



**DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

**STUDENTS’  
RIGHTS, RESPONSIBILITIES  
&  
CODE OF CONDUCT**

September, 2016

# DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT

## English – Language Assistance Services

Detroit Public Schools Community District provides language assistance (oral interpretation and written translation) services to parents and guardians with limited English proficiency. The District accepts a parent's or guardian's assertion that language assistance is needed in speaking, reading or writing English without requiring additional corroboration. For free help, please contact your child's school or the District's Translations Coordinator at (313) 870-3776 or (313) 212-4312.

## خدمات المساعدة اللغوية – اللغة العربية

توفر مدارس ديترويت العامة مساعدة لغوية (ترجمة شفوية وترجمة مكتوبة) إلى الوالدين الذين لا يجيدون اللغة الإنجليزية بكفاءة. تقبل المنطقة على أحد الوالدين أو الوصي في تأكيد أن اللغة تحتاج المساعدة في قراءة أو كتابة باللغة الإنجليزية دون اشتراط إثبات. للمساعدة المجانية، يرجى الاتصال بمدرسة طفلك أو منسق الترجمة التابع للحي على - (313) 212-4312 / (313) 870-3776

## Español – Servicios de asistencia de lenguaje

El Distrito comunidad de las Escuelas Públicas de Detroit ofrecen servicios de asistencia lingüística (interpretación oral y traducción escrita) a padres y tutores con dominio limitado del inglés. El Distrito acepta las declaraciones de padres o tutores en las que expresan que necesitan ayuda con el idioma para hablar, leer o escribir en inglés, sin necesidad de una comprobación adicional. Para obtener ayuda gratuita, por favor comuníquese con la escuela de su hijo o el Coordinador de Traducciones del Distrito al (313) 870-3776 o (313) 212-4312.

## বাংলা – ভাষা সংক্রান্ত সহায়তা সেবাসমূহ

ইংরেজিতে সীমিত দক্ষতা রয়েছে এমন পিতামাতা ও অভিভাবকবৃন্দের জন্য ডেট্রয়েট পাবলিক স্কুলসমূহ ভাষা সংক্রান্ত সহায়তা (মৌখিক ব্যাখ্যা প্রদান ও লিখিত অনুবাদ) সেবা প্রদান করে। অতিরিক্ত প্রমাণের প্রয়োজন ছাড়াই ডিস্ট্রিক্ট পিতামাতা বা অভিভাবদের এই দাবি মেনে নিয়েছে যে, ইংরেজি বলা, পড়া ও লেখার জন্য ভাষা সংক্রান্ত সহায়তার প্রয়োজন রয়েছে। বিনামূল্যে সহায়তার জন্য, অনুগ্রহ করে আপনার শিশুর স্কুলের সাথে বা ডিস্ট্রিক্টস ট্রান্সলেসন কোঅর্ডিনেটর-এর সাথে (313) 870-3776 / (313) 212-4312 নম্বরে যোগাযোগ করুন।

## Limba română – Servicii de asistență lingvistică

Detroit Public Schools Community District oferă părinților și tutorilor legali cu cunoștințe limitate de engleză servicii de asistență lingvistică (tranzlație orală și traducere). Districtul aderă la principiul că asistența lingvistică vizând comunicarea verbală, citire și scriere în limba engleză este necesară și nu solicită coroborare suplimentară a acestuia. Pentru asistență gratuită, vă rugăm să contactați Coordonatorul Traduceri al Districtului, la numărul de telefon (313) 870-3776 / (313) 212-4312.

## Lus Hmoob – Kev Pab Cuam Txhais Lus

Detroit Public Schools Community District muab kev pab cuam lus (txhais ua lus thiab txhais ntauv) pab cuam rau cov niamtiv thiab cov tsum kwm uas paub lus Askiv tsis zoo. Tuam tsev kawm lees paub niam txiv thiab cov saib xyuas uas tsis paub lus zoo yuav tsum tau hais nyeem thiab sau ua lus Askiv uas tsis tag yuav nrhiav lwm tus neeg sab nrauv pab ntxiv. Hais txog pab dawb, thov hu rau koj tus menyuum lub tsev kawm ntauv lossis Tuam Tsev Kawm Ntauv tus neeg txuas lus fab kev txhais lus (313) 870-3776 / (313) 212-4312.

Dear Parents/Guardians:

We are happy to present you with the Detroit Public Schools Community District - Students' Rights, Responsibilities and Code of Conduct (also known as the Student Code of Conduct). This booklet details the rights, rules and responsibilities for all students who attend Detroit Public Schools Community District.

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

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

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

We wish your children a successful and productive school year.

**PARENT AND STUDENT STATEMENT OF RECEIPT AND REVIEW OF STUDENTS' RIGHTS, RESPONSIBILITIES AND CODE OF CONDUCT**

**TO THE PRINCIPAL:**

We, the undersigned, join the Detroit Public Schools Community District in an effort to “successfully create a clean, safe and healthy environment to promote positive student behavior and achievement.”

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

-----

**FOR THE STUDENT**

- Read and follow the rules and regulations outlined in the Student Code of Conduct.
- Not engage in bullying and report bullying when I see it.
- Not bring a weapon or anything that may endanger others to school or to a school event.
- Notify school staff if I see a weapon or dangerous situation in school or at a school event.
- Seek school staff assistance when conflicts arise involving me or my peers.

**STUDENT'S SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**SCHOOL** \_\_\_\_\_

-----

**FOR THE PARENT/GUARDIAN**

- Read the rules and regulations outlined in the Student Code of Conduct.
- Teach and encourage my children to follow school guidelines.
- Respect school staff and adhere to school policies and procedures.
- Notify school officials when conflicts arise involving students.

**PARENT/GUARDIAN'S SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

-----

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

- Respect the rights of students and parents/guardians and enforce the Student Code of Conduct.
- Promote conflict resolution.
- Listen and act on parent and student concerns where appropriate to develop a safe and healthy school environment.

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## **PART I**

### **STUDENT RIGHTS & RESPONSIBILITIES**

#### **I. STUDENT RIGHTS**

##### **A. INTRODUCTION**

Students in the Detroit Public Schools Community District (“DPSCD” or the “District”) are guaranteed the right to a public education under the Michigan Constitution. While in school, students retain the rights and responsibilities common to all citizens with some limitations. These include the right to due process, fair administration of discipline, freedom of expression, freedom from discrimination, freedom to partake of educational opportunities free from interference, and freedom from unreasonable search and seizure.

##### **B. FREEDOM FROM DISCRIMINATION, HARRASSMENT & BULLYING**

Consistent with federal and state law, students shall not be discriminated against, denied benefits or excluded from participation in any programs, activities or employment on the basis of race, gender, color, national origin, creed, religion, disability or any other basis prohibited by law. Students also have a right to be free from bullying, cyber-bullying and harassment of any kind. Students shall be free to exercise these rights without fear of retaliation.

##### **C. THE RIGHT TO DUE PROCESS**

Due process safeguards must apply in instances where the behavior or rights of students are being evaluated. Students must be treated with fairness and in light of the total circumstances. Students have the right to be fully informed of the alleged breach of behavior and be provided an opportunity to respond to such charges. Any permanent record that results from the student’s actions should clearly state whether the charges were or were not substantiated. The Student Code of Conduct (the “Code”) sets forth the procedural rules for student discipline in Detroit Public Schools Community District.

##### **D. USE OF UNLAWFUL CORPORAL PUNISHMENT**

Students are protected under Michigan law (MCL 380.1312) from the use of unlawful corporal punishment by staff. Under specific circumstances, reasonable physical force may be used as necessary to maintain order and control in a school.



## **E. FREEDOM OF EXPRESSION**

### **1. EXPRESSION OF BELIEFS OR OPINION**

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

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

### **2. STUDENT DRESS**

The Detroit Public Schools Community District Dress Code was adopted to provide students with an educational environment that is conducive to the learning process. The policy was created to prevent distractions and health or safety hazards that disrupt classroom settings. DPSCD retains the right to monitor student attire and take corrective action when such distractions, in the sole judgment of DPSCD, present a health or safety hazard, or disrupt the classroom settings. The District will not impose suspensions or any other disciplinary action for dress code violations unless such violations substantially interfere with the learning process or create a health or safety hazard.

All students, including students exempt from the student dress code, are expected to exemplify proper grooming standards in a manner that projects an appropriate image for the student, school, and DPSCD. A parent or guardian of a student may request the student be exempted from the mandatory dress code requirement on the basis of a religious objection. See *Attachment A - Appropriate Dress for Students* and refer to your school's policy for additional information.

## **F. FREEDOM FROM UNREASONABLE SEARCHES AND SEIZURES**

Detroit Public Schools Community District follows a detailed process for student searches and seizures. Important search and seizure directives include:

- Individualized searches are to be no more intrusive than necessary, and should always be conducted by a school official of the same sex as the student being searched.
- Individualized student searches shall be conducted only by DPSCD

Police Officers, DPSCD security contractors/agents, school officials or school staff.

- DPSCD reserves the right to conduct random searches of desks and lockers. However, a student's personal items (such as purses, book bags, coats, etc.) may not be searched without reasonable suspicion that: 1) there has been a crime or violation of a school policy or rule governing student behavior; 2) the individual who is the subject of the search participated in the crime or violation, and 3) evidence of the crime or violation, or the proceeds there from, is in the possession of the student in the location to be searched.
- All persons who enter into DPSCD buildings used for academic instruction are subject to a metal detector scan. DPSCD has authorized both "As needed" scans and "Daily Screenings." All persons who refuse to cooperate with school officials during such searches should be referred to the principal of the respective school. No student is to be allowed into the school unless they are willing to be scanned and searched.

Principals are authorized to permit police officers and identified representatives from the court to interview pupils on official business. When considered appropriate, such interviews shall be conducted in the presence of the principal or a designee. The principal or his/her designee **shall** inform parents of this request prior to allowing questioning and, make efforts to obtain parental consent. Whenever possible, parents may be present. See *Attachment B - DPSCD Policy: Interrogations and Searches*. Students may be searched or arrested when such action is authorized by a warrant or otherwise permitted by law.

## **II. STUDENT RESPONSIBILITIES**

### **A. STUDENT PARTICIPATION**

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

### **B. STUDENT BEHAVIOR**

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

### **C. RESPECT FOR STAFF**

Students have the responsibility of showing respect for the knowledge and the authority of school staff. Students must obey reasonable directions; use only acceptable and courteous language; and avoid actions that show contempt and appeal decisions through the channels as described in this Code. Assaults on school staff will not be tolerated. Bullying, harassment and/or cyber-bullying towards school staff are equally prohibited.

### **D. RESPECT FOR STUDENTS**

Students have the responsibility of showing respect for the rights and human dignity of fellow students. For example, students must not engage in name-calling, fighting, harassment, bullying, belittling or engaging in deliberate attempts to embarrass or harm another student.

### **E. STUDENT IDENTIFICATION**

All students must identify themselves upon request of school staff. All high school students are required to wear student ID badges on campus and at DPSCD facilities. The ID badge must be clearly displayed on the front of the student.

## PART II

### STUDENT CODE OF CONDUCT

Under Michigan law, every school district is required to adopt a student code of conduct. Detroit Public Schools Community District Student Code of Conduct was established to ensure that every student in every school will be provided with a safe and secure environment in which to pursue the excellent educational opportunities available in the Detroit Public Schools Community District.

This Student Code of Conduct governs student behavior at all DPSCD schools or programs, including career technical and vocational schools, alternative schools and self-governing schools. School administrators and staff are responsible for addressing student behavior and administering the Code at their locations. Disciplinary action taken at a student's home school extends to career and vocational attendance and all other DPSCD programs.

Jurisdiction - The jurisdiction of the Student Code of Conduct covers offenses that occur on school grounds, on school buses or in other school vehicles, during school-sponsored field trips, when connected with school-related events and activities and when students are en route to or from school. Specific consideration will be given, for example, when the incident involves the student's proximity to the school, the length of time elapsed since the student was on school premises, whether there is a connection to an on-premise altercation or confrontation, whether there is a disruption to the school environment or orderly operations of the school, whether the student stopped at a restaurant or store on the way home, and whether the student has returned to the custody of his/her parents.

All staff employed by DPSCD are required to function in accordance with this Code. Thus, whenever an employee discovers a student engaging in unacceptable conduct, the employee is required to take prompt action in accordance with District policies and this Code. Prompt action may include directly addressing and correcting the student, intervening to stop the behavior, seeking the assistance of other staff persons and/or reporting the incident to an administrator.

#### I. STUDENT CODE OFFENSES

Student misconduct is classified into three levels based on the severity of the misconduct; Levels 1, 2 and 3. Levels 1 and 2 offenses are the least severe and normally result in short term suspensions. High school students are subject to long term suspension for Level 2 and a combination of Level 1 and Level 2 offenses. Level 3 offenses are the most serious violations and may result in expulsion from the District. State law requires that certain offenses occurring at school or during school related activities must be reported to local law enforcement agencies. See *Attachment C - Index of Reportable Incidents*. 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.

## **A. LEVEL 1 OFFENSES**

### **DISCIPLINARY ACTION FOR A (LEVEL 1) OFFENSE MAY RESULT IN SHORT TERM SUSPENSION FOR THE FOLLOWING VIOLATIONS:**

#### **A01 INSUBORDINATION**

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

#### **A02 REFUSAL TO IDENTIFY SELF**

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

#### **A03 STUDENT DEMONSTRATIONS**

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

#### **A05 USE OF ELECTRONIC COMMUNICATION DEVICES ("ECD") SMART PHONES, CELLULAR PHONES OR OTHER DEVICES THAT CAUSE DISRUPTION WHILE ON SCHOOL PROPERTY**

Use of these devices is prohibited on school property, including parking lots, gymnasiums, halls, cafeterias, classrooms, and buses until after dismissal for the day unless permission is granted by a school administrator or designee. Permission may be granted for use of ECDs for instructional purposes in class or for school emergencies. Devices will be confiscated if carried in a visible manner or turned on, without permission, during the school day. Devices may be searched if there is reasonable suspicion that the search will uncover evidence of further violations of District policies or law or injury to a student.<sup>1</sup> Confiscated smart phones, cell phones, personal communication devices or other ECDs will be returned to the parent/guardian. It is the responsibility of the parent/guardian to make arrangements with the principal/designee to immediately retrieve the item within five (5) school days. The District is not responsible for the loss, theft, damage, or vandalism to student cell phones or ECDs or any other student property.

#### **A06 IMPROPER OR UNAUTHORIZED USE OF SCHOOL MATERIALS/EQUIPMENT**

Using any school equipment technology or materials without obtaining prior approval of an administrator or teacher or improper use of any school equipment, technology or materials.

#### **A07 CHEATING/ACADEMIC MISCONDUCT**

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

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<sup>1</sup> *New Jersey v TLO*, 469 U.S. 325. 105 S.Ct. 733.

**A08 DISORDERLY CONDUCT**

A student will not harass others or misbehave in a manner that causes disruption or obstruction to the educational process. Disruption caused by talking, making noises, throwing objects or otherwise distracting another constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.

**A09 INAPPROPRIATE DISPLAYS OF AFFECTION**

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

**A11 LOITERING/TRESPASSING**

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

**A12 OBJECTIONABLE CONDUCT**

A student will not orally, in writing, electronically, or with photographs or drawings direct profanity, insulting, obscene or other objectionable gestures toward any other person. Conduct under this offence is not of a sufficient nature to rise to the level of harassment.

**A13 VIOLATIONS OF ATTENDANCE POLICY**

Acts, not specifically listed, which constitute a violation of the District's attendance policy.

**B. LEVEL 2 OFFENSES**

**DISCIPLINARY ACTION FOR A (LEVEL 2) OFFENSE MAY RESULT IN SHORT-TERM SUSPENSION, ADMINISTRATIVE TRANSFER OR LONG-TERM SUSPENSION (Grades 9-12 only) FOR THE FOLLOWING VIOLATIONS:**

**B01 THREATS OF VIOLENCE/INTIMIDATION**

Written, verbal or physical conduct, or electronic communication, less than bullying, that is intended to place one or more persons in fear of harm. Refer to C17 - Bullying to describe conduct of a serious, severe or substantial, nature.

**B02 POSSESSION OF DANGEROUS OBJECTS**

Dangerous objects are objects other than firearms, guns or knives that include but are not limited to explosives, firecrackers, clubs, mace, pepper spray and other irritant sprays.

Possession is defined to include:

- Carrying the item; or
- Storing the item in a space used by or assigned to a student such as a locker or a desk; or
- Having the item under one's control such as hiding a weapon in the building or on school grounds; or

- Voluntarily permitting another person to store the item in an assigned school space without reporting it to staff members.

**B03 USE OR POSSESSION OF ILLEGAL OR CONTROLLED SUBSTANCES OR MATERIALS**

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

**B04 THEFT OR RECEIPT OF STOLEN PROPERTY**

Taking or conspiring to take without permission of the owner or custodian or receiving or possessing property known to be stolen valued at less than \$100.00.

**B06 EXTORTION, COERCION OR BLACKMAIL**

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

**B07 DEFAACEMENT OF PROPERTY**

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

**B08 INTERFERENCE WITH OR INTIMIDATION F SCHOOL PERSONNEL**

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

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

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

**B10 HARASSMENT**

Written, verbal, or physical conduct that is persistent or pervasive that causes emotional distress or does the following to one or more students directly or indirectly:

- Substantially interferes with educational opportunities
- Adversely affects the ability of students to participate in or benefit from school programs; or
- Causes a substantial disruption to the orderly operation of schools.

**B11 GAMBLING**

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

**B12 ADMITTANCE OF UNAUTHORIZED INDIVIDUALS INTO SCHOOL BUILDINGS**

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

**B13 VERBAL ABUSE**

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

**B15 FORGERY/GIVING FALSE INFORMATION OR IDENTIFICATION**

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

**B16 ABUSE OF TECHNOLOGY**

The act of tampering with or unauthorized use of computer hardware or software, including loading unauthorized software, making unauthorized copies of software, tampering with the hard drive, infection of computers with viruses, unauthorized internet access, unauthorized access to another's files, computers, or computer systems, and computer network "hacking." The use of the internet or Detroit Public Schools Community District technology, equipment or materials, including networks and servers to commit any offense is a violation under the Student Code of Conduct.

**B17 FIGHTING**

A physical confrontation between one or more students that does not cause serious injury.

**B18 HAZING**

Any intentional, knowing, or reckless activity which endangers the physical safety, causes mental distress, embarrassment, humiliation or ridicule of a student done for the purpose of being initiated into, affiliated with, participating in or become a member of any organization, team, group, club, school activity, regardless of whether the activity is done with or without the consent of the person(s) being hazed.

**B19 OTHER PROHIBITED CONDUCT**

Any school related conduct that violates rules, policies or school decorum.

**B20 SEXUAL HARASSMENT**

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which:

- Substantially interferes with the student's educational opportunities; or
- Creates an intimidating, hostile or offensive educational environment; or
- Otherwise adversely affects a student's educational opportunities.



## **C. LEVEL 3 OFFENSES**

**PENDING AN EXPULSION REVIEW HEARING, IF FOUND GUILTY, DISCIPLINARY ACTION FOR A LEVEL 3 OFFENSE CAN RESULT IN EXPULSION FOR THE FOLLOWING VIOLATIONS:**

### **C01 POSSESSION OF A FIREARM**

Firearm means (A) any weapon (including a pistol, rifle, starter gun, gun, zip gun, pellet gun, and BB gun or any other type of gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device, such as any explosive, incendiary device, bomb, grenade, poison gas or rocket. Students found guilty of this offense are subject to mandatory expulsion.

### **C02 POSSESSION OF A KNIFE**

Knives are defined to include any knife regardless of blade length or total size, straight razor, box cutter with razor or any instrument which has been altered to be used as a weapon in a manner similar to a knife such as a letter opener or file. A student found with a 3 inch blade or greater is subject to mandatory expulsion.

### **C03 POSSESSION OF OTHER DANGEROUS WEAPONS**

Possession of weapons and objects, other than guns or knives, such as, brass knuckles, which have the capacity to cause serious injury or death.

### **C04 USE OF A WEAPON OR AN OBJECT AS A WEAPON**

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

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

### **C05 PHYSICAL ASSAULT OF AN EMPLOYEE, VOLUNTEER OR CONTRACTOR**

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

### **C06 DESTRUCTION OF PROPERTY**

Acts that result in a substantial threat of or actual destruction of property of \$100.00 or more, which significantly necessitates altering a school's operation and activities. Specifically included are acts which result in:

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

**C07 THEFT OR RECEIPT OF STOLEN PROPERTY**

Taking or conspiring to take without permission of the owner or custodian or receiving or possessing property known to be stolen valued at \$100.00 or more, which does not belong to the student.

**C08 ARSON**

The willful and malicious burning or attempt to burn any part of property that belongs to, or is under contract with the school district, or property of persons employed by the District or on school property or the setting of fires on school property. Students found guilty of this offense are subject to mandatory expulsion.

**C09 SALE/DISTRIBUTION OF CONTROLLED SUBSTANCES OR ILLEGAL MATERIALS**

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

**C10 PHYSICAL ASSAULT OF ANOTHER STUDENT**

Intentionally causing or attempting to cause physical harm to a student through force or violence. Acts that result in serious bodily injury or participating in gang, gang-like activity or group violence are also punishable under this provision.

Gang or gang-like activity includes an ongoing organization, association or group of three or more individuals who display one or more of the following:

- Wear or display common clothing, jewelry, insignia, signs that intentionally identify the student as a member of the group; or
- Have a high rate of interaction among themselves to the exclusion of others; or
- Are frequently involved in anti-social, delinquent or criminal activity.

**C11 CRIMINAL SEXUAL CONDUCT**

Means a violation as set forth in the Michigan Penal Code. (MCL 750.520b to MCL 750.520g). It includes sexual penetration or sexual contact that occurs:

- with another person under 13 years of age; or
- with another person at least 13 but less than 16 years of age under certain circumstances;
- when the actor knows the victim is mentally or physically incapable or is aided and abetted by 1 or more person;
- when a weapon is used or an item fashioned into a weapon;
- when concealment or the element of surprise is used to overcome the victim;
- when force is used to accomplish the sexual penetration or contact or the actor causes personal injury and force or coercion is used.

It is sexual contact with another person at least 13 but less than 16 years of age AND the other person is 5 or more years older.

Sexual contact is the intentional touching of the intimate parts of the body of another person for a sexual purpose, for revenge, to inflict humiliation or out of anger.

When disciplining students age seven (7) or younger, consider the student's age, ability, intelligence and experience and whether the student conducted himself/herself as would be reasonably expected of a child of such age, ability, intelligence and experience and whether the student should be held criminally responsible.

If a student commits criminal sexual conduct in a school building, on school grounds or any other school property, the student shall be expelled.

**C12 SEXUAL MISCONDUCT**

A student shall not engage in intimate sexual contact with another person, including, but not limited to: consensual sexual intercourse, oral sex or intentional touching of the other person's genitals, groin, inner thigh, buttock or breast or the clothing covering those areas, other inappropriate behavior of a sexual nature including displays of sexual parts.

**C13 FORGERY/FRAUD**

Signing the name of another person for the purpose of defrauding school personnel of DPSCD or causing or deceiving another by false or misleading information in order to obtain anything of value.

**C14 TERRORISTIC ACTIVITY**

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

**C15 FALSE ALARM**

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

**C16 OTHER ILLEGAL CONDUCT**

Other acts, not specifically listed, which constitute an offense under state or federal laws.

**C17 BULLYING**

Written, verbal, physical conduct or any electronic communication that is intended to place one or more students or other persons in fear of harm or cause substantial emotional distress by directly or indirectly doing the following:

- Substantially interfering with educational opportunities;
- Adversely affecting the ability of a student(s) to participate in or benefit from school programs;
- Having an actual and substantial detrimental effect on a student's physical or mental health;
- Causing substantial disruption of the orderly operation of school.

The use of any electronic communication (i.e. internet, personal digital assistant (PDA), smart phone, or wireless hand held device), network or technology, including social

media (e.g. Facebook, Twitter, Tumblr, Instagram, etc.), to bully is cyber-bullying. Bullying and cyber-bullying are prohibited against all students, educators, employees, parent/guardians, contractors, agents, or volunteers.

### **C18 SEXTING**

Forwarding, sending, using, sharing, viewing or possessing a sexually explicit image via text message, email, social networking websites and/or other electronic means using school property (computers, devices, networks, or servers) on school grounds or at school sponsored activities/events. Acts that occur off school grounds, outside of school-sponsored activities or on student owned devices that result in disruption to the orderly operation of school environment are punishable under this provision.

## **II. INTERVENTIONS AND DISCIPLINARY ACTIONS**

### **A. SCHOOL DISCIPLINARY ACTIONS**

Teachers and school administrators have the authority to utilize various interventions and behavior management techniques to encourage positive student behavior within the classroom. Parent/guardian assistance, other educational support services and/or other community agencies may be engaged as well.

Any of the following intervention strategies or disciplinary actions may be used:

- Administrator and student conference, warning or reprimand
- Administrator and teacher/parent/guardian conference
- Resource Coordinating Team (RCT) referral
- Counseling, social work or other agency referral
- Referral and request for disciplinary action
- Daily/weekly progress reports
- Behavioral contracts/plans
- Change in student schedule
- No contact directive
- Loss of bus transportation privileges
- Lunch/recess or in-school or after school detention
- Confiscation of appropriate item
- Restitution/restoration/community service
- Denial of participation in extra-curricular activities.
- Suspension (Short-term, Long-term)
- Administrative Transfer
- Recommendation for Expulsion

### **B. ASSIGNING INTERVENTIONS & ADMINISTERING DISCIPLINE**

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

- Depend upon the substantiation of the allegations or charges
- Involve a reasonable and logical relationship between the seriousness of the act and the severity of the discipline

- Be constructive in intent
- Take into account such factors as age, stature, and intent of the student and his/her past records
- Take into account the use of positive support strategies and the use of the school's student support resources.

When intervention strategies or disciplinary actions are used, teachers and administrators must follow appropriate procedures, including providing written documentation or statements in support of the action taken as soon as possible. Parents must be notified immediately of Code violations and disciplinary action. Teachers shall be available to confer with the principal, assistant principal, administrator or counselor regarding actions taken.

### **C. DUE PROCESS IN DISCIPLINARY PROCEEDINGS**

When alleged misconduct has occurred and disciplinary action is considered, due process safeguards must apply in all instances where the behavior or rights of students are being evaluated. The student has the right to be fully informed about the alleged breach of behavior and must be provided with an opportunity to respond to such charges. Any permanent record that results from the student's actions or their consequences should

clearly state whether the charges of misbehavior were or were not substantiated. Unsubstantiated charges must be expunged. If the student's discipline is changed, modified, or set aside, the record(s) will be updated.

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

### **D. DISCIPLINARY PROCEDURES**

#### **1. INVESTIGATION**

Before it is determined that a student should be disciplined, an investigation must be conducted. The investigation will be conducted by the school administrator or designee; however, in certain instances the seriousness of the offense requires the immediate removal of the student from a class or building. The school administrator will inform the student of the allegations against him/her including the basis (evidence) for such charges.

The student will be given an opportunity to respond to such allegations. It is preferable that a written statement be given by the student. However, a verbal statement is acceptable. Following the investigation, if the allegations are substantiated, an attempt will be made to notify the parent by telephone. A suspension letter should be sent by first class mail within one (1) school day stating that the student is being removed from school and the reason(s) for the removal, including the resulting charge. If necessary, the letter will include the time and place for parents to attend a hearing. A hearing is not required for all disciplinary removals.

## **2. HEARINGS**

Hearings must be held **within three (3) school days of the date of the offense for grades K-5** and **within five (5) school days of the date of the offense for grades 6-12** following a student's removal to determine whether the student engaged in the unacceptable behavior.

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

The staff person(s) making the allegation of misbehavior shall be present at the hearing as requested by the principal. While parents do not have the right to question student witnesses, they may request their questions be asked of school representatives or witnesses.

**IF THE SCHOOL ADMINISTRATOR OR DESIGNEE IS THE TARGET OF THE ALLEGED BEHAVIOR, ANOTHER ADMINISTRATOR WILL CONDUCT THE HEARING, ADVISE THE STUDENT OF THE CHARGES AND MAKE THE DISCIPLINARY DECISION.**

At the hearing, the student and the parents must first be fully informed about the alleged breach in behavior and then be afforded the opportunity to present their side of the case. At the conclusion of the hearing, student and parent should be given a copy of the Rights of Students and Parents in Disciplinary Hearings. (See *Attachment D*) If allegations of unacceptable behavior are substantiated, the school administrator or designee will determine the disciplinary action to administer.

At the conclusion of the hearing, the administrator or designee will inform the parent and student of the charge and the disciplinary action to be taken.

### **E. FORMS OF DISCIPLINE**

#### **1. SHORT-TERM SUSPENSION**

The temporary removal of a student from the building and all school sponsored activities. **A student in grades K-5 may be suspended for one (1) to three (3) school days. A student in grades 6-12 may be suspended for one (1) to five (5) school days.** Short-Term Suspensions should only be applied after the considerations of all other alternatives available to correct the student's behavior have been exhausted.

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

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

The temporary removal of students in Grades 9-12 from the Detroit Public Schools Community District system for more than five (5) school days and up to twenty (20) school days. Long-Term Suspensions are allowed only at the high school level and only during the last twenty days of the semester. A Long-Term Suspension cannot become an Administrative Transfer. Upon return to the school system from a Long-Term Suspension, a student will be assigned to the same school and a referral may be made to the Resource Coordinating Team (RCT). All Long-Term Suspensions must have the approval of the Director or designee of the Student Code of Conduct Office.

## **3. ADMINISTRATIVE TRANSFER**

The reassignment of a student to another building within DPSCD or the temporary assignment of a student to an alternative educational program operated by DPSCD. An Administrative Transfer is a rare, limited option based on an individual review of each case. Schools are required to utilize a variety of interventions, including but not limited to the use of the school's Resource Coordinating Team (RCT) to assist students in improving their behavior prior to recommending them for an Administrative Transfer.

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

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

### **Guidelines for An Administrative Transfer/Long-Term Suspension**

Consequences for violating the Student Code of Conduct are in place to deter students from breaking rules and to encourage them to act productively and responsibly. When a student engages in numerous incidents of misconduct which results in multiple violations of the Student Code of Conduct, at the same school, during an academic school year, the consequences escalate as the number of incidents of misconduct increase.

Any of the intervention strategies or disciplinary actions presented previously may be used, as appropriate, to address persistent student misbehavior. However, school officials, in consultation with the Student Code of Conduct Office, may also recommend the following actions in an effort to address the ongoing disruption to the school:

Five (5) Level 1 offenses, in the same school, in the same school year, may result in an Administrative Transfer (Grades K-12) or Long-Term Suspension (Grades 9-12).

Two (2) Level 2 offenses in the same school in the same school year may result in an Administrative Transfer (Grades K-12) or Long-Term Suspension (Grades 9-12).

Three (3) Level 1 offenses and one (1) Level 2 offense in the same school, in the same school year, may result in an Administrative Transfer (Grades K-12) or a Long-Term Suspension (Grades 9-12).

#### **4. EXPULSION REVIEW AND HEARINGS**

The Expulsion Review Panel will review the case for the purposes of rescinding the suspension and referring the case back to the principal, or confirming the suspension and referring the case for an Expulsion Hearing.

Expulsion Hearings are conducted by the Superintendent or designee. Parent/guardian (or authorized designee) and student are expected to attend. The Student Code of Conduct Office must hold a hearing even though a parent/guardian is unable to, or chooses not to attend. The Student Code of Conduct Office will document all attempts to reach the parent/guardian. Parents may be represented by an advisor of their choice, who may or may not be an attorney. Parental authorization for an advisor to appear on behalf of the student must be on file in writing at the Student Code of Conduct Office at or before the time of the hearing. Only the parent/guardian or the advisor may speak for the student, unless a selected speaker is designated.

At the hearing, the students and parents/guardians are fully informed of the charges and recommendation of the Expulsion Review Panel. The student is afforded the opportunity to present their side of the case. At the conclusion of the hearing, the hearing officer will advise the student and parents of their decision. The decision of the Superintendent or designee at the Expulsion Hearing is final.

A student who commits a Level 3 offense will be suspended and may be recommended for Expulsion Review.

#### **5. PERMANENT EXPULSION (MCL 380.1311)**

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

#### **6. SUSPENSION AND CAREER & TECHNICAL SCHOOL ATTENDANCE**

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

#### **7. MAKE-UP WORK**

Students removed from school as a result of a Short-Term Suspension, Administrative Transfer, Long-Term Suspension or Expulsion Review are entitled to make-up work pending the disciplinary action.

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



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

A student recommended by the principal for an Administrative Transfer is entitled to make up work until the student's placement is completed. A student charged with an expulsion offense is entitled to make up work until a final decision is made by the Expulsion Hearing Officer. Students are entitled to take required examinations at a specified and approved location by the principal when an incident that requires disciplinary action occurs. Students who are suspended will not be counted as absent for the purposes of determining truancy.

## **F. APPEALS**

Parents may appeal the decision of a Short-Term Suspension, Administrative Transfer or Long-Term Suspension to the Student Code of Conduct Office. A parent may not appeal a decision to suspend a student pending an Expulsion Review.

### **1. FIRST STEP - FILING AN APPEAL**

Parents must inform the Student Code of Conduct Office within three (3) school days that they wish to appeal the principal's decision by calling the office followed by a written request.

### **2. SECOND STEP – HEARING PANEL REVIEW**

Upon receipt of the appeal request, the Student Code of Conduct will appoint a three-member Hearing Panel. Hearing Panel members shall not be members of the student's school community or involved in the incident.

An appeal hearing will be scheduled to take place within five (5) school days after receipt of the appeal request. The student's parents and an advisor, who may or may not be an attorney, may be present at the hearing and additional evidence may be presented. The student and the parents will be notified by first class mail of the decision. Parents have the right to appeal the decision of the Panel to the Superintendent within five (5) school days after receipt of the decision.

### **3. THIRD STEP – APPEAL TO SUPERINTENDENT**

The Superintendent or designee will convene a three member Hearing Panel. The student will have the right to have his/her parents and an advisor, who may or may not be an attorney, present at the time the appeal is heard and may submit evidence and present witnesses, if appropriate. Parents will be notified of the decision by first class mail within five (5) schools days following the hearing. This decision is final and cannot be appealed.

## **G. READMISSION**

Although expulsion is permanent, the State of Michigan and DPSCD have established conditions under which the student/parent/guardian or student eighteen (18) or above may petition for readmission.

## **READMISSION GUIDELINES & HEARINGS**

A petition requesting readmission must be sent to the Student Code of Conduct Office. A Readmission Review Panel shall review the petition for readmission when a student has been expelled for a non-mandatory expulsion offense. The student must meet criteria set by the State and/or DPSCD before readmission will be considered and/or approved.

A Readmission hearing will be held during which time the Hearing Officer (Superintendent's Designee) will review the evidence presented by the Readmission Review Panel and make a decision. If the decision is to readmit the student, a contractual agreement regarding expected behavior, attendance, and academic progress may be required to be signed by the student, parent/guardian, and the Hearing Officer.

### **H. REINSTATEMENT PROCESS**

A student who commits a Level 3 Offense requiring mandatory expulsion must attend a reinstatement hearing in order to return to DPSCD.

A petition requesting reinstatement must be completed by the parent and sent to the Student Code of Conduct Office. The petition will be submitted for review to the Reinstatement Review Panel. The student, parent and/or guardian will have an opportunity to appear and address the Panel.

The Reinstatement Panel may recommend unconditional, conditional or against reinstatement. If the recommendation is for conditional reinstatement, it must include any recommended conditions. The Panel's written recommendation must be submitted to the full Board at its next scheduled regular Board meeting.

## **III. DISCIPLINE OF STUDENTS WITH DISABILITIES**

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

### **A. STUDENT WITH A DISABILITY AND SECTION 504 STUDENT**

#### **1. STUDENT WITH A DISABILITY**

"Student with a disability" means a person who is determined by an individualized education program team (IEPT), or a hearing officer to have one (1) or more of the impairments that necessitates special education or related services, or both, who is not more than 25 years of age as of September 1 of the school year of enrollment, who has not completed a normal course of study, and who has not graduated from high school. A student who reaches the age of 26 years after September 1 is a "student with a disability" and entitled to continue a special education program or service until the end of that school year. <sup>2</sup>

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<sup>2</sup> Michigan Administrative Rules for Special Education, Rule 340.1702.

These students are commonly referred to by local, state, federal and education agencies as students who are included in the Individuals with Disabilities Education Act, or IDEA students.

## **2. SECTION 504 STUDENTS**

This designation refers to section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving federal financial assistance. Under federal law, a “handicapped person” is defined as one who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.<sup>3</sup> These students have a 504 Evaluation and Educational Plan developed by a 504 team.

### **B. DISCIPLINARY ACTIONS FOR IDEA AND SECTION 504 STUDENTS**

When an administrator is considering disciplinary action involving removal of an IDEA or 504 student, the student’s records shall be reviewed to determine the total number of days during the current school year that the student has missed due to disciplinary action. Once this determination has been made, the following procedures must be followed:

1. If the student has not accumulated more than 10 (ten) days of disciplinary removal for the school year, then utilize procedures as outlined for non-disabled students.
2. If the pending suspension is in excess of ten (10) consecutive days (including proposed expulsions) **OR** if the suspension is less than ten (10) days but would result in 10 cumulative days for one school year this constitutes a significant change in placement. Before implementing a suspension or expulsion that constitutes a significant change in placement, the student must have an IEP/504 meeting to determine whether the behavior at issue is a manifestation of the student’s disability (a “manifestation determination” review) or if the student’s current educational placement is appropriate. This meeting must take place within ten (10) school days of the decision to remove the student from school.

#### **EXCEPTION:**

In cases where the offense involves the current use of drugs/alcohol, the Section 504 meeting is not necessary. The student may be disciplined in the same manner as non-disabled students. Note, if the offense is centered on possession alone, not use, a manifestation hearing is still required.<sup>4</sup>

3. If the IEP/504 team determines that the behavior is a manifestation of the student’s disability, the student is **NOT** subject to further disciplinary action. However, the evaluation continues to determine whether the student’s current educational placement is appropriate. The student **MUST** return to his/her original placement **UNLESS** the parent agrees otherwise through the IEP/504 process.

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<sup>3</sup> 34 C.F.R. §104.1

<sup>4</sup> A student with a disability who is not currently engaged in the illegal use of drugs or alcohol who commits a Drug/alcohol offense, such as possession, sale, or distribution of drugs or alcohol, is afforded Section 504 protection, including the right to an evaluation of whether the behavior is related to the disability and the right to due process. OCR defines “current use of drugs” as illegal use of drugs that occurred recently enough to justify a reasonable belief that a person’s drug use is current or that continuing use is a real and ongoing problem” OCR Staff Memorandum, 19 EDELR 859 (OCR 1992).

**EXCEPTION:**

If the offense involves any of the following, school personnel may remove the student to an interim alternative educational setting for not more than forty-five (45) days:

- Carrying or possessing a weapon at school or at a school function
  - Knowingly possessing or using illegal drugs
  - Selling or soliciting the sale of a controlled substance while at school or at a school function
  - Inflicting serious bodily injury upon another person.
4. If the IEP/504 team determines that the behavior is NOT a manifestation of the student's disability, the student may be removed in the same manner as any non-disabled student.<sup>5</sup>
  5. The school must continue to provide IDEA student's services so that the student progresses towards IEP goals, even if the child is no longer served in the same school environment. Section 504 students are not entitled to a continuation of specialized services.
  6. The IEP team decides what services the child needs and where those services will be provided.
  7. When a change in placement occurs, the student is entitled to the procedural protections of Section 504/IDEA, including, an expedited due process hearing (appeal). When an appeal is pending, the student's placement will remain in the disciplinary removal setting until a decision is reached or the expiration of the removal issued by DPSCD, whichever comes first.

Students with disabilities, even if expelled, must be provided with an appropriate education in an alternative educational setting.

**C. STUDENTS SUSPECTED OF HAVING A DISABILITY**

Students suspected of having a disability have the right to assert any of the disciplinary protections available to students with disabilities, if prior to the behavior subject to disciplinary action, one or more of the following exist:

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

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<sup>5</sup> IDEA students must be provided services as indicated in 3a and b. Section 504 students are not entitled to Continuation of services but are treated the same as non-disabled students.

an evaluation of the student, or has refused special education and related services, or the student was found ineligible for special education.

If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the student remains in the disciplinary removal setting and the evaluation shall be conducted in an expedited manner. If the student is found to be a student with a disability, DPSCD shall provide special education and related services as appropriate.

Where a student presents an immediate threat to the safety of others, school officials may promptly adjust the placement or suspend the child for up to 10 school days, in accordance with procedures applied to non-disabled students.

### **PART III**

#### **ATTENDANCE**

##### **A. ATTENDANCE STANDARDS**

Michigan school laws and the DPSCD Attendance Policy are very strict in regard to the compulsory attendance of children 6-16 years of age, and hold parents/guardians responsible for their child/children's regular attendance in a manner, which is "continuous and consecutive for the school year". Regular attendance in class is of vital importance if a student is to succeed in school. **All students are expected to be in school every day and on time for each class.** All students are expected to be in a designated area within the school building or in their scheduled classroom before the tardy bell rings.

Responsibility for regular student attendance lies with each student and his/her parent/guardian. Staff persons have the responsibility to assist parents/guardians and students in achieving the goal of good attendance. Teachers should counsel with any student immediately if it appears that a poor attendance pattern is being formed. Attendance agents will investigate the referral of chronic attendance problems, and when necessary, refer to juvenile court for prosecution.

Students are not to loiter around school property. They enter the school more than fifteen (15) minutes before their program begins and are to leave within ten (10) minutes after the end of their program unless they show legitimate cause (athletic activities, school clubs, dramatics, etc.) for arriving earlier or remaining longer. Students are not to leave the school building during the school day except when necessary and must "check out" at the main office of the school/facility. They must follow their complete schedule. Any exceptions to this rule must be approved by school staff. Students will also need proper authorization to re-enter the school building. Staff is required to take appropriate action whenever an unexcused absence or tardiness occurs. (See *Attachment E – On Time, Every Day, All Day & DPSCD Attendance Policy and Procedures*)

##### **B. ADMITTANCE TO THE BUILDING**

All students must enter the building through designated doors. High school students must enter with a valid photo ID card that must be in their possession and clearly displayed on their person during the entire school day.

## **C. ABSENCE/TARDY EXCUSES**

An unexcused absence is an absence without notice by a parent/guardian and the reason for the absence is not listed in the definition of “excused” reasons listed in the District’s attendance policy for student illness, medical procedure or appointment, bereavement, religious holiday, school related activities, approved and verified educational opportunities or other situation beyond the control of the student, as determined by the principal.

## **D. MAKE-UP WORK FOR EXCUSED ABSENCES AND TARDINESS**

A student must contact their teacher regarding make-up work within three (3) days of his/her return to class. Students have five (5) school days to complete make-up work. Only students who have established a valid reason for absence or tardiness will be eligible for make-up work.

## **E. SUPPORTIVE SERVICES**

Support services will be provided to students in an effort to address absenteeism and prevent truancy. Services include one or more of the following:

- Conference with the teacher
- Referral to the attendance office for investigation or intervention
- Conference with parent/guardian
- Referral to the counselor
- Referral to school social work or psychological services
- Referral to an outside agency
- Referral to Wayne County Prosecutor’s Office
- Others not listed

## **F. ATTENDANCE RESPONSIBILITIES**

### **1. STUDENTS**

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

### **2. PARENTS/GUARDIANS**

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

### **3. ATTENDANCE AGENTS**

- Provide support to improve student achievement by monitoring and investigating daily student attendance
- Work in collaboration with schools to promote exemplary attendance
- Comply with and enforce the District's attendance policy
- Work in conjunction with other student support programs, including the Wayne County Prosecutor's Office to provide intervention assistance

## GLOSSARY OF TERMS

<b>Appeal</b>	To resort to a superior administrative level to review the decision of a lesser administrative level.
<b>Arson</b>	To unlawfully and intentionally burn or attempt to burn, any real or personal property by fire or incendiary device.
<b>Bullying</b>	Conduct intended to place a person in fear of harm or cause substantial distress.
<b>Physical Assault</b>	Intentionally or attempting to cause physical harm to a student/adult through force or violence.
<b>Breaking and Entering</b>	Unlawful entry into a school building or other school structure.
<b>Cyber Bullying</b>	The use of electronic communication, network, social media or technology to intimidate, harass, bully or threaten.
<b>Expunge</b>	To permanently remove from a student's discipline record.
<b>False Alarms</b>	The act of initiating a fire alarm or initiating a report warning of a fire or an impending bombing or other catastrophe without just cause.
<b>Fighting</b>	Physical altercation between one or more students that does not cause serious injury.
<b>Free and Appropriate Public Education</b>	Section 504, The Individuals with Disabilities Education Act (IDEA) and Michigan Revised Administrative Rules require that all students with a disability, aged birth through 25 have a right to receive a free appropriate education. Free means that the educational and related services are provided without cost to the parent, except for those fees that are imposed on students without disabilities.
<b>Functional Behavior Assessment (FBA)</b>	An assessment of the factors that affect a student's behavior, typically including a review of the environment and the student's needs.
<b>Gang Activity</b>	An ongoing organization, association group of three or more individuals who use a common identifying name, sign or symbol, have a high rate of interaction among themselves to the exclusion of others and are frequently involved in anti-social, delinquent or criminal activity.
<b>Gang Like Activity</b>	Activity that is associated with or similar to gang activity.



<b>Group Violence</b>	Three or more persons inflicting physical harm upon a victim or victims.
<b>Illegal Activity</b>	Conduct that is in violation of state and/or federal law.
<b>Incendiary Device</b>	Any material/object which causes a fire or explosion.
<b>Individualized Education Program (IEP)</b>	A specially designed instruction program developed by the IEP team, which describes the student's eligibility, the student's present level of performance, annual goals and short-term objectives, specific educational and related services, amount of time spent in general education, the least restrictive environment, the reasons why the IEP is accepted or rejected, transition services, and the dates and frequency of services. The IEP shall be reviewed annually or more often as needed.
<b>Intimidation</b>	Conduct intended to place a person in fear of harm less than bullying.
<b>Insubordination</b>	Refusal to obey the reasonable and lawful directions of authorized school personnel.
<b>Jurisdiction</b>	The power to hear and determine a school matter.
<b>Loitering</b>	The act of being in or about school district premises or in a specifically restricted area of a school district building at unauthorized times or without the specific authorization of school personnel.
<b>Petition</b>	A formal written request.
<b>Refusal to Identify Self</b>	Refusing to show an identification card and/or give a correct name when requested to do so by school personnel.
<b>Resource Coordinating Team (RCT)</b>	A school-based problem-solving group that works collaboratively with parents, staff and community members to address issues that affect student learning.
<b>Tardy</b>	Arriving in school or class after specified start time without an excuse or pass as outlined in the District's attendance policy.
<b>Trespassing</b>	To enter into or remain on school district premises without authorization and with no lawful purpose for entry.
<b>Terroristic Acts</b>	To threaten or cause violence to any person or property with intent to cause a reaction of any type by an official or institution or agency authorized to deal with emergencies; prevent or interrupt the occupation or use of an area, building or room or to cause interruption of public communication, water, gas or power supply.
<b>Truancy</b>	More than ten (10) absences from school or classes in a school year as defined in the District's attendance policy.

## ATTACHMENT A

### *APPROPRIATE DRESS FOR STUDENTS*

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

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

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

#### **Slacks and Pants:**

- Color: All slacks and pants must be a solid color: Khaki, navy blue, or black.
- Style: Slacks and pants can be pleated or flat front, full length and appropriately fastened at the waist.

#### **Tops:**

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

#### **Skirts and Jumpers/Skorts:**

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

#### **Jackets, Cardigans, and Sweaters:**

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

#### **Footwear:**

- Athletic shoes, laced shoes and/or other shoe boots, loafers, dress shoes, or
- other closed toed/closed heel shoes. Students are also prohibited from wearing steel-toed boots or shoes to school.

#### ***INAPPROPRIATE DRESS FOR STUDENTS K-12:***

- Dresses, skirts, and skorts shorter than the student's fingertips when standing in a normal position with the arms down.
- Clothing that is either revealing or provocative, showing abdomen region or cleavage,

T-shirts or halter-tops, biker pants, or pants allowed to sag below the waistline or are excessively tight.

- Bedtime attire such as pajamas, or undershirts or undergarments as outerwear.
- Students' clothing or tattoos may not have printed statements or pictures on either that are related to the use of drugs, alcohol, tobacco products, or sex, or that promote hate and/or violence or signify gang affiliations.
- Attire that may be considered weapons, including but not limited to chain belts or wallet chains.
- Jewelry or similar artifacts that are obscene or may cause disruptions to the educational environment.
- Hats, caps, bandanas, or do-rags, except headwear worn for legitimate religious purposes.
- Flip-flops, house slippers, steel-toe-shoes or boots, or any other type of footwear that could constitute a safety hazard.
- Facial jewelry and visible body piercing, including piercing of the tongue, during school hours.
- Hair rollers, hair curlers, plastic hair bags, hairnets, sweat bands and skullcaps.
- Mules and flip flops are inappropriate.

## ATTACHMENT B

Policy:

**SUBJECT: INTERROGATIONS AND SEARCHES**

**Supersedes:** Policy 6.21 and Policy 6.29

**Effective:** November 2, 2010

**Page:**

**Approved by:** Emergency Manager

### 1.0 Policy

Introduction: The Board of Education recognizes that the educational environment is an important base in our students' ability to learn. A grave danger to that environment, as well as to the safety of our students and staff, is the reality of drugs, weapons, and other contraband both inside our schools and the surrounding neighborhoods. This policy is designed to ensure that our students can learn in an environment that is both conducive to education and that will ensure their safety as well as the safety of our staff and visitors. Toward those ends, the Board reserves the right to conduct searches of students and their personal effects, to conduct metal detector screenings of students, to search and inspect property owned or leased by the Board, including but not limited to the desks and lockers that are assigned to our students, and to seize any contraband that is revealed through the use of such searches. All such searches shall be undertaken consistent with the law, this policy and the United States Constitution.

This policy applies to mass searches conducted by Detroit Public School officials and employees. Any search initiated, instigated or requested by the Detroit Police Department or any other police department shall be governed by the legal standard applicable to police searches.

#### Types of Searches:

##### 1) Individualized Student Searches

School officials possess the authority to search individual students and their personal effects (including but not limited to clothing, book packs, book bags, purses, vehicles that are parked on property owned or leased by the Board of Education, and similar items). The search will only be conducted if school officials have a reasonable suspicion that:

- a) there has been a criminal infraction or that there is a violation of a school policy or rule governing student behavior or discipline, AND
- b) the individual who is the subject of the search participated in the infraction or violation, AND
- c) evidence of the infraction or violation, or the proceeds there from, is in the possession of the student in the location to be searched.

Reasonable suspicion can be based on direct observations of the student by school officials (including but not limited to seeing a gun shaped bulge in clothing, hearing the sound of a pager or cell phone, or smelling the aroma of marijuana). Reasonable suspicion may also be based on information provided to school officials by others (including school staff, students, volunteers, and visitors) indicating that the student in question has contraband in his or her possession. A mere hunch or generalized suspicion does not constitute reasonable suspicion nor do they provide a sufficient basis for searching an individual student.

Once a school official or a member of the DPSCD Public Safety unit has determined that a student should be searched for contraband based upon a reasonable suspicion, the following guidelines apply. A search should be no more intrusive than is necessary. If a search demands more than a “pat-down” or the emptying of pockets and the removal of coats, jackets, shoes and/or socks, school officials should contact the Office of General Counsel immediately.

Individual searches should always be conducted by a school official of the same sex as the student being searched and to the extent practicable in the presence of another same-sex school official who can act as a witness. The search may be done outside the view of any person who is not directly involved in the search. Such searches shall be conducted by DPSCD Public Safety Officers, DPSCD security contractors/agents, school officials or school staff. A written report shall be prepared regarding any individualized student search and forwarded to the Public Safety Department.

## 2) Desk Or Locker Searches

Desks and lockers are the property of the Board of Education. Students are allowed to use this property; but at all times, desks and lockers remain under the control and ownership of the Board of Education. As a condition of their use of Board property, students assume full responsibility for the security of the locker and/or desk assigned to them.

The Board of Education reserves the right to conduct random searches of desks and lockers. These searches may be conducted at anytime for any reason, without notice, without student consent and without reasonable suspicion or a search warrant. However, a student’s personal items (such as purses, book bags, coats, etc.) may not be searched without reasonable suspicion that a search will uncover contraband or evidence of wrongdoing on the part of an individual student.

The following should be used as guidelines for the search of lockers and/or desks:

- a) Locker and desk searches are best performed when students are not present, such as prior to the opening of the school, after school or on the weekend.
- b) Locker and desk searches may include the use of trained dogs or other trained animals.

- c) Students should be alerted through their student handbooks or by other written materials that at any time their lockers and desks can be searched.
- d) Locker and desk searches may be conducted by school officials, with or without the assistance of Detroit Public School Public Safety employees.

### 3) Metal Detector Screenings

a) Introduction: The purpose of a metal detector scan is to prevent weapons and/or contraband from entering the schools. The Detroit Public Schools Community District reserves the right to use, but it is not limited to stationary walk through metal detectors, hand-held “wand” metal detectors, portable walk through metal detectors, and x-ray machines. All persons who enter into Detroit Public School buildings used for academic instruction are subject to a metal detector scan. The Board of Education has authorized several types of metal detector screenings.

- 1) “As needed” Screenings: The Board’s Chief Executive Officer, his/her designee, or school official may also authorize metal detector screenings on days on which special events such as athletic events or visits by dignitaries are held. As needed screenings may also be conducted to address safety concerns.
- 2) Daily Screenings: The Board’s Chief Executive Officer, his/her designee, or school officials may also authorize daily metal detector screenings of students to ensure the safety and security of students, staff, volunteers and visitors.

b) Public Notice: Each entrance of Detroit Public Schools Community District’ property shall annually post a sign stating the equivalent of the following statement: “Any person entering this building may be subject to search.” However, the removal of the sign through vandalism or any other means shall not waive the Detroit Public Schools Community District ability to conduct any subject searches contained in this policy.

#### c) Scanning Procedures:

- 1) All entrances that are that are not used during a metal detector screening should be locked in such a way that they will prevent entry from the outside. The entrances should remain operable from the inside of the building and must comply with Fire Code Regulations.
- 2) Prior to passing through a metal detector, individuals should be instructed to place their metal possessions into a separate container. Those conducting the metal detector screenings may also ask individuals to remove any other personal items (coats, book bags, purses, etc.) so they can be scanned by a hand held metal detector.
- 3) If the alarm of a metal detector sounds, that shall be construed as reasonable suspicion for an individual pat-down search or for the search of the individual’s separate possessions (such as book bag, purse, coat, etc.). If a pat-down search is necessary, male DPSCD Public Safety officers should administer pat-down searches for male students, and female DPSCD Public Safety officers should

administer pat-down searches for female students. Once that search is accomplished, another metal detector screening should be made. If the alarm of a metal detector sounds again, the individual should be taken to a private place for a more thorough screening and search.

- 4) An individual should never be allowed to enter a school building until he/she can walk through a metal detector without sounding the alarm or until some form of secondary search can identify the item causing the alarm.
  - 5) Screenings should be done as expeditiously as possible.
- d) Refusal to Cooperate – Persons who refuse to cooperate with school officials during a search authorized by this policy should be referred to the principal of the respective school. Students who refuse to be searched will have their parents contacted by school officials. At no time should a student be allowed into the school unless they are willing to be scanned and searched. Any absence that occurs as a result of refusing a search authorized by this policy should be counted as an unexcused absence.

**Attachments to Policy:** None

**Legal References:** Raina McBurrows et. al v DPSCD  
Case No. 2:09-cv-14863 - Consent Judgment  
MCLA §380.1308

**Labor Contract References:** None

## ATTACHMENT C

### *Index of Reportable Incidents*

Michigan school safety policy requires that the following incidents be reported to a local law enforcement agency: (MCL 380.1308)

Armed Student or Hostage	Robbery or Extortion
Suspected Armed Student	Unauthorized Removal of Student
Weapons on School Property	Threat of Suicide
Death or Homicide	Suicide Attempt
Drive-By-Shooting	Larceny (Theft)
Physical Assault (Fights)	Intruders (Trespassing)
Bomb Threat	Illegal Drug Use or Overdose
Drug Possession or Destruction of Property	Explosion
Vandalism or Destruction of Property	Arson
Minor in Possession of Alcohol	Sexual Assault
Bus Incident or Accident	



## **ATTACHMENT D**

### ***RIGHTS OF STUDENTS AND PARENTS IN DISCIPLINARY HEARINGS***

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

## ATTACHMENT E

### *“On Time, Every Day, All Day”*

There is a strong relationship between regular school attendance and academic performance. Students who are in class and on time daily have the best chance for school success!

#### Attendance Expectations

- Students are expected to attend all classes each day.
- Students are expected to be on time for each class during the school day.
- Students are to remain in school the entire school day.
- Students are expected to maintain a ninety-six percent (96%) attendance rate.
- The District complies with the Michigan Compulsory School Law, which states that all students between the ages of six (6) and sixteen (16) are to attend school during the entire school year.

#### Absences

- Notify the school regarding your child’s absence
- Send a note regarding the reason for the absence when your child returns to school.
- A note should be received within three (3) days of your child’s return to the school.
- Make sure that all make-up work is completed and returned to the teacher.
- Three (3) early departures from school without an excuse are the equivalent of one (1) unexcused absence.

#### Tardiness

- Students who arrive later than the beginning of the school day or after the start time of class without an excuse and/or pass are considered tardy.
- Excessive tardiness disrupts the learning process and negatively impacts the student’s academic achievement.
- Three (3) instances of tardiness of more than fifteen (15) minutes after the start of class without an excuse are the equivalent of one (1) unexcused absence.

#### Truancy

- Students with more than ten (10) unexcused absences during the school year are considered truant.

#### Consequences for Irregular Attendance

- Possible failure in class or grade level.
- Investigation by the Attendance Agent.
- Referral of student for DHS action.
- Referral of parents to the Wayne County Prosecutor for prosecution.

With your support, we can make a difference in your child’s academic success.

## Policy:

**Subject:** Attendance Policy and Procedures

**Supersedes:**

**Effective:**

**Page:**

**Approved:**

### 1.0 Preamble and Purpose

The School District of the City of Detroit (the “District”) emphasizes the value of regular attendance in enabling students to benefit from its educational programs. Michigan law places responsibility on students to attend school and on parents or guardians to send their children to school on a daily basis. Regular and punctual attendance is very important to the students’ scholastic achievement and the student’s participation in class contributes to the education of others. Frequent absences and tardiness for any reason adversely affect the student’s schoolwork, diminish a student’s educational experiences and are disruptive to other students, classes, teachers and the entire school community.

This policy focuses on attendance requirements and procedures to be adopted by each school in verifying attendance.

### 2.0 Definitions

**A. Absent:** Student is not present in class or leaves class early without an excuse and/or consent.

**B. Compulsory Attendance:** Consistent and regular attendance as required by Section 1561 of the Michigan Revised School Michigan requires all children to attend school until the age of 16, with few exceptions. In addition, the law mandates a student who turned age eleven on or after December 1, 2009, or who was age eleven before that date and entered grade 6 in 2009 or later, **must attend school until they are 18 years old unless they have earlier graduated or meet the exceptions allowed by Michigan law.** For purposes of illustration, students who are age 14 or under during the 2012-2013 school year and those who enroll at any time after the 2012-2013 school year must attend school until they are 18 years of age unless they have earlier graduated or meet the exceptions allowed by Michigan law.

**C. Educational Neglect:** Parent/guardian does not ensure the legal requirement of regular school attendance until the student reaches the appropriate age.

**D. Excused Absence:** Parent/guardian has notified the school as to the reason and length of time the student will not be attending for the following reasons:

- Student illness
- Medical procedure or doctor/dentist appointment
- Bereavement (death in the immediate family)
- Religious holiday

- School related activities
- Educational opportunities including college visits approved and verified.
- Other situations beyond the control of the student, as determined by the principal<sup>6</sup>

**Parents/guardians are required to call the school and report the absence of their child within 24 hours of the absence. If not reported by phone within 24 hours of the absence, the parent/guardian must provide written notice not later than 3 days after the child's return to school.**

- E. Tardy:** Student arrives in class after the specified start time without an excuse and/or a pass. Three (3) instances of tardiness without an excuse of more than fifteen (15) minutes after the start of class shall be the equivalent of one unexcused absence.
- F. Truancy:** More than ten (10) unexcused absences during a school year. Truant students and parents of truant students are subject to prosecution by the Wayne County Prosecutor for Truancy (in the case of the student) and/or Educational Neglect.
- G. Parental Truancy:** In the case of a student under the age of 12 who has accumulated ten (10) unexcused absences during a school year, the parent shall be held responsible and is subject to prosecution by the Wayne County Prosecutor for Educational Neglect.
- H. Unexcused Absence:** Student is absent without notice by parent/guardian and the reason for the absences is not listed in the definition of “excused” reasons listed above.
- I. McKinney-Vento (“MV”) Eligible Students:** Students who lack a fixed, regular, and adequate nighttime residence. The term includes:
- Children and youth who are:
    - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as *doubled-up*);
    - living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
    - living in emergency or transitional shelters;
    - abandoned in hospitals; or
    - awaiting foster care placement;
  - Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;

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<sup>6</sup> Parents may make a decision to remove students from classes. In such situations, where the student does not have a choice, the student will not be penalized for missing class. However, such absences may count as an unexcused absence for purposes of the Michigan Department of Health and Human Services [student attendance policy].

- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they are living in circumstances described above.

### **3.0 Policy**

It is the policy of the District that every student should be in school on time each day unless such tardy or absence is excused in accordance with this policy.

**Except as otherwise noted herein, under no circumstances, should any DPSCD student have more than ten (10) unexcused absences per school year. Upon the occurrence of the tenth (10<sup>th</sup>) unexcused absences, or when all reasonable efforts to prevent truancy in accordance with Section 5 below have been exhausted, as determined by the circumstances of each individual case, the investigating Attendance Agent shall complete and forward a Truant Net or Erase Truancy referral to the Attendance Department. The case will be processed and forwarded to the Wayne County Prosecutor's Office.**

#### **Grades K-5**

Attendance for grades K-5 will be taken during record room or the first five minutes of homeroom class and tardiness will be noted. Students who are not present when attendance is taken but arrive at any time during the day will be marked tardy provided they have reported to the main office of the school building and receive consent to report to class. Students who arrive without consent to report to class will be marked absent for the remainder of the day.

#### **Grades 6-12**

Attendance for grades 6-12 will be taken at the beginning of every class and tardiness will be noted. Students in grades 6-12 will be marked absent for each and every class for which they are absent without excuse and consent to report to class.

### **4.0 Late Arrival, Early Departure and Departure for Illnesses Procedures**

#### **A. CHECK-IN PROCEDURES**

Students arriving to school after the start of the school day are required to check in at the main office of the school building/facility with their parent/guardian and to obtain a pass in order to be admitted into class. If a student consistently arrives late for any reason during the school day, the student will face disciplinary action ranging from detention to suspension. Consequences may also include not receiving credit for work assigned, done, or due during the time the student was absent from class. Based on the frequency, the student and/or parent will be referred to Truant Net or Erase Truancy as appropriate.

## **B. CHECK-OUT PROCEDURES**

1. When it becomes necessary for a student to leave the school property during the school day, the student is required to “check out” at the main office of the school building/facility. If a student leaves school property without permission at any time for any reason during the school day, the student will face disciplinary action ranging from detention to suspension. Consequences may also include not receiving credit for work assigned, done, or due during the time the student was absent from class. Based on the frequency, the student and/or parent will be referred to Truant Net or Erase Truancy as appropriate.
2. For students in grades K-8, parents/guardians are required to come into the appropriate school office to check out their student. (Parents should arrive at least ten minutes before they need to leave the school to allow the student to be called from class and go to their locker.) NO EXCEPTIONS SHOULD BE MADE AT THE SCHOOL LEVEL.
3. Three (3) early departures without an excuse (as defined in Section 2.0(D) above) of more than fifteen (15) minutes prior to the end of the school day shall be the equivalent of one unexcused absence.

## **C. ILLNESSES**

If a student becomes ill at school, the student should report to the main office or the nurses’ office at school. If necessary, the student will be excused to go home after the school has received instructions from the parent or an authorized person named on the student’s emergency contact form.

### **5.0 McKinney Vento Eligible Students**

If a student is identified and verified as MV eligible by the DPSCD MV Liaison and that student does not receive transportation assistance, then prior to any punitive action, the legitimacy of their absences should be first verified by the School Principal and forwarded to the MV Liaison, or designee, on a case by case basis. If it is determined that the attendance infractions or absences are not excused or not related to a MV situation, then the student is subject to the provisions outlined in this Attendance Policy.

In cases in which the MV Liaison finds that the attendance infractions are related to a MV situation, then the MV liaison will contact the school principal and attendance office to establish a corrective action plan which may include transportation assistance. Students must follow the corrective action plan or be subject to the same guidelines/procedures outlined in this Attendance Policy.

#### **MV identified students receiving transportation assistance.**

If a student is identified and verified as MV eligible by the DPSCD MV liaison and the student receives transportation assistance the parent and students must adhere to the following:

1. If transportation is not needed on a school day, the parent/guardian is responsible for cancellation by calling the Detroit Public Schools Community District Transportation Department no later than one hour before the scheduled pick-up time. If no one answers, messages must be left on the voice mail.
2. The parent must also inform the student's school of the absence or late arrival that day.
3. Absence/No Show for Transportation: When a student is absent/no show, without notification to the school transportation department, ***transportation services will be suspended***. Services will not be resumed until the MV Liaison/designee has contacted the school district transportation department. This procedure will go into effect after two absences/no shows within a 5 day period. ***(Continued unexcused absences will result in a suspension of transportation services and be subject to the guidelines of the DPSCD Attendance Policy.)***

If parents and students do not abide by the above outlined procedures and are consistently absent, DPSCD reserves the right to implement the disciplinary procedures outlined in this Attendance Policy.

## **6.0 Truancy Prevention Measures**

In an effort to prevent truancy, the District will work collaboratively with state and local agencies. In this collaborative effort, the Department of Human Services (DHS) will work in tandem with DPSCD to identify truant students and to connect the family to resources that will remove barriers to attendance. If assessment by DHS determines issues that can be addressed by DPSCD, an individual plan of action will be developed for each student/family. If the student has acquired four to nine unexcused absences, the school principal and/or designee, and/or DHS will notify the assigned DPSCD Attendance Agent. The DPSCD Attendance Agent will conduct an investigation to address the attendance issue(s) for each student before a referral for school truancy or parental educational neglect is filed with the Wayne County Prosecutor's Office – Juvenile Division. The State of Michigan Department of Human Services (MDHS) shall also verify the attendance of any student whose family is the recipient of public assistance. MDHS Success Coaches shall be stationed in DPSCD pilot schools to provide services to families and to monitor student attendance for referrals as needed.

The final agency in this collaboration is the Wayne County Prosecutor's Office (WCPO). The WCPO will utilize various intervention tactics, in an effort to resolve student's truancy behavior. This "preemptive-based" protocol acts as an aid to ensure each responsible entity has directly engaged the student and their families to offer a broad range of supportive services, prior to the family being subjected to more punitive measures. All strategies will be conjoined in an effort and prevent the loss of necessary cash assistance; or having parents being issued a warrant for educational neglect.

The District is adopting a 3-6-9 approach to prevent truancy as follows:

- 3- Upon the occurrence of three (3) consecutive unexcused absences, or a pattern of unexplained absences, a phone call will be made by the homeroom or record room teacher to inquire as to why the student is absent. Simultaneously with the phone call home, a notification will also be sent to the school Attendance Agent on the MISTAR system.
- 6 – Upon the occurrence of a 6<sup>th</sup> unexcused absence in the school years, the student shall be referred to-an Attendance Agent for intervention strategies
- 9- Upon the occurrence of a 9<sup>th</sup> unexcused absence, refer the student/parent to Truancy Net (K-8) or Erase Truancy (HS), (the Wayne County Prosecutor’s Office) for additional intervention.

Notwithstanding the 3-6-9 [benchmarks] for intervention, at any time after the 3<sup>rd</sup> unexcused absence until the occurrence of 9<sup>th</sup> unexcused absence, the District may conduct an investigation is conducted to determine whether there are any barriers and issues that have prevented the student from attending school. The investigating DPSCD Attendance Agent will make a Home Visit, School Visit, Agency Visit, or Phone Call with the student and or parent/guardian. Face to face visits are the preferred method of contact. The investigating DPSCD Attendance Agent may also formulate a corrective action plan that addresses the needs of the family. The corrective action plan may include, but not limited to: family compliance with the corrective action plan; student returns to regular consistent daily attendance, and ongoing monitoring of the student’s attendance for three intervals of ten days each; and the case is considered successful, unless truancy reoccurs. If truancy reoccurs, then the case is referred to the Wayne County Prosecutor’s Office.

### **Erase Truancy and Truant Net Defined**

**Erase Truancy:** The parent/guardian is held responsible for a student (age 6 to 16) not having consistent and regular school attendance. The parent is informed by the Assistant Prosecutor and Attendance Agent that if there is no improvement in the student’s attendance within ten school days, a petition will be filed. The parent is informed of the District’s intent to file a complaint with the court and then prosecute the parent for the child’s truancy.

**Truant Net:** The student ((age 12 to 16) is scheduled for a hearing with the Assistant Prosecutor, Attendance Officer, and the parent/ guardian. A student age 12-16 years old is held responsible when their attendance is irregular and inconsistent with /District policy. All parties are informed of the District’s intent to file a truancy petition against the student, if there is no improvement in the student’s attendance within ten days.



## **7.0 Academic Penalties/Loss of Credit**

K-8 students who accrue thirty (30) or more absences within the semester must attend mandatory summer school.

High School students should expect to lose academic credit in any course once they accrue thirty (30) or more absences within the semester. Both excused and unexcused absences will be counted in determining loss of credit. In the case of a senior, if a loss of credit jeopardizes the fulfillment of graduation requirements, a recommendation will be taken to the teacher for discussion and determination; the Principal will make the final decision.

## **8.0 Correction of Attendance Errors**

A student who has reason to believe that their attendance has been marked incorrectly for a particular class should first work to resolve the matter with the appropriate teacher. Any concerns that cannot be resolved after talking with the teacher should be brought to the attention of the Principal in a timely manner and shall be reviewed the Assistant Superintendent assigned to the school.

## **9.0 Verification for Commencement or Reinstatement of Public Assistance Benefits**

The District shall work collaboratively with students and parents to verify enrollment and attendance with the MDHS for the commencement and/or reinstatement of public assistance benefits as follows:

- A. The District shall verify school enrollment and attendance at application and redetermination beginning with age 6.
- B. The District shall verify school enrollment and attendance at application, redetermination and at each birthday beginning with age 16.
- C. The District shall verify school enrollment and attendance for minor parents at application, redetermination and at each birthday.]

## **10.0 Distribution of the Policy**

At the beginning of the school year, this policy will be distributed to the parents/guardians and students. Parents must return a signed acknowledgement stating that they have read and acknowledged the attendance policy. In addition, this Policy, as the same may be amended from time to time, shall be posted on the District's website.