

Rights & Responsibilities

For Students, Teachers, Staff, Parents, Guardians **2010-11**



Exceptional⁺

ANN ARBOR PUBLIC SCHOOLS www.a2schools.org

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

2010-2011 Edition

Dear Students, Parents and the Ann Arbor Public School Community,

The Ann Arbor Public School staff appreciates the trust you place in us every day as you and your children enter our schools. We take pride in our continuous effort to maintain a safe and productive learning environment for everyone. We also count on you, the students, parents, and members of the community, to join us in shouldering that responsibility.

The information in the following pages explains the code of acceptable student behaviors and subsequent discipline policies and procedures that will be used to ensure fair and equitable treatment for all members of our student population. The policies and procedures emphasize collaborative problem solving and offer opportunities for students and adults to develop lasting skills to manage anger and conflict.

We are pro-active in our approach and, as always, remain student-focused. We comply with federal and state laws and work with our educational community, families, and law enforcement agencies to provide for the safety and welfare of students.

We ask for your support in this area of utmost concern.

Dr. Todd Roberts, Superintendent

Note: This information is a compilation of Board of Education policies. These policies and additional information may be viewed on our website: www.a2schools.org

STATEMENT OF NON-DISCRIMINATION

No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any educational program or activity available in any school on the basis of race, color, sex, religion, creed, political belief, age, national origin, linguistic and language differences, sexual orientation, socioeconomic status, height, weight, marital or familial status, or disability.

Discipline Philosophy

The Ann Arbor Board of Education is committed to ensuring a school climate that nurtures learning and assures the safety and welfare of all students and staff. The district depends on the collaborative efforts of parents and the community to achieve this goal.

School district staff members promote growth in skills, attitudes, and habits so that students can develop a strong sense of individual worth and achievement. Students are expected to assume responsibility for their own actions and to work together with dignity and respect.

Students enjoy numerous privileges and are expected to cooperate in maintaining a climate where learning is cherished. Strong school and family partnership is essential to prevent and resolve discipline problems. This partnership maintains productive learning environment that will result in increased student participation and school success.

Students and parents must recognize that the unacceptable behaviors specified in this Rights & Responsibilities section will be subject to disciplinary action. When it is necessary to take corrective measures, the actions should be appropriate to the nature of the offense consistent with applicable law, constructive and limited to that which is reasonably necessary to promote the district's educational objectives.

District Philosophy on Student Freedom of Expression

Student speech is protected by the First Amendment of the United States Constitution. Thus, students have the right to express themselves openly on school premises about matters of social, political, and religious importance. However, students may not express themselves in a way that causes a disruption of, or interference with, the orderly conduct of school activities or is inconsistent with the school's basic educational mission. Teachers and administrators may also edit the style and content of student speech at school assemblies, in the school newspapers, school theatrical productions, and in other school-sponsored activities, where teachers and administrators have legitimate educational concerns.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

What Parents Can Do

Cooperation between the school and parents is essential for the academic progress of students; therefore, parents are encouraged to become acquainted with the school staff by participating in such school related activities as parent-teacher conferences, parent-principal meetings, parent organization functions, open houses, and extra-curricular activities. By establishing close contact, parents, administrators and teachers can work together to prevent most discipline problems and promote student success.

Concerns about a discipline problem and its resolution should first be expressed or questioned at the point where the problem occurred.

A discipline problem involving a student in a particular class should be brought to the attention of the teacher of that class. If this step does not bring satisfaction, consult the student's counselor, advisor, or principal. Generally, resolutions to problems occur in the school. However, if still dissatisfied, call the Administrator for Secondary Education, 994-2315 for grades 6-12; or the Administrator for Elementary Education, 994-2252, for grades preschool-5.

The health and safety of our children is of utmost importance as well as a shared responsibility. We ask that parents discuss possible scenarios with their child(ren) about what to do if s/he finds something dangerous or suspicious such as matches, a knife, etc., or witnesses another student with such items. Please direct your child to report such findings or activities to an adult immediately. School administrators may develop supplementary rules, regulations and procedures that are appropriate to the needs of the building. However, such additions may neither substitute for nor negate the policies and procedures in this booklet.

Family Educational Rights and Privacy Act

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that the Ann Arbor Public Schools, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the Ann Arbor Public Schools may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the Ann Arbor Public Schools to include this type of information from your child's education records in certain school publications.

Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local education agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.*

If you do not want the Ann Arbor Public Schools to disclose information from your child's education record without your prior written consent, you must notify the District, in writing, by September 30,

of each school year. Each school provides a "Permission to Publish" form that allows parents/guardians to opt in or opt out of directory publications. The Ann Arbor Public Schools has designated the following information as directory information: Student's name, address, telephone listing, electronic mail address, photographer, date and place of birth, major field of study, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational agency or institution attended.

*These laws are: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the *No Child Left Behind Act of 2001* (P.L. 107-110), the education bill, and 10 U.S.C. 503, as amended by section 544, the *National Defense Authorization Act for Fiscal Year 2002* (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

FERPA Grade Change Process

If a student/parent/guardian believes that a grade was entered in error, they should first address the issue with the teacher who issued the grade.

If a satisfactory resolution is not achieved, they should then bring the issue to the attention of the building principal and define the reason they believe that the grade is incorrect.

If this fails to bring a satisfactory resolution, the matter may be referred to a district level grade appeal committee.

A written request must be directed to the Administrator for Elementary Education, 994-2252, for grades pre-K through 5; or to the Administrator for Secondary Education, 994-2315, for grades 6 through 12, to initiate the district level grade appeal process.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Rights

Students have a right to:

- Learn and study in a positive atmosphere for learning – one that is unbiased, nonjudgmental, and free from prejudice, discrimination, verbal or physical threats and abuse.
- Expect that school rules will be enforced in a consistent, fair and reasonable manner.
- Discuss and receive assistance with educational concerns from the school staff.
- Receive a copy of the Rights and Responsibilities booklet.
- Receive fair discipline without discrimination.
- Have access to their own student records.
- Use computers and other equipment for learning.

Parents and guardians have a right to:

- Receive official reports of the student's academic progress and attendance.
- Request and be granted conferences with teachers, counselors and/or the principal.
- Receive explanations from teachers about the student's grades and disciplinary procedures.
- Read all school records pertaining to their student.

School Personnel have a right to:

- Work in a positive atmosphere for learning and teaching.
- Receive support when enforcing student discipline as outlined by School Board policies and agreements between the bargaining units and Ann Arbor Public Schools.
- Teach and work in an atmosphere free from verbal or physical threats and abuse.
- Expect compliance with rules by staff and students.
- Be present, when appropriate, at conferences and hearings concerning classroom and school disruption.
- Receive additional rights as identified and described in the Ann Arbor Public School District's Policies, bargaining unit agreements and Michigan State Statutes.

Responsibilities

Students have a responsibility to:

- Attend school regularly, arrive on time, bring appropriate materials and be prepared to participate in class and complete assignments.
- Strive for academic growth.
- Respect the rights, feelings, and property of fellow students, parents, school staff, visitors, guests, and school neighbors.
- Conduct themselves properly on school grounds, school buses, at bus stops, at any school-related activity, and in the classroom, so as not to interfere with the rights of another student to learn.
- Make up work resulting from an excused absence or suspension.
- Follow discipline guidelines adopted by the school and district.
- Read and ask questions to understand the information in this booklet.
- Use computers in an appropriate manner as defined in the district's Computing Environment User Agreement that is signed by each student.

Parents/Guardians have a responsibility to:

- Be partners with school staff by sharing appropriate ideas for improving student learning and by helping to prevent and/or resolve student discipline problems.
- Provide supervision for the student's health, physical and emotional well being, and assume responsibility for the student's timely regular attendance.
- Promptly provide the school with explanations for student absences or tardiness.
- Review and discuss with the student the Statewide Safe Schools Legislation.
- Encourage student compliance with school and district rules.

School personnel have a responsibility to:

- Develop, communicate and implement written classroom expectations for students' behavior and grades.
- Work with parents to prevent discipline problems.
- Inform parents/guardians of student progress, behavior and attendance.
- Refer students to other staff or programs as appropriate.
- Maintain accurate student records.
- Supervise students in the school building and grounds in accordance with rules of the master agreement, district policies and regulations, and school procedures.
- Protect and respect confidentiality of students, parents, and school staff.
- Protect students' health, safety, and welfare.
- Record disciplinary actions in accordance with state laws.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Code of Conduct and Consequences

This code of conduct applies to any student who is on school property, who is in attendance at school or at any school sponsored activity or whose conduct at any time or place has a direct and immediate effect on maintaining order and discipline in the schools or maintaining the safety and welfare of the students and staff. These consequences and sanctions are cumulative. Each different action level may include the consequences or sanctions of the prior level. An example of this would be if a student is caught fighting and repeats the offense additional times throughout the school year the action level consequences would build reflecting multiple occurrences. But the accumulation of offenses would only occur for that school year and not carry on into the next school year. The administration reserves the right to exercise discretion in determining the action level based upon the student's age, any previous violations and other factors to be considered.

I. Attendance and Punctuality	Action Level				
	1	2	3	4	5
A. Truancy+	•				
B. Loitering	•	•			
C. Trespassing/off limits+	•	•	•	•	
D. Attendance and punctuality	•				

II. Appropriate Learning Environment	Action Level				
	1	2	3	4	5
A. Insubordination/open defiance/willful disobedience	•	•			
B. Indecent/obscene language & gestures	•	•			
C. Academic dishonesty (cheating/plagiarism)	•	•			
D. Interference with school personnel+	•	•	•		
E. Inappropriate dress	•	•			
F. Disruptive Conduct	•	•			
G. Forgery+	•	•			
H. Inappropriate locker/other displays/images	•	•			
I. Gambling	•	•			

III. Controlled Substances/Alcoholic Beverages See page 15 for details of action levels	Action Level				
	1	2	3	4	5
A. Use and/or possession of tobacco products and/or smoking paraphernalia+	•	•			
B. Use and/or possession of alcohol and/or any illegal or unauthorized medicines, inhalants, drugs, drug paraphernalia or narcotics++	•	•	•	•	
C. Sale or distribution of alcohol and/or any illegal or unauthorized medicines, inhalants, drugs, drug paraphernalia or narcotics++			•	•	•

IV. Technology Action Level	Action Level				
	1	2	3	4	5
A. Inappropriate use of password(s)	•	•	•		
B. Unauthorized access to files	•	•	•	•	•
C. Inappropriate use of the Internet (Web) and e-mail	•	•	•	•	•
D. Inappropriate and/or illegal use of software	•	•	•		
E. Unauthorized and inappropriate use of district technology	•	•	•	•	•

V. Protection of Property	Action Level				
	1	2	3	4	5
A. Theft+					
Elementary	•	•	•		
Secondary	•	•	•	•	
B. Possession of stolen property+					
Elementary	•	•	•		
Secondary	•	•	•	•	
C. Vandalism/malicious destruction++	•	•	•	•	•
D. Deliberate misuse of property	•	•			
E. False fire alarm++	•	•	•		
F. Burglary++		•	•	•	

VI. Protection of Physical Safety and Mental Well-Being	Action Level				
	1	2	3	4	5
A. Verbal assault*	•	•	•	•	•
B. Possession of dangerous weapons++**					•
C. Possession of other weapons++		•	•	•	•
D. Possession or use of firecrackers or explosives		•	•	•	•
E. Threats with a weapon and/or dangerous instrument++	•	•	•	•	•

	Action Level				
	1	2	3	4	5
F. Use of a weapon++			•	•	•
G. Threat or use of a legitimate tool as a weapon++		•	•	•	•
H. Fighting+					
Elementary		•	•	•	
Secondary		•	•	•	
I. Physical assault++			•	•	•
J. Criminal sexual conduct++***					•
K. Consensual sexual misconduct++		•	•	•	•
L. Unwanted and/or unwelcome physical contact of a sexual nature+		•	•	•	•
M. Extortion++				•	•
N. Violation of Anti-Bullying Policy		•	•	•	•
O. Robbery++				•	•
P. Reckless vehicle use++		•	•	•	•
Q. Bomb threat or similar threat++****		•	•	•	•
R. Attempted arson/burning/arson++*****		•	•	•	•
S. Violation of harassment policy+		•	•	•	•

+ Principal may refer incident to school police liaison.

++ Principal must refer incident to local and state enforcement agencies.

All student disciplinary action must be reported on SASI.

Serious infractions or repeated offenses may result in an action level higher than indicated on the above chart. The district reserves the right to change a student's building and/or program assignment.

*In certain circumstances state law requires suspension or expulsion if a pupil enrolled in grade 6 or above commits a verbal assault, MCL 380.1311(2).

**A dangerous weapon shall include a firearm (including a starter gun), or any device 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 (4) 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 as set forth in 18 USC 921. Also, any electronic device that inflicts or causes pain or suffering is likewise considered a weapon. State law requires permanent expulsion for possession of a dangerous weapon.

Other weapon shall include any object or instrument including a replica, facsimile or look-alike of such object or instrument, the principal use of which is to inflict injury, physical pain or physical harm. The term "other weapon" shall additionally 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. Chemical or toxic substances, e.g., mace, pepper spray, etc., are included in this category.

***State law requires permanent expulsion for criminal sexual conduct subject to possible reinstatement, MCL 380.1311(2).

****If a pupil enrolled in grade 6 or above makes a bomb threat or similar threat directed at a school building, school property, or school-related event, suspension or expulsion is required by state law, MCL 380.1311a(2).

*****Arson that constitutes a felony violation of Chapter X of the Michigan Penal Code, MCL 750.71 to 750.80, will result in permanent expulsion subject to possible reinstatement in accordance with section 1311(2) of the Revised School Code, MCL 380.1311(2).

Note: Students expelled from the district for arson, criminal sexual conduct (rape), possession or the use of weapons, physical or verbal assault will be reported as required, by state law, to law enforcement, the prosecutor's office, WISD and the state.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Prohibited Conduct and Consequences

Previous Misconduct in Another Educational Institution

A student who seeks to enroll in the Ann Arbor Public Schools and who previously has been found to have engaged in misconduct in another educational institution as the term "misconduct" is defined in this handbook or by the other educational institution and which resulted in long-term suspension or expulsion, or who is alleged by school authorities to have engaged in such misconduct in another educational institution but withdrew from such educational institution prior to the misconduct being established, may be subject to suspension or expulsion from the Ann Arbor Public School District. Such a student shall be permitted to enroll but shall be held on suspension pending a hearing before the superintendent or his/her designee in accordance with Action Level 4 and/or 5 of the Rights and Responsibilities Handbook (Long-Term Suspension or Expulsion). A student who has been expelled from another educational institution for criminal sexual conduct, arson or possession of a dangerous weapon in a weapon-free school zone, as those terms are defined in Sections 1311 and 1313 of the School Code of 1976, as amended (MCL 380.3", 1313; MSA 15.41311,41313) or who is found by the Ann Arbor Board of Education to have committed such offense prior to enrollment in the Ann Arbor Schools shall not be admitted to school in the district except in accordance with Section 1311 (5) of the School Code of 1976, as amended (MCL 380.1311 (5); MSA 15.41311 (5)). "Educational Institution" shall have the same meaning as that set forth in MCL 37.140 I.

Disciplinary Action Levels

GENERAL REQUIREMENTS. One or more of the actions listed below are taken by the administration or other designated person. A meeting, letter, or telephone call with the parent or guardian and the student must take place in addition to the level of action. The communication must include discussion of the student's achievement, unacceptable conduct and a plan for dealing with a similar situation in the future. The student will be able to continue his/her schoolwork.

First level administrative action involves the student in a discussion of student achievement, his/her unacceptable behavior; and a mutually agreed upon plan for dealing with similar situations in the future.

NOTE: These consequences and sanctions are cumulative. Each action level may include the consequences or sanctions of the previous level. Definitions are available at the end of this document.

The disciplinary actions contained in this booklet apply to all students, including special education students. However, due to the unique needs of special education students and federal and state laws, the procedures determining the appropriate disciplinary action will vary somewhat from regular education when a special education student is involved. See the section on Special Education Suspension and Expulsion.

ACTION LEVEL I

CONFERENCES BETWEEN TEACHER AND STUDENT. A discussion about changes in behavior; use of a travel card, or conflict management skill building activities.

CONTRACT WITH STUDENT. A written statement developed collaboratively, listing steps to be taken by the student to improve behavior; the date for a review, and the consequences if the contract is not honored.

COMMUNICATION TO PARENT OR GUARDIAN. Notification to the parent/guardian of a meeting by telephone call or letter; that a behavior problem exists, the action taken, expectations for future behavior and necessary follow-up.

CONFERENCE WITH STAFF, PARENT/GUARDIAN AND STUDENT. A meeting or telephone conversation with staff, parent/guardian and student to discuss student achievement and unacceptable conduct, better ways of behavior and a plan for future behavior.

OFFICIAL WARNING TO STUDENT. A written notice to the student specifying the action to be taken if the same or similar misconduct is repeated within a stated period of time. A copy of the notice should be sent to the parent/guardian and one kept for the record.

REFERRAL TO OUTSIDE AGENCY. Action taken by the building administrator or in consultation with staff, parent/guardian and student when behavior signals a need.

SPECIAL ASSIGNMENT. Assignment to an activity or program that builds awareness, knowledge and skills to meet similar situations more positively.

REFERRAL TO STUDENT ACHIEVEMENT TEAM. The Student Achievement Team made up of building staff who interact with the identified student provides relevant information and makes recommendations to meet the student's needs. Actions may include counseling, classroom interventions, evaluation or assessment and/or participation in a school-based support group, etc.

TIME-OUT SYSTEM. A program that assigns a student to a different location in the classroom or building, coordinated by staff members, teachers or school administrators.

EXCLUSION FROM EXTRACURRICULAR ACTIVITIES. This action denies the student the opportunity to participate in extracurricular activities for a specified period of time.

CLASS EXCLUSION. A student who misbehaves is denied the right to attend particular classes for one day. An alternative educational setting and make-up privileges are provided for this period.

OTHER SCHOOL-AUTHORIZED ACTIONS. Other appropriate actions, such as community service, which comply with school district policies and administrative regulations, may be carried out in conjunction with the school's discipline management plan.

BEFORE OR AFTER-SCHOOL DETENTION. Students are required to be in school for up to one hour before or after the regular school day. Parents of students will be notified prior to the detention. Supervision is provided by school staff for all detained students.

ONE-SCHOOL-DAY SUSPENSION. In accordance with state law, a student may be denied the right to attend a class/school activity for one school day, one subject, or one activity period. Hours accumulate to equal one school day (6 hours). This suspension counts as one day of the ten days a special education student may serve before an IEP (Individualized Educational Planning) meeting is mandated, or will count as one of the ten days a classroom teacher can impose on anyone student during the school year.

ONE-TO-FIVE-DAY SUSPENSION. After an informal hearing, an administrator may impose an action to deny a student's right to attend classes and activities for one (1) to five (5) school days. Homework will be provided and make-up privileges will be the same as for an excused absence.

IN-SCHOOL SUSPENSION (up to 5 DAYS). After an informal hearing, a student may be barred from attending scheduled classes and be required to attend a special program for up to 5 consecutive school days.

COLLECTION OF UNAUTHORIZED MATERIALS. School administrators and teachers may collect materials that students are prohibited from possessing during the school day, for example, cell phones, iPods, cigarettes, radios and tape recorders, beepers, laser pointers and other electronic devices. Students should be informed how they may reclaim impounded items.

FINANCIAL/SERVICE SETTLEMENT. In cases where student behavior causes damage, destruction, or loss of property, the parent/guardian and student will be expected to pay the cost of repair or replacement. The terms of repayment or replacement will be determined by the school staff and/or the central office.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Disciplinary Action Levels (continued)

ACTION LEVEL 2

GENERAL REQUIREMENTS. One or more of the actions listed below are taken by the administration or other designated person. A meeting, letter, or telephone call with the parent or guardian and the student must take place in addition to the level of action. The communication must include discussion of the student's achievement, unacceptable conduct and a plan for dealing with a similar situation in the future. The student will be able to continue his/her schoolwork.

NOTE: These consequences and sanctions are cumulative. Each action level may include the consequences or sanctions of the previous level. Definitions are available at the end of this document.

ALCOHOL OR DRUG ASSESSMENT AND FOLLOW-UP RECOMMENDATIONS. See the section on controlled substances for disciplinary actions.

POLICE REFERRAL. For conduct that violates the rules and which may also be a violation of criminal law a referral may be made to the police, generally to a police liaison officer. An agreement for the provision of law enforcement services to the Ann Arbor Public Schools by the City of Ann Arbor contains provisions relating to parent notification and to interviews, interrogations, and arrests by the Ann Arbor Police Department.

FINANCIAL SERVICE STATEMENT. The same as in Action level 1.

IN-SCHOOL SUSPENSION. The same as in Action level 1

REMOVAL FROM SCHOOL:

EMERGENCY REMOVAL. A student may be removed from school prior to an informal hearing when the administrator determines that the student's continued presence is an immediate danger to persons or property or is disruptive to orderly school operation. An informal hearing must be held within three days after the student's removal.

POLICE REMOVAL. For conduct that violates the rules and which may also be a violation of criminal law a referral may be made to the police, generally to a police liaison officer. An agreement for the provision of law enforcement services to the Ann Arbor Public Schools by the City of Ann Arbor contains provisions relating to parent notification and to interviews, interrogations, and arrests by the Ann Arbor Police Department.

SIX-TO-TEN-DAY SUSPENSION. An action, taken after an informal hearing by the building administrator which denies a student the right to attend all classes and school activities for a minimum of six (6) to a maximum of ten (10) days. Homework will be provided during the exclusion from classes and make-up privileges will be the same as for an excused absence.

PROBATION. This is an action taken following reinstatement from suspension which may include a behavior contract and may require the student to forgo participation in specified activities. Examples include plays, athletics, school-sponsored organizations, assemblies, class meetings and other activities for a limited, defined period or time.

ACTION LEVEL 3

GENERAL REQUIREMENTS. One or more of the actions listed below are taken by the administration or other designated person. A meeting, letter, or telephone call with the parent or guardian and the student must take place in addition to the level of action. The communication must include discussion of the student's achievement, unacceptable conduct and a plan for dealing with a similar situation in the future. The student will be able to continue his/her schoolwork.

NOTE: These consequences and sanctions are cumulative. Each action level may include the consequences or sanctions of the previous level. Definitions are available at the end of this document.

SUSPENSION WITH ASSIGNMENT TO A SPECIALIZED PROGRAM.

For second possession of drugs/alcohol or first sale or transfer. See section on Controlled Substances.

POLICE REFERRAL. Same as Action Level 2.

FINANCIAL/SERVICE SETTLEMENT. Same as Action Level 1.

SEMESTER-OR-LESS SUSPENSION AND ALTERNATIVE PLACEMENT.

Suspension can be from eleven (11) school days to a semester in length. The authority to issue a long-term suspension rests with the principal or other building administrators. A student who has been suspended is not permitted to attend class, remain on school grounds (except in the case of in-house suspension) or participate in any extracurricular activities during the period of the suspension.

A student receiving special education services may not be suspended for more than ten (10) days, cumulative, including in-school suspension, without holding an Individual Education Plan (IEP)/Manifestation (MDR) meeting, except when emergency removal is necessary. See Special Education Suspension and Expulsion.

ACTION LEVEL 4

GENERAL REQUIREMENTS. One or more of the actions listed below are taken by the administration or other designated person. A meeting, letter, or telephone call with the parent or guardian and the student must take place in addition to the level of action. The communication must include discussion of the student's achievement, unacceptable conduct and a plan for dealing with a similar situation in the future. The student will be able to continue his/her schoolwork.

Any violation that requires a disciplinary action at level 4 is subject to possible suspension or long term suspension. Following a behavior that qualifies as disciplinary Action 4, an informal hearing must take place prior to any suspension except when emergency removal is necessary.

The disciplinary actions contained in this booklet apply to all students, including special education students. However, due to the unique needs of special education students and federal and state laws, the procedures determining the appropriate disciplinary action will vary somewhat from regular education when a special education student is involved.

NOTE: These consequences and sanctions are cumulative. Each action level may include the consequences or sanctions of the previous level. Definitions are available at the end of this document.

LONG-TERM SUSPENSION AND/OR ALTERNATIVE PLACEMENT (One semester up to 180 days). In the event an action warrants suspension, the principal or other building administrator will investigate the incident and schedule a meeting with the student and parent to share the charges and proposed disciplinary action. The student has a right to present evidence or witnesses for support.

The administrator may refer the student who is suspended for more than ten (10) days to an alternative education placement. Referral procedures will be provided by the administrator who takes the action. Students or their parents/guardian may apply for readmission 30 school days prior to the end of the specified period. A hearing before the Reinstatement Committee shall be convened before a student is readmitted from an expulsion or long-term suspension. Requests for reinstatement should be made, in writing, to the Superintendent of Schools, 2555 S. State Street, Ann Arbor, MI 48104. Return from a semester suspension for a drug related activity is conditional upon completion of an approved treatment program.

The Reinstatement Committee includes two Board members, a parent with students in the district, a central administrator and a teacher. The Committee makes a recommendation to the Superintendent for or against re-instatement.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Disciplinary Action Levels (continued)

ACTION LEVEL 5

GENERAL REQUIREMENTS. One or more of the actions listed below are taken by the administration or other designated person. A meeting, letter, or telephone call with the parent or guardian and the student must take place in addition to the level of action. The communication must include discussion of the student's achievement, unacceptable conduct and a plan for dealing with a similar situation in the future. The student will be able to continue his/her schoolwork.

NOTE: These consequences and sanctions are cumulative. Each action level may include the consequences or sanctions of the previous level. Definitions are available at the end of this document.

EXPULSIONS. The Board of Education recognizes that exclusion from the education programs of the district is the most severe sanction that can be imposed on a student and is one that cannot be imposed without due process since exclusion deprives a child of the right to an education. The Board of Education reserves to itself the authority to make expulsion decisions. However, in some instances, the Board's discretion is narrowly circumscribed by state law.

The expulsion procedures cannot be used to diminish the due process rights of students. Each student subject to expulsion shall have his/her situation reviewed by the Superintendent and the Board of Education on a case-by-case basis.

Non-mandatory expulsion cases recommended for expulsion will be referred to the hearing panel. If expulsion is recommended it will go to the Superintendent.

The Superintendent reviews the documentation for each case and determines if the recommendation to expel the student is to be upheld and forwarded to the Board of Education. The parent/guardian will be responsible for finding alternative education for the student; however, the district may provide a program. Alternative education programs for students expelled for a dangerous weapon/firearm violation, arson or rape, must be operated in facilities or at times separate from those used for the general pupil population.

An expulsion recommendation for an offense requiring mandatory expulsion under state law will be made directly to the Superintendent and the Board of Education.

While the review and hearings are taking place, the student will be suspended from school and homework will be provided. The Board will hold an open or closed meeting, by choice of the student (18 years or older) or the parent/guardian, to hear the evidence and make a decision about the expulsion.

EXPULSIONS FOR WEAPONS, ARSON, AND CRIMINAL SEXUAL CONDUCT.

The Revised School Code states that a student must be expelled from all public schools in the state if the student commits criminal sexual conduct (rape), arson or is found to be in possession of a dangerous weapon. The 1999 state law added expulsion from public school for physical or verbal assault on school employees, volunteers, or contractors. The expulsion must be recorded on the student's permanent record.

The District is not required to expel a student for possessing a weapon if at least one of the following criteria is established in a clear and convincing manner:

- The weapon was not possessed for use as a weapon
- The student did not know the item was a weapon
- The weapon was not knowingly possessed by the student
- The weapon was in the student's possession with the permission of school or police authorities.

There are no exceptions for students found to have committed criminal sexual conduct or arson. Students expelled for weapons, arson, or rape will be referred to law enforcement.

REINSTATEMENT PROCESS. The parents or legal guardian of a student enrolled in grade 5 or below at the time of the expulsion may petition the Board of Education for reinstatement of the student after sixty (60) school days but the student may not be reinstated before the expiration of ninety (90) school days after the date of expulsion.

If the student in Grade Five (5) or below is expelled for a reason other than the possession of a firearm or threatening another person with a dangerous weapon, the student's parent or legal guardian may petition for the pupil's reinstatement at any time, but the student may not be reinstated before the expiration of ten (10) school days after the date of expulsion. The parents or legal guardian of a student enrolled in grade 6 or above at the time of expulsion, may petition for reinstatement after 150 school days, but the student may not be reinstated before the expiration of 180 school days after the date of expulsion .

A hearing before the Reinstatement Committee shall be convened before a student is readmitted from an expulsion or long-term suspension. Requests for reinstatement should be made, in writing, to the Superintendent of Schools, 2555 S. State Street, Ann Arbor, MI 48104.

A Reinstatement Committee includes two Board members, a parent with students in the district, a central administrator and a teacher. Recommendations from this committee are forwarded to the Board of Education for a vote for unconditional reinstatement or against reinstatement.

Controlled Substances/Alcoholic Beverages

The Ann Arbor Public School district is dedicated to providing a healthy, comfortable and productive environment for all members of the school community. Because possession or use of alcohol, tobacco and other drugs by students is a deterrent to learning, disruptive to every aspect of school life and detrimental to the health and safety of the students, the district is committed to providing a safe school environment that is free of alcohol, tobacco, and other drugs, which eliminate disruptions to the learning environment and health/safety risks caused by substance abuse behaviors.

Because the negative and disruptive impact of alcohol, tobacco, and other drugs is not limited to conduct which solely occurs on school property or at school activities, a student is subject to disciplinary consequences for violating the behavior and safety regulations regardless of the date, time, or place of the violation.

As partners with the district in promoting healthy behavior, parents should encourage their child to comply with the student behavior and safety regulations related to alcohol, tobacco, and other drugs.

The school district is committed to a three-part approach to controlled substances: 1) prevention, 2) intervention and, 3) support. Consequences of the unacceptable behaviors listed in the Code of Conduct and Consequences under “Controlled Substances/Alcoholic Beverages” section regarding alcohol and other drugs will include disciplinary actions. Those levels of action are listed to the right in the next columns.

The district shall offer families a referral to a drug counseling program at the expense of the family.

Action Levels for Violation of the Controlled Substance/Alcoholic Beverage Code of Conduct

A. Use and/or possession of tobacco products and/or smoking paraphernalia Level 1-2

B. Use and/or possession of alcohol and/or any illegal or unauthorized medicines, inhalants, drugs, drug paraphernalia, or narcotics including marijuana, hallucinogen, stimulant, depressant or other controlled substance or counterfeit substances not intended for human consumption or controlled substance analogue intended for human consumptions (not medically prescribed for individual and administered according to the district’s medication policy). This includes non-prescription over-the-counter medications.

i. **First Offense** – 10 day suspension can be mitigated to 3 days if evidence is provided of scheduled appointments of 4-6 hours of drug treatment and education classes. The District can provide recourses for this treatment and classes). The remaining 7 days of the suspension will be held to be served if agreed upon intervention is not completed within 6 weeks. Proof of attendance is required and to be provided to the school administrator upon completion of the classes and/or treatment. At that time the remaining 7 days of the suspension will be waived.

ii. **Second Offense** – 10 day suspension can be mitigated to 5 days if evidence is provided of scheduled appointments of 4-6 hours of drug treatment and education classes. The District can provide recourses for this treatment and classes). The remaining 5 days of the suspension will be held to be served if agreed upon intervention is not completed within 6 weeks. Proof of attendance is required and to be provided to the school administrator upon completion of the classes and/or treatment. At that time the remaining 5 days of the suspension will be waived.

iii. **Third Offense** – Recommendation of long-term suspension by administrator. See “Level 4” for description of “long-term suspension”, rights of student, and district process.

C. Sale and/or distribution of any substance including alcohol, drugs, or medications for illicit purposes, with our without the exchange of money, property, or anything else of value.

i. Petition to the Board of Education for expulsion and possible police involvement and/or report. See “Level 5,” page 14 for description of expulsion rights of student and district process.

Smoking Policy

No person, at any time, shall smoke, chew or otherwise use tobacco products of any kind on school district property or property under the control of the school district, in any school buildings, indoor facilities or school district vehicles.

Medication

All medications, prescription or non-prescription must have prior approval by the building Principal or his/her designee. Documentation must be on file before the school district can dispense medication. "Medication" includes those taken by mouth, by inhaler, those that are injectable, and those applied as drops to eyes, ears or the nose.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Suspension/Expulsion Laws

In accordance with state law, the Board of Education must permanently expel a student for possession of a dangerous weapon, arson or criminal sexual conduct. The Board of Education may expel students for physical and verbal assault as described below. Classroom teachers may suspend students from their classrooms for any conduct that violates the rules as described in the Code of Conduct and Consequences.

If... a student in grade 6 or above commits a physical assault (intentionally causing or attempting to cause physical harm to another through force or violence) against a person employed by, or engaged as a volunteer or contractor by the school board in a classroom, on school premises, on a school bus/vehicle, or at a school-sponsored activity or event (whether or not on school premises.)

Then... the law requires the school board to EXPEL the student from the school district permanently, subject to possible reinstatement after 180 school days as defined by the law; makes it the parent's responsibility to find a suitable educational program and to enroll the individual in such a program during the expulsion; AND requires the district to report the expulsion to law enforcement officials, as well as to enter on the student's permanent record that he or she has been permanently expelled.

If... a student in grade 6 or above commits a physical assault against another student.

Then... the law requires the school board to SUSPEND or EXPEL the student from the school district for up to 180 school days. If the student is expelled, the law makes it the parent's responsibility to find a suitable education program and to enroll the individual in such a program during the expulsion; AND requires the district to report the expulsion to the Michigan Department of Education.

If... a student in grade 6 or above commits a verbal assault against a person employed by, or engaged as a volunteer or contractor by the school board, or makes a bomb threat or similar threat directed at a school building, other school property or a school-related event.

Then... the law requires the school board to SUSPEND or EXPEL the student from the school district for a period of time as determined by the school board. If the student is expelled the law makes it the parent's responsibility to find a suitable education program and to enroll the individual in such a program during the expulsion; AND requires the district to report the expulsion to the Michigan Department of Education.

If... a teacher in a public school has good reason to believe that the conduct/behavior of a student of any age in class, subject, or activity warrants suspension as described in this booklet.

Then... the law allows the teacher to SUSPEND the student from the class, subject, or activity for up to one (1) full school day.

Special Education Suspension and Expulsion Guidelines

Under the provisions of the Individuals with Disabilities Education Act (IDEA), school authorities may suspend special education students for disciplinary purposes, up to 10 school days, to the same extent removal would be applied to nondisabled students and without providing services. When a special education student's suspension days go beyond 10 cumulative days in a school year, schools are responsible for providing educational services while the student serves their days of suspension.

Manifestation Determination Review (MDR)

Within 10 school days of any decision to change the placement of a student with a disability because of a violation of the code of student conduct, the Ann Arbor Public Schools (AAPS), parents(s) and relevant members of the Individualized Educational Program (IEP) team will review all relevant information provided by the parent(s) to determine if conduct subject to discipline was:

- Caused by, or was in direct and substantial relationship to, the child's disability, or;
- A direct result of the AAPS's failure to implement the IEP.
- If either statement is true, the behavior is considered a manifestation of the student's disability, the disciplinary response is immediately discontinued and:

- The IEP team will conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP for the child, or;
- If a BIP has been developed, review the existing plan and modify it as necessary to address the behavior
- District takes immediate steps to remedy any deficiencies in the implementation of the current IEP.

If the behavior **is not** a manifestation, the disciplinary consequences will proceed and the team will determine how the students' Free and Appropriate Public Education (FAPE) will continue.

When the behavior subject to disciplinary actions involves drugs, dangerous weapons, or if the student is deemed to be a danger to him/herself or others, the IEP team shall determine an interim alternative placement and services or up to 45 school days.

When considering suspensions, administrative transfers, or expulsions of a student, if the district has reasonable cause to believe that the student has a disability, the student will be given the same rights that are given to students who are eligible for special education services.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Harassment

A student has a right to participate in all district activities without being subjected to conduct that is discriminatory, humiliating, demeaning, offensive or embarrassing.

Harassment refers to sexual harassment, as well as ethnic, religious and general harassment.

Sexual Harassment includes an unwelcome sexual advance or sexual behavior, including verbal behavior; (1) that is tied to a student's educational benefits, opportunities or performance; or a student's physical or psychological well-being; (2) that substantially interferes (or will substantially interfere) with a student's educational benefits, opportunities or performance; or a student's physical or psychological well-being; or (3) that is intimidating to the student.

Furthermore, Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication that has the purpose or effect of substantially or unreasonably interfering with an individual's education or creating an intimidating, hostile or offensive educational or social environment on school property or at any school sponsored or related event or activity. Sexual harassment may include but is not limited to:

Sexual harassment may include but is not limited to:

- Verbal harassment or abuse
- Subtle pressure for sexual activity
- Inappropriate patting or pinching
- Intentional brushing against another person's body
- Any sexually motivated, unwelcome touching
- Obscene gesture
- Written or graphic harassment or abuse

Ethnic Intimidation and Harassment includes slurs, verbal references, gestures and other behavior which tends to demean, humiliate, intimidate and/or threaten others on the basis of race, ethnic group or nationality.

Religious and General Harassment includes slurs, verbal references, gestures, or other behavior which tends to demean, humiliate, intimidate and/or threaten others on the basis of creed, religion, or personal characteristics.

A student shall not engage in unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to a person's sex, race, color, national origin, religion, height, weight, marital status, sexual orientation, or disability (e.g., sexual or racial comments, threats, or insults, unwanted sexual touching, etc.)

A student should report incidences of harassment to the building administrator with any supportive evidence that is available. The principal will examine the evidence and, if merited, speak directly to the person alleged to have harassed the complainant. If proven, the building administrator will:

- Have the offender sign a contract regarding appropriate behavior toward the complainant, and/or
- Refer the offender to an outside agency, and/or
- Initiate suspension/expulsion procedures

This disciplinary action should be commensurate with the behavior and the developmental level of the student.

Anti-Bullying Policy

The Ann Arbor Public Schools Board of Education prohibits acts of harassment or bullying. The board of education has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Demonstration of appropriate behavior; treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

"Harassment or bullying" is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. internet, cell phone, personal digital assistant (pda), or wireless hand held device) that is reasonably perceived as being motivated either by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle. All forms of harassment in cyberspace are unacceptable.

"Harassment" is conduct that meets all of the following criteria:

- is directed at one or more pupils;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who is perceived to have any of these characteristics.

"Bullying" is conduct that meets all of the following criteria:

- is directed at one or more pupils;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect;
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who is perceived to have any of these characteristics.
- Includes intimidation or attempting to intimidate others by any means or methods including: taunts, name calling, put downs, discriminatory actions, extortion or exclusion.

When an incident occurs appropriate action will be taken by school personnel in a timely manner.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Due Process

The right to due process in disciplinary proceedings is applicable in all instances where the behavior of the student is being evaluated for possible suspension or expulsion. The student must always be treated with fundamental fairness, has a right to be fully informed about his/her alleged breach of behavior and must be provided with an opportunity to respond to such charges. In imposing discipline on students, the Ann Arbor Public Schools adhere to the requirement of state and federal law and constitutional due process. To the extent that the procedures described in this handbook exceed the requirements of the law, a deviation from the procedures shall not prevent the imposition of the disciplinary actions set forth in this document. Records that result from the student's actions or his/her consequences should clearly state whether the charge of misbehavior was or was not substantiated.

Violations that result in mandatory expulsion will go directly to the Superintendent and the Board of Education.

Informal Hearings. Most discipline problems not leading to long-term suspension or expulsion are resolved at the building level through an informal hearing involving the student and teacher or building administrator. During the hearing, the student hears the charges, evidence and consequences. The student tells his/her side of the story. Various problems-solving strategies may be used. Parents/guardians will be notified of the informal hearing results within 24 hours of the informal hearing as well as the charges and consequences.

Formal Hearings. Formal hearings are held as a part of the due process procedure for long-term suspensions and all expulsions. An impartial three-person administrative panel reviews a case and determines if the recommendation to suspend or expel a student is supported by evidence during the hearing.

The Superintendent's designee, after reviewing the building administrators report, witnesses' statements and any other relevant documents or items schedules a hearing within ten (10) school days of the disciplinary action. The Superintendent's designee's office will also prepare the packet of information for the hearing. The parents or guardians will receive a letter, disciplinary forms with date, specific rules that were violated, copy of the disciplinary procedural process and any other relevant information at least two (2) days prior to the hearing.

The student is afforded the following procedural due process:

- Written notice of prohibited conduct
- Written notification of hearing (time and location) and procedures to be followed
- Impartial hearing
- Access to evidence and information related to the offense will be produced to parent/guardian at least 3 days prior to the date of the hearing
- Opportunity to present witnesses and evidence on his/her own behalf
- Opportunity to have counsel present

The hearing will be audio taped. The participants, including the student, parents or guardian, advocate witnesses, three panelists and a building administrator/designee sign-in for the hearing and will receive a packet of information to be used at the hearing.

The Hearing Agenda

- The administrative chairperson introduces him/herself as the chair and calls upon each person in attendance to introduce him/herself and give the role he/she will be performing at the hearing.
- The building administrator gives an explanation of why the hearing is being held, information about the student and the specific statements of the charge and the disciplinary action recommended.
- The building administrator presents evidence of the charges, including witnesses and any written statements.
- The student and/or his/her advocate, responds to the charges and presents witnesses and any written statements.
- Both the building administrator and the student and/or his/her advocate give closing statements.
- The chairperson informs the group of the decision process. Within two school days of the hearing, the chair will notify the student and his/her parent(s)/guardian(s), and the school administrator, orally or in writing, of the panel's decision to uphold, modify or reverse the suspension. Written notification must follow.
- The chairperson dismisses the group after all questions have been answered and explaining the appeal procedure.
- The three panelists discuss the evidence and proceedings and may make the following decisions:
 - Waive charge(s)
 - Reduce charge(s)
 - Change/modify the administrator's recommendation or disciplinary action.
 - Support the administrator's recommendation and disciplinary action.
 - Increase the recommendation and disciplinary action.

The Appeal Process

A. SUSPENSIONS OF ONE (1) TO TEN (10) SCHOOL DAYS.

Appeals can be made to the building principal or appropriate level administrator.

B. SUSPENSION EXCEEDING TEN (10) SCHOOL DAYS. Review of long-term suspensions (those exceeding ten (10) days) are to be directed to the Superintendent's designee within three (3) school days of the date the disciplinary action was taken. This appeal must be made in writing stating the reason for the appeal and the adjustments requested.

Reasons for the appeal might include:

- Penalty too harsh
- Additional evidence surfaced
- Evidence/issues/mitigating factors not considered
- Denial of procedural due process
- Consequence in contradicting of procedure/policies

A three-person administrative hearing panel will conduct a review within ten (10) school days of the suspension. This panel will be chaired by the Administrator of Elementary or Secondary Education and comprised of two additional building administrators. Within two (2) school days of the hearing, the panel chairperson will notify the student and his/her parent(s)/guardian(s) and the school administrator, verbally or in writing, of the panel's decision to uphold, modify, or reverse the suspension. Written notification must follow.

The suspension remains in effect during the appeal process.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Due Process (continued)

Appeal of the Hearing Panel Decision

A student 18 years or older or a parent/guardian may appeal the decision of the three-person administrative hearing panel to the Board of Education. This appeal, directed to the Superintendent, must be made in writing within five (5) calendar days following the receipt of the decision.

Again, reasons for this appeal might include:

- Penalty too harsh
- Additional evidence surfaced
- Evidence/issues/mitigating factors not considered
- Denial of procedural due process
- Consequence in contradicting of procedure/policies

During a regular meeting, the Board of Education will determine whether or not to hear the appeal.

The decision of the Board will be communicated in writing to all parties concerned by the Board Secretary.

The suspension remains in effect during the appeal process.

Letters of appeal stating the basis for the appeal and the desired remedy should be addressed to the Superintendent, 2555 S. State Street, Ann Arbor, Michigan 48104.

Locker Search Procedures

Searches of School Lockers and Locker Contents

Students possess the right of privacy of person as well as freedom from unreasonable search and seizure of property. The individual's right, however, is balanced by the schools' responsibility to protect the health, safety and welfare of its students. It should be made clear to all that lockers are the property of the school. A student's locker and/or its contents may be searched by building administrators without prior permission in order to uphold the safety and security of pupils and personnel in accordance with Act 4S I. Section 380.1306.

It is strongly recommended that the student also be present for the search of his/her locker. Except in an emergency it is recommended that the building principal or his/her designee have another adult present during a locker search.

The building principal or his/her designee shall not be obligated, but may request the assistance of a law enforcement officer in the course of conducting a locker search. The building principal or his/her designee shall respect the privacy rights of the pupil regarding any items discovered that are not illegal or against school policy or rules.

The Superintendent shall develop regulations pertaining to locker searches.

Searches of Student Backpacks and Student Possessions

Search of a student and his/her possessions, including backpacks and vehicles may be conducted at any time the student is under the jurisdiction of the Board of Education, if there is a reasonable suspicion that the student is in violation of law or school rules. A search may also be conducted to protect the health and safety of others and to maintain the order and discipline in schools. All searches may be conducted with or without a student's consent. A student's person and/or personal effects (e.g. purse, book bag, backpack, and athletic bag) may be searched whenever a school official has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials. Illegal or contraband materials will be turned over to proper legal authorities for ultimate disposition. The school reserves the right not to return an item, which has been confiscated. In the course of any search, students' privacy rights will be respected regarding any item that are not illegal or against school policy.

Police Interview and Interrogation

In cases where there is not an immediate danger to lives or property, a police officer(s) from the Ann Arbor Police Department other than the school liaison officer, having police business on AAPS property which involves the need to interview or interrogate a student, will first make contact with the school liaison officer and the building administrator or designee.

INTERVIEW is defined as the questioning of a witness to or victim of an offense and who is not reasonably suspected of having committed an offense.

INTERROGATION is defined as the questioning of a person reasonably suspected of committing an offense whether prior to or after an arrest.

All interviews and interrogations will be conducted in accordance with all applicable statutory provisions and constitutional protections, and other guidelines in this contract. If an interview changes to an interrogation, it will be the responsibility of the officer(s) to notify the student(s) of the change and explain to the student(s) the implications of the change from an interview to an interrogation. The officers will notify the building administrator of the necessity to have AAPS personnel present.

The following guidelines will be followed when a student initiates contact with an AAPD School Liaison Officer for the apparent purpose of disclosing information that may be helpful in a criminal investigation:

- The School Liaison Officer may question the student to determine his/her knowledge of criminal activity.
- If at any point in an interview, the student(s) indicates an unwillingness to continue to speak or to provide any further information, the interview shall stop immediately.
- If an interview changes to an interrogation, it will be the responsibility of the officer(s) to notify the student(s) of the change and explain to the student(s) the implications of the change from an interview to an interrogation. The officers will notify the building administrator of the necessity to have AAPS personnel present.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Police Interview and Interrogation (continued)

The following guidelines will be followed when the AAPD initiates contact with a student (including at the request of the AAPS) for the purpose of conducting an interview:

- Prior to any interview the AAPD or AAPS shall inform the student(s) of their right, either by law or this contract, not to participate in the interview and to return to their regular school activity.
- AAPS personnel may be present when a student is interviewed by the police.
- All AAPD/AAPS personnel attending an interview of a student shall identify themselves by name and position at the beginning of the interview and shall state the purpose of having the AAPD/AAPS personnel present.
- If the student(s) indicate(s) a desire to have an attorney and/or parent(s) present, the AAPS shall use best efforts to notify a parent or legal guardian prior to the interview of a student. If the parent or legal guardian cannot be found, AAPS shall notify the Juvenile Public Defenders office.
- The student will also be advised that, if he/she requests, the AAPS will contact either the attorney the student identifies or the Juvenile Public Defenders office directly on behalf of the student. AAPS shall document these efforts in writing, including times, dates, contact name and phone numbers of all telephone calls.
- When an interview is done in conjunction with the Family Independence Agency, the Family Independence Agency will make the decision regarding parent or legal guardian notifications.
- No interview shall take place until the arrival of an attorney and parent(s) or legal guardian, if AAPS have been able to contact the parent(s) or legal guardian.
- The AAPD must inform the student(s) that the student(s) can terminate the interview whenever the student(s) desires to. If at any point in an interview, the student(s) indicates an unwillingness to continue to speak or to provide any further information the interview shall stop immediately.
- In any case where there is reason to believe that the student has any identifiable impairment that may prevent the student from understanding these proceedings, or has difficulty understanding English, then AAPD shall work with AAPS personnel, an attorney or the student's parents or legal guardian to accommodate the identified impairment and/or obtain an interpreter or translator before making a decision to proceed further with an interview.

The following guidelines will be followed when students are interrogated on AAPS property:

- Prior to any interrogation where AAPD do not have probable cause to arrest a student, the police or AAPS shall inform the student(s) of their right, either by law or this contract, not to participate in the interrogation and to return to their regular school activity.
- AAPS personnel will be present when a student is interrogated by the police where criminal prosecution is possible.
- All AAPD/AAPS personnel attending an interrogation of a student shall identify themselves by name and position at the beginning of the interrogation and shall state the purpose of having the AAPD/AAPS personnel present.
- AAPS shall use best efforts to notify a parent or legal guardian prior to the attempted interrogation of a student. If the parent or legal guardian cannot be found, AAPD/AAPS shall notify the Juvenile Public Defenders office. AAPD/AAPS shall document these efforts in writing, including times, dates, contact name and phone numbers of all telephone calls.
- When an interrogation is done in conjunction with the Family Independence Agency, the Family Independence Agency will make the decision regarding parent or legal guardian notifications.
- Prior to any interrogation, the police will notify the student of his/her rights, under the law or this contract, to have an attorney present. All students will be advised of the Miranda Warnings in writing, in a language they can understand, and verbally, in a language they can understand. Attachment A is the form provided by the AAPD for this purpose. It shall be translated as needed. A valid waiver must be signed by both the student and his/her parent or legal guardian. The student will also be advised that, if he/she requests, the AAPS will contact either the attorney the student identifies or the Juvenile Public Defenders office directly on behalf of the student. No interrogation of the student shall take place outside the presence of an attorney unless the student and his/her parent or legal guardian have waived the student's right to counsel. Students 14 years of age or less, or students having any identified impairment that may prevent the students from understanding these proceedings, or who have difficulty understanding English shall not be allowed to waive the right to have an attorney present. If the student(s) chooses to exercise the right to have an attorney present, AAPD/ AAPS will contact either the attorney the student identifies or the Juvenile Public Defenders office on behalf of the student. If the student(s) request an attorney, no interrogation shall take place until the arrival of an attorney and parent(s) or legal guardian, if AAPS have been able to contact the parent(s) or legal guardian.

In any case where there is reason to believe that the student has any identifiable impairment that may prevent the student from understanding these proceedings, or has difficulty understanding English, AAPD shall work with AAPS personnel, the attorney or the student's parents or legal guardian to accommodate the identified impairment, and/or obtain an interpreter or translator before making a decision to proceed further with an interrogation.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Definitions

Abusive/Profane Language. The act of uttering distasteful, offensive language for the purpose of debasing the dignity of another person.

Academic Dishonesty/Plagiarism. Taking credit for oneself and not giving credit to the source for written and oral expression authored and/or prepared by another, cheating on exams, etc.

Alcohol and Drug Use. Use, possession of, being under the influence of, or the sale and distribution by students on school property at district activities, of alcohol or illicit substances.

Arson/Attempted Arson/Burning.

- A. Arson.** Malicious, intentional burning of any property belonging to, rented by or on loan to the district or property of students or school personnel.
- B. Attempted Arson.** Intentionally trying to start a fire but no fire starts; e.g. throwing a lighted match into a trash container but no fire starts.
- C. Burning.** Setting fire to, or doing any act which results in the starting of a fire or aiding, counseling, inducing, persuading of procuring another to do such an act or acts.

Assault.

- A. Fighting.** Engaging in physical contact such as pushing, horseplay, shoving and/or hitting.
- B. Verbal Assault and/or Threat.** Any student who commits a verbal assault at school, at a school related activity or on a school related vehicle, against another student, or a person employed by or engaged as a volunteer or contractor by the school district. The above shall include any verbal assault whether transmitted orally, electronically or by written word.
- C. Physical Assaults Against School Personnel.** Any student in grade 6 or above who commits a physical assault against a school employee or against a person engaged as a volunteer or contractor for the school on school property, on a school bus or other schools related vehicle, or at a school-sponsored activity or event shall be permanently expelled for a period of not less than one hundred eighty (180) days. Physical assault is defined as intentionally causing or attempting to cause physical harm to another through force or violence.
- D. Physical Assaults Against Students. Some fights may demonstrate an intensity to be considered as assault as defined by state law (MCL 380.1310, 380.1311a) and evaluated under the State Statue.** Any student in grade 6 or above who commits a physical assault against another student on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event shall be suspended or expelled, depending upon the circumstances, for up to one hundred eighty (180) days. Physical assault is defined as intentionally causing or attempting to cause physical harm to another through force or violence.

Behaviors Considered Inappropriate.

- A. Profane/Obscene Language and Gestures.** Students shall not verbally, in writing, electronically, with photographs or drawings, direct profanity or insulting, obscene gestures toward any other person.
- B. Open Defiance/Willful Disobedience.** Refusing to comply, either verbally or non-verbally, with a direction or instruction of a staff member.
- C. Displays/Images.** Applying profane, obscene, sexist, racist or other decorations to a locker or any area or surface which disrupts the educational process or interferes with teaching and learning.

Bomb Threat. Making a bomb threat or similar threat directed at a school building, other school property or a school-related event.

Bullying. Any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. internet, cell phone, personal digital assistant (pda), or wireless hand held device) that is reasonably perceived as being motivated either by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle. See the Anti-Bullying policy in this document.

Burglary. Entry into unopened school property, without authorization, for the purpose of committing a crime.

Computing Environment. A collection of computers, software, televisions, and network wiring that support the processing and exchange of electronic information within the district and provide access to selected electronic information resources outside the district.

Controlled Substance. Illegal or unauthorized medicines, inhalants, drugs or narcotics including but not limited to: Marijuana, Heroin, Cocaine, LSD, Barbiturates, Amphetamines, Drugs manufactured for use with animals and drug paraphernalia, on school property or at any school sponsored activity.

Deliberate Misuse of Property. Intentionally using, without proper permission, property belonging to another or the school, in a manner likely to damage the property.

Disruptive Conduct. Inappropriate behavior that disturbs the regular or normal functions of the school.

Drugs. Alcohol, controlled substances and all mood-altering substances that have not been medically prescribed for the student.

Due Process. A safeguard that protects the rights of individuals.

Emergency Removal. Removal from the school without an informal hearing if a student poses a danger to him or herself or other persons or property, or is an ongoing threat to disrupting the academic process.

Ethnic/Racial Harassment. The malicious and intentional act of harassing another person due to the individual's color, ethnic origin, or race.

Expulsion. Removal of a student by the Board of Education from the entire system on a permanent or time-limited basis.

Extortion. Forcing other person/persons to act against their will, such as demanding money, property, etc.

False Fire Alarm. Reporting or setting off a fire alarm without reasonable belief that a fire exists.

Firecracker or Explosive. A paper cylinder or sphere containing an explosive; a compound or mixture susceptible to bursting with violence such as gunpowder, nitroglycerine or volatile gas.

Forgery. Signing another person's name to any document; altering or falsifying documents.

Formal Hearing. A procedure that occurs when a suspension of more than ten (10) days is recommended by the administrator who conducted the informal hearing. The formal hearing is conducted by a three-person hearing panel. The student has a right to an advocate, to call witnesses, to question the accusers and witnesses, and to have a copy of the proceedings for a possible appeal.

Gambling. Illegal participation in games of skill or chance for money and/or other items of value.

Gang. An identifiable group of people (highly organized or loosely structured) who form an alliance for a common purpose which identifies with or claims territory in the community. Members engage either individually or collectively in antisocial or unlawful activity/activities and frequently create an atmosphere of fear and intimidation.

Gang-Identifying Terms. Clothing, accessories, make-up, markings, or other items/material that identifies a student as a member of a gang.

Hazing. Intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participation in, holding office in, or maintaining membership in any organization.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Definitions (continued)

Inappropriate Dress. Dressing or grooming in a manner which interferes or disrupts the educational process, interferes with the maintenance of a positive teaching/learning climate, or compromises reasonable standards of health, safety and decency.

Informal Hearing. Presentation of charges and consequences are given to the student and the parent with an explanation of evidence. The student tells his/her side of the story. Problem solving with the student is an option.

In-School Suspension. An action that temporarily denies a student the right to attend scheduled classes and requires attendance in a special behavior management program held in the school.

Insubordination. Failure to obey, comply with, or carry out a reasonable directive from any school employee.

Interference with School Personnel. Threats, harassment, or violence used to prevent school personnel from taking care of their responsibilities.

Intimidation. Threats -- verbal or physical -- with intent to inflict fear, injury, or damage, and to prevent another from acting in accordance with personal choice or school policies.

Loitering. Remaining in or around the school building without permission and staff supervision.

Make-Up Work. Course work assignments missed during a short-term suspension are provided to the suspended student and must be completed and returned to the teacher.

Major Vandalism. Damage that costs more than \$100 to repair or replace the goods, or damage involving a substantial disruption of school activities, such as the destruction of school records.

Off Limits. Entering a location in a building or any school property which has been restricted from student use.

One-Day Suspension. An action which temporarily denies a student the right to attend classes and activities for one school day. Students will have make-up privileges.

Possession of Stolen Property. Having in one's control or possession, property that has been stolen and which the possessor has reasonable cause to believe has been stolen, or possession without permission of property belonging to another.

Reckless Vehicle Use. Using any motorized or self-propelled vehicle on or near school grounds in a reckless manner or so as to threaten health, safety, property or to disrupt the educational process.

Robbery. Taking property from a person by force or threat of force.

Sexual Harassment. See Harassment.

Sexual Misconduct:

A. Consensual Sexual Misconduct. Mutually consensual sexual contact including but not limited to intentional touching of the other person's genitals, groin, inner thigh, buttock, or breast or the clothing covering those areas.

B. Non-Consensual Sexual Misconduct. Unwanted or unwelcome sexual contact including but not limited to intentional touching of the other person's genitals, groin, inner thigh, buttock, or breast or the clothing covering those areas.

Suspension. Removal from school for a specified period of time by authorized school personnel.

Technology Use. Students are prohibited from using district technology resources and equipment for personal or private business, product advertisement, political lobbying, or making any financial commitments on the Internet. Students shall not tamper with computers or network components in a way that will make them either temporarily or permanently inoperable.

A. Inappropriate/Unauthorized Use of the Internet (Web) and Electronic Mail. Students shall not access, view, receive or send communications that are disruptive, obscene, pornographic, profane, vulgar, harassing, threatening or otherwise prohibited by law. Students shall not send messages with explicit or implied threats to do personal harm or destroy property. Students shall not knowingly receive or send a computer file or computer program that may harm the computing environment or its resources, e.g., a program containing a virus. Students shall not provide any personal information via the Internet nor shall they join or participate in a "chat" or "instant messaging" or other electronic communication on the Internet. Use of electronic mail is only supported for staff and selected class projects. Student shall not use district computer resources or equipment to access the various free e-mail accounts via the Internet or engage in "hacking" and other unlawful activities.

B. Inappropriate and/or Illegal Use of Software. Students shall not copy software without the permission of the publisher. Illegal installation of copyrighted software for use on district computers is prohibited. Students shall not use district technology to obtain illegal copies of software, printed materials or other materials to which they do not have ownership.

C. Inappropriate Use of password(s). Students shall not try to gain access to other passwords or use passwords that belong to another person. Students shall maintain the privacy of passwords and are prohibited from publishing or discussing passwords.

D. Unauthorized Access to Files. Computer files are considered to be personal property. Students shall not attempt to "hack" or otherwise alter programs or files that they do not own. Students shall not access or modify other accounts, data files and/or passwords without authorization.

Theft. Stealing or unlawfully taking property belonging to the school district or another person with the intent to deprive the rightful owner of its possession.

Threat of Violence. Words or actions that may threaten to do injury to another or others.

Tobacco and/or Smoking Paraphernalia Possession/Use. Possession or use of tobacco in any form and/or smoking paraphernalia on or adjacent to school property or at school activities.

Trespassing. Entering any school property/facility without proper authority; includes any school entry during a period of suspension or expulsion.

Truancy. Absence from school, class, study hall, or other assignments without permission of parents or school officials.

Vandalism. Intentionally destroying, mutilating, or defacing objects or materials belonging to the school, school personnel, or other persons.

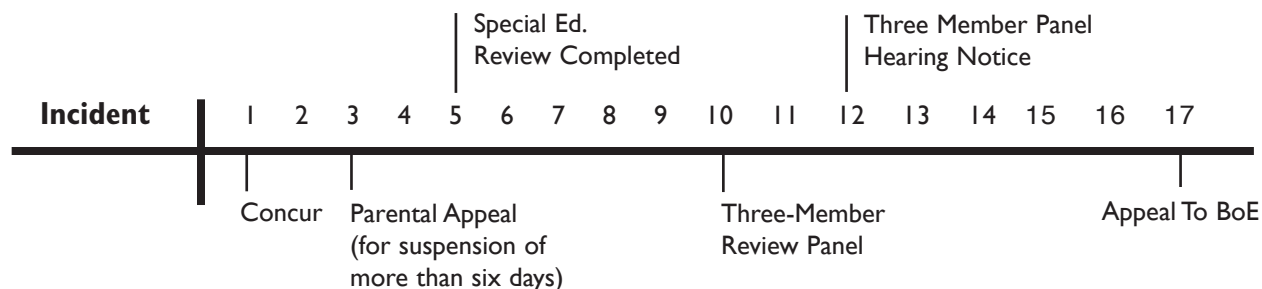
Weapons:

A. Dangerous Weapon. A dangerous weapon shall include a firearm (including a starter gun) or any device 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 (4) 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 as set forth in 18 USC&921. Also, any electronic device that inflicts or causes pain or suffering is likewise considered a weapon.

B. Other Weapon. Any object or instrument including a replica, facsimile or look-alike of such object or instrument, the principal use of which is to inflict injury, physical pain or physical harm. The term "other weapon" shall additionally 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. Chemical or toxic substances, e.g., mace, pepper spray, etc., are included in this category.

RIGHTS & RESPONSIBILITIES for Students, Teachers, Staff, Parents, Guardians

Disciplinary Action Timeline – School Days



Discipline Process

Consequence	Action Level	Assigned To	Concurrence	Informal Hearing/ Parent Notification	Building Level Appeal	District Level Appeal (3 member panel)	Special Ed. Review	Superintendent	Board of Education	Re-entry/ Reinstatement & Placement Process	Timeline
ISS 1-5 days (In School Suspension)	1	Building Administrator	N/A	Yes		No	N/A	N/A	N/A	Building Administrator	Informal hearing before suspension begins
OSS 1-5 days (Out of School Suspension)	1	Building Administrator	N/A	Yes		No	N/A	N/A	N/A	Building Administrator	Informal hearing before suspension begins
OSS 6-10 days (Out of School Suspension)	2	Building Administrator	Supervisor of Elementary or Secondary Education	Yes	Yes, Upon Parental Request	Yes	Yes	N/A	N/A	Building Administrator	<ul style="list-style-type: none"> Informal hearing before suspension begins Concurrence of supervisor within one school day of informal hearing. Formal appeal, written parental request within two (2) school days of start date of suspension. Appeal hearing to be held within three (3) school days of parental request. Special Ed. Review completed by 5th school day of suspension (if needed).
OSS 11 days up to one Semester (Out of School Suspension)	3	Building Administrator Recommends	Supervisor of Elementary or Secondary Education	Yes		Required	Yes	Superintendent must concur	Board of Education may or may not agree to hear parent appeal	Building Administrator; change in placement requires immediate supervisor's approval	<ul style="list-style-type: none"> Informal hearing before suspension begins Concurrence of supervisor within one school day of informal hearing. Parent notification of formal hearing within three (3) school days. Special Ed. Review by 5th school day (if needed). Formal appeal to three-member panel within ten (10) school days of suspension. Parental request to BOE to hear their appeal within five (5) school days of district review panel decision.
OSS One semester up to 180 days	4	Building Administrator Recommends	Supervisor of Elementary or Secondary Education	Yes		Required	Yes	Superintendent must concur and inform the Board of Education	Board of Education may or may not agree to hear parent appeal	Written request to Superintendent	<ul style="list-style-type: none"> Same as above
Expulsion	5	Building Administrator Recommends	Supervisor of Elementary or Secondary Education	Yes		Required	Yes	Superintendent reviews and must forward to BOE for expulsion	BOE Action Required	Written Request to Superintendent and BOE Approval	<ul style="list-style-type: none"> Same as above Board of Education action within thirty (30) school days of three-member panel recommendation