

## **DISCIPLINE, CODE OF STUDENT CONDUCT AND DISCIPLINE**

The Board believes that the primary objective of student conduct and control is to produce a school environment which offers the most favorable setting for teaching-learning activities. To produce such an environment, the school and its personnel shall continually study and develop a code of student conduct and the process and means by which it is to be implemented.

The Board believes that requiring student behavior which is consistent with the code of student conduct is essential for maintaining an appropriate educational environment. The Board, therefore, views violations of that code as serious threats to the educational environment. Thus, any student who is found to be in violation of the code of student conduct may be subject to discipline, including suspension or expulsion.

The Board further believes that the code of student conduct and control must consider the welfare and development of (1) the individual, and (2) the student body collectively, and that it should include the entire program of adapting the child to life in his/her society and involve two (2) major emphases:

1. To guide the pupil so that he/she benefits from the immediate efforts of teachers and does not threaten the classroom or the instruction which is taking place.
2. To guide the pupil so that he/she may become a responsible, productive and self-disciplined citizen in preparation for assuming adult responsibilities.

### **CODE OF STUDENT CONDUCT**

The following are categories of misconduct which would adversely affect the school environment and the teaching-learning activities. This list is general in nature and not intended to be all-inclusive.

#### **I. Disruption of School**

A student shall not (by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct) intentionally cause a disruption or obstruction of any function of the school, whether on school ground or at off-campus school-sponsored activities or events.

Neither shall he/she engage in such conduct or urge others to engage in such conduct if a disruption or obstruction of the educational process or activity is reasonably certain to result.

#### **II. Damage or Destruction of School Property**

A student shall not intentionally cause or attempt to cause damage to school property or steal or attempt to steal school property.

III. Damage or Destruction of Private Property

A student shall not intentionally cause or attempt to cause damage to private property or steal or attempt to steal private property on the school grounds or during a school activity, function or event off school grounds.

IV. Assault on a School Employee

A student shall not intentionally cause or attempt to cause physical injury or willfully behave in such a way as could reasonably cause physical injury or pose a threat of physical injury to a school employee.

V. Physical Abuse of a Student or Other Person not Employed by the School

A student shall not intentionally do or attempt to do serious bodily injury to any person:

A. On school grounds or school property;

B. Off school grounds or school property at a school-sponsored activity, function or event or at other locations when the act is school-related. Also please note that offenses committed off school property during non-school hours which have sufficient connection or association with the school may result in disciplinary sanctions.

\* This policy may also be applied to individuals who participate in the planning of an assault or who assist or participate in a physical assault. Examples may include, but are not limited to, solicitation, serving as a lookout or other conduct that facilitates or encourages an assault. The Board of Education shall have the discretion in these situations to impose discipline up to and including suspension or expulsion from Fitzgerald Public Schools.

VI. Possession of Dangerous Weapons, Arson, or Criminal Sexual Conduct

A student who possesses a dangerous weapon in a school building or on school grounds, or who commits arson or criminal sexual conduct in a school building or on school grounds, shall be expelled according to State and/or Federal law and Board discipline policy.

VII. Possession of Other Weapons

A student who possesses a weapon (other than a "dangerous weapon" as defined in Part III A of the student discipline policy) in a school building, on school grounds, or other school property, at a school-sponsored event, activity, or enroute to and from such activity while traveling in a school vehicle, car-pool or other transportation arrangement, shall be subject to discipline from suspension up to and including expulsion, depending on the severity of the weapons violation.

For purposes of this part "weapon" shall be defined to include any object or instrument the principal use of which may be to inflict injury or physical harm upon

the person of another, or the use of which may result in pain or suffering. A weapon shall also include an object or instrument which is not in and of itself a weapon as defined above, but where the possession or use of same is coupled with an intent by a student to inflict injury or harm upon another person. The term "weapon" shall also include a facsimile of items that may be classified as weapons.

VIII. Narcotics and Drugs and Alcoholic Beverages

A student shall not knowingly use, be under the influence of, possess, distribute, persuade or attempt to persuade others to possess or use any narcotics or drugs, including marijuana or alcoholic beverages or intoxicant of any kind or look alike substances of any kind, or any paraphernalia associated with the use of drugs or alcohol:

- A. On the school grounds or school property;
- B. Off school grounds or school property at a school-sponsored activity, function or event or at other locations when the act is school-related. Also please note that offenses committed off school property during non-school hours which have sufficient connection or association with the school may result in disciplinary sanctions.

IX. Use of Tobacco

Students are not permitted to use or possess tobacco, tobacco products or tobacco related paraphernalia at any time in any school building or anywhere on campus or at school-sponsored activities whether on or off-campus. This applies to all parts of the building and the entire school campus.

X. Profanity

Offensive, obscene, degrading language or gestures are not permitted.

XI. Electronic Device Policy

It is the policy of the Fitzgerald Public Schools to maintain the best possible learning environment, for all students, which is free from preventable external distractions and disruptions including any and all distractions and/or disruptions from electronic devices such as, but not limited to, cellular phones, pagers, etc.

Procedure

1. Students will not use their personal electronic device(s) at any time during school hours. Students will not be permitted to use their electronic device during passing time between classes, at lunch time, or during any other time while out of their classroom.
2. All electronic devices, carried by students, must be turned off during school hours. Placing the device on silent alert, vibrate, or other setting is not acceptable.

3. Any electronic device, carried by a student, that creates a distraction or disturbance at any time during school hours will be immediately confiscated and returned to only a parent or guardian. Repeated offenses may result in further disciplinary measures.
4. Fitzgerald Public Schools will not be responsible for theft, loss or damage to any electronic device(s) carried onto any school property.

#### XII. Repeated School Violations

A student shall not repeatedly fail to comply with directions of teachers, student teachers, substitute teachers, teacher paraprofessionals, bus drivers, principals, or other authorized school personnel during any period of time when he/she is properly under the authority of school personnel.

#### XIII. Attendance

A student shall not:

- A. be in violation of compulsory attendance laws;
- B. be persistently tardy;
- C. fail to attend school regularly;
- D. be truant (skip) from school.

### **DISCIPLINE**

The school system has a responsibility to assist each pupil to assume more responsibility on his/her own as he/she matures and gains experience. For this reason:

- I. Discipline and control of students will be treated as an individual matter for each pupil. Each case shall be dealt with according to age, maturity, experience, ability, interest, and values.

Disciplinary methods used include but are not limited to the following:

- A. Parent/teacher conferences
- B. Counseling with the student
- C. Reprimands
- D. In-school suspensions
- E. Out of school suspensions
- F. Referrals to other agencies or law enforcement
- G. Other discipline as mandated by state and/or federal law.

- II. The best discipline is preventative in nature and shall be an integral part of the counseling process.

- III. The Board believes that each pupil and his/her parent or guardians have the right to know what is expected of them in the way of student conduct and behavior. To that end, the entire policy and code shall be published annually.

The consequences for severe and/or chronic misbehavior have been set up to emphasize the seriousness of such behavior. The administration has to determine what behaviors constitute "severe or chronic" misbehavior. Some consequences which may occur for misbehavior include but are not limited to the following:

- A. Parent conference to plan what can be done to improve behavior and avoid more severe disciplinary action;
- B. Development of behavioral action plan;
- C. Loss of privileges;
- D. In-school suspension;
- E. One to ten days out-of-school suspension;
- F. Long term suspension;
- G. Referral to superintendent for expulsion.
- H. Referral to agencies and/or law enforcement

## **Procedure**

### I. Suspension

#### A. Definition

Suspension is a temporary exclusion from school for up to and including ten (10) days. The building principal and/or his/her designee has the authority to suspend for a period of time up to and including five (5) days. Only the building principal has the authority to suspend students for more than five (5) days. All suspensions of more than five (5) days' length must be reported to the superintendent of schools.

Suspension for Eleven (11) or more school days and Expulsion

#### i. Hearing for Long-Term Suspension or Expulsion

A long term suspension is defined as a suspension from school and all extracurricular activities of more than ten school days, but less than 180 school days for students in grade six or above or less than 90 school days for students in grade five or below. An expulsion is defined as exclusion from school and all extracurricular activities for 180 school days or more for students in grade six or above, or for 90 school days or more for students in grade five or below.

If a student is charged with a violation of the Student Code of Conduct carrying a consequence of long term suspension or expulsion, the student

and his parent/guardian shall be notified of such in writing by registered mail, as well as the student's rights of due process as set forth herein.

The written notice of violation shall state the nature of the violation, the proposed consequence, and the student's and parent/guardian's right to the conduct of a due process hearing at a specified time and place before the designee of the Board of Education to determine (i) whether a violation occurred and (ii) whether the consequence of such violation merits the imposition of a long-term suspension or expulsion.

The notice shall also set forth the right of the student and his parent/guardian and an advocate of their choice and at their expense to participate in the hearing, the right of the student to review and observe the evidence offered against him or her during the hearing, the right of the student to present written evidence or testimony on the student's behalf, and the right to a written record of the result of the hearing as well as the student's right to appeal the decision, if the result is an expulsion or a long term suspension of longer than 25 school days. Minutes shall be kept of the hearing.

The Board of Education designates a Disciplinary Committee to authorize or order the suspension or expulsion from school of a pupil who has violated the Student Code of Conduct. The Disciplinary Committee shall be comprised of at least two district administrators. The Disciplinary Committee shall conduct a due process hearing to determine (i) whether the violation occurred and (ii) whether the consequence of such violation merits the imposition of a long-term suspension or expulsion. The student and parent/guardian will be afforded all due process rights enumerated above. Within a reasonable time following the hearing, the Superintendent shall issue to the student and parent/guardian the decision of the Disciplinary Committee in writing, along with a written statement of the student's right to appeal the result in accordance with this policy.

All determinations of the Discipline Committee with regard to long term suspensions of 25 school days or less are final with regard to due process at the District.

ii. Appeal of Long Term Suspension of Longer than 25 School Days or Expulsion

A student aggrieved by the decision of the designee of the Board of Education who is expelled or suspended for a period longer than 25 school days may request to appeal such a decision to the Board of Education. The appeal must be requested in writing within five days of receipt of the imposition of the discipline, must contain the reasons that the decision should be reviewed or reconsidered, must be signed by the student or his

parent/guardian, and must be delivered to the Board of Education by way of the Superintendent's Office.

The request for appeal shall be presented at the next regular meeting of the Board of Education following receipt of the notice of appeal, at which time the Board of Education shall review the written request for appeal. The appeal may be considered in open or closed session, at the student or parent/guardian's request and shall be conducted in accordance with the rights of confidentiality adhering to Education Records as that term is defined in 20 USC 1232g. In reviewing the written request for appeal, the Board of Education may, during the review, ask the administration to respond to the written request for appeal orally and may request information of the student or his/her parent/guardian. The Board of Education shall notify the student and his parent/guardian of the result in writing within five business days of the board meeting at which the appeal was heard.

All determinations of the Board of Education on appeal are final with regard to due process at the District.

C. Student's Status

During periods of suspension, it will be the student's responsibility to make up the work in order that he/she may be in step with the class. Absence for reason of suspension will be considered unexcused, and grades for the days missed will be adjusted as the situation warrants.

D. Disciplinary Infractions

The following lists types of misconduct for which suspension may be imposed. The list is not intended to be all-inclusive. It is important to note that all rules and regulations apply to all students while on the campus and grounds of their school, any other Fitzgerald Public Schools' property or at school district activities sponsored by or participated in by students and/or staff members.

1. Defiance of authority – deliberate defiance of the constituted authority of the school.
2. Dissemination of unauthorized material – the act of distributing unauthorized materials on school property.
3. Inappropriate dress and appearance – any clothing and/or accessories that disrupt or present a potential health and/or safety problem or interfere with the educational process.
4. Forgery – the act of fraudulently using, in writing, the name of another person, or otherwise falsifying school records.

5. Gambling – the act of gambling or playing games of chance for money or valuables.
  6. Gross disrespect – to insult, call derogatory names, dishonor or in any other manner abuse verbally any member of school staff or another student.
  7. Indelicate display of affection – (indelicate implies a lack of modesty or tact.)
  8. Leaving the school premises without authorization during the student's scheduled class hours and/or lunch period.
  9. Loitering – the act of loitering on foot, in a motor vehicle or in any other manner in or about any school building or school-related activity.
  10. Obscenity, profanity, pornography – the act of using obscene or profane language, gestures or pictures on school property or the possession of pornographic materials. (Additionally, see Fitzgerald High School's acceptable use policy.)
  11. Use of tobacco or tobacco products – violation of State and/or school policy regarding the use and/or possession of tobacco, tobacco products or paraphernalia used in the consumption of tobacco products on school property or at any school-sponsored or school-related event.
- II. Expulsion for offenses other than possession of dangerous weapons, arson, or criminal sexual conduct.
- A. Definition  
Expulsion for gross misdemeanor and persistent disobedience is exclusion from school for up to the remainder of a semester and/or school year or such other period of time in excess of ten days which is judged necessary considering the nature of the offense. The Board of Education only has the authority to impose expulsion as a penalty in these circumstances.
- B. Procedures
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 statement of the time and place for the hearing by the Board of Education.
  2. The student's parent or guardian may be present at the hearing and has the right to an open or closed hearing.
  3. The student, parent or guardian may be represented by legal counsel at his or her own expense.



4. The student will be given an opportunity to present his or her version of the facts and to call witnesses and/or present evidence on his or her behalf.
5. The student will be permitted to review and observe the evidence offered against him or her during the hearing.
6. The hearing shall be conducted by the Board of Education who shall make its determination solely upon the evidence presented at the hearing. The Board of Education has the right to utilize a hearing officer to preside over the hearing process and make evidentiary rulings.
7. Minutes shall be kept of the hearing.
8. The Board of Education shall state within a reasonable time after the hearing as to whether or not the student charged is guilty of the conduct charged and its decision as to expulsion.
9. The findings of the hearing authority shall be reduced to writing and sent to the student and his/her parent or guardian.

C. Disciplinary Infractions

The following lists types of misconduct for which expulsion may be imposed. The list is not intended to be all-inclusive. It is important to note that all rules and regulations apply to all students while on the campus and grounds of their school, any other Fitzgerald Public Schools' property or at school district activities sponsored by or participated in by students and/or staff members.

1. Selling, using, possessing, or being under the influence of pep pills, inhalants (glue, solvents, etc.) or other chemical agents, whether or not a prescription substance, used for causing a condition of intoxication, euphoria, exhilaration, or dulling of the senses or nervous system.
2. Selling, using or possessing a product falsely represented as or believed to be a controlled substance.
3. Assault – intimidation of students or staff; the act of verbally, physically, sexually, or otherwise threatening the well-being, health or safety of persons on school property. \* This policy may also be applied to individuals who participate in the planning of an assault or who assist or participate in a physical assault. Examples may include, but are not limited to, solicitation, serving as a lookout or other conduct that facilitates or encourages an assault. The Board of Education shall have the discretion in these situations to impose discipline up to and including suspension or expulsion from Fitzgerald Public Schools.

4. Battery – physical violence to persons.
5. Fighting – engaging in hostile physical contact with intent to harm.
6. Extortion, Blackmail or Coercion – obtaining money or property by violence or threat of violence, or forcing someone to do something against his/her will by threat of force.
7. False Alarms – the act of initiating, attempting to initiate a fire alarm, or encouraging someone else to, or initiating, attempting to initiate, or encouraging someone else to report warning of a fire or an impending bomb or other catastrophe without just cause.
8. Indecency – Indecency shall be viewed as actions that offend commonly recognized standards of good taste including vulgar acts, gestures, sexual contact between or among students involved and otherwise not chargeable as criminal sexual conduct under Section III (A) (Expulsion for Possession of Dangerous Weapon, Arson, or Criminal Sexual Conduct), and inappropriate displays of affection. Such acts may result in discipline up to and including permanent expulsion, depending on the severity of the infraction. Parents/Guardians will be notified of the offense by telephone or certified mail. An investigation may also ensue whose result may be referral to law enforcement authorities and/or the Family Independence Agency depending on the nature of the infraction and/or the outcome of the investigation.
9. Rioting, Unauthorized Demonstrations or Assemblies – Inciting Others to Violence or Disobedience – to take a role of leadership or to overtly encourage activities which disrupt the normal educational process of the school.
10. Selling, distributing, using, or possessing alcoholic beverages, controlled substances, drugs, or drug paraphernalia.
11. Theft, Burglary, Robbery – the act of dishonestly acquiring the property of others.
12. Computer Misuse - the unauthorized/illegal use of computer software/hardware including violation of acceptable use agreement.
13. Truancy – excessive unauthorized absence from school or classes.
14. Violation of the district's sexual harassment policy (as published and available from the district's non-discrimination coordinator).

15. Vandalism – willful destruction of property belonging to others.
16. Unreasonable accumulation of infractions of school rules – repeated violations of rules, no one of which by itself is serious enough to warrant expulsion.

### III. Expulsion for possession of dangerous weapon, arson or criminal sexual conduct.

#### A. Definition

If a student possesses a dangerous weapon in a school building or on school grounds, or commits an arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds, the school board shall expel the student from the school district permanently (subject to potential reinstatement as described below), unless the student can establish at least one of the following in a clear and convincing manner to the school board or its designee per the procedures outlined in section II B of this policy.

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

For purposes of this part, the term “dangerous weapon” and “weapon” shall mean a firearm or any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; any destructive device or any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces; missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device; a dagger, dirk, stiletto, knife with a blade over three (3) inches in length, or pocket knife opened by a mechanical device; an iron bar or brass knuckles; or, any other weapon set forth in 18 USC § 921.

#### Arson

For the purposes of this policy, the term “arson” shall mean that term as defined at MCL § 750.71 through § 750.80, and means the burning of dwellings, real property, personal property, woods or grounds. The term “burning” means not only setting fire to any of the above, but also includes the

doing of any act which results in the starting of a fire or aiding, counseling, inducing, persuading, or procuring another to do such acts.

#### Criminal Sexual Conduct

For purposes of this policy, the term "criminal sexual conduct" shall mean that term as defined in MCL §§ 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

#### B. Procedures

1. If a student is expelled pursuant to this policy, that fact shall be entered on the student's permanent education record. Within three (3) days of the expulsion of a student under this policy, the school board or its designee shall refer the student's name to the local police and county department of social services or the county community mental health agency. The school board or its designee shall notify the student's parent or guardian of the referral, or notify the student of the referral if the student is at least age eighteen (18) or is an emancipated minor.

2. If a student is expelled pursuant to this policy, the parents or legal guardian of the student, or the student if at least eighteen (18) years of age or if an emancipated minor, may petition the school board for reinstatement to public education in the school district, but only in accordance with the terms of this subsection. (These reinstatement terms shall also apply to students expelled from another school district for possession of a dangerous weapon, arson, or criminal sexual conduct, and who may be seeking to be reinstated to public education in the Fitzgerald Public Schools.)

a. For a student who was enrolled in grade 5 or below at the time of expulsion, and who has been expelled for committing arson or criminal

sexual conduct in a school building or on school grounds, a petition for reinstatement may be initiated immediately upon expulsion. Such a student shall not be reinstated before the expiration of ten (10) school days from the date of expulsion.

b. For a student who was enrolled in grade 5 or below at the time of expulsion, and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, a petition for reinstatement may be initiated at any time after sixty (60) school days from the date of expulsion. Such a student shall not be reinstated before the expiration of ninety (90) school days from the date of expulsion.

- c. For a student who was enrolled in grade 6 or above at the time of expulsion, a petition for reinstatement may be initiated at any time after one hundred fifty (150) school days from the date of expulsion. Such a student shall not be reinstated before the expiration of one hundred eighty (180) school days from the date of expulsion.
- d. The school district shall make the State approved form for reinstatement available to the parent or guardian of a student expelled under this policy, or to a student if at least eighteen (18) years of age or an emancipated minor. The school board or its designee is not required to assist in the preparation of any petition for reinstatement.
- e. Not later than ten (10) school days after the receipt of a petition for reinstatement under this subsection, the school board or its designee shall appoint a committee to review the petition and any supporting documentation. The committee shall be comprised of two (2) school board members, one administrator, one teacher, and one parent of a student enrolled in the district. The superintendent or his/her designee may submit a recommendation to the committee for or against reinstatement, along with supporting documentation.
- f. Not later than ten (10) days following the appointment of the reinstatement committee, the committee shall review the petition for reinstatement, any supporting documentation, and any recommendation submitted by the superintendent or his/her designee on the issue of reinstatement, and shall submit a recommendation to the school board regarding reinstatement.

The recommendation shall either be for unconditional reinstatement, or conditional reinstatement, or against reinstatement. The recommendation shall be based upon consideration of all of the following factors:

- (i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.
- (ii) The extent to which reinstatement of the individual would create a risk of school district or individual liability for the school board or school district personnel.
- (iii) The age and maturity of the individual.
- (iv) The individual's behavior since expulsion.
- (v) The individual's attitude concerning the incident that caused the expulsion.

- (vi) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.
- g. Not later than the next regularly scheduled Board of Education meeting following the receipt of the recommendation of a reinstatement committee, the school board shall render a decision either to reinstate an individual unconditionally, or reinstate an individual conditionally, or deny an individual reinstatement. The decision of the school board is final, and not subject to reconsideration or appeal to the school board.
- h. If the school board renders a decision to reinstate an individual conditionally, the school board may require an individual, or the parent or legal guardian if the petition was filed by the parent or legal guardian, to agree in writing to specific conditions in the school district. (Such proposed conditions may also be included in support of a petition for reinstatement.) The conditions may include, but are not limited to, any of the following:
  - (i) Agreement to a behavior contract, which may involve the student, a parent or legal guardian, or an outside agency;
  - (ii) Participation in or completion of an anger management program or other appropriate counseling;
  - (iii) Periodic progress reviews; and
  - (iv) Specific, immediate consequences for failure to conform to condition(s), including, but not limited to, immediate re-expulsion.

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.

#### IV. Possession of Other Weapons

A student who possesses a weapon, other than a “dangerous weapon” as defined in part III A, in a school building, on school grounds, or on other school property, shall be subject to discipline from suspension up to and including expulsion, depending on the severity of the weapons violation.

For purposes of this part “weapon” shall be defined to include any object or instrument the principal use of which is to inflict injury or physical harm upon the person of another, or the use of which may result in pain or suffering. A weapon shall also include an object or instrument which is not in and of itself a weapon as defined above, but where the possession or use of same is coupled with an intent by a student to inflict injury or harm upon another person. The term “weapon” shall also include a facsimile of items that are weapons.

Pursuant to the State Board of Education directive, the Fitzgerald Board of Education, on April 22, 1971, adopted a policy on Conduct and Discipline of Students and a Code of Student Conduct.