

Uniform Code of Discipline and Students'

Right and Responsibilities

2009-2010

2010-2011

Coloma Community Schools

Coloma, MI 49038

NOTICE: Un interprete esta listo
para ayudar con la interpretacion de
este documento en espanol.

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PREAMBLE

The Committee unanimously agrees that the effectiveness of this Code depends upon the full support of the teachers, parents, students, administrators, and the Board of Education in its enforcement.

INTRODUCTION

The Coloma Community School district is committed to providing a learning environment that promotes and ensures the personal dignity of each student. Additionally, the school district is committed to promoting the following goals of education: to foster an understanding of human relations; to gain a respect for and ability to relate to other persons; and to teach the process of effective citizenship in order that students may participate in and contribute to the school community and society in general.

However, if these goals are to be accomplished, it is also recognized by the district that the school environment must be free of disruptions which interfere with teaching and learning activities. As such, disruptions of the learning process will not be tolerated.

Additionally, the Coloma school district recognizes that student attendance in school is a necessary prerequisite to academic achievement and learning.

Above all, it is the policy of the district to respect and protect the constitutional rights of students, providing procedural due process.

The provisions found in this code book are in force in the classroom, on school premises, on a school bus/vehicle or at a school-sponsored event (whether or not on school premises).

NOTICE REGARDING NON-DISCRIMINATORY POLICY

It is the policy of the Coloma school district to administer this policy and its school programs in a consistent and equitable manner and to provide equal opportunity to students without regard to race, color, creed, religion, sex, national origin, age, marital status, weight and height, or handicap.

The Board of Education subscribes to and promotes affirmative action in its employment practices as stated in its Affirmative Action policies and plans. Any questions regarding equal employment opportunity may be directed to the Director of Personnel/Affirmative Action Office and/or Superintendent's Office.

Any questions concerning Title IX of the Education Amendments of 1972, discrimination on the basis of sex, should be directed to: Rita Moore 468-2424

District Title IX Coordinator

Inquiries regarding compliance with Section 504 of the Rehabilitation Act of 1973, The Individuals with Disabilities Educational Act of 1997 (IDEA), and the Age Act of 1975 should be directed to: Terry Boguth (269) 468-2424

District 504 Coordinator.

Adopted by the Board of Education for Coloma Community Schools.

STUDENTS' RIGHTS AND RESPONSIBILITIES

The Board of Education of the Coloma school district recognizes the fact that the Constitution of the United States, through the Bill of Rights, establishes certain individual rights which must be respected by school authorities. It is recognized that the students in our public schools retain these rights as applied in the specialized situation of school attendance.

Students also have certain responsibilities concurrent with school attendance. Among these are the responsibility to:

1. Respect the inherent human dignity and worth of every other individual.
2. Be informed and adhere to policies and regulations established by the Board of Education and implemented and carried out by school administrators and teachers for the welfare and safety of students.
3. Study diligently and maintain the best possible level of academic achievement.
4. Be punctual and present in the regular school program to the best of one's ability.
5. Refrain from libel, slanderous remarks, and obscenity in verbal and written expression, and observe fair rules in conversation and responsible journalism.
6. Dress and appear in a manner that meets reasonable standards of health, cleanliness, and safety.
7. Help maintain and improve the school environment, preserve school district property, and exercise the utmost care while using school district facilities.
8. Conduct oneself in an appropriate manner while in attendance at all school or school-related functions held on or off school property.
9. Continue to be actively involved in one's education, understanding of people, and preparation for adult life.
10. Conduct oneself in a manner that will not infringe on the rights of other students.

It is expected that student conduct on school property will be such as to contribute to a productive learning climate. Individual rights are to be honored and protected in all instances. It is to be pointed out, however, that all classrooms and playgrounds are peopled by individuals, and the rights of one individual never takes precedence over another individual, or the group itself; that all individuals have equal rights and equal responsibilities in their demeanor in the classroom or on any school property; that in all school activities and extracurricular activities each student will be accorded reasonable personal freedom so long as he/she respects the freedom of others.

The Board of Education recognizes that disciplinary difficulties will sometimes occur in well-ordered and well-controlled classrooms. Minor difficulties and misdemeanors will receive teacher and principal attention on the basis of procedures to be developed by the Superintendent and his/her staff. When any student deviates from acceptable standards of student behavior so as to be guilty of gross misdemeanor or persistent disobedience, the Board of Education may order or authorize the suspension or expulsion of such a student from school whenever the interests of the school demand it and such suspension or expulsion is made after giving due consideration to existing handicaps, if any, of such a student. (Section 380,1311, Michigan School Code of 1976, as amended.)

Student exclusion may be by permanent expulsion or by temporary suspension. Permanent expulsion and long-term suspension is solely within the province of the Board of Education, and is its direct responsibility. Temporary suspension of ten (10) school days or less is delegated to the Superintendent or his/her staff, as he/she may deem appropriate. The criminal or offensive nature of any student's actions or behavior on the orderly progress or continued maintenance of a class or school program, or to the safety, health, physical condition and general welfare of other students and of school employees shall be among the factors considered in the removal of that student from school.

Exclusion of students may be authorized or ordered for causes other than for deviation from good behavior. Students having body conditions, health conditions, or habits detrimental to the school may be excluded whenever, in the judgment of the Superintendent (or his/her staff, as he/she deems appropriate) and the Board of Education, the interests of the school district demand it. .

The teacher is responsible for the proper conduct of the class in terms of lessons and subject matter and also in terms of student behavior. Therefore, it is to be mutually understood by school officials and parents or guardian alike, that a teacher is duty-bound to use whatever reasonable measures are necessary to maintain good student behavior in the classroom.

However, is shall not be required that any teacher, principal, school district employee, or Superintendent attempt to disarm by physical force any student or other person on school grounds who has in his/her possession a lethal weapon of any nature.

Alleged criminal acts committed on school property must immediately be reported by the principal, assistant principal, or the person designated as being in charge in the absence of the principal, to the appropriate law enforcement agency.

The actions and behavior of students outside of school hours, away from the school premises, and not in control of the school district, are primarily the responsibility of the parents or guardian rather than of the school district. However, students in violation of this CODE OF STUDENT CONDUCT on the way to or from school will be subject to disciplinary procedures as outlined in this document.

Truancy is in effect a violation of the school attendance law. It is, however, basically the parents' or guardian's responsibility to see that their child's attendance is continuous and consecutive for the school year fixed by the Board of Education. The progress a student makes in school is directly related to his/her attendance and application. The Board of Education authorizes the Superintendent (or his/her staff, as he/she deems appropriate) to deal with truancy and attendance systematically and firmly in accordance with the Michigan School Code and the Board of Education discipline policies and guidelines.

It is believed that police authorities and schools have certain interests in common which may best be served by cooperation. Law enforcement officers should contact the principal to prearrange an interview or the officers must report to the building office upon arrival. Further, the police interrogation shall not unduly disrupt the educational process. It shall be school district policy that the police authorities, when investigating either a felony or misdemeanor shall have the parents or guardian present or they shall have given consent to the questioning or interrogation that is taking place. If the parents or guardian are not present, the police authorities shall follow the due process of law. The principal should make every reasonable effort to contact the parents or guardian of the student if law enforcement officers seek to question or interrogate a student. If the parents or guardian are not available to

come to the school and the student requests that a school official be present during the interview, the school officials may honor that request. If the parents or guardian cannot be reached, then the student cannot be interviewed or interrogated. The officer should be asked to contact the student at home. In addition, no student should be allowed to leave the building with an officer of a police department or an officer of the court unless at least one of the following three criteria have been met:

1. The parents or guardian have given permission (investigation stage).
2. The officer has a legal warrant, or in the case of a juvenile, a pick-up order. Both of these should be signed by a judge, with the State Seal implanted on the document.
3. If a warrant or a pick-up order is shown to the building administrator for the arrest of a student, principals still have a responsibility to contact parents or guardian immediately, but cannot prohibit the officer from taking custody of the student.

An exception to this is in cases of child abuse and neglect. The State of Michigan Child Protection Law (Act 238, Public Acts of 1975, Section 8 {8.}) states: "Schools and other institutions shall cooperate with the department during an investigation of a report of child abuse or neglect. Cooperation includes allowing access to the child without parental consent if access is necessary to complete the investigation or to prevent abuse or neglect of the child."

A law enforcement officer may accompany a worker from the Department of Protective Services on an investigation. This shall not be construed to apply to student-police conferences when the student is not a suspect in a crime.

Participation by students in extracurricular activities is a privilege carrying with it the responsibility of good behavior in and out of school. Failure on the part of any student to meet this responsibility renders him/her liable to the suspension of his/her privilege of representing his/her school in extracurricular activities or of holding class or organizational offices. Decisions relative to the eligibility or ineligibility of students are delegated to the Superintendent and those individuals or groups he/she may directly or indirectly represent.

ORGANIZING AND SPONSORING DEMONSTRATIONS AND/OR MEETINGS

Any student who while at school or at school-sponsored activities incites, encourages, promotes, or participates in a riot, a sit-in, a walk-out, a blockage of entrances, a trespass violation, or otherwise substantially or materially interferes with normal education processes may be suspended or expelled from school and may be charged with violating any applicable municipal, state, and/or federal laws.

Any student who wishes to promote, organize, or participate in a demonstration or meeting on school premises, other than those sponsored by the school, must obtain prior approval from the principal. Before approving such a request, the principal should determine that the demonstration or meeting will be orderly and peaceful and will not interfere with the rights of others or substantially and materially disrupt the educational process. Any student who is denied such request may appeal the adverse decision in writing to the principal who shall render his/her decision within one (1) school day after the appeal is filed. If the principal denies the request, the student may appeal the adverse decision in writing to the Superintendent or designee who shall render a decision within one (1) school day after the appeal is

received. The principal or the Superintendent or designee may and should make any investigations necessary, which may include hearings, to make the determination required by this policy.

Any student who assaults or injures an employee or student of a school district, will be suspended from school and may be recommended for expulsion. Such a student may be charged with violating applicable municipal, state, and/or federal laws.

STUDENT ATTENDANCE

Student attendance is crucial for student achievement. Furthermore, unexcused absences or excused absences when work is not made up, result in a failure to encourage self-discipline and do not enable a student to participate in class instruction and other related experiences. In keeping with this philosophy, students with an excessive number of absences may be subject to counseling and/or making up the time lost. The parents or guardian are responsible for the attendance of their children and are responsible for contacting a school official prior to or on the day of any absence of the student. The school will make every effort to contact the parents or guardian on the day of the absence.

For those students under sixteen (16) years of age, nonattendance is a violation of the law for both parents or guardian and student. For students ages sixteen (16) and over, the parents or guardian is still responsible and must notify a school official if a student is to be absent. For a student age eighteen (18) or over, the school will expect a parent, doctor, or other responsible adult to corroborate the reasons for the student's absence.

In view of the current mission, educational beliefs and student graduation outcomes, especially in a career pathways school system wherein one of our goals is to make students functional members of society, of which employment is an integral part, the local district may implement a policy regarding excessive absences.

Absences, even excused, can be detrimental to a student's academic achievement. Therefore, if the local building principal believes that a student has accumulated too many absences then an individual attendance plan will be developed that may include making up time lost.

The principal of the school or his/her designee is responsible for enforcing the attendance laws of the State and is the person who may excuse a student for "necessary and legal absence, subject to the provisions of the Michigan School Code."

The Board of Education in Coloma expects all attendance policies to be followed uniformly and consistently in all school buildings.

Reasons recognized as valid for excused absences are:

1. Illness of the student, attested by a physician's certificate after the third consecutive day of absence;
2. Death in the immediate family or of a close friend or relative, at the discretion of the principal or designee;
3. Legal business;
4. Observance of a religious holiday;
5. Remedial health treatment;
6. Prearranged absences to visit a college or university, or to participate in other educational experiences; and
7. Other emergency situations as determined by the principal or designee.

PREARRANGED ABSENCES

A prearranged absence is a student's absence from school for one or more days to visit a college or university, or for other educational activities approved by the principal. The absence should be prearranged by writing the principal and giving the full particulars of the absence. Approval for such absences should be sought, where practical, at least one (1) week prior to the date on which the absence is to occur. Upon the development of a plan by a student and teacher for making up the assignments to be missed, the principal may then define the absence as "excused".

EXCUSED ABSENCES

An excused absence from school or class is an absence for one of the reasons listed above and for which the required parental contact with the school was properly taken care of by the parents or guardian with the principal or designee. The parent or guardian or student must contact the school or provide a note by **9:00 A.M. of the next school day following the absence**. Following such an absence, the student will be allowed to make up all work missed, to take tests which were missed, and to submit any assignments which became due during the absence. Following an "excused" absence from school or class, the time allowance for taking tests or turning in assignments shall be equal to the number of school days or number of class meetings missed due to the absence. A teacher may extend the time allowance for making up work missed if the specific circumstances of the situation merit such action. The responsibility of initiating make-up work and turning in assignments rests with the student. A teacher may take into consideration the fact that a student has not made up work after an "excused" absence when assigning a grade at the end of the semester.

UNEXCUSED ABSENCES

Parents are responsible for the attendance of their children under sixteen (16) years of age and will be contacted by the school if their children are violating the attendance law. If the student does not return to school, a complaint shall be filed in the appropriate court against the parents or guardian according to the provisions of the Compulsory Attendance Law. (MCL 380.1588)

An unexcused absence from school or class is an absence:

1. Which is for a reason not listed as "excused";
2. About which the parent has no knowledge; or
3. For which there was no parental contact with the principal or designee prior to or by the deadline established to discuss the nature of the absence not listed as excused.

An unexcused absence shall result in a failing grade for all assignments due or tests missed during the period of the unexcused absence (excluding long term projects). Other instructional materials or assignment given during the absence may be obtained, where feasible, at the initiation of the student. Following an unexcused absence from school or class, the time allowance for requesting the assignments or instructional materials from the teacher shall be equal to the number of school days or number of class meetings missed due to the unexcused absence. A teacher may extend this time allowance if the specific circumstances of the situation merit such action.

CONSEQUENCES OF UNEXCUSED ABSENCES

In addition to a failing grade for all assignments due or tests missed during the period of the unexcused absence, students shall be subject to the following sanctions;

1. One (1) day of in-school suspension (ISS) for each day of unexcused absence may be imposed.
2. Additionally, after school detention as determined necessary by the principal.
3. Referral to the Superintendent or designee for further sanctions as determined necessary

ELEMENTARY ATTENDANCE FACTOR FOR UNEXCUSED ABSENCES AND TARDINESS

Letters of notification will be sent to the student's home at five (5) day intervals for unexcused absences. At such time as the unexcused absences become excessive, truancy procedures will be initiated.

FAILURE TO EARN CREDIT

A student's presence in the classroom is necessary to obtain the best possible grade. To this end, an unexcused absence or failure to make-up work from an excused absence or suspension will result in a failure to earn credit for the assignments due or tests missed during that particular absence. The failing grade for all assignments due or tests missed during the period of an unexcused absence shall be assessed. School officials have the authority to consider attendance, class participation, and other similar factors which relate to student achievement in the assignment of a grade.

MAKE-UP WORK

The student may make up work and examinations missed for any periods of suspension. Absences due to disciplinary suspensions should not be counted as unexcused absences for the purpose of course credit or other consequences.

IN-SCHOOL SUSPENSION

The In-School Suspension room (where available) provides a learning environment where students exhibiting disruptive classroom behavior or as a consequence of unexcused absence can be scheduled and may receive counseling and/or individualized instruction until returning to regularly scheduled class(es).

It is the desire of the Board of Education that ISS be utilized as much as possible in correcting inappropriate behavior. Classroom teachers shall provide the ISS supervisor with homework for students placed there.

STUDENT SUSPENSION AND EXPULSION

SCHOOL BOARD POLICY

A teacher is authorized to immediately remove and suspend a student from a class, subject or activity when the student's behavior is so unruly, disruptive, or abusive that it materially interferes with the teacher's ability to effectively teach the class, subject or activity, or the student's behavior materially interferes with the ability of other students to learn as outlined in the Uniform Code of Discipline and Students' Rights and Responsibilities Handbook and the offense in question is otherwise subject to suspension under those rules and regulations. The teacher

of the class, subject or activity from which the student was suspended shall contact the parent or guardian to arrange for a conference regarding the suspension.

Any student suspended pursuant to this policy shall not be allowed to return to the class, subject or activity from which he or she was suspended from until passage of up to one full school day from the time of the student's infraction without concurrence of the teacher of the class, subject or activity and the school principal.

Students attending separate class periods throughout the school day shall be permitted during the term of the suspension to attend other classes taught by other teachers only when the student's conduct does not rise to the level of requiring a multiple day suspension or expulsion in accordance with Board of Education Policy and the Uniform Code of Discipline and Students' Rights and Responsibilities Handbook. A teacher who suspends a student from class, subject or activity must immediately report the suspension and the reason to the school principal and send the pupil to the principal (or designee) for appropriate action as per Section 1309 (1) of the Revised School Code. The principal will then make the determination of whether or not the student's behavior requires exclusion from other classes both on the day of the suspension imposed by the teacher and possibly for a longer period of suspension (and/or expulsion) if such action is warranted by the nature of the student's conduct and by the requirements for student behavior as set forth in the Uniform Code of Discipline and Students' Rights and Responsibilities Handbook.

Application to Students with Disabilities:

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special education programs and services.

Authority

Section 1309 (Teacher Imposed Suspensions/Snap Suspensions, 1999), Section 1310 (Pupil-Pupil Physical Assaults, 1999) Section 1311 of the School Code of 1976 (MCL 380.1311), and Section 1311a (Pupil Physical and Verbal Assaults Against Employees, Contractors, Volunteers, Bomb Threats, 1999) provides authority to the Board of Education to suspend or expel a student from school when the student has committed a gross misdemeanor or has engaged in persistent disobedience. Where there is reasonable cause to believe that a student is handicapped and the student has not already been evaluated in accordance with the rules and regulations of the Michigan Department of Education, the student shall be immediately evaluated.

School administrators are authorized by the Board of Education to suspend a student for committing a gross misdemeanor or for engaging in persistent disobedience. Suspensions for longer than ten (10) student attendance days may be imposed only by action of the Board of Education.

A student may be suspended by the school administrator while charges and a recommendation for expulsion or suspension longer than ten (10) school attendance days is pending before the Board of Education unless otherwise limited by these procedures and/or requirements of law.

Suspension and Expulsion of Special Education Students

Any and all suspensions and expulsion of students receiving special education services must comply with state and federal law (commonly referred to as Individuals with Disabilities Education Act of 1997 or IDEA).

Procedure

I. Suspension for a Period of Ten (10) Student Attendance Days or Less:

When a school administrator determines that a student has committed a gross misdemeanor or engaged in persistent disobedience which justifies a suspension of the student from school for a period of ten (10) student attendance days or less, the student shall be informed of the charges either verbally or in writing by the school administrator and provided an opportunity to respond to the charges prior to the suspension being imposed. If the student denies the allegations, the school administrator must explain to the student the evidence against him/her and give the student the opportunity to present his/her explanation of the incident. If under the circumstances immediate exclusion of the student from school is necessary, an opportunity for the student to meet with the administrator and respond to the charges shall be provided promptly following the exclusion. The administrator may specify that the suspension is one pending a formal hearing before the Board of Education upon a recommendation for expulsion or suspension longer than ten (10) student attendance days.

When the school administrator determines there is justification to suspend the student, an attempt will be made to contact the parents or guardian of the student and provide verbal notice immediately. Written notice of the decision to suspend shall be promptly provided to the parents or guardian. The notice is to include the length of the suspension and any special conditions or restrictions relating to it.

The parents, guardian, or student (eighteen years of age or older) may appeal the suspension to the Superintendent only after a discussion with the school administrator imposing the suspension. Any such appeal must be initiated within 24 hours following the discussion with the school administrator imposing the suspension.

II. Expulsion and Suspensions for More Than Ten (10) Student Attendance Days:

When a school administrator determines that a student has committed a gross misdemeanor or has engaged in persistent disobedience justifying a recommendation for expulsion or suspension for a period of time exceeding ten (10) student attendance days, the recommendation shall be forwarded to the Superintendent for review and presentation to the Board of Education. The school administrator may suspend the student from school pending a hearing and determination by the Board of Education within ten (10) student attendance days.

The student and his/her parents or guardian are to be provided written notification of the recommended action and the specific charges and grounds which, if proven, will justify the suspension or expulsion according to the disciplinary policy of the school district. The student and his/her parents or guardian will be provided a brief description of the hearing process. The student is to be provided with a list of the witnesses who will provide testimony to the Board of Education and a summary of the facts to which the witnesses will testify. The student will be given a reasonable period of time to prepare for the hearing. The hearing will be held before the Board of Education where the student will be provided an opportunity to present witnesses

and evidence in defense of the charges. The student will be provided an opportunity to cross examine those persons providing testimony or evidence at the hearing in support of the charges. The student and his/her parents, guardian, or another representative of his/her choosing may be present at the hearing to present a case in defense of the student. The student will be informed that he/she may be represented by counsel at his/her own expense. The hearing may be conducted by a hearings officer and the Superintendent may have counsel present to present the charges and case supporting the charges. The student shall be informed of the date, time and place of the hearing and his/her right to request a closed session of the Board of Education for the hearing and the deliberation of the charges. The decision of the Board of Education shall be by formal motion and a vote of a majority of the members of the Board of Education in an open session. The action shall appear in the minutes of the Board of Education and shall be part of the public record.

Any student that is under expulsion, suspension, therapeutic removal, or enrolled in non-regular or magnet classrooms due to disciplinary actions, shall not be allowed to transfer to any of the school districts enjoined by the federal court order.

A teacher is authorized to immediately remove and suspend a student from a class, subject or activity when the student's behavior is so unruly, disruptive or abusive that it materially interferes with the teacher's ability to effectively teach the class, subject or activity, or the student's behavior materially interferes with the ability of other students to learn as outlined in the Uniform Code of Discipline and Students' Rights and Responsibilities Handbook and the offense in question is otherwise subject to suspension under those rules and regulations. The teacher of the class, subject or activity from which the student was suspended shall contact the parent or guardian to arrange for a conference regarding the suspension.

READMISSION

The readmission criteria for students who have been expelled from school will be established at the time of the expulsion by the Board of Education.

Students who have dropped out of school may apply for readmission prior to the start of the next semester. This application must be made to the principal.

Persons, twenty years of age or older, will ordinarily not be readmitted to the day school program, but will be referred to an adult school program.

STUDENT DISMISSAL PRECAUTIONS

School officials will take all precautions to validate the legitimate early release of students from the regularly scheduled day. Students may be granted early dismissal if the parents, guardian, or validated designee come to the office and sign for the release of the student. Students may also be granted early dismissal if school officials received a validated written request or a validated phone call from the parents or guardian.

Children of estranged parents may be released only upon the request of the parent whom the courts hold directly responsible for the student and who is the parent registered on the school record. School officials may, based upon a suspicion concerning the parent's authority to retrieve a student, request that the parent provide appropriate legal documentation which sets forth his/her authority over the student. The school districts shall not be a party to other arrangements with the estranged parents.

REVIEWING STUDENT RECORDS

The school records of students shall be kept under lock and key in a centralized location within each school building.

Students, eighteen (18) years of age or older, are entitled to review their school records. Parents and guardians of students under the age of eighteen (18) are entitled to review their child's school records.

When a student transfers from the Coloma school district to another school system, parents or guardians shall be notified that the student's records are being transferred to the new school district. Notification to parents or guardians and the transfer of the records shall be the responsibility of the building principal.

In situations where parents of a student are divorced or separated, each parent, custodial and/or non-custodial, has equal rights to their child's records, unless a court order specifies otherwise. Private agreements between a student's parents shall not be recognized by the school district.

The Superintendent or designee shall provide for a periodic in-service or review of the legal aspects of the "Family Education Rights and Privacy Act" (FERPA) by all administrators and report such in-services to the Board of Education.

ACCESS AND REVIEW PROCEDURE

1. The parents, guardians, or student (eighteen years of age or older) may request, in writing, access and review of the student's records with the principal or other designated custodian of student records.
2. Upon receipt of the request, the principal must reply, using the "Review-Hearing Form", within ten (10) calendar days indicating the date, time, and location of the records inspection and review.
3. The parents, guardian, or student must return the "Review-Hearing Form" at least five (5) calendar days prior to the scheduled review.
4. The student's school records inspection and review must take place within thirty (30) calendar days of receipt of the request.
5. Copies of all existing records pertaining to the student and subject to the Family Educational Rights and Privacy Act of 1974 (FERPA) should be compiled for this purpose.
6. If the parents, guardian, or student are satisfied with the inspection and review, he/she shall sign and date the "Review-Hearing Form". One copy will be placed in the "CA 60" folder; one copy will be filed with the appropriate administrator; and one copy will be kept by the parents, guardian, or student (eighteen years of age or older).
7. If the parents, guardian, or student are not satisfied with the inspection and review, he/she will request a hearing on the "Review-Hearing Form". One copy will be placed in the "CA 60" folder; one copy will be filed with the appropriate administrator; and one copy will be kept by the parents, guardian, or student (eighteen years of age or older).

DRESS AND GROOMING CODE

School personnel are responsible for the health and safety of each student while at school and for the preservation of an atmosphere which is conducive to learning. Students are expected and required to maintain a standard of personal appearance which is clean, neat, reasonable, and not disruptive to the learning environment.

It is expressly understood that no hats are to be worn in the school building during the school day.

The principal or designee has full authority to take prudent action to enforce this policy. The principal will attempt to resolve the violations of the policy by holding a conference with the student involved. If this conference does not bring about the desired change, the principal or designee may suspend the student to ISS pending a conference with the parents or guardian.

School authorities within the district will have the responsibility of developing their own Dress and Grooming Committee with representatives from each school building to serve on a committee to develop a DRESS AND GROOMING CODE. Guidelines set forth will be based upon safety and health considerations and upon a concern for promoting the educational activities within the school. School attire must not be disruptive to classroom instruction or school connected activities. The committee will be comprised of students, parents, teachers, and administrators. A board member may serve on this committee if so desired.

MARRIED AND/OR PREGNANT STUDENTS

Michigan State law (MCL 380.1301; MSA 15.41301) prohibits the suspension, expulsion, or exclusion of a student from school solely on account of the student's pregnancy.

Marital, maternal, or paternal status shall not affect the rights and privileges of students to receive a public education.

Pregnant students shall be permitted to continue to attend school. The physician's approval of this continued attendance must be on file at the school where the student is in attendance. The school administrator is authorized to provide an alternative educational program for pregnant students.

COMMUNICABLE DISEASES

School officials will enforce and adhere to their responsibilities pursuant to the applicable provisions of the Michigan Public Health Code and the School Code for the prevention, control, and containment of communicable diseases in the schools.

Principals shall exclude and/or not permit students to enroll, enter, or attend school who are not in compliance with the immunization requirements of the Michigan Public Health Code. (MCL 333.9208)

Each incident of a student suspected or diagnosed as having a communicable disease shall be handled according to the criteria and procedures established in the Communicable Disease Control Policy adopted by the Boards of Education, a copy of which is on file in the Superintendent's office.

A decision to close schools due to the outbreak of a communicable disease shall be made by the Superintendent or designee in consultation with the Berrien County Health Department Medical staff.

GRADUATION REQUIREMENTS

Students transferring schools shall be required to fulfill credit requirements of the host school for the time they are enrolled. Credit for prior years at the home school will be prorated on a "normal progress toward diploma basis."

CORPORAL PUNISHMENT

In accordance with the School Code of 1976, as amended (MCL 380.1312) corporal punishment shall not be used or threatened against any student at any time by any personnel, volunteers, or any other persons rendering services to the school district. However, the person, within the scope of his/her responsibilities, may use such reasonable physical force as may be necessary to protect himself/herself, students, or others from immediate physical injury; to obtain possession of a weapon or other dangerous object upon or within the control of a student; and/or to protect property from physical damage. As defined by law, "corporal punishment" means the deliberate infliction of physical pain by any means upon the whole or any part of a student's body as a penalty or punishment for a student's offense. Teachers and administrators shall explore and employ alternative methods of discipline that recognize the dignity and rights of students and that encourage self-direction and self-discipline.

SEARCH AND SEIZURE

The constitutional protection against unreasonable search and seizure as applied to students in public schools shall be respected. When it is determined that there is a reasonable suspicion that the student is in possession of an item, object, substance, material and/or thing, the possession of which is prohibited by law or school rules or the possession of which is evidence verifying or confirming a violation of law or school rules, the student shall be subject to reasonable search and seizure. Student lockers, desks, or other containers or storage areas assigned for student use remain the property of the school district and subject to inspection by school authorities at various times without the prior consent of the student. Lockers, desks, or other containers or storage areas assigned for student use are not to be used for the keeping of items, objects, substances, materials and/or things which are not necessary to the student's educational program or attendance at school. Any and all such areas shall be subject to inspection and search in circumstances which affect the health and safety of the student population. Automobiles and/or other means of transportation used by students to travel to and from school shall be subject to reasonable search and seizure when there is reasonable suspicion to believe that items, objects, substances, material and/or things, the possession of which are prohibited by law or school rules or the possession of which is evidence verifying or conforming a violation of law or school rules are contained, stored, or secreted therein. Furthermore, when there has been a pattern of possession of weapons and/or dangerous objects by students at school, on school premises, at school functions, or in the vicinity of the school, and the administration in any school has reasonable suspicion to believe that weapons or dangerous objects are in the possession of students attending the school, the administration is authorized to use stationary or mobile metal detectors to screen the student population as a precautionary measure to reduce the threat to the health and safety of students imposed by the possession of weapons or other dangerous objects.

STUDENT POSSESSION OF A POCKET PAGER, OTHER ELECTRONIC COMMUNICATION DEVICE, OR LASER POINTER

No student shall be allowed or permitted to carry or possess a pocket pager, other electronic communication device or laser pointer while in school, at a school sponsored function or enroute to or from school in transportation provided by the district. The only exception to this policy shall be a situation where the student is in need of such pager or electronic communication device for a condition of health which has been previously certified to the Superintendent or designee by competent medical authority. Upon receipt of said medical certification, the Superintendent or designee shall issue a written decision whether or not said certification constitutes an exception to this policy for the particular student.

If any employee or other authorized agent of the school district discovers that a student is carrying or in possession of a pocket pager, other electronic communication device or laser pointer, the employee and/or agent shall immediately confiscate said pager, electronic communication device or laser pointer and said mechanism shall be delivered to the appropriate law enforcement agency for further disposition. At the time of said confiscation, authorized personnel shall notify the student's parents and/or legal guardian of said confiscation on or before said time such mechanism is submitted to the appropriate law enforcement agency.

CODE OF STUDENT CONDUCT

The CODE OF STUDENT CONDUCT defines district violations which are representative of those acts frequently causing disruption of the orderly educational process.

It should be pointed out, however, that this listing is not all inclusive and a student committing an act of misconduct not listed will, nevertheless, be subject to the discretionary authority of the principal.

A major consideration in the application of the CODE OF STUDENT CONDUCT is to identify the most appropriate disciplinary action necessary to bring about positive student behavior. To that end, the violations have been divided into sub-groups and a variety of administrative actions, depending upon the severity of the misconduct, have been recommended or mandated.

It should be mentioned here that before, during, and after the implementation of any disciplinary action, student services personnel (counselors, school social workers, juvenile authorities, psychologists, etc.) play a vital role in assisting the student to resolve any problems influencing his/her behavior.

Principals, consistent with the powers delegated to them, have the authority to take additional administrative action, if in their opinion, the nature of the misconduct warrants it.

The following pages contain a "Definition of Terms" and describe the "Procedures for Processing Disciplinary Infractions Referred to the Principal" at both the elementary and secondary levels. These procedures may offer recommendations or mandate certain disciplinary actions to be followed by the principal. When the violation calls for a recommended action, any or all portions of the appropriate plan may be implemented by the principal. If the violation indicates a mandated action, all portions of the required plan must be implemented. However, school administrators have the prerogative to seek a waiver of any portion or all of the prescribed mandatory disciplinary action through the Superintendent. Those parties who are directly involved with the incident shall be informed of the reason(s) for requesting the waiver.

DEFINITION OF TERMS

1. **Pyrotechnics** – As commonly used, it refers to all types of fireworks, including pistols that fire blanks.
2. **Conference** – A meeting which allows various people to meet and discuss certain issues.
3. **Tardiness (Elementary)**
A student will be considered tardy when not in the classroom with wraps off when the tardy bell rings. Exception: A pre-kindergarten or kindergarten student is not tardy if he/she is in the room at his/her locker removing wraps.
Tardiness (Secondary)
A student is recorded tardy if he/she is not present in the classroom at the ringing of the tardy bell. Exceptions to this are prearranged school business excuses.
4. **Truancy** – Under the laws of the State of Michigan any person between the ages of (6) and sixteen (16) years, not exempt by law, who fails to continuously and consecutively attend school during the school year fixed by the appropriate school district is truant.
5. **Unexcused Absence** – Results when any student leaves a class, skips a class (including homeroom), leaves the building without permission, or skips school.
6. **Narcotics and/or Dangerous Drugs** – The Uniform Narcotic Drug Act (Act 343 of the Public Acts of 1937, as amended) defines narcotic (narcotics, narcotic drugs) as: opium coca leaves or cannabis, any compound, salt, manufacture, derivative, or preparation thereof; or synthetic drugs which the Bureau of Narcotics of the United States Treasury Department has designated as narcotic (MSA 18.1071). Drugs – as defined in Act 134 of the Public Act of 1885, as amended.
7. **Parental Liability for Damage to Public Property (MSA 27A.2913)**
 - (1) Any municipal corporation, county, township, village, school district, department of the State of Michigan, person, partnership, corporation, association, or any incorporated or unincorporated religious organization* (may) recover damages in an amount not to exceed \$4500 in a civil action in a court of competent jurisdiction against the parents of any minor*...under 18 years of age*...living with the parents*... (who) has maliciously or willfully destroyed real, personal or mixed property which belongs to the municipal corporation, association, (or who has maliciously or willfully caused bodily harm or injury to any person).
 - (2) The amount which may be recovered against the parents*...is limited to actual damages, not exceeding \$500 plus taxable court costs.
8. **Fighting** – Physical contact in which both parties are active participants which does or could result in bodily harm.
9. **Interim Suspension** – is that period of time, not to exceed ten (10) school days, necessary to investigate a charge against a student. At the end of the ten (10) school days, the student must be readmitted or recommended for expulsion.

If the latter,

- (a) the Board of Education should receive the recommendation for expulsion at its next regular meeting, or at a special meeting, unless otherwise agreed to by the parent(s) or guardian of the student; and (b) the student will remain out of school. During the interim suspension, the student is responsible for all classroom assignments, and should not be on school property.

10. **Therapeutic Removal** – Removal from the immediate setting to which a student cannot adjust to a neutral in-school setting and/or home environment until self-control is maintained or an appropriate conference has been held. For use with special education students only.

11. **Dangerous Weapon** – (a) a dangerous weapon is any instrument which is used in a manner likely to produce serious injury or death; or (b) some instruments, such as firearms, knives, or bombs, are dangerous because they are specifically so designed. Other instruments, though designed for peaceful and proper purpose, also may be “dangerous weapons”. The manner in which an assault takes place and the facts and circumstances disclosed by the evidence will determine whether the instrument in question is in fact a “dangerous weapon”. A student shall not carry or possess any firearm, pellet gun, BB gun, knife, dagger, stiletto, switchblade, dirk, club, blackjack, razor-knife, karate sticks, metallic stars, or any other dangerous instrument while on school property, including school buses.

12. **Defiance of Authority** – Disobeying a direct order from an administrator, teacher, school official, or school employee.

13. **Profanity** – The use of profane (abusive, contemptible, or vulgar) language.

14. **Insolence** – A state of being insultingly contemptuous in speech or conduct.

15. **Look Alike Drugs** – Look alike drugs would include, but not be limited to, any substance being passed off as a drug that comes under the Controlled Substance Act.

16. **Physical Assault** - Intentionally causing or attempting to cause physical harm to another through force or violence.

17. **Verbal Assault** - Any statement or act, oral or written, which can reasonably be expected to induce in another person(s) an apprehension of danger of bodily injury or harm.

PROCEDURES FOR PROCESSING DISCIPLINARY INFRACTIONS REFERRED TO THE PRINCIPAL

The procedures which are outlined in the following pages are to be utilized when working with students who have committed various offenses against the educational environment.

ELEMENTARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
<p>Defiance of Authority¹² shall consist of (but not be limited to) the following:</p> <p>Leaving the classroom and/ or building without permission; Obscene signs, gestures, or behavior; Profanity¹³; Disruptive classroom behavior; Interference with and/or disruption of school; or Insolence¹⁴</p>	<ol style="list-style-type: none"> 1. Conference² with principal/teacher, student, and other concerned parties. 2. Notify parents and police, if appropriate. 3. Involve appropriate student services (psychologist, school social worker, attendance officer, juvenile authorities, etc.) 4. The student may be suspended. 	<ol style="list-style-type: none"> 1. Notify parents immediately. Principal/ teacher will hold a conference with parents, student, and appropriate agencies. 2. The student may be suspended for not more than three (3) school days. The suspension shall be documented. 3. If appropriate, a recommendation for expulsion may be sent to the Superintendent for presentation to the Board of Education.

ELEMENTARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
<p>Forgery other than monetary; Theft – under \$100.00; Defacing or damaging school property – under \$100.00; Smoking or possession of tobacco products in the school building or on school property; Threats and/or “intimidations” directed to a fellow student or staff member; Fighting⁸ in school or on school property; Assault and/or battery to a fellow student or staff member; or, Gambling</p>	<ol style="list-style-type: none"> 1. Notify parents immediately. 2. Notify police, if appropriate. 3. Conference² of principal/teacher and parties concerned (police, parents, student). 4. Involve appropriate student services attendance officer, (psychologist, school social worker, juvenile authorities, etc.). 5. An interim suspension⁹ and/or a recommendation for expulsion may be sent to the Superintendent for presentation to the Board of Education, if appropriate. 6. Institute legal action against the parents for damages caused by their son or daughter, if appropriate⁷. 	<ol style="list-style-type: none"> 1. Notify parents immediately. 2. Notify police, if appropriate. 3. Conference² of principal/teacher and parties concerned (police, parents, and student). 4. An interim suspension⁹ and the attendance officer notified. 5. If appropriate, a petition to the Court may be filed by the principal/teacher regarding the criminal act. Payment for destruction of property will be requested. 6. If appropriate, a recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.

ELEMENTARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
<p>*Arson; *Assault with a weapon directed to a fellow student or staff member; or *Criminal sexual conduct</p>	<p>The offenses listed and marked with an asterisk (*) shall immediately result in an interim suspension⁹ and a recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.</p>	<ol style="list-style-type: none"> 1. Notify parents immediately. 2. Notify police immediately. 3. Conference² of principal/teacher and parties concerned (police, parents, and student).
<p>Sexual Harassment (see p. 38) *Violation of Weapons Free School Zone Act (see p. 35)</p>	<ol style="list-style-type: none"> 1. Notify parents immediately. 	<ol style="list-style-type: none"> 4. An interim suspension⁹ and the attendance officer notified.
<p>Pyrotechnics¹; Possession of weapons¹¹; Destruction of school property over \$100.00;</p>	<ol style="list-style-type: none"> 2. Notify police immediately. 3. Conference² of principal/teacher and parties concerned (police, parents, and student). 	<ol style="list-style-type: none"> 5. If appropriate, a petition to the Court may be filed by the principal/teacher regarding the criminal act. Payment for destruction of property will be requested.
<p>Theft – over \$100.00; or Extortion of money or property Laser Pointer</p>	<ol style="list-style-type: none"> 4. An interim suspension⁹ and/or a recommendation for expulsion may be sent to the Superintendent for presentation to the Board of Education. 5. Institute legal action against the parents for damages caused by their son/daughter, if appropriate⁷. 	<ol style="list-style-type: none"> 6. A recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education, if appropriate.

ELEMENTARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
Tardiness ³	Counsel with student.	<ol style="list-style-type: none"> 1. Note or telephone call to parents if a tardiness pattern is developing. 2. Conference² with parents and student. 3. Contact attendance officer if it becomes apparent that a student is developing a pattern of tardiness.
Truancy ⁴	<ol style="list-style-type: none"> 1. Notify parents. 2. Principal/teacher holds a conference with the student and, if needed, the teacher 	<ol style="list-style-type: none"> 1. Student may be suspended. 2. Conference² with parents and student. 3. Contact Berrien County Youth Services Bureau. 4. Set in motion a formal Court petition.
Trespassing	<ol style="list-style-type: none"> 1. Ask person to leave the school premises. 2. Refer immediately to police, if necessary. 	Follow same procedures as outlined for the first offense.

ELEMENTARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
Use/Possession of Alcohol	<ol style="list-style-type: none"> 1. Notify parents. 2. Police may be contacted 3. Student may be suspended for up to ten (10) days. 4. Referral to health department. 5. Recommend attendance at health department counseling sessions. 6. Referral to alternative programs, whenever possible. 7. Parent conference prior to readmission to school. 	<ol style="list-style-type: none"> 1. Parents will be contacted. 2. Police will be contacted. 3. Student will be suspended for ten (10) days. 4. A recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.

ELEMENTARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
<p>Use/Possession of substances coming under the Controlled Substance Act to include look alike drugs.¹⁵</p>	<ol style="list-style-type: none"> 1. Notify parents. 2. Police may be contacted. 3. Interim suspension⁹. 4. Referral to health department. 5. Recommended attendance at health department counseling sessions. 6. Referral to alternative programs, whenever possible. 7. Parent conference prior to readmission to school. 	<ol style="list-style-type: none"> 1. Parents will be contacted. 2. Police will be contacted. 3. Interim suspension⁹. 4. A recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.
<p>Delivery and possession with intent to deliver (proof of delivery of narcotics, alcohol, and/or dangerous drugs⁶ to another person or proof of possession of narcotics, alcohol, and/or dangerous drugs with intent to deliver to another person).</p> <p>In case of a question concerning the possession or type of drug in use, an analysis will be obtained before a suspension is imposed.</p>	<ol style="list-style-type: none"> 1. Notify parents. 2. Police will be contacted. 3. Interim suspension⁹. 4. A recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education. 	<p>Follow same procedures as outlined for first offense.</p>

NOTE: See page 28 relevant to new legislation pertaining to verbal assaults, bomb threats, similar threats and physical assaults.

SECONDARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
Defiance of Authority ¹² shall consist of (but not be limited to) the following:	1. Conference ² with principal/teacher, student, and other concerned parties.	1. Notify parents immediately. Principal/teacher will have a conference with parents, student, and appropriate agencies.
Leaving the classroom and/or building without permission.	2. Notify parents and police, if appropriate.	2. The student may be suspended for not more than three (3) school days. The suspension shall be documented.
Obscene signs, gestures, or behavior;	3. Involve appropriate student services (psychologist, school social worker, attendance officer, juvenile authorities, etc.)	3. If appropriate, a recommendation for expulsion may be sent to the Superintendent for presentation to the Board of Education.
Profanity ¹³		
Disruptive classroom behavior;		
Interference with and/or disruption of school; or Insolence ¹⁴	4. The student may be suspended.	

SECONDARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
<p>Forgery other than monetary; Theft – under \$100.00; Defacing or damaging school property – under \$100.00; Smoking or possession of tobacco products in the school building or on school property; Threats and/or “intimidations” directed to a fellow student Fighting⁸ in school or on school property; Assault and/or battery to a fellow student or staff member; Gambling Pocket Pager</p>	<p>1. Notify parents immediately.</p> <p>2. Notify police, if appropriate.</p> <p>3. Conference² of principal/teacher and parties concerned (police, parents, and student).</p> <p>4. Involve appropriate student services (psychologist, school social worker, attendance officer, juvenile authorities, etc.).</p> <p>5. An interim suspension⁹ and/or a recommendation for expulsion may be sent to the Superintendent for presentation to the Board of Education, if appropriate.</p> <p>6. Institute legal action against the parents for damages caused by their son/ daughter, if appropriate⁷.</p>	<p>1. Notify parents immediately.</p> <p>2. Notify police, if appropriate.</p> <p>3. Conference² of principal/teacher and parties concerned (police, parents, and student).</p> <p>4. An interim suspension⁹ and the attendance officer notified.</p> <p>5. If appropriate, a petition to the Court may be filed by the principal regarding the criminal act. Payment for destruction or property will be requested. ⁷</p> <p>6. If appropriate, a recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.</p>

SECONDARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
* Arson		1. Notify parents immediately.
*Criminal sexual conduct		2. Notify police immediately.
Sexual Harassment (see p. 38)		3. Conference ² of principal/teacher and parties concerned (police, parents, and student).
Pyrotechnics ¹ ; Possession of weapons ¹¹ ;	The offenses listed and marked with an asterisk (*) shall immediately result in an interim suspension ⁹ and a recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.	
*Violation of Weapons Free School Zone Act (see p. 35)		4. An interim suspension ⁹ and the attendance officer notified.
Destruction of school property over \$100.00;	1. Notify parents immediately.	
Theft – over \$100.00; or Extortion of money or property	2. Notify police immediately.	
Laser Pointer	3. Conference ² of principal/teacher and parties concerned (police, parents, and student).	5. If appropriate, a petition to the Court may be filed by the principal regarding the criminal act. Payment for destruction of property will be requested ⁷ .
	4. An interim suspension ⁹ and/or a recommendation for expulsion may be sent to the Superintendent for presentation to the Board of Education, if appropriate.	6. A recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.
	5. Institute legal action against the parents for damages caused by their son/daughter, if appropriate ⁷ .	
Trespassing	1. Ask person to leave the school premises.	Follow same procedures as outlined for the first offense.
	2. Refer immediately to police, if necessary.	

SECONDARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
Use/Possession of Alcohol	<ol style="list-style-type: none"> 1. Notify parents. 2. Police may be contacted. 3. Student may be suspended for up to ten (10) days. 4. Referral to health department. 5. Recommend attendance at health department counseling sessions. 6. Referral to alternative programs, whenever possible. 7. Parent conference prior to readmission. 	<ol style="list-style-type: none"> 1. Parents will be contacted. 2. Police will be contacted. 3. Student will be suspended for ten (10) days. 4. A recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.
Use/Possession of substances coming under the Controlled Substance Act to include look alike drugs. ¹⁵	<ol style="list-style-type: none"> 1. Notify parents. 2. Police may be contacted. 3. Interim suspension⁹. 4. Referral to health department. 5. Recommended attendance at health department counseling sessions. 6. Referral to alternative programs, whenever possible. 7. Parent conference prior to readmission to school. 	<ol style="list-style-type: none"> 1. Parents will be contacted. 2. Police will be contacted. 3. Student will be suspended for ten (10) days 4. A recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.

SECONDARY LEVEL

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
<p>Delivery and possession with intent to deliver (proof of delivery of narcotics, alcohol, and/or dangerous drugs⁶ to another person or proof of possession of narcotics, alcohol, and/or dangerous drugs with intent to deliver to another person).</p>	<ol style="list-style-type: none"> 1. Notify parents. 2. Police will be contacted. 3. Interim suspension⁹. 4. A recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education. 	<p>Follow same procedures as outlined for first offense.</p>
<p>In case of a question concerning the possession or type of drug in use, an analysis will be obtained before a suspension is imposed.</p>		

GRADES 6 AND ABOVE

OFFENSE	FIRST OFFENSE
Student to student physical assault ¹⁷	<ol style="list-style-type: none"> 1. Notify parents. 2. Notify police, if appropriate. 3. Conference with principal/teacher and parties concerned (police, parent, student). 4. Involve appropriate student services (psychologist, school social worker, attendance officer, juvenile authorities, etc.) 5. Interim suspension⁹ and recommendation to Board of Education OR DESIGNEE for SUSPENSION OR expulsion up to 180 days. 6. Institute legal action against the parents for damages caused by their son/daughter if appropriate ⁷.
Verbal assaults, bomb threats, similar threats	<ol style="list-style-type: none"> 1. Notify parents. 2. Notify police, if appropriate. 3. Conference with principal (police, parent, student). 4. Involve appropriate student services (psychologist, school social worker, attendance officer, juvenile authorities, etc.) 5. Interim suspension⁹ and recommendation to Board of Education OR DESIGNEE for SUSPENSION OR expulsion FOR A PERIOD OF TIME AS DETERMINED BY THE BOARD OR ITS DESIGNEE. 6. Institute legal action against the parents for damages caused by their son/daughter if appropriate ⁷.

GRADES 6 AND ABOVE

OFFENSE	FIRST OFFENSE
Student to school employee or contractor or volunteer physical assault ¹⁶	<ol style="list-style-type: none"><li data-bbox="394 269 586 293">1. Notify parents.<li data-bbox="394 326 724 350">2. Notify police, if appropriate.<li data-bbox="394 383 963 440">3. Conference with principal/teacher and parties concerned (police, parent, student).<li data-bbox="394 472 963 553">4. Involve appropriate student services (psychologist, school social worker, attendance officer, juvenile authorities, etc.)<li data-bbox="394 586 963 667">5. Interim suspension⁹ and recommendation to Board of Education OR DESIGNEE for permanent expulsion.<li data-bbox="394 699 963 751">6. Institute legal action against the parents for damages caused by their son/daughter if appropriate⁷

BUS CONDUCT

Conduct of students riding school buses will be regulated and acceptable discipline will be maintained. When a discipline problem arises on a bus, the bus driver will prepare a written report regarding the actions of the student violator. The "Bus Conduct Report" will be submitted to the Coordinator of Transportation. He/she will sign the report and submit it to the student's principal. In case of a serious offense, the Coordinator will notify the principal by phone that a written report on one of his/her students will follow.

The Transportation Department will be responsible for preparing and sending four (4) "Bus Conduct Report" copies to the principal, while retaining one (1) copy for the Transportation Department. Principal will notify the parent(s) or guardian of the student's misconduct by sending a copy of the discipline report and/or by telephoning the parent(s) or guardian. Principals will investigate by setting up conferences with concerned parties in order to determine the facts. The Coordinator of Transportation and the bus driver will be available for conferences.

When final disposition is made in the case – relative to the CODE OF STUDENT CONDUCT regulations – the principal will inform the Coordinator of Transportation as to what action was taken. In order to expedite this, the principal will complete the bottom portion of the "Bus Conduct Report". When the Coordinator of Transportation receives the disposition report, he/she will inform the bus driver of the action taken by giving the bus driver a completed copy of the discipline report. Both the principal and the Coordinator of Transportation will maintain a discipline file on cases brought for action.

TO THE PARENTS OF CHILDREN RIDING SCHOOL BUSES

The rules and regulations which follow are the result of careful study and based upon the experiences we have had in the operation of a school bus system. Transporting students to and from school and on field trips is becoming more complex each year. The number of students to be transported is constantly increasing, and traffic is changing rapidly. In order to ensure maximum safety to those riding school buses, it is necessary that students and parents or guardian cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

Students in the Coloma school district are provided with the safest equipment possible. Drivers are trained not only in operating procedures, but in many related areas as well. However, to ensure maximum safety there are certain practices which must be followed by each bus rider. Parents should be willing to read these rules and cooperate in seeing that their children are given instructions relative to their responsibilities.

BUS RIDER RULES AND REGULATIONS

The “Uniform Code of Discipline” CODE OF STUDENT CONDUCT for the Coloma school district will be utilized in all discipline reports. Students must obey drivers promptly as they are in full charge of buses and students while in transit.

STUDENTS MUST:

1. Be on time at designated bus stops. Buses cannot wait for tardy students.
2. Obey the driver’s suggestions cheerfully. Help the driver assure safety at all times.
3. Expect to walk one-half or up to one mile to a bus stop.
4. Stay off roadway while waiting for the bus. Form a line to get on the bus.
5. Cross in front of the bus when crossing road or highway, **NOT IN BACK OF BUS.**
6. Wait until the bus has come to a complete stop before attempting to enter or leave the bus. Remain seated while the bus is in motion. Enter or leave the bus only at the front door, except in the case of an emergency.
7. Do not leave the bus, except at home or school. No unscheduled stops will be made except those authorized by the Coordinator of Transportation or a school administrator.
8. Occupy any seat assigned by the driver. Keep feet out of aisles, off seats, and backs of seats.
9. When conditions require, sit three in a seat by filling back seats first.
10. Hold musical instruments. Do not leave them in aisles or at the front or rear emergency door.
11. Sit erect with feet on the floor.
12. Keep head, arms, and hands inside the bus.
13. Observe classroom conduct. Avoid unnecessary disturbing noises. The driver should not be distracted while the bus is in motion. Do not shout at passing persons or vehicles.
14. Be courteous! Use no profane or vulgar language.
15. Help keep bus clean. Do not chew gum, eat, or drink beverages. **NO SMOKING IS ALLOWED ON THE BUS.**
16. Be considerate of others, especially small children.
17. Inform driver when absence is expected from school.
18. Report any bus damage you observe to the driver. Damage or vandalism will result in payment for the damages and a suspension of bus riding privileges.

ALSO, STUDENTS.....

19. Who are unauthorized riders are not allowed to ride school buses.
20. Are not to reserve seats for fellow students.
20. **FIGHTING – PUSHING – SHOVING** or other rowdy behavior will not be tolerated.

**STUDENT SCHOOL BUS CONDUCT
ELEMENTARY AND SECONDARY LEVELS**

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
<p>Aggressive behavior that results in physical contact with school personnel.</p>	<ol style="list-style-type: none"> 1. Conference² with principal, student, and other concerned parties. 2. Notify parents immediately. 3. A three (3) day suspension of bus riding privileges may be imposed. 4. If appropriate, a recommendation for expulsion may be sent to the Superintendent for presentation to the Board of Education. 	<ol style="list-style-type: none"> 1. Notify parents immediately. Principal will hold a conference² with parents, student, and other concerned parties. 2. Bus riding privileges may be suspended. 3. If a student strikes school personnel, a recommendation for expulsion may be sent to the Superintendent for presentation to the Board of Education.

STUDENT SCHOOL BUS CONDUCT ELEMENTARY AND SECONDARY LEVELS

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
<p>Forgery of I.D. card; Theft – under \$100.00; Defacing or damaging school property – under \$100.00 Smoking or possession of tobacco products on the school bus. Gambling; Littering and eating on the school bus; Misuse of the emergency door; or, Being an unauthorized rider.</p> <p>Defiance of Authority¹² shall consist of (but not be limited to) the following: Profanity¹³ Insolence¹⁴ Obscene signs, gestures, or behavior; Use of excessive noise; or Refusal to stay in seat on the bus.</p>	<p>1. Notify parents.</p> <p>2. Conference² with principal, student, and other concerned parties.</p> <p>3. A three (3) day suspension of bus riding privileges may be imposed.</p> <p>4. Institute legal action against parents for damages caused by their son/daughter, if appropriate⁷.</p>	<p>1. Notify parents immediately. Principal will hold a conference² with parents, student, and other concerned parties.</p> <p>2. A three (3) day suspension of bus riding privileges shall be imposed.</p> <p>3. For continued offenses, it may be necessary to revoke bus riding privileges for the balance of the semester.</p>

**STUDENT SCHOOL BUS CONDUCT
ELEMENTARY AND SECONDARY LEVELS**

OFFENSE	FIRST OFFENSE	REPEAT OFFENSE
Arson;	The offenses listed and marked with an asterisk () shall immediately result in an interim suspension ⁹ and a recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.	1. Notify parents immediately.
*Assault with a weapon directed to a fellow student or staff member; or		2. Notify police immediately.
*Criminal sexual conduct		3. Conference ² of principal and parties concerned (police, parents, and student).
Pyrotechnics ¹ ;		4. Bus riding privileges shall be revoked.
Possession of weapons ¹¹ ;		5. If appropriate, a petition to the Court may be filed by the principal regarding the criminal act. Payment for destruction of property will be requested. ⁷
Destruction of school property over \$100.00		6. A recommendation for expulsion shall be sent to the Superintendent for presentation to the Board of Education.
Theft – over \$100.00; or		7. Interim Suspension ⁹
Extortion of money or property		4. A suspension of bus riding privileges and a recommendation for expulsion may be sent to the Superintendent for presentation Board of Education.
		5. Institute legal action against the parents for damages caused by their son/daughter, if appropriate. ⁷
Loitering by unauthorized persons on the bus lot, at bus stops, or on the bus.	1. Ask person to leave the premises. 2. Refer immediately to police if necessary.	Follow same procedures as outlined for the first offense.

NOTE: See page 28 relevant to new legislation pertaining to verbal assaults, bomb threats, similar threats and physical assaults.

Recent State and Federal laws require that schools adopt policies dealing with sexual harassment, weapons, arson and rape effective January 1, 1995. In compliance with these laws the School Board of Coloma has adopted policies addressing these areas. A summary statement about each of these policies is set forth below. Copies of complete policies distributed with this code book.

WEAPONS FREE SCHOOL ZONE

Federal and State law requires that any student found in violation of the Weapons Free School Zone, to include the commission of arson and rape, is to be expelled from school. Expulsions mandated under this policy shall be imposed in accordance with the procedures for student discipline as established by the respective school district and as set forth in the student handbook/Uniform Code of Discipline or other appropriate documents. ("Weapons Free School Zone" means school property and/or a vehicle used by the school to transport students to or from school property.)

Weapons Policy

The Board of Education, as both an employer and a public School District, is concerned with and interested in protecting the health, safety, and welfare of students, employees, and visitors. The Board recognizes that school buildings, facilities, vehicles, grounds and other school property are best utilized in the education process free of individuals possessing weapons and/or dangerous weapons and threats to physical well-being and safety.

Accordingly, the Board of Education (or the Superintendent, a principal or other District official as may be designated by the Board) shall permanently expel a student from attending school in the School District, if the student possesses a weapon in a weapon free school zone. Such expulsion is not required if the student establishes, in a clear and convincing manner, at least one of the following.

- 1) That 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 the instrument possessed by the student constituted a weapon or dangerous weapon; or
- 4) That the weapon was possessed by the student at the suggestion, request, or direction of, or with the express permission of school or police authorities.

Expulsions mandated under this policy shall be imposed in accordance with the procedures for student discipline as established by the School District and as set forth in the Student Handbook or other appropriate documents.

Recordation and Referral:

All expulsions pursuant to this policy shall be entered and preserved on the student's individual permanent record. This information shall be disseminated, as part of a student's permanent record, to any other public or private (primary or secondary) school where the expelled student seeks to enroll and where this District is requested, or otherwise required, to forward or release records to that institution

The School District shall immediately report any incident involving the possession of a weapon or dangerous weapon on school property, in writing, to the student's

parent or legal guardian (if the student is unemancipated) and to the local law enforcement agency.

The School District shall, within three days of expulsion, refer the expelled student to the appropriate County Department of Social Services or County Community Mental Health agency. The School District shall also notify the individual's parent or legal guardian or (if the individual is at least 18 years old or otherwise legally emancipated) notify the expelled student of the referral. The School District shall report to a local law enforcement agency any individual whose conduct is believed to violate state or federal laws establishing weapon-free or gun-free school zones.

Petitions for Reinstatement:

Students expelled pursuant to this policy (or their parent or legal guardian if the student is unemancipated) may petition the Board of this School district for reinstatement to school. An individual expelled for possessing a firearm or threatening another person with a dangerous weapon who was in grade 5 or below when expelled may petition for reinstatement at any time after the expiration of 60 school days subsequent to the date of expulsion. Individuals enrolled in grade 5 or below at the time of expulsion and who were expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon, may petition for reinstatement at any time after the date of expulsion. Individuals who were in grade 6 or above at the time of expulsion may petition for reinstatement at any time after the expiration of 150 school days subsequent to the date of expulsion. The School District will make available the proper forms to those who wish to petition for reinstatement. The petitioner shall provide an authorization and release for the Board of Education and its designated committee to request, receive and review all student records and student record information maintained by any public or private school which the petitioning student has attended. If such records are already in the possession of this District, the parent/guardian or student (if emancipated) shall furnish written authorization for review of same by the committee and Board of Education members.

Upon receipt of a petition for reinstatement, the District shall do the following;

- 1) Not later than 10 school days after receiving a petition for reinstatement, the School Board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian (if the expelled student is unemancipated) or from the expelled student;
- 2) The committee shall consist of two School Board members, one school administrator, one teacher, and one parent of a student attending this School District.
- 3) The Superintendent of the School District may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.
- 4) Not later than 10 school days after all members are appointed, the committee shall review the petition and any supporting information, including any information provided by the School District, and shall submit a recommendation to the School Board on the issue of reinstatement.
- 5) The recommendation of the committee shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement;

6) The superintendent shall be allowed to attend meetings of the committee appointed by this Board of Education when considering petitions for reinstatement.

Criteria for Reinstatement;

The designated committee and this Board of Education shall consider at least the following factors when a petition for reinstatement is submitted;

- 1) Whether the reinstatement would create a risk of harm to other students or school personnel;
- 2) Whether reinstatement would create a risk of School District or individual liability for the School Board or School District personnel;
- 3) The age and maturity of the individual;
- 4) The individual's school record before the incident that caused the expulsion;
- 5) The individual's attitude concerning the incident that caused the expulsion;
- 6) The individual's behavior since expulsion and the prospects for remediation of the individual;
- 7) The degree of cooperation and support for the individuals' parent or guardian (if the petition was filed by a parent or guardian) as well as any support which may be expected from a parent or guardian, if the expelled student is reinstated.

Petitions for reinstatement from students expelled by the Board of Education of another School District shall not be processed if that student has not first submitted a petition for reinstatement to the expelling Board. This School District will only consider reinstatement, to the extent required by law, upon receiving written verification of the denial of the student's petition for reinstatement by the expelling Board.

Conditions of Reinstatement:

The School Board may require an expelled student (and if the petition was filed by a parent or legal guardian, the parent or legal guardian) to agree in writing to specific conditions before reinstating the student. These conditions may include, but are not limited to:

- 1) Signing a behavior contract;
- 2) Participation in or completion of an Anger Management Program or other appropriate counseling (at the expelled student's expense);
- 3) Periodic progress reviews; and
- 4) Specific immediate consequences for failure to abide by any conditions of reinstatement.

Reinstatement:

If the School District decides to reinstate an expelled student, individuals who were in grade 5 or below at the time of the expulsion and who were expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days subsequent to the date of expulsion, unless a longer period of expulsion is required pursuant to the Federal Gun Free Schools Act. For students in grade 5 and below who have violated the Federal Gun Free Schools Act and who are accordingly subject to mandatory one-year expulsion, the Superintendent may submit his or her own recommendation

to the Board of Education, in conjunction with the designated committee's recommendation, to modify the one-year expulsion requirement (on a care-by-case basis) to a period of time not less than 90 school days. Individuals in grade 5 or below at the time of expulsion who were expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days subsequent to the date of expulsion. Individuals in grade 6 or above at the time of expulsion shall not be reinstated before the expiration of 180 school days (one legal school year) after the date of the expulsion.

Application to Students With Disabilities:

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special education programs, services and/or accommodations under Section 504 of the Rehabilitation Act.

Definition:

“Weapon” or “dangerous weapon” includes; a firearm; gun; revolver; pistol; dagger; dirk; stiletto; knife with a blade over 3 inches in length, pocket knife opened by a mechanical device; iron bar; or brass knuckles.

“Weapon Free School Zone” means school property and/or a vehicle used by the school to transport students to or from school property.

“School Property” means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

“Firearm” means (a) a weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by an explosive, or by gas or air; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer, or (d) any destructive device, including explosives, incendiaries, poison gas, or any weapon which will (or may readily be converted to) expel a projectile by the action of an explosive or other propellant. For purposes of application and enforcement of this policy, a BB gun is considered to be a “firearm”.

Legal References **MCL 380.1311, 380.1313, 750.82, 750.237a, 20 U.S.C. § 3351 and 18 U.S.C. § 921.**

Sexual Harassment and Intimidation Policy Objective

Sexual harassment is unlawful under both Michigan and federal law and is contrary to the commitment of this District to provide an effective learning environment. The District policy prohibits sexual harassment of students, employees, Board members, volunteers, contractors or applicants for employment by students, employees, Board members, volunteers, or contractor. The District will not tolerate sexually harassing behavior as defined by law and/or by District policy, false reports of sexual harassment, or retaliation against persons reporting allegations of sexual harassment or cooperation in the investigation of such complaints.

All administrators and supervisory personnel are responsible for eliminating any and all forms of sex harassment and intimidation of which they are, or reasonably should be aware. The District does not discriminate on the basis of sex in the educational programs or activities which it operates and is required by Title IX of the Education Amendments of 1972 and implementing regulations as well as other applicable statutes) not to discriminate in such a manner.

Definition of Sexual Harassment

“Sexual harassment” is prohibited and is defined as:

- A) Unwelcome sexual advances; or
- B) Requests for sexual favors; or
- C) Other verbal or physical conduct or communication of an intimidating, hostile, or offensive sexual nature when:
 - 1) Submission to such conduct or communication is made either explicitly or implicitly a term or condition of employment or application, or of a student’s educational status, receipt of educational benefits or services, or participation in school activities; or
 - 2) Submission to or rejection of such conduct or communication by an individual is used, explicitly or implicitly, as a basis for decisions affecting employment, a student’s education status, receipt of educational benefits or services, or participation in school activities; or
 - 3) Such conduct or communication has the purpose or effect of unreasonably interfering with employment, a student’s education, or creating an intimidating, hostile, or offensive employment or educational environment.

Forms of Prohibited Sexual Harassment

Prohibited forms of sexual harassment include, but are not limited to:

- A) Verbal – Sexual innuendoes, suggestive comments, rumors, or jokes of a sexual nature, sexual propositions, threats or promises of preferential treatment in return for sexual favors. Suggestions or demands for sexual involvement that are accompanied by implicit or explicit threats concerning employment or a student’s educational status (including grades, graduation, participation in curricular or extracurricular activities, or other school-related matters).
- B) Nonverbal – Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, whistling, or obscene gestures. Use of District equipment or facilities to reproduce or disseminate sexual cartoons, jokes or other objects or pictures is prohibited.
- C) Physical – Unwanted and/or unwelcome physical contact of a sexual nature, including, but not limited to, touching, patting, pinching, brushing against, coerced sexual intercourse, assault or other unwelcome sexual acts.

Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee or student has indicated, by his or her conduct, that it is unwelcome.

Any person protected by this policy (e.g., employee, student) who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

The District prohibits any and all conduct of a sexual nature directed toward students by teachers, employees, Board members, volunteers, or contractors and shall presume that any such conduct is unwelcome, regardless of whether or not any individual student indicates that the sexual conduct is unwelcome.

Penalties

All employees, Board members, students, volunteers, and contractors of the District are required to comply with this policy. Appropriate disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken against persons who violate this policy.

A) Discipline imposed upon students for violation of this policy may include suspension or expulsion, depending upon the nature and severity of the offense. Sexual harassment under the policy may also be regarded and punished as violation of other rules of student conduct prohibiting assault, battery, threats, fighting, intimidation and/or other misconduct.

B) Discipline imposed upon an employee for violation of this policy may include warning, written reprimand, transfer, suspension, or dismissal depending upon the nature and severity of the offense. Where an employee is covered by a collective bargaining agreement, discipline shall be assessed according to the procedures and standards contained therein.

C) Volunteers and contractors violating this policy shall be subject to exclusion from school facilities, programs, and activities. The District reserves the right to discontinue any contracted services or commercial relationship with any contractor, vendor, or other service provider found to have violated this policy.

D) Discipline imposed upon Board members for violations of this policy may include removal from Board offices (where authorized by law), written notice of censure or other appropriate action.

E) When appropriate, referral for criminal investigation and prosecution will be made.

Sexual Harassment Complaint Procedure

A) A student, employee, Board member, volunteer, or contractor ("complainant") who believes that he/she has been subjected to sexual harassment should report the allegations immediately to one of the district's identified/appointed complaint monitors. Complainants are encouraged to report any conduct, statements, or physical contact which they reasonably believe to be in violation of this policy.

1) If a complainant has concerns regarding the nature of any conduct, statements, or physical contacts by any district employee, Board member, volunteer, contractor, or student, such concerns should be reported and should be discussed with the complainant's parent or guardian if the complainant is a student.

2) Under no circumstance is the complainant required to either notify the alleged offender that he/she has filed a complaint or to report the complaint to the alleged offender.

3) Employees, Board members, volunteers, or contractors with a reason to believe sexual harassment of a student is occurring have a duty to promptly report to a designated Monitor the circumstances involving the suspected harassment. Failure to report suspected sexual

harassment of a student may give rise to discipline and/or the imposition of penalties provided in this policy.

4) Failure of an employee, Board member, volunteer or contractor to whom the sexual harassment has been reported or observed, to notify a designated Monitor of the known circumstances pertaining to the harassment, may give rise to discipline and/or the imposition of (as well as other applicable statutes) not to discriminate in such a manner penalties provided in this policy.

B) Complaints of sexual harassment shall be promptly and thoroughly investigated by the District. Complaints of sexual harassment will be treated as confidentially as possible, recognizing the potential need to:

1) Notify the alleged perpetrator of the facts relative to the claimed violation;

2) Where the student is an unemancipated minor, notify the parent or guardian of the student;

3) Make reports required by law, including but not limited to, reports required under the Michigan Child Protection Act;

4) Protect the privacy of the alleged victim of harassment and others, including witnesses, as well as the privacy rights of alleged offender; and,

5) Comply with state and federal law and the standards of any relevant collective bargaining agreements or individual contracts of employment.

C) The District will conduct a fair, thorough, impartial, and timely investigation of the allegation(s) presented in a complaint. The investigation will consider the nature of the alleged activity and the context in which the alleged activity occurred. An investigation will normally include conferring with the parties involved, as well as any named or possible witnesses.

1) Where a complaint under this policy is made against a Board member or the Superintendent, the District shall retain outside counsel to perform any investigating duties specified in this policy and to report to the Board the findings of the investigation. Counsel shall be appointed by the Board and shall not be an attorney or law firm which provides legal representation or services to the District on other matters.

D) It shall be considered a violation of this policy for any person to coerce, intimidate, discriminate, or retaliate against any person filing a complaint and/or assisting in the investigation of a complaint of sexual harassment. Such misconduct may result in discipline. A complainant who knowingly files a false complaint, or an individual who knowingly provides or knows false information has been provided during such an investigation or review and fails to report such information to the District-designated investigator or a designated Monitor, shall be subject to discipline.

(E) The Superintendent (or designee) may take such disciplinary and/or remedial action as is consistent with this policy, other District policies and regulations, and any relevant collective bargaining agreement or individual employment contract, where a complaint is substantiated.

If the Superintendent (or designee) determines that the complaint is valid prompt attention and action designed to stop the harassment immediately and to prevent its recurrence will be taken. Where it is determined that either the Superintendent or a Board member has violated the policy, referral

of the matter shall be made to the Board of Education.

Depending upon the nature of the sexual harassment, the Superintendent or Monitor may attempt to seek a resolution acceptable to the complainant and the individual against whom the complaint was filed. This shall not limit the District's discretion to take action it deems appropriate. The District considers sexual harassment to be a major offense which can result in disciplinary action.

F) All investigations of complaints made pursuant to this policy shall be concluded with written findings, regardless of whether a complaint is factually substantiated. Such findings shall be maintained in a separate confidential file. The complainant (his/her parent or guardian if an unemancipated minor) and the person against who the complaint is made shall, upon request, be allowed an opportunity to review the content of the report.

G) School personnel receiving or processing complaints of alleged sexual harassment by school employees or volunteers which complainant maintain that a student has been the victim of sexual abuse, sexual contact, penetration or of sexual exploitation shall immediately report such complaint to the Department of Social Services in accordance with School Policy and the Child Protection Act and to the appropriate building administrator.

H) All involved parties including the complainant, the individual against whom the complaint was filed and witnesses shall be notified of the involved parties' rights to confidentiality and disciplinary action.

Dissemination and Distribution of Policy

This policy shall be included as part of all student handbooks approved by the Board.

This policy shall also be annually distributed to all members of the Board of Education, employees, volunteers, and contractors of the District, as well as to all labor organizations representing District employees.

Any inquiries regarding the obligations of the district under Title IX of the Education Amendments of 1972 may also be forwarded to the Director of the Office of Civil Rights of the United States Department of Education.

Legal Reference

- Title IX of the Education Amendments of 1972; 20 USC 1681, et seq.
- 34 CFR Part 106 • Nondiscrimination of the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance
- 45 CFR Part 86

COLOMA COMMUNITY SCHOOLS
BOARD OF EDUCATION
2010-2011

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