

CARMAN-AINSWORTH COMMUNITY SCHOOLS STUDENT CODE OF CONDUCT 2018-19

Preamble

The Board of Education of Carman-Ainsworth Community Schools (the "Board") believes that appropriate behavior and discipline in school is imperative for providing an atmosphere favorable for learning. The primary objective of student discipline and **management** is to create an educational climate in which complete attention can be devoted to the teaching-learning process. The discipline and **management** of students must be treated as an **individual** matter. The most effective approach to discipline is preventive in nature rather than regulatory and restrictive, although the latter cannot always be ignored.

Clearly, parents and guardians are the primary influence in the education of their children. Other institutions such as schools have a special role in assisting homes with the formation of their children. Consequently, parents, teachers, and students must work cooperatively to direct students toward positive attitudes and behavior in school.

The school environment is a **learning** community requiring the establishment of rules and regulations for the protection of the rights of all of its members. An important aspect of the growth process is to gain a respect and appreciation for the rules and regulations of conduct in the school community. Violations of these rules and regulations that are harmful to the rights and privileges of others will not be tolerated. Michigan's *Revised School Code, 380.11a (3) (b)* gives the district the authority to provide "for the safety and welfare of pupils while at school or a school sponsored activity or while en route to or from school or a school sponsored activity."

The immediate objective of these rules and regulations is to maintain a school climate of exemplary learning conditions. The ultimate objective is to establish school discipline that enhances student growth in abilities, attitudes, and habits essential to acceptable and self-controlled behavior.

While it is necessary to establish and enforce reasonable regulations in the school setting in order to maintain an environment conducive to learning, students will be provided due process in accordance with state and federal laws.

Administrators and teachers also have rights and duties. Teachers, administrators, and school staff are responsible for providing an environment suitable for learning, and for maintaining and facilitating the educational program.

The principal is authorized by Board Policy to suspend students from school for just cause. The following rules, regulations, and due process procedure statements are designed to protect all members of the educational community in the exercise of their rights and duties.

Student Rights, Responsibilities, and Limitations

I. Freedom of Speech and Assembly

Within the school program students should be provided the opportunity for free expression of ideas. Responsible criticism and reasonable dissent are basic to the education process. No idea should be suppressed simply because it is unpopular. The use of obscenities or personal attacks is prohibited. All student meetings in school buildings or on school grounds shall function only as a part of the formal educational process or as authorized by the principal. Students have the freedom to assemble peacefully. There is an appropriate time and place for the expression of opinion and beliefs. Conducting a demonstration that interferes with the operation of the school or classroom is prohibited. Participation in a demonstration that interferes with the operation of the school or classroom or that is disruptive to the educational process is prohibited.

II. Distribution of Non-School Sponsored Written Material on School Premises

Students of the Carman-Ainsworth Community Schools have the right to distribute, at reasonable times and places, unofficial written materials, leaflets, brochures, fliers, petitions, buttons, badges, or other insignia, except those which contain expression which:

- A. Is obscene to minors.
- B. Is libelous.
- C. Is pervasively indecent or vulgar (for secondary schools) or contains any indecent or vulgar language (for elementary schools).
- D. Advertising any product or service not permitted to minors by law.
- E. Invades the rights of another person and could result in tort liability.
- F. Constitutes fighting words, the very expression of which injures or harasses other people or tends to incite immediate breach of the peace (including, but not limited to, threats of violence, defamation of character of a person's race, religion, or ethnic origin).
- G. Presents a clear and present likelihood that, either because of its content or manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.

Distribution of unofficial written material not in the categories listed above will be permitted provided that the students distributing the written material are not engaged in, or supposed to be engaged in, classes, study periods, or other school duties, and provided that the written material has been approved for distribution through the procedures established by the district. Those interested may obtain the established procedures through the building principals.

III. Dress and Appearance

The district expects students to dress and groom themselves in an appropriate manner. Dress, grooming and appearance (including, but not limited to, excessive make-up, masks, sunglasses, medically unnecessary eye patches, hair covering eyes and/or face) may not be disruptive to the educational process, damaging to property, or violate reasonable standards of safety, health, hygiene or decency.

IV. Attendance

The Carman-Ainsworth Board of Education expects regular attendance by all students. Regular attendance contributes not only to the probability of scholastic success but also to the development of attitudes of consistent performance which will carry over into adult life.

In addition, daily attendance of all who are enrolled in the Michigan Public Schools is required in accordance with the state law. Section 380.1561 of *The Revised School Code* states “every parent, guardian or other person in this state, having control and charge of a child between the ages of six to the child’s sixteenth birthday, shall send that child to a public school during the entire school year.” **Students are expected to adhere to the specific attendance rules of their building.** Violation of attendance rules resulting in excessive or patterned absence will be referred to the Genesee County Prosecutor’s Office for the purpose of criminal prosecution (*Michigan Compiled Law 380.1599*).

For the purposes of pupil count period attendance, students enrolling on pupil count days who are unable to attend one or more classes during the pupil count period are considered to have an excused absence(s). Students pending suspension or expulsion or on suspension or expulsion during a pupil count period are considered to have an excused absence(s).

V. Disruptive Conduct

Conduct that deliberately interferes with the educational process or violates accepted and ordinary standards of conduct is prohibited even though not specifically set forth herein. Violating any school rule or performing any act that is disruptive or detrimental to the health, welfare or educational process of other individuals or damaging to school property is prohibited. The degree of severity of the misconduct will determine whether any offense warrants disciplinary action, up to and including suspension or expulsion from school. Conduct interfering with the educational process or infringing on the rights of others will not be tolerated or condoned.

VI. Identification

All persons must, upon request, identify themselves to school district personnel in the school building, on school property or at school-sponsored events. Refusal to identify oneself upon request may result in disciplinary action up to and including suspension, expulsion, and/or referral to the appropriate police agency.

All students, in buildings that require displayed identification badges, are to either have their personal identification badge visible on their person or readily accessible upon request by any staff member while on school property and at all school related events (including, but not limited to, dances, sporting events, fashion and talent shows, theater performances, AUP identification, Media Center book check-out, cafeteria). The school will issue one identification badge per year to each student at no cost. Replacement cost of lost, stolen, or damaged identification badges is the student’s responsibility. Students refusing to produce and display their identification badge will be considered insubordinate and subject to consequences outlined in the *Student Code of Conduct*.

VII. Off-Campus Events

Students at school-sponsored, off-campus events shall be governed by their school rules and regulations and are subject to the authority of school district officials. School rules and regulations apply not only during regular school hours, but also at any school-sponsored event held on campus as well as any school-sponsored event held off campus and at all times on any school property whether during school hours or not. Offenses committed off school property during non-school hours but which have a sufficient connection with the Carman-Ainsworth Community Schools may result in disciplinary sanctions.

VIII. Search and Seizure

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers or student driven automobiles parked on campus under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term “unauthorized” means any item dangerous to the health or safety of students or school personnel, or disruptive to any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student or items in violation of state or federal laws.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

- A. Personal Searches: A student's personal effects (including, but not limited to, purse, pockets, book bag, cell phones, including other electronic devices) may be searched whenever a school authority has reasonable suspicion of illegal or unauthorized materials.

If a pat down search of a student's person is conducted it will be conducted in private by a school authority of the same sex and with an adult witness of the same sex present unless the health or safety of the students will be endangered by the delay which might be caused by following these procedures.

If the school authority has reasonable suspicion to believe that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student's person may be conducted. Such a search may only be conducted in private by a school authority of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the Superintendent (or designee) unless the health or safety of the students will be endangered by the delay which might be caused by following these procedures.

- B. Locker Searches: Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant.

- C. Automobile Searches: Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal and unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.
- D. Seizure of Illegal Materials: If a search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.
- E. Police Liaison Officers: Police Liaison Officers assist students, staff and administration in the effective operation of the school. The primary function of the Police Liaison Officer is to serve as a go-between the school and law enforcement agencies and to provide the following services to the district: building security, referral agency information, juvenile and adult court referrals, problem solving assistance, juvenile diversion referrals, support in investigating criminal activity and school rule violations, assistance in verifying residency of district students, and in truancy matters. The Police Liaison Officer and the district will coordinate information obtained by either the district or law enforcement agencies to better assess and meet the needs of students. Students and parents should understand that information will be exchanged between the school district and the law enforcement agency.

IX. Age of Majority

The Board of Education recognizes that when a student reaches the age of majority, she/he is afforded all of the rights and privileges of adulthood. However, a student attending school, regardless of age, is covered by Board Policies which have been officially adopted and published. An 18-year-old student's responsibility to the school does not change upon reaching the age of majority.

X. Student Records

Cumulative records shall be maintained for all students from their entrance into school through the twelfth grade. Eighteen-year-old students and parents of students under eighteen have the right to examine and contest entries in their records according to the procedures established by the district in compliance with state and federal law. A natural parent of a student, whether the parent is the custodial parent or not, is entitled to review the student's records unless there is a specific court order revoking such right. (See more detailed information in "Notice of Right to Access and Privacy of Student Records".)

XI. Bullying Policy

1. Definitions

Bullying/Hazing/Cyber Bullying And Threats

Bullying is a form of harassment. For the purposes of this policy, bullying is defined as any written, verbal, or physical acts, including cyber bullying (any electronic

communication, including, but not limited to, electronically transmitted acts, such as internet, telephone or cell phone, personal digital assistant (PDA), or wireless hand held device) that, without regard to its subject matter or motivation, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly. Bullying can be physical, verbal, psychological, or a combination of all three.

Hazing shall be defined for the purposes of this policy as performing an act, or coercing another, including the victim, to perform any act of initiation into any class, group, team or organization that causes or creates a risk of causing physical or emotional harm.

The Board believes that bullying and hazing activities of any type are inconsistent with the educational process and prohibits all such activities at any time in school facilities, on school property, and at any district-sponsored event. Students are expected to report bullying and hazing to a school adult.

2. Prohibition

The Board prohibits all bullying and hazing, without regard to its subject matter or motivation. The Board also prohibits any forms of retaliation or false accusation against a target of bullying or hazing, a witness or another person with reliable information about an act of bullying or hazing.

3. Reporting

Any student who believes he or she has been or is currently the victim of bullying or hazing should immediately report the situation to the school principal or assistant principal. The student may also report concerns to a teacher, counselor, or adult staff member who will be responsible for notifying the appropriate school administrator.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying or hazing is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board Policy, independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying or hazing. Making intentionally false reports about bullying or hazing for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentional false reports may result in disciplinary action as indicated above.

The Board delegates to the Superintendent the function of establishing and implementing administrative procedures which provide for notification to the parents or legal guardians of both victims and perpetrators of bullying or hazing.

4. Investigation

All complaints about bullying or hazing behavior that may violate this policy shall be promptly investigated. The Board delegates to the Superintendent the responsibility of establishing and implementing a procedure for the prompt investigation of a report of bullying or hazing complaints to be followed by a school principal or assistant principal who receives a report of violation of this policy.

If the investigation finds an instance of bullying or hazing behavior has occurred, it will result in prompt and appropriate disciplinary action. This may include consideration of

all disciplinary options, up to and including expulsion. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

XII. Criminal Acts

I. The following activities are among those defined as criminal under laws of the state of Michigan and may not be all inclusive:

- A. Arson
- B. Assault
- C. Battery
- D. Burglary
- E. Explosives to include fireworks, smoke bombs, or other incendiary devices
- F. Extortion, blackmail or coercion
- G. Possession or use of firearms or weapons, including look a-likes
- H. Larceny
- I. Malicious mischief, destruction of property, vandalism, and/or pranks
- J. Robbery
- K. Sale, use, or possession of alcoholic beverages or controlled substances including look-a-likes
- L. Breaking and entering
- M. Trespassing
- N. Criminal sexual conduct
- O. Possession or use of noxious gases

II. The commission of or participation in any criminal acts in school buildings, on school property, or at school-sponsored events is prohibited. Disciplinary action will be taken by the school regardless of whether or not a criminal charge results. The preceding list is not deemed to be all-inclusive. The commission of any criminal act on school property or at a school event may result in disciplinary action up to and including expulsion. Disciplinary action may be taken by the school if the administration determines the criminal act, which may have occurred during non-school times/hours (including, but not limited to, summer recess and holiday recess), impacts the normal function of the school or the safe learning environment of students or staff.

XIII. Due Process - Procedural Rules and Regulations

The constitutional rights of individuals assure the protection of due process of law; therefore, this system of constitutionally and legally sound procedures is developed with regard to the administration of discipline in the schools of Michigan.

In exercising its disciplinary authority the district will be guided by a reasonable and fair approach to the law and to district policy. Every effort shall be made by principals, other administrators and faculty members to resolve problems through effective use of school district personnel in cooperation with the student and his/her parent or guardian.

A student will be given an opportunity for a hearing with the Board Sub-committee on Student Discipline if he/she or his/her parent or guardian indicates the desire for one. A hearing will be conducted to provide the student and his/her parent with an opportunity to present evidence and/or contest the facts which led to the disciplinary action, or to contest the appropriateness of the imposed sanction. A student may be represented by counsel at the hearing at his/her own expense.

XIV. Detention, Suspension, and Expulsion - Definitions

- A. Detention: Requiring a student to miss recess, receive an alternate lunch placement or after school detention under the supervision of school authorities. After school detention will be assigned with prior parental permission. Physical duties may be assigned during detention periods. During detention, transportation will be the responsibility of the parent or guardian.
- B. In-School Suspension: The removal of a student from all regular school activities, hourly, or for a period of one to ten days by confining the student to an isolated location in school and placing the student under the supervision of school authorities or their designee.
- C. Suspension: To exclude a pupil from school and school sponsored activities for disciplinary reasons for a period of fewer than 60 school days. Under this definition, a suspension by a building administrator may not exceed ten (10) school days; however, the Superintendent or their designee may suspend for a period not to exceed forty-five (45) school days.
- D. Long-Term Suspension: A temporary exclusion by the Board Sub-committee on Student Discipline from school and school sponsored activities that exceeds forty-five (45) school days.
- E. Expulsion: To exclude a pupil from school and school sponsored activities for disciplinary reasons for a period of 60 or more school days by action of the Board Sub-committee on Student Discipline.

XV. Types of Out-of-School Disciplinary Consequences

On the basis of the status of present school law, a building principal of any of the district schools is delegated the authority by the Board to suspend a student from school. The precise discipline to be imposed (suspension up to and including expulsion) may vary in type or length depending upon the seriousness of the misconduct and the cumulative effect of the misconduct.

Types of Suspensions

- 1. Removal of a student from all regular school activities for a period of one to ten days by confining the student to an isolated location in school and placing the student under the supervision of school authorities or their designee.
- 2. Suspension of a student from school property for the remainder of the school day.
- 3. Suspension of a student from attendance at or participation in a school district sponsored activity.
- 4. Suspension of a student from school property pending a conference with the parents or guardians.

5. Suspension of a student for an extended (up to forty-five [45] days) period of time.
6. Suspension of driving rights and/or bus transportation.

Suspension Procedures

- A. The student shall be informed of the specific charges which could be the basis for disciplinary action against him or her as well as the facts upon which the charges are based.
- B. The student may present evidence or relevant information that will support his or her defense.
- C. If the student is suspended by the principal or their designee, that administrator will:
 1. Notify the parent/guardian of the suspension as soon as possible, the reasons for it, and the steps necessary for the student's return.
 2. Meet with the parent or guardian and the student to plan satisfactory return of the student to the school setting.
- D. A suspension from school involves exclusion from all school activities (on campus and/or at other locations) for the entire day(s) of the suspension. This includes athletic practices, contests, and other curricular and extracurricular activities. A student may not be on school premises at any time during the course of a suspension. Students violating another school district's code of conduct while attending their school event(s) are subject to disciplinary action by Carman-Ainsworth Community Schools Administration including suspension. (High school students will receive credit for make-up work done during a suspension or expulsion but all work must be submitted within twenty-four [24] hours of a student's return date.)

Appeal of Suspensions

If the parent or guardian is dissatisfied with the decision regarding a student's suspension they may appeal to the Building Level Administrator and then to the Superintendent or their designee to review the decision. Said appeal must be presented to the Superintendent in writing within three (3) school days of the disciplinary action. A suspension of ten (10) days or less cannot be appealed beyond the level of the Superintendent or their designee.*

Expulsion Procedures

The following procedural guidelines will govern the expulsion process:

1. Written notice of charges against a student shall be supplied to the student and his/her parent or guardian, and included within this notice shall be a procedure to request a hearing before the Board Subcommittee on Student Discipline.*

****At the Superintendent's or Board's discretion, a district hearing officer may be appointed to assess the merits of the discipline appeal. The recommendation of the hearing officer will be acted on by the Superintendent and/or Board Subcommittee on Student Discipline.***

2. The student and his/her parent/guardian shall be informed of the right to an open or closed hearing at their request. The action of the Board Sub-committee on Student Discipline shall be by formal motion and a vote of a majority of Board Sub-committee on Student Discipline members elected to, and serving on, the Board Sub-committee on Student Discipline in open session. The action shall appear in the minutes of the Board Sub-committee on Student Discipline and be part of the public records.
3. The student and parent/guardian may be present at the hearing.
4. The student and his or her parent/guardian may be represented by legal counsel at their own expense.
5. The student shall be advised of evidence offered against him/her. The Board Sub-committee on Student Discipline may limit disclosure of the identity of students providing information relative to the charges consistent with case precedent concerning the confidentiality accorded student witnesses.
6. The student shall be given an opportunity to give his/her version of the facts and their implications. The student shall be allowed to offer the testimony of other witnesses and other evidence.
7. The hearing shall be conducted by the Board Sub-committee on Student Discipline which shall make its determination solely upon the evidence presented at the hearing. The hearing is not a court proceeding but the rules of evidence used in administrative proceedings will generally be followed.
8. A record may be kept of the hearing.
9. The Board Sub-committee on Student Discipline shall state within a reasonable time after the hearing its findings as to whether or not the student charged is guilty of the conduct charged and its decision as to expulsion.
10. An expulsion from school involves exclusion from all school activities for the entire length of the expulsion. This includes athletic practices, contests, and all other curricular and extracurricular activities. An expelled student may not be on school premises at any time during the course of the expulsion.

Legal Basis for Suspension and Expulsion

The authority of the Board to authorize suspension or expulsion and to make reasonable rules and regulations regarding discipline is granted in Section 380.1311 of *The Revised School Code*.

Section 380.1311, Suspension or Expulsion of Pupils

Section 1311(1) "...the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction if the pupil is a student with a disability, the pupil

shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with Section 1711.

Public Act 103 of 1999, Section 1309, A teacher may suspend a student from any class, subject, or activity for up to one day pursuant to Board of Education policy describing the types of behavior that would warrant such action. The teacher is required to conduct a conference with the parent or guardian of the student after the suspension takes place.

Grounds for Suspension and Expulsion

Assuming the responsibility granted to it by law, the Board Sub-committee on Student Discipline establishes the following categories of misconduct to be considered a gross misdemeanor or type of persistent disobedience while a student is under the jurisdiction of the school.

Teachers will initiate and maintain communication with their students to establish acceptable rules of behavior to provide a classroom climate conducive to learning. Violations of these classroom rules are, in most cases, handled by the individual classroom teacher.

The following types of behavior are never appropriate at school and are considered to be violations of the *Student Code of Conduct*. Any of the violations indicated below, when considered in the context of circumstances surrounding their occurrence, along with age, developmental maturity of student, and/or student's past behavior records, may lead to a recommendation for exclusion from school by way of out-of-school suspension or expulsion.

This list should not be considered all inclusive and other types of misconduct or disruptive behavior may also result in exclusion from school, including expulsion. Attempts to commit prohibited conduct or engage in misconduct are also subject to disciplinary consequences. Offenses committed off school property but having sufficient connection with school may result in disciplinary sanctions.

The Board of Education and Administration recognize the value in providing alternative schooling options for students when deemed appropriate. As such, some students may be approved to attend Atlantis Alternative High School. As a Carman-Ainsworth Community Schools program, students enrolled in Atlantis Alternative High School are bound by all Board of Education Policies, Guidelines, Rules and Regulations, including the following *Student Code of Conduct*. However, as an alternative school, disciplinary decisions may differ from those of Carman-Ainsworth High School based on the student's prior disciplinary record.

PROHIBITED SUBSTANCES:

1. **POSSESSION/USE OF CIGARETTES OR CHEWING TOBACCO** - The no-smoking or chewing tobacco policy on district property or at school functions will be strictly and consistently enforced by the faculty and administration. (Electronic cigarettes, vaping or vapors, lighters, spittoons and/or other smoking paraphernalia for tobacco and/or smokeless tobacco are included in this policy.)

Penalty:

- a. First Offense - Three (3) day out-of-school suspension and notification to parent/guardian.
 - b. Second Offense - Three (3) to five (5) day out-of-school suspension and notification to parent/guardian.
 - c. Third Offense - Five (5) to ten (10) day out-of-school suspension and notification to parent/guardian.
 - d. Fourth Offense - Ten (10) to forty-five (45) day out-of-school suspension and notification to parent/guardian.
2. **POSSESSION/USE OF OVER-THE-COUNTER MEDICATION** - The possession/use of over-the-counter medication is strictly regulated to help ensure student safety. All medication of any kind must be dispensed from and stored in the school office in accordance with state law and Board policy.

Penalty:

- a. First Offense - Suspension of up to two (2) days and notification to parent/guardian.
 - b. Second Offense - Ten (10) day out-of-school suspension and notification to parent/guardian.
 - c. Third Offense - Ten (10) to forty-five (45) day out-of-school suspension and/or long-term suspension and/or expulsion and notification to parent/guardian.
3. **SALE/DISTRIBUTION OF OVER-THE-COUNTER MEDICATION** - The sale/distribution on school property and/or at school functions of over-the counter medication is prohibited.

Penalty:

Long-term suspension for balance of the semester and the following semester or expulsion and notification to parent/guardian and/or report to police.

4. **POSSESSION, USE AND/OR UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, NARCOTICS, DRUGS, INTOXICANTS, INHALANTS** - Possession, use and/or under the influence, on school property and/or at a school function, of alcoholic beverages (including no or low alcoholic look-a-likes, malt beverages), narcotics, drugs, intoxicants or other controlled substances, including look-a-likes, is prohibited.

Penalty:

- a. First Offense - Ten (10) day out-of-school suspension and notification to parent/guardian and/or report to police.

- b. Second Offense (in the same school year) - Long-term suspension for the balance of the semester and the following semester or expulsion and notification of parent/guardian and/or report to police.

Possession of paraphernalia used with alcohol or drugs is prohibited also, including, but not limited to, marijuana pipes, "bongs," paper for rolling marijuana cigarettes, and the like.

Penalty:

Suspension or expulsion and/or report to police and notification to parent/guardian.

5. **SALE/DISTRIBUTION AND/OR INTENT TO SELL/DISTRIBUTE ALCOHOLIC BEVERAGES, NARCOTICS, DRUGS** - Sale/distribution and/or intent to sell/distribute on school property and/or at school functions of alcoholic beverages, (including non or low alcoholic look-a-likes, malt beverages), narcotics, drugs or other controlled substances, including look-a-likes, which have not been medically prescribed for that individual and which modify normal behavior, is prohibited.

Penalty:

Long-term suspension for the balance of the semester and the following semester or expulsion and notification to parent/guardian and/or report to police.

PHYSICAL/VERBAL ASSAULTS AND CONFRONTATIONS:

6. **PHYSICAL ASSAULT UPON SCHOOL EMPLOYEES, VOLUNTEERS OR CONTRACTORS** - Physical assault means intentionally causing or attempting to cause physical harm to another through force or violence.

Penalty:

This behavior is a violation of state law and as such there is a requirement for grades 6 and above: permanent expulsion subject to possible reinstatement after 180 days, report to police, notification of parent/guardian, and notification of public agencies as required by law. For grades 5 and below: minimum of suspension/long-term suspension or expulsion, notification of parent/guardian and/or report to the police.

7. **PHYSICAL ASSAULT UPON ANOTHER STUDENT** - This would refer to behavior aimed at intentionally causing or attempting to cause physical harm through force or violence that occurs on school property, at any school sponsored activity, or on any school related vehicle.

Penalty:

For grades 6 and above: suspension or expulsion up to 180 days (the length of which will be determined by circumstances) report to police, notification to parent/guardian, and notification of public agencies as required by law. Administrator must forward reports of assault to the Board Sub-committee on Student Discipline. For grades 5 and below: minimum of suspension/long-term suspension or expulsion, notification of parent/guardian, and/or report to the police.

8. **VERBAL ASSAULT/THREATS** - Statement or act, oral, written, or electronically transmitted, which can reasonably be expected to induce in another person(s) an apprehension of danger of bodily injury or harm. Verbal assaults include any threat to do harm to another through force or violence. Bomb threats and similar threats directed at a school building, school property, or at school related events are included in this definition of verbal assault.

Penalty:

For grades 6 and above: suspension or expulsion for a period of time as determined by the discretion of the Board Sub-committee on Student Discipline or its designee (the length of which will be determined by circumstances) report to police, notification of parent/guardian, and notification of public agencies as required by law. For grades 5 and below: suspension/long-term suspension or expulsion, notification of parent/guardian, and/or report to police.

9. **FIGHTING/HOSTILE CONFRONTATION** - Physical attacks/confrontations, mutual fighting (regardless of which combatant initiated the physical fight). Hostile verbal confrontations are included here. Based on administrative discretion in reviewing the facts and circumstances, the penalties may be extended.

Elementary Penalty:

Suspension/long-term suspension (the length to be determined by the facts and circumstances) or expulsion, report to police, notification to parent/guardian and notification to public agencies as required by law.

Middle School Penalty:

Suspension/long-term suspension or expulsion as noted below, report to police, notification to parent/guardian and notification to public agencies as required by law.

- a. First Offense – Five (5) day out-of-school suspension
- b. Second Offense - Ten (10) day out-of school suspension
- c. Third Offense – Long-term recommendation

Students who are **not directly** involved in the actual physical altercation, **but who help instigate** it through words, actions, gathering around to witness the dispute, taking video footage, or any action that contributes to the disruption of the school climate, may also be suspended for their contribution to the altercation. Students are encouraged to move away from any area where a conflict is occurring (unless attempting to help break up) and notify the nearest staff member immediately.

High School Penalty:

Suspension/long-term suspension or expulsion as noted below, report to police, notification to parent/guardian and notification to public agencies as required by law.

- a. First Offense - Ten (10) day out-of-school suspension
- b. Second Offense - Forty-five (45) day out-of school suspension
- c. Third Offense – Expulsion

In addition to out-of-school suspensions, students involved in a fight/hostile confrontation will meet with their Counselor, Behavior Interventionist, along with their parent/guardian prior to returning to school. Students will also be placed on a one (1) year school probation status, which will prohibit them from attending special school events including, but not limited to, all dances, talent and fashion shows (determined by the administration) for one calendar year. **The one year probation will carry over into the following school year.** Students on probation with any major violations in school policies may be recommended for expulsion/long term suspension.

Students who are **not directly** involved in the actual physical altercation, **but who help instigate** it through words, actions, gathering around to witness the dispute, taking video footage, or any action that contributes to the disruption of the school climate, may also be suspended for their contribution to the altercation. Students are encouraged to move away from any area where a conflict is occurring (unless attempting to help break up) and notify the nearest staff member immediately.

Penalty: Detention, suspension or expulsion and/or report to police and/or notification to parent/guardian.

INAPPROPRIATE BEHAVIOR:

10. THEFT/ABUSE OF PUBLIC AND PRIVATE PROPERTY/VANDALISM -

Students endangering or abusing the property of students, school employees, or the school, including but not exclusive to the following: theft, misuse of books, materials and equipment, including technology resources, defacing property; and unauthorized presence in a school building (trespassing).

Penalty: Suspension or expulsion and/or referral to police and notification to parent/guardian. Restitution will be made for all damages or loss of property. The student may be removed from the related class.

11. INSUBORDINATION - Refusal to obey established and well-defined rules and school regulations or refusal to obey reasonable directions or instructions of school personnel. This includes being in an unauthorized area, refusal to leave school grounds at the request of school personnel, horseplay and/or littering.

Penalty: Detention, suspension or expulsion and/or report to police and notification to parent/guardian.

12. PROFANITY/OBSCENE LANGUAGE, GESTURES, OR BEHAVIOR - Use of profane or obscene language, gestures, drawings, writings, electronic or the like.

Penalty: Detention, suspension, or expulsion and/or report to police and/or notification to parent/guardian.

13. **GROSS MISCONDUCT** - Conduct detrimental to the normal functioning of the school or school activities including gross or repeated disobedience of school rules, violation of state laws, local ordinances and laws pertaining to civil disobedience. Gross misconduct also includes behavior that impacts the normal functioning of the school or the safe learning environment by students during non-school times/hours (including, but not limited to, summer recess, holiday recess) where a student is arrested, charged or convicted of a crime. This behavior may result in disciplinary action or loss of participation in extracurricular activities to be determined by administration.

Penalty: Suspension or expulsion and/or report to police and notification to parent/guardian.

14. **REPEAT OFFENDERS OF THE STUDENT CODE OF CONDUCT** - Continued class and school disruptions. Repeatedly involved in behavior which disrupts the educational process of other students. Parent/guardian will be notified prior to student being identified as a Repeat Offender.

Penalty: Suspension or expulsion and notification to the parent/guardian.

15. **BULLYING** (Also “**HARASSMENT**,” “**HAZING**” and “**CYBER BULLYING**”) – Any behavior, physical or verbal, that ridicules, demeans, or intimidates is prohibited. This will include any form of defamation of character, intimidation, threats, or stalking of students or school employees of any kind or to the person or property of others. This includes retaliation and/or making false reports. This will pertain to inappropriate acts whether transmitted verbally, in writing, or electronically (often referred to as “cyber bullying”) **either in or outside of school.**

Penalty: Detention/suspension/expulsion and/or report to police and notification to parent/guardian.

16. **CRIMINAL SEXUAL CONDUCT** - Violation of state law regarding criminal sexual conduct. A student who believes he/she has been the victim of such conduct should report this immediately to an administrator or other school official. An investigation will follow, as well as appropriate disciplinary action and notification of parents, police and other related agencies.

Penalty:

This behavior is a violation of state law and as such there is a requirement for permanent expulsion subject to possible reinstatement after 180 days, report to police, and notification to parent/guardian and notification of public agencies as required by state and federal law.

17. **SEXUAL HARASSMENT** - Any unwelcome sexual advances, such as or including touching, gestures, comments, or requests for sexual favors. **Inappropriate displays, verbal conduct, electronic transmission or physical conduct of a sexual nature shall be considered sexual harassment when:**

- a. Submission to or rejection of such conduct or communication has either the purpose or effect of interfering with an individual's scholastic performance or the creation of an intimidating, hostile or offensive learning environment;
- b. Submission to or rejection of such conduct or communication by an individual serves as the basis for decisions affecting that individual; or
- c. Submission to such conduct or communication is implicitly or explicitly made a term of condition of education.

Penalty:

Suspension/expulsion, referral to police and notification to parent/guardian.

- 18. INAPPROPRIATE DISPLAY OF AFFECTION** – Displays of unacceptable undue familiarity such as kissing, embracing, fondling, or other conduct of a sexual nature are inappropriate. Based on administrative discretion in reviewing the circumstances, penalties may be extended.

Penalty: Detention, suspension or expulsion and/or report to police and/or notification to parent/guardian.

HANDBOOK INFRACTIONS:

- 19. IMPROPER USE OF MOTOR VEHICLES** - Conduct in the operation or occupancy of a motor vehicle which may endanger the security of people or property while on school grounds. Students are not permitted to transport other students away from school grounds during the school day.

Penalty:

Withdrawal of student's driving privilege on school property, detention, suspension or expulsion and/or report to police and notification to parent/guardian. Restitution will be made for all damages or losses.

- 20. FORGERY** - The unauthorized using or writing of the name of another person on school forms or other school related correspondence.

Penalty:

Detention, suspension or expulsion and/or report to police and/or notification to parent/guardian.

- 21. POSSESSION OR SALE OF FIREWORKS/MAKING FALSE FIRE ALARMS** - Possession and/or sale of fireworks on school property or at a school function or making false fire report/alarm or inappropriately pulling a fire alarm.

Penalty:

This behavior is a violation of state law and as such there is a requirement for suspension or expulsion and/or report to police, notification to parent/guardian and notification of public agencies as required by state and federal law. Restitution will be made for all damages or loss of property.

22. **POSSESSION OR USING WEAPONS OR LOOK A-LIKES** - The act of possessing, using or threatening to use a weapon, look a-like or instrument capable of inflicting bodily injury. This would include, but may not be limited to, firearms, knives, iron bars, stilettos, dirks, daggers, martial arts instruments, self-defense instruments, noxious gases (including, but not limited to, pepper gas, tear gas, self-defense sprays).

A student who possesses a dangerous weapon in a weapons free school zone will be expelled permanently subject to possible reinstatement after 180 days if he/she is in grades 6 or above. For grades 5 and below: minimum of suspension/long-term suspension or expulsion, notification of parent/guardian and/or report to the police.

Penalty:

This behavior is a violation of state law and as such there is a requirement for grades 6 and above: permanent expulsion subject to possible reinstatement after 180 days, report to police, and notification to parent/guardian. For grades 5 and below: permanent expulsion subject to possible reinstatement after 90 days, report to police, and notification to parent/guardian. Notification of expulsion to public agencies as required by state and federal law.

23. **ARSON** - Intentional setting afire district property or setting a fire on district property.

Penalty:

This behavior is a violation of state law and as such there is a requirement for permanent expulsion subject to possible reinstatement after 180 days, report to police, and notification to parent/guardian and notification of public agencies as required by state and federal law.

24. **THE USE OF CELLULAR PHONES AND OTHER ELECTRONIC DEVICES –**

Elementary and Middle School Policy:

Cell phones are not to be used, seen, or heard during school hours or during bus time, and may only be used at the end of the school day. Students who have cellular phones, MP3 players, I-Pods, CD players and other electronic devices at school do so at their own risk. The school will not be responsible for the theft or loss of any electronic devices. **In addition, cell phones are not to be used to take inappropriate photos or videos, for posting on social media, or for anything that would be considered unacceptable during school hours, as determined by school officials.**

Penalty:

- a. First Offense – Student will receive a behavior referral for possession of electronic device. Confiscation by school official and return upon **parent/guardian pickup** before or after school.
- b. Second Offense – Student will receive a 2nd behavior referral. Confiscation by school official and return upon parent meeting.
- c. Third Offense – Student will receive a 3rd referral. Confiscation by school official and progressive discipline as determined by school administrator.

High School Policy:

Carman-Ainsworth High School students may be in possession of electronic devices such as cell phones, iPads/iPods, MP3s, gaming devices, at school with the understanding that the school district will not be responsible for damage, theft, or loss of such devices. **Cell phones/electronic devices should be silenced and not used without approval from the supervising teacher or an administrator. Teachers may include restrictions during their class periods as they deem necessary. In addition, cell phones are not to be used to take inappropriate photos or videos, for posting on social media, or for anything that would be considered unacceptable during school hours, as determined by school officials.**

Cell Phones/Electronic Devices are permissible for use:

- in the morning before the start of school
- during passing time throughout the school day
- during a student's lunch period

Cell phones and electronic devices shall not be used in any school office or area of business within the high school building (including, but not limited to, the Main Office, Guidance/Counseling Office, Student Services Office, Athletic Office, and Attendance Office).

Penalty:

- a. First Offense – Confiscation and returned upon parent/guardian pick-up or picked-up by the student on the following Monday of each week.
- b. Second Offense – Confiscation and returned upon parent-administrator meeting.
- c. Third Offense – Including, but not limited to, confiscation and detention or suspension.

Failure to surrender a cell phone or electronic device to a staff member will be considered insubordination and will result in a one (1) day in-school-suspension if the device is surrendered to an administrator. Failure to surrender to an administrator will result in a two (2) day out-of-school suspension.

- 25. TARDINESS** – A student will be considered tardy if he/she is not inside the classroom door when class begins.

Penalty:

The consequences for tardiness will vary by grade level. In general, we would like all students to develop the understanding that in order to achieve the status of a “quality producer,” punctuality and a commitment to effort and hard work is necessary. Students who are tardy will be subject to disciplinary sanctions.

Elementary School Penalty:

If tardiness begins to impact student learning/success, a conversation shall be held with the parent or guardian, student and the appropriate school staff member to develop a plan to ensure the student gets to school on time every day. If the parent cannot be reached for a conversation, then a message will be left or a letter will be sent making the parent aware of the tardiness problem and

formally inviting them to discuss the matter with the school. If your child is more than one hour late or leaves school more than one hour early, it is considered a half day absence. Children who arrive after instruction begins or leave before instruction ends will be marked tardy or left early.

Middle School Penalty:

If your child is going to be late to school, you, as a parent/guardian, must do one of three things:

1. Call the Attendance Office and let them know when your child will be arriving.
2. Send your child to the Attendance Office with a note.
3. Bring your child to the Attendance Office for an excuse.

Excessive tardiness will fall under the truancy policy as determined by a principal.

All students must check in at the Attendance Office before going to class. Taking one of these three steps can prevent your child from being sent to the Responsibility Room for unexcused tardiness. Excessive tardiness for any reason will result in the student being placed on the truancy intervention list as outlined in the student handbook. **Chronic offenders will be subject to principal review.**

Tardy Definition: A student is considered tardy if not in the classroom when the bell rings. Individual teachers may require students to be in their seats when the bell rings.

Tardiness Policy (Cumulative Per Hour)

- First, Second and Third Tardy – Teachers and Attendance Clerk intervene with student to eliminate tardiness pattern. Parent may be contacted.
- Fourth Tardy – Referral to Responsibility Room, warning and parent phone contact.
- Fifth Tardy - Referral to Responsibility Room and lunch detention assigned.
- Sixth Tardy - Referral to Responsibility Room and two after school detentions will be assigned.
- Seventh Tardy - Referral to Responsibility Room, classes will be closed pending parent-conference with Principal.
- Eighth Tardy and all subsequent tardies - Referral to Responsibility Room and out of school suspension will be assigned.

High School Penalty:

- During each semester, **the first three tardies will be handled by the teacher in the affected class.** Teachers will indicate to students and parents in their course overview their policy on the first three tardies.
- Any student that reaches **four (4) tardies in a class will serve lunch detention for the 4th and each additional tardy.**

- In addition to serving lunch detention, students will serve the following:
 - Seven (7) tardies: Student will meet with a Behavior Interventionist to create an action plan for reducing tardies to class and parents will be contacted. Behavior Interventionist will work with the student to monitor tardies.
 - Ten (10) tardies: Behavior Interventionist will set up a parent conference.
 - Eleven (11) tardies: Further discipline may be issued including additional lunch detentions, in-school suspension, out-of-school suspension, and/or parent conferences.
- Failure to serve any assigned detentions within the assigned range of time will result in out-of-school suspension for the number of days not served.
- Parents may contact or meet with a school official to work on an improvement and disciplinary plan at any time in this process.

In cases of chronic tardiness, regardless of where the student is in the referral process, an administrator may intervene and impose disciplinary measures. When administrators periodically perform hallway sweeps, students found to be tardy from their assigned class may be subject to discipline regardless of where they are in the referral process.

- 26. POSSESSION OR USE OF LASER POINTERS OR OTHER LASER PROJECTION DEVICES** - The possession or use of laser pointers or other laser projection devices is prohibited on school property and at school functions.

Penalty:

- a. First Offense - Detention and parent/guardian contact. Device will be returned to parent/guardian only, and parent/guardian must pick up the device from the school.
- b. Second Offense - Three-day (3) out-of-school suspension and permanent confiscation.
- c. Third Offense - Five-day to ten-day (5-10) out-of-school suspension and permanent confiscation.

- 27. CLOSED CAMPUS VIOLATION** - Leaving the building and/or school grounds during the school day without prior permission from the attendance office to do so.

Penalty:

Detention, suspension and notification of parent/guardian.

- 28. GAMBLING** - A game of chance involving the exchange of money or property that is strictly prohibited on school property or during school events.

Penalty:

Detention/suspension/expulsion and/or report to police and/or notification to parent/guardian.

Discipline of Students with Disabilities

State and federal law contain procedural requirements that govern the discipline of all students with and without disabilities. Students with disabilities have additional procedural protections under both the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) and the Rehabilitation Act of 1973. Suspension or expulsion of a student with disabilities will be determined by the administration/Board Sub-committee on Student Discipline in conjunction with a Manifestation Determination Review and an individualized educational planning team consistent with the requirements of the Individuals with Disabilities Education Improvement Act and the IDEIA regulations.

Sexual Harassment

Carman-Ainsworth Community Schools has policies prohibiting sexual harassment. Students are encouraged to bring any incidents of sexual harassment to the administration so that it can be appropriately investigated and addressed.

Re-Evaluation of Code

A committee shall be appointed to re-evaluate the code every four years. It is recommended that, along with parents, teachers, and administration, students from the high school and the middle school be included. *Last revised July 2015.*

English as a Second Language (ESL) or English Language Learners (ELL)

ESL/ELL families may request handbooks in their language by calling Student Support Services at 810-591-6251.

Grievance Procedures

GRIEVANCE PROCEDURES FOR TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, TITLE IX OF THE EDUCATION AMENDMENT ACT OF 1972, TITLE II OF THE AMERICANS WITH DISABILITY ACT OF 1990, SECTION 504 OF THE REHABILITATION ACT OF 1973, AND AGE DISCRIMINATION ACT OF 1975.

Section I

Any person believing that the Carman-Ainsworth Community School District or any part of the school organization has inadequately applied the principles and/or regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, (4) the Age Discrimination Act of 1975, and (5) Title II of the Americans with Disability Act of 1990 may bring forward a complaint. Such complaint shall be herein after referred to as a grievance. Any person with a grievance shall bring it to the attention of the local Section 504 Coordinator if it involves a grievance concerning section 504 of the 1973 Rehabilitation Act or to the Civil Rights Coordinator if it involves any other type of grievance. The coordinators for both types of grievances are:

Section 504 & Civil Rights Coordinators:

Russ Parks
Assistant Superintendent
Carman-Ainsworth Community Schools
G-3475 W. Court Street
Flint, MI 48532
Tel. 810-591-3206
rparks@carmanainsworth.org

Bob Hetherton
Director of Student Support Services
Carman-Ainsworth Community Schools
1300 N. Linden Road
Flint, MI 48532
Tel. 810-591-6251
bhethert@carmanainsworth.org

Section II

- A. For a grievance to be valid it must be initiated at Step 1 within the time limits set forth in the statute or within 30 calendar days whichever is later.
- B. The complainant may be represented by an advocate at any level of this procedure. The complainant shall select the advocate and pay all expenses of the advocate.
- C. The term “business day” shall mean the days students are in session during the school year from September through June. “Business days” after the school year (June through August) shall mean Monday through Friday excluding holidays.
- D. Any grievance not appealed from a decision at any level of this procedure within the timelines shall be considered settled. No further appeal shall be made unless by mutual agreement where extenuating circumstances merit such consideration. A grievance may be withdrawn at any level.
- E. Time limits may be extended by mutual agreement in writing.

Section III

Step 1

The person who believes a valid basis for grievance exists shall informally discuss the grievance with a coordinator listed above, who shall in turn investigate the complaint and reply with an answer to the complainant within ten (10) business days. If the answer is not satisfactory the complainant shall initiate the formal procedure.

Step 2

A written statement of the grievance signed by the complainant shall be submitted to the appropriate coordinator within five (5) business days of receipt of an answer to the informal complaint. The written grievance shall list the facts that give rise to the grievance including the names of the people involved, the date(s) of violation, the law allegedly violated, and how the law was violated. The grievance shall be on the form included with this procedure. The coordinator shall further investigate the matters of grievance and reply in writing to the complainant within ten (10) days or if there has not been a response at Step 1 within fifteen (15) business days of the oral initiation of the grievance at Step 1.

Step 3

A complainant wishing to appeal the decision of a coordinator shall submit a signed statement of appeal to the superintendent of schools within five (5) business days after receipt of the coordinator's response. The superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within fifteen (15) business days.

Step 4

The parties may mutually agree to mediation at any point in this procedure. The results of mediation are non-binding.

Step 5

If at this point the grievance has not been satisfactorily settled, further appeal may be made to the Office for Civil Rights, Department of Education, Washington, D.C. 20202.

Inquiries concerning the nondiscriminatory policy may be directed to Director, Office for Civil Rights, Department of Education, Washington, D.C. 20202.

The local coordinator, on request, will provide a copy of the district's grievance procedure and investigate all complaints in accordance with this procedure.

A copy of each of the Acts and the regulations on which this notice is based may be found in the appropriate coordinator's office. A grievance form is found on the following page.

GRIEVANCE FORM

Title VI Title IX Section 504 Age Discrimination Act Title II

Name _____ Date _____

Address _____
(Street)

(City) (Zip)

Phone _____
(Home) (School or work location)

Status of person filing complaint _____ Student _____ Employee
 _____ Parent/Guardian _____ Other

Statement of Complaint (include type of discrimination charged and the specific incident(s) in which it occurred, include date(s) and name(s))

Signature of complainant _____

Date complaint filed _____

Signature of person receiving complaint _____

Date received _____ Grievance No. _____

Complaint authority (statute) _____

Submit all copies to the appropriate coordinator. The person receiving the complaint will sign receipt, date and number the complaint. One copy will be returned to the complainant, one copy will be sent to the school or department affected by the complaint, and one copy will be retained by the coordinator.

Distribution: 1st copy – Coordinator
 2nd copy – School / Department
 3rd copy – Complainant