

ANN ARBOR PUBLIC SCHOOLS  
LEAD. CARE. INSPIRE.



2022-2023

# Rights & Responsibilities



For Students, Teachers, Staff, Parents/Guardians

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## **Dear Students, Parents/Guardians and Other Members of the Ann Arbor Public Schools Community**

Ann Arbor Public Schools appreciates the extraordinary efforts and support of our community, and the trust that you place in us every day, as you enter our schools, participate in virtual meetings and learning opportunities and attend our activities and programs. Our expectations for students in this new environment remain unchanged. They are based on principles of civility, mutual respect, and otherwise doing what is necessary to be a functioning member of a school community. We are committed to providing an educational environment in which students may receive and staff may deliver educational services without disruption or interference. We count on you, the students, parents/guardians, and other members of the community, to join us in this effort.

### **What Parents/Guardians Can Do**

**A strong partnership between Ann Arbor Public Schools and parents/guardians is essential** for the academic progress and well-being of students. We ask that you 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 extracurricular activities. By establishing close contact, parents/guardians, administrators and teachers can work together to promote student success.

## **ANN ARBOR PUBLIC SCHOOLS POLICY 5010 - NON-DISCRIMINATION**

No student 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, immigration status, linguistic and language differences, sexual orientation, gender, gender identity, gender expression, socioeconomic status, height, weight, marital or familial status, disability or veteran status. The Superintendent or designee will handle inquiries regarding this non-discrimination policy.

## **ANN ARBOR PUBLIC SCHOOLS POLICY 5800 - ANTI-BULLYING/CYBERBULLYING POLICY**

The Ann Arbor Public Schools Board of Education recognizes that a safe and civil environment within the school community is necessary for students to learn and achieve high academic standards. The District finds that bullying/cyberbullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. This policy prohibits bullying/cyberbullying "at school" as defined below, as well as off-campus conduct that could likely lead to a material or substantial disruption of the school learning environment for one or more students. This policy is intended to protect all students from bullying/cyberbullying regardless of the subject matter or motivation for the behavior.

This policy prohibits bullying/cyberbullying against students in any form, regardless of its subject matter or motivating animus. Retaliation or false accusation against a target of bullying/cyberbullying, a witness or another person with reliable information about an act of bullying/cyberbullying, is also prohibited.

The Superintendent shall ensure implementation of this policy and develop ongoing strategies for environmental change that are shared annually with all district staff.

The Board of Education delegates to the Superintendent the function of implementing administrative procedures which provide for notification of the parents/guardians of both victims and perpetrators of bullying.

### **Definitions**

"At School" means in a classroom, anywhere else on school premises, on a school bus or other school-related vehicle, and at a school-sponsored activity or event, whether or not the activity or event is held on school premises. "At School" includes the off premises use of a telecommunications access device or the telecommunications service provider if the device or service provider is owned by or under the control of the District. "Bullying" means any written, verbal or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

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

"Cyberbullying" means any electronic communication that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

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

**Responsible School Official**

The principal of each school building is primarily responsible for implementing this policy for the school to which he or she is assigned.

**Reporting**

Any student who believes they have been, or are currently, the victim of bullying/cyberbullying or retaliation, should immediately report the situation to the school principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the school principal.

**Investigation**

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

If the investigation concludes that bullying/cyberbullying behavior or other prohibited activity has occurred, it will result in prompt and appropriate disciplinary action, up to and including expulsion. Individuals may also be referred to law enforcement officials.

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

A person who reports an act of bullying/cyberbullying will be assured confidentiality as allowed by law. Those individuals investigating any complaints of bullying/cyberbullying will follow protocols to assure confidentiality as allowed by law.

**Record-Keeping**

The Board of Education delegates to the Superintendent the function of establishing a procedure to document the report of any prohibited incident.

Verified incidents of bullying/cyberbullying and the resulting consequences, including discipline and referrals, shall be reported to the Board of Education on at least an annual basis.

This policy and related information will be published and disseminated annually as part of the Rights & Responsibilities Handbook, the Board Policy Book, all website references, and in any other media in which it may appear.

**Reporting to Michigan Department of Education (MDE)**

The Superintendent or designee shall report incidents of bullying/cyberbullying to MDE on an annual basis through the School Infrastructure Database (SID) end of year submission.

## PROHIBITED ACTS OF DISCRIMINATION AND HARASSMENT

Discrimination and harassment are types of conduct that disrupt both a student's ability to learn and the school district's ability to educate its students in a safe environment.

### Definitions

"Discrimination," for purposes of this document, means an action based in whole or in part on a student's race, color, sex, religion, creed, political belief, age, national origin, immigration status, linguistic and language differences, sexual orientation, gender, gender identity, gender expression, socioeconomic status, height, weight, marital or familial status, disability or veteran status. In order to be a subject of redress, the action must be found to be so severe or pervasive that it:

- Affects the student's ability to benefit from an educational program or activity;
- Creates an intimidating, threatening or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with the student's academic performance; or
- Otherwise adversely affects the student's educational opportunities.

"Harassment," for purposes of this document, refers to verbal acts, written statements or other conduct that is threatening, harmful or humiliating that is sufficiently severe, pervasive, or persistent so that it:

- Affects the student's ability to benefit from an educational program or activity;
- Creates an intimidating, threatening or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with the student's academic performance; or
- Otherwise adversely affects the student's educational opportunities.

"Sexual harassment" consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication that has the purpose or effect of substantially or unreasonably interfering with a student's education or creating an intimidating, hostile or offensive educational or social environment on school premises or at any school-sponsored or related event or activity.

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 gestures
- Written or graphic harassment or abuse

A student shall not engage in discrimination or harassment, including sexual harassment.



Any student who believes that they have been the victim of discrimination or harassment may seek resolution of their complaint through the procedures that have been established by the school district. The Board of Education has designated the individuals named below to serve as the school district's Title IX Coordinators for matters involving alleged discrimination on the basis of sex. They also serve as Compliance Officers with respect to all student claims of harassment:

Students in Grades 9-12 and Athletics

*As of April 2023:*

Dr. Robyne Thompson  
Executive Director, High School Education  
(734) 994-2200  
[thompsor@aaps.k12.mi.us](mailto:thompsor@aaps.k12.mi.us)

Students in Grades PreK-5, K-8 and 6-8

Jazz Parks  
Assistant Superintendent, School Leadership  
(734) 994-2200  
[parks@aaps.k12.mi.us](mailto:parks@aaps.k12.mi.us)

Students in Grades Pre-K through 5

Matt Hilton  
Executive Director, Elementary Education  
(734) 994-2200  
[hiltonm@aaps.k12.mi.us](mailto:hiltonm@aaps.k12.mi.us)

Students in K-8 and 6-8

Dr. Roberta Heyward  
Executive Director, K-8 and Middle Level Education  
(734) 994-2200  
[heywardr@aaps.k12.mi.us](mailto:heywardr@aaps.k12.mi.us)

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

The *Family Educational Rights and Privacy Act* (FERPA), a federal law, requires that Ann Arbor Public Schools obtain written consent from the parent/guardian, with certain limited exceptions, prior to disclosing personally identifiable information from a student's education records. Ann Arbor Public Schools may, however, disclose appropriately designated "directory information" without written consent, unless the parent/guardian has advised the school district to the contrary in accordance with school district procedures.

### **Directory Information**

The Board of Education has the authority to annually designate certain personally identifiable information about students as *directory information*.

The Board of Education has currently designated the following information as directory information:

Student's name, address, telephone listing, electronic mail address, photograph, 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.

The primary purpose of directory information is to allow Ann Arbor Public Schools to include this type of information in certain school publications. Examples include:

- Playbill, showing a student's role in a drama production
- Annual yearbook
- Honor roll or other recognition lists
- Graduation programs
- Sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is generally not considered an invasion of privacy if released, can also be disclosed to outside organizations without a parent's/guardian'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 the school district to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings.

Each school provides parents/guardians a form, annually, that allows them to choose not to have directory information released without their written consent. Parents/guardians must notify their school, in writing, by September 30th of each school year, or directory information concerning their student will be released, upon request.

### **Amendment of Student Records**

1. A parent/guardian or eligible student who believes the student's education records contain information that is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, may ask the school district to amend the records. All such requests should be directed to the school principal.
2. The principal shall confer with the Superintendent or his/her designee and they shall decide, within ten (10) school days of receipt of the request, whether to amend the record as requested.
3. If the decision is not to amend the record, the parent/guardian or eligible student shall be informed of that decision and of their right to request a hearing on the request.

4. When a hearing is requested, the school district will hold the hearing within ten (10) school days of receipt of the request. The parent/guardian or eligible student will be provided with reasonable advance notice of the date, time and place of the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented at the hearing by an individual of their choice, including an attorney.
5. The school district will make its decision in writing within five (5) school days after the close of the hearing. The actions that may follow the decision are:
  - a. If the school district decides, following the hearing, that the information is inaccurate, misleading or violates the student's rights, the school district will amend the record and inform the parent/guardian or eligible student, in writing.
  - b. If the school district decides, following the hearing, that the information is not inaccurate, misleading, or otherwise in violation of the student's rights, the school district will inform the parent/guardian or eligible student of that decision and will also inform the parent/guardian or eligible student of their right to place a statement in the student's educational record commenting on the contested information, stating why they disagree with the school district's decision, or both. If the parent/guardian or eligible student submits such a statement, the school district will keep that statement together with the student's educational records as long as the record is maintained. The statement will be disclosed whenever the district discloses the portion of the record to which the statement relates.

### **Grade Change Process**

If a student/parent/guardian believes 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, the student/parent/guardian may then bring the issue to the attention of the school principal and explain the reason they believe the grade is incorrect. If this fails to bring a satisfactory resolution, the matter may be referred to a district level grade appeal panel.

The grade appeal panel is convened for matters of class or final grades through written request to the Ann Arbor Public Schools Assistant Superintendent for Teaching & Learning, 2555 S. State Street, Ann Arbor, MI 48104. The grade appeal panel shall consist of a building administrator, a teacher, two Board of Education Trustees, and chaired by the Executive Director of High Schools (grades 9-12), the Executive Director of Middle Schools (grades K-8 and 6-8) or the Executive Director for Elementary Education (grades PK-5). The decision of the panel is final.

NOTE: Discrepancies over grades on individual assignments lie within the jurisdiction of the school principal, whose decision in these matters is final.

## **RIGHTS AND RESPONSIBILITIES**

As members of the school community, students, parents/guardians, and school staff have many rights, but also certain duties and responsibilities. Among these rights and responsibilities are the following:

### **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 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 this Rights & Responsibilities booklet;
- Receive fair discipline, for acts of misconduct, without discrimination;
- Have access to their own student records, in accordance with law;
- Use computers and other equipment for learning.

#### **Parents/Guardians have a right to:**

- Receive official reports of their student's academic progress and attendance;
- Request and be granted conferences with teachers, counselors and/or the school principal;
- Receive explanations from teachers about their student's grades and disciplinary actions;
- Have access to all school records pertaining to their student, until the student reaches the age of majority or is no longer a dependent, whichever is later.

#### **School Personnel have a right to:**

- Work in a positive atmosphere for learning and teaching;
- Receive support when enforcing student discipline as outlined by Board of Education 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 Ann Arbor Public Schools' 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/guardians, school staff, visitors, guests, and school neighbors;
- Comply with school district standards of grooming and dress;
- Conduct themselves properly in school, on school premises and on school buses, at bus stops and at any school-related activity.
- Make up work resulting from an excused absence or suspension;
- Follow rules of conduct adopted by the school district, as well as the individual school;

- Read and ask questions to understand the information in this booklet;
- Use computers in an appropriate manner as defined in the school 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 school district rules;
- Monitor student's out-of-school internet and social networking use.

**School Staff have a responsibility to:**

- Develop, communicate and implement written classroom expectations for students' behavior and grades;
- Work with parents/guardians 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 on school premises in accordance with rules of the master agreement, school district policies and regulations, and school procedures;
- Protect and respect confidentiality of students, parents/guardians, and school staff;
- Protect students' health, safety, and welfare;
- Record disciplinary actions in accordance with state laws.

## **DISTRICT PHILOSOPHY ON STUDENT FREEDOM OF EXPRESSION**

Student speech is protected by the First Amendment of the United States Constitution. 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 learning or school activities, or that is inconsistent with the school district's basic educational mission. Teachers and administrators may edit the style and content of student speech at school assemblies, in school newspapers, school theatrical productions, and at other school-sponsored activities, where teachers and administrators have legitimate educational concerns about such disruption or interference.

## **SECLUSION AND RESTRAINT**

Ann Arbor Public Schools fully embraces the principles of Multi-tiered System of Supports, and strategies and techniques that focus on the Care, Welfare, Safety, and Security of all students and staff with evidenced based de-escalation and crisis prevention approaches. Seclusion and physical restraint will be used only as a last resort, in an emergency situation, and will be subject to diligent assessment, monitoring, documentation and reporting by staff who have received proper training. Any application of seclusion or restraint shall be in accordance with law, the standards established by the State Board of Education, and guidance provided by the Superintendent.

## **RELATIONSHIPS WITH LAW ENFORCEMENT AGENCIES**

### **Ann Arbor Public Schools, the Ann Arbor Police Department and Pittsfield Township Public Safety**

#### **Public Safety Working Together to Ensure the Safety of Students and Staff**

Ann Arbor Public Schools works very closely with the Ann Arbor Police Department (AAPD) and Pittsfield Township Public Safety. Working together, we are confident that our schools are safe and the police partner with the school district for emergency response, education and crime prevention.

#### **Who coordinates emergency responses required at the schools?**

The building administrators, as always, are responsible for initiating emergency responses. 911 calls will be made to the AAPD as emergency situations arise. The police will respond in the traditional manner. When necessary, the building administrators may coordinate with the AAPD for additional support.

#### **At each building, who will be responsible for crime prevention education and early intervention information?**

Crime prevention education will be coordinated with the building administrators and the Police Chief or their designee. These services will be offered in conjunction with Pittsfield Township Public Safety.

#### **Who will be responsible for early interventions for students to help prevent further problems from developing?**

The school district counselors, social workers, and psychologists are responsible for early intervention as it relates to students.

#### **Who will handle the liaison role between AAPS and the juvenile courts and any custody disputes?**

The school district currently has a Truancy Officer who serves as a liaison between the juvenile courts and the school district. The building administrators, in conjunction with the Police Department, handle custody disputes.

#### **Who will handle staff or students involved with Personal Protection Orders, mental health issues and criminal complaints that occur at the school?**

The building administrators, in conjunction with the Police Department, will address items such as personal protection orders, criminal complaints, etc.

#### **Who will investigate any allegations of abuse by staff, parents/guardians, and students?**

Any suspected child abuse and/or neglect is reported to and investigated by Child Protective Services (CPS).

#### **What if a student experiences the loss of property, such as an electronic device?**

If an item is lost at school the student will be asked to check the lost and found and the main office. It is recommended that all electronic devices (cell phones, iPods, etc.) have a tracking app loaded on the device as this will greatly increase the likelihood of finding the device. Parents/guardians may file a police report with the Ann Arbor Police Department if they believe the item was stolen. Ann Arbor Public Schools is not responsible for lost or stolen items within the schools, on school premises, on school buses or at school district extra-curricular events and activities.



## Police Interviews & Interrogation

In cases where there is no immediate danger to lives or property, a police officer from the Ann Arbor Police Department (AAPD) or Pittsfield Township Public Safety having business on AAPS property which involves the need to interview or interrogate a student, will first make contact with 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 applicable statutory provisions, constitutional protections, and other guidelines included within this booklet.

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

- The police officer may interview the student to determine their knowledge of the alleged criminal activity.
- If, at any point during an interview, the student 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 is the responsibility of the police officer to notify the student of the change and explain to the student the implications of the change from an interview to an interrogation. The police officer will also notify the building administrator of the necessity to have school district personnel present.

**The following guidelines are followed when the AAPD initiates contact with a student (including at the request of the school district) for the purpose of conducting an interview:**

- Prior to any interview, the AAPD shall inform the student of their right, by law, not to participate in the interview and to return to their regular school activity.
- School district personnel may be present when a student is interviewed by the police.
- All AAPD/school district 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/school district personnel present.
- If the student indicates a desire to have an attorney and/or parent/guardian present, the school district shall use best efforts to notify a parent/guardian prior to the interview of a student.
- The student will also be advised that, if they request, the school district will attempt to contact the attorney the student identifies, directly on behalf of the student. The school district shall document these efforts in writing, including times, dates, contact name and phone numbers of all telephone calls.
- The AAPD must inform the student that the student can terminate the interview at any time. If at any point in an interview, the student indicates an unwillingness to continue to speak or to provide any further information, the interview shall stop immediately.
- When an interview is done in conjunction with Child Protective Services (CPS), the agency will make the decision regarding parent/guardian notifications. It is considered interference in the CPS process if school district staff contact the parent/guardian, without direction or permission from CPS.
- 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 the English language, AAPD shall work with school district personnel, an attorney or the student's parent/guardian to accommodate the identified impairment and/or obtain an interpreter or translator before making a decision to proceed with an interview.

## Reporting Student Misconduct to Law Enforcement Agencies

The school district is legally required to report certain instances of student misconduct to local law enforcement agencies. These acts of misconduct include:

- Physical Assault
- Gang Related Activity
- Illegal Possession
- Trespassing/Intruding
- Vandalism -- property damage over \$1,000
- Criminal Sexual Conduct
- Hostage
- Weapons on School Property
- Homicide
- Drive by Shooting
- Bomb Threat
- Explosion
- Arson
- Robbery or Extortion
- Unauthorized Removal of Student
- Threat/Attempt of Suicide
- Suicide
- Larceny (Theft)
- Illegal Drug Use or Overdose
- Minor in Possession of Alcohol
- Minor in Possession of Tobacco
- Bus Incident or Accident

## Locker Search Procedures

Lockers are the property of the school district. 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 students and staff.

Students possess the right of privacy of their person as well as freedom from unreasonable search and seizure of property. The individual's rights, however, are balanced by the schools' responsibility to maintain order and discipline in the schools and to protect the health, safety and welfare of its students. Except in an emergency, the school principal or their designee will attempt to have another adult present during a locker search.

The school principal or their designee shall not be obligated, but may request the assistance of a law enforcement officer or K-9 Unit in the course of conducting a locker search. The school principal or their designee shall respect the privacy rights of the student regarding any items discovered during a search that are not illegal or a violation of school policy or rules.

## Searches of Student Backpacks & Possessions

**Search of a student and their possessions, including backpacks and vehicles, may be conducted at any time the student is in school, on school premises, on a school bus or at a school-sponsored activity or event. There must be reasonable suspicion that the student is in violation of law or school rules.**

**Reasonable Suspicion** means the person initiating the search has a well-founded suspicion based on objective facts that can be articulated of either criminal activity or a violation of school district policies or school rules. Reasonable suspicion is more than a mere hunch or supposition. Backpacks and student possessions left unattended are subject to search.

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. Student searches by school officials and a police officer on public school property, school buses and at school-sponsored activities and events are justified if both parts of the following tests are met:

- **Search justified at its inception** - The search must be justified at its inception. That is, there must be reasonable suspicion the search will reveal evidence of a crime, or violation of board policy or school rules.
- **Reasonable scope** - The search must be reasonably related in scope to the circumstances that justified the initial suspicion. In other words, a search is proper when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive given the type of infraction and the age and gender of the student.

In some circumstances, a search of a student's cell phone may be made, following these same criteria.

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 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. School officials reserve the right not to return confiscated items to the student directly. In the course of any search, students' privacy rights will be respected regarding any item that is not illegal or a violation of board policy or school rules.

## Code of Conduct and Consequences

This Code of Conduct applies to any student on school property, in attendance at school, participating in a virtual learning class or other learning opportunity offered by the Ann Arbor Public Schools, present 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 has been disciplined for fighting and repeats the offense additional times during the school year, the action level consequences would build reflecting multiple occurrences. The administration reserves the right to consider the student's age, any previous violations of the Code, whether the student is a student with a disability, the seriousness of the violation or behavior, whether the violation or behavior threatened the safety of any student or staff member, or other factors, in determining the action level to be applied.

Various types of student misconduct are listed immediately below. The list is not intended to be all inclusive, but only illustrative. A student who engages in an act of misconduct that is not listed here may, nevertheless, be subject to disciplinary action.

### 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 to include collusion)	*	*			
D. Interference with school personnel	*	*	*		
E. Inappropriate dress	*				
F. Disruptive conduct	*	*			
G. Forgery	*	*			
H. Inappropriate locker/other displays and images (not electronic)	*	*			
I. Gambling	*	*			
J. Instigation and Provocation	*	*			

### III. Controlled Substances/Alcoholic Beverages

	Action Level				
	1	2	3	4	5
A. Use and/or possession of tobacco products and/or smoking paraphernalia, including e-cigarettes, personal vaporizers	*	*			
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				
	1	2	3	4	5
A. Inappropriate use of password(s)	*	*	*		
B. Unauthorized access to files	*	*	*	*	*
C. Inappropriate use of the Internet (Web), e-mail, text and social networking	*	*	*	*	*
D. Inappropriate and/or illegal use of software	*	*	*		
E. Unauthorized and inappropriate use of district technology	*	*	*	*	*
F. Privacy rights	*	*	*	*	

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. Possession of dangerous weapons				*	
B. Possession of other weapons		*	*	*	*
C. Possession or use of firecrackers or explosives		*	*	*	*
D. Threats with a weapon and/or dangerous instrument	*	*	*	*	*
E. Use of a weapon			*	*	*
F. Threat or use of a legitimate tool as a weapon	*	*	*	*	*
G. Physical aggression	*	*	*		
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 Bullying/Cyberbullying Policy	*	*	*	*	
O. Robbery	*	*	*	*	
P. Reckless vehicle use	*	*	*	*	
Q. Bomb threat or similar threat	*	*	*	*	
R. Attempted arson/burning	*	*	*	*	*
S. Violation of harassment policy	*	*	*	*	*

VII. Persistent Disobedience	Action Level				
	1	2	3	4	5
A. Persistent disobedience is defined as “repeated and willful” violations over time, or any combination of the AAPS Rights & Responsibilities	*	*	*	*	

## Previous Misconduct in Another School District

A student who seeks to enroll in Ann Arbor Public Schools and who has previously been found to have engaged in misconduct in another school district, as the term “misconduct” is defined in this Code 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 Ann Arbor Public Schools. The student shall be permitted to enroll, but shall be placed on suspension pending a hearing before the Superintendent or their designee in accordance with Action Level 4 and/or 5 of this Rights & Responsibilities document. All applicable due process procedures will be followed in determining whether discipline will be imposed by Ann Arbor Public Schools.

## **DISCIPLINARY ACTION LEVELS**

### **DUE PROCESS**

Procedural protections exist for students who are charged with violating the Code of Conduct. "Due Process," or fairness under the circumstances, varies depending on whether the alleged act of misconduct may result in a short-term suspension, a long-term suspension, or an expulsion. Increased protections are provided where the recommendation is for a long-term suspension or an expulsion.

### **GENERAL REQUIREMENTS**

One or more of the actions listed below may be taken by the administration or other designated staff member. A meeting, letter, or telephone call with the parent/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 their schoolwork, pending the completion of the disciplinary process. Homework shall be provided during any exclusion from classes and make-up privileges will be the same as for an excused absence.

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 enrolled in the district. Students with disabilities are afforded certain additional procedural protections under state and federal law.

### **ACTION LEVEL 1**

Where a student is charged with an Action Level 1 violation of the Code of Conduct, the various measures below may be taken. If it is found that the student violated the Code of Conduct and a suspension should be imposed, the typical range will be an in-school suspension (up to five (5) school days) or a one (1) to five (5) school day out-of-school suspension.

### **INFORMAL HEARING**

The building administrator shall inform the student of the charges against them and, if the student denies the charges, the administrator shall provide the student with an explanation of the evidence the administrator possesses. The student shall be provided an opportunity to explain to the administrator their version of the facts.

If, following the informal hearing, the administrator determines that the student has violated the Code of Conduct, which would warrant a short-term suspension, each of the following factors shall be considered:

- The student's age.
- The student's disciplinary history.
- Whether the student is a student with a disability.
- The seriousness of the violation or behavior committed by the student.
- Whether the violation or behavior committed by the student threatened the safety of any other student or staff member.
- Whether restorative practices will be used to address the violation or behavior committed by the student.
- Whether a lesser intervention would properly address the violation or behavior committed by the student.

## **DISCIPLINARY ACTION**

If, after considering these factors, the building administrator, in their discretion, is of the opinion that a suspension should be imposed, they may impose a disciplinary penalty of out-of-school suspension not to exceed five (5) school days and/or proceed with any or all of the following:

**CONFERENCE BETWEEN TEACHER AND STUDENT.** A discussion about changes in behavior, use of a travel card, and/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/GUARDIAN.** Notification to the parent/guardian of a meeting, by telephone call or letter, that a behavioral problem exists, the action taken, expectations for future behavior and any necessary follow-up.

**CONFERENCE WITH STAFF, PARENT/GUARDIAN AND STUDENT.** A collaborative meeting or telephone conversation to discuss the student's achievement and unacceptable conduct, better ways of managing 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 will be sent to the parent/guardian and one kept in the student's file.

**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 and/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.

**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/guardians of student 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 (1) day of the ten (10) school days a student with a disability may be required to serve before an IEP (Individualized Educational Planning) meeting or Section 504 meeting is mandated, or will count as one (1) of the ten (10) days a classroom teacher can impose on any one student during the school year.

**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.

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

**FINANCIAL OR SERVICE HOURS SETTLEMENT.** In cases where student behavior causes damage, destruction, or loss of property on any district 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.

## **ACTION LEVEL 2**

Where a student is charged with an Action Level 2 violation of the Code of Conduct, the various measures below may be taken. If it is found that the student violated the Code of Conduct and a suspension should be imposed, the typical range will be an in-school suspension (up to ten (10) school days) or a six (6) to ten (10) school day out-of-school suspension, subject to possible reinstatement requirements (for students grades 6 and above).

### **INFORMAL HEARING**

The building administrator shall inform the student of the charges against them and, if the student denies the charges, the administrator shall provide the student with an explanation of the evidence the administrator possesses. The student shall be provided an opportunity to explain to the administrator their version of the facts.

If, following the informal hearing, the administrator determines that the student has engaged in a prohibited act under the Code of Conduct which would warrant a short-term suspension, they shall consider each of the following factors:

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

### **DISCIPLINARY ACTION**

If, after considering these factors, the building administrator, in their discretion, is of the opinion that a suspension should be imposed, they may impose a disciplinary penalty of out-of-school suspension not to exceed ten (10) school days and/or proceed with any or all of the following:

**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



Ann Arbor Public Schools by the City of Ann Arbor contains provisions relating to parent/guardian notification and to interviews, interrogations, and arrests by the Ann Arbor Police Department.

**FINANCIAL OR SERVICE HOURS SETTLEMENT.** 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 (3) 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 appropriate law enforcement agency.

**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 of time.

### **ACTION LEVEL 3**

Where a student is charged with an Action Level 3 violation of the Code of Conduct, the various measures below may be taken. If it is found that the student violated the Code of Conduct and a long-term suspension should be imposed, the typical range will be an out-of-school suspension from eleven (11) to fifty-nine (59) school days, subject to possible reinstatement requirements.

#### **INFORMAL HEARING**

The building administrator shall inform the student of the charges against them and, if the student denies the charges, the administrator shall provide the student with an explanation of the evidence the administrator possesses. The student shall be provided an opportunity to explain to the administrator their version of the facts.

If, following the informal hearing, the administrator determines that the student has engaged in a prohibited act under the Code of Conduct, which would warrant a long-term suspension, they shall consider each of the following factors:

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

#### **DISCIPLINARY ACTION**

If, after considering these factors, if the building administrator, in their discretion, is of the opinion that a long-term suspension should be imposed, the building administrator shall submit a report and recommendation for the imposition of a long-term suspension to the Superintendent's designee.

**SUSPENSION WITH ASSIGNMENT TO A SPECIALIZED PROGRAM.** Action taken for a second possession of drugs/alcohol or first sale or transfer. See section on Controlled Substances.

POLICE REFERRAL. Same as Action Level 2.

## **FORMAL HEARING**

The Superintendent's designee, after reviewing the building administrator's report, witness statements and any other relevant documents or items, will schedule a hearing within ten (10) school days of the event requiring disciplinary action. The Superintendent's designee's office will identify a Formal Hearing Panel and prepare a packet of information for the hearing. The parents/guardians will be sent a letter which includes the date, time, and location of the hearing and the specific alleged violations. The letter should be received at least two (2) days prior to the hearing.

The authority to issue a long-term suspension, from eleven (11) to fifty-nine (59) school days, rests with the Superintendent. Before imposing a long-term suspension, the Superintendent shall consider each of the following factors:

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

A student who has been placed on a long-term suspension is not permitted to attend class, remain on school grounds or participate in any extracurricular activities during the period of the suspension.

## **ACTION LEVEL 4**

Where a student is found to have committed an Action Level 4 violation of the Code of Conduct, the various measures below may be taken. If it is found that the student violated the Code of Conduct and an expulsion should be imposed, the typical range will be from sixty (60) school days to one hundred eighty (180) school days, subject to reinstatement.

## **INFORMAL HEARING**

The building administrator shall inform the student of the charges against them and, if the student denies the charges, the building administrator shall provide the student with an explanation of the evidence the administrator possesses. The student shall be provided an opportunity to explain to the administrator their version of the facts.

If, following the informal hearing, the building administrator determines that the student has engaged in a prohibited act under the Code of Conduct for which expulsion would be warranted, they shall submit a report and recommendation for expulsion to the Superintendent's designee.

## **FORMAL HEARING**

The Superintendent's designee, after reviewing the building administrator's report, witness statements and any other relevant documents or items, will schedule a hearing within ten (10) school days of the event requiring disciplinary action. The Superintendent's designee's office will identify a Formal Hearing Panel and prepare the packet of information for the hearing. The parents/guardians will be sent a letter which includes the date, time and location of the hearing and the specific alleged violations. The letter should be received at least two (2) days prior to the hearing.

The authority to impose an expulsion of sixty (60) to one hundred eighty (180) school days rests with the Superintendent. Before imposing an expulsion for sixty (60) to one hundred eighty (180) school days, the Superintendent shall consider:

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

## **DISCIPLINARY ACTION**

If, following a Formal Hearing and after considering these factors, the Superintendent, in their discretion, is of the opinion that an expulsion should be imposed, they may impose a disciplinary penalty of expulsion for sixty (60) to one hundred eighty (180) school days.

**REINSTATEMENT.** Eligible students or their parent/guardian may submit a written request for reinstatement no earlier than thirty (30) school days prior to the end of the specified period of expulsion. A hearing before a Reinstatement Committee shall be convened before a student is readmitted. The reinstatement process is found on pages 29-30.

## **ACTION LEVEL 5**

Where a student is found to have committed an Action Level 5 violation of the Code of Conduct, the various measures below may be taken. If it is found that the student violated the Code of Conduct and the student should be permanently expelled, a permanent expulsion, subject to reinstatement, may be imposed.

## **INFORMAL HEARING**

The building administrator shall inform the student of the charges against them and, if the student denies the charges, the administrator shall provide the student with an explanation of the evidence the administrator possesses. The student shall be provided an opportunity to explain to the administrator their version of the facts.

## **DISCIPLINARY ACTION**

If, following the informal hearing, the building administrator determines that the student has engaged in a prohibited act under the Code of Conduct and should be permanently expelled, they shall submit a report and recommendation for permanent expulsion to the Superintendent's designee.

**POLICE REFERRAL.** Same as Action Level 2.

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

## BOARD OF EDUCATION HEARING

Each student subject to permanent expulsion will have their situation reviewed by the Superintendent and the Board of Education on a case-by-case basis. **Permanent expulsion cases will be referred to a hearing panel, which will make a recommendation to the Superintendent.** The Superintendent will review the documentation for each case and determine if the recommendation to permanently expel the student should be upheld and submitted to the Board of Education for review. While the review and hearings are taking place, the student will be suspended from school and homework will be provided.

In the event that the Superintendent is of the opinion that a student should be permanently expelled, they will forward a recommendation to the Board of Education. The Board of Education will decide, on a case-by-case basis, the process it will follow in conducting its review. The Board of Education will convene in open or closed session, at the request of the eligible student or parent/guardian, to review the matter. There will typically be no further testimony or taking of evidence.

Before imposing a permanent expulsion, the Board shall consider:

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

**EXPULSIONS REQUIRED BY LAW.** Under the Michigan Revised School Code, the school district may be required to expel a student who is found to have:

- Possessed a dangerous weapon in a weapon free school zone;
- Committed arson in a school building or on school premises;
- Engaged in criminal sexual conduct in a school building or on school premises; or
- Committed a physical assault of a school district employee, volunteer, contractor or other student(s).

Before imposing an expulsion in a circumstance required by law, the Board shall consider:

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

If, after considering these factors, the Board of Education, in its discretion, is of the opinion that a permanent expulsion should be imposed, it may impose a disciplinary penalty of permanent expulsion.

The above considerations do not apply for a student who is found to have possessed a dangerous weapon in a weapon free school zone. However, the Board of Education is not required to expel a student for possessing a dangerous weapon if at least one of the following criteria is established by the student *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

## REINSTATEMENT

REINSTATEMENT PROCEDURE FOR GRADES 6 AND ABOVE. A reinstatement hearing will be convened for all expulsions or if reinstatement from an out-of-school suspension is conditional or required.

Parents/guardians may submit a written request for reinstatement according to the conditions and timeline outlined in the final disciplinary notification:

- For long-term out-of-school suspensions, a request is submitted to the Superintendent's designee;
- For expulsions, the request is submitted to the office of the Superintendent.

For reinstatement requests following long-term suspensions and expulsions, the Superintendent's designee will appoint a Reinstatement Committee, including Board of Education representation, within ten (10) days from receipt of the request. The Superintendent's designee will schedule the hearing to be held no later than ten (10) school days after the committee has been formed.

The Reinstatement Committee will review the request for reinstatement and supporting information and submit a recommendation to the Board of Education. The recommendation is to include one of the following:

- Unconditional reinstatement
- Conditional reinstatement
- Against reinstatement

The recommendation must be accompanied by an explanation of the reasons for the recommendation, any recommended conditions, and must be based on the following factors:

1. The extent to which reinstatement would create a risk of harm to other students or staff;
2. The extent to which reinstatement would create a risk of school district liability or individual liability for the Board of Education, administrators, or other staff members;
3. The age and maturity of the student;
4. The student's school record before the incident that resulted in the expulsion;
5. The student's attitude concerning the incident that resulted in the expulsion;
6. The student's behavior since the expulsion and prospects for remediation;
7. The degree of cooperation and support that has been provided by the parent/guardian, and that can be expected if the student is reinstated, including receptiveness toward any conditions placed on the reinstatement.

The Reinstatement Committee will forward its recommendation to the Board of Education for action at the next regularly scheduled meeting.

The Board of Education must decide, on a case-by-case basis, whether to:

1. Reinstate the student
2. Require the student and parent/guardian to agree in writing to conditions such as:
  - A behavior contract
  - Participation in or completion of an anger management program or other appropriate counseling
  - Periodic progress reviews
  - Specific, immediate consequences for failure to abide by the conditions
3. Deny reinstatement

The decision of the Board of Education is final.

The Superintendent's designee will communicate the decision of the Board of Education to the parent/guardian, verbally, within one (1) school day. Formal written confirmation of the decision of the Board of Education will be sent to the parent/guardian as well as to the appropriate members of the school administration. Copies are kept permanently in the hearing file, Student's CA60, and Board of Education files. The Superintendent's designee will enter the action into the student database.

**REINSTATEMENT PROCESS FOR GRADES 5 AND BELOW.** The parent/guardian of a student enrolled in grade 5 or below at the time of a long-term suspension or expulsion may submit a written request to the Board of Education for reinstatement of the student according to the conditions and timeline outlined in the final disciplinary notification.

## SUSPENSION/EXPULSION LAWS

In accordance with state law, the Board of Education must permanently expel a student for possession of a dangerous weapon. The Board of Education may expel students for arson, criminal sexual conduct, or physical assault. Where a student is found to have engaged in such misconduct, the Board must determine, after considering a number of factors, whether a lesser intervention would properly address the violation or behavior. These considerations do not apply where a student is found to have possessed a dangerous weapon in a weapon free school zone. Classroom teachers may suspend students from their classrooms for any violations of the Code of Conduct.

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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 one hundred eighty (180) school days as defined by the law; makes it the parent's/guardian's responsibility to find a suitable educational program and to enroll the student 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 they have been permanently expelled. Expulsion is not required, however, if the Board determines that a lesser intervention would properly address the violation or behavior.

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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 one hundred eighty (180) school days. If the student is expelled, the law makes it the parent's/guardian's responsibility to find a suitable education program and to enroll the student in such a program during the expulsion; AND requires the district to report the expulsion to the Michigan Department of Education. Expulsion is not required, however, if the Board determines that a lesser intervention would properly address the violation or behavior.

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If... a student in grade 6 or above 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/guardian's responsibility to find a suitable education program and to enroll the student in such a program during the expulsion; AND requires the district to report the expulsion to the Michigan Department of Education. Expulsion is not required, however, if the Board determines that a lesser intervention would properly address the violation or behavior.

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If... a teacher or building administrator 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 or building administrator to SUSPEND the student from the class, subject, or activity for up to one (1) full school day.

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## SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

The school district may suspend students with disabilities for disciplinary purposes, up to ten (10) school days in a school year, to the same extent removal would be applied to nondisabled students and without providing educational services. When suspension of a student with a disability goes beyond ten (10) cumulative days in a school year, the school district is responsible for providing educational services while the student serves their days of suspension.

### Manifestation Determination Review (MDR)

Within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of the Code of Conduct, the school district, the parent/guardian, and any other relevant members of the Individualized Educational Program (IEP) team or Section 504 team will review all relevant information to determine whether the conduct subject to discipline was:

- Caused by, or was in direct and substantial relationship to, the student's disability, or;
- A direct result of the school district's failure to implement the IEP or Section 504 plan.

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 student, or, if a BIP has been developed, review the existing plan and modify it as necessary to address the behavior.
- The school district will take immediate steps to remedy any deficiencies in the implementation of the current IEP or Section 504 plan.

If the behavior is found **not** to be a manifestation of the student's disability, the disciplinary consequences may be applied and the team will determine the manner in which the student will continue to be provided a Free and Appropriate Public Education (FAPE).

When the behavior subject to disciplinary action involves drugs, dangerous weapons, or if the student is deemed to be a danger to themselves or others, the IEP team or Section 504 team, as applicable, shall determine an interim alternative placement and the educational services to be provided for up to forty-five (45) school days.

When considering suspensions, administrative transfers, or expulsions of a student who has not yet been found eligible as a student with a disability, but the district has a *basis of knowledge* that the student has a disability, the student has the same rights as students who are eligible for special education services during the evaluation process.



## **CONTROLLED SUBSTANCES/ALCOHOLIC BEVERAGES**

Ann Arbor Public Schools is dedicated to providing a healthy, comfortable and productive environment for all members of the school community. 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 school district is committed to providing a safe school environment that is free of alcohol, tobacco, and other drugs.

The negative and disruptive impact of alcohol, tobacco, and other drugs is not limited to conduct which solely occurs on school premises or at school activities. A student is, therefore, subject to disciplinary consequences for violating the behavior and safety regulations concerning alcohol, tobacco, or other drugs regardless of the day, time, or place of the violation.

The school district follows a three-part approach to controlled substances: 1) prevention, 2) intervention, and 3) support. Engaging in the unacceptable behaviors listed in the Code of Conduct or under this "Controlled Substances/Alcoholic Beverages" section of the Rights & Responsibilities booklet will subject the student to disciplinary action.

The school district will offer families a referral to a drug counseling program, but the programs, themselves, are at the expense of the family.

### **Action Levels for Violation of the Controlled Substances/Alcoholic Beverages Regulation**

A. Use and/or possession of tobacco products and/or smoking paraphernalia or e-cigarette or personal vaporizer. 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, hallucinogens, stimulants, depressants, or other controlled substances or counterfeit substances not intended for human consumption or controlled substance analogue intended for human consumption (not medically prescribed for the individual and administered according to the district's medication policy). This includes non prescription, over-the-counter medications.

i. First Offense - Ten (10) day suspension, which can be reduced to three (3) days if evidence is provided of scheduled appointments of 4-6 hours of drug treatment and education classes (the school district is able to provide resources for this treatment and classes). 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 seven (7) days of the suspension will be waived. The remaining seven (7) days of the suspension will be required to be served if the agreed-upon intervention is not completed within six (6) weeks.

ii. Second Offense - Ten (10) day suspension can be reduced to five (5) days if evidence is provided of scheduled appointments of 4-6 hours of drug treatment and education classes. (The District can provide resources for this treatment and classes.) 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 five (5) days of the suspension will be waived. The remaining five (5) days of the suspension will be required to be served if agreed-upon intervention is not completed within six (6) weeks.

iii. Third Offense - Recommendation of long-term suspension by administrator. See "Level 4" for description of long-term suspension, rights of student, and school district process.

## **ANN ARBOR PUBLIC SCHOOLS POLICY 5500 - TOBACCO FREE ENVIRONMENT**

The Board of Education recognizes that the use of tobacco and products containing nicotine presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

The Board prohibits smoking of any kind, to include the use of tobacco and tobacco products of any kind on school district property, on property under the control of the school district, in school buildings, grounds, indoor facilities or in school district vehicles, and at any district-related event.

The administration of each school building will take appropriate action in cases involving students who are in violation of this policy, as outlined in the Rights and Responsibilities Handbook.

### **Medication**

Medication: includes prescription, non-prescription (over-the-counter), and herbal medication, and includes those taken by mouth, by inhaler, emergency medication given rectally, those that are injected, and those applied to eyes, nose, or the skin. No student shall use or possess medication while in school, on school premises, on a school bus or at a school district sponsored activity, except as expressly permitted by, and in strict compliance with, administrative regulation 5600.R.01.

## DEFINITIONS

For purposes of this Rights & Responsibilities document, the terms, below, will have the meanings assigned.

**ACADEMIC DISHONESTY / PLAGIARISM.** Submitting or attempting to obtain data or answers dishonestly; 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. A violation may result in academic sanctions, in addition to other discipline.

**ADMINISTRATIVE APPEAL PANEL.** A panel appointed and chaired by the Superintendent's designee, this panel consists of the chair and two (2) additional building administrators.

**ALCOHOL AND DRUGS.** Use, possession, being under the influence, or the sale and distribution by students on school premises at district activities, of alcohol or illicit substances, including e-cigarettes and personal vaporizers. Prescription, non-prescription, and over-the-counter pharmaceuticals are included unless the student is in full compliance with school district policy and administrative procedures for possession and/or use.

**ARSON/ATTEMPTED ARSON/BURNING.**

- A. Arson. Intentional damage or destruction by 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 without success; e.g., throwing a lighted match into a trash container but no fire starts.
- C. Burning. Setting fire to, or any action which results in the starting of a fire, or aiding, counseling, inducing, persuading or procuring another to do such an act or acts.

**ASSAULT.**

- A. Physical Aggression. One individual being aggressive towards another including pushing, horseplay, shoving, charging, throwing objects, or any forceful action intended to dominate.
- B. Fighting. Two or more students engaged in physical contact with the intent to cause physical harm including kicking, hitting, choking, slapping, shoving, scratching, spitting, biting, blocking passage of, or throwing objects at another person in an aggressive, confrontational or dangerous manner.
- C. Physical Assaults Against School Staff. Intentionally causing or attempting to cause physical harm to another through force or violence. Any student in grade 6 or above who commits a physical assault against a school employee or person engaged as a volunteer or contractor for the school on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event, shall be permanently expelled, subject to possible later reinstatement after having been out of school for a period of not less than one hundred eighty (180) school days. The Board of Education may, however, determine that the student should not be expelled because a lesser intervention would properly address the violation or behavior.
- D. Physical Assaults Against Students. Intentionally causing or attempting to cause physical harm to another student through force or violence. Some fights may demonstrate an intensity to be considered an assault, as defined by state law (MCL 380.1310, 380.1311a) and evaluated under the state statute. Any student in grade 6 or above who commits a physical assault against another student on school premises, 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) school days. The Superintendent may, however, determine that the student should not be suspended or expelled because a lesser intervention would properly address the violation or behavior.

**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 on school premises, in a virtual class or learning opportunity offered by the Ann Arbor Public Schools, on a school bus, or other school-related vehicle, or at a school-sponsored activity or event.

B. Open Defiance/Willful Disobedience. Refusing to comply, either verbally or nonverbally, with a direction or instruction of a staff member.

C. Displays/Images. Applying profane, obscene, sexist, racist or other discriminatory decorations to any area or surface of the school district or school district property.

**BOMB THREAT.** Making a bomb threat or similar threat directed at a school building, other school property or a school-related event.

**BULLYING.** Any written, verbal or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

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

Such behavior is considered bullying whether it takes place on or off school premises, at any school-sponsored function, or in a school vehicle. See Ann Arbor Public Schools Policy 5800 - Anti-Bullying/Cyberbullying Policy included in this booklet.

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

**CHEATING/ACADEMIC MISCONDUCT.** A student will not plagiarize, cheat, gain unauthorized access to or tamper with educational materials. A violation may result in academic sanctions, in addition to other discipline.

**COLLUSION.** Secret or illegal cooperation or conspiracy, especially in order to cheat or deceive.

**COMPUTING ENVIRONMENT.** A collection of computers, software, televisions, and network wiring that support the processing and exchange of electronic information within the school district and provides access to selected electronic information resources outside the school 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 premises, school bus or other school-related vehicle, or at any school-sponsored activity.

**CYBERBULLYING.** Any electronic communication that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly, by doing any of the things included within Ann Arbor Public Schools Policy 5800, included within this booklet.

**DELIBERATE MISUSE OF PROPERTY.** Intentionally using, without proper permission, property belonging to another or the school, in a manner likely to cause damage or disruption.

**DISRUPTIVE CONDUCT.** Inappropriate behavior that disturbs the regular or normal functions of the school.

**DRUGS.** Alcohol, controlled substances and any mood-altering substances that have not been medically prescribed for the student, including use of personal vaporizers and e-cigarettes.

**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 themselves or other persons or property, or is an ongoing threat to disrupting the academic process.

**EXPULSION.** Removal from the school district, subject to possible reinstatement after sixty (60) or more school days

**EXTORTION.** Knowingly obtaining or seeking to obtain property or services, or causing or seeking to cause another to act in a manner, by means of a threat to: (1) cause physical injury, (2) cause damage to property, (3) engage in illegal conduct, or (4) make false accusations.

**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, without permission or with intent to defraud; altering or falsifying documents.

**FORMAL HEARING.** Process required for all recommended expulsions and long-term suspensions. Convenes within ten (10) days of suspension.

**FRAUD.** Deceiving another or causing another to be deceived by false or misleading information in order to obtain anything of value.

**GAMBLING.** Participation in non-school district sanctioned 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.

**HARASSMENT.** Verbal acts, written statements or any other conduct that is threatening, harmful or humiliating that is sufficiently severe, pervasive, or persistent so that it:

- Affects the student's ability to benefit from an educational program or activity;
- Creates an intimidating, threatening or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with a student's academic performance; or
- Otherwise adversely affects that student's educational opportunities.

**HAZING.** Intentional, knowing, or reckless act by a person acting alone or 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.

**HEARING PACKET.** Documentation related to incident to include hearing agenda, correspondence to parent/guardian, building investigation report and attachments, witness statements (student names redacted), police report, attendance records, previous disciplinary action, Rights & Responsibility excerpts and copies of applicable laws.

**INSTIGATION AND PROVOCATION.** Purposeful verbal, written or physical contact with the intent to engage others in misconduct.

**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.

**INAPPROPRIATE PUBLIC DISPLAYS OF AFFECTION.** Consensual kissing, hugging, fondling or touching another person in public that goes beyond acceptable casual contact and which creates, or has the potential to create, a disturbance in the school setting or at a school activity.

**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.** Willful or intentional attempts to undermine or interfere with school personnel fulfilling their duties.

**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.

**LEAVING SCHOOL OR DESIGNATED AREA WITHOUT PERMISSION.** Leaving the school building, classroom, cafeteria, assigned area or the school campus without permission from school staff.

**LOITERING.** Remaining in or around the school building without school permission and supervision.

**LONG TERM SUSPENSION.** A disciplinary action which removes a student from the school district for longer than ten (10) school days, but less than sixty (60) school days.

**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, within a specified timeframe.

**MANIFESTATION DETERMINATION REVIEW (MDR).** An administrative evaluation required of students with disabilities if out-of-school discipline is being considered to determine whether or not the student's behavior that led to the disciplinary infraction is linked to their disability.

**OFF LIMITS.** Entering a location in a building or any school property which has been restricted from student use.

**ONE-DAY SUSPENSION.** A disciplinary action which removes a student from the school district for one (1) school day. The student may not attend or participate in classes or activities but will have make-up privileges.

**PERSISTENT DISOBEDIENCE.** Willful acts which also have a disruptive effect when they are repeated over a period of time.

**PHYSICAL AGGRESSION.** One individual being aggressive towards another including pushing, horseplay, shoving, charging, throwing objects, or any forceful action intended to dominate.

**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.

**PRIVACY RIGHTS.** Students or staff members shall not photograph, audiotape, or videotape other individuals at school or at school-sponsored events without their knowledge or consent, except for activities considered to be in the public arena such as active participants in sporting events or public performances. Students or staff members shall not email, post to

the Internet, or otherwise electronically transmit images of other students without their expressed written consent. Use of cellular phones or other personal electronic devices is strictly prohibited in locker rooms and restrooms.

**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.

**REINSTATEMENT.** Specific process by which a student may return to school following an out-of-school suspension or expulsion.

**RESTORATIVE PRACTICES.** Practices that emphasize repairing the harm to the victim and the school district community caused by a student's act of misconduct.

**RESTRAINT.** An action that prevents or significantly restricts a student's movement.

**ROBBERY.** Taking property, or attempting to take property, from a person by force or threat of force.

**SECLUSION.** The confinement of a student in a room or other space from which the student is physically prevented from leaving.

**SEXUAL HARASSMENT.** Unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication that has the purpose or effect of substantially or unreasonably interfering with a student's education or creating an intimidating, hostile or offensive educational or social environment on school property, in a virtual class or other learning opportunity offered by the Ann Arbor Public Schools, school bus or school-related vehicle, or at any school-sponsored or related event or activity.

**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.

**SHORT TERM SUSPENSION.** A disciplinary action which removes a student from the school district for a period between one (1) to ten (10) school days.

**SUSPENSION.** A disciplinary action which removes a student from school for a specified period of time, less than sixty (60) school days.

**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 school personnel and selected class projects. Students shall not use school 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 school district computers is prohibited. Students shall not use school 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, including e-cigarettes and personal vaporizers on or adjacent to school premises or at school activities.

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

**TRUANCY.** Persistent and excessive unexcused or unaccounted for tardiness or absenteeism from school, class or other assignments, greater than seven (7) days/occurrences.

**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, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, an iron bar or brass knuckles.

B. Firearm. A 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 agent.

C. 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.