

Waterford School District

Student Code of Conduct

Pre-Kindergarten
Through Grade 12

Revised
June 2012

Inspire, educate, and empower our students for their future!

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I. PREAMBLE

Waterford School District (WSD) is dedicated to creating and maintaining a positive learning environment for all students. The school community (students, staff, parents, school board, and community members) must assume a responsible role for promoting behavior that enhances academic and social success. Respectful and responsible behavior fosters a positive climate for the learning community.

Schools must be free of disruptions that interfere with teaching and learning at school and during school-related activities and events. Therefore, school officials have the authority to regulate student conduct at school, school-related settings, and where the conduct creates a substantial risk of disruption to the educational process or to an orderly school environment.

Discipline procedures are necessary in order to protect the rights of each member of the school community. Therefore, effective student discipline can only be achieved through cooperation and a shared commitment among the school community.

The Student Code of Conduct has been designed to establish student responsibilities and expectations. Upon the violation of the Student Code of Conduct, appropriate action will be taken. When determining the appropriate action, school officials may use intervention strategies and/or disciplinary actions depending upon the severity or repetition of the misconduct; age or grade level of the student; circumstances surrounding the misconduct; the degree upon which the health and safety of students and the learning environment has been disrupted; and any other relevant factors.

The Student Code of Conduct will be administered uniformly and fairly, without partiality or discrimination.

II. STUDENT RESPONSIBILITIES

Student responsibilities must be seen in relationship to the safety, health, and welfare of all students in each school.

Expectations of student conduct should be kept within the bounds of reasonable behavior expected of all members of the school community. Students should have the freedom and encouragement to express their individuality in school, as long as their conduct does not intrude upon the freedom of others. This applies especially to the freedom of fellow students to receive instruction. There must be a balance between individual freedom and the orderly operation of a school building.

All students should recognize the consequences of their language, dress, manners, and actions toward each other and school staff. Students need to understand the benefits of an orderly school operation, and as members of the school community, acknowledge their responsibility to promote a good learning environment.

If a student feels unsafe or threatened, the student or the student's parent/guardian should contact the building administrator.

III. VIOLATIONS OF THE STUDENT CODE OF CONDUCT

Student misconduct is classified within three levels of violations (see pg. 7 for levels of violations). The definitions of misconduct are not all-inclusive, but are representative and illustrative. A student who commits an act of misconduct not listed herein is nonetheless subject to disciplinary action.

School district staff may use intervention strategies such as teacher/student conferences, student contracts, student service referrals or parent/guardian conferences for Level I violations. Staff will refer Level II and Level III violations directly to building administrators because of the more serious and/or unlawful nature of the misconduct. At the option of building administrators, a student accused of any violation of the Student Code of Conduct may be referred to a school counselor or school social worker in conjunction with, or in lieu of, other disciplinary procedures. Administration reserves the ability to

suspend during/pending an investigation involving a violation of the Student Code of Conduct, but for not more than ten (10) school days. Where the misconduct is subject to long-term suspension or expulsion, the Board of Education's designated hearing officer will determine whether a violation occurred and will impose any appropriate sanctions.

A teacher has the authority to suspend a student from a particular class, subject or activity for up to one day. Building administrators may issue short-term suspensions, not to exceed ten days. Building administrators may issue long term suspensions or expulsions with approval from the appropriate director.

The Student Code of Conduct applies to the following student situations:

- When students are traveling to or from school or a school-sponsored activity, including bus transportation and bus stops.
- When students are in or on property of the school district.
- When students are in attendance at any school-sponsored activity, regardless of its location.
- Regardless of date of incident or location, where the result of a student's conduct would create a substantial risk of disruption to the educational process or threaten the safety and welfare of students or staff.
- A student's disciplinary situation may warrant suspension from his/her current program placement and referral to another program at the discretion of the administrator.
- When students are using school telecommunication networks, accounts, or other services. May also include personal communication devices, telecommunication and social media.

All school community members should become familiar with the Student Code of Conduct.

IV. DISCIPLINE OF STUDENTS RECEIVING OR OTHERWISE ELIGIBLE FOR SPECIAL EDUCATION

These guidelines do not diminish the due process rights of any student, including a student who has been determined to be eligible for special education programs and services under Federal Law.

V. SUSPENSIONS

A student who is suspended from school loses the rights and privileges of attending school and will not be allowed to practice, participate in, or attend any school activity, regardless of location, nor be on Waterford School District property during the suspension (including weekends and/or holidays.) Students whose presence pose a continuing danger to persons or property, or an ongoing threat of disrupting the educational process, may be immediately removed from the school without prior notice, explanation, or opportunity to respond. In such cases, the above procedures shall be provided as soon as is practical. The student and parent/guardian shall be notified of the circumstances and actions taken. A suspended student may maintain academic progress under terms and conditions set by the building administration.

i. One-Day Suspension by Teacher

Pursuant to Sec. 1309, of the Michigan School Code, a teacher may suspend a student from the teacher's class, subject, or activity for up to one full school day in accordance with state law and board policy if the student engages in any of the following types of conduct during the class, subject or activity:

- Physically fighting.
- Refusing to wear safety glasses or other safety required attire despite the teacher's request.
- Possessing, using, or being under the influence of alcohol or a controlled substance.
- Having a "dangerous weapon" as defined by the Revised School Code.

For all other conduct, the teacher must handle the matter in accordance with the Waterford School District Code of Conduct and the standard disciplinary process used in the school building.

ii. Short-Term Suspension

A short-term suspension occurs when a student is suspended for 10 days or less. Except in extraordinary circumstances, alleged violations of the Student Code of Conduct are initially handled at the student's school. Staff will conduct an investigation of the allegation. The building administrator in charge of the investigation shall provide the student with oral and written notice of the charges or allegations, and the student shall have an opportunity to present and explain his/her side of the story. If the building administrator determines that a Student Code violation has occurred, the building administrator may issue a short-term suspension to the student.

iii. Long-Term Suspension

A long-term suspension occurs when a student is suspended for more than ten (10) school days. See Section VI (ii) for appeal process.

iv. Expulsion

An expulsion is the termination of the student's rights and privileges to attend any school within the district, including extracurricular activities. An expulsion is permanent, unless otherwise specified by the Board of Education or its designated hearing officers.

VI. HEARINGS AND APPEALS

i. Hearing for Long-Term Suspension or Expulsion

If recommended by a building administrator, the Board of Education's designated hearing officer shall, at the request of the parent, conduct an impartial hearing to determine whether a violation occurred and whether to impose a long-term suspension or expulsion.

The student and parent/guardian shall be notified of:

1. the alleged violation of the Student Code of Conduct,
2. an overview of the evidence,
3. the potential disciplinary action,
4. the time, date and location of the hearing,
5. the student's right to present written and oral evidence on his/her behalf, and
6. the right to be represented by legal counsel at the student's/parents' expense.

Written and oral evidence may be presented at the hearing on behalf of the student. Following the hearing, the hearing officer shall issue a decision, including a determination of disciplinary action, in writing within five (5) school days.

ii. Appeal or Reconsideration of Long-Term Suspension or Expulsion

A parent has the right to appeal a short-term suspension to the principal and must do so in writing within 24 hours of notification of the suspension. The principal's decision on a building level suspension of ten days or less is final. A student aggrieved by a hearing officer's decision may request to appeal such decision. To request an appeal, the student, within five (5) days of receipt of the decision, must petition the appropriate director requesting the opportunity to appeal the decision of the Board's designated hearing officer. The petition shall be in writing and contain the reasons that the decision should be reviewed or reconsidered. The director may grant or deny the request for an appeal or for reconsideration. If granted, the director shall notify the student in writing of the particular procedures to be used for the appeal or reconsideration.

iii. Expulsions Required by State Law

The Michigan Legislature has mandated that students who are found to have engaged in certain types of misconduct be expelled. School authorities have no discretion to reduce or modify the consequences for those offenses meeting the expulsion standard, as defined by state law. The state law also prohibits other Michigan public school districts from enrolling students expelled for such offenses, except under special circumstances. Students expelled for such offenses are considered to be permanently expelled, but may be reinstated and return to school not sooner than:

Sixth grade or above	180 school days
Fifth grade or below (dangerous weapons).....	90 school days
Fifth grade or below (arson, criminal sexual conduct, physical assault)	10 school days

VII. NOTIFICATION TO LAW ENFORCEMENT AGENCIES

The Michigan Legislature requires school districts to report certain incidents to the police.

The Statewide School Safety Policy, within its "Index of Reportable Incidents" has identified the following types of incidents, occurring "at school or during school-related activities and events", that must be reported to a local law enforcement agency.

- i. Armed Suspect or Hostage
- ii. Situation Robbery or Extortion
- iii. Suspicion of Armed Suspect
- iv. Unauthorized Removal of Student
- v. Weapons on School Property
- vi. Threat of Suicide
- vii. Death or Homicide
- viii. Suicide Attempt
- ix. Drive-By Shooting
- x. Larceny (Theft over \$100)
- xi. Physical Assault (Fights)
- xii. Intruders (Trespassing)
- xiii. Bomb Threat
- xiv. Illegal Drug Use or Overdose
- xv. Explosion
- xvi. Drug Possession or Drug Sale
- xvii. Arson
- xviii. Vandalism or Destruction of Property over \$100
- xix. Sexual Assault (Criminal Sexual Conduct)
- xx. Minor in Possession of Alcoholic Liquor or Tobacco Products
- xxi. Any of above incidents occurring on a school bus
- xxii. A motor vehicle accident involving a school bus

VIII. INTERVIEWS OF STUDENTS BY POLICE OR OTHER PUBLIC AGENCIES

The District endeavors to cooperate with law enforcement agencies. Students may be interviewed in school by law enforcement officials. School officials will grant law enforcement interviews with a student after considering the (1) type of incident; (2) seriousness of the incident; (3) age and maturity

of the student; (4) relationship of the incident to school and the educational process; and (5) whether time is of the essence.

If a student is a suspect, when practical, school personnel will be present during the police interview, and an attempt will be made to contact the parent/guardian. If the student is a victim or witness, the parent/guardian will be notified when the pupil is interviewed by police.

IX. SEARCHES OF STUDENT’S PERSON, LOCKERS AND LOCKER CONTENTS, AND MOTOR VEHICLES

Searches of lockers, storage bins, computer terminals, motorized vehicles and a student’s person may be conducted where necessary to maintain the safety and security of the school community. Any such searches will strictly follow applicable legal standards.

- A. The School District assigns lockers, storage bins, and other storage places to its students for the students' convenience and temporary use. Students are to use these storage areas exclusively to store school-related materials and authorized personal items such as outer garments, footwear, grooming aids, or lunch. Students shall not use these storage areas for any other purpose, unless specifically authorized by the Principal or his/her designee, in advance of students bringing the items to school.
- B. Students are solely responsible for the contents of their lockers, storage bins and other storage places and should not share these storage areas with other students, nor divulge locker combinations to other students, unless authorized by the School Principal or his/her designee.
- C. All lockers, storage bins, and other storage places assigned to students are the property of the School District. Students have no expectation of privacy in lockers, storage bins or other school-supplied storage areas.
- D. The School Principal or his/her designee shall have custody of all combinations to all lockers or locks. The School District also maintains a master passkey. Students are prohibited from placing locks on any locker without the advance approval of the School Principal or his/her designee.
- E. A school official may search lockers, locker contents, storage bins or other school-supplied storage areas at any time, without notice and without parent/guardian or student consent.
- F. The school official shall not be obligated, but may request the assistance of a law enforcement officer in conducting a search. The school official shall supervise the search. In the course of a search, the school official shall respect the privacy rights of the pupil regarding any items discovered that are not illegal or against School District policy and rules.

X. CONTRABAND

Materials or items, whose possession by students is specifically prohibited by this Student Code of Conduct, by building policy, or law, are deemed contraband. Such materials or items may be confiscated by school officials without the necessity of a hearing or other due process procedures. Contraband materials confiscated or obtained by school staff or delivered to school staff may be turned over to parents, destroyed, or turned over to law enforcement authorities, as determined by the building administrator or required by law.

XI. LEVELS OF VIOLATIONS

A Level I violation is behavior which disrupts the educational process or interferes with teaching and learning. For the most part, Level I violations disrupt or interfere with a student's own learning environment, attendance, or punctuality. Depending upon severity or repetition, a Level I violation may be reclassified as a Level II or Level III violation.

i. LEVEL I VIOLATIONS

a) Academic Misconduct

Plagiarizing, cheating, gaining unauthorized access to, or tampering with educational materials. Discipline under this section may result in academic sanctions in addition to other discipline.

b) Behavior Dangerous to Self or Others

Any behavior that can be construed as threatening the safety or well-being of anyone, including but not limited to reckless driving and use of bicycles, skateboards, , roller blades, and throwing objects, including paint or liquids.

c) Chronic Lack of Supplies

Repeatedly reporting to class lacking necessary or required materials.

d) Defacement of Property

Willfully causing defacement of, or damage to, property of the school or others. Defacement includes but is not limited to writing in school textbooks or library books, writing on desks or walls.

e) Disruptive Behavior

Harassing others or misbehaving in a manner that causes disruption or obstruction to the educational process. Behavior is considered disruptive if a teacher is prevented from starting an activity or lesson, has to stop instruction to address the disruption, or if a staff member is prevented from carrying out responsibilities. Any behavior that detracts from or interferes with the orderly operation of the school environment.

f) Harassment/Verbal Abuse/Intimidation

Disturbing by pestering or tormenting, including any oral or written intimidation because of, but not limited to a person's race, color, religion, gender or ethnicity.

g) Inappropriate Displays of Affection

Engaging in inappropriate behavior or displays of affection, such as kissing or long embraces.

h) Inappropriate Dress and Grooming

Dressing or grooming in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others; dressing in a manner that is distractive or indecent, to the extent that it interferes with the learning and teaching process.

i) Leaving School Without Permission

Leaving the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

j) Misuse of Vehicles on School Premises

Bicycles must be walked onto and off school property. Motorized vehicles such as motorcycles, snowmobiles, scooters, and four-wheelers are not allowed on school property at any time. Students may not sit in cars or loiter on the school campus. Students must have the appropriate parking sticker and be properly licensed.

k) Possession of Inappropriate Personal Property

Possessing personal property that is prohibited by school rules or that is disruptive to teaching and learning, including, but not limited to, pornographic or obscene material, laser lights, personal entertainment devices, computer games, personal communication devices. Certain devices may be permitted for health or other reasons, if approved by the administration.

l) Sexual Harassment

Level I sexual harassment is defined as: using words, pictures, objects, gestures, or other actions relating to sexual activity or a person's gender that cause embarrassment or discomfort to others.

m) **Tardiness**

Failure to be in his/her place of instruction at the assigned time without a valid excuse.

n) **Technology Abuse**

Violating Technology Use Guidelines. (See Appendix I)

o) **Failure to Serve Assigned Detention**

Failure to serve an assigned detention of which students and/or parents/guardians have been notified.

SCHOOL RESPONSES TO LEVEL I VIOLATIONS

School administrators and staff may use appropriate intervention strategies as determined by local district policies including, but not limited to, staff and student/parent conferences, auxiliary staff intervention, counseling programs, student assistance programs including conflict resolution, peer mediation, programs for anger management, and violence prevention. Any of the following intervention strategies and disciplinary actions may be used:

- Administrator and teacher-parent/guardian conference
- Administrator/student conference or reprimand
- Before and/or after-school detention
- Behavioral contracts
- Bus violation warning or written ticket
- Change in student's class schedule
- Confiscation of inappropriate item
- Daily/weekly progress reports
- Denial of participation in class and/or school activities
- In-school suspension
- Law enforcement agency notification
- Loss of recess time
- Other intervention strategies, as needed
- Out-of-school suspension (short-term) from one (1) school day up to and including ten (10) school days
- Referrals and conferences involving various support staff or community resources
- Restitution/restoration
- Saturday detention
- School service assignment

ii. LEVEL II VIOLATIONS

A Level II violation is a behavior which seriously disrupts the educational process or interferes with teaching and learning. For the most part, Level II violations disrupt or interfere with another person's right to an appropriate learning environment. In addition, depending upon severity or repetition, a Level II violation may be reclassified as a Level III violation.

a) **Battery**

Intentional physical contact without consent or after consent is withdrawn.

b) **Bullying**

"**Bullying**" is defined as a person willfully and repeatedly exercising power or control over another with hostile or malicious intent (i.e. repeated oppression, physical or psychological, of a less powerful individual by a more powerful individual or group). Bullying can be physical, verbal, psychological, or a combination of all three.

Bullying is further defined as any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. internet, telephone or cell phone, personal digital assistant (PDA), or wireless hand held device) that, without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- A. substantially interfering with educational opportunities, benefits, or programs of one (1) or more students;
adversely affecting the ability of a student to participate in or benefit from the school district'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 at school; and/or
causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
Verbal – taunting, malicious teasing, insulting, name calling, making threats.

Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.

c) **Defamation of Character**

False statements or slander about another student, based on deliberate falsehood and/or rumor or innuendo.

d) **Destruction of Property**

Intentionally causing destruction of property of the school or others; actions that impair the use of something. Destruction of property includes, but is not limited, to defacing bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, carving into woodwork, desk, or tables, spray painting surfaces, or damaging school equipment to the point where repair is necessary.

e) **False Identification**

Using another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property.

f) **Fighting/Instigating a Fight**

Participating in a fight or physical contact with another student, or in a confrontation with another student, that may/does lead to physical contact.

g) **Forgery**

False making or altering of a writing by which the legal rights or obligations of another person are apparently affected; signing another person's (parent, staff, student) name to any such writing without permission. This includes intentionally distributing counterfeit currency.

h) **Fraud/Deception**

Deceiving or causing another to be deceived by false or misleading information.

i) **Gambling**

Playing a game for money, property, or other contingent reward, unless authorized as official school functions; betting on the outcome of a contest or game.

j) **Gang Activity**

Gangs are groups that pose a threat to public safety through violence, intimidation, or other illegal activities; engaging in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the District's educational mission. Students who violate the Code of Conduct through gang activity will receive a more severe penalty for their actions.

Gang activity includes:

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

k) **Harassment**

Threatening behavior directed toward another person, including intimidation because of, but not limited to, racial, ethnic, or religious background that makes that person feel unsafe, angry or demeaned. "Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g., from rival school, different state, rural area, city, etc.).

l) **Hazing**

Intentionally creating peer pressure on another person or inducting a person into membership in a group by exacting unnecessary or disagreeable acts (even if mutually agreed upon) from the person, by harassing or by use of abusive or humiliating tricks.

m) **Improper, Negligent, or Reckless Operation of a Motor Vehicle**

Intentionally or recklessly operating a motor vehicle, so as to endanger the safety, health, or welfare of others on school property.

n) **Indecency**

Engaging in conduct that is contrary to commonly recognized standards of decency and behavior, which includes obscenity, indecent exposure (public urination) or the use of language in verbal or written form, or in pictures, caricatures or gestures, which are offensive to the general standards of propriety.

o) **Insolence**

Displaying verbal or non-verbal disrespect toward school personnel or others.

- p) **Insubordination**
Ignoring or refusing to comply with directions or instructions given by school authorities (includes: school district personnel and adult volunteers). Insubordination includes, but is not limited to, refusing to open a book, write an assignment, work with another student, work in a group, take a test or do any other class or school-related activity not listed here, refusing to leave a hallway or any other location when directed by a school staff member, or running away from school staff when told to stop.
- q) **Intimidation/Threats**
Forcing a person into, or deterring a person from, some action by inducing fear. "Intimidation/Menacing" includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to substantially damage or interfere with person's property; or to intentionally interfere with or block a person's movement without good reason.
- r) **Loitering**
Remaining or lingering on school property without a legitimate purpose and/or without proper authority.
- s) **Persistent Misbehavior**
Accumulating Level I violations or reclassification of a serious Level I violation.
- t) **Profanity and/or Obscenity Toward Students**
Verbally, in writing, electronically or with photographs or drawings, directing profanity or insulting, obscene gestures toward any other student.
- u) **Sexual Harassment (Level II)**
Making unwelcome sexual advances, requesting sexual favors, or engaging in verbal communication of a sexual nature with, or toward, any other student, District personnel or adult volunteers.
- v) **Smoking - Use or Possession of Tobacco Products**
Smoking, using tobacco, or possessing any substance containing tobacco in any area under the control of the District, including all activities or events supervised by the District. Smoking is not permitted on school grounds, by law.
- w) **Technology Abuse**
Violating Technology Use Guidelines. (See Appendix 1 Technology Use Guidelines.)
- x) **Theft, Possession or Transfer of Stolen Property**
Taking items or property without permission of the owner or custodian of the property or having in his or her possession property valued up to \$100 that does not belong to the student.
- y) **Trespassing**
Entering the premises of the District, other than the location to which the student is assigned, without authorization from proper school authorities. If removed, suspended or expelled from school, a student will not return to the school premises without permission of the proper school authorities.
- z) **Truancy**
Failure to report to the school's assigned class or activity, chronic absence from school, or violation of an attendance contract.
- aa) **Unauthorized Materials**
Possessing, using, distributing, or selling materials that are harmful or disruptive to the school environment, including lighters and matches. Cell phones are to be turned off and not visible.

bb) Cell Phone and Electronic Communication Devices

A student may possess a cellular telephone or other electronic communication devices (ECD) and electronic storage devices (ESD) in school, on school property, at after school activities and at school-related functions.

Possession of a cellular telephone or other ECD by a student is a privilege, which may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege.

The student who possesses a cellular phone or ECD/ESD shall assume responsibility for its care. At no time shall the District be responsible for theft, loss or damage to cell phones or ECD/ESD brought onto its property.

High school students may keep their ECD/ESD on during the school hours in accordance with the administrative guidelines. During school activities, when directed by the administrator or sponsor, cell phones and other ECD/ESD shall be turned off and stored away out of sight. Middle and elementary school students must keep their ECD/ESD off during school hours unless approved by building administration.

The unauthorized use of cellular phones and ECD/ESD to communicate or access information during classes or testing is prohibited.

The use of cell phones, ECD/ESD, or any audio or video recording device in locker rooms or rest rooms is prohibited.

Violations of this policy may result in disciplinary action against the student which may result in confiscation of the cellular telephone or ECD.

SCHOOL RESPONSES TO LEVEL II VIOLATIONS

Intervention strategies are not limited to those listed here. Other methods of addressing misconduct may be more appropriate, depending upon the circumstances. Any or all of the following intervention strategies and disciplinary actions may be used:

- Any school response to a Level I violation.
- Out-of-school suspension (short-term) from one (1) school day up to and including ten (10) school days
- Recommendation to the Board of Education or its designee for long-term suspension or expulsion.
- Denial/loss of driving privileges to and from school.
- Suspension from bus transportation.
- Law enforcement agency notification.

iii. LEVEL III VIOLATIONS

A Level III violation is a behavior of an aggravated nature, generally unlawful, which seriously disrupts or interferes with teaching, learning, or the effective functioning of the school.

a) Abuse of Technology

Illegal or unauthorized entry or attempts to gain access to another's files, computers, or computer systems. Damage, vandalism, or destruction of technology that compromises the integrity of the District's Network.

b) Alcohol and Drugs

Possessing, using, being under the influence of, offering to buy or sell, or purporting to buy or sell a controlled substance, dangerous drug, prescription drug, counterfeit drug, intoxicating substance, alcohol, or paraphernalia. A student legally in possession of prescribed medication will not be in violation of this section as long as his/her use and possession of the prescribed medication is authorized at school, per the District's Medication Policy.

- c) **Arson**
Intentionally starting a fire or participating in the burning of any property or person. A student is subject to mandatory expulsion for arson.
- d) **Blackmail**
Any payment extorted by intimidation, including threats of injurious revelations or accusations directed toward any student or staff member.
- e) **Burglary**
Breaking into and entering of any school buildings, offices, rooms, lockers, etc.
- f) **Disorderly Conduct**
Behaving in a violent or grossly inappropriate manner; leading or supporting an outbreak of disorder or a breach of public peace; leading or supporting the gathering of a student group that disrupts the school environment.
- g) **Extortion**
Making another person do any act against his or her will by force or threat of force, expressed or implied.
- h) **Fire/Bomb Threats**
Intentionally making a false report of a fire or bomb, falsely activating a fire alarm, or making a bomb threat.
- i) **Fireworks**
Possessing, using, and/or selling fireworks, including smoke and stink bombs.
- j) **Felonious Assault**
Using a weapon or other dangerous instrument to threaten another person with bodily injury and/or causing harm with such a weapon or device.
- k) **Interference with School Authorities**
Interfering with administrators, teachers, or other school personnel by threat of force or violence.
- l) **Persistent Misbehavior**
Accumulating Level I or Level II violations or reclassification of a serious Level I or Level II violation.
- m) **Physical Assault**
"Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.
If a student enrolled in grade 6 or above commits a physical assault at school against another student and the assault is reported to the Board of Education, Superintendent of Schools, or building principal, then the board of education or its designee shall suspend or expel the student from the District for up to 180 school days.
If a student enrolled in grade 6 or above commits a physical assault at school against a person employed by, or engaged as a volunteer or contractor by the Board of Education, and the assault is reported to the Board of Education, Superintendent of Schools, or building principal by the victim, then the Board of Education or its designee shall expel the student from the District permanently.
- n) **Profanity and/or Obscenity Toward Staff**
Verbally, in writing, electronically, or with photographs or drawings, directing profanity or insulting, obscene gestures toward any school district staff members or adult volunteers.
- o) **Robbery**
Attempting to take from another person any item or property, by force or threat of force, expressed or implied.

p) **Sexual Assault**

Engaging in unwelcome physical conduct of a sexual nature with another person including non-consensual and intentional touching of another person's genital area, groin, thigh, buttock or breast. If a student commits the crime of criminal sexual conduct in a school building, on school grounds, or any other school property, the Board of Education or its designee shall expel the student from the District, subject to possible reinstatement.

q) **Sexual Misconduct**

Intimate sexual conduct with another person, inappropriate behavior, or displays of a sexual nature including, but not limited to, displays of sexual parts or mimicking sexual acts.

r) **Theft, Possession, or Transfer of Property of Others**

Taking, without permission of the owner or custodian of the property, property or having in his or her possession property valued at more than \$100 that does not belong to the student.

s) **Verbal Assault/Threat Against an Employee**

If a student commits a verbal assault or threat at school against a person employed by, or engaged as, a volunteer or contractor by the school board, then the school board or its designee shall suspend or expel the student from the school district for a period of time as determined by the discretion of the school board or its designee.

t) **Weapons: Dangerous Instruments**

Concealing, possessing, handling, transmitting, or using a dangerous instrument capable of harming another person. Students are required to immediately report knowledge of dangerous instruments and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject a student to discipline up to and including suspension or expulsion from school. A "dangerous instrument" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, which includes endangering the health and safety of persons, and includes, but is not limited to, pepper spray, firearms, guns of any type whatsoever, including air and gas powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, chemical compounds possessed or used with the aforementioned intent and explosives. The term "weapon" shall also encompass look-alike items.

u) **Weapons: Dangerous Weapons**

Concealing, possessing, handling, transmitting, or using a dangerous weapon as an instrument capable of harming another person. Students are required to immediately report knowledge of dangerous weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject a student to discipline up to and including suspension or expulsion from school. A "dangerous weapon" means a firearm, dagger, dirk, stiletto, knife with a blade over three inches in length, pocketknife opened by a mechanical device, iron bar, or brass knuckles. (MCL 380.1313). A "firearm" as defined in section 921, Title 18 of the United States Code (18 U.S.C. § 921) means:

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

State law requires the Board of Education or its designee to permanently expel from the District a student who possesses a "dangerous weapon" in a "weapon-free school zone," subject to possible reinstatement. (MCL 380.1311)

"Weapon-free school zone" means school property and a vehicle used by a school to transport students to or from school property (MCL 380.1311 (11)(g)).

v) Weapons: Use of Legitimate Tools as Weapons

Using a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, letter openers, scissors, or combs with the intent to harm another.

SCHOOL RESPONSE TO LEVEL III VIOLATIONS

Any or all of the following intervention strategies or disciplinary actions may be used, subject to mandatory sanctions or notification to police required by state law:

- Any school response to Level I or Level II violation
- Recommendation to the Board of Education or its designated hearing officer(s) for long-term suspension or expulsion.
- Suspension from bus transportation.
- Law enforcement agency notification.

NOTE: Drug and weapon related offenses pose an immediate threat to student safety. Out-of-school suspension is imposed even for first offense.

APPENDIX I

TECHNOLOGY/INTERNET ACCEPTABLE USE

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The Board of Education is pleased to provide Internet services to its students. The Board encourages students to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools which will be essential to life and work in the 21st century. The instructional use of the Internet will be guided by the Board's policy on Instructional Materials.

The District's Internet system has not been established as a public access service or a public forum. The Board has the right to place restrictions on its use to assure that use of the District's Internet system is in accord with its limited educational purpose. Student use of the District's computers, network, and Internet services (Network) will be governed by this policy and the related administrative guidelines, and the Student Code of Conduct. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have no right or expectation to privacy when using the Network including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the Network.

The Internet is a global information and communication network that provides students and staff with access to up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

First, and foremost, the Board may not be able to technologically limit access, to services through the Board's Internet connection, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the

students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, will open classrooms and students to electronic information resources which have not been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures which block/filter Internet access to visual displays that are obscene, child pornography or harmful to minors. The Board utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. Nevertheless, parents/guardians are advised that a determined user may be able to gain access to services on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents/guardians may find inappropriate, offensive, objectionable or controversial. Parents/Guardians assume risks by consenting to allow their child to participate in the use of the Internet. Parents/Guardians of minors are responsible for setting and conveying the standards that their children should follow when using the Internet. The Board supports and respects each family's right to decide whether to apply for independent student access to the Internet.

The technology protection measures may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of electronic communications
- B. the dangers inherent with the online disclosure of personally identifiable information and,
- C. the consequences of unauthorized access (e.g., "hacking") cyberbullying and other unlawful or inappropriate activities by students online

The District is responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Internet. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

Students and staff members are responsible for good behavior on the Board's computers/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Students shall not access social media for personal use from the District's network.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the Board's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this Board policy and its accompanying guidelines.

The Board designates the Superintendent and the Supervisor of Instructional Data as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to the use of the Network and the Internet for instructional purposes.

P.L. 106-554, Children's Internet Protection Act of 2000

P.L. 110-385, Title II, Protecting Children in the 21st Century Act

18 U.S.C. 1460

18 U.S.C. 2246

18 U.S.C. 2256

20 U.S.C. 6777, 9134 (2003)

20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)

47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)

Revised 11/17/11

**WATERFORD SCHOOL DISTRICT
NONDISCRIMINATION ASSURANCE**

The Waterford Board of Education will comply with all federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U. S. Department of Education. No person on the basis of race, color, religion, national origin or ancestry, age, sex, disability, genetic information, height and weight, or marital status shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in any program, activity, or event.

Inquiries related to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and Title IX of the Education Amendments of 1973 should be directed to the appropriate compliance officer.

Title IX of the Education Amendments of 1973

Inquiries Regarding Personnel:

Human Resources
Waterford School District
501 N. Cass Lake Road
Waterford, Michigan 48328
Phone (248) 682-7800

**Inquiries Regarding Programs/Courses/Students-
Elementary/Middle/High School:**

Director of PreK-12 Services
Waterford School District
501 N. Cass Lake Road
Waterford, Michigan 48328
Phone (248) 682-7800

Title VI of the Civil Rights Act of 1964

Human Resources

Waterford School District
501 N. Cass Lake Road
Waterford, Michigan 48328
Phone (248) 682-7800

**Title II of Americans with Disabilities Act &
Section 504 of the Rehabilitation Act of 1973**

Executive Director of Student Support Services
Waterford School District
501 N. Cass Lake Road
Waterford, Michigan 48328
Phone (248) 682-3242

GRIEVANCE PROCEDURES FOR NONDISCRIMINATION:

Section I

Any person who believes that s/he has been discriminated against or denied equal opportunity or access to programs or services may file a complaint, which shall be referred to as a grievance, with the District's Civil Rights Coordinator:

Executive Director of Human Resources
Waterford School District
501 N. Cass Lake Road
Waterford, MI 48328
248-682-7800

The individual may also, at any time, contact the U. S. Department of Education, Office of Civil Rights, 600 Superior Avenue, Room 750, Cleveland, Ohio 44114-2611.

Section II

The person who believes s/he has a valid basis for grievance shall discuss the grievance informally and on a verbal basis with the District's Civil Rights Coordinator, who shall in turn investigate the complaint and reply with an answer to the complainant. S/He may initiate formal procedures according to the following steps:

Step 1

A written statement of the grievance signed by the complainant shall be submitted to the District's Civil Rights Coordinator within five (5) school days of receipt of answers to the informal complaint. The Coordinator shall further investigate the matters of grievance and reply in writing to the complainant within five (5) school days.

Step 2

If the complainant wishes to appeal the decision of the District's Civil Rights Coordinator, s/he may submit a signed statement of appeal to the Superintendent of Schools within five (5) school days after receipt of the Coordinator's response. The Superintendent shall meet with all parties involved, formulate a conclusion and respond in writing to the complainant within ten (10) school days.

Step 3

If the complainant remains unsatisfied, s/he may appeal through a signed written statement to the Board of Education within five (5) school days of his/her receipt of the Superintendent's response in step two. In an attempt to resolve the grievance, the Board of Education shall meet with the concerned parties and their representative within twenty (20) school days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) school days.