



Administrative Guidelines for Discipline

2023-2024

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STUDENT CODE OF CONDUCT

Individual freedom and independence are necessarily limited when large numbers of students attend school in a limited space. Therefore, each individual must exercise self-control and self-discipline for the common good of the surrounding environment. Students must assume responsibility for their own actions and for the actions of others. By using common sense, by taking pride in one's conduct, and by adopting an enthusiastic outlook on life, students will enjoy their time at the Academy all the more.

Violations of any of the infractions listed in this Student Code of Conduct may result in disciplinary action including, but not limited to, short-term suspension, long-term suspension, or expulsion.

All Academy rules will be enforced while students are on Academy property, in any Academy vehicle, and at any Academy sponsored event or activity. Additionally, the Academy reserves the right to discipline students for off-campus behavior that has a nexus to and/or directly impacts the operation, discipline, or general welfare of the school. The Academy will comply with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 when disciplining students with disabilities.

The Academy will take swift and appropriate disciplinary action for a violation of any of the infractions listed in this Student Code of Conduct.

OFFENSES

CLASS 1 VIOLATIONS

Students may be referred to the Dean of Students, a counselor, a school Social Worker, or be assigned a before or after school detention for an infraction of a classroom or school rule that is not serious enough to warrant a suspension or expulsion. Depending on severity or repetition, a Class 1 violation may be reclassified as a Class 2 or Class 3 violation. Such behaviors include but are not limited to the following:

1-A. Contraband

In addition to all illegal items (see 3-F and 3-G), contraband items that are not to be brought to school include: water pistols, toys, beepers, smoke bomb or stink bombs and other items that may be added to this list by the Academy. Bringing any of the above mentioned items to school is a violation of the contraband policy.

1-B. Disruptive Conduct

Students shall not engage in any conduct that cause or has the potential for causing disruption or obstruction of any function, process or activity of the school.

1-C. Disorderly Conduct

A student will not behave in a manner that causes a disruption or obstruction to the educational process.

1-D. Appropriate Dress Code

A student will not dress in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others. Please see Academy Dress Code/Uniform Policy.

CLASS 2 VIOLATIONS

Any or all of the following disciplinary actions may be used for students who commit a Class 2 violation:

- Any school response to a Class 1 violation listed above;
- Out of school suspension (short-term) for one (1) school day, up to and including ten (10) school days;
- Recommendation to the disciplinary panel for a long-term suspension or expulsion
- Law enforcement agency notification.

Other methods of addressing misconduct may be more appropriate, depending on the circumstances. Depending on severity or repetition, a Class 2 violation may be reclassified as a Class 3 violation. Class 2 violations include, but are not limited to, the following:

2-A. Gross Misdemeanors or Persistent Disobedience

Students guilty of gross misdemeanors or persistent disobedience may be suspended or expelled. (MCL §380.1311(1)). Examples of this conduct include, but are not limited to, aggressive behavior, inappropriate language, inappropriate physical contact, insubordination, theft, failure to cooperate with school personnel, academic dishonesty, disruption of educational environment, or any violation of school policies or procedures.

2-B. Insubordination

A student will not willfully ignore or refuse to comply with directions or instructions given by Academy staff.

2-C. Damage or Destruction of Property

Vandalism and disregard of Academy property will not be tolerated. The removal of school property from its assigned location or the campus without permission will be considered stealing and also subject to disciplinary action.

2-D. Academic Dishonesty

Academic dishonesty is considered a grave offense. This includes cheating on and/or plagiarizing class assignments or assessments (tests). Academic

dishonesty is willingly and knowingly copying or using the work of others and representing such work as one's own without proper citation. It is also considered cheating when one obtains copy of an assessment and/or assessment answers prior to taking an assessment with the intention or anticipation of using the information gained on the assessment. In addition, a student's unauthorized use of artificial intelligence and language processing tools (e.g., Chat GPT) to create work as the student's own is considered a form of plagiarism. Consequences of academic dishonesty include, but are not limited to, the receipt of a zero grade on the assignment or assessment in question without the possibility of completing a make-up assignment or assessment, in addition to other Class 2 consequences.

2-E. Physical Assault against School Personnel, Physical Assault Against Students)

Physical assault means intentionally causing or attempting to cause physical harm to another through force or violence. There will be a consequence, up to and including a long-term suspension or expulsion for every act of physical fighting/physical assault with another individual on Academy property, in any Academy vehicle or at an Academy sponsored event or activity. Self-defense or defense of others may be taken into account in determining whether this provision has been violated.

2-F. Unauthorized Use of Material/Equipment

Students may not carry or use at school, ds such as radios and other devices in violation of the wireless communication devices policy, that may be classified as "contraband" (see 1-A), or any equipment or materials (such as, but not limited to, headphones and ear buds) that interfere with the instructional program during instructional hours. Any student using these items will have the item confiscated by school staff and returned ONLY to the student's parent(s)/guardian(s) in addition to Class 2 consequences.

2-G. Bullying

It is the policy of the Academy to provide a safe educational environment for all of its students in compliance with the law. Bullying is strictly prohibited on Academy property, while in any Academy vehicle, and at an Academy sponsored event or activity.

Under state law, bullying is defined as any written, verbal or physical act or electronic communication, including but not limited to cyberbullying, that is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- Substantially interfering with educational opportunities, benefits or programs of one (1) or more students;

- Adversely affecting the ability of a student to participate in or benefit from the Academy's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
- Having an actual and substantial detrimental effect on a student's physical or mental health;
- Causing substantial disruption in, or substantial interference with, the orderly operation of the Academy.

Bullying is equally prohibited without regard to its subject matter or motivating animus.

The Director of Students and Dean of Students are responsible for establishing procedures for the effective implementation of the Board's Bullying policy. (Board Policy 5517.01).

All students are protected under this policy while on Academy property, in an Academy vehicle, at any Academy-sponsored event, or while using an Academy owned and/or operated telecommunications service provider or Academy owned and/or operated telecommunication access devices.

Any student who believes he/she has been or is the victim of bullying shall immediately report the situation to the incident to the Director of Students or designee or may report the situation to a teacher or counselor who will then notify the Director of Students. Any complaints against the Director of Students should be filed directly with CS Partners. All complaints are to follow established complaint reporting procedures.

Each complaint of bullying will be investigated by the Director of Students or Dean of Students in a prompt, thorough and impartial manner. The Director of Students or Dean of Students will look at the totality of the circumstances and evaluate facts, including but not limited to:

- The description of the incident- nature of the behavior and the context of the alleged incident
- The frequency of the conduct
- Nature and severity of behavior
- Any past incidents or continuing pattern of behavior
- The relationship between the parties, characteristics of the parties involved, i.e. religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, socioeconomic status, age, grade, or by any other distinguishing characteristic

- Does the student that is perpetuating the bullying behavior have a plan that identifies problem behaviors and how to address them; and
- The bullying definition

The Director of Students will report the occurrence of a bullying incident to the parent(s) or legal guardians of all students involved.

The Academy prohibits retaliation or false accusations against a target of bullying, a witness to bullying or another person with reliable information regarding an act of bullying. The highest level of confidentiality shall be maintained for an individual who reports an act of bullying.

The Academy shall report incidents of bullying to the State on an annual basis according to the form and procedures established by the State.

Restorative Practices will be considered in the correction of bullying behavior.

If the Board amends or modifies the bullying policy then it shall submit a copy of the modified policy to the State within 30 days of adopting the modification.

2-H. Harassment

The Academy prohibits any type of harassment. Harassment includes, but is not limited to, any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an individual that places an individual in reasonable fear of harm to his/her person or damage to his/her property, has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance, or has the effect of substantially disrupting the orderly operation of the Academy. Harassment may be based on an individual's race, color, national origin, sex (including sexual orientation and gender identity or expression), pregnancy, mental or physical disability, age (except as authorized by law), religion, height, weight, marital or family status, military status, ancestry, or genetic information that are protected by Federal civil rights laws. Harassing conduct is not limited to in-person activity; it may include the use of cell phones or the Internet. Such behavior may take many forms, including, but not limited to, stalking, name-calling, taunting, cyberbullying, and other disruptive behaviors.

Harassment does not have to include the intent to harm another individual, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive or persistent as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the Academy.

All administrators, staff, parents, volunteers, and students are expected not to tolerate harassment and to demonstrate behavior that is respectful and civil towards all other individuals associated with the Academy.

Complaints alleging discrimination or harassment based on a student's actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying or harassment complaints.

Since bystander support of harassment can encourage these behaviors, the Academy prohibits both active and passive support for acts of harassment. Such active and passive support can result in disciplinary action.

2-I. Sexual Harassment

Sexual harassment is defined as:

- An employee conditioning the provision of an aid, benefit, or service of the public school academy on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment); or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive **and** objectively offensive that it effectively denies a person's equal access to the Academy's education program or activity; or
- Any incident of sexual assault, dating violence, domestic violence, and stalking as defined under federal law.

Sexual harassment includes, but is not limited to, the following:

- Physical assaults (e.g., intentional physical conduct that is sexual in nature, such as touching, pinching, or brushing against another individual's body);
- Unwelcome sexual advances, comments, requests for sex, sexual activities concerning one's employment or advancement or academic performance, regardless of whether they are accompanied by promises or threats concerning one's grades, safety, job or performance of duties;
- Sexual displays or publications such as calendars, screen savers, sexual jokes, posters, cartoons, verbal or written harassment or abuse, or graffiti; and/or
- Other verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with an individual's work or academic performance, or creating an intimidating, hostile or offensive work environment.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

No staff member or student in the Academy shall be subjected to any form of harassment, including sexual harassment, on Academy premises, in any Academy vehicle or at any Academy sponsored event or activity. Violation of this provision will result in disciplinary action.

Factors for determining consequences may include, but are not limited to:

- age, development, and maturity levels of the parties involved
- degree of harm
- surrounding circumstances
- nature and severity of the behavior(s)
- incidences of past or continuing pattern(s) of behavior
- relationship between the parties involved and
- context in which the alleged incident(s) occurred

The Academy prohibits intentionally making a false report of alleged sexual harassment, submitting a false formal complaint, or making or submitting false statements or information during the Title IX grievance process. Violation of this prohibition will result in disciplinary action.

2-J. Verbal Assaults

Verbal assault is prohibited on Academy property, in any Academy vehicle, or at a school sponsored activity or event. Verbal assault may be against an Academy staff member, person engaged as a volunteer or contractor for the Academy, or another student.

“Verbal assault” means a threat of an immediate harmful or offensive touching, coupled with an apparent immediate ability to commit same, and which puts a person in a reasonable apprehension of such touching; the use of offensive language directed at a person, where such language is likely to provoke a reasonable person; a bomb threat (or similar threat) directed at an Academy building, other Academy property, or an Academy event. For purposes of this policy, the definition of assault also includes written threats.

2-K. Smoking

The Academy prohibits the use of any tobacco or nicotine products on Academy property, in any Academy vehicle, or at any Academy sponsored event or activity, by any person, at any time, in any location, and at any event. In addition, any tobacco or nicotine advertising or promotion is strictly prohibited.

This prohibition includes tobacco products, tobacco-related devices, imitation tobacco products, lighters, vaporizers (including any substance used in

vaporizers), electronic cigarettes, electronic nicotine delivery systems or other substitute form of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

2-L. Swearing/Profanity

Swearing, obscene language and gestures are forbidden at all times on Academy premises, in an Academy vehicle, or at any Academy sponsored events and activities.

2-M. Failure to Cooperate with School Personnel

The professional and support staff at the academy have the authority to direct students while on Academy property, in any Academy vehicle, and at Academy sponsored events and activities. Students are required to follow all directives given by personnel at the Academy.

2-N. Gambling

Gambling includes casual betting, betting pools, organized-sports betting, and any other form of wagering. Students who bet on an activity in which they are involved may also be banned from that activity. Gambling or possession of gambling paraphernalia (dice, cards, betting slips, etc.) on Academy property, in any Academy vehicle, or in any Academy sponsored activity or event is strictly prohibited.

2-O. Unauthorized 911 Calls

Students may only call 911 when an actual emergency exists. Students who call 911 when the student knows there is not an actual emergency will be subject to discipline.

2-P. Gangs

Gang activity is prohibited at all times on Academy premises, in any Academy vehicle or at any Academy sponsored event or activity.

“Gang” is defined as an organized group of individuals who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the Academy’s educational mission. A Gang may identify itself by:

- a unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, geographical or territorial sites, or boundary or location;
- an established leadership or command structure; or
- defined membership criteria.

Gang activity includes, but is not limited to:

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

2-Q. Other Prohibited Acts

Students who have received repeated referrals or detentions, skipping detention, or for other infractions of classroom and school rules and policies may be punished with the consequences being those of a Class 2 violation.

CLASS 3 – VIOLATIONS

Any or all of the following disciplinary actions may be used for students who commit a Class 3 violation:

- Any Academy response to a Class 1 or Class 2 violation, listed above, including reporting an action to local law enforcement;
- Recommendation to the Academy’s disciplinary panel for a long-term suspension or expulsion.

Class 3 violations include, but are not limited to, the following:

3-A. Physical Assault

Physical assault is defined as intentionally causing or attempting to cause physical harm to another through force or violence. Under the Revised School Code, any student in grade 6 or above who commits a physical assault against an Academy employee or against a person engaged as a volunteer or contractor for the Academy on Academy property, in any Academy vehicle, or at an Academy sponsored event or activity may be permanently expelled subject to reinstatement.

3-B. Physical Assaults Against Students

Under the Revised School Code, any student in grade 6 or above who commits a physical assault (as defined in Section 3-A) against another student on Academy property, in any Academy vehicle, or at an Academy sponsored event or activity may be suspended or expelled for 180 days.

3-C. Alcohol and Drugs

The Academy is a “Drug-Free School Zone” that extends 1000 feet from the boundary of any school property. In accordance with the Academy’s Drug

Prevention Policy (Board Policy 5530), it is the belief of the Academy that drug and alcohol abuse in any school is a threat to the safety and health of students, staff, and the school community as a whole. It is the policy of the Academy to take positive action through education, counseling, parental involvement, medical referral, and police referral in the handling of incidents violating this policy. Disciplinary action includes, but is not limited to substance abuse assessment, participation in a substance abuse rehabilitation program, drug and alcohol prevention activities, and consequences listed as Class 3 violations.

The term “drugs” includes:

- All dangerous controlled substances as so designated and prohibited by the state of Michigan;
- All chemicals which release toxic vapors;
- All alcoholic beverages;
- Marijuana;
- Mind altering substances;
- Any prescription or patent drug, except those for which permission to use in school has been granted pursuant to board policy;
- “look-alikes”;
- Performance-enhancing drugs as determined annually by the Department of Community Health; and
- Any other illegal substance so designated and prohibited by law.

The Academy prohibits the use, possession, concealment, delivery, or distribution of any drug (including marijuana), drug-related paraphernalia, or alcohol at any time on Academy property, in any Academy vehicle, within the Drug-Free School Zone, or at any Academy event or activity. When handling violations of this policy, the Dean of Students will take into account all of the circumstances surrounding the incident, including, but not limited to the nature, severity, and frequency of the misconduct, the type of substance, the context in which the alleged incident occurred, and the past incident or continuing pattern of behavior. The Dean of Students shall notify the appropriate authorities if the Dean of Students suspects that a student is under the influence of drugs.

Also, if a student is found using or possessing a non-prescribed medication without parent/guardian authorization, he/she will be brought to the school office and the parents/guardians will be contacted for authorization. The medication will be confiscated until written authorization is received. Any student who distributes a medication of any kind to another student or is found to possess a medication other than the one authorized is in violation of the school's drug policy and will be disciplined in accordance with the drug-use provision below.

Medical Marijuana & Prescription Drug Policy

The Academy prohibits the abuse, possession, sale, or distribution of prescription drugs and medical marijuana. If a student disobeys this prohibition, the student will be subject to disciplinary action in line with board policies and Academy disciplinary policies and procedures.

The Michigan Medical Marijuana Act states that a person shall not sell or possess marijuana or otherwise engage in the use of marijuana, even if for medical use, on Academy property, in any Academy vehicle, or at an Academy sponsored event or activity.

Reasonable Suspicion Drug Testing

The Administration will require a student to submit to drug testing if the Administration has a “reasonable suspicion” that the student is using or is under the influence of any illegal drug, alcohol or any other mind altering substance (whether illegal or not). The Academy Administrator will look at the totality of the circumstances when determining “reasonable suspicion.” Reasonable suspicion may arise from the following:

1. A student’s behavior, along with physical appearance, action or odor, indicating that the student has used alcohol, drugs, or any other mind altering substance (whether illegal or not);
2. The student’s possession of, alcohol, drugs or any other mind altering substance (whether illegal or not) or related paraphernalia; or
3. Information communicated to an Academy Administrator by a teacher, parent, law enforcement, or a student that indicates a student is using, possessing or under the influence of alcohol, drugs, or any other mind altering drug (whether illegal or not). Any such report will be investigated by the Academy Administration and will be substantiated by other physical indicators or physical appearance, if deemed necessary.

The Academy should look at the totality of the circumstances when determining “reasonable suspicion.”

After reasonable suspicion has been established and if the student denies using drugs, the student will be asked to take a drug test administered by an Academy staff member. A staff member of the same sex as the student will accompany the student into the bathroom (but not into the stall) while the student provides a urine sample in the specimen cup. The specimen cup will then be sent to the appropriate laboratory for testing.

The student is suspended pending the drug test results. The Academy Administration will contact the student’s parents/guardians as soon as

practicable. The cost of the test will be paid by the Academy and will be used for disciplinary action.

The student is expected to cooperate fully with this policy and the direction of staff in the administration of the drug test. If the student refuses to take the test; the student will be advised that such denial will be considered insubordination under the student code of conduct with the same consequences listed below. The student will then be given a second opportunity to take the test.

If the results of the drug test are positive:

1. First Offense – Up to ten (10) day suspension, with the possibility of long term- suspension or expulsion, depending on severity of the circumstances. Law enforcement contacted.
2. Second Offense - If a student violates the drug policy a second time, the student will be given a long-term suspension or permanently expelled from the Academy. Law enforcement contacted.

Drug test results are considered confidential, but may be discussed with the student's guidance counselor and other Academy staff members if it is deemed necessary by the Administration in order to provide assistance to the student or for use in disciplinary action.

During a suspension or expulsion, a student is not allowed on Academy property, in an Academy vehicle or to participate in or attend any before or after school activities (including, but not limited to the student's attendance as a spectator, participation in sport activities, or weekend activities occurring during the suspension/expulsion).

Students who test positive and who participate in extra-curricular activities are subject to restrictions of those activities as recommended by the Administration. It is the policy of the Academy that a student's eligibility for participation in interscholastic athletics will be affected by the use of any performance-enhancing substance as provided by statute, including but not limited to those performance enhancing substances banned in bylaw 31.2.3.4 of the bylaws of the National Collegiate Athletic Association, identified on any list developed by the Michigan Department of Community Health and any other substances within the discretion of the State Board of Education.

Drug Testing Laboratories:

- Choose a laboratory that will produce consistent, accurate and reliable results. Many schools choose labs certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).

- A list of certified labs is available at <https://www.samhsa.gov/workplace/drug-testing-resources/certified-lab-list>
 - An example of one of these labs is Redwood Toxicology at <https://www.redwoodtoxicology.com/>
- Middle schools and high schools may want to order a couple test kits to have on hand if needed.
 - Schools must make sure that student's confidentiality and privacy are not violated.
 - The Academy may offer a referral to a substance abuse counselling program at the expense of the family.

3-D Hazing

Hazing is defined as an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another student, employee, volunteer or contractor and that the student knew or should have known endangers the physical health or safety of the victim, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization. The term "organization" includes, but is not limited to, a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an educational institution.

Hazing includes the following:

- Physical brutality, such as whipping, beating, striking, randing, electronic shocking, placing of a harmful substance on the body, or similar activity;
- Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of an individual;
- Activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual; and/or
- Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

Permission, consent, or assumption of risk by an individual subjected to hazing does not lessen the prohibition. Students who commit hazing on Academy

property, in any Academy vehicle, or at any Academy sponsored event or activity will be subject to disciplinary action.

3-E False Fire Alarms

Students shall not cause a false fire alarm to occur within the school building, in any Academy vehicle or at an Academy sponsored event or activity. .

3-F. Firearms

Any student in possession of a firearm, as defined by law, on Academy property, in an Academy vehicle or at an Academy sponsored event shall be permanently expelled from the Academy, subject to reinstatement under the law.

The definition of “firearm” includes any weapon (including a starter gun) which will or is designed or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device.

Expulsion is not required, but may still be pursued, if at least one of the following can be established in a clear and convincing manner:

- The object or instrument possessed by the student was not possessed by the student for use as a weapon, or for direct or indirect delivery to another person for use as a weapon;
- The weapon was not knowingly possessed by the student;
- The pupil did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon;
- The weapon was possessed by the student at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student is expelled pursuant to this Section, the Dean of Students must enter that fact on the student’s permanent record. Within 3 school days of expelling a student, an official of the school must refer the student to the appropriate Family Independence Agency or Department of Community Health, and the student’s parent(s) or guardian(s) must be informed of the referral. The Dean of Students shall also notify the Juvenile Division of the Probate Court for students who are expelled and are under the age of sixteen (16).

3-G Dangerous Weapons

Any student in possession of a dangerous weapon (excluding firearms), as defined by law, in a weapon free school zone may be permanently expelled subject to reinstatement.

A dangerous weapon is defined as a firearm, dagger, dirk, stilettos, knife with a blade over 3 inches in length, a pocket knife opened by a mechanical device, iron bars and brass knuckles.

In considering whether to expel, there is a rebuttable presumption that expulsion is not justified if the student has no prior history of suspension or expulsion *and* at least one of the following are established by the student in a clear and convincing manner:

- The object or instrument possessed by the student was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
- The weapon was not knowingly possessed by the student.
- The student did not know or have reason to know that that the object or instrument possessed by the student constituted a dangerous weapon; or The weapon was possessed by the student at the suggestion, request or direction of, or with the express permission of school or police authorities.
- If a student is expelled pursuant to this Section, the Dean of Students must enter that fact on the student's permanent record. Within 3 school days of expelling a student, an official of the school must refer the student to the appropriate Family Independence Agency or Department of Community Health, and the student's parent(s) or guardian(s) must be informed of the referral. The Dean of Students shall also notify the Juvenile Division of the Probate Court for students who are expelled and are under the age of sixteen (16).

3-H Arson

Any student who commits in the school building or on school grounds may be permanently expelled subject to reinstatement. For purposes of this Section, Arson refers to a felony violation of Chapter X of the Michigan Penal Code.

If a student is expelled pursuant to this Section, the Dean of Students must enter that fact on the student's permanent record. Within 3 school days of expelling a student, an official of the school must refer the student to the appropriate Family Independence Agency or Department of Community Health, and the student's parent(s) or guardian(s) must be informed of the referral. The Dean of Students shall also notify the Juvenile Division of the Probate Court for students who are expelled and are under the age of sixteen (16).

3-I Criminal Sexual Conduct

Any student who commits criminal sexual conduct in the school building or on school grounds, at an Academy sponsored event or against another student enrolled in the Academy may be permanently expelled subject to reinstatement. A student who pleads to or is convicted of or is adjudicated for criminal sexual conduct against another student enrolled in the same school shall be

permanently expelled (after considering mitigating factors) from the Academy, subject to reinstatement under the law. For purposes of this Section, Criminal Sexual Conduct means a violation of Section 520b, 520c, 520d, 520e, or 520g of the Michigan Penal Code.

A student cannot be expelled or suspended a for more than 10 school days, for an action that the student took immediately preceding, immediately following, or that could be reasonably tied to an incident in which the student reports being sexually assaulted or an incident in which a school official, staff member, or other individual witnesses and reports a sexual assault on the student or receives and reports credible evidence that the student has been sexually assaulted. The Academy should follow the recommendation and guidance of the Title IX Coordinator in deciding to suspend a student in this situation. This exception to not being suspended for more than 10 school days or expelled does not apply in the following circumstances:

1. The student is convicted of, pleads guilty to, pleads responsible for, or is adjudicated responsible for aggravated assault, felonious assault, assault with intent to commit murder, assault with intent for great bodily harm, assault with intent to maim, attempted murder, homicide, or manslaughter.
2. The student possess a dangerous weapon (excluding firearms, as defined by law), or who commits arson or criminal sexual conduct on Academy property, in an Academy vehicle or at a school sponsored event or commits criminal sexual conduct against another student enrolled in the same school. Exception for dangerous weapons listed above still apply.
3. A completed Title IX investigation determines that the report of sexual assault is false
4. The Discipline Committee considered any reports of sexual assault and the mitigating factors and determined that expulsion or suspension of more than 10 days is justified.

If a student is expelled pursuant to this Section, the Dean of Students must enter that fact on the student's permanent record. Within 3 school days of expelling a student, an official of the school must refer the student to the appropriate Family Independence Agency or Department of Community Health, and the student's parent(s) or guardian(s) must be informed of the referral. The Dean of Students shall also notify the Juvenile Division of the Probate Court for students who are expelled and are under the age of sixteen (16).

3-J. Threatening the Use of a Weapon or Dangerous Item

A student threatening the use of a legitimate tool (not included in the legal definition above) as a weapon to harm another individual may be suspended or

expelled. Examples of these tools include, but are not limited to, pens, pencils, compasses, or combs.

A dangerous item is any object capable of inflicting bodily harm as determined within the sole discretion of the Academy administrator including but not limited to knives, bullets, fireworks, smoke bombs, any parts of a weapon, or toy weapons.

3-K. Bomb Threat

A student enrolled in grade 6 or above makes a bomb threat or similar threat directed at a school building, an Academy vehicle, or an Academy related event or activity may be suspended or expelled.

3-L. Sexual Activity

Students will not engage in any sexual activity on Academy property, in any Academy Vehicle, or at any school sponsored event or activity.

3-M Forgery

Students will not fraudulently write the name of another person or falsify times, dates, grades, addresses or other data on any document relied upon by the Academy.

3-N. Other Prohibited and Illegal Conduct

Students shall not engage in any conduct at the Academy, in any Academy vehicle, or at any Academy sponsored event or activity that constitutes an offense under city, state or federal law.

Progressive Discipline

The Academy employs progressive discipline to determine the severity of the consequence a student's behavior. Progressive Discipline involves increasing the severity of the penalty each time the student displays inappropriate conduct in an effort to correct the student's behavior, not to punish the student.

The Academy will take into account all of the circumstances surrounding the incident, including, but not limited to:

- the nature, severity and frequency of the misconduct;
- the student's age;
- the student's disciplinary record,
- whether student has a disability;
- development and maturity of the students involved;
- whether the violation or behavior threatened the safety of any other student or staff;
- whether a lesser intervention would address the violation or behavior;
- whether restorative practices will be used; and

- the context in which the alleged incident(s) occurred.

The Academy will comply with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 when disciplining students. Behavioral interventions will be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. Students with disabilities under IDEA or Section 504 shall be disciplined only in accordance with Board Policy 2461 and Federal due process rights appropriate to students with disabilities.

Due Process Rights

All students suspended and/or expelled will be provided notice and an opportunity to be heard in accordance with a student's due process rights under the law.

A student whose presence poses a continuing danger to persons or property or an on-going threat of disrupting the educational process, may be immediately removed from the Academy without prior notice, explanation and opportunity to be heard. In such cases, the above procedures shall be provided as soon as practical.

Nothing in this Policy shall diminish or be in derogation of the due process rights accorded to students who have been determined to be eligible for special education services under federal and State laws.

Application to Students with Disabilities

This policy shall be applied in a manner consistent with the rights secured under Federal and State law to students who are determined to be eligible for special education programs and services.

No special education or Section 504 student will be expelled if the student's misconduct is a manifestation of his/her disability as determined through a manifestation hearing.

However, the Academy can decide unilaterally to remove a student from his/her educational placement to an interim alternative educational setting, even when the student's behavior was found to be a manifestation of the student's disability, in the following circumstances as defined by federal law:

- The student carries a **weapon** to or possesses a weapon at the Academy or at an Academy function.
- The student knowingly possesses or uses **illegal drugs**, or sells or solicits the sale of a **controlled substance** while at the Academy or at an Academy function.
- The student has inflicted **serious bodily injury** upon another person while at the Academy or at an Academy function.

Exclusion from the Academy

5. During a suspension or expulsion, a student is not allowed on Academy property, in an Academy vehicle or to participate in or attend any before or after school activities (including, but not limited to the student's attendance as a spectator, participation in sport activities, or weekend activities occurring during the suspension/expulsion).
6. The student will be allowed on campus once the suspension has been completed and or the student has met with the School Leader or his/her designee.

Formal Discipline

Formal discipline removes the student from school. It includes emergency removal, short-term suspensions for up to ten (10) school days, long-term suspensions for more than ten (10) school days, and expulsion from school. Suspensions and expulsions may carry over into the next school year. Suspensions and expulsions can be appealed in accordance with the procedure described in this Student Code of Conduct and Board Policy 5611.

Students being considered for short-term suspensions are entitled to an informal hearing with the Director of Students or Dean of Students prior to their removal from school, at which time the student will be notified of the charges against him/her and will be given an opportunity to provide a defense to the charges.

The Director of Students or Dean of Students or his/her designee will contact and offer to meet with the parent/guardian and student to discuss the reason(s) for the suspension within 24 hours of the incident. Suspensions will be served immediately following parental notification. The Director of Students or Dean of Students or his/her designee initiates the suspension/expulsion process, determines the Lead Investigator and is responsible for all paper work.

If a the student has an IEP or 504 plan, contact the Special Education Director at CS Partners if the student has eight (8) or more cumulative days of suspension in the current school year.

When a student is being considered for a long-term suspension and/or an expulsion, a formal hearing is scheduled with the Academy's Disciplinary Panel (composed of two Board members and the Dean of Students or other administrator as designated by Chief Academic Officer), and the student's parent(s) and/or guardian(s) will be given written notice of the time and place of the hearing, the charges against the student, and that the student may bring a representative of his or her choosing. The student's parent(s) or guardian(s) are expected to attend the hearing in front of the disciplinary panel.

All suspensions must be followed by a readmission conference with the student, parent/guardian, and administrator.

Before implementing a short-term or long-term suspension, the Director of Students and/or the Disciplinary Panel shall consider and document each of the following factors (“Discipline Factors”):

- The student’s age;
- The student’s disciplinary history;
- Whether the student is a student with a disability;
- The seriousness of the violation or behavior committed by the student;
- Whether the violation or behavior committed by the student threatened the safety of any student or staff member;
- Whether Restorative Practices will be used to address the violation or behavior committed by the student; and
- Whether a lesser intervention would properly address the violation or behavior committed by the student.

Students involved in co-curricular and extracurricular activities such as athletics or other student groups can lose their eligibility if they are suspended or expelled in accordance with this Student Code of Conduct.

Students who commit crimes while on Academy property, in any Academy vehicle, or at an Academy sponsored event or activity may be subject to disciplinary action from the Academy as well as subject to disciplinary action from the surrounding community’s legal system.

Restorative Practices

Restorative Practices shall be considered as an alternative or in addition to suspension or expulsion.

Restorative practices means practices that emphasize repairing the harm to the victim and the school community caused by student’s misconduct.

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment and cyberbullying.

The process of agreeing to restorative practices would be undertaken by a Restorative Practices Team, which would be empowered to require the offender to do one or more of the consequences below.

The Restorative Practices Team should be comprised of the School Leader or designated administrator (e.g., Dean of Students or Assistant Principal), along with the counselor or social worker, and a teacher

The outcome of the restorative practices meeting should be documented in the **Restorative Practices Agreement** which would set time limits for the completion of the consequences and be signed by all participants.

When considering restorative practices, the School Leader or designee should meet with the student, the Restorative Practices Team, and the student's parents to discuss the misconduct and propose an outcome. If the parents are not available to meet, the School Leader or designee should schedule a time to hold the meeting as soon as practicable. Depending on the seriousness of the misconduct, the student may remain at the school for the remainder of the day.

During the restorative practices meeting, the School Leader or designee should consider the following practices:

- Victim-offender conferences that are initiated by the victim and
 - Are approved by the victim's parent or legal guardian, or if the victim is at least age 15, by the victim;
 - Are attended voluntarily by the victim, a victim's advocate, the offender, members of the school community and supporters of the victim and offender;
 - Provide an opportunity for the offender to accept responsibility for the harm caused by the misconduct and to participate in setting consequences to repair the harm
- Apologizing
- Participation in community service
- Restoration or counseling
- Payment or restitution

Emergency Removal

A student may be removed or excluded from a classroom when the student poses a continuing danger to persons or property or represents an on-going threat of disrupting the educational process taking place in the classroom or the school premises. Such removal must be for a period of less than twenty-four (24) hours without being subject to suspension and expulsion procedures. A student so removed will be allowed to attend other classes taught by other teachers during the term of the (1) day removal. A student removed from the same class for ten (10) days will receive a due process hearing for each suspension beyond ten (10) days, consistent with required due process for long-term suspensions. If a short-term suspension, long-term suspension, or expulsion is sought following the emergency removal, the appropriate procedures pertaining to notice and hearing shall be adhered to.

Short-Term Suspension

1. A short-term suspension is defined as the denial to a student of the right to attend classes and any Academy function/activity for up to 10 school days.

2. The Dean of Students has the authority to suspend a student for up to 10 school days.
3. **Discipline Incident Report** form should be completed by the staff member witnessing the incident and should be completed within 24 hours of the incident.
4. The following mitigating factors must be considered and documented prior to giving a student a short-term suspension and documented on the **Due Process Form** (although there is no rebuttable presumption)
 - Student's age;
 - Student's disciplinary record;
 - Whether the student has a disability;
 - Seriousness of behavior;
 - Whether the violation or behavior threatened the safety of any other student or staff;
 - Whether Restorative Practices will be used to address the violation or behavior;
 - Whether a lesser intervention would address the violation or behavior.
5. The Dean of Students or Student Support Specialist or his/her designee determines the length of the suspension after completing an appropriate investigation and an informal hearing. The hearing shall follow as soon as practicable.
6. The informal hearing requires that:
 - Oral or written notice of the reason for the suspension-The student is given oral or written notice of the reasons (discuss the conduct/policy violation) for the suspension. Make sure the student understands what happened and what is expected of him/her.
 - Length of the suspension- number of days the student will be out of school
 - Opportunity to be heard-The student is given a full opportunity to respond to the charges- Give the student the opportunity to share comments/thoughts, their point of view and to respond to the charges and the reason for his/her suspension.
 - Parent notification-Notify parents to pick up the student. The student can sit somewhere quietly until the student is picked up. When the parents arrive, have a physical meeting with the student present if at all possible. Discuss with the parents what happened and the fact that an investigation was conducted. The identity of other students involved should be protected if at all possible. Discuss with parents the violation of school policy/conduct, consequences and the length of the suspension. Parents should be able to share comments and ask questions. A meeting with the parents is preferable, however, if the

parent/guardian is unable to meet, discuss the incident over the phone and schedule a meeting as soon as practicable.

7. If the student is suspended, the student and his/her parents will be notified in writing within (1) day of the reason for and the length of suspension.
8. The student will make up all class work and tests missed but grades may be adversely affected.
9. Teachers will be notified of the suspension by the main office so that the teacher can provide missed assignments for the suspended student. It is the responsibility of a parent or adult to pick up the work for the student that has been suspended. The student suspended is not allowed to come onto campus to pick up their work.
10. The Dean of Students may require that the student must attend with a parent/guardian a re-entry meeting, facilitated by the Dean of Students or Director of Students or his/her designee in order to complete the suspension. During this meeting, the student must provide assurances that the student will comply with all Academy policies and procedures as a condition of returning to the Academy.

Appeal Procedures for Short Term Suspension

If the parents/guardians are dissatisfied with the procedure outlined for short-term suspensions, they may follow the subsequent appeal process:

1. Any appeal should be directed to the Dean of Students or Student Support Specialist in writing within 2 school days of the parent's notification of that suspension.
2. The written appeal must contain the reason that the suspension is being appealed.
3. The Dean of Students will review the circumstances surrounding the suspension and the reasons stated in the written appeal.
4. The Dean of Students may choose to meet with the parents and/or student if necessary.
5. The Dean of Students may uphold the suspension, establish an alternative length of time for that suspension, or reverse the decision for the suspension.
6. The Dean of Students will notify the parents in writing within 10 school days of the decision made on the appeal and inform the parents in writing of his/her decision.
7. The Dean of Students' decision is considered final.
8. The Dean of Students shall keep a record of all short-term suspensions and reasons therefore for as long as the student remains enrolled at the Academy.

Long-Term Suspension/Expulsion

Long-Term Suspension

A long-term suspension is defined as the denial to a student of the right to attend classes and any Academy function/activity for 11–59 school days, but less than expulsion. To ensure due process, expulsion procedures will be used for long-term suspensions.

Expulsion

An expulsion is denial to a student of the right to attend classes and any Academy function/activity for 60 or more school days, but can be permanent. Expulsions can occur as a result of severe cases of inappropriate behavior, repeated violation of school policy, and/or as required by law. It is the responsibility of the parent or legal guardian to locate a suitable alternative education program and to enroll their child in a program during expulsion.

The Academy must operate under a rebuttable presumption that a long-term suspension or expulsion is **not** justified unless the Academy can demonstrate that it considered the following mitigating circumstances (document on the **Due Process Form**):

1. Student's age;
2. Student's disciplinary record;
3. Whether the student has a disability;
4. The seriousness of the violation or behavior by the student;
5. Whether the violation or behavior threatened the safety of any other student or staff;
6. Whether Restorative Practices will be used to address the violation or behavior;
7. Whether a lesser intervention would address the violation or behavior.

The Disciplinary Panel, consisting of two (2) board members and the Dean of Students or other administrator as designated by the School Leader if the Dean of Students is unavailable, will hear recommendations for long-term suspension or expulsions.

The Board hereby designates the following Board members to serve on the Disciplinary Panel in the following order:

1. J. Bray
2. T. Lindsey
3. J. Mulligan

The above referenced designations indicate the order for which the Board Members will be contacted to serve on the Panel. The first two board members to respond in the affirmative will serve on the panel. This process will repeat every time the panel must be assembled.

Process for Investigating and Recommending Long-Term Suspension or Expulsion

1. The Dean of Students or his/her designee will offer to meet with the parent/guardian and student to discuss the reason(s) for the long term suspension and/or possible expulsion. Document on the **Due Process Form**.
2. **Discipline Incident Report** form should be completed by staff member witnessing the incident and should be completed within 24 hours of the incident occurring.
3. Within 6 days of the incident a letter must be sent to the parent/guardian which shall contain:
 - The alleged misconduct (The alleged misconduct must fit within the Parent/Student Handbook discipline policy. The written charges should be specific in describing what happened, when it happened, where it happened, etc. All discipline rules, which were possibly violated, should be listed. If the student is charged with a violation of a Michigan statute, which is not specifically stated in the student discipline rules, cite the pertinent section of the Michigan Code.);
 - Recommended disciplinary action;
 - Length of proposed long-term suspension and/or expulsion;
 - The date, time and location of the scheduled hearing (if known);
 - Copy of the Academy Student Code of Conduct;
 - Right to appeal to the Academy Board for alleged due process violations only;
 - Attendance at the hearing is not required but the Discipline Committee will take action based on the information presented;
 - The rights afforded to the student if he/she attends: right to review the information supporting the charges and proposed penalty; right to dispute the information supporting the charges and proposed penalty; right to introduce information on the student's behalf; and the right to be represented by counsel;
 - The fact that the hearing is not a legal proceeding;
 - The hearing will be closed to the public unless the parent and/or student request the hearing be open to the public; and
 - The need for parent/student to notify the Academy within 48 hours if counsel is retained (specify date and time)
4. The Dean of Students must notify CS Partners that a possible long term suspension or expulsion hearing will need to occur.
5. The Dean of Students or his/her designee conducts an appropriate investigation, gathers all relevant information and prepares a summary report. The summary report should describe the conduct concretely; include dates, times, places and people and document behavior factually without editorial comments. The investigation summary report must include: the written charge against the student, copies of prior intervention and assistance meetings and any notes from the suspension meeting, grades, progress reports, and attendance.

6. The Dean of Students or his/her designee makes a recommendation to the Disciplinary Panel.
7. If a long-term suspension or expulsion is recommended, then a hearing before the Disciplinary Panel is conducted.
8. If the parent/guardian withdraws the student **prior** to the disciplinary hearing, disciplinary proceedings cease. If the student attempts to re-enroll at the Academy at a later time, disciplinary proceedings will resume where they left off.

Long-Term Suspension/Expulsion Hearing Guidelines

1. Students being considered for long-term suspension or expulsion may be removed from school immediately or up to ten (10) days in accordance with the short-term suspension procedure. A formal hearing is then scheduled with the Disciplinary Panel. The student will have a reasonable amount of time to prepare for the hearing.
2. Students and parents are not required to attend the hearing. If the parent/guardian does not attend, the Disciplinary Panel will take action based on the information presented at the hearing.
3. If students and/or parents attend this hearing, their rights include the right: to review the information supporting the charges and proposed penalty; to dispute the information supporting the charges and proposed penalty; to introduce information on the student's behalf; and, to be represented by legal counsel.
4. If legal counsel is retained, the Dean of Students must be notified at least 48 hours prior to the hearing, so the Academy can make arrangements to have its own attorney present.
5. The hearing is not a legal proceeding and will not be conducted according to the court rules or rules of evidence.
6. The hearing will be open to the public unless the parent and/or student request the hearing be closed to the public.
7. Disciplinary hearings will not be rescheduled since they must take place within ten (10) days of the incident. If the student and/or parents are not present after 15 minutes from the scheduled disciplinary hearing time, they will be treated as a "no show" and the disciplinary hearing will proceed.
8. The Dean of Students or his/her designee will present the facts and the basis for the disciplinary consequence, including documentation, to the Discipline Committee as the Academy representative. Thereafter, the student and/or the student's parents/guardians or representative may comment on the facts as stated by the

School Leader or designee and may present their own information. The Disciplinary Committee members may ask questions of witnesses.

9. All student names will be redacted for presentation at the hearing. Within the paperwork, all names of other students will also be redacted for privacy reasons and should only be referred to as "another student" or "another female student" or Student S (e.g. if last name is Smith).
10. After hearing all of the evidence, the Disciplinary Panel will determine whether a long term suspension or expulsion is warranted. The decision will be provided to the student and parent/guardian in writing within two (2) school days after the hearing.
11. The Disciplinary Panel must make all decisions in open session.
12. The Disciplinary Committee may
 - a. set aside the long-term suspension or expulsion and reinstate the student with or without any limiting conditions; or
 - b. reduce length of the long-term suspension or expulsion; or
 - c. remand the matter to the School Leader to impose a lesser consequence; or
 - d. affirm the long-term suspension or expulsion.

Appeal Procedures- Long Term Suspension/Expulsion

1. Within three (3) days after the Disciplinary Panel suspends or expels a student, the long-term suspension or expulsion may be appealed, in writing, to the full Board only for alleged due process violations.
2. The written appeal must state why the Disciplinary Panel's decision was not justified and any extenuating circumstances that the Board should consider.
3. The student is not reinstated during the appeal process.
4. The Board will review the reasons stated in the written appeal on why the decision was not justified and any extenuating circumstances listed in that written appeal.
5. The Board may discuss the appeal at their next regularly scheduled board meeting and/or respond in writing within ten (10) days after receipt.
6. The Board's decision is final.

Reinstatement

1. Although the law calls for the permanent expulsion of a student who possesses a firearm and possible expulsion of a student who possesses a dangerous weapon, commits arson, commits criminal sexual conduct, commits physical assault against a person employed by the Academy or against another student or commits a verbal assault (including bomb threat) on Academy property, an Academy vehicle or an

Academy sponsored event, the parent/guardian or student (if 18 years of age or an emancipated minor) may petition for reinstatement as mandated by the Michigan School Code.

2. No student shall be reinstated prior to the time requirements as stated in the law. It is the responsibility of the parent/guardian or the student to prepare and submit the petition. The Academy will not provide assistance in preparing the petition. Upon request, the Academy shall make available a form for a petition. The Academy Board may include conditions in a petition for reinstatement. If the Academy Board denies a petition for reinstatement, the petitioner may petition another school board for reinstatement.
3. For a student who was enrolled in grade 5 or below at the time of the expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent/guardian or student (if 18 years of age or an emancipated minor) may initiate a petition for reinstatement any time after 60 school days following the date of the expulsion. The student shall not be reinstated before the expiration of 90 school days after the date of the expulsion.
4. For a student who was enrolled in grade 5 or below at the time of the expulsion and who was expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent/guardian or student (if 18 years of age or an emancipated minor) may initiate a petition for reinstatement at any time. The student shall not be reinstated before the expiration of 10 school days after the date of the expulsion.
5. For a student who was enrolled in grade 6 or above at the time of the expulsion the parent/guardian or student (if 18 years of age or an emancipated minor) may initiate a petition for reinstatement at any time after 150 school days following the date of the expulsion. The student shall not be reinstated before the expiration of 180 school days after the date of expulsion.
6. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Dean of Students on the appropriate form.
7. Not later than 10 school days after receiving a petition for reinstatement, the Board shall appoint a committee to review the petition and any supporting information submitted by the parent/guardian or student. The committee shall consist of: 2 Board members; 1 Academy administrator; 1 teacher; and 1 parent of a student enrolled in the Academy.
8. Not later than 10 school days after all committee members are appointed, the committee shall review the petition and any supporting information provided by the Academy and shall submit a recommendation to the Board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for

conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation.

9. The recommendation shall be based on consideration of all of the following factors:
 - a. The extent to which reinstatement of the student would create a risk of harm to students or Academy personnel.
 - b. The extent to which reinstatement of the student would create a risk of Academy or individual liability for the Board or Academy personnel.
 - c. The age and maturity of the student.
 - d. The student's school record before the incident that caused the expulsion.
 - e. The student's attitude concerning the incident that caused the expulsion.
 - f. The student's behavior since the expulsion and the prospects for remediation of the individual.
 - g. The degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the student is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.
10. Not later than the next regularly scheduled Board meeting after receiving the recommendation of the committee, the Board shall make a decision to unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement of the student. The decision of the Board is final.
11. The Board or its designee may require a student and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to a specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but not limited to:
 - a. successful completion of restorative justice process and evidence of compliance with the resulting agreement developed by the participating affected parties;
 - b. agreement to a behavior contract, which may involve the student, parent/guardian, and an outside agency;
 - c. participation in or completion of an anger management program or other appropriate counseling;
 - d. periodic progress reviews;
 - e. specified immediate consequences for failure to abide by a condition; and
 - f. the committee may also allow the parent(s) or legal guardian, if the individual is at least 18 or an emancipated minor, the individual may include proposed conditions in a petition for reinstatement.
12. In the event a student who has been permanently expelled from another school requests admission to the Academy, the Board shall, in making its decision, follow the same procedure described in steps 3 through 7.

13. This section does not diminish any rights under federal law of a student who has been determined to be eligible for special education programs and services.

Alternative Education

The Academy may provide alternative education for a student who has been suspended or expelled. However, it is the responsibility of the parent/guardian to locate a suitable alternative education program and to enroll their child in a program during expulsion.

A student who has been expelled for weapons, arson, criminal sexual conduct, or physical assault against an employee or volunteer is expelled from all Michigan public schools unless the school operates or participates in an alternative education program appropriate for the mandatory expelled student, and at the school's discretion admits the student to that program or strict discipline academy or cyber school.

Reporting

Consistent with controlling law, all matters of student out-of-school disciplinary suspensions and expulsions shall be permanently maintained in a student's permanent educational record ("CA 60"), and shall be transferred to any other private or public elementary school in which the student may seek enrollment. However, such disciplinary records may be deleted upon graduation, except for expulsions for possession of dangerous weapons, arson, criminal sexual conduct, or the physical assault of a staff member, volunteer or contractor.

The Dean of Students shall ensure that the expulsion is duly noted in the student's record and that the student has been referred to the Family Independence Agency or Department of Community Health with three (3) school days after the expulsion and the parents have been informed of the referral as required by federal law. The Dean of Students shall ensure that within 3 days after the expulsion for possession of a dangerous weapon, arson, criminal sexual conduct, physical assault and verbal assault (including bomb threat), the student is referred to the criminal justice or juvenile delinquency system serving the Academy and notifies the student's parents or guardians. If the student expelled is under the age of sixteen, the Dean of Students shall ensure that the Juvenile Division of the Probate Court is informed of the expulsion.

In addition, the Dean of Students shall send a copy of this and Policy 5610 policy to the Michigan Department of Education and shall include a description of the circumstances surrounding the expulsion of the student for weapons possession in a weapon-free school zone together with name of the School, the number of students expelled, and the types of weapons brought into the weapon-free school zone and others listed in Policy 8400.

Suspension and/or expulsion will be listed as an authorized absence within the student's attendance record.

At least annually, the Academy shall submit to the Superintendent of Public Instruction a report stating the number of students expelled from the Academy during the preceding school year and the reason for the expulsion.

Pursuant to the Statewide School Safety Information Policy (MCL 380.1308), school administration and staff shall report and share information with local law enforcement agencies regarding student misconduct which may also constitute reportable offenses under the law and local agreements.

At least annually, the Academy shall post on the Academy's website incidents of crime occurring at the Academy. The report shall include crimes of:

- Physical violence,
- Gang-related activity,
- Illegal possession of a controlled substance, controlled substance analogue, or other intoxicant,
- Trespassing, and
- Property crime, including, but not limited, to theft and vandalism or destruction of property, including an estimate of the cost to the Academy resulting from the property crime.

The Academy shall provide a report to the Office of School Safety on both of the following types of incidents within 24 hours after the incident occurs. Also, each Academy **building** (multiple building districts must do this for each building) shall collect and keep current on a **weekly** basis the number of the incidents listed below and must provide the information, within seven days, to anyone who requests the report.

- a. An incident involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism.
- b. An incident, if known to the school, involving the attempted commission of the above listed crimes.

The incident report for reporting to the Office of School Safety is located at <https://forms.office.com/pages/responsepage.aspx?id=h3D71Xc3rUKWaoku9HII0V0fgwYBUdVOotKW-ljtqtZUNehGRIVBVDIIQkFYVBRUkZZWkZGWFlaVS4u>

In addition, the Academy administration shall submit the SID to the Michigan Department of Education as required, and shall include a description of the circumstances surrounding the expulsion of the student for weapons possession, the number of students expelled, and the types of weapons brought into the Academy.

Waiver

Any student and parent/guardian may waive their right to a formal hearing in writing, signed by both the student and their parent/guardian.

Interviews of Students by Police or Other Public Agencies

The Academy endeavors to cooperate with law enforcement agencies. Students may be interviewed in school by law enforcement officials. School officials will grant law enforcement interviews with a student after considering the following:

1. type of incident;
2. seriousness of the incident;
3. age and maturity of the student;
4. relationship of the incident to school and the educational process; and
5. whether time is of the essence

When practical, school personnel will be present during the police interview, and an attempt will be made to contact the parent/guardian prior to the interview. If the student is a minor and the parent was not present during the interview, the parent/guardian will be notified by the School Leader that an interview has taken place.

Corporal Punishment

Corporal punishment against a pupil by an employee, volunteer or contractor of a local or intermediate school district, or public school academy is prohibited by section 380.1312 of the Revised School Code. Corporal punishment against a pupil by any individual is prohibited on Academy property, in any Academy vehicle, or at any Academy sponsored event or activity. Corporal punishment is defined as "the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline." It does not include physical pain caused by reasonable physical activities associated with athletic training. Although the use of corporal punishment is prohibited, the use of **reasonable** physical force upon a student if **necessary** to maintain order and control for the purpose of providing an environment conducive to safety and learning is permitted in the following situations:

- To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of Academy functions within Academy premises or at an Academy related activity, if that student has refused to comply with a request to refrain from further disruptive acts;
- For self-defense or the defense of others;
- To prevent a student from inflicting harm on himself or herself;
- To quell a disturbance that threatens physical injury to any person;
- To obtain possession of a weapon or other dangerous object upon or within the control of a student; or
- To protect property.

All guidelines for the use of seclusion and restraint will be adhered to at all times.