

# Midland Public Schools

## *Inspiring Excellence*

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### Student Code of Conduct

#### Preamble

This Student Code of Conduct balances the Midland Public School's obligation to maintain safety and a conducive educational environment with the District's obligation to teach appropriate behavior to students who engage in misconduct and inappropriate behavior. The Student Code of Conduct establishes the rules governing the most serious and obvious types of student misconduct. The prohibited acts listed in this Student Code of Conduct are not to be considered as an all-inclusive list or as a limitation upon the authority of school officials to deal appropriately with violations of a school building's individual rules and regulations, or other types of conduct which interfere with the good order of the school system, the proper functioning of the educational process, or the health and safety of students.

***Range of Discipline:*** The School District will consider restorative practices as an addition or alternative to discipline. The discipline for violating some prohibited acts ranges from administrative intervention to expulsion. For other prohibited acts, the penalty ranges from suspension to expulsion. For violation of the most serious prohibited acts, the penalty is expulsion. In cases where the stated penalty is not expulsion but is set forth in terms of a range, the actual penalty imposed will depend upon the nature and severity of the offense, the particular facts involved, the age of the student, the student's prior behavioral record, the persistent and/or chronic nature of the misconduct, the recommendation of school personnel, and all other circumstances deemed relevant.

A student violating any of the prohibited acts listed in this Student Code of Conduct will be disciplined in accordance with the Code of Conduct. Additionally, a student who engages in a prohibited act which violates law may be referred to the appropriate police authority. The School District will comply with all state and federal laws with respect to the discipline of students educated under an IEP or Section 504 Plan or students who are suspected to have a disability.

The prohibited acts and penalties listed below are applicable when a student:

- Engages in a prohibited act on school property;
- Engages in a prohibited act in a motor vehicle being used for a school-related purpose;
- Engages in a prohibited act at a school-related activity, function, or event;
- Engages in a prohibited act en route to or from school;
- Engages in a prohibited act involving another student who is en route to or from school;
- Engages in a prohibited act off school premises, which act is either prohibited by law or, in the judgment of the building administrator, is of such seriousness that the student's continued attendance in school would present a danger to the health and safety of students or employees, and/or would substantially interfere with the proper functioning of the educational process; or

- Engages in a prohibited act when the student was not enrolled in the School District or was enrolled in another school district, if the act of misconduct would constitute a sufficient basis for suspension or expulsion had it occurred while the student was attending school in the School District.

In every case, the School District will consider restorative practices as an addition or alternative to suspension or expulsion. Restorative practices are practices that emphasize repairing the harm of the victim and the School District community of a student's misconduct or other behavior. Restorative practices may be considered and implemented by a restorative practices team. The restorative practices team may be constituted and act in the manner described in Section 1310c (2) of the Revised School Code or in a similar manner, depending on the circumstances as a whole in the sole discretion of the School District administrator assigned to handle the misconduct or behavior or the Board of Education (if the Board of Education is handling the misconduct or behavior). Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, verbal and physical conflicts, theft, and damage to property, class disruption, and harassment, bullying, and cyberbullying.

Consistent with Michigan law, the School District employs a rebuttable presumption that students should not be disciplined by the imposition of long-term suspension (i.e., more than 10 school days) or expelled (i.e., more than 60 school days) unless the School District has determined, in its sole discretion, the presumption has been rebutted by considering each of the following seven factors:

- The student's age;
- The student's disciplinary history;
- Whether the student is disabled within the meaning of IDEA or ADA/Section 504;
- The seriousness of the student's misconduct or behavior;
- Whether the student's misconduct or behavior threatened the safety of any pupil or staff member;
- Whether restorative practices will be used to address the student's misconduct or behavior; and
- Whether less severe discipline would properly address the student's misconduct or behavior.

This rebuttable presumption does not apply to short-term suspensions (i.e., 10 school days or fewer) or to a student who possesses a firearm in a weapons free school zone. However, with respect to all out-of-school suspensions and expulsion (short-term or long-term), the School District administrator implementing the suspension shall consider and document consideration of the seven factors listed.

This Student Code of Conduct is intended to be consistent with Michigan law the Policies of the Board of Education and Administrative Regulations promulgated by the Superintendent. If there are any inconsistencies, they should be resolved with the understanding Michigan law supersedes both the Policies of the Board of Education and Administrative Regulations and Board Policy supersedes Administrative Regulations.

## Due Process Rights

Midland Public School Board of Education (Policy 5206A):

The District will provide students due process to the extent required by state and federal law before a student is suspended or expelled. All District administrators must respect student due process rights. If a District administrator determines that an emergency exists that requires the immediate removal of a student from school, the administrator may contact the student's parent/guardian or local law enforcement or take other measures to have the student safely removed from school. The administrator must, as soon as practicable thereafter, follow the procedures outlined in this Policy.

A. Building Administrator – 10 or Fewer School Days

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

B. Superintendent or Designee – 59 or Fewer School Days

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

C. Board Suspension or Expulsion

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

### **Appeal Process**

Suspension of more than one (1) school day but not more than ten (10) school days may be appealed in writing to the Principal within two (2) school days of the parents' receipt of the written suspension notice. The written appeal must contain the reason(s) that the suspension is being appealed.

The student shall be reinstated during the appeal process unless it is determined that the student's attendance would jeopardize the safety of the student or of others.

- a. Upon review, the Principal may uphold the suspension, establish an alternative suspension of lesser severity, or reverse the suspension in its entirety. The review may include, but not be limited to, a meeting with the parents if, in the Principal's opinion, this is appropriate.
- b. The Principal will reach the decision and inform the parents in writing within ten (10) school days after the receipt of the written request.
- c. The decision of the Principal may be appealed in writing to the Superintendent within two (2) school days of the parents' receipt of the decision. The Superintendent will reach a decision and inform the parents in writing within ten (10) school days after the receipt of the written request.
- d. The Superintendent's decision shall be considered final. The parents may appeal to the Board only in cases of alleged violation of due process by the Superintendent. In such cases, the appeal shall be made in writing to the Board President within two (2) school days after the parents' receipt of the decision and shall include a statement of the alleged violation of the policy. The Board shall notify the parents of its decision within ten (10) school days of receipt of the written request.

## **Prohibited Acts**

Unless otherwise specified, the penalties for all prohibited acts range from administrative intervention to permanent expulsion, depending on a number of factors, including: the severity of the conduct; the impact of the conduct on the school and surrounding community; applicable Board of Education policies; and state and federal laws.

### **1. Alcohol, Marijuana, and Chemical Substances**

A student shall not manufacture, sell, handle, possess, use, deliver, transmit, or be under any degree of influence (legal intoxication not required) of any alcoholic beverages, marijuana, or other intoxicant of any kind. A student shall not consume or inhale glue, aerosol paint, lighter fluid, or other chemical substances for the purpose of becoming intoxicated or under the influence (legal intoxication not required).

### **2. Arson**

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

This section is supplemental to, and does not limit or supersede, paragraphs 3, 12, 22, and 35.

### **3. Arson Prohibited by Law**

A student shall not commit an act of arson, prohibited by MCL 750.71 through MCL 750.80.

This section is supplemental to, and does not limit or supersede, paragraphs 2, 12, 22, and 35.

### **4. Bullying and Hazing**

Students are prohibited from engaging in conduct, whether written, verbal, or physical, that unreasonably interferes with another's participation in or enjoyment at school or school-related activities, such as bullying or hazing. The Board of Education has adopted an anti-bullying policy (Policy 5207)

## **5. Coercion, Extortion, and Blackmail**

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

## **6. Copyrighted Material**

A student shall not unlawfully duplicate, reproduce, retain, or use copyrighted material.

## **7. Criminal Acts**

A student shall not commit or participate in any conduct or act defined as a crime by federal or state law or local ordinance.

## **8. Criminal Sexual Conduct**

A student shall not commit criminal sexual conduct, as defined by MCL 750.520b-e and g.  
*Penalty.* Administrative intervention to permanent expulsion, in accordance with MCL 380.1311.

## **9. Discriminatory Harassment**

A student shall not engage in offensive verbal or physical conduct directed towards other students, or groups, relating to their sex, race, color, national origin, religion, height, weight, marital status, or handicap or disability (e.g., sexual or racial comments, threats, or insults, etc.). The Board of Education has adopted a policy on Unlawful Discrimination and Harassment (Policy 5202).

## **10. Disruption of School**

A student shall not, by any type of conduct (violence, force, noise, coercion, threat, intimidation (through racist or discriminatory comments, displays (Confederate flag, swastikas, etc.), or acts), fear, passive resistance, etc.), cause the disruption or obstruction of any function of the school, nor shall they engage in any such conduct if such disruption or obstruction is reasonably likely to result. Neither shall a student urge other students to engage in such conduct for the purpose of causing such disruption or obstruction. While the following acts are not intended to be exclusive, they illustrate the kinds of offenses encompassed within this rule. It should be understood that any conduct which causes disruption, is likely to result in disruption, or interferes with the educational process, is forbidden.

- Occupying any school building, school grounds, or a part thereof, without the permission of a school building staff member, which deprives others of its use;
- Blocking normal pedestrian or vehicle traffic, the entrances or exits of any school building or corridor or room, without the permission of the building principal;
- Preventing, attempting to prevent, or interfering with the convening or continued functioning of any class, activity, meeting, or assembly;
- Instigating or participating in a disturbance, or causing a disturbance, which interrupts the educational opportunities of others or threatens the general health, safety, and welfare of others on school property or at a school sponsored activity.

## **11. Damage of Property or Theft/Possession**

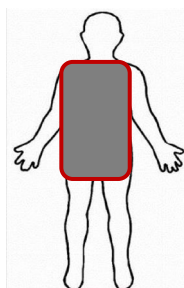
A student shall not intentionally cause or attempt to cause damage to school property or the property of another person, or steal, attempt to steal, or knowingly be in the unauthorized possession of school property or the property of another person.

## **12. Dangerous Weapons**

A student shall not possess a dangerous weapon in a weapon free school zone (all Midland Public Schools property).

### 13. Dress

The primary responsibility for a student's attire resides with the student and their parents or guardians. The school district is responsible for seeing that student attire does not interfere with the health or safety of any student and that student attire does not contribute to a hostile or intimidating atmosphere for any student. All staff and students should understand that they are responsible for managing their own personal "distractions" without regulating the clothing choices of others. Clothes must be worn in a way that the entire torso is fully covered with opaque fabric.



#### **Students MUST wear:**

- A shirt (with fabric in the front, back, and on the sides under the arms)
- Pants/jeans or the equivalent (for example, a skirt, sweatpants, leggings, a dress, or shorts)
- Footwear

#### **Students MAY wear:**

- Fitted pants, including opaque leggings, yoga pants and "skinny jeans"
- Tank tops, including spaghetti straps; off the shoulder tops that meet criteria #1. (up to or above the clavicle)
- Hats/Hoods (except for religious articles this rule is subject to individual teacher policy)

#### **Students CANNOT wear:**

- Violent images or language
- Costumes
- Images depicting drugs, alcohol, profanity, pornography, or hate speech - including racist or discriminatory comments, displays, or acts (e.g. the Confederate flag, swastikas, etc.)
- Images that create a hostile or intimidating environment
- Tube tops

In all cases, administration will determine what is appropriate based on the dress code. Students wearing inappropriate clothing may be asked to change, to go home to retrieve more appropriate clothing, or may be subject to disciplinary action.

Midland Public Schools respects that religious and/or medical needs/practices may present alternates to this policy for consideration. Students are encouraged to consult with administration in these cases.

### 14. Drugs, Narcotic Drugs, and Counterfeit Substances

A student shall not manufacture, sell, possess, use, deliver, transfer, or be under the influence (legal intoxication not required) of any drug, narcotic drug, hallucinogen, stimulant, depressant, controlled substance, counterfeit substance, or a controlled substance analogue intended for human consumption.

A student shall not sell, deliver, or transfer, or attempt to sell, deliver, or transfer any prescription or non-prescription drug, medicine, vitamin, or chemical substance (e.g., pain relievers, stimulants, diet pills, pep

pills, No-Doze pills, cough medicines, laxatives, stomach or digestive remedies, etc.), nor shall a student use or possess these substances for an improper purpose.

A student shall not sell or represent a legal substance as an illegal or controlled substance (e.g., selling NODOZ as "Speed" or "Crack") or sell, manufacture, possess, use, deliver, or transfer "designer" drugs.

#### **15. Electronic Communication Devices and Laser Pointers**

Districtwide, students are prohibited from using or possessing active (i.e., turned on) electronic communication devices in restrooms, locker rooms, offices, and other locations where students and staff have a reasonable expectation of privacy. Separately, all students are prohibited from possessing or using laser pointers on school premises and at school-related activities without the express permission of school administration. Students are expected to use good judgment when using or possessing active electronic communication devices in hallways during passing time, in the parking lot, cafeteria during lunch, and extra-curricular activities. Students may not use or possess active electronic communication devices without explicit staff permission in class or on buses.

#### **16. Failure to Comply with Directions of School Personnel**

A student shall not be insubordinate or fail to comply with instructions and directions of School District employees (including substitute and student teachers), volunteers, or persons acting as a chaperone or in a supervisory capacity.

#### **17. Failure to Cooperate**

A student shall not refuse to cooperate with School District administrators and/or teaching staff investigating a possible violation of this Student Code of Conduct, other codes of conduct, and/or building rules. No student shall make false statements or give false evidence to School District administrators and/or teaching staff. A student shall not refuse to testify or otherwise cooperate with School District personnel in any disciplinary proceeding.

#### **18. False Alarms**

A student shall not knowingly cause a false fire alarm, or make a false fire, bomb, or catastrophe report.

#### **19. False Allegations**

A student shall not libel or slander, or make false allegations against another student, School District employee (including substitute and student teachers), Board of Education members, or volunteers.

#### **20. Falsification of Records**

A student shall not use the name of another person or falsify times, dates, grades, addresses, or other data on School District forms or records. A student shall not provide false, misleading, or inaccurate statements or information on School District forms or records.

#### **21. Fighting, Assault, and Battery on another Person**

A student shall not physically assault, or cause, behave in such a way to cause, or threaten to cause physical injury to a school employee, (including substitute and student teachers), student, volunteer, chaperone, or other person (e.g., fighting).

#### **22. Fireworks, Explosives, and Chemical Substances**

A student shall not possess, handle, or transmit any substance or prepared chemical that can explode, is capable of inflicting bodily injury, or is reasonably likely to cause physical discomfort to another person.

#### **23. Gang Insignia/Activity**

A student shall not wear or possess any clothing, jewelry, symbol, or other object that may reasonably be perceived by any student, teacher, or administrator as evidence of membership in or affiliation with any

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

#### **24. Improper Communications**

A student shall not make threatening, annoying, nuisance, vulgar, and/or obscene communications, verbally, electronically, in writing, or by gestures, to School District employees (including substitutes and student teachers), Board of Education members, chaperones, volunteers, or visitors to the school building. The prohibition against such communications shall apply whether the communications are made in a school building or on school premises or outside of a school building or off school premises, and regardless of whether such communications are made during, before, or after school hours or during times when school is not in session.

#### **25. Indecency**

A student shall not engage in conduct that is contrary to commonly recognized standards of decency and behavior, which includes obscenity, indecent exposure, or the use of language in verbal, electronic or written form, or in pictures, or in caricatures or gestures, which are offensive to the general standards of propriety.

#### **26. Look-A-Like Weapons**

A student shall not possess, handle, or transmit any object or instrument that is a "look-a-like" weapon or instrument (e.g., starter pistol, rubber knife, toy gun, etc.).

#### **27. Misconduct Prior to Enrollment**

An otherwise eligible resident may be suspended or expelled for an act of misconduct committed while the student was: (a) a resident of another district; (b) enrolled in another school; (c) outside of school hours; or (d) off school premises if the misconduct would have constituted a sufficient basis for suspension or expulsion had it occurred while the student was enrolled in the School District.

#### **28. Personal Protection Devices**

A student shall not possess, handle, or transmit a personal protection device (e.g. pepper gas, mace, stun gun, electric shock device, etc.) capable of inflicting bodily injury or causing physical discomfort to another person.

#### **29. Trespassing, Loitering**

A student shall not be on school property or in a school building except to participate in the educational process of the School District, nor shall a student loiter in building hallways, classrooms, bathrooms, etc.

#### **30. Scholastic Dishonesty**

A student shall not engage in academic cheating. Cheating includes but is not limited to: the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. A student shall not engage in plagiarism, which includes the copying of language, structures, ideas, and/or thoughts of another and represent it as the student's own original work.

Each teacher will specify actions that constitute "cheating" in his/her course, and the consequences of such action as part of his/her written course policies. Disciplinary action may be carried out at the classroom level or the main office, depending on the severity of the offense.

### **31. Smoking/Tobacco/E-Cigarettes**

A student shall not smoke, chew, or otherwise use tobacco. A student shall not, while on school property, have in his/her possession or under his/her control, tobacco in any form. This includes electronic cigarettes, vaporizers (including related oils/fluids/paraphernalia), or any other device that simulates smoking any type of product, regardless whether they are manufactured, distributed, marketed, or sold under any product name or descriptor.

### **32. Suspended Student on School Property or Attending School Activities**

A student, while suspended, shall not enter onto School District property without the prior permission of a building administrator. A student, while suspended, shall not participate in, or attend any school related activity, function, or event, held on or off school property, without the prior permission of a building administrator.

### **33. Violation of Acceptable Use Policy**

A student shall not violate or attempt to violate School District policies, administrative regulations, and directives concerning School District or personal computers, networks, and telephone systems. Violation of any of the rules and responsibilities may result in a loss of access privileges/technology privileges/computer usage and may result in other disciplinary or legal actions including restitution.

### **34. Violations of Building's Rules and Regulations**

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

### **35. Weapons and Dangerous Instruments**

A student shall not possess, handle or transmit a knife with a blade of any length, baton, martial arts device, paint ball or splat gun, or other object or instrument that can be considered a weapon or is capable of inflicting bodily injury.