

OAKLAND COUNTY ACADEMY for MEDIA & TECHNOLOGY

OCA M&T



STUDENT & PARENT HANDBOOK AND CODE OF CONDUCT

2021-2022

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Letter from the Board of Education and Principal

Over the past year we have made positive changes in the way we address student behavior. We have significantly decreased the number of students being suspended for minor offenses and, as a result, increased both daily attendance and improved chronic absenteeism by relying on restorative practices as opposed to mere punitive forms of disciplinary responses to student misconduct.

At the same time, in talking with parents, teachers, and students, we recognize there is a need to increase the focus on respect in our school community. This will be partially accomplished through our Academy initiative, “We All Belong.” Monthly, the Academy will focus on character traits and practice positive interactions with others. We will also infuse the celebration of our multicultural school community. Through school-wide lessons, activities, and assemblies, students will begin to build stronger relationships that will foster a safe, respectful, and civil school environment. Likewise, we will clarify and fortify expectations and consequences in order to reduce behavior that interferes with productive school culture. This includes fighting and bullying. Students who make positive choices must be recognized for their choices and students who continue to make poor choices must understand they cannot disrupt the learning environment for others. You will notice in this year’s Student Code of Conduct a higher set of expectations and related consequences regarding the use of profanity to adults, acts of aggression, including fighting, battery, and bullying. In order for our Academy to be the world-class educational institution that we aspire for it to be, we will ensure that staff, students, and parents feel safe and respected at school.

The revised 2020-2021 Student Code of Conduct includes a student bill of rights. With this addition, we have signaled the belief that students should also expect respect. Fortunately, our administrator, faculty and staff know that adults are obliged to demonstrate respect as well. Just as the adults in our Academy deserve respect, so do our students. Just as students will be disciplined appropriately for disrespecting adults, adults are accountable for fair and respectful treatment of students.

“Expecting Equitable Respect” will be a universal theme in our Academy and evidenced through our core values. We will lead by example, teach and reteach students the value of making positive choices and assist them with understanding that there are positive and adverse consequences for one’s behavior and decisions. At the same time, we are committed to the process of students learning and growing from their mistakes. The Academy will work hard to maintain the right balance between the two.

In order to ensure that balance, we have instituted a new point system to help you and your student easily understand the cumulative consequences of infractions under the Student Code of Conduct.

Infractions are grouped into four levels:

Level 1: Minor (1 point)

Level 2: Moderate (2 points)

Level 3: Major (3 points)

Level 4: Severe (Referral to a Disciplinary Hearing)

You will learn about the infractions that fall into each of these categories. This document is designed to ensure consistency of application among administrators with administering discipline for infractions. If a student reaches 16 or more points, in any combination, during one school year, that student may be referred to the Board Liaison who will act as the Hearing Officer for possible placement in an alternative program.

We ask families to partner with the school and Academy staff to create a positive school culture. Therefore, after you review the Code with your child and engage them around any concerns they may have, please sign the "Parent and Student Statement of Receipt" and have your child return it to school. If you have questions you want answered before signing, please take this time to engage with your child's teachers and school staff. This is a great way to begin to build the important line of communication between you and/or the administration. Please keep a copy of the document for your records once signed. administrators, teachers, and staff will also sign their own statement of receipt.

Thank you for entrusting your child to us and thank you for your continued support of Oakland County Academy for Media & Technology.

Mr. Bob Thomas
Board President
Oakland County Academy for Media & Technology

Ms. Timeka Brown
Principal
Oakland County Academy for Media & Technology

Board of Education
Mr. Bob Thomas, President
Ms. Tanya Clark, Vice President
Mrs. Melonee Monson, Treasurer
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Ms. Michelle Murphy, Member

Introduction

Under Michigan law, every school Academy is required to adopt a Student Code of Conduct (“Code”), to ensure that every student in every school will be provided with a safe and secure environment in which to pursue the excellent educational opportunities available.

This Code governs student behavior at all the school and its programs. School administrators and staff are responsible for addressing student behavior and administering the Code.

The jurisdiction of the Code covers infractions that occur on school grounds, on school buses or in other school vehicles, during school-sponsored field trips, when connected with school- related events and activities and when students are in route to or from school. Specific consideration will be given, when the incident involves the student’s proximity to the school, the length of time elapsed since the student was on school premises, whether there is a connection to an on premise altercation or confrontation and whether there is a disruption to the school environment or orderly operation of the school.

All staff are required to function in accordance with the Code. Thus, whenever an employee discovers a student engaging in unacceptable conduct, the employee is required to take prompt action in accordance with Academy policies. Prompt action may include directly addressing and correcting the student, intervening to stop the behavior, seeking the assistance of other staff persons and/or reporting the incident to an administrator.

It is the responsibility of both student and parent/guardian to know the rules of the Code and to support the fair and impartial administering of the rules. With age and maturity, students will be expected to assume greater responsibility for their actions.

Professional educators are expected to adhere to the Michigan Professional Educator’s Ethics in their job performance and in the administration of the Code.

Bill of Rights and Responsibilities for Students

STUDENT RIGHTS:

- I. The right to a free and appropriate public-school education.
- II. The right to equitable academic resources.
- III. The right to inclusive teaching and learning environments in all classrooms.
- IV. The right to due process.
- V. The right to a socially, emotionally, and physically safe and positive school climate.
- VI. The right to effective teachers.
- VII. The right to be treated with respect and dignity by the school community.
- VIII. The right to positive school disciplinary policies and practices.
- IX. The right to participate in decisions that affect our education.

STUDENT RESPONSIBILITIES:

- I. Attend school regularly and punctually.
- II. Know and adhere to the Academy Code of Conduct.
- III. Abide by and follow other school rules, regulations, and policies.
- IV. Behave in a manner that contributes to a safe learning environment and which supports the rights of others to learn.
- V. Show respect for school property and respect the property of others, both private and public.
- VI. Express yourself in oral, written, electronic and other modes of expression, in a manner which promotes cooperation and support of the educational process.
- VII. Help maintain a school environment free of weapons, illegal drugs, controlled substances and alcohol.
- VIII. Share information with school officials regarding matters which may endanger the health and welfare of the school community.
- IX. Work with school staff in developing broad extracurricular programs to represent the range of physical, social and cultural interests and needs of students.
- X. Keep parents/guardians informed of school-related matters, including progress in school, social and educational events and ensure that parents receive communications provided by school staff to students for transmittal to parents.

Bill of Parent/Guardian Rights and Responsibilities

PARENT/GUARDIAN RIGHTS:

- I. The right to a free and appropriate public-school education for their child.
- II. The right to access information about their child.
- III. The right to be actively involved and engaged in the education of their child.
- IV. The right to file complaints and/or appeals regarding matters affecting their child's education.

PARENT/GUARDIAN RESPONSIBILITIES:

- I. Ensure regular, on time, daily attendance for the duration of the school year.
- II. Remain aware of child's performance by maintaining contact with the school through reviewing work, progress reports and other school notices, talking to the child about school, and meeting with school staff as requested.
- III. Enter the school building in a respectful manner treating all members of the school community with courtesy and respect and refraining from disruptive behavior.
- IV. Ensure the school is updated with accurate contact information including, but not limited to, home address, telephone number(s), and e-mail address.
- V. Respond in a timely manner to communications from school.

“OCA M&T Students Attend School All Day Everyday!!!”

There is a strong relationship between regular school attendance and academic performance. Students who are in class and on time daily have the best chance for school success!

Attendance Expectations

- Students are expected to attend all classes each day.
- Students are expected to be on time for each class during the school day.
- Students are to remain in school the entire school day.
- Students are expected to maintain a ninety-six percent (96%) attendance rate.
- The Academy complies with the Michigan Compulsory School Law, which states that all students between the ages of six (6) and eighteen (18) are to attend school during the entire school year.

Absences

- Notify the school regarding your child’s absence.
- Send a note regarding the reason for the absence when your child returns to school.
- A note should be received within three (3) days of your child’s return to the school.
- Make sure that all make-up work is completed and returned to the teacher.

Tardiness

- Students who arrive later than the beginning of the school day or after the start time of class without an excuse and/or pass are considered tardy.
- Excessive tardiness disrupts the learning process and negatively impacts the student’s academic achievement.

Truancy

- Students who have missed at least 10% of the school year are considered chronically absent/truant.

Consequences for Irregular Attendance

- Possible failure in class or grade level.
- Investigation by the Attendance Agent.
- Referral of student for Department of Health and Human Services (“DHHS”) action.
- Referral of parents to the Oakland County Prosecutor for prosecution.

With your support, we can make a difference in your child’s academic success.

Special Considerations & Student Rights

Freedom from Discrimination, Harassment and Bullying: OCA M&T does not discriminate on the basis of race, color, national origin, sex, sexual orientation, transgender identity, disability, religion, height, weight, citizenship, marital or family status, ancestry, genetic information, or any other legally protected category in its educational programs and activities, including employment and admissions. Questions? Concerns? Please contact the Academy administration.

The Right to Due Process: Due process safeguards must apply in instances where the behavior or rights of students are being evaluated. Students must be treated with fairness and in light of the total circumstances. Students have the right to be fully informed of the alleged breach of behavior and be provided an opportunity to respond to such charges. Any permanent record that results from the student's actions should clearly state whether the charges were or were not substantiated. The Code sets forth the procedural rules for student discipline.

Make-up Work: Students removed from school for any disciplinary action are entitled to make-up work. Make-up work will be provided to parents by the principal/designee within two (2) school days of the assigned discipline. Parents are responsible for picking up the assignments and returning the completed work for grading. Assignments must be completed and returned before new assignments are issued. All make-up work must be completed within five (5) school days of the student's readmission to school.

Effective Communication: To ensure effective communication with our students' families or guardians who are disabled, including those who are deaf or hard of hearing, or blind, we provide appropriate auxiliary aids and services free of charge, such as qualified sign language and oral interpreters, audio recordings, readers, and braille.

Attendance Policy

The law in Michigan governing compulsory attendance requires a parent, legal guardian, or other person having control or charge of a child age six (6) to eighteen (18) to send the child to school during the entire school year, except under very limited circumstances specified in MCL 380.1561.

The Board of Education (“Board”) as an agency of the State of Michigan is required to enforce the regular attendance of students. The Board recognizes that presence in the classroom enables students to participate in instruction, class discussions, and other related activities. Educators shall encourage regular attendance of students, maintain accurate attendance records, and follow reporting procedures prescribed by the Principal or his/her designees. As such, regular and timely attendance, and classroom participation are integral to instilling incentives for the student to excel.

The classroom experience is of unique value and it cannot be duplicated by make-up work. Student interaction and the development of ideas through discussion are lost when a student is absent, tardy, or is dropped off late or picked-up early by a parent/guardian. A student's enrollment in a course is his/her commitment to attend all class sessions. Therefore, it is the intent of this policy to disallow students from being absent from class unless a situation exists which makes their absence absolutely necessary. The purpose of this attendance policy is to foster responsibility and reliability on the part of Academy students to attend all classes. Students will acknowledge greater emphasis on attendance at school because credit in their classes will be contingent upon their presence. It is important to note that this policy applies to digital remote delivery of instruction via our learning management system (LMS).

Attendance Defined

- A. School Attendance - Students are to be counted in attendance only if they are actually present for any portion of the school day or engaged in a school-approved educational activity which constitutes a part of the instructional program for the student.
- B. Class Attendance - Students are to be counted in attendance if they are physically present in class for at least half of the class period, have been excused by the teacher on a class-related assignment, or have been requested by a member of the school support staff for an approved school activity.
- C. Tardiness - A student is considered tardy if they are not present at the moment the school bell rings for the class assigned. NOTE: If a student is not present when attendance is taken but is present later in the school day, that student must be considered in attendance, but tardy, and the absence should be changed. A student who is tardy should never remain on record as being absent.
- D. Early Sign-outs – Early release is discouraged within the final thirty (30) minutes of the school day.

Attendance is required of all enrolled students during the days and hours that the school is in session.

The Principal or his/her designees shall require, from the parent or legal guardian of each student or from an adult student who has been absent for any reason, a written statement confirmation of the cause for such absence for excused reasons. The student's parent or legal guardian shall inform the school when a student will be absent for excused reasons as soon as possible. Failure to report and explain the absence(s) shall result in unexcused absence(s). The Principal shall have the final authority to determine acceptability of the reason for the absence(s). The Principal and his/her designee(s) reserve the right to verify such statements and to investigate the cause of each:

- A. single absence;
- B. prolonged absence;
- C. absence of more than two days duration;
- D. repeated unexplained full and partial day absences and tardies;
- E. repeated explained and unexplained early student pick-ups; and
- F. repeated explained and unexplained late student drop-offs.

The Principal or his/her designees shall report infractions of the law regarding student attendance for students below the age of eighteen (18) to the proper internal and external authorities.

Excused Absences

Brief illness, appointments, and family business are considered absences for purposes of meeting attendance policy requirements. An absence will be considered an "excused absence" if a parent/guardian contacts the school and provides a reason for the absence. The absence, as well as the reason for the absence, will then be documented in our attendance system. Excused absences may include, but are not limited to, the following:

- A. Personal illness of the student (medical evidence may be required by the Principal for absences exceeding five (5) consecutive days). The written statement must include all days the student has been absent from school. If a student is continually sick and repeatedly absent from school due to a specific medical condition, s/he must be under the supervision of a health care provider in order to receive excused absences from school;
- B. Medically verified chronic illnesses – statement signed by physician;
- C. Family emergency;
- D. Recovery from accident;
- E. Legally documented court subpoena, a required court appearance, or placement in detention at a juvenile center in which the student continues his/her education;
- F. Professional appointments;
- G. Death in the immediate family;
- H. Observation or celebration of a religious holiday or service when it is mandated for all members of a faith that such a holiday or service should be observed, or for pre-arranged religious instruction (documentation of the religious affiliation of the student may be required by school officials);

- I. Academic activity or school sponsored field trip directly related to the instructional outcomes of one (1) or more course;
- J. Approved student activities such as Student Council, National Honor Society, class meetings, and academic/athletic competitions;
- K. A short-term family commitment with prior notification of the absence being provided to the school administrator;
- L. High School or College visits;
- M. Out of school suspension from school; and/or
- N. Other individual student absences beyond the control of the parent or student, as determined and approved by the Principal (requires support documentation).

Long-term absenteeism, including excused absences, may lead to the failure of a course, the necessity to repeat a course, the possibility of retention, and/or the filing of a truancy petition.

Chronic Absenteeism

Chronic absenteeism and habitual truancy are important predictors of school performance, including high school graduation. Average daily attendance rates often mask the number of students who are chronically absent - which equates to missing at least ten percent of the school year or approximately eighteen (18) school days for any reason.

Chronic absenteeism can be determined by comparing the number of absences in relation to the number of school days. Chronic absenteeism can be defined as excused, unexcused, and suspension days. These categories correlate to the multi-tier systems of support and provide the recommended strategy to make positive impacts on chronic absenteeism.

Chronic absenteeism in the Academy indicates the presence of a much larger salient issue. Thus, addressing chronic absenteeism will resolve other issues in the Academy as they relate to ensuring students have the resources to be successful, increasing student-family engagement, data driven resource interventions, and enabling college- career readiness.

Levels of Chronic Absenteeism

1. Students who miss 5% or less of total school days are considered to have **satisfactory attendance**.
2. Students who miss 5%-10% of school days are at risk of becoming **chronically absent**.
3. Students who miss 10%-20% of total school days are considered **chronically absent**.
4. Students who miss 20% or more of total school days are considered **severely chronically absent**.

Appropriate Dress for Students K-12

All students must comply with the Academy's dress code by complying with the expectations described below. All students are expected to exemplify proper grooming standards in a manner that projects an appropriate image for the student, school, and Academy.

Slacks and Pants:

- Style: Slacks and pants can be pleated or flat front, full length and appropriately fastened at the waist
- Belts: If the garment has belt loops a belt should be worn at all times

Tops:

-

Skirts, Shorts, and Jumpers/Skorts:

- Style: Shorts and Skorts must have a 9-inch inseam and/or be no more than 2 inches above the knee.

Jackets, Cardigans, and Sweaters:

Footwear:

- Athletic shoes, laced shoes and/or other shoe boots, loafers, dress shoes, or other closed toed/closed heel shoes. Students are also prohibited from wearing steel-toed boots or shoes to school

Inappropriate Dress for Students K-12

- Ripped, torn, shredded, distressed or otherwise modified clothing is not acceptable.
- Clothing that is either revealing or provocative, showing abdomen region or cleavage, T-shirts or halter-tops, biker pants, or pants allowed to sag below the waistline or are excessively tight
- Bedtime attire such as pajamas, undershirts, or undergarments as outerwear
- Students' clothing or tattoos may not display statements or pictures that are related to the use of drugs, alcohol, tobacco products, or sex, or that promote hate and/or violence or signify gang affiliations
- Attire that may be considered weapons, including but not limited to chain belts or wallet chains
- Jewelry or similar artifacts that are obscene or may cause disruptions to the educational environment
- Hats, caps, bandanas, or do-rags, except headwear worn for legitimate religious and cultural purposes
- Flip-flops, house slippers, steel-toe-shoes or boots, or any other type of footwear that could constitute a safety hazard
- Hair rollers, hair curlers, plastic hair bags, hairnets, hair bonnets, sweat bands and skullcaps

Positive Behavioral Interventions and Supports (PBIS)

To promote positive behavior, schools provide a range of prevention and intervention support services for students during and/or after school hours throughout the school year. When a student engages in misconduct, the list of interventions should be considered based on the type of behavior the student exhibited. Schools are required to provide and document support services at all stages of the disciplinary process, including during suspension. When used consistently and appropriately, interventions help improve student behavior, lower the incidence of repeated misbehavior, and contribute to a more positive school environment. Support services may include any of the interventions listed below or a combination of services that best meet the needs of the individual student.

Examples of Supports and Interventions¹	
<p style="text-align: center;">Parent Conference</p> <p>School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication.</p>	<p style="text-align: center;">Daily/Weekly Progress Reports</p> <p>Teachers and/or principals may send behavioral progress reports to parents on a regular basis until they feel that the student is in control of his/her behavior and working in the classroom successfully.</p>
<p style="text-align: center;">Guidance Conference</p> <p>Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal, and social issues that might have caused or contributed to the behavior.</p>	<p style="text-align: center;">Development of Individual Behavior Contract</p> <p>The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student, teacher, and parent/guardian.</p>
<p style="text-align: center;">Counseling, social work or other agency referral</p> <p>Where available, school-based counseling personnel and/or school-based mental health programs offer a wide range of comprehensive and confidential mental health services and interventions including, but not limited to: assessments, individual, group and family counseling and/or therapy, teacher consultations, and educational strategies for parents and staff.</p>	<p style="text-align: center;">Referral to Resource Coordinating Team (RCT)</p> <p>Pupil Personnel Teams are school-based teams that use a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral and an individualized plan is created to help the student overcome his/her academic and/or other challenges.</p>
<p style="text-align: center;">Restorative Practices</p> <p>Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline. Restorative practices include collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing.</p>	<p style="text-align: center;">Mentoring Program</p> <p>A mentoring program matches a mentor who may be a counselor, teacher, student, and/or administrator with a student in need of additional support. The object of this relationship is to help the student in his/her personal, academic, and social development.</p>

¹Adapted from PBIS.org.

Restorative Practices

All members of a school community bring with them diverse abilities, interests, viewpoints, and family and cultural backgrounds. These differences can be a source of energy and strength when members of the community value and respect one another. Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline.

The Academy shall consider using restorative practices as an alternative or in addition to suspension or expulsion. Restorative practices mean practices that emphasize repairing the harm to the victim and school community.

If the Academy suspends or expels a student, the Academy shall consider using restorative practices in addition to suspension or expulsion. If the Academy decides not to suspend or expel a student, the Academy shall consider using restorative practices to address the issue. 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, harassment, and cyberbullying.

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 of 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 selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all parties.

A restorative approach to discipline changes the foundational questions that are asked when an incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions: What happened; Who was harmed or affected by the behavior; What needs to be done to make things right; How can people behave differently in the future?

Types of Restorative Practices²

Circle Process: Regular use of restorative circles within the instructional program of a school is a significant prevention and intervention strategy. The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, and address other issues as they arise.

Students are the largest group of stakeholders in a school community and its greatest natural resource in creating and sustaining a safe and supportive school environment. Building community among students and between students and staff members is integral to creating a supportive and inclusive school culture. When students feel accepted, valued, respected, and included, they build a positive connection to school and foster resiliency. Community building circles focus on:

- **Safety and Trust.** Community members need a sense of safety and trust to connect with one another.

²Adapted from PBIS.org

- **Honor.** Members interact with fairness and integrity and acknowledge their personal responsibility for their actions.
- **Openness.** Community members feel free to share their thoughts and feelings.
- **Respect.** To bond as a community, members must feel they are valued and respected as individuals, and they must respond respectfully to one another.
- **Empowerment.** A sense of empowerment is a crucial element and a desired outcome of being a member of a community. Community support enables members to gain a new view of themselves and a new sense of confidence in their abilities.

When used as an intervention measure to address inappropriate student behavior, restorative circles:

- Empower participants to take responsibility for the well-being of others;
- Prevent or deal with conflict before it escalates;
- Address underlying factors that lead youth to engage in inappropriate behavior; and
- Provide those who committed an infraction the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.

A circle can also be used in response to a particular issue that affects the school community.

Collaborative Negotiation: Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom s/he disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

Peer Mediation: An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.

Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm-doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired. A formal restorative conference may be used as an intervention in conjunction with a disciplinary response (e.g., a student participates in a formal restorative conference in conjunction with a teacher removal or a principal or Principal suspension) or may be used as a disciplinary intervention to address misconduct that does not require teacher removal or suspension.

Classification of Infractions

Infractions of the Student Code of Conduct are grouped into four levels:

Level 1: Minor (1 point)

Level 2: Moderate (2 points)

Level 3: Major (3 points)

Level 4: Severe (Referral to Board Liaison Disciplinary Hearing)

Each classification of an infraction is followed by disciplinary procedures to be implemented by the administrator or designee. The detail in the document is to ensure consistency among administrators with administering discipline for infractions. When disciplinary actions are used, teachers and administrators must follow appropriate procedures, including receiving and documenting the students' statements and additional witness statements, when applicable, in support of the action taken. Consequences should be delivered based on the charts included in the Code. Each time discipline is administered, a written or verbal contact should be made to the parent/guardian by an administrator and a restorative practice should occur. Restorative practices that are engaged must also be documented in accordance to established procedures. To further support disciplinary expectations, level infractions will be provided a point value. Once students reach sixteen (16) or more points, in any combination, during one school year, students may be referred to the Board liaison acting as a Hearing Officer for possible placement in an alternative program. As the Academy supports PBIS initiatives, students will be given an opportunity to have points removed for improved behavior, as noted by building administration. The Code serves as a recommended guideline and disciplinary actions may be modified based on the outcome of investigations at the principals' discretion. Any modification must be approved by the Principal or her/his designee.

Level 1 Infractions

To ensure students are provided opportunities to function in an environment conducive to learning, it is necessary that Level 1 infractions are addressed through classroom management expectations. Therefore, prior to the first referral, teachers shall ensure there is written warning documentation for each infraction. The warning documentation shall include but not be limited to:

- A. One on one documented conference with the student, parent (via phone if necessary), teacher and possibly social worker
- B. One on one documented communication between the parent, behavior interventionist and teacher
- C. Occurrence 3 shall require the infraction be written as the first referral to the behavioral interventionist accompanied by written documentation of the previous occurrences and intervention strategies attempted

A01 FAILURE TO FOLLOW INSTRUCTIONS/INSUBORDINATION

A student will not ignore or refuse to comply with directions or instructions given by Academy personnel and/or volunteers that hinder safety and or the learning of peers.

A02 REFUSAL TO IDENTIFY SELF

Refusing to give correct name when requested by school personnel or using another person's name or identity.

A03 USE OF ELECTRONIC COMMUNICATION DEVICES ("ECD") SMART PHONES, CELLULAR PHONES OR OTHER DEVICES THAT CAUSE DISRUPTION WHILE ON SCHOOL PROPERTY

Smart phones, cell phones, personal communication devices or other ECDs while on campus must be off and out of sight. Use of these devices for educational purposes must be approved by the principal and teacher and are otherwise prohibited during the school day. The Academy is not responsible for the loss, theft, damage, or vandalism to student cell phones or ECDs or any other student property.

A04 IMPROPER OR UNAUTHORIZED USE OF SCHOOL MATERIALS/EQUIPMENT

A student may only use school equipment, technology or materials when prior approval is given by an administrator or teacher.

A05 CHEATING/ACADEMIC MISCONDUCT

A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials.

A06 INAPPROPRIATE DISPLAYS OF AFFECTION

Students will not engage in inappropriate displays of affection, such as kissing, touching or rubbing.

A07 LOITERING/TRESPASSING

A student will not enter upon the premises of the school Academy, other than the location to which the student is assigned, without authorization from proper school authorities. If removed, suspended, or expelled from school, a student will not return to the school premises without permission of the proper school authorities.

A08 TARDINESS/UNAUTHORIZED ABSENCE

A student must be in his or her place of instruction at the assigned time without a valid excuse.

A09 APPROPRIATE DRESS/GROOMING

A student will adhere to the Academy's approved dress code policy.

A10 TEASING, DISRESPECTFUL OR OTHER UNKIND BEHAVIOR

Disrespectful, unkind and/or mean language or actions towards another student that includes name calling, sarcastic/crude jokes, teasing or other behavior use to distract, disturb, offend, sadden, anger, bother, irritate, or annoy.

Level 1 Infractions	1 st Referral	2 nd Referral	3 rd Referral	4 th Referral
A01 – FAILURE TO FOLLOW INSTRUCTIONS/ INSUBORDINATION	Parent Conference Restorative Practice	Parent Conference Restorative Practice Behavior Contract with progress monitoring 1-2 days ISS	Parent Conference Restorative Practice Work Detail 2 days ISS	Parent Conference Restorative Practice 4 days ISS
A02 - REFUSAL TO IDENTIFY SELF	Parent Conference Restorative Practice	Parent Conference Restorative Practice Behavior Contract with progress monitoring 1-2 days ISS	Parent Conference Restorative Practice 1-2 days ISS	Parent Conference Restorative Practice 2-4 days ISS
A03 - USE OF ELECTRONIC COMMUNICATION DEVICES (“ECD”) SMART PHONES, CELLULAR PHONES OR OTHER DEVICES THAT CAUSE DISRUPTION WHILE ON SCHOOL PROPERTY	Parent Conference Restorative Practice 1-2 days ISS Confiscation of device and returned to student	Confiscation of device and return only to parent Restorative Practice 1-2 days ISS	Confiscation of device and return only to parent Restorative Practice 2-3 ISS	Confiscation of device and return only to parent Restorative Practice 4-5 ISS
A04 - IMPROPER OR UNAUTHORIZED USE OF SCHOOL MATERIALS/EQUIPMENT	Parent Conference 1-2 days ISS Restorative Practice	Parent Conference 1-2 days ISS Restorative Practice Behavior Contract with progress monitoring	Parent Conference Restorative Practice Counseling Referral/ Intervention 2-3 days ISS	Parent Conference Restorative Practice 3 days ISS
A05 - CHEATING/ ACADEMIC MISCONDUCT	Parent Conference Restorative Practice	Parent Conference Restorative Practice 1 day ISS	Parent Conference Restorative Practice 2-3 days ISS	Parent Conference Restorative Practice 3 days ISS
A06 - INAPPROPRIATE DISPLAYS OF AFFECTION	Parent Conference 1-2 days ISS Restorative Practice	Parent Conference 1-2 days ISS Restorative Practice	Parent Conference Restorative Practice Counseling Referral/ Intervention 2-3 days ISS	Parent Conference Restorative Practice Counseling Referral/ Intervention 4 days ISS
A07 - LOITERING/TRESPASSING	Parent Conference 1-2 days ISS Restorative Practice	Parent Conference Restorative Practice 1-2 days ISS	Parent Conference Restorative Practice Counseling Referral/ Intervention 2-3 days ISS	Parent Conference Restorative Practice Counseling Referral/ Intervention 3-4 days ISS
A08 – TARDINESS/UNAUTHORIZED ABSENCE	Parent Conference Restorative Practice 1-2 days ISS	Parent Conference 1-2 days ISS Restorative Practice Behavior Contract with progress monitoring	Parent Conference Restorative Practice Counseling Referral/ Intervention 2-3 days ISS	Use of Tardy Monitoring Sheet Parent Conference Restorative Practice Referral to Attendance Team 3-4 days ISS
A09 – APPROPRIATE DRESS/GROOMNG	Parent Conference Restorative Practice 1 day ISS	Parent Conference Restorative Practice 1-2 days ISS	Parent Conference Restorative Practice Behavior Contract 2-3 days ISS	Parent Conference Restorative Practice Behavior Contract 4-5 days ISS
A10 – TEASING, DISRESPECTFUL OR OTHER UNKIND BEHAVIOR	Mandatory Parent Conference Restorative Practice 1-2 days ISS	Mandatory Parent Conference Restorative Practice 3-4 days ISS	Parent Conference Code progresses to appropriate B or C violation	

Refer to page 39 for information on Assigning Interventions & Administering Discipline.
Glossary of Terms can be found on page 49.

Level 2 Infractions

B01 *THREATS OF VIOLENCE/INTIMIDATION

Written, verbal or physical conduct, or electronic communication that is intended to place one or more persons in fear of harm. Refer to C7 - Bullying to describe conduct of a serious, severe, or substantial nature.

B02 PROFANITY/OBSCENITY TOWARD STUDENTS

Written, verbal or electronic communication with photographs or drawings directing profanity or insulting, obscene gestures toward any other student.

B03 PROFANITY/OBSCENITY TOWARDS STAFF

Written, verbal or electronic communication with photographs or drawings directing profanity or insulting, obscene gestures towards any Academy staff member, contractors, adult volunteers or adults on Academy property.

B04 POSSESSION OF DANGEROUS OBJECTS

Possession of a dangerous weapon or firearm which has the capacity to cause injury other than those listed in infractions C01, D01, D02, and D03, for example mace, firecrackers, pepper spray, and other irritant sprays.

B05 THEFT OR RECEIPT OF STOLEN PROPERTY

Taking, conspiring to take, without permission of the owner or custodian, or receiving or possessing property known to be stolen valued at less than \$100.00.

B06 EXTORTION, COERCION OR BLACKMAIL

Obtaining money or property or anything of value from an unwilling person or forcing an individual to either act or refrain from acting by use of either physical force or intimidation.

B07 DEFACEMENT OF PROPERTY

A student will not willfully deface or cause damage to property belonging to the school or belonging to school personnel or persons in attendance at the school. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables and spray-painting surfaces are acts of defacement.

B08 *INTERFERENCE WITH OR INTIMIDATION OF SCHOOL PERSONNEL

Preventing or attempting to prevent school personnel from engaging in their lawful duties through threats of violence, harassment or intimidation.

B09 INTERFERENCE WITH THE MOVEMENT OF PUPILS IN AND OUT OF SCHOOLS, BETWEEN SCHOOLS, OR BETWEEN HOME AND AN ASSIGNED SCHOOL

Any action that prevents or delays scheduled transportation of pupils to and from an assigned school that prevents pupils from entering or leaving schools at scheduled hours, or that causes fear or jeopardy to students while walking to and from an assigned school.

B10 HARASSMENT

Written, verbal, or physical conduct that is persistent or pervasive that causes emotional distress or does the following to one or more students directly or indirectly:

- Substantially interferes with educational opportunities;
- Adversely affects the ability of students to participate in or benefit from school programs; or
- Causes a substantial disruption to the orderly operation of schools.

- B11** **GAMBLING**
Participating in games of chance or skill for money or profit.
- B12** **VERBAL ABUSE**
Name-calling, racial or ethnic slurs or derogatory statements directed at, and offensive to, another person.
- B13** **FORGERY/GIVING FALSE INFORMATION OR IDENTIFICATION**
Intentionally misrepresenting information to school Academy personnel, such as giving false information, false identification or signing another person’s name to a document.
- B14** **ABUSE OF TECHNOLOGY**
The act of tampering with or unauthorized use of computer hardware or software, including loading unauthorized software, making unauthorized copies of software, tampering with the hard drive, infection of computers with viruses, unauthorized internet access, unauthorized access to another’s files, computers, or computer systems, and computer network “hacking.” The use of the internet or OCA M&T technology, equipment or materials, including networks and servers to commit any offense is a violation under the Student Code of Conduct.
- B15** ***FIGHTING – MUTUAL COMBAT, MUTUAL ALTERCATION**
A physical altercation between one or more students that does not cause serious injury but requires physical restraint.
- B16** ***INITIATING A FIGHT**
Intentionally initiating a fight between others or with another student that results in a physical altercation
- B17** ***RESPONSE TO A PHYSICAL ATTACK**
Any action of responding to a physical attack in a combative response that is not defined as self-defense. *Self-defense* is described as an action to block an attack by another person or to shield yourself from being hit by another person. If the retaliation meets this definition then there will be no consequence. Retaliating by hitting a person back is not self-defense and consequences outlined in the Code should be followed.
- *NOTE: In the instance of a physical or verbal altercation that would result in ISS for both parties, the Principal or his/her designee will determine whether it is appropriate to place both students in ISS or to stagger the time spent in ISS in accordance with the Code of Conduct. This also applies to C-level code infractions of similar type with equivalent consequences.
- B18** **SEXUAL HARRASSMENT (I)**
The use of words, pictures, objects, gestures, or other actions relating to sexual activity or a person’s gender that may cause embarrassment, discomfort, or a reluctance to participate in school activities.
Students may be charged with this infraction for transmitting materials that are construed as harassment or disparagement of others based upon sex or sexual orientation.
- B19** **FAILURE TO SERVE PREVIOUSLY ASSIGNED DISCIPLINE**
A student will serve out his/her discipline sentence. A student and/or parents/guardians will be previously notified of any discipline sentence.

B20 LEAVING SCHOOL PREMISES WITHOUT PERMISSION

A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

B21 HAZING

Any intentional, knowing, or reckless activity which endangers the physical safety, causes mental distress, embarrassment, humiliation or ridicule of a student done for the purpose of being initiated into, affiliated with, participating in or becoming a member of any organization, team, group, club, school activity, regardless of whether the activity is done with or without the consent of the person(s) being hazed.

Level 2 Infractions	1 st Referral	2 nd Referral	3 rd Referral	4 th Referral
*B01 - THREATS OF VIOLENCE/INTIMIDATION	Restorative Practice Parent Conference 1-2 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-4 days ISS/1-2 days OSS	Parent Conference Code progresses to appropriate C violation	
B02 – PROFANITY/OBSCENITY TOWARD STUDENTS	Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice Mandatory SOS 5-8 days ISS
B03 – PROFANITY/OBSCENITY TOWARD STAFF	Parent Conference Restorative Practice 1-2 days ISS	Restorative Practice 3-4 days ISS/1-2 days OSS	Mandatory SOS Restorative Practice 1-2 days OSS	Referral to Hearing Officer
B04 - POSSESSION OF DANGEROUS OBJECTS	Restorative Practice Parent Conference 1-2 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
B05 - THEFT OR RECEIPT OF STOLEN PROPERTY	Restorative Practice Parent Conference 1-2 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
B06 - EXTORTION, COERCION OR BLACKMAIL	Restorative Practice Parent Conference 1-2 days ISS/1 day OSS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS/OSS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
B07 - DEFACEMENT OF PROPERTY (Restitution Required)	Restorative Practice Parent Conference 1-2 days ISS/1 day OSS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS/OSS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS

*B08 - INTERFERENCE WITH OR INTIMIDATION OF SCHOOL PERSONNEL	Restorative Practice Parent Conference 1-2 days ISS/1 day OSS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days OSS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
B09 - INTERFERENCE WITH THE MOVEMENT OF PUPILS IN AND OUT OF SCHOOLS, BETWEEN SCHOOLS, OR BETWEEN HOME AND AN ASSIGNED SCHOOL	Restorative Practice Parent Conference 1-2 days ISS/1 day OSS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice Mandatory SOS 3-5 days OSS
B10 - HARASSMENT	Restorative Practice Parent Conference 1-2 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice Mandatory SOS 5-8 days ISS
B11 - GAMBLING	Restorative Practice Parent Conference 1-2 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice 5-8 days ISS
B12 - VERBAL ABUSE	1 day ISS Parent Conference Restorative Practice	Counseling Referral/ Intervention Referral Restorative Practice 1-3 days ISS	Parent Conference Restorative Practice SOS 3-4 days ISS	Parent Conference Restorative Practice 4-6 days ISS
B13 - FORGERY/GIVING FALSE INFORMATION OR IDENTIFICATION	1 day ISS Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS	Mandatory SOS Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Restorative Practice 5-8 days ISS
B14 - ABUSE OF TECHNOLOGY	1 day ISS Restorative Practice Parent Conference	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS	Suspension of Usage Parent Conference Restorative Practice 3-5 days ISS	Suspension of Usage (Permanent) 3-5 days ISS Parent Conference Restorative Practice
*B15 –FIGHTING – MUTUAL COMBAT, MUTUAL ALTERCATION	Parent Conference Restorative Practice 2-3 days ISS/1 day OSS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	Referral to Hearing Officer Parent Conference Restorative Practice 5 days OSS	
*B16- INITIATING A FIGHT	Parent Conference Restorative Practice 2-3 days ISS/1 day OSS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	Referral to Hearing Officer Parent Conference Restorative Practice 5 days OSS	

*B17- RESPONSE TO A PHYSICAL ATTACK	Parent Conference Restorative Practice	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 1-2 days ISS	Mandatory SOS Parent Conference Restorative Practice 3-5 days OSS	Referral to Hearing Officer Parent Conference Restorative Practice
B18- SEXUAL HARRASSMENT (I)	Report to Title IX Coordinator Parent Conference Restorative Practice 2-3 days ISS	Report to Title IX Coordinator Parent Conference *Code progresses to C14 1 st Referral	Report to Title IX Coordinator Parent Conference *Code progresses to C14 2 nd Referral	
B19- FAILURE TO SERVE PREVIOUSLY ASSIGNED DISCIPLINE	Parent Conference Restorative Practice 2-3 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice Class Suspension 4-5 days ISS	Parent Conference Restorative Practice Mandatory SOS 6-8 days ISS	Referral to Hearing Officer Parent Conference Restorative Practice
B20- LEAVING SCHOOL WITHOUT PERMISSION	Parent Conference Restorative Practice 2-3 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-4 days ISS	Parent Conference Restorative Practice Mandatory SOS 3-4 days ISS	Referral to Hearing Officer Parent Conference Restorative Practice 3-4 days ISS
B21 – HAZING	Parent Conference Restorative Practice 2-3 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISS	Parent Conference Mandatory SOS Restorative Practice 6-8 days ISS	Referral to Hearing Officer Parent Conference Restorative Practice

Level 3 Infractions

C01 POSSESSION OF A KNIFE

Any knife regardless of blade length or total size, straight razor, box cutter with razor or any instrument which has been altered to be used as a weapon in a manner similar to a knife such as a letter opener or file. Refer to D02 if the blade length is 3-inches or greater.

C02 DESTRUCTION OF PROPERTY

Acts that result in a substantial threat of or actual destruction of property of \$100.00 or more, which significantly necessitates altering a school's operation and activities. Specifically included are acts which result in:

- Significant damage to the physical plant or property;
- Conditions that require the evacuation of students; or
- The inability of a school to perform its functions.

C03 THEFT OR RECEIPT OF STOLEN PROPERTY

Taking or conspiring to take without permission of the owner or custodian, receiving or possessing property known to be stolen valued at \$100.00 or more.

C04 SEXUAL MISCONDUCT

A student shall not engage in intimate physical sexual contact with another person, including, but not limited to: consensual sexual intercourse, oral sex or intentional touching of the other person's genitals, groin, inner thigh, buttock or breast or the clothing covering those areas, other inappropriate behavior of a sexual nature including displays of sexual parts.

C05 SEXTING

Forwarding, sending, using, sharing, viewing or possessing a sexually explicit image via text message, email, social networking websites and/or other electronic means using school property (computers, devices, networks, or servers) on school grounds or at school sponsored activities/events. Acts that occur off school grounds, outside of school-sponsored activities or on student owned devices that result in disruption to the orderly operation of school environment are punishable under this provision.

C06 FORGERY/FRAUD

Signing the name of another person for the purpose of defrauding school personnel of OCA M&T or causing or deceiving another by false or misleading information in order to obtain anything of value.

C07 BULLYING/CYBERBULLYING

Written, verbal, or physical conduct or any electronic communication that is intended to place one or more students or other persons in fear of harm or cause substantial emotional distress by directly or indirectly doing the following:

- Substantially interfering with educational opportunities;
- Adversely affecting the ability of a student(s) to participate in or benefit from school programs;
- Having an actual and substantial detrimental effect on a student's physical or mental health; or
- Causing a substantial disruption of the orderly operation of school.

The use of any electronic communication (i.e. internet, personal digital assistant (PDA), smart phone, or wireless handheld device), network or technology, including social media (e.g. Facebook, Twitter, Tumblr, Instagram, etc.), to bully is cyber-bullying. Bullying and cyber-bullying are prohibited against all students, educators, employees, parent/guardians, contractors, agents, or volunteers.

***NOTE: Victims of bullying will be automatically referred for counseling and the parent will be notified.**

- C08 POSSESSION OF PROHIBITED SUBSTANCE or OBJECTS**
 Possession of any blade not considered to be a weapon (includes common pocketknife, plastic knife, or blunt-bladed table knife), martial arts weapons, taser, bullets, syringes, BB guns, paint guns, air strike guns, over-the-counter drugs, or devices including, but not limited to, mace or pepper spray (2 oz. or less), firearm facsimile or any other object that may puncture, wound, or otherwise injure another person.
- C09 USE OR POSSESSION OF ILLEGAL OR CONTROLLED SUBSTANCES OR MATERIALS**
 Illegal or controlled substances include tobacco, alcohol, narcotics, drugs prohibited by law, over the counter medicines and prescription medications not prescribed for use by the student in possession of them. This includes e-cigarettes, “edibles” and any other substance prohibited by law and/or the Academy. Students found guilty of the second offense of C09 within the same school and in the same school year, will be charged with a C13 – Other Illegal Conduct (an expellable offense). In the event intervention is provided to a student, OCA M&T will not be prevented from suspending or expelling the student. (For possession or use of tobacco, discipline may be reduced if the student actively participates in a smoking cessation program.) Marijuana, in any form, is not allowed on any school property or sanctioned event.
- C10 GANG ACTIVITY**
 Participating in gang, gang-like activity or group violence are also punishable under this provision. Gang or gang-like activity includes an ongoing organization, association or group of two or more individuals who display one or more of the following:
- Wear or display common clothing, jewelry, insignia, signs that intentionally identify the student as a member of the group;
 - Have a high rate of interaction among themselves to the exclusion of others; or
 - Are frequently involved in anti-social, delinquent or criminal activity.
- C11 ADMITTANCE OF UNAUTHORIZED INDIVIDUALS INTO SCHOOL BUILDINGS**
 The act of knowingly and intentionally admitting or allowing an unauthorized person(s) into any school building, without expressed permission from any authorized person, through any unopened door or unmonitored point of entry in a manner that breaches any method of established security.
- C12 FALSE ALARM**
 Activating a fire alarm system in any school building on school property and/or reporting a fire or bomb when none exists.
- C13 OTHER ILLEGAL CONDUCT**
 Other acts, not specifically listed, which constitute an offense under city ordinances, state or federal laws.
- C14 SEXUAL HARASSMENT (II)**
 Unwelcomed sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or conduct as defined in C05 – Sexting which:
- Substantially interferes with educational opportunities;
 - Creates an intimidating, hostile or offensive educational environment; or
 - Otherwise adversely affects a student’s educational opportunities.
- C15 Verbal Assault**
 Communicating threats against an employee or volunteer of the school Academy or making a bomb threat or similar threat at a school building, other school property, or a school-related event.
- C16 Other Egregious Conduct as Determined by Academy Level Staff**
 Other conduct, not previously listed, that substantially and negatively impacts the learning environment and dramatically contradicts the Academy’s core values that are not specifically defined in the Code. The application of Infraction C16 must be approved by the Principal or his/her designee and may lead to placement in an alternative school/program or expulsion.

Level 3 Infractions	1 st Referral	2 nd Referral	3 rd Referral	4 th Referral
C01 - POSSESSION OF A KNIFE	5 days OSS & referred to hearing office (possible expulsion) Parent Conference Restorative Practice			
C02 - DESTRUCTION OF PROPERTY (Restitution Required)	Mandatory Parent Conference Restorative Practice 3-5 days ISS Behavior Contract	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	3 - 5 day OSS (Multiple repeated occurrences may result in referral to Hearing Officer for additional assignment of days or alternative intervention)
C03 - THEFT OR RECEIPT OF STOLEN PROPERTY (Restitution Required)	Mandatory Parent Conference Restorative Practice 3-5 days ISS and Behavior Contract	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	Referral to Hearing Officer Parent Conference Restorative Practice
C04 - SEXUAL MISCONDUCT	Report to Title IX Coordinator Mandatory Parent Conference 3-5 days ISSP/OSS and Behavior Contract	Report to Title IX Coordinator Parent Conference Behavior Contract w/progress monitoring 4-5 days ISSP/OSS	Report to Title IX Coordinator Referral to Hearing Officer Parent Conference Restorative Practice	
C05 - SEXTING	Report to Title IX Coordinator Mandatory Parent Conference Restorative Practice 3-5 days ISS and Behavior Contract	Report to Title IX Coordinator Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISS	Report to Title IX Coordinator Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	Report to Title IX Coordinator 3 - 5 day OSS (Multiple repeated occurrences may result in referral to Hearing Officer for additional assignment of days or alternative intervention)
C06 - FORGERY/FRAUD	Mandatory Parent Conference Restorative Practice 3-5 days ISS and Behavior Contract	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	3 - 5 day OSS (Multiple repeated occurrences may result in referral to Hearing Officer for additional assignment of days or alternative intervention)
C07 – BULLYING/CYBERBULLYING NOTE: Victims of bullying will be automatically referred for counseling and the parent will be notified.	Mandatory Parent Conference Restorative Practice 3-5 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 4-5 days ISS	Parent Conference Behavior Contract w/progress monitoring Restorative Practice 3-5 days OSS	Referral to Hearing Officer
C08- POSSESSION OF PROHIBITED SUBSTANCE or OBJECTS	Mandatory Parent Conference Restorative Practice 3-5 days ISS Night Time Substance Abuse Teen Court and Behavior Contract	Referral to Hearing Officer Parent Conference Restorative Practice		
C09 - USE OR POSSESSION OF ILLEGAL OR CONTROLLED SUBSTANCES OR MATERIALS	5 days OSS & referred to Hearing Officer (possible expulsion) Parent Conference Restorative Practice			

C10- GANG ACTIVITY	Parent Conference Restorative Practice and 5 days OSS	7 days OSS and Principal may at his/her discretion, refer the student to Hearing Officer Parent Conference Restorative Practice
C11- ADMITTANCE OF UNAUTHORIZED INDIVIDUALS INTO SCHOOL BUILDINGS	Parent Conference Restorative Practice and 5 days OSS	7 days OSS and Principal may at his/her discretion, refer the student to the Hearing Officer Parent Conference Restorative Practice
C12 - FALSE ALARM	5 days OSS & referred to Hearing Officer (possible expulsion) Parent Conference Restorative Practice	
C13 - OTHER ILLEGAL CONDUCT	Parent Conference Restorative Practice and 5 days OSS	5 days OSS & referred to Hearing Officer (possible expulsion) Parent Conference Restorative Practice
C14 – SEXUAL HARASSMENT	Report to Title IX Coordinator Mandatory Parent Conference Restorative Practice and 3-5 days OSS	Report to Title IX Coordinator 5 days OSS & referred to Hearing Officer Parent Conference Restorative Practice
C15 – VERBAL ASSAULT	Parent Conference Restorative Practice and 5 days OSS	7 days OSS and Principal may at his/her discretion, refer the student to the Hearing Officer Parent Conference Restorative Practice
C16 – OTHER EGREGIOUS CONDUCT as DETERMINED by ACADEMY LEVEL STAFF	5 days OSS & referred to Hearing Officer (possible expulsion) Parent Conference Restorative Practice	

Title IX Coordinator may recommend additional discipline and/or corrective measures consistent with this Code.

Refer to page 39 for information on Assigning Interventions & Administering Discipline/Glossary of terms can be found on page 49.

Level 4 Infractions

Michigan law and community safety may require removal of students who possess a dangerous weapon, commit arson, or engage in criminal sexual conduct (Gun Free Schools Act, 1994; MCL 380.1311), make bomb threats or engage in verbal assault (MCL 380.1311a), and/or commit physical assault against another or at a school-related event (MCL 380.1310, 380.1311, 380.1311a, 380.1312), in compliance with MCL 380.1310(c)(d), as revised.

The Academy in accordance with state law shall consider these seven (7) factors, including lesser interventions, for all suspensions and expulsions, except those involving students knowingly in possession of a gun with the intent to use. In all other cases, it is presumed that removals over ten (10) days are not justified unless the Academy can demonstrate that they considered the seven (7) factors, including lesser interventions.

The seven (7) factors are as follows:

1. Student's age
2. Student's disciplinary history
3. Whether the student is a student with 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 or any student or staff member
6. Whether restorative practices will be used to address the violation or behavior committed by the student
7. Whether a lesser intervention would properly address the violation or behavior committed by the student

In exercising discretion with regard to suspension of more than ten (10) days or an expulsion, there is a rebuttable presumption that the suspension or expulsion is not justified unless the Academy can demonstrate that the seven (7) factors were considered. For a suspension of ten (10) or fewer days, there is no rebuttable presumption; but, the Academy shall consider each of the factors.

This section does not apply to a student being expelled under MCL 380.1311(2) for possessing a firearm in a weapon free school zone.

In considering student's suspension or expulsion, the Academy shall consider using restorative practices as an alternative or in addition to suspension or expulsion. If the Academy suspends or expels a student, in accordance with applicable law, the Academy shall consider using restorative practices in addition to suspension or expulsion. If the Academy decides not to suspend or expel a student, the Academy shall consider using restorative practices to address the issue. See section entitled Restorative Practices for requirements and description of types of restorative practices which follows.

D01 POSSESSION OF A FIREARM

Firearm means: (a) any weapon (including a pistol, rifle, starter gun, gun, zip gun, pellet gun, and BB gun or any other type of gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (c) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device, such as any explosive, incendiary device, bomb, grenade, poison gas or rocket. Students found guilty of this offense are subject to mandatory expulsion.

D02 POSSESSION OF DANGEROUS WEAPONS

Possession of weapons and objects (other than guns) such as brass knuckles, explosives, M-80 or similar firecrackers and clubs, daggers, dirks, stilettos, knives with a blade over 3 inches, pocket knife opened by a mechanical device, iron bar, brass knuckles or other devices which have the capacity to cause serious injury or death.

Possession is defined to include:

- Carrying the item;
- Storing the item in a space used by or assigned to a student such as a locker or a desk;
- Having the item under one's control such as hiding a weapon in the building or on school grounds; or
- Voluntarily permitting another person to store the item in an assigned school space without reporting it to staff members.

D03 USE OF A WEAPON OR AN OBJECT AS A WEAPON

Use of a weapon or dangerous object is defined to include:

- Using a weapon or dangerous object in a physical altercation with staff or other students;
- Having a weapon in one's possession during a physical altercation;
- Threatening a person with a weapon or dangerous object;
- Using a weapon or dangerous object while committing robbery;
- Extorting or coercing through threat or actual use of a weapon or dangerous object; or
- Discharging of a firearm.

D04 PHYSICAL ASSAULT OF AN EMPLOYEE, VOLUNTEER OR CONTRACTOR

Intentionally causing, or attempting to cause physical harm to an employee, volunteer or contractor through force or violence.

D05 PHYSICAL ASSAULT OF ANOTHER STUDENT CAUSING GREAT BODILY HARM

Intentionally causing or attempting to cause physical harm to a student through force or violence. Acts that result in permanent injury or disfigurement.

D06 BOMB or SIMILAR THREATS

Communicating terroristic threats, including bomb threats, or committing terroristic acts directed at any student, employee, volunteer, contractor, physical plant or property.

D07 ARSON

The willful and malicious burning or attempt to burn any part of property that belongs to, or is under contract with the school Academy, or property of persons employed by the Academy or on school property or the setting of fires on school property. Students found guilty of this offense are subject to mandatory expulsion.

D08 SALE/DISTRIBUTION OF CONTROLLED SUBSTANCES OR ILLEGAL MATERIALS

To attempt, conspire to sell, sell or distribute any illegal or controlled substance or a substance represented to another person as illegal or controlled. Students will be charged under this section if they are in possession of an illegal or controlled substance that is packaged for sale.

D09 CRIMINAL SEXUAL CONDUCT

Means a violation as set forth in the Michigan Penal Code. (MCL 750.520b to MCL 750.520g). It includes sexual penetration or sexual contact that occurs:

- with another person under 13 years of age;
- with another person at least 13 but less than 16 years of age under certain circumstances;
- when the actor knows the victim is mentally or physically incapable or is aided and abetted by 1 or more person;
- when a weapon is used or an item fashioned into a weapon;
- when concealment or the element of surprise is used to overcome the victim; or
- when force is used to accomplish the sexual penetration or contact or the actor causes personal injury and force or coercion is used.

It is sexual contact with another person at least 13 but less than 16 years of age AND the other person is 5 or more years older.

Sexual contact is the intentional touching of the intimate parts of the body of another person for a sexual purpose, for revenge, to inflict humiliation or out of anger.

D01 - POSSESSION OF A FIREARM	Hearing Officer Mandatory Expulsion
D02 - POSSESSION OF DANGEROUS WEAPONS	Hearing Officer Mandatory Expulsion
D03 - USE OF A WEAPON OR AN OBJECT AS A WEAPON	Hearing Officer Mandatory Expulsion
D04 - PHYSICAL ASSAULT OF AN EMPLOYEE, VOLUNTEER OR CONTRACTOR	10 days OSS & referred to Hearing Officer (possible expulsion)
D05 - PHYSICAL ASSAULT OF ANOTHER STUDENT CAUSING BODILY HARM	10 days OSS & referred to Hearing Officer (possible expulsion)
D06- BOMB or SIMILAR THREATS	10 days OSS & referred to Hearing Officer (possible expulsion)
D07- ARSON	Hearing Officer Mandatory Expulsion
D08 - SALE/DISTRIBUTION OF CONTROLLED SUBSTANCES OR ILLEGAL MATERIALS	10 days OSS & referred to Hearing Officer (possible expulsion)
D09- CRIMINAL SEXUAL CONDUCT	Hearing Officer Mandatory Expulsion Report to Title IX Coordinator

Refer to page 39 for information on Assigning Interventions & Administering Discipline. Glossary of terms can be found on page 49.

Forms of Discipline

The following are examples of formal disciplinary actions that may be used in each school. Students and parents/guardians who desire to have further information about the disciplinary actions used in specific schools should contact officials at that school. If the principal or designee believe a situation is causing an unsafe learning environment and requests to administer discipline not in compliance with the infraction guidance, the principal or designee must first get approval from the Principal or his designee. Should their child attend the school another administrator or their immediate supervisor, should be designated to provide discipline.

- **Alternative Education Programs**—Alternative Education Programs provide a structured educational environment for the student who has displayed a pattern of inappropriate behavior in the regular school setting. These schools are committed to guiding students toward academic excellence by assisting them to modify inappropriate behaviors, and providing positive student interactions that allow them to interact positively in the regular school setting and the community.
- **Before/After School Detention**— Assignment to a designated area on campus at the beginning or end of the regular school day for a specified period of time.
- **Cafeteria Suspension**— Denial of the privilege of eating meals in the cafeteria with other students for a specified period of time and assignment to another area in the school for meals.
- **Class Suspension**— Denial of the privilege of attending an individual class for a specified period of time and assignment to another area in the school for the time that class meets.
- **Expulsion**- A student may be expelled from school based on grounds specified in the Code. “Expulsion” means the removal of the right and obligation of a student to attend a public school under conditions set by the Board, and for a period of time not to exceed 180 school days.

- **In-School Suspension** – Assignment to a designated area within the school when a student is removed from the regular school program for a specified period of time.
- **Network/Internet Suspension** – Certain technology-based infractions may result in a suspension of network and/or Internet access. Alternative instructional materials may be provided.
- **Saturday Detention** – Assignment to a session at the school on Saturday for work assignments, academic work, or guidance.
- **Academy or Expulsion Hearing** – Designee of the Principal who holds a disciplinary hearing with the parent/guardian in the event that resolution is not achieved at the school level.
- **School Bus Suspension or Revocation** – Denial of the privilege of riding a school bus based on misconduct occurring while the student is being transported at public expense. Bus code infractions may result in the suspension of bus privileges. A student may be suspended or expelled from riding the bus at any point in the discipline process. A bus suspension is separate from a school suspension and applies only to the loss of bus riding privileges unless subject to other disciplinary actions, such as out-of-school suspension. Students are required to attend school. Bus suspension does not affect or excuse school attendance.
NOTE: A student who has been suspended or expelled from the school bus who boards, rides, or attempts to ride a school bus, without being authorized to do so, is considered to be trespassing and is subject to arrest.
- **Student Option for Success (SOS) Program** – An evening counseling program developed to assist elementary, middle and high school students who are experiencing disciplinary problems in the regular school settings. Participation must begin at first available class. Parental participation is required. (3rd through 12th Grade)
- **Night-time Substance Use Prevention Counseling Education Program** – The Night-time Substance Use Prevention Counseling Education Program is an alternative program available to students who have committed a level 3 alcohol or drug infraction based on the Code. Parental participation is required. (Ages 11 and up)
- **Restitution** – A restorative justice disciplinary action that gives students the opportunity to “payback” for their misbehavior.
- **Suspension** – Temporary removal of students from their regular school program. As a general reference, short-term suspensions is removal for a period not to exceed (10) days. Long-term suspension is removal for more than ten (10) days, but less than permanent expulsion.
- **Work Detail** - Assist with the clean-up of a location without the use of chemicals.

NOTE: A student who has been suspended or expelled from school and returns to any Academy property without being authorized to do so is considered trespassing and is subject to arrest.

Assigning Interventions & Administering Discipline

When intervention or disciplinary action is appropriate, it shall at all times:

- Depend upon the substantiation of the allegations or charges;
- Involve a reasonable and logical relationship between the seriousness of the act and the severity of the discipline;
- Be constructive in intent;
- Take into account such factors as age, intent of the student and his/her past records;
- Take into account the use of positive support strategies and the use of the school's student support resources; and
- Adhere to Academy policies ensuring appropriate due process, especially when considering exclusions. (See Policy 5611 Due Process)

When intervention strategies or disciplinary actions are used, teachers and administrators must follow appropriate procedures, including providing written documentation or statements in support of the action taken as soon as possible. Administrators must make every reasonable attempt to notify the parent/guardian by phone. If telephone contact cannot be made, written notice will be sent home with the student or placed in the U.S. Mail within 24 hours of the disciplinary issue.

The student will take responsibility for notifying his/her parent or guardian including delivering the written notification provided by the school.

Discipline of Students with Disabilities

The standards of conduct contained within this Code apply to all students, including those students identified as special education or Section 504 and those suspected of having a disability. However, due to the unique needs of students with disabilities, appropriate disciplinary action and implementation of the Student Code of Conduct will vary in accordance with applicable local, state and federal laws.

Students with a Disability

“Student with a disability” means a person who: (I) is determined by an individualized education program team (IEPT), or a hearing officer to have one (1) or more of the impairments that necessitates special education or related services, or both; (II) who is not more than 25 years of age as of September 1 of the school year of enrollment; (III) who has not completed a normal course of study; and (IV) who has not graduated from high school. A student who reaches the age of 26 years after September 1 is a “student with a disability” and entitled to continue a special education program or service until the end of that school year.³ These students are commonly referred to by local, state, federal and education agencies as students who are included in the Individuals with Disabilities Education Act (“IDEA”), or IDEA students.

Section 504

This designation refers to section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving federal financial assistance. Under federal law, a “handicapped person” is defined as one who has a physical or mental impairment which substantially limits one or

³ Michigan Administrative Rules for Special Education, Rule 340.1702

more major life activities, has a record of such impairment, or is regarded as having such impairment.⁴ These students have a 504 Evaluation and Educational Plan developed by a 504 team.

Disciplinary Actions for IDEA and Section 504 Students

When an administrator is considering disciplinary action involving removal of an IDEA or 504 student, the student's records shall be reviewed to determine the total number of days during the current school year that the student has missed due to disciplinary action.

Once this determination has been made, the following procedures must be followed:

1. If the student has not accumulated more than 10 (ten) days of disciplinary removal for the school year, then utilize procedures as outlined for non-disabled students.
2. If the pending suspension is in excess of ten (10) consecutive days (including proposed expulsions) **OR** if the suspension is less than ten (10) days but would result in 10 cumulative days for one school year and a pattern of removals has been determined, this constitutes a change in placement. Before implementing a suspension or expulsion that constitutes a change in placement, the student must have an IEP/504 meeting to determine whether the behavior issue is a manifestation of the student's disability (a "manifestation determination" review). This meeting must take place within ten (10) school days of the decision to change the placement from school.

Exception

In cases where the offense involves the current use of drugs/alcohol, the Section 504 meeting is not necessary. The student may be disciplined in the same manner as non-disabled students. Note, if the offense is centered on possession alone, not use, a manifestation hearing is still required.⁵

If the IEP/504 team determines that the behavior is a manifestation of the student's disability, the student is NOT subject to further disciplinary action. However, the evaluation continues to determine whether the student's current educational placement is appropriate. The student MUST return to his/her original placement UNLESS the parent agrees otherwise through the IEP/504 process.

EXCEPTION:

If the offense involves any of the following, school personnel may remove the student to an interim alternative educational setting for not more than forty-five (45) days:

- Carrying or possessing a weapon at school or at a school function
- Knowingly possessing or using illegal drugs
- Selling or soliciting the sale of a controlled substance while at school or at a school function
- Inflicting serious bodily injury upon another person

If the IEP/504 team determines that the behavior is NOT a manifestation of the student's disability, the student may be removed in the same manner as any non-disabled student.⁶

⁴ 34 C.F.R. §104.1

⁵ A student with a disability who is not currently engaged in the illegal use of drugs or alcohol who commits a crime. OCR defines "current use of drugs" as illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem" OCR Staff Memorandum, 19 EDELR 859 (OCR 1992).

⁶ IDEA students must be provided services as indicated in 3a and b. Section 504 students are not entitled to a continuation of services but are treated the same as non-disabled students.

The school must continue to provide IDEA student's services so that the student progresses towards IEP goals, even if the child is no longer served in the same school environment. Section 504 students are not entitled to a continuation of specialized services.

The IEP team decides what services will be provided and the location where the services will be rendered.

When a change in placement occurs, the student is entitled to the procedural protections of Section 504/IDEA, including, an expedited due process hearing (appeal). When an appeal is pending, the student's placement will remain in the disciplinary removal setting until a decision is reached or the expiration of the removal issued by the Academy, whichever comes first.

Students with disabilities, even if expelled, must be provided with an appropriate education in an alternative educational setting.

Students Suspected of Having a Disability

Students suspected of having a disability have the right to assert any of the disciplinary protections available to students with disabilities, if prior to the behavior subject to disciplinary action, one or more of the following exist:

1. The parent/guardian(s) have expressed specific concerns in writing to supervisory or administrative personnel of the Academy, or a teacher of the student, that the student is in need of special education and related services.
2. The parent/guardians(s) has requested or consented in writing to a special education evaluation.
3. The student's teacher, or other school personnel, expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the appropriate supervisor or director of special education for the Academy.
4. The Academy shall not be deemed to have knowledge that the student is a student with a disability if the parent of the student has previously refused to consent to an evaluation of the student, or has refused special education and related services, or the student was found ineligible for special education.

If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the student remains in the disciplinary removal setting and the evaluation shall be conducted in an expedited manner. If the student is found to be a student with a disability, the Academy shall provide special education and related services as appropriate.

Where a student presents an immediate threat to the safety of others, school officials may promptly adjust the placement or suspend the child for up to ten (10) school days, in accordance with procedures applied to non-disabled students.

Early Elementary Students with Suspected Disabilities

In instances where a student who may be in the early stages of exposure to the education environment (Kindergarten – Grade 2) has displayed three or more instances of erratic and potentially dangerous behavior that poses an immediate risk to the life, safety, and/or welfare of staff and/or the student's peers, to the extent the Academy suspects a disability under the IDEA or Section 504, the Academy staff will convene a review of existing evaluation data

or other evaluation planning meeting information and will expedite any evaluation that may be appropriate with the consent of the Parent or Guardian. The Academy staff will expedite the evaluation and, during such time, the Academy staff will attempt to work with the Parent or Guardian to identify an educational placement and supports (either in school or in another interim setting) that will address the safety concerns, while also educating the student and conducting assessments for the student. The Principal or his/her designee will be kept informed of the situation and setting where the student will be educated and assessed by the staff. If the Parent or Guardian refuses to consent to evaluations and / or services or supports under IDEA and / or Section 504, the Academy may treat the student as a general education student and may apply the appropriate consequences under the discipline sections of the Code of Conduct, up to and including expulsion of the student.

Student Grievance

The Board recognizes that, as citizens, students have the right to request redress of grievances. Further, the Board believes that the inculcation of respect for lawful procedures is an important part of the educational process. Accordingly, individual and group grievances should be provided for and appropriate grievance procedures implemented.

For purposes of this policy, a student grievance shall be any such that arises out of actions, procedures, and policies of this Board or its employees or the lack of such policy or procedure. The grievance will be responded to within ten (10) days of receipt.

The Board or its employees will hear the complaints and grievances of the students of the Academy provided that such complaints and grievances are made according to procedures established by the Principal.

An aggrieved student may request resolution of the grievance by initiating the following formal procedure:

A formal grievance is a complaint in writing from the student to the principal or designee. (In the event that the grievance is against the principal, designee or other administrative staff, the written grievance goes directly to the Principal of schools or designee.) The written grievance should be filed within five (5) school days of the event to which it refers and should include the following, as appropriate:

- a) Statement of the allegation.
- b) Description of the alleged facts.
- c) Summary of steps he/she already has taken in attempt to resolve the problem.
- d) Name/s of the person/s thought to be responsible for the alleged events.
- e) Other facts considered to be pertinent to the case.
- f) Signature of the person initiating the grievance.

Expulsion Review and Hearings

Any disciplinary action that may result in a student being referred for placement in an alternative program or expelled, must begin with a hearing at the school **within three (3) school days of the date of the infraction for grades K-5 and within five (5) school days of the date of the infraction for grades 6-9.**

Parent/guardian (or authorized designee) and student are expected to attend all disciplinary hearings. The school administrator or designee must hold a hearing even though a parent/guardian is unable to or chooses not to attend. The school administrator must document all attempts to reach the parent/guardian. Parents may be represented by an advisor of their choice, who may or may not be an attorney. Parental authorization for an advisor to appear on behalf of the student must be on file in writing with the principal at the time of or before the time of the hearing. Only the parent/guardian or the advisor may speak for the child at the hearing. The selected speaker will be determined before the hearing starts.

IF THE SCHOOL ADMINISTRATOR OR DESIGNEE IS THE TARGET OF THE ALLEGED BEHAVIOR, ANOTHER ADMINISTRATOR WILL CONDUCT THE HEARING, ADVISE THE STUDENT OF THE CHARGES AND MAKE THE DISCIPLINARY DECISION.

At the hearing, the student and the parents must first be fully informed about the alleged breach in behavior and then be afforded the opportunity to present their side of the case. At the beginning of the hearing, student and parent should be given a copy of the Rights of Students and Parents in Disciplinary Hearings. (See *Attachment D*) If allegations of unacceptable behavior are substantiated, the school administrator or designee will determine the disciplinary action to administer.

At the conclusion of the hearing, the administrator or designee will inform the parent and student of the charge and the disciplinary action to be taken.

The Expulsion Review Panel will review cases for students recommended for expulsion for the purpose of referring the case back to the principal, assigning to an alternative education program or referring the case for an Expulsion Hearing.

Expulsion Hearings are conducted by the Hearing Officer as a designee for the Principal. Parent/guardian (or authorized designee) and student must attend. The Code Office will document all attempts to reach the parent/guardian and the student will remain out of school until the hearing is attended. Parents may be represented by an advisor of their choice, who may or may not be an attorney. Parental authorization for an advisor to appear on behalf of the student must be on file in writing at the Code Office at or before the time of the hearing. Only the parent/guardian or the advisor may speak for the student, unless a selected speaker is designated.

At the hearing, the students and parents/guardians are fully informed of the charges and recommendation of the Expulsion Review Panel. The student is afforded the opportunity to present their side of the case. At the conclusion of the hearing, the hearing officer will advise the student of his/her recommendation for discipline. The adoption or rejection of the hearing officer's recommendation for discipline by the Principal or his/her designee is final.

A student who commits a Level 3 infraction will be suspended and **may** be recommended for expulsion review. A student who commits a Level 4 infraction will be suspended pending the expulsion review.

Appeals

Short-Term Suspension

A student may appeal a short-term suspension. An appeal of the short-term suspension should be made in writing and addressed to the Principal.

Long-Term Suspension

A student may appeal a long-term suspension. The Board designates the Principal or designee as its representative at any hearings regarding the appeal of a long-term suspension.

Permanent Expulsion (MCL 380.1311)

Michigan law requires the permanent expulsion of a student, subject to possible future reinstatement, for certain acts. These include possession of a dangerous weapon, commission of arson or criminal sexual conduct in a school building or on school grounds or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another student enrolled in the same school Academy; and, for students' grade 6 and above, commission of physical assault at school against an employee, volunteer or contractor.

The Academy is not required to expel for possession of a dangerous weapon if the student can establish in a clear and convincing manner at least one of the following:

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

There is a rebuttable presumption that expulsion for possession of a dangerous weapon is not justified if both the following are met:

- 1) The Academy determines in writing that at least one (1) of the factors listed above (1 – 4) has been established in a clear and convincing manner; and;
- 2) The student has no history of suspension or expulsion.

Readmission

Although expulsion is permanent, the State of Michigan and OCA M&T have established conditions under which the student/parent/guardian or student eighteen (18) years or above may petition for readmission.

Readmission Guidelines and Hearings

A petition requesting readmission must be sent to the Code Office. A Readmission Review Panel shall review the petition for readmission when a student has been expelled for a non-mandatory expulsion offense. The student must meet criteria set by the State and/or OCA M&T before readmission will be considered and/or approved.

A Readmission Hearing will be held during which time the Hearing Officer (Principal's Designee) will review the evidence presented by the Readmission Review Panel and make a decision. If the decision is to readmit the student, a contractual agreement and action plan regarding expected behavior, attendance, and academic progress and consequences for violations thereof shall be required to be signed by the student, parent/guardian, and the Hearing Officer.

Reinstatement Process

A student who is permanently expelled must attend a reinstatement hearing in order to return to OCA M&T.

A petition requesting reinstatement must be completed by the parent and sent to the Code Office. The petition will be submitted for review to the Reinstatement Review Panel. The student, parent and/or guardian will have an opportunity to appear and address the Panel.

The Reinstatement Panel may recommend unconditional, conditional or against reinstatement. If the recommendation is for conditional reinstatement, it must include any recommended conditions. The Panel's written recommendation must be submitted to the full Board at its next scheduled regular Board meeting. If reinstatement of the student is approved, the student and legal parent/guardian must attend restorative practice sessions before the student can return to school. The decision of the Board is final.

Policy 5611 DUE PROCESS RIGHTS

Adopted

January 9, 2019

5611 - DUE PROCESS RIGHTS

The Board of Education recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the Academy's disciplinary procedures.

To better ensure appropriate due-process is provided to a student, the Board establishes the following guidelines:

A. Students subject to short-term suspension:

Except when emergency removal is warranted, a student must be given oral or written notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. Before deciding to institute a short-term suspension, the principal or other designated administrator shall provide the student with an opportunity to be heard and shall be responsible for making the suspension decision. An appeal of the short-term suspension may be addressed to the Code of Conduct Office. The principal's decision will not be delayed during this process.

B. Students subject to long-term suspension and expulsion:

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons. In the case of expulsion, a student and his/her parent or guardian must be given the opportunity to appear before the Principal or his/her designee, to address charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and of the hearing procedure. The Board designates the Principal or designee as its representative at any hearings regarding the appeal of a long-term suspension. The Board shall act on any appeal received within fifteen (15) calendar days of notice, which must be submitted in writing, to an expulsion, to a request for reinstatement, or to a request for admission after being permanently expelled from another Academy.

The Principal shall establish procedures so that all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights is to be placed in the Student Code of Conduct and made available for all students.

Rights of Students and Parents in Disciplinary Hearings

1. A student will be given the opportunity to receive make-up work for missed assignments that occurred as a result of a Short-Term Suspension, In School Suspension or Expulsion Review.
2. Students are entitled to take required examinations when an incident occurs that requires disciplinary action. Parents must contact the principal to make arrangements for testing.
3. Students will be afforded due process with regard to disciplinary hearings. Due process will be less or more formal based on exclusion being considered.
4. School officials will inform the student of the charges against him/her, including the basis (evidence) for such charges.
5. When a student is suspended, a disciplinary hearing will be held at the school.
6. If the parent/guardian cancels the appointment, the school principal must reschedule the hearing date one time.
7. Parents may be represented by an advisor of their choice.
8. While parents do not have the right to question witnesses, they may request for school officials to present questions, on their behalf, to the witnesses.
9. At the hearing, the student will be afforded the opportunity to present his/her side.
10. If the charges are substantiated at the school level hearing, the parent has the right to appeal the charges for a Short-Term Suspension or In School Suspension to the Board Liaison.
11. A parent or student may not appeal a decision of the principal to suspend a student pending an Expulsion Review.
12. Students have a right to have hearings conducted in a timely manner. Unreasonable delays or multiple postponements in scheduling hearings will not be permitted.
13. Parents have the right to petition for readmission after expulsion.
14. If a student with a disability is suspended beyond the initial total of 10 days, the school determines if the behavior is a manifestation of the student's disability.
15. The Code Office must expunge any student's unsubstantiated charge placed on the Academy's database.

16. If a student believes any student rights set forth in the Code have been violated, the student, and/or parent or guardian, should make a written report to school administration and/or Principal's Office.
17. Students have a right to review the evidence upon which the charges are based prior to an expulsion hearing.

GLOSSARY OF TERMS

Appeal	To resort to a superior administrative level to review the decision of a lesser administrative level.
Arson	To unlawfully and intentionally burn or attempt to burn, any real or personal property by fire or incendiary device.
Bullying	Conduct intended to place a person in fear of harm or cause substantial distress.
Breaking and Entering	Unlawful entry into a school building or other school structure.
Cyber Bullying	The use of electronic communication, network, social media or technology to intimidate, harass, bully or threaten.
Due Process	Orderly procedures where a person is served notice, has an opportunity to be heard and enforce/protect rights.
Expunge	To permanently remove from a student's discipline record.
False Alarms	The act of initiating a fire alarm or initiating a report warning of a fire or an impending bombing or other catastrophe without just cause.
Fighting	Physical altercation between one or more students that does not cause serious injury.
Free and Appropriate Public Education	Section 504, The Individuals with Disabilities Education Act (IDEA) and Michigan Revised Administrative Rules that all students with a disability, aged birth through 25 have a right to receive a free appropriate education. Free means that the educational and related services are provided without cost to the parent, except for those fees that are imposed on students without disabilities.
Functional Behavior Assessment	An assessment of the factors that affect a student's behavior, typically including a review of the environment and the student's needs.

Gang Activity	An ongoing organization, association group of two or more individuals who use a common identifying name, sign or symbol, have a high rate of interaction among themselves to the exclusion of others and are frequently involved in anti-social, delinquent or criminal activity.
Gang-Like Activity	Activity that is associated with or similar to gang activity
Group Violence	Three or more persons inflicting physical harm upon a victim or victims.
Illegal Activity	Conduct that is in violation of state and/or federal law.
Incendiary Device	Any material/object which causes a fire or explosion.
Individualized Education Program (IEP)	A specially designed instruction program developed by the IEP team, which describes the student's eligibility, the student's present level of performance, annual goals and short-term objectives, specific educational and related services, amount of time spent in general education, the least restrictive environment, the reasons why the IEP is accepted or rejected, transition services, and the dates and frequency of services. The IEP shall be reviewed annually or more often as needed.
Intimidation	Conduct intended to place a person in fear of harm less than bullying.
Insubordination	Refusal to obey the reasonable and lawful directions of authorized school personnel.
In-School Suspension Program (ISSP)	School wide strategy for creating and sustaining a positive nurturing school climate based on respectful relationships between teachers and students, teachers and teachers, students and students.
Jurisdiction	The power to hear and determine a school matter.
Loitering	The act of being in or about school Academy premises or in a specifically restricted area of a school Academy building at unauthorized times or without the specific authorization of school personnel.
Out of School Suspension (OSS)	A temporary removal from school and activities
Petition	A formal written request.
Physical Assault	Intentionally or attempting to cause physical harm to a student/adult through force or violence.

Refusal to Identify Self	Refusing to show an identification card and/or give a correct name when requested to do so by school personnel.
Resource Coordinating Team (RCT)	A school-based problem-solving group that works collaboratively with parents, staff and community members to address issues that affect student learning.
Restitution	A restorative justice disciplinary action that allows students the opportunity to pay back for their misbehavior. When determining an amount, the fair market value of the property will be used.
Student Option for Success (SOS)	After school counseling program for students and parents who are experiencing disciplinary problems in the regular school setting.
Tardy	Arriving in school or class after specified start time without an excuse or pass as outlined in the Academy's attendance policy.
Title IX Coordinator	The Title IX Coordinator oversees the Office of Equity, Advocacy & Civil Rights, and is responsible for coordinating the Academy's response to complaints of sex discrimination.
Trespassing	To enter into or remain on school Academy premises without authorization and with no lawful purpose for entry
Terroristic Acts	To threaten or cause violence to any person or property with intent to cause a reaction of any type by an official or institution or agency authorized to deal with emergencies; prevent or interrupt the occupation or use of an area, building or room or to cause interruption of public communication, water, gas or power supply.
Truancy	Students who have missed at least 10% of the school year.

INTERROGATIONS AND SEARCHES

Any search initiated or requested by the Oakland County Academy for Media & Technology administration, Oakland County Sherriff's Department, or any other police department shall be governed by applicable legal standards.

Types of Searches:

1) Individualized Student Searches

School officials possess the authority to search individual students and their personal effects (including but not limited to clothing, book packs, book bags, purses, vehicles that are parked on property owned or leased by the Board of Education, and similar items). The search will only be conducted if school officials have a reasonable suspicion that:

- a) there has been a criminal infraction or that there is a violation of a school policy or rule governing student behavior or discipline, AND
- b) the individual who is the subject of the search participated in the infraction or violation, AND
- c) evidence of the infraction or violation, or the proceeds there from, is in the possession of the student in the location to be searched.

Reasonable suspicion can be based on direct observations of the student by school officials (including but not limited to seeing a gun shaped bulge in clothing, hearing the sound of a pager or cell phone, or smelling the aroma of marijuana). Reasonable suspicion may also be based on information provided to school officials by others (including school staff, students, volunteers, and visitors) indicating that the student in question has contraband in his or her possession. A mere hunch or generalized suspicion does not constitute reasonable suspicion nor do they provide a sufficient basis for searching an individual student.

Once a school official or a member of a law enforcement unit has determined that a student should be searched for contraband based upon a reasonable suspicion, the following guidelines apply. A search should be no more intrusive than is necessary. If a search demands more than a "pat- down" or the emptying of pockets and the removal of coats, jackets, shoes and/or socks, school officials should contact the Board Liaison and/or Academy General Counsel immediately.

Individual searches should always be conducted by a school official of the same sex as the student being searched and to the extent practicable in the presence of another same sex school official who can act as a witness. The search may be done outside the view of any person who is not directly involved in the search. Such searches shall be conducted by OCA M&T Administrators, OCA M&T security contractors/agents, or authorized school officials. A written report shall be prepared regarding any individualized student search and forwarded to the Board Liaison.

2) Locker and Desk Searches

Desks and lockers are the property of the Board of Education. Students are allowed to use this property; but at all times, desks and lockers remain under the control and ownership of the Board of Education. As a condition of their use of Board property, students assume full responsibility for the security of the locker and/or desk assigned to them.

The Board of Education reserves the right to conduct random searches of desks, lockers and personal items (such as purses, book bags, coats, etc.). These searches may be conducted at any time for any reason, without notice, without student consent and without reasonable suspicion or a search warrant.

The following should be used as guidelines for the search of lockers and/or desks:

- a) Locker and desk searches are best performed when students are not present, such as prior to the opening of the school, after school or on the weekend.
- b) Locker and desk searches may include the use of trained dogs or other trained animals.
- c) Students should be alerted through their student handbooks or by other written materials that at any time their lockers and desks can be searched.
- d) Locker and desk searches may be conducted by school officials, with or without the assistance of local law enforcement.

3) Metal Detector Screenings

- a) Introduction: The purpose of a metal-detector scan is to prevent weapons and/or contraband from entering the schools. OCA M&T reserves the right to use, but it is not limited to stationary walk through metal detectors, hand-held "wand" metal detectors, portable walk through metal-detectors, and x-ray machines. All persons who enter into Academy buildings used for academic instruction are subject to a metal detector scan. The Board has authorized several types of metal-detector screenings.
 - 1) "As needed" Screenings: The Principal, his/her designee, or school official may also authorize metal-detector screenings on days on which special events such as athletic events or visits by dignitaries are held. As needed screenings may also be conducted to address safety concerns.
 - 2) Daily Screenings: The Principal, his/her designee, or school officials may also authorize daily metal-detector screenings of students to ensure the safety and security of students, staff, volunteers and visitors.
- b) Public Notice: Each entrance of Academy property shall have a sign stating the equivalent of the following statement: "Any person entering this building may be subject to search."

However, the removal of the sign through vandalism or any other means shall not waive the Academy's ability to conduct any subject searches contained in this policy.

c) Scanning Procedures:

- 1) All entrances that are that are not used during a metal-detector screening should be locked in such a way that they will prevent entry from the outside. The entrances should remain operable from the inside of the building and must comply with fire code regulations.
 - 2) Prior to passing through a metal-detector, individuals should be instructed to place their metal possessions into a separate container. Those conducting the metal-detector screenings may also ask individuals to remove any other personal items (coats, book bags, purses, etc.) so they can be scanned by a hand-held metal- detector.
 - 3) If the alarm of a metal-detector sounds, that shall be construed as reasonable suspicion for an individual pat-down search or for the search of the individual's separate possessions (such as book bag, purse, coat, etc.). If a pat-down search is necessary, male OCA M&T staff and/or security personnel should administer pat-down searches for male students, and female OCA M&T staff and/or security personnel should administer pat-down searches for female students. Once that search is accomplished, another metal-detector screening should be made. If the alarm of a metal-detector sounds again, the individual should be taken to a private place for a more thorough screening and search.
 - 4) An individual should never be allowed to enter a school building until he/she can walk through a metal-detector without sounding the alarm or until some form of secondary search can identify the item causing the alarm.
 - 5) Screenings should be done as expeditiously as possible.
- d) Refusal to Cooperate: Persons who refuse to cooperate with school officials during a search authorized by this policy should be referred to the principal of the respective school. Students who refuse to be searched will have their parents contacted by school officials. At no time should a student be allowed into the school unless they are willing to be scanned and searched. Any absence that occurs as a result of refusing a search authorized by this policy should be counted as an unexcused absence.

Attachments to Policy: None

Index of Reportable Incidents

Michigan school safety law requires that the following incidents be reported to a local law enforcement agency: (MCL 380.1308)

Armed Student or Hostage	Robbery or Extortion
Suspected Armed Student	Unauthorized Removal of Student
Weapons on School Property	Threat of Suicide
Death or Homicide	Suicide Attempt
Drive-By-Shooting	Larceny (Theft)
Physical Assault (Fights)	Intruders (Trespassing)
Bomb Threat	Illegal Drug Use or Overdose
Drug Possession or Destruction of Property	Explosion
Vandalism or Destruction of Property	Arson
Minor in Possession of Alcohol Bus Incident or Accident	Sexual Assault

(Retain this copy for your records)

PARENT AND STUDENT STATEMENT OF UNDERSTANDING, RECEIPT AND REVIEW OF STUDENTS' RIGHTS, RESPONSIBILITIES AND CODE OF CONDUCT

TO THE PRINCIPAL:

We, the undersigned, join the Oakland County Academy for Media & Technology in an effort to “successfully create a clean, safe and healthy environment to promote positive student behavior and achievement.”

Therefore, **we, the undersigned, agree to:**

FOR THE STUDENT

- Read and follow the rules and regulations outlined in the Student Code of Conduct.
- Not engage in bullying and report bullying when I see it.
- Not bring a weapon or anything that may endanger others to school or to a school event. • Notify school staff if I see a weapon or dangerous situation in school or at a school event.
- Seek school staff assistance when conflicts arise involving me or my peers.

STUDENT'S SIGNATURE _____ **DATE** _____

SCHOOL _____

FOR THE PARENT/GUARDIAN

- Read the rules and regulations outlined in the Student Code of Conduct.
- Teach and encourage my children to follow school guidelines.
- Respect school staff and adhere to school policies and procedures.
- Notify school officials when conflicts arise involving students.

PARENT/GUARDIAN'S SIGNATURE _____ **DATE** _____

We agree to this commitment and expect that the School's Principal will:

- Respect the rights of students and parents/guardians and enforce the Student Code of Conduct.
- Promote conflict resolution.
- Listen and act on parent and student concerns where appropriate to develop a safe and healthy school environment.

(Return this copy to your child's school)

PARENT AND STUDENT STATEMENT OF UNDERSTANDING, RECEIPT AND REVIEW OF STUDENTS' RIGHTS, RESPONSIBILITIES AND CODE OF CONDUCT

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STUDENT'S SIGNATURE _____ **DATE** _____

SCHOOL _____

FOR THE PARENT/GUARDIAN

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- Teach and encourage my children to follow school guidelines.
- Respect school staff and adhere to school policies and procedures.
- Notify school officials when conflicts arise involving students.

PARENT/GUARDIAN'S SIGNATURE _____ **DATE** _____

We agree to this commitment and expect that the School's Principal will:

- Respect the rights of students and parents/guardians and enforce the Student Code of Conduct.
- Promote conflict resolution.
- Listen and act on parent and student concerns where appropriate to develop a safe and healthy school environment.

**STAFF STATEMENT OF UNDERSTANDING, RECEIPT AND REVIEW OF STUDENTS' RIGHTS,
RESPONSIBILITIES AND CODE OF CONDUCT**

I, the undersigned, join the Oakland County Academy for Media & Technology in an effort to “successfully create a clean, safe and healthy environment to promote positive student behavior and achievement.”

Therefore, I, **the undersigned, agree to:**

Read the rules and regulations outlined in the Student Code of Conduct.

Respect the rights of students and parents/guardians and enforce the Student Code of Conduct.

Not engage in bullying and report bullying when I see it.

Teach and encourage my students to follow school guidelines.

Promote conflict resolution.

Listen and act on parent and student concerns where appropriate to develop a safe and healthy school environment.

Abide by all Board Policies, including Policy 3139.01 - Work Rules And Staff Corrective Discipline and Policy 3210 - Standards Of Ethical Conduct, which provide that Staff members should not, “intentionally expose a student to unnecessary embarrassment or disparagement” or “use abusive and/or profane language.”

STAFF MEMBER'S SIGNATURE _____ **DATE** _____

SCHOOL _____