined. The teacher shall be available to confer with the Behavior Intervention Specialist as soon as possible, not to exceed twenty-four business hours. If further discipline is not warranted, the teacher will readmit the student after some adjustment has been made following a conference with the student and the following parties: Principal, Behavior Intervention Specialist, Lead Teacher, parent, and/or other authorized personnel. The teacher shall be informed as to the results of the conference and/or the adjustment before the student returns to class.

In the case of a teacher referral, the parent/guardian must be notified of the code violation and the resulting disciplinary action as soon as possible. (Parent notification may occur after the disciplinary action.) If someone other than the teacher writes a referral for a student, that staff member shall follow the procedures outlined above.

Whenever an employee discovers a student engaging in conduct that is illegal or prohibited, the employee must make a prompt report to a building administrator.

ADMINISTRATIVE DISCIPLINARY ACTIONS

When disciplinary action is appropriate:

- It shall at all times depend upon the establishment of guilt or responsibility.
- It shall at all times involve a reasonable and logical relationship between the seriousness of the act and the severity of the discipline.
- It shall be constructive in intent and based on factors of age, maturity, and motivation of the student and his/her past record.

In those instances in which the seriousness of the offense does not dictate an immediate disciplinary response, the administrator or authorized personnel will attempt to take actions designed to encourage a change in the student's behavior.

Whenever an administrator receives a report of conduct constituting illegal or prohibited behavior, a thorough and complete investigation must be conducted before disciplinary actions involving more than a detention or one day suspension can be initiated.

SUSPENSION & EXPULSIONS

In those instances where the seriousness of the offense requires removal of the student from a class or building, the following forms of disciplinary action are authorized depending on the Class of the offense. Generally speaking, Class I Offenses will usually result in discipline ranging from some form of behavior modification to Short Term Suspension. Class II Offenses will result in discipline ranging from short-term suspension to long-term suspension. Class III Offenses will result in discipline ranging from long-term suspension to expulsion. However, each and every one of the offenses listed above could result in discipline ranging from suspension to expulsion depending on the circumstances of the case.

Short Term Suspension – The temporary removal of a student from the building and all school sponsored activities.

- Short term suspension should only be applied after the exhaustion of all other alternatives available to correct the student's behavior. These alternatives include, but are not limited to: student conferences; conferences with the parent; detention; and removal from activities.
- Before a suspended student may be returned to school, he/she will be required to attend a readmission conference with his/her parent/guardian and Principal or authorized personnel to discuss the behavioral problem(s).
- In the event that the administrator is unable to arrange the conference by the date set for readmission, the Principal or authorized personnel, at the request of the parent, may authorize an alternative method of achieving the conference or may waive the requirement of the conference.

Long Term Suspension – The temporary removal of a student from DAAS for more than (10) school days.

- Michigan Law requires long-term suspensions or expulsions for certain offenses as defined by state statutes; unless, the DAAS Student Code of Conduct would require more severe disciplinary action.

Expulsion – The permanent denial of the right of the student to attend any DAAS school or program.

- **Expulsion Required by State Law**
State law requires expulsion when students have committed specific offenses. In these circumstances, school administrators have NO DISCRETION to reduce or modify the

required disciplinary action. Expulsion is mandated by law for the following specific Class III Offenses:

- Possession or Use of Weapons or Other dangerous objects
- Possession of a Gun
- Possession of a knife
- Arson
- Battery Upon an Employee (if the student is in the sixth grade or above)

Although expulsion is usually permanent, DAAS has established conditions under which the student may petition for readmission.

▪ **Alternative Placement After Expulsion**

Whenever possible, efforts will be made to coordinate an expelled student's placement in a school or school district that operates an alternative education program that is appropriate to meeting the behavior and adjustment needs of expelled students. These alternative education programs ensure that a student is physically separated at all times during the school day from the general student population and is provided with an individualized instructional support system that maintains a level of educational constancy.

▪ **Petitioning for Reinstatement**

Although, expulsion is usually permanent, the State of Michigan, in cooperation with its public school and public school academies, has established conditions under which a student and his/her parent/guardian may petition for readmission. These conditions will be provided to a parent/guardian upon request.

THE RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS

- Due process safeguards must apply in all instances where the behavior or rights of students are being evaluated:
- The student must always be treated with fundamental fairness in light of the total circumstances.
- The student has the right to be informed fully about his/her alleged violations and must be provided with an opportunity to respond to such charges.
- Where there is an opportunity for review by others of the student's alleged misconduct, he/she should be fully informed of the opportunity for such review.
- Finally, any permanent record that results from the student's actions or their consequences should clearly state whether the charges of misbehavior were or were not substantiated.

The due process procedures required vary depending upon the nature of the misconduct and the seriousness of the disciplinary action that may be imposed on a student as a result of the hearing. It is important to note that when referenced in this document "days" means school days, exclusive of weekends, holidays and vacation periods.

HEARING AND APPEALS

To ensure that the student receives fair treatment consistent with due process considerations, three levels of administrative review have been established. These levels, which are applicable to all disciplinary action decisions, are described as follows:

Level I Disciplinary Hearing

This initial investigative hearing is held prior to disciplinary action and includes the building Principal or authorized personnel. It is an information-gathering venue in which the DAAS official will inform the student of the charges against him/her as well as any evidence substantiating those

charges. The student is given an opportunity to give his/her version of the events verbally and in writing as they relate to the charges. If the charges are validated, the parent will be immediately notified regarding the disciplinary action that will be taken and will be invited to a school level hearing to discuss the disciplinary action and any techniques that might be employed to avoid the recurrence of their child's negative behavior. Such a meeting must be held before the student returns to school.

Students and parents/guardians have the right to appeal the decision of a short-term or long-term suspension to the principal by informing him/her in writing that they wish to appeal the Principal's decision, citing the cause for appeal.

If the severity of the infraction requires that the student be placed on an expulsion track, different appeal provisions may apply and the parent will be advised of the applicable procedures.

Level II Disciplinary Hearing Review

If the parent appeals the disciplinary action taken by the Principal, this second level of review will occur. This review will include the student's parent/guardian, a DAAS district administrator, a school administrator and a teacher, all of whom must not have had any direct connection with the case. The case details will be reviewed with the parent who will be advised in writing within three (3) days of this review panel's decision.

Level III Board of Directors Review

If the matter is not resolved at either of the previous hearing levels, Board actions can be pursued. The members of this hearing panel will include no less than two members of the Board of Directors and the Board's Executive Officer or his/her designee. The decision of this panel is final and binding. The parent will be notified of this review panel's decision within three (3) days of its meeting.

It is important to note that in the event a student is displaying negative behaviors, every effort is made to intervene to prevent the escalation of those behaviors to a level that violates the stipulations of this Student Code of Conduct. However, when unacceptable behaviors are consistently displayed to the extent that they are detrimental to the student or to his/her classmates, disciplinary action will be vigorously pursued.

DISCIPLINE OF SPECIAL EDUCATION STUDENTS

The standards of conduct contained within this policy apply to all students including those students enrolled in special education programs. However, due to the unique needs of special education students, and federal and state laws, the procedures determining the appropriate disciplinary action will vary when a special education student is involved. When a special education student is suspended from school, the law mandates that the school district must continue the services being provided to that student.

Short-Term Suspension, Long-Term Suspension, & Expulsion of Students Suspected of being handicapped

When considering the short-term suspension, long-term suspension, or expulsion of a student, if there is reasonable cause to believe that the student is handicapped and the school district has not evaluated the student in accordance with the rules of the State Board, the student shall be referred

immediately for evaluation and an Individualized Educational Planning Committee (hereafter designated as IEPC) report unless the student cannot safely be contained within the school.

Disciplinary Removal of Special Education Students from School for more than Ten days

Under federal laws, a special education student facing disciplinary removal from school, and who has already been removed from school for a total of ten days during the current school year due to disciplinary action, must remain in his/her current placement pending the convening of a new IEPC or hearing unless a parent/guardian agrees to waive the student's right to remain in the current placement and agrees to an alternative placement.

Multiple Short-Term Suspensions of Special Education Students

A special education student may be short-term suspended for violations of school policies in accordance with due process procedures. However, a special education student may not be short-term suspended for more than a total of ten (10) days within a school year without an IEPC review. Whenever the imposition of a short-term suspension, when added to the days of the school lost for any prior disciplinary actions, would result in the loss of more than ten (10) days within the school year due to short-term suspension, the principal must immediately request that an IEPC be convened to review the appropriateness of the placement. The student should be permitted to remain in his/her current placement pending the IEPC report unless the parent/guardian agrees to waive the right of the student to remain in the current placement or agrees to the student's placement in an alternative program pending completion of the IEPC report.

Additional discipline procedures are in place for students with disabilities. These should be referenced whenever special education students are disciplined.

Similar due process considerations and procedures are applicable to students who are designated as Section 504 eligible.

VI. UNACCEPTABLE CONDUCT

STUDENT MISCONDUCT

Student misconduct is classified into three levels. In addition to these three levels of discipline, a teacher may suspend a student for his or her conduct in a class, subject or activity. These behaviors are described in accordance with their class offenses, which can ultimately result in disciplinary action. The definitions of misconduct at each level are not all-inclusive, but only

representative and illustrative. A student who commits an act of misconduct not listed herein is nonetheless subject to disciplinary action.

CLASS I OFFENSES

Class I offenses will usually result in discipline ranging from some form of behavior modification to short term suspension. However, all types of offenses could result in discipline ranging from suspension to expulsion depending on the circumstances of the case.

- A01 Insubordination:** *Refusal to comply with the reasonable and lawful directions of authorized school personnel.*
Students will not refuse a reasonable request from a teacher, principal, or other authorized school personnel/representatives.
- A02 Verbal Abuse:** *Name-calling, racial, or ethnic slurs or derogatory statements that disrupt the school environment.*
A student will not verbally, in writing, electronically, or with photographs or drawings, direct profanity, insults, or obscene gestures toward any other student.
- A03 Refusal to Identify Self:** *Refusing to show identification card and/or to give correct name when requested by school personnel or the use of another person's name or identity.*
A student will not use another person's identification or give false identification to any school personnel with intent to deceive, falsely obtain money, or property. A student will not sign the name of another person for the purpose of defrauding school personnel or the Board of Directors.
- A04 Dress Code:** *Wearing anything other than the identified uniform.*
Students will conform to school uniform guidelines as specified for their gender and grade levels. A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others. Nor will a student dress in a manner that is distractive or indecent, to the extent that it interferes with the learning and teaching process.
- A05 Student Demonstration:** *Any form of protest or demonstration that disrupts the normal educational process or that is conducted in a manner that violates legal restraints.*
- A06 Truancy:** *Unexcused absences from classes, lunchroom, study hall, and homeroom.*
A student will not fail to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school or parent/guardian. A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.
- A07 Technology Abuse:** Students will not violate the District's "Technology Use Guidelines."
- A08 Possession of Inappropriate Personal Property:** *Students will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning.*
Items include, but are not limited to, pornographic or obscene material, laser lights/pointers, computer games, electronic pagers, radios, cassette players, compact disc players, iPods, MP 3 players, Game Boys, PSPs, portable video games, DVD players, cell phones, or other personal communication devices. The school is not responsible to contact/notify parent regarding confiscated items.
- A09 Unauthorized Use of Materials/Equipment:** *Use of equipment or materials, including elevators, without the prior approval of an administrator or teacher that may interfere with the instructional program at school.*
A student will not distribute unauthorized written or printed materials. Students will not engage in the unauthorized use of computers, copiers, facsimile machines, telephones, elevators, etc. Students must use equipment for its intended use.
- A10 Other General Misconduct:**
Any violation of a school rule not listed above that disrupts or interferes with the educational process.
- A10a** A student will not deliberately throw or scatter rubbish, trash, paper, etc. on school grounds.
- A10b** A student will not harass others or misbehave in a manner that causes disruption or obstruction to the educational process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson or has to stop instruction to address the disruption.
- A10c** A student will not engage in any conduct deemed by the administration or staff as being inappropriate which is not covered under other sections of the Student Code of Conduct.
- A10d** Students will not engage in inappropriate display of affection, such as, but not limited to, kissing or long embracing of a personal nature.

A10e A student will not sell goods without approved consent from

the Principal or his/her designee.

CLASS II OFFENSES

Class II Offenses result in discipline ranging from long-term suspension to expulsion. However, all types of offenses could result in discipline ranging from suspension to expulsion depending on the circumstances of the case.

B01 Fighting/Battery: *A physical confrontation involving two people that does not result in a serious physical injury and does not include the use of weapons.*

B06 Gambling: *A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.*

B02 Loitering/Trespassing/Leaving Premises without Permission: *Being in or on the grounds of any school campus without the proper authorization of a teacher or administrator*

B07 Reckless Behavior: *Behavior that is a danger to self or others. This includes the use of vehicles on school property.*

B02a A student will not enter the premises of the school, other than the location to which the student is assigned, without the authorization from proper school authorities. If removed, suspended, or expelled from school, a student will not return to the school premises without permission of the proper school authorities.

B08 Verbal Abuse of Staff: *Name-calling, racial, or ethnic slurs or derogatory statements that disrupt the school environment.*

B02b A student will not leave the school building or campus without permission from authorized school personnel.

A student will not verbally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward any school personnel/representative.

B03 Vandalism or Intentional Destruction of Property: *Destruction of or defacing of property belonging to, rented by or on loan to DAAS or property (including automobiles) of persons employed by the school or in attendance at the school.*

B09 Fraud/Extortion:
A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value. A student will not make another person do any act against his or her will, by force or threat of force, expressed or implied.

A student will not intentionally cause destruction of property of the school or others. Actions that impair the use of something are destructive. Ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs/fixtures, and damaging school equipment to the point where repair is necessary are examples of, but not limited to, acts of property destruction.

B10 Sexual Misconduct:
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.

B04 Gang Activity: *Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school's educational mission.*

A student will not by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational process. Gang Activity includes, **but is not limited to:**

- Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies that student as a member of a gang or otherwise symbolizes support of a gang.
- Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member of a gang or otherwise symbolizes support of a gang.
- Gathering of two or more persons for purposes of engaging in activities or discussion promoting gangs.
- Recruiting student (s) for gangs.

B11 Technology Use: *The unauthorized uses of electronic passwords or programs to access, control, or disable technological devices or services are prohibited.*

Students may not use online services for illegal, inappropriate, or obscene purposes. The Principals have the authority in his/her discretion, to identify other acts, which constitute infractions under this policy and establish appropriate discipline. It is not possible, nor intended, to identify all infractions that may occur. Students must follow all of the rules, regulations, and responsibilities outlined in the student agreement. Violations and misconduct will result in disciplinary action.

B05 Threats of Violence against other students:
Words or actions that may threaten to do injury to other students or that intimidate other students through fear for his/her safety. No actual physical contact is necessary

B12 Theft/Possession of Stolen Property:
A student will not, without permission of the owner or custodian of the property, take property or have in his/her possession property valued at \$100.00 or less which does not belong to the student.

B13 Failure to Attend Assigned Discipline Programs:
A student will not fail to serve an assigned detention/disciplined program of which students and/or parents/guardians have been notified.

CLASS III OFFENSES

Class III Offenses result in discipline ranging from long-term suspension to expulsion. However, all types of offenses could result in discipline ranging from suspension to expulsion depending on the circumstances of the case.

C01 Possession or Use of Weapons or Other Dangerous Objects (*Possession of a weapon or other dangerous objects is defined to include*):

- Carrying the item; or
- Storing the item in a space assigned to a student, such as a locker or a desk; or
- Having the item under one's control, such as hiding a weapon in the building or on school grounds; or
- Voluntarily permitting another person to store the item in an assigned school space without reporting it to staff members; or
- Using the item in a physical altercation; or
- Having the item in one's possession during a physical altercation

Weapons are identified as articles used or designed to inflict bodily harm or to intimidate other persons. (Examples are, but not limited to: knuckles, chains, clubs, and mace or other repellent sprays. Dangerous objects include explosives, firecrackers, and similar items.) A student will not carry, handle, or store fireworks, smoke bombs, or other explosive or incendiary devices.

C02 Possession of a Gun:

Possession of a gun includes possessing parts of a gun or ammunition for a gun. Also, Possession of a Gun includes, but is not limited to, handguns, rifles, shotguns, zip guns, starter pistols, pellet guns, BB guns or toy guns, which have the appearance of a real gun. **It is considered possession of a gun regardless of whether the gun is operable and/or loaded or whether the student has ammunition in his/her possession.**

C03 Possession of a Knife:

Students are prohibited from possessing knives while at school. Knives are defined to include, but not limited to, any knife, regardless of blade length or total size, straight razor, box cutter with razor or any instrument which has been altered to be used as a weapon in a manner similar to a knife. (E.g. Letter opener or file). Possession of weapons, other than a gun or knife, which have the capacity to cause serious injury or death, such as, but not limited to, karate sticks or throwing stars are prohibited.

C04 Use or Possession of Illegal Drugs, Materials, or Substances, or Alcohol Beverages:

Using, possessing, or being under the influence of drugs, materials, substances, or alcoholic beverages on school property or at school functions is prohibited.

C04a Sale/Distribution of Drugs:

The attempt or actual sale or distribution of any drug, controlled substance or any substance represented to another person as an illegal drug or controlled substance. Students found with substantial quantities of drugs or drugs packaged for sale shall be charged with sale or distribution of drugs.

C04b Possession is defined to include

- Carrying the item; or
- Storing the item in a space assigned to a student, such as a locker or a desk; or
- Having the item under one's control, such as hiding the item in the building or on school grounds; or
- Voluntarily permitting another person to store the item in an assigned school space without reporting it to staff members; or
- A student will not possess, use, offer to buy or sell, purport to buy or sell, a controlled substance, dangerous drugs, prescription drugs, counterfeit drugs, intoxicating substances, 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 administered by the school nurse or authorized school personnel.

C05 Burglary, Theft, Robbery, Larceny:

Stealing money or property. The student will not, without permission of the owner or custodian of the property, take property or have in his/her possession property valued at \$100.00 or more which does not belong to the student. A student will not take or attempt to take from another person any property, by force or threat of force, expressed or implied.

C06 Arson/Attempted Arson:

A student will not intentionally, by means of starting a fire, cause harm to any property; or person, or participate in the burning of any property or person. If a student commits arson in a school building, on school grounds, or other school property, the school's Board of Directors or its designee shall expel the student from the school permanently, subject to possible reinstatement, pursuant to MCL 380.1311 (5). (MCL 380.1331 (2)). Arson means a felony violation as set forth in Chapter X of the Michigan Penal Code. (MCL 750.71 to MCL 750.80).

C07 Extortion, Coercion, Blackmail:

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

C08 Interference With or Intimidation of School Personnel:

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

C08a Interference with School Authorities/Disturbing Staff:

A Student will not interfere with administrators, teachers or other school personnel by threat of force or violence.

C08b Verbal Assault Against an Employee:

If a student enrolled in grade 6 or above commits a verbal assault, as defined by the Board of Directors policy, at

school against a person employed by or engaged as a volunteer or contractor by the school or its Board of Directors, then the school's Board of Directors or its designee shall suspend or expel the student from the school for a period of time as determined in the discretion of the school's Board of Directors or its designee. (MCL 380.1311A(2)).

C09 False Fire Alarm/Tampering With Fire Alarm System or Bomb Treat:

Unless an emergency exists, a student will not intentionally sound a fire alarm or cause a fire alarm to be sounded, nor will a student falsely communicate or cause to be communicated that a bomb is located in a building or on school property, or at a school related event. These acts are prohibited, irrespective of the whereabouts of the student. A student will not destroy, damage, or otherwise tamper with a fire alarm system in a school building. If a student enrolled in grade 6 or above makes a bomb threat or similar; threat directed at a school building, other school property, or a school-related event, then the school's Board of Directors or its designee shall suspend or expel the student from the school for a period of time as determined in the discretion of the school's Board of Directors, or its designee. (MCL380.1311a(2)).

C10 Severe/Explicit Harassment:

Unwelcome sexual advances, inappropriate touching, requests for sexual favors or other verbal or physical conduct relating to a student. (i.e. racial slurs, exposure, comments about physical characteristics)

C11 Battery Upon an Employee:

Use of excessive force causing bodily harm to another person is considered, but not limited to, battery. Committing battery upon an employee or agent of DAAS where the evidence demonstrates that the employee or agent did not provoke the battery by initiating an unlawful battery upon the student.

C12 Destruction of Property:

Acts which result in a substantial threat of or actual destruction of property, which significantly alters a school's operation and activities. Specifically included are acts which result in:

- Significant damage to the physical property
- Conditions requiring evacuation of students and staff from the building
- The inability of a school to perform its functions. Specifically included herein are acts of arson, use of smoke bombs or incendiary devices, making bomb threats, or reporting fire or activating fire alarms without a reasonable belief that a fire or bomb is present and other related matters. Restitution is also required

C12a Vandalism:

Intentionally or recklessly causing damage to or defacing school or property of others, causing disruption to the educational process and/or school activities. Restitution is also required.

C13 Battery upon a Student:

- Any battery upon another student shall be defined, but not limited to:
- Serious physical injury results, was intended or was possible or
- The victim attempts to avoid the altercations, but is attacked or
- Two or more individuals are involved simultaneously.

C13 Physical Assault/Fighting:

If a student enrolled in grade 6 or above commits a physical assault at school against another student, then the school's Board of Directors or its designee shall suspend or expel the student from the school for up to 10 school days. (MCL 380.13 10(1)). If a student enrolled in grade 6 or above commits a physical assault at school against a person employed by, or engaged as a volunteer or contractor by the school's Board of Directors, then the school Board of Directors or its designee shall expel the student from the school permanently, subject to possible reinstatement under MCL 380.1311a(5). (MCL3801311a(1)). Physical assault means intentionally causing or attempting to cause physical harm to another through force or violence. (MCL 380.1310)3, MCL 380.1311a(12)(b)).

C14 Smoking in School or on School Property:

Using or possessing any tobacco products.

C15 Criminal Sexual Conduct:

Includes rape, non consensual sexual conduct, and certain forms of consensual sexual conduct.

C15a Sexual Assault:

A student will not sexually assault another person. If a student commits criminal sexual conduct in a school building, on grounds or any other school property, the school's Board of Directors or its designee shall expel the student from the school permanently, subject to possible reinstatement, pursuant to MCL 380.1311 (5). (MCL 380.1311 (2)). Criminal sexual conduct means a violation as set forth in Chapter LXXVI of Michigan Penal Code. (MCL 750.520b to MCL 750.520g).

C16 Felonies/Unlawful Conduct:

A student will not break any state or federal laws or commit a criminal act that results in being convicted or, in some cases, charged with a felony offense.

C17 Other Violent Conduct:

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