



# **Uniform Code of Student Conduct**

**REVISED 2017  
BOARD OF EDUCATION POLICY 5301**

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# Uniform Code of Student Conduct

## Bloomfield Hills Board of Education Policy 5301

Please note that this document is also available online  
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Uniform Code of Student Conduct.

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## STUDENT CONDUCT

The School District is committed to programs that will encourage the development of citizens who have self-respect and respect for others, who comply with existing laws and who accept their corresponding rights and responsibilities.

The District will develop and maintain a *Uniform Code of Student Conduct* which sets forth rights and responsibilities, as well as the rules and regulations to which all students are subject. *The Uniform Code of Student Conduct* will formulate clear expectations for individual students and student groups and will specify the processes to provide and regulate student rights and responsibilities.

The rules and regulations described in the *Uniform Code of Student Conduct* will not limit the authority of school personnel to deal appropriately with types of conduct not specifically described in the Code. The principal or designee in each building will treat conduct violations not specifically covered in the Code uniformly and fairly.

In order to assure that procedures used by the School District to deal with student conduct and discipline are current, procedures will be established by the administration for periodic review of all disciplinary and conduct rules and regulations.

## PREAMBLE

**It is very important for you to read and understand this**  
***Uniform Code of Student Conduct***  
**as it is a statement of both your rights and your responsibilities**



## NOTICE OF NONDISCRIMINATION

It is the policy of the Bloomfield Hills Schools not to discriminate on the basis of race, color, religion, national origin, sex, age, height, weight, marital status, disability, genetic information, or any other reason prohibited by applicable laws, in its programs, services, activities, or employment practices. The following people have been designated to handle inquiries regarding the nondiscrimination policies:

Inquiries related to discrimination on the basis of disability should be directed to:

**Section 504 Coordinator**

Pam Schoemer  
Director of Special Education  
7273 Wing Lake Road  
Bloomfield Hills, MI 48301  
(248) 341-5415

Direct all other inquiries related to discrimination to:

**Title IX Coordinator**

Christine Barnett  
Assistant Superintendent for Human  
Resources and Labor Relations  
7273 Wing Lake Road  
Bloomfield Hills, MI 48301  
(248) 341-5425

\*The grievance procedure for addressing complaints of discrimination is set forth in Article F of the Uniform Code of Student Conduct

ARTICLE A  
RIGHTS AND RESPONSIBILITIES  
Regulation 5301.1

**1. ACCESS TO STAFF AND FACILITIES**

- ❖ **Rights:** Each student has the right of access to a professional staff and the facilities necessary for an instructional and co-curricular program, which will allow the achievement of personal growth through active participation in such programs.
- ❖ **Responsibilities:** By accepting the right to participate in school programs on or off school property, the student will accept the responsibility to conduct himself or herself according to the rules, regulations and provisions of these programs.

**2. FORMULATION AND EXPRESSION OF IDEAS**

- ❖ **Rights:** Every student has the right to form, hold and express his or her own ideas and beliefs. The encouragement of this right requires that each student be permitted to disclose or express an idea in the proper educational setting without penalty, embarrassment or any reflection in academic evaluation. The administration and faculty of each school have the obligation to maintain such an environment and one that is favorable to studying and learning.
- ❖ **Responsibilities:** By accepting this right to form, hold and express an idea in the proper educational setting, the student accepts corresponding responsibility to follow reasonable rules of expression designed to protect the rights of others in the educational setting.

**3. USE OF EDUCATIONAL RESOURCES**

- ❖ **Rights:** Students have the right to utilize such educational resources as buildings, grounds, equipment, and instructional materials necessary to meet the requirements and needs of their curricular and co-curricular programs in accordance with procedures established by the administration.
- ❖ **Responsibilities:** The student exercising his or her right to use the resources provided will also accept the responsibility for the preservation and care of the property. Students will have had prior experience or instruction before using any piece of equipment. Any unauthorized use or deliberate destruction or defacing of the property will be deemed a violation of the *Uniform Code of Student Conduct*. The building principal will establish and enforce procedures necessary to make the building, equipment and materials available for the use of students.



#### 4. DISTRIBUTION OR POSTING OF WRITTEN MATERIALS

- ❖ **Rights:** Students are entitled to express, in writing, their personal opinions, to circulate petitions and to post materials in the building subject to reasonable rules and regulations established by the administration.
- ❖ **Responsibilities:** By accepting the right to distribute or post handwritten, printed, duplicated or other material on school premises, the student accepts full responsibility for the content of all material and accepts the rules and regulations established by the administration.

#### ❖ RULES REGARDING DISTRIBUTION AND POSTING OF WRITTEN MATERIALS

The manner of distribution of such material will be such as to not interfere with or disrupt the educational process and will be subject to the following provisions:

- a. The Superintendent, Assistant Superintendent for Learning Services, or building principal may prohibit posting or distribution of any material which (1) materially and substantially interferes or threatens to interfere with the requirements of good order in the operation of a school or schools, or (2) materially disrupts or threatens to involve disorder, violence or an invasion of the rights of other students.
- b. Distribution of materials and circulation of petitions may take place during lunch, prior to, and after school, in areas designated by the building administrator and which provide reasonable access to the students. The student must be presently enrolled in the school and authorship of the materials must be identified.
- c. Students will have access to specified bulletin boards and areas for the posting of notices or other communications concerning school activities or matters of general interest to students. Posted notices will (1) be subject to reasonable size and number limitations determined by the administration, (2) be dated and (3) identify the sponsoring individual or organization. Notices in violation of any restriction, outdated material, or items posted more than ten (10) days may be removed by school authorities.
- d. Materials to be distributed or posted in the building or on school grounds will require prior administrative approval and will be subject to rules published by the building administrator. If the building administrator denies permission for distribution or posting of material, the building administrator will provide a written explanation for such denial. Within five (5) days of receipt of such written explanation, the denial may be appealed in writing to the Superintendent or a designated representative who may affirm, reverse or modify the action of the building administrator. The reasons for such action will be provided the student in writing within five (5) school days of receipt of the appeal.

## 5. SCHOOL-SPONSORED PUBLICATIONS

- ❖ **Rights:** Student editors of school-sponsored publications have the right to present materials for publication without fear that penalty, embarrassment or any reflection in the academic evaluation will result from presentation of such materials.
- ❖ **Responsibilities:** By accepting the foregoing rights the student accepts the responsibility to comply with the policies and regulations of the District regarding school-sponsored publications.

### ❖ RULES REGARDING SCHOOL-SPONSORED PUBLICATIONS

Student editors of school-sponsored publications will be guided by the policies of the School District and will ensure adherence to accepted standards of good journalism, specifically those guarding against libel, intentional distortion, or reckless disregard for the facts.

- a. Authorship will be disclosed and opinions will be identified as such.
- b. Student editors of school-sponsored publications will provide opportunity for the expression of views by fellow students, teachers and administrators that differ from editorial policy.
- c. All materials to be published in school-sponsored publications will be submitted for approval to the faculty sponsor before publication.
- d. Materials may be rejected by the faculty sponsor who will prepare a written explanation to the student editor of the reasons for rejection.
  - (1) Within five (5) school days after receipt of such written explanation, the rejection may be appealed in writing to the building principal who may affirm, reverse, or modify the action of the faculty sponsor. The reasons for such action will be provided the student in writing within five (5) school days of receipt of the appeal.
  - (2) Within five (5) school days after receipt of the written explanation from the building principal, the principal's decision may be appealed in writing to the Superintendent (or designee) who may affirm, reverse or modify the action of the building principal. The reasons for such action will be provided the student in writing within five (5) school days of receipt of the appeal.

## 6. STUDENT MEETINGS AND GATHERINGS

- ❖ **Rights:** School-sponsored activities and meetings (student government, pep rallies, etc.) are scheduled during the school day. In addition, students will be given the opportunity to organize and hold student meetings at reasonable times, other than during those hours when classes are being held.
- ❖ **Responsibilities:** By accepting the foregoing rights, the student accepts the responsibility to initiate meetings and gatherings according to the policies and regulations of the District.

### ❖ RULES REGARDING STUDENT MEETINGS AND GATHERINGS

Student meetings or gatherings in school buildings or on school grounds may function only as authorized by the Board of Education or a school administrator. Building administrators must be informed in advance and may impose reasonable restrictions on the time and place of student gatherings or assemblies.

- a. If the building administrator denies permission for a student gathering or assembly, the building administrator will provide a written explanation.
- b. Denial may be appealed in writing to the Superintendent (or designee) who may affirm, reverse, or modify the action of the building administrator. The reasons for such action will be provided the student in writing within five (5) school days of receipt of the appeal.
- c. Attendance at meetings and assemblies is limited to students regularly enrolled in that building unless the building administrator gives prior approval.

## 7. PERSONAL PROPERTY THAT MAY BE BROUGHT ON SCHOOL

### PREMISES AND PRIVACY OF LOCKERS, DESKS, PERSONS, AND AUTOMOBILES

- ❖ **Rights:** Students have the right to bring upon and store such personal property as is ordinary and necessary to the performance of the academic and co-curricular tasks assigned, including appropriate items of wearing apparel.
- ❖ **Responsibilities:** It is the responsibility of the student to bring on school property only that personal property which is ordinary and necessary to the performance of the academic and co-curricular tasks assigned and, when necessary, to store such personal property in a manner so as not to subject it to a risk of loss.

### ❖ RULES REGARDING SEARCH OF STUDENT LOCKERS, DESKS, AND AUTOMOBILES

- a. Search of lockers, desks, persons, mobile phones and other electronic devices and automobiles for illegal or unauthorized materials:

- (1) To maintain order and discipline in the schools, and to protect the safety and welfare of students and school personnel, school authorities may search a student, student personal effects, student lockers, desks and student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.
- (2) A student's refusal to permit searches and seizures, as provided in this policy, will be considered grounds for disciplinary action.
- (3) **Personal Searches**  
A student's person and/or personal effects (e.g., purse, book bag, jacket, pockets, mobile phone & electronic devices, etc.) may be searched whenever:
  - a. a school authority has reasonable suspicion to believe that the student has violated the Code of Student Conduct and/or is in possession of illegal or unauthorized materials, and
  - b. a school authority has reason to believe that evidence of the violation will be found by conducting the search.

If a pat down search of a student's person or a search of pockets, footwear, or garments is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex.

- (4) **Locker or Desk Searches**  
School lockers or desks will be assigned to students by the school administration. Student lockers and desks are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and desks. The assignment of lockers is given with the understanding that periodic checks will be made by school personnel for the purpose of general upkeep and cleanliness. These checks will be conducted openly during the school day and in the presence of the students. The students may elect not to be present unless presence is required by the school administration. Further, an inspection of lockers and desks may be conducted by school authorities at any time without notice and without student consent when there is reasonable suspicion to believe that illegal and/or unauthorized materials are or have been contained in the locker or desks. Whenever possible, a locker or desk search will be conducted with the student and another staff member present.

Students who were not present when a locker or desk is checked will be informed of the search within one school day. Upon request, and within three (3) school days of the search, the principal will provide the student with a written list of the reasons that caused the locker or desk check.

- (5) **Automobile Searches**  
Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable grounds to believe that illegal and/or unauthorized materials are

contained inside. Such patrols and inspections may be conducted without notice and without student consent.

c. **Seizure of Illegal or Unauthorized Materials**

If a properly conducted search yields illegal or contraband materials, such findings may be used in school disciplinary proceedings and may be turned over to proper legal authorities for ultimate disposition.

## **8. STUDENT EXERCISE OF RIGHTS AND PRIVILEGES**

A student will not be punished or penalized by any member of the school faculty or administration solely because the student exercises any of the rights or privileges described in this Code. Any student who deems himself or herself aggrieved by a violation of this regulation may appeal, in writing, to the administrator of the building in which he or she is enrolled. The building administrator will promptly hear and consider the appeal and decide the same in writing.

## **9. GENERAL LIMITATIONS**

Because educational institutions must be orderly institutions, individual rights must be exercised in such a manner as to recognize the rights of all.

- a. Students are to communicate ideas or beliefs by means that will not constitute or bring about a disruption of school activities.
- b. Student support of, or participation in, any kind of action is permitted when such action would disrupt usual school activities, violate any laws, or interfere with the rights of others.
- c. Communication of an obscene or defamatory nature or those that advocate racism, sexual, ethnic or religious discrimination is not permitted. A determination as to whether such material violates this paragraph will be made by the building administrator.
- d. Students are expected to present a personal identification card upon request.
- e. Non-students must seek prior approval from administration. Non-students may be denied access to school buildings and events at the discretion of the building administrators or their designees.

## **10. OTHER RIGHTS**

All Board of Education policies relating to students may be found in the *Bloomfield Hills Schools Board Policies* which are online at [www.bloomfield.org](http://www.bloomfield.org). *Click on Board of Education then Policies.*

In addition to the *Uniform Code of Student Conduct*, the Bloomfield Hills School District Board of Education has additional policies that deal with students. Each policy statement is followed by a regulation which explains and outlines guidelines and procedures for the implementation of that policy. Following is an index of the policies and regulations of the Board of Education as they pertain to students:

### **BLOOMFIELD HILLS SCHOOLS BOARD OF EDUCATION 5000 Series Policy: Students**

#### **5102 School Admission**

School Admission  
Residency  
Foreign Exchange Students

#### **5103 Tuition Enrollments**

5103.1 Tuition Enrollments

#### **5105 School Attendance Areas**

School Attendance Areas  
Student Transfers

#### **5106 Withdrawals, Suspensions, Expulsions**

5106.1 Withdrawals, Suspensions, Expulsions

#### **5201 Promotion and Retention**

5201.1 Promotion and Retention

#### **5203 Grading and Reporting Pupil Progress**

5203.1 Grading and Reporting Pupil Progress

#### **5204 Graduation Requirements**

Requirements for Bloomfield Hills High School Diploma  
Early Completion of High School Credits

#### **5206 Standardized Testing Participation**

#### **5301 Uniform Code of Student Conduct**

#### **5303 Corporal Punishment**

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**5000 Series Policy: Students** *cont'd.*

**5304 Sexual Harassment (Student)**

**5306 Anti- Bullying**

**5402 Health Services**

5402.1 Health Services and Administration of Medication

**5404 Food Allergy Management**

5404.1 Management of Food Allergies in Schools

**5406 Transportation**

5406.1 Transportation

**5407 Food Services**

5407.1 Food Services

**5502 Organizations**

School Clubs

School Government

School Publications

**5503 Social Events**

**5599 PTOs, Booster Clubs and Similar Organizations**

**5600 Fundraising**

Guidelines for Fundraising

Guidelines for Accepting Contributions from Individuals/Groups

**5601 Solicitation of Students**

**5602 Solicitation by Students**

**5603 Gifts and Payments to Staff Members**

**5604 Gifts to Schools**

5604.1 Guidelines for Accepting Gifts

**5605 Respect for Religious Preference**

5605.1 Guidelines for Religious Preference

**5606 Communicable Diseases**

5606.1 Regulations Regarding Communicable Diseases

**5700 Parental involvement**

**5800 Wellness**

5800.1 Nutrition; Physical Activity

## PROHIBITED BEHAVIORS

### ARTICLE B PROHIBITED BEHAVIOR Regulation 5301.2

Students are subject to the authority of district officials and the *Uniform Code of Student Conduct* going to and from school and/or school-sponsored events and activities, and at school-sponsored events and activities which take place off of school premises (i.e., off-campus).

Students are prohibited from engaging in off-campus misconduct of a serious and/or criminal nature which poses a likelihood of danger to the health (physical or emotional) or welfare of students or district personnel (e.g., selling drugs off-campus), or which reasonably makes the continued presence of the student in the school disruptive to the educational process (i.e., committing a crime off-campus which is vicious in nature).

A student who has engaged in misconduct resulting in expulsion or long-term suspension in another school system, or who has withdrawn from said school system before such misconduct was established by an appropriate hearing, which misconduct, if true, is of sufficient gravity to pose a threat to the health or welfare of students or district personnel, or makes the presence of the student in the school disruptive to the educational process, may be subject to suspension or expulsion from Bloomfield Hills Schools where such misconduct has been established in a hearing before the Superintendent (or designee).

Certain administrative procedures may occur during the disciplinary process. For example, a student may be isolated from other students, appropriate social or medical agencies may be contacted for assistance, and disciplinary action may be recorded on a student's disciplinary record. ***The appropriate police agency will be contacted in all cases involving violation of local or township ordinances, state or federal law.*** When prohibited behavior occurs or is suspected, communication with parent/legal guardian is strongly encouraged and is required in cases of suspension and/or police involvement.

Depending on the circumstances, the District may take any appropriate disciplinary action in response to student misconduct occurring on or off school property, including suspension or expulsion, whether or not it is listed. Action Codes are presented in an order that allows most offenses to be addressed in a graduated manner, at the discretion of the building administration.

**All offenses related to controlled substances require  
Action Codes 4 and 5 (refer to page 26)**



# PROHIBITED BEHAVIORS

## 1. CONTROLLED SUBSTANCES

- a. The use, possession, or sale of tobacco, inclusive of e-cigarettes, hookah, etc. on school property or at school sponsored events.
- b. Under the influence, use, or possession of, alcohol or controlled substances as defined by Michigan law. Use, sale, or possession of, imitation controlled substances. This includes imitation alcoholic beverages and drug paraphernalia.
- c. The sale or distribution of alcohol controlled substances or imitation controlled substances as defined by Michigan law.
- d. Sale, use, distribution, or possession of inhalants such as whippets, white-out, glue, aerosol cans, etc., will be treated as controlled substances.

## 2. HAZARDOUS CONDUCT

- a. Includes all acts of misconduct such as inciting, provoking, or participating in fighting, assault, battery, intimidation, harassment of others, and personal threats.
- b. Includes acts of misconduct such as making bomb threats, false fire alarms, possessing imitation firearms, possessing imitation deadly weapons, and all other similar acts of misconduct.
- c. Includes intentional conduct through action, speech, display, or graffiti, such as those which explicitly demean the race, sex, religion, color, creed, disability, sexual orientation, gender identity, national origin, or ancestry of another person.
- d. Gang Insignia/Activity  
A student will not wear or possess any clothing, jewelry, symbol or other object that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang; a student will not commit any act, verbal or nonverbal (gestures, handshakes, etc.), that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang; a student will not commit any act, verbal or nonverbal, in furtherance of the interests of any gang or gang activity, including, but not limited to, (1) soliciting others for membership in any gang or gang related activity (2) requesting any person to pay protection or otherwise intimidating or threatening any person (3) committing any other illegal act or violation of School District rules or policies, or (4) inciting other students to act with physical violence on any person.

The term "gang," means a group of two or more persons whose purposes or activities include the commission of illegal acts or violations of the *Uniform Code of Student Conduct*, School District rules or policies, or whose purpose or activities cause disruption or is likely to cause disruption to the educational process.

## PROHIBITED BEHAVIORS

### e. Hazing

The act of hazing is a crime in the State of Michigan and will not be tolerated by the District. A student will not engage in any behavior that is included in the definition of hazing. The District will comply with Michigan law regarding any incidents of hazing.

The term "hazing" means "an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health and safety of the individual and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organizations." Further, the term 'organization' means "a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an education institution." *Reference: MCL 750.411(t) (P.A. 111 of 2004)*

### f. Includes all other misconduct deemed by the administration to be injurious to oneself or others (i.e., throwing snowballs.)

### g. Bullying

Students who engage in any act of bullying while at school, at any school function, in connection to or with any district sponsored activity or event or while en route to or from school are subject to disciplinary action. As may be required by law, law enforcement officials shall be notified of bullying incidents.

#### A. Prohibited Conduct

##### 1. **Bullying.** Bullying of a student at school is strictly prohibited. For the purposes of this policy, "bullying" shall be defined as:

Any written, verbal, or physical act, or any electronic communication, including cyber bullying, 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:

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

**Retaliation/False Accusation.** Retaliation or false accusation against a target of bullying, anyone reporting bullying, a witness, or another person with reliable information about an act of bullying is strictly prohibited.

**See the District Bullying Policy (Board Policy 5306) for all provisions**

## PROHIBITED BEHAVIORS

### 3. DISOBEDIENCE/DISRUPTIVE BEHAVIOR

Insubordination, disobedience, disrespect toward a school employee, volunteer, or approved adult visitors, failure to carry out an assigned disciplinary action, being on school property without permission during an assigned suspension from school, failure to follow approved school and classroom rules, disruption of class and/or school activities (such as pranks.)

### 4. PROPERTY MISCONDUCT

- a. Involvement in theft, robbery, malicious destruction, defacement, or unauthorized use of any aspect of personal or school property totaling less than \$100 (i.e., building vehicles, equipment, grounds, and/or similar objects.)
- b. Involvement in theft, robbery, malicious destruction, defacement, unauthorized use of any aspect of personal or school property including the use or assistance of a computer or computer technology, or *totaling equal to, or more than, \$100.*
- c. Involvement in theft, robbery, malicious destruction, alteration, or unauthorized use of personal or school computer software or data.
- d. Involvement in intentional damage or defacement of the property of another because of that person's race, sex, religion, color, creed, disability, sexual orientation, national origin, gender identity, or ancestry.

### 5. INDECENCY

- a. Abusive, profane, or vulgar language, sexual harassment, gestures, displays, or graffiti, including those of an intimidating or hostile nature with respect to race, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry.
  - (1) Incidental type - not specifically directed toward another person or group.
  - (2) Directed type - Abusive, profane, or vulgar language, sexual harassment, gestures, displays, or graffiti, including those of an intimidating or hostile nature with respect to race, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry directed toward another person or group.
- b. Indecent or inappropriate attire - refer to "Student Dress" on page 23.

### 6. ATTENDANCE

Leaving school without prior permission, misuse of a pass, presence in unauthorized areas as defined by the school administration, chronic tardiness, and skipping.

## PROHIBITED BEHAVIORS

### 7. VEHICLES

Hazardous driving, unauthorized parking, misuse of a permit, violation of other student vehicle regulations as outlined in the student handbook.

### 8. FOOD, BEVERAGE, LITTERING

Improper disposal of food and refuse, removal of food from the cafeteria, improper lunchroom behavior, consumption and/or littering of food and beverages in hallways, classrooms, and unauthorized areas.

### 9. OTHER PROHIBITED BEHAVIOR

- a. Deception, forgery, lying, card playing for money, gambling, bullying, threats.
- b. Students may be in possession of a mobile telephone, or other electronic communications device subject to the terms of this policy and the administrative rules of the District. The capturing of videos and/or photographic images in bathrooms and locker rooms is prohibited.

Students violating this policy may be subject to disciplinary action (*refer to Action Codes, pages 26-27*), i.e., detention, suspension and/or expulsion.

Exceptions may be appropriate for students enrolled in the Bloomfield Hills Schools' Deaf and Hard of Hearing Program.

### 10. ACADEMIC MISCONDUCT

Cheating and failure to follow academic conduct guidelines (see pages 28-29 in the *Uniform Code of Student Conduct*)

### 11. PERSISTENT DISOBEDIENCE

Will be defined as three violations of any of the prohibited behaviors within one school yr.

### 12. WEAPONS/DANGEROUS MATERIALS

- a. Possession, use, sale or distribution of, dangerous materials such as fireworks, explosives, smoke bombs, mace, pepper gas, and other flammable objects of similar nature.
- b. Possession or use of dangerous or deadly weapons such as knives, chains, pipe sections, razor blades, or use or threatened use of, any weapon or instrument in a manner intended to inflict bodily harm (see Section 13 for rules regarding guns, arson, or rape).

# PROHIBITED BEHAVIORS

## 13. WEAPON-FREE SCHOOL ZONE

Amendments to the School Code concerning possession of a dangerous weapon, committing arson or rape in a school building, on or within 1,000 feet of school grounds, or at a school-sponsored activity:

Bloomfield Hills Schools establishes a weapon-free school zone. Any student who possesses a dangerous weapon, commits arson, or rapes someone in a school building, on or within 1,000 feet of school grounds, or at a school-sponsored activity, will be permanently expelled in accordance with Section 1311 of the School Code of 1976, as amended (a copy of Section 1311 appears at the end of this document.) The procedures for expulsion, as provided in Article D of the Uniform Code of Student Conduct, will be followed. In addition, a report will be made to the appropriate police department and/or the Oakland County Family Court.

### a. Definitions:

- **Weapon Free School Zone:** School Property and a vehicle used by a school to transport students to or from school property
- **Arson**  
Willfully or maliciously setting a fire. The definition includes committing any act which results in the starting of a fire, or aiding, counseling, inducing, persuading or procuring another to do such act or acts.
- **Rape**  
Engaging in conduct which is considered criminal sexual conduct under the Michigan Penal Code.
- **Dangerous Weapon**
  - (1) **Firearm:** (A) any weapon (including a starter gun) which will or is designated to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any fire arm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
  - (2) Any explosives, incendiary or poisonous gas device (i.e., bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having the explosive or incendiary charge of more than one-quarter (1/4) ounce, mine or any similar devices.)
  - (3) A dangerous weapon will also mean a dagger, dirk, stiletto, and knife with a blade more than three (3) inches long, pocket knife opened by a mechanical device, iron bar, brass knuckles, or pneumatic guns.

# PROHIBITED BEHAVIORS

## 14. STUDENT DRESS

District students are expected to dress, groom, and attire themselves in a manner that is not potentially dangerous, does not distract others or disrupt education, and does not convey a message contrary to District policy. The following are examples of dress, grooming, and attire that may violate District policy. This should not be considered an exclusive list. Students should reference their own school's dress code for more detailed examples.

**Potentially Dangerous Items:**

Chains, pointed rings, metal spikes, clothing or attire restricting physical movement, etc.

**Distracting or Disruptive Items:**

Clothing that exposes or draws unusual attention to breasts, buttocks, or genitals; styles that expose undergarments; grooming or attire that focuses attention on a student or group of students at the expense of learning, such as nightwear or beachwear, etc. Students must wear shoes.

**Contrary to District Policy:**

Clothing that advertises or promotes smoking, alcohol, or the illegal use of drugs; clothing reasonably likely to be perceived as promoting racial, ethnic, or religious discrimination or intolerance; clothing reasonably likely to be perceived as advertising or promoting illegal behavior; clothing reasonably likely to be perceived as obscene, lewd, vulgar, or plainly offensive, etc.

Students who violate the District's Dress Code may be subject to discipline according to the District's *Uniform Code of Student Conduct*. Additionally, students may be asked to change clothes that do not comply with the District's Dress Code and/or may be sent home.

# PROHIBITED BEHAVIORS

## 15. THE REVISED SCHOOL CODE

Effective August 1, 2017, the Michigan legislature amended the “zero tolerance measures” in the Revised School Code which were enacted in 1999. The amended legislation is incorporated in the *Uniform Code of Student Conduct* as provided below. As with all provisions of the *Uniform Code of Student Conduct*, special education students are only subject to discipline consistent with the Individuals with Disabilities Education Act (IDEA) of 2004.

### **a. Students in Grade Six or Above Who Commit a Physical Assault at School Against Another Student**

A student in grades six or above, who commits a physical assault at school against another student, where the assault is reported to the Board, Superintendent, or Building Principal, will be suspended for up to 180 days from Bloomfield Hills Schools. The student has the right to reinstatement after the suspension period.

### **b. Students in Grade Six or Above Who Commit a Physical Assault at School Against an Employee, Volunteer, or Contractor**

A student in grades six or above, who commits a physical assault at school against an employee, volunteer, or contractor, where the assault is reported to the Board, Superintendent, or Building Principal, will be permanently expelled from Bloomfield Hills Schools (and every public school in the state) for at least 180 days. The student may petition for reinstatement to Bloomfield Hills Schools at the conclusion of the expulsion period; however, the reinstatement is subject to the discretion of the Board of Education, and is not a matter of right. The reinstatement procedure is the same as for reinstatement following expulsion for possession of a dangerous weapon set forth in Article B(13)(b).

### **c. Students in Grade Six or Above Who Make a Bomb Threat or Other Similar Threat**

A student in grades six or above, who makes a bomb threat or a similar threat directed at a school building, other school property or a school-related event, will be suspended from Bloomfield Hills Schools for a period of time as determined in the discretion of the board of education or its designee.

### **d. Definitions**

#### Physical Assault

Intentionally causing or attempting to cause physical harm to another through force or violence

#### “Bomb or Similar Threats”

Words, writing or behavior, directed at a school building, school property or school-related event, that, in the judgment of building administration would put reasonable school personnel or students in fear of imminent injury to persons or property by a bomb, chemical or incendiary device

**“At School”**

Classroom, on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises



## **DISCIPLINARY ACTION THAT MAY BE TAKEN BY THE PRINCIPAL (OR DESIGNEE)**

### **ACTION CODES**

1. Material will be confiscated.
2. Student may be required to attend after-school detention and/or satisfactorily complete a written assignment.
3. Student may be required to complete school property cleanup after school or on weekends.
4. Student may be required to make use of counseling services.
5. Student may be required to attend a special clinic on alcohol, smoking or substance abuse.
6. Student will be required to make full financial restitution.
7. Student may be denied permission to operate or park a vehicle on school property.
8. Vehicles will be towed at student expense or a parking ticket will be issued which carries a fine.
9. Student may be suspended from use of all personal electronic devices.
  
10. First offense of misconduct on a bus may result in up to three (3) days' suspension from riding the bus; second and subsequent offenses may result in further suspension from riding the bus.
  
11. Student may be required to attend the district's in-school detention program, not to exceed three (3) days per incident. Students will receive credit during the in-school detention.
  
12. Student may be suspended from school premises and activities for a period not to exceed three (3) days per incident and/or a pending conference with parents. Either or both actions will be determined by the principal or his or her designee. At the discretion of the principal, the conference may be made as a condition for readmission.
  
13. Student may be suspended from school premises and activities for a period of no fewer than four (4) and no more than ten (10) days with a conference required with parents, the principal (or designee) and/or the police liaison officer. Legal action may be taken.

**DISCIPLINARY ACTION THAT MAY BE TAKEN BY  
THE PRINCIPAL (OR DESIGNEE)**

*continued*

**ACTION CODES**

14. Student may be suspended from school premises up to an indefinite period of time subject to counseling and until receipt of a written statement from therapist, psychologist or psychiatrist that the student's behavior is not likely to be disruptive or dangerous to himself or herself or others.
15. Student may be subject to actions applicable to the offense and may, subject to the requirements of Article D, be suspended from school and excluded from premises and activities for the balance of the semester with subsequent loss of credits for the semester.
16. A recommendation for expulsion from school may be made to the Superintendent of schools (or designee).
17. Student may be placed on probation for the balance of a semester or the school year. Co-curricular and extracurricular activities of such student may be restricted. The student will be expected to conform strictly to the Uniform Code of Student Conduct and activities of such student will be monitored by the principal (or designee) through attendance at scheduled conferences. Any violation of probation may result in the student being suspended subject to the requirements of Article D for the balance of a semester or the school year.
18. Police will be notified; further action may be taken.
19. Restorative Practices (Restorative practices are practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct).

## **ACADEMIC CONDUCT**

It is the school's intent to maintain and encourage high standards of personal conduct. These standards include personal honesty, discipline and integrity.

We assume that any school work that is turned in for credit by a student is a result of that student's effort. Generally, academic misconduct occurs any time a student turns in work which is not his or her own. Academic misconduct is a serious violation of school policy.

Specifically, students should be aware of the following information:

1. **HOMEWORK** — Daily homework assignments should represent reasonable effort on the part of the student. The copying of someone else's work with the intent to mis-represent that assignment is never permissible.
2. **CLOSED BOOK QUIZZES, TESTS AND ASSIGNMENTS** — The results of a quiz or a test should represent only the student's own work. This work must be performed during the testing period without any unauthorized verbal or nonverbal communication or assistance. Specifically, this language prohibits such behavior as looking at another student's papers, unauthorized communication during a testing situation, or having inappropriate or unauthorized material available for use including electronic devices, or securing test information from other students.
3. **OPEN BOOK TESTS** — The same rules apply to open book tests that apply to closed book tests except that teachers will define the specific resources that a student may use.
4. **MAJOR PAPERS, PROJECTS OR TAKE HOME TESTS** — The basic guideline is that a student turns in his or her own work. Thus, plagiarism including purchased, borrowed, or obtained materials, is specifically prohibited. Collaboration may be permitted or encouraged by the teacher.
5. **UNAUTHORIZED ACCESS** — Students are prohibited from gaining unauthorized access to test materials through such behavior as going into teacher files and looking through a teacher's desk, using electronic means, or securing information from an individual who has taken the test previously.
6. **OTHER SITUATIONS** — Students who provide or receive unauthorized assistance through written, verbal or electronic means have violated this policy.

ARTICLE C  
BLOOMFIELD HILLS SCHOOLS  
MISSION STATEMENT  
Regulation 5301.3

***The mission of Bloomfield Hills School District is to empower learners to become architects of their futures building on a foundation of scholarship, citizenship and integrity.***

### **ATTENDANCE PHILOSOPHY**

Regular school attendance is vital to successful academic growth and demonstrates caring and respect for self and others. It is the intent of the Bloomfield Hills Attendance Policy to provide opportunities for all students to achieve their fullest potential. Each student is an irreplaceable resource, necessary for the interaction that forms an essential part of classroom learning. When absences occur, the educational experience of all students in the class is diminished.

In order to enhance this educational experience, the following expectations and responsibilities should be emphasized. The major responsibility for acceptable attendance lies with the individual student. However, parents, teachers, counselors, and administrators have the responsibility to assist the student in meeting the goal of acceptable attendance.

Students are expected to be in school and in class every day. They should be fully aware that the interactions that go on in the classroom cannot be duplicated and constitute a valid and critical part of the course work. They should be on time, attentive, and prepared with the proper materials to be actively involved in the class. If a class has to be missed for school activities, the student must give prior notification to the teacher and request assignments.

Parents are expected to notify the school promptly of any absence or extenuating circumstances regarding illness or personal and family problems that may have an effect on attendance. Every effort should be made to schedule routine appointments after school hours, and family vacations should be planned during the holidays outlined on the school calendar. Parents should discuss the importance of good attendance with their student, and avoid supporting any abuse of the Attendance Policy.

Teachers are expected to maintain accurate daily attendance records, and report them properly to the office. A teacher has the professional responsibility to begin class on time and provide a consistent classroom environment that is a challenging, rewarding, and stimulating experience.

To promote this philosophy and to assist students in developing lifelong responsible attendance patterns, the following regulations will be implemented:

## ATTENDANCE REGULATIONS

### 1. DAILY EXCUSED ABSENCES

Daily excused absences will be granted for such reasons as personal illness, family illness, medical, dental, or legal appointments, religious holidays, and funerals.

### 2. EXCUSING ABSENCES

***For an absence to be excused, students with "18 year old privileges" or parents of a minor student must advise the attendance office by telephone or in person of the reason for the absence the day of the absence.*** Family trips and college visits must be prearranged. Documentation or other verification may be required to establish an excused absence. This documentation may be by phone or in writing. Contacts with the attendance office should be made prior to the student's readmission to classes. Students leaving the building during the school day must check in and out with the attendance office or Health Clinic.

All parent calls regarding attendance will be noted on the master attendance list.

### 3. PRE-ARRANGED EXCUSED ABSENCES

Prearranged absences which include family trips\* and college visits must be approved by the administration. These prearranged absences should not be taken before or after a holiday. These absences must be arranged at least 24 hours in advance. Family trips must be arranged 72 hours in advance.

\*Absences due to family trips are strongly discouraged. Such absences should not exceed five (5) days per school year. Exceptions can be made by the principal for unique educational opportunities. Emergency circumstances will be dealt with by the principal on an individual basis.

In the case of trip absences, it is the student's responsibility to take the initiative in arranging with the teacher for make-up work and for completing any make-up work either before the trip or within the time established by the teacher after the trip. Teachers may designate such make-up to occur before or after school, during the student's lunch period, or any other mutually agreed upon time. Please see the main office for a prearranged absence form.

### 4. UNACCEPTABLE REASONS FOR ABSENCES AND TARDINESS

Absences such as oversleeping, car trouble, skipping, truancy, leaving school without permission, or no specific reason for the absence will be considered unexcused. Extenuating circumstances may be appealed to the principal (or designee).

## **5. STUDENT'S RESPONSIBILITY**

It is the responsibility of the student to know the number of unexcused and excused absences accumulated in the student's records.

## **6. ATTENDANCE ALERTS**

The school will notify parents of all unexcused absences. In the case of students with "18 year old privileges," the student and/or the parent will be notified. If necessary, a parent conference may be required.

## **7. MAKE-UP WORK**

Teachers are obligated to assist students in making up class work missed because of excused absences. The teacher may require that class period time not be used for arranging or completing make-up work and may designate test make-up to occur before or after school, during the student's lunch period, or any other mutually agreed upon time. It is the student's responsibility to take the initiative in arranging for make-up of work and tests in a timely manner. Teachers are not obligated to assist in the make-up of class work and/or tests missed because of unexcused absences unless specifically directed to do so by the building principal.

## **8. ABSENCES FOR IN-SCHOOL ACTIVITIES**

Absences for approved participation in in-school activities, approved meeting with another teacher or administrator, and approved clinic visits, will be considered excused absences.

## **9. EXCESSIVE EXCUSED ABSENCES**

Students with excessive excused absences will be referred to the counseling staff. Parents will be contacted to express concern regarding the loss of class time.

## **10. DETENTION/SUSPENSION ABSENCES**

Students are allowed to make-up all work or tests for credit missed as a result of an in- or out-of-school detention/suspension. It is the student's responsibility to take the initiative in arranging for make-up work and tests.

## **11. TRUANCY**

For further information about truancy and the Compulsory School Attendance Law, please review [http://www.michigan.gov/documents/mde/compulsory\\_attendance\\_257944\\_7.pdf](http://www.michigan.gov/documents/mde/compulsory_attendance_257944_7.pdf)

**ARTICLE D**  
**DETENTION, SUSPENSION**  
**AND EXPULSION**  
Regulation 5301.4

The school is a part of the total community. School rules and regulations are established for the protection of all of its members. Violations of school rules and regulations (on school property, en route to or from school or school activities, on school vehicles, and during or in connection with school-sponsored activities or off-campus misconduct of a serious or criminal nature) are cause for action as described herein. As used herein, days will mean school days.

Prior to implementation of suspension or expulsion the student will be informed of the claimed infraction(s) and will be given an opportunity to respond to the charges made. The student must always be advised of his or her right to appeal.

Any discipline consequences may be reportable to colleges.

**1. LEGAL BASIS FOR SCHOOL DISCIPLINE (Revised School Code of 1976)**

“Sec. 1300. The Board of a school district shall make reasonable regulations relative to anything necessary for the proper establishment, and carrying on of the public schools of the district, including regulations relative to the conduct of pupils concerning their safety while in attendance at school or en route to and from school.”

“Sec. 1311. (1) Subject to Subsection (2), the School Board, or the school district superintendent, a school building principal, or another school district official if designated by the School Board, may authorize or order the suspension or expulsion from school of a pupil guilty of a gross misdemeanor or persistent disobedience if, in the judgment of the School Board (or designee), as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability , and the school district has not evaluated the pupil in accordance with rules of the Superintendent of Public Instruction to determine if the student is a student with a disability, the pupil shall be evaluated immediately by the Intermediate School District of which the school district is constituent in accordance with Section 1711.”

**2. RESTORATIVE PRACITCES.**

Consistent with Michigan law and in every case, the School District will consider restorative practices as an addition or alternative to suspension or expulsion. Restorative practices are practices that emphasize repairing the harm of the victim and the School District community of a students’ misconduct or other behavior. Restorative practices may be considered and implemented by a restorative practices team. The restorative practices team may be constituted and act in the manner described in Section 1310c(2) of the Revised Code or in a similar manner, depending on the circumstances as a whole in the sole discretion of the School District administrator assigned to handled the misconduct or behavior or the Board of Education (if the Board of Education is handling the misconduct or behavior). (see MCL 380.1310c included)

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption and harassment, bullying and cyberbullying.

### **3. TYPES OF DISCIPLINARY ACTION**

#### **a. ADMINISTRATIVE INTERVENTION**

Administrative Intervention is disciplinary action which does not result in a student being suspended from school, but may include restorative practices.

Administrative intervention may also include, in-school detention, which is an exclusion from regular class(es) and in addition, may include exclusion from school activities for up to three (3) full days with the requirement that the student attend the In-School Detention Program.

- This action may be taken by the building principal (or designee).
- Cause for this action is a violation of school rules and regulations that are more serious or repetitive in nature.
- Parent(s) and/or legal guardian(s) and the student, if 18 years of age, will be notified of this action by phone and/or electronically (such as email) . The school administration will determine the need for a parent conference prior to student readmission. If, however, the parent requests a conference, the administrator will honor this request.

#### **b. OUT-OF-SCHOOL SUSPENSION**

Suspension is defined as exclusion of a student from school for disciplinary reasons for a period of fewer than 60 school days. Such suspension includes exclusion from classes, activities and school premises.

The suspension periods are:

- Up to 3 days,
- Between 4 and 10 days, and
- Between 11 and 59 days.

#### **1. Presumption Against Long Term Suspension and Consideration of Individual Factors.**

Consistent with Michigan Law the Board of Education adopts a rebuttable presumption that students should not be disciplined by the imposition of a long term suspension (between 11 and 59 days), unless the Board of Education has determined in its sole discretion, the presumption has been rebutted by considering each of the following factors:

- The student's age
- The student's disciplinary history,
- Whether the student has a disability,



- The seriousness of the violation or behavior,
- 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, and
- Whether a lesser intervention would properly address the violation or behavior

If a student possesses a firearm in a weapon free school zone, the student will be permanently expelled without considering the above factors, unless the student can establish mitigating factors by clear and convincing evidence. (see page 38)

## **2. Suspension of up to 3 school days**

- Suspension of up to 3 school days may be taken by the building principal (or designee).
- Cause for this action is a violation of school rules or regulations.
- Parents and/or legal guardians and the student, if 18 years of age, will be notified of this action by phone and letter. The school administration will determine the need for a parent conference prior to the student re-entering. If, however, the parent requests a conference, the administrator will honor this request.

### **a. Suspension between 4 and 10 school days**

- Suspension between 4 and 10 days means **exclusion** from school for the indicated period of time, and may include exclusion pending action at a higher level, or awaiting disposition of civil authorities.
- This action may be taken by the Superintendent of schools (or designee) upon the recommendation of the principal.
- Causes for this action are violation of school rules or regulations “gross misdemeanor” or “persistent disobedience,” “the student's inability to be educated in the school environment, or conduct which endangers the welfare of other pupils or the welfare of property of other persons or the welfare of school district property.”
- Parents and/or legal guardians and the student, if 18 years of age, will be notified in writing of this action.
- The Superintendent (or designee) will notify the Board of Education of the student's suspension in writing with a recommendation for action.

## **b. Suspension between 11 and 59 school days**

- Suspension between 11 and 59 school days may be taken by the Superintendent (or designee) only after an opportunity for hearing is given.
- Causes for suspension are those defined in the Revised School Code and in the Uniform Code of Student Conduct, and include “gross misdemeanor” or “persistent disobedience”, the student’s inability to be educated in the school environment, or conduct which endangers the welfare of other pupils or the welfare of property of other persons or the welfare of school district property.
- The school administration will recommend cases for suspension for up to 59 school days to the Superintendent (or Designee)
- Parents and/or legal guardians and the student, if 18 years of age, will be notified in writing of this action.
- The Superintendent is vested with final authority in all cases of suspension subject to appeal procedures set forth. The Superintendent may establish conditions that must be met prior to readmission of the student.
- The student will be readmitted at the end of the period only after a parent conference satisfactory to school administration, and only in the event the student has met all reasonable conditions established for readmission.
- The Superintendent will notify the parents and or legal guardians and student, if 18 years of age, in writing.

## **c. COUNTING SUSPENSION DAYS**

Suspension days will be counted starting on the day the student is **excluded** from participation in school and school activities other than Recreation Department activities.

- (1) The day the student is removed from school is counted as a day of suspension providing he or she was excluded from class participation or school activities before noon of that day.
- (2) Times when school is not officially scheduled are not to be counted as part of the suspension time.
- (3) Students whose suspensions carryover/extend through days when school is not in session (i.e., weekends, holidays, etc.) will also be suspended from school premises and activities during that said time frame. Note: these days are not to be counted as part of the suspension time.

## **d. APPEAL OF SUSPENSION**

Appeals of disciplinary actions or discrimination may be initiated by students or parents of minor students. Appeals must first be directed to the building principal, who will specify the appropriate level for the appeal to begin.

1. **Suspensions of up to 3 days:** Appeals of 3 days or fewer are only heard at the building level. ***There will be no appeal process beyond the building level for suspensions of three (3) or fewer days.***

2. **Suspension four to ten days:** The following appeal levels are available in cases of in-school detentions and out-of-school suspensions of four (4) to ten (10) days:

First Level — Building Principal ReviewHearing

Final Decision — Assistant Superintendent for Learning Services

3. **Suspension of Eleven to fifty-nine days:** The following appeal levels are available in cases of out-of-school suspensions of eleven to fifty-nine days:

First Level — Building Principal ReviewHearing

Second Level — Assistant Superintendent for Learning Services

Final Decision — Board Hearing Panel

#### **e. APPEAL OF SUSPENSION--PROCESS**

- (1) A request for an appeal will be made within three (3) school days of the date disciplinary action was taken and must be made in writing, stating the adjustments being requested and the reasons thereof. (An oral appeal may be made if three (3) or fewer days remain in the semester.)
- (2) Based on the review of the appeal, the building principal within five (5) school days will notify the adult student or the parents or legal guardian of a student under the age of 18 years of his or her decision to adjust, revoke or sustain the disciplinary action. If the notification is made orally, a written notification will follow.
- (3) The student and/or the student's parents and affected teachers or coaches have a right to be present at all review hearings and must be notified in advance of the time and place. Both the affected student and the school administration have the right to present a witness at all review hearings.
- (4) Unless the student's presence in school is considered dangerous or disruptive, he or she will be allowed to remain in school but will not be allowed to compete/participate in co-curricular activities once a suspension has been issued.
- (5) Appeal to the next level must be made in writing within three (3) days of receipt of the decision at the lower level and the review hearing at the next level must be held within five (5) days of receipt of the appeal.

## 4. EXPULSION

### (a) Definition

Expulsion, is defined as exclusion from school (district programs) for disciplinary reasons for a period of 60 or more school days

### (b) Causes for expulsion

Causes for expulsion are those defined in the Revised School Code and include “gross misdemeanor” or persistent disobedience”, the student’s inability to be educated in the school environment, or conduct which endangers the welfare of other pupils or the welfare of property of other person or the welfare of school district property. Included in this definition are possession of a dangerous weapon in a weapon free school zone, or for arson or criminal sexual conduct on school property.

### (c) Recommendation for Expulsion

- The school administration will recommend cases for expulsion to the Board of Education through the Superintendent.
- This action will be taken by the Board of Education only after an opportunity for hearing is provided.
- Parents and/or legal guardian and the student, if 18 years of age, will be given notice in writing of the recommendation.
- The Board of Education is vested with final authority in all cases of expulsion.
- The Superintendent (or designee) will notify the parents and/or legal guardian and the student, if 18 years of age, in writing of the decision of the Board of Education.
- Notice will be considered given when administration sends written notice to the student’s most recent address stated in his or her student record via first class mail.

### (d) Presumption Against expulsion & Consideration of Individual Factors

Consistent with Michigan law the Board of Education adopts a rebuttable presumption that students should not be disciplined by the imposition of expulsion, unless the Board of Education has determined in its sole discretion the presumption has been rebutted by considering each of the following seven factors:

1. The student’s age.
2. The student’s disciplinary history.
3. Whether the student has a disability.
4. The seriousness of the violation or behavior committed by the student.
5. Whether the violation or behavior committed by the student threatened the safety of any student or staff member.
6. Whether a letter of intervention would properly address the violation or behavior committed by the student.

The rebuttable presumption does not apply if a student possesses a firearm in a weapon free school zone. In that case, the student will be permanently expelled without considering the factors, unless the student can establish mitigating factors by clear and convincing evidence.

(e) Mitigating Factors for Possession of a Dangerous Weapon in a Weapon Free School Zone

The Board of Education is required to expel a student from the school district permanently, subject to possible reinstatement as provided in the Revised School Code, for possession of a dangerous weapon in a Weapon Free School Zone. However, expulsion is not required if the student has no previous history of suspension or expulsion, and the student establishes in a clear and convincing manner at least **one** of the following:

- The object or instrument possessed by the student was not possessed for use as a weapon (or for delivery for another person to use as a weapon);
- The student did not knowingly possess the weapon;
- The student did not know or have reason to know that the object constituted a dangerous weapon; or
- The student has the weapon at the suggestion, request, or direction of, or with the express permission of school or police authorities.

(f) Expulsion Procedures

INITIATION OF EXPULSION

The building principal (or designee) will recommend in writing to the Superintendent (or designee) that expulsion be considered.

HEARING FOR EXPULSION

The Board of Education will appoint a panel of three (3) board members to hear expulsion cases. The hearing date will be set by the panel chairperson. The Superintendent (or designee) will conduct a hearing in accordance with this *Uniform Code of Student Conduct*.

NOTICE OF HEARING FOR EXPULSION

The Superintendent (or designee) will provide written notice to the parents or legal guardian of the student if under 18 years of age and to the student only if 18 years of age or older. The notice will be mailed to the record address of the student at least three (3) days prior to the scheduled hearing date and will specify:

1. The charges which have been made and the recommendation for expulsion which has been submitted to the Board of Education;
2. The date, time and place for hearing;
3. The names of witnesses who might be called to testify with respect to the charges;
4. The student has the right to be represented at the hearing by legal counsel;

5. The right of the student to present witnesses on the student's behalf and to cross-examine witnesses called by the administration; and
6. Will advise the student that the hearing will be open to the public unless a request is made in writing by the student or the parents of a minor student that it will be a closed hearing.

- **PROCEDURE AT HEARING FOR EXPULSION**

If the student (or representative) attends the hearing, the Superintendent (or designee) of the hearing panel will advise the student and/or parents of the charges. The student will then be advised that the purpose of the hearing is to determine the validity of these charges. The student will be advised that the student or the student's attorney will have the right to question witnesses who will be present to give testimony in support of the charges. The student will be advised of the right to present witnesses on his or her own behalf. The student will be asked if he or she is represented by counsel.

1. The student will then be asked if, understanding the charges, he or she admits or denies those charges. If the student admits or does not contest the charges, it will not be necessary for the hearing panel to proceed with the hearing. However, it will be permissible for the student or his or her counsel to make a statement on his or her behalf and for the Superintendent (or designee) and/or the hearing panel to question the student as to reasons for his or her behavior. This procedure is intended to assist the panel in arriving at a determination of the appropriate penalty to recommend to the Board of Education.
2. If the student denies or contests the charges, the hearing will proceed with the appropriate school official presenting witnesses to give testimony as to the charges. The student or his or her attorney will have the opportunity to cross-examine each witness. The student or his or her attorney will also be given the opportunity to present his or her own witnesses, including the opportunity for the student to testify. The members of the hearing panel and/or the Superintendent (or designee) may ask questions of any witnesses.
3. The school district may arrange for a court reporter to be present at the hearing. If a court reporter is provided, a transcript of the testimony at the hearing will be made.
4. Upon conclusion of the presentation of evidence, the panel will make findings on each of the charges which have been brought. In the event the student is found to have committed some or all of the acts charged, after considering the "Factors" set forth in (3)(a) above, the panel will make recommendations to the Board as to the action which should be taken. These recommendations will be reduced to a written report and a copy of the report sent to the student and/or parents or guardian together with notice that the recommendation will be made to the Board of Education at its next regular meeting. The report, when submitted to the Board in its public session, will not refer to the student by name. The Board, at its regular meeting, will then, by resolution, either affirm, modify or reverse the

recommendation of the hearing panel.

5. The student or the parent(s) or legal guardian(s) of a student who is under the age of 18 years will be notified in writing of the decision of the Board.

If neither a student nor his representative appears, the review panel will permit the administration to summarize the evidence it intended to present. The panel will conclude the hearing and proceed with the requirements of paragraph four (4), (d) and (e) of this section.

## **5. READMISSION AFTER EXPULSION**

- a. The parent or legal guardian of an individual expelled, or the individual if at least 18 or an emancipated minor, may petition the Board of Education for reinstatement, after the minimum period of expulsion has passed, in accordance with the provisions of the Revised School Code (MCL 380.1311). See page 46 of this document.
- b. The petition must be in writing, directed to the Superintendent, and must evidence satisfactory elimination of the cause for expulsion, and compliance with all reasonable conditions established for readmission.
- c. Within 10 school days after receiving a petition for reinstatement, the school board will appoint a committee to review the petition and any supporting information submitted with the petition. The committee shall consist of two school board members, one school administrator, one teacher, and one parent of a student in the school district. The committee will review the petition for reinstatement and any supporting information provided with the petition. The superintendent (or designee) may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigation for or against reinstatement.
- d. Within 10 school days after the appointment of the committee, the committee will submit a recommendation to the board of education on the issue of reinstatement. The recommendation will be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by the reasons for the recommendation and any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:
  - The extent to which reinstatement would create a risk of harm to students or school district personnel.
  - The extent to which reinstatement would create a risk of school district liability or individual liability for the school board or school district personnel.
  - The age and maturity of the individual.
  - The individual's school record before the incident that caused the expulsion.
  - The individual's attitude concerning the incident that caused the expulsion.
  - The individual's behavior since the expulsion and the prospects for remediation of the individual.
- e. Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee, the school board will make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

- f. The school board may require the individual, and his/her parents or legal guardian, to agree in writing to specific conditions before reinstating the individual. The conditions may include, but are not limited to, agreement to a behavior contract (which may involve the individual, parent/legal guardian), an outside agency, participation in or completion of an anger management program or other appropriate counseling, periodic progress reviews, and specified immediate consequences for failure to abide by a condition. The individual and/or parent of legal guardian may propose conditions in a petition for reinstatement.



ARTICLE E  
ELECTRONIC INFORMATION  
ACCESS AND USE  
Regulation 6710

A major goal of the Bloomfield Hills School District is to prepare today's students and staff for life in the 21st century and to insure a technologically literate citizenry and a globally competitive workforce. It is the policy of the district's Board of Education to provide students, staff, volunteers and other authorized users access to the district's technology resources, including its computers and network resources, in a manner that encourages responsible use.

The District encourages and strongly promotes the use of electronic information technologies in educational endeavors. The District provides access to information resources in a variety of electronic formats and for the development of information management skills, including the skill of discerning the validity and value of such information. Together, these allow learners to access current and relevant resources, provide the opportunity to communicate in a technologically rich environment, and assist them to become responsible, self-directed, lifelong learners.

The District, however, expects the staff and students to conform to ethical and legal standards in the use of technology and to demonstrate knowledge and responsibility in the use of resources, processes and systems of technology. All users of Bloomfield Hills Schools technology will comply with the terms of Regulation 6710.1 which governs the use of such technology. It is also the policy of the Board to comply with the Children's Internet Protection Act (CIPA). As required by CIPA, the Board directs the district's administration to monitor minors' online activities and use technology protection measures to block adult and minors' access to visual depictions that are obscene, that constitute child pornography or that are "harmful to minors" when using district computers with Internet access. The term "harmful to minors" means any picture, image, graphic image file or other visual depiction that:

- a. taken as whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
- b. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- c. taken as a whole, lacks serious literary, artistic, political or scientific value as to minors. The technology protection measures may be disabled by an authorized staff member, during adult use, to enable access to bona fide research or for other lawful purposes. Furthermore, the district will:
  - i. Educate minors about appropriate online behavior, including interacting with other people on social networking websites and in chat rooms and cyber-bullying awareness and response.
  - ii. Restrict minors' access to materials that are inappropriate for minors.
  - iii. Prohibit unauthorized access, including so-called "hacking," and other unlawful activities by minors online.
  - iv. Prohibit the unauthorized disclosure, use and dissemination or personal identification information regarding minors.
  - v. Encourage the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communication.

**ARTICLE F**  
**GRIEVANCE PROCEDURE FOR ADDRESSING**  
**COMPLAINTS OF DISCRIMINATION**  
Under Section 504 of the Rehabilitation Act of 1973, Title IX of the  
Education Amendments of 1972 and other civil rights complaints

Bloomfield Hills Schools has adopted the following Grievance Procedure for addressing complaints of discrimination under Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and all other civil rights complaints. A person is not required to use this procedure and may instead file a complaint directly with the U. S. Department of Education's Office for Civil Rights, 600 Superior Avenue East, Suite 750, Cleveland, OH 44114-2611:

**Step 1:** A person who believes that he/she has been discriminated against by Bloomfield Hills Schools is encouraged, but is not required, to discuss the matter informally with the appropriate building principal, in the case of a student, or his/her immediate supervisor, in the case of an employee.

1. If the building principal or the immediate supervisor is the subject of the complaint, or the grievant is not a student or employee, the grievant may, instead, contact the Bloomfield Hills Schools Section 504 Coordinator or the Civil Rights Coordinator or Title IX Coordinator.

B. The person receiving the complaint shall verbally convey his/her findings to both the person who alleged the violation and the person who is the subject of the complaint within 10 business days.

**Step 2:** If the informal Step 1 process does not resolve the matter, or if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to the designated Bloomfield Hills Schools Coordinator who will investigate the complaint.

A. If the Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent of Schools who will appoint another administrator to conduct the investigation.

B. The complaint shall be signed by the grievant and include:

- 1) the grievant's name and contact information;
- 2) the facts of the incident or action complained about;
- 3) the date of the incident or action giving rise to the complaint;
- 4) the type of discrimination alleged to have occurred; and
- 5) the specific relief sought.

6) Note: Witness names and other evidence as deemed appropriate by the grievant may also be submitted.

C. An investigation of the complaint will be conducted within 10 business days following the submission of the written complaint. The investigation shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint.

D. A written disposition of the complaint shall be issued within 10 business days of

completion of the investigation, unless a specific written extension of time is provided to the parties. Copies of the disposition will be given to both the grievant and the person who is the subject of the complaint.

**Step 3:** If the grievant wishes to appeal the decision in Step 2 above, he/she may submit a signed, written appeal to the Superintendent of Schools within 10 business days after receipt of the written disposition. The Superintendent or his/her designee shall respond to the complaint, in writing, within 10 business days of the date of the appeal. Copies of the response shall be provided to both the grievant and the person who is the subject of the complaint.

Bloomfield Hills Schools provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Grievance Procedure. Further, a grievant making a complaint is neither required to prosecute the matter nor confront the alleged discriminator or harasser when that would be inappropriate.

If you have questions regarding these procedures or want to file a complaint, please contact the designated Bloomfield Hills Schools Coordinator:

Inquiries related to discrimination on the basis of disability should be directed to:

**Section 504 Coordinator**  
**Pam Schoemer**  
**Director of Special Education**  
**Bloomfield Hills Schools**  
**7273 Wing Lake Road**  
**Bloomfield Hills, Michigan 48301**  
**(248) 341-5415**

All other inquiries related to discrimination should be directed to:

**Title IX Coordinator**  
**Christine Barnett**  
**Assistant Superintendent for Human Resources and Labor Relations**  
**Bloomfield Hills Schools**  
**7273 Wing Lake Road**  
**Bloomfield Hills, Michigan 48301**  
**(248) 341-5428**

**FORM SECTION 504 and CIVIL RIGHTS COMPLAINT**

Name of Injured Party: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

If the injured party is a student, please also provide the following information:

School Building Attending: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Grade: \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Relationship to Student: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

1. Describe the alleged civil rights violation or violation of Section 504. Please be specific and describe the specific incident(s), as well as identify the individuals involved, dates/times/locations, etc. Attach additional pages if needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe your proposed resolution to address the alleged problem(s)/violation(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Complainant's Signature \_\_\_\_\_

**PLEASE SUBMIT THIS FORM TO:**

**Pam Schoemer, 504 Coordinator  
Director of Special Education  
Bloomfield Hills Schools  
7273 Wing Lake Road  
Bloomfield Hills, MI 48301  
(248) 341-5415**

**Christine Barnett, Title IX Coordinator  
Ass't. Supt. For Human Resources  
and Labor Relations  
Bloomfield Hills Schools  
7273 Wing Lake Road  
Bloomfield Hills, MI 48301  
(248) 341-5430**

**A person who believes that he/she has been discriminated against by Bloomfield Hills Schools on the basis of disability may file a complaint through the District's grievance procedure. A complaint may also be filed with the Office for Civil Rights (OCR), U.S. Department of Education, 600 Superior Ave East, Suite 750, Cleveland, OH 44114. You may file a complaint with OCR at any time. Filing a complaint with the School District is not a prerequisite to filing with OCR.**

ARTICLE G  
PROVISIONS FOR CODE REVIEW  
Regulation 6301.5

The Board of Education directs all secondary schools within the District to make provisions for periodic review of this *Uniform Code of Student Conduct* every two (2) years.

**1. REVIEW COMMITTEE**

- a. The Review Committee will consist of a representative group of students, parents, teachers and administrators from the elementary, middle and senior high schools. Said students will be selected in such manner as the student governments of the schools will determine.
- b. The Review Committee will be charged with reviewing the entire Code and for recommending changes when necessary.
- c. The Review Committee will submit its recommendation to the Assistant Superintendent for Learning Services.
- d. The Assistant Superintendent for Learning Services will present these recommendations to the Board of Education.

**2. BOARD REVIEW**

The Board president will appoint a Board liaison to the committee to consider the re-visions and to recommend those, which will become policy.

## THE REVISED SCHOOL CODE §380.1311

### THE REVISED SCHOOL CODE (EXCERPT)

Act 451 of 1976

#### **380.1311 Suspension or expulsion of pupil.**

Sec. 1311. (1) Subject to subsection (2), the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

(2) Subject to subsection (3) and section 1310d, if a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (6). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:

(a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.

(b) The weapon was not knowingly possessed by the pupil.

(c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.

(d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

(3) There is a rebuttable presumption that expulsion under subsection (2) for possession of a weapon is not justified if both of the following are met:

(a) The school board or its designee determines in writing that at least 1 of the factors listed in subsection (2)(a) to (d) has been established in a clear and convincing manner.

(b) The pupil has no history of suspension or expulsion.

(4) If an individual is expelled pursuant to subsection (2), the expelling school district shall enter on the individual's permanent record that he or she has been expelled pursuant to subsection (2). Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to subsection (2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311m, an individual expelled pursuant to subsection (2) is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (6).

Except as otherwise provided by law, a program operated for individuals expelled pursuant to subsection (2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual expelled from a school district pursuant to subsection (2) is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school

district to expend more money for providing services for a pupil expelled pursuant to subsection (2) than the amount of the foundation allowance the school district receives for the pupil as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(5) If a school board expels an individual pursuant to subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(6) The parent or legal guardian of an individual expelled pursuant to subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date of expulsion. For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

- (i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.
  - (ii) The extent to which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.
  - (iii) The age and maturity of the individual.
  - (iv) The individual's school record before the incident that caused the expulsion.
  - (v) The individual's attitude concerning the incident that caused the expulsion.
  - (vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.
  - (vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.
- (f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.
- (g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.
- (7) A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil pursuant to subsection (2), and the authorizing body of a public school academy is not liable for damages for expulsion of a pupil by the public school academy pursuant to subsection (2).
- (8) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (6).
- (9) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.
- (10) If a pupil expelled from a public school district pursuant to subsection (2) is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or alternative education program shall immediately become eligible for the prorated share of either the public school academy or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.
- (11) If an individual is expelled pursuant to subsection (2), it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion. The office of safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to subsection (2) and pursuant to section 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office of safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.
- (12) As used in this section:
- (a) "Arson" means a felony violation of chapter X of the Michigan penal code, 1931 PA 328, MCL 750.71 to 750.79.
  - (b) "Criminal sexual conduct" means a violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.



- (c) "Dangerous weapon" means that term as defined in section 1313.
- (d) "Firearm" means that term as defined in section 921 of title 18 of the United States Code, 18 USC 921.
- (e) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
- (f) "School district" means a school district, intermediate school district, or public school academy.
- (g) "Weapon free school zone" means that term as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1994, Act 328, Eff. Jan. 1, 1995 ;-- Am. 1995, Act 250, Imd. Eff. Jan. 2, 1996 ;-- Am. 1999, Act 23, Imd. Eff. May 12, 1999 ;-- Am. 2007, Act 138, Imd. Eff. Nov. 13, 2007 ;-- Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008 ;-- Am. 2016, Act 364, Eff. Aug. 1, 2017

**Popular Name:** Act 451

### **THE REVISED SCHOOL CODE (EXCERPT)** **Act 451 of 1976**

#### **380.1310c Restorative practices as alternative or in addition to suspension or expulsion; definitions.**

Sec. 1310c.

(1) A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.

(2) Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim's parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members or the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do 1 or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

(3) As used in this section:

- (a) "Bullying" and "cyberbullying" mean those terms as defined in section 1310b.
- (b) "Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a pupil's misconduct.
- (c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
- (d) "School district" means a school district, an intermediate school district, or a public school academy.

**History:** Add. 2016, Act 361, Eff. Aug. 1, 2017

**Popular Name:** Act 451

# **Sexual Harassment**

**Bloomfield Hills Board of Education**

**Policy 4503 and 5304**

## Sexual Harassment

The Bloomfield Hills Schools is committed to providing equal opportunity for all staff and Board of Education members and creating an environment which is without sexual harassment, as defined by law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct or communication of a sexual nature. In the employment and educational context, such actions are prohibited when:

- (i) Submission to such conduct is made an expressed or implied condition of obtaining employment or educational benefit.
- (ii) Submission to or rejection of such conduct is used as a basis for decisions affecting the employment or educational benefit of the individual who submits or rejects; or
- (iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or education or creating an intimidating, hostile, or offensive working or learning environment. Examples of such conduct might include: off-color language, jokes, cartoons, or nicknames, propositions, repeated unwanted social invitations, gestures, touching, sexually oriented posters, suggestive or insulting sounds.

Behavior by any individual that results in the sexual harassment of a staff member or a Board of Education member will not be tolerated. Such conduct may result in disciplinary actions including verbal or written warnings, suspension without pay, or more severe discipline including immediate discharge or removal from office. Students who engage in sexual harassment of staff or Board of Education members are subject to discipline, including suspension or expulsion per the Student Code of Conduct.

Each individual has a special responsibility to assure the success of the District's commitment and to take positive steps to comply with equal employment policies. Any individual who engages in sexual harassment or who fails to comply with the equal employment policies of the District is acting without authority and outside the scope of his or her responsibilities

POLICY 4503 (2)

If an individual has reason to believe that he or she has been subjected to discrimination in the form of sexual harassment, or that such exists, it shall be reported immediately to the Assistant Superintendent for Human Resources and Labor Relations, 4175 Andover Road, Bloomfield Hills, Michigan, 48302, (248) 341-5425. As an alternative, an individual may report such discrimination to the superintendent.

When an individual wishes to make a sexual harassment charge, the investigative procedure defined in Regulation 4503(1) will be initiated.

Appr: 5/3/94REV

## **Sexual Harassment Claims Procedure**

### **A. Complaint Initiation**

An individual who believes that sexual harassment has been practiced toward him or her or another individual shall report the claim to the Assistant Superintendent for Human Resources and Labor Relations or the Superintendent.

Upon receiving a report, a meeting will be scheduled immediately with the claimant.

### **B. Procedural Conditions**

Confidentiality is imperative. Only those individuals who have a legitimate need to know will be advised, and they will be advised only of specific facts.

The District may elect to temporarily reassign the parties until the matter is resolved. One or both parties may be given time off with/without pay pending resolution of the claim. The claimant may request reassignment or time off.

The investigation will be conducted by the Assistant Superintendent for Human Resources and Labor Relations, or designee, hereafter known as "investigator."

The parties will be advised that detailed notes will be taken from which a summary of the meeting will be prepared, which the claimant will be asked to sign in order to verify the accuracy of the report.

The charged party will be instructed to desist from contact with the claimant, and the claimant will be instructed to report any contact from the charged party.

The parties will be instructed not to discuss the matter with any other members of the District. If either party wants other persons contacted to assist in corroborating the allegations, he or she shall provide the name, address and telephone number of each person to the Assistant Superintendent for Human Resources and Labor Relations or Superintendent who will interview as required.

Advice and service of legal counsel may be sought and implemented as determined by the District.

### **C. Complaint Investigation**

The initial meeting will be attended by the claimant, the claimant's union representative, upon request (if any), the Assistant Superintendent for Human Resources and Labor Relations, and one other administrative representative. Upon request, the administrative representatives will include one male and one female.

REGULATION 4503.1 (2)

A second meeting will be scheduled with the same individuals present, at which time the claimant will be asked to review and sign the report to confirm its accuracy. Copies of the report will be given to the claimant and the Assistant Superintendent for Human Resources and Labor Relations. The claimant will be informed that a copy may be provided to the person against whom the charges were made.

Within two (2) working days following the meeting at which the report is signed, a meeting will take place attended by the Assistant Superintendent for Human Resources and Labor Relations, another administrative representative, the charged individual, and the charged individual's union representative (if any), upon request.

The charged party will be provided a copy of the signed report.

The charged party will be given an opportunity to respond at that time, or at the charged party's option, in a reasonable amount of time not to exceed five (5) days, to prepare a written or oral response. The charged party shall not have contact with the claimant pending resolution of the matter and shall be so instructed by the administration.

**D. Review and Recommendation**

Upon conclusion of the investigation, a determination will be made and a report prepared which includes any penalties to be imposed.

Within five (5) working days, each of the parties will be provided with a written response reflecting the final determination. The charged party may appeal a determination.

Hearing and appeal rights shall be determined by applicable grievance procedure. If there is no grievance process, appeal may be made to the Superintendent. A final determination will be made in accordance with the applicable procedure.

Appr: 5/3/94 REV

Bloomfield Hills Schools is committed to providing equal opportunity for all students and creating a learning environment free from sexual harassment, as defined by law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct or communication of a sexual nature. In the educational context, such actions are prohibited when:

1. Submission to such conduct is made an expressed or implied condition of obtaining an education benefit such as a grade, selection for scholarship or participation in an activity.
2. Such conduct has the purpose or effect of substantially interfering with an individual education or creating an intimidating, hostile or offensive learning environment. Examples of such conduct might include: off-color language, jokes, cartoons, nicknames, propositions, repeated unwanted social invitations, gestures, touching, sexual oriented posters, suggestive or insulting sounds.

Behavior by any individual that results in the sexual harassment of a student will not be tolerated. Such prohibitive conduct by a student may result in disciplinary actions, including suspension or expulsion of a student pursuant to the Student Code of Conduct. Sexual harassment of a student by a staff member or Board of Education member may result in disciplinary action, including verbal or written warnings, suspension without pay, or more severe discipline including immediate discharge or removal from office.

Each individual has a special responsibility to assure the success of the District's commitment and to take positive actions to comply with equal opportunity policies. Any individual who engages in sexual harassment or who fails to comply with the equal opportunity policies of the District is acting without authority.

Any student who believes that he or she, or any other student or individual has been subjected to sexual harassment shall report the claim to the designated building sexual harassment officer. Parents or other adults, including staff members, shall have the obligation to initiate a complaint on behalf of a student. In the event that a claim charges the sexual harassment officer, the student shall file the complaint with the building principal or designee.

When an individual wishes to make a sexual harassment charge, an investigative procedure for students will be initiated.

Revised: 5/3/94

Revised: 3/20/01

## **Anti-Bullying**

It is the policy of the Bloomfield Hills Schools to provide a safe educational environment for all students. Bullying of a student at school is strictly prohibited. This policy shall be interpreted and enforced to protect all students and to equally prohibit bullying without regard to its subject matter or motivating animus.

### **A. Prohibited Conduct**

#### **1. Bullying**

Bullying of a student at school is strictly prohibited. For the purposes of this policy, “bullying” shall be defined as:

Any written, verbal or physical act or any electronic communication, **including but not limited to cyberbullying**, 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:

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

#### **2. Retaliation/False Accusation**

Retaliation or false accusation against a target of bullying, anyone reporting bullying, a witness or another person with reliable information about an act of bullying is strictly prohibited.

### **B. Reporting an Incident**

If a student, staff member or other individual believes there has been an incident of bullying in violation of this policy, s/he may report such incident to the appropriate principal or designee, or the responsible school official(s) as defined below.

1. **Making the Report:** a report may be made in person, via telephone, or in writing (including electronic transmissions). If an incident of bullying is reported to a staff member who is not the appropriate principal or designee or Responsible School Official, the staff member shall promptly report the incident to one or more of the aforementioned individuals.



2. **Complaints Against Certain School Officials:** Complaints of bullying by a staff member may be reported to the principal or designee. Reports of bullying by the principal or designee may be reported to the Superintendent. Complaints of bullying by the Superintendent may be reported to the President of the Board of Education.

### C. Confidentiality

To the extent appropriate or legally permitted the identity of any individual who reports an act of bullying will remain confidential. District administrators will conduct the investigation without identifying the reporter and any reports will not include the name of the reporter.

### D. Investigation

All reported allegations of a policy violation or related complaint about bullying shall be promptly investigated by the building principal or designee. A description of each reported incident, along with a summary of the investigation and conclusions reached by the principal or designee, shall be documented by the principal or designee.

### E. Notice to Parent/Guardian

If the principal or designee determines that an incident of bullying has occurred, s/he shall promptly provide notification of same to the parent/guardian of the victim of the bullying and the parent/guardian of the perpetrator of the bullying.

### F. Annual Reports

1. **To the Board of Education:** At least annually, the building principal or designee, or the Responsible School Official shall report all verified incidents of bullying and the resulting consequences, including any disciplinary action or referrals, to the Board of Education. The annual Board report may be given in writing, in person at a regular Board meeting, or as otherwise requested by the Board of Education.

2. **Responsible School Official:** The Superintendent or designee (“Responsible School Official”) shall be responsible for ensuring the proper implementation of this policy throughout the district. The foregoing appointment shall not reduce or eliminate the duties and responsibilities of a principal or designee.

3. **Michigan Department of Education (MDE): Reports of verified incidents of bullying will be provided to the MDE according to the form and procedures provided by the MDE.**

### G. Posting/Publication of Policy

Notice of this policy will be incorporated into the Uniform Code of Student Conduct and the Employee Handbook.

### H. Definitions

1. **“At School”** means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. “At school” also includes any conduct using a *telecommunications access device or telecommunications service provider* that occurs off school premises if the device or provider is owned by or under the district’s control.

2. **“Telecommunication Access Device”** means that term as defined in Section 219a of the Michigan Penal Code, 1931PA 328, MCL 750.219a, as may be amended from time to

time. As of January 2012, "Telecommunication Access Device" is defined to mean any of the following:

- a. Any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device defined in MCL750.157m (e.g., an electronic funds transfer card, a credit card, a debit card, point-of-sale card, or any other instrument or means of access to a credit, deposit or proprietary account) that alone or with another device can acquire, transmit, intercept, provide, receive, use or otherwise facilitate the use, acquisition, interception, provision, reception and transmission of any telecommunications service.
- b. Any type of instrument, device, machine, equipment, technology or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting or receiving any telephonic, electronic, data, internet access, audio, video, microwave or radio transmissions, signals, telecommunications or services, including the receipt, acquisition, interception, transmission, retransmission or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system or facility or any part, accessory or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device,

any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition or reception of any telecommunications, transmissions, signals or services.

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

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

4. **"Telecommunications Service Provider"** means that term as defined in Section 219a of the Michigan Penal Code, supra, as may be amended from time to time. As of January 2012, "Telecommunications Service Provider" is defined to mean any of the following:

- a. A person or entity providing a telecommunications service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging or other

wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office or other equipment or telecommunications service.

- b. A person or entity owning or operating any fiber optic, cable television, satellite, Internet based, telephone, wireless, microwave, data transmission or radio distribution system, network or facility.
- c. A person or entity providing any telecommunications service directly or indirectly by or through any distribution systems, networks or facilities.

Legal Reference: The Matt Epling Safe School Law, MCL 380.1310b

Revised & Adopted: 5/17/12

Revised & Adopted: 8/20/15

Revised & Adopted: 10/26/17