



B E R K L E Y S C H O O L S

Student Code of Conduct

Assuring a Safe Place to Learn

Inspire. Empower. Lead.

Letter from the Superintendent

Dear Student, Parent or Guardian:

The teamwork of caring parents, community members, and school staff plays a large role in our students' success. To that end, we created this booklet to communicate our school rules, school board policy, and the "safe schools" legislation. We have subtitled our Student Code of Conduct "*Assuring a Safe Place to Learn*" because *learning* is the purpose for school rules and regulations. Providing a caring, safe, and orderly learning environment is our first order of business. As with any community, we all must live by certain rules that provide for safety while allowing us to also enjoy our individual rights.

A public school is governed by federal and state laws and local policy developed by the Board of Education. The Berkley Schools Board of Education takes very seriously the sound reputation this school district enjoys for providing a quality education for its students. Accordingly, administrators and staff are committed to providing appropriate learning opportunities for all students by upholding law and policy.

Students who respect school rules make a powerful contribution to their own learning experiences and those of others. Students who violate school rules must face corrective action administered by their teacher(s) or administrator(s), depending on the violation. Students whose violations are the most extreme may face permanent expulsion.

This Student Code of Conduct describes the rights and responsibilities of students in the Berkley School District, as well as the consequences for violating the rules. I encourage you to become familiar with its contents.

Parents and Guardians, please talk with your child(ren) regarding their responsibility for contributing to a safe school environment. We hope this book will provide you with a guide as you talk together. If you have any questions or concerns regarding the Code of Conduct, please feel free to contact your building administrator. Together, we can ensure that Berkley is a great place to learn.

Sincerely,

Scott Francis
Superintendent

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Student Code of Conduct: Assuring a Safe Place to Learn

I. Introduction

A. Purposes of the Student Code of Conduct

While students in Michigan have a right to a public education, that right is conditioned on compliance with the Berkley School District Student Code of Conduct. It is the responsibility of the Berkley Board of Education and its staff to establish a safe and orderly climate for classroom learning, to uphold and protect the authority of administrators and teachers, and to ensure that no student is arbitrarily denied the right to an education.

Reasonable standards of conduct are required of all students. It is the responsibility of each student to behave in a manner that does not threaten, interfere with, or deprive other students of their right to an education.

The purposes then, of this Student Code of Conduct, are to:

- provide for the rights and responsibilities of all students,
- provide regulations governing the behavior of students and
- prevent actions or activities which interfere with the school program and/or are prohibited by law.

B. School Jurisdiction

The Student Code of Conduct provides that offenses are prohibited by this policy whenever they occur on school grounds, on school-related vehicles, during school-sponsored field trips, when connected with school-related events and activities whether on or off school grounds and when students are en route to or from school or school-related activities. The Student Code of Conduct also applies to offenses committed by students who attend the Center for Advanced Studies and the Arts (CASA), International Academy (IA), or Oakland Schools Technical Campuses (OSTC). The Student Code of Conduct complies with applicable legal standards and will be reviewed and updated as appropriate.

A student's off-premise behavior may be subject to corrective action covered by this Student Code of Conduct. Each off-premise incident must be treated individually. Consideration will be given to the student's proximity to the school during the incident, the length of time elapsed since the student was on school premises, whether there is a connection to an on-premise altercation or confrontation, whether the student stopped at a residence, restaurant or store on the way home, whether there could be potential disruption in school, and whether the student has returned to the custody of their parents/guardian. A student who engages in unacceptable conduct will be subject to appropriate disciplinary procedures.

Each staff member employed by the Berkley School District is required to implement and

enforce the Student Code of Conduct. Whenever an employee discovers a student engaging in unacceptable conduct, they must take prompt action. Prompt action may include directly addressing the student, seeking the assistance of other staff persons and/or reporting the incident to an administrator.

It is the responsibility of all students and their parents/guardians to become familiar with the Student Code of Conduct. The Berkley School District will post the Student Code of Conduct on its website and make hard copies available upon request.

II. Student Responsibilities

A. Participation

Students have the responsibility to participate fully in the learning process. Students must report to school and to all scheduled classes on time with appropriate supplies and be prepared to work. Students are expected to pay attention to instruction, complete all assignments to the best of their ability and request help when it is needed.

B. Behavior

Students have the responsibility to reasonably avoid any behavior that is detrimental to the achievement of their own or to other students' educational goals. Students must cooperate in maintaining reasonable care of books and other instructional materials, and encourage a climate where learning is valued. Most particularly, students must refrain from engaging in behavior that violates the provisions of the Student Code of Conduct.

C. Respect for staff

Students have the responsibility to show respect for the knowledge and the authority of school staff. Students must obey reasonable directions, use only acceptable and courteous language, avoid actions that show contempt, and appeal decisions through the channels as described in this Student Code of Conduct.

D. Respect for students

Students have the responsibility to show respect for the rights and dignity of other students. For example, students must refrain from name-calling, fighting, harassment, bullying or engaging in deliberate attempts to embarrass or harm another student.

E. Appropriate use of facilities and technology

Students are expected to use school facilities and technology in a manner consistent with the educational goals of the school. All students are required to review and sign the District's Acceptable Use Policy. Misuse of facilities or technology is unacceptable conduct which will subject the student to disciplinary procedures.

III. Student Responsibilities and Limitations

A. Student expression

School District administrators and teachers may exercise control over, or otherwise limit, student expression that may be reasonably attributed to the School District by the general public, parents/guardians or students for any legitimate educational reason. Additionally, student expression that occurs on school premises, or has a nexus with the School District or District-related activities, may be controlled, or otherwise limited, in order to avoid material and substantial interference with school work, student discipline, the rights of others, or the proper functioning of the educational process.

Students are not to engage in slanderous, libelous, obscene or personal attacks on individuals or groups, defamation of character, commercial solicitations, or the distribution of materials of a racial, ethnic, sexual or religious nature that are likely to result in disruption, nor materials that otherwise endanger the health and safety of people or threaten to disrupt the educational process. Further, written expressions must bear the name of the circulator and must have the permission of administration to be circulated during school hours.

B. Search and seizure

From time to time, school property (such as lockers and desks) is assigned to a student. However, students do not acquire a reasonable expectation of privacy in such property. The District reserves the unrestricted right to search school property assigned to a student at any time, for any reason, with or without notice to the student.

The principal or designee is authorized during the search to seize any items which are illegal or which violate policy or school rules. Searches can include asking students to present illegal or prohibited articles, requesting a student to empty their pockets, or examining clothing or personal property.

Pat-down searches may be conducted, but should be limited to searches for illegal items. Whenever possible, pat-down searches should be conducted out of the presence of other students, by a person of the same sex and in the presence of a second staff member.

When the student refuses to permit a search and there is reasonable suspicion that a student is in possession of an illegal and dangerous item, the student will be detained by administrative staff, reported to the police and suspended on an emergency basis.

Parking on school property is a privilege. Parking is available to licensed student drivers who consent, in advance, to the search of their vehicle parked on school property when school officials have reason to suspect contraband may be found in the vehicle.

District personnel may, to the full extent permitted by law, search students and seize their personal effects. Illegal items and items inappropriate in the educational environment may be

confiscated by District personnel and, when appropriate, delivered to police.

C. Police investigations and arrests

The District's practice is to cooperate with local authorities in the interest of the welfare of all citizens and the school community. Parents will be notified if police arrest or question students in school. The timing of parental notification will depend on the circumstances taken as a whole.

D. Transportation

Parking on school property is a privilege. Licensed student drivers must have prior authorization from the school to park their vehicles on school property. Authorization is obtained by completing a parking registration form and paying the designated fee. Failure to comply with the school's parking regulations may result in the loss of parking privileges, as well as other disciplinary consequences.

A student who rides district sponsored transportation must abide by the driver's direction and the Student Code of Conduct or face the loss of transportation privileges.

E. Interscholastic athletics

Student participation in interscholastic athletics is a privilege, not a right. Student athletes are subject to additional discipline policies as outlined in the Athletic Code of Conduct.

F. Student identification

Every high school student will be issued a student identification card. While the student is on school premises or school-related activities, the student ID card must be produced upon request by any school official. The student may also be required to show their ID card in order to be admitted to certain after-school functions. Failure to produce the ID card upon demand may result in disciplinary action.

G. Acceptable use of technology and network policy

The School District encourages and promotes the educational use of technology in our schools. To ensure that students, staff and parents take full advantage of the technologies available, all users of technology in the School District must have proper authorization and adhere to District policies. All use of technology is a privilege, not a right, and must be in support and consistent with the purposes and stated goals of the School District. The School District does not provide express, implied or inherent warranties for technological resources. Furthermore, the School District reserves the right to monitor any and all network activity including e-mails.

H. Student dress

Students have the right to express their own individuality in their clothing, provided that such dress does not conflict with the standards for the proper attire expected of all students in the school. Principals are authorized to develop appropriate guidelines for students' attire.

IV. Unacceptable Conduct/Disciplinary Step System

Berkley School District students may not endanger or threaten to endanger the safety of others, damage property, or impede the orderly conduct of the school program while at school or at a school-related activity on or off school grounds (e.g., a field trip or home or away athletic contest), in a school-related vehicle, or en route to or from school. Corrective action will be determined by the administration, in its discretion, in accordance with the severity of the offense, a review of the facts and/or special circumstances. The disciplinary steps listed below may be followed in the administration of disciplinary action.

A. Purpose of disciplinary steps

1. Provide consistency in the administration of disciplinary action
2. Provide for clearly stated, advance knowledge to all students, parents/guardians and staff members of the course of action to be taken in handling disciplinary matters
3. Provide a program that is progressive (moderate to most severe action)

Because no two situations are exactly alike, administrators will use their best judgment in determining the appropriate disciplinary procedures based on the circumstances of the situation, including mitigating and exacerbating factors.

B. Conditions for step administration

1. Placement on the step system will be proportionate to the severity of the misconduct.
2. Once a student is placed on the disciplinary step system, the student may, at administrative discretion, move to succeeding steps for each subsequent occurrence of misconduct. Movement on the steps will be at administrative discretion and proportionate to the severity of the misconduct. Administrators may also take into account the frequency of student's misconduct when placing them on the steps. The steps indicated below are for a first offense.
3. The student's placement on the step system shall be reduced one step for each consecutive forty-five (45) school days at the high school level, and thirty (30) school days at the elementary and middle school levels, without misconduct requiring disciplinary action as described in this policy.
4. With the start of a new school year, students who were placed on the step system in the prior year may remain on the step system or they may return without steps at the administrator's discretion. However, penalties to be served resulting from the prior school year step placement will be served within the first two (2) week period of the new school year.

C. Description of disciplinary steps

- STEP 1 Administrative conference with the student to include reviewing the disciplinary policy and procedure and notification that the next infraction of rules may result in action on at least the 2nd step.
- STEP 2 Student/parent/guardian/administrative conference
- STEP 3 One school day (short term) suspension

- STEP 4 Three school days (short-term) suspension
- STEP 5 Five school days (short-term) suspension
- STEP 6 Ten school days (short-term) suspension
- STEP 7* Long-term suspension (over 10 school days) and/or recommendation for expulsion for misconduct not including possession of dangerous weapon, arson, criminal sexual conduct or physical assault against district employees, students, volunteers, or contractors
- STEP 8* Expulsion for possession of dangerous weapon, arson or criminal sexual conduct or physical assault against district employees, students, volunteers, or contractors as required by Michigan law, gross misdemeanor or persistent disobedience, as required by the Michigan Revised School Code.

D. Acts of misconduct reported to law enforcement

School officials will report to law enforcement acts of student misconduct as required by law and as deemed appropriate.

E. Acts of misconduct for suspension and/or expulsion

The Board of Education hereby establishes the following categories of misconduct, which may result in suspension or expulsion from the Berkley School District. These categories are generally descriptive of the most obvious types of misconduct and are not to be construed as an exclusive list or as a limitation upon the authority of school officials to deal appropriately with these or any other types of conduct which interfere with the good order of the school system, or the proper functioning of the educational process.

1. Failure to cooperate

A student shall not refuse to cooperate with School District administrators or teaching staff investigating a possible violation of this Code of Conduct or building rules. No student shall make false statements or give false evidence to School District administrators or teaching staff. A student shall not refuse to testify or otherwise cooperate with School District personnel in any disciplinary proceeding.

Elementary	Middle School	High School
Step 1-3	Step 1-3	Step 1-3

2. False Allegations

A student shall not libel, slander or make false allegations against another student, School District employee (including substitute and student teachers), Board of Education members or volunteers.

Elementary	Middle School	High School
Step 1-3	Step 1-3	Step 1-3

3. Insubordination

A student shall at all times comply with directives issued by school personnel.

Elementary	Middle School	High School
Step 1-3	Step 1-3	Step 1-5

4. Defiance

A student shall not exhibit defiance of the authority of a staff member.

Elementary	Middle School	High School
Step 2	Step 2-3	Step 2-6

5. Gross Misdemeanor

A willful or malicious act of detriment to the school. The conduct must be gross, something more than a petty or trivial offense against the rules.

Elementary	Middle School	High School
Step 8	Step 8	Step 8

6. Persistent Disobedience

Persistent in disobedience of the proper and reasonable rules and regulations of the school.

Elementary	Middle School	High School
Step 8	Step 8	Step 8

7. Disruption of School

A student shall not, by any type of conduct (violence, force, noise, coercion, threat, intimidation, fear, passive resistance, etc.), cause the disruption or obstruction of any function of the school, nor shall he or she engage in any such conduct if such disruption or obstruction is reasonably likely to result. Neither shall a student urge other students to engage in such conduct for the purpose of causing such disruption or obstruction.

Elementary	Middle School	High School
Step 2-3	Step 2-3	Step 2-6

8. Unauthorized entry, trespassing, loitering

Law enforcement authorities may be notified in cases of this misconduct.

Elementary	Middle School	High School
Step 1-3	Step 1-3	Step 2-5

Forced Entry

Elementary	Middle School	High School
Step 3-8	Step 3-8	Step 3-8

9. Larceny/petty theft

- a. Any theft of money or personal or public property less than \$5.00 value.

Elementary	Middle School	High School
Step 2-3	Step 2-3	Step 2-3

- b. Any theft of money or personal or public property of \$5.00 or more value and/or any theft involving unlawful entry, including lockers, desks, etc. Law enforcement authorities may be notified in cases of this misconduct.

Elementary	Middle School	High School
Step 3-6	Step 3-6	Step 3-6

- c. Possession of stolen property having a value of less than \$5.00 with the return of property or restitution provided if damaged. Law enforcement officials may be notified.

Elementary	Middle School	High School
Step 2-3	Step 2-3	Step 2-3

- d. Possession of stolen property having a value of more than \$5.00 with return of property or restitution provided if damaged. Law enforcement officials may be notified.

Elementary	Middle School	High School
Step 3-6	Step 3-6	Step 3-6

- e. Sale or purchase of stolen property, including the purchase of items markedly below normal retail prices. The student is responsible for knowing the source of the purchased property.

Elementary	Middle School	High School
Step 3-6	Step 3-6	Step 3-6

10. Coercion, Extortion or Blackmail

A student shall not commit or attempt to commit extortion, coercion or blackmail. A student shall not engage in the act of securing or attempting to secure money, other items of value, property and/or favors by the use of threats and/or violence, nor shall a student, by threats and/or violence, force another person to perform an unwilling act. Law enforcement authorities may be notified in cases of this misconduct.

Elementary	Middle School	High School
Step 1-4	Step 1-4	Step 2-6

11. Gambling

Playing or betting on a game of chance, a contest or other event with the hope of gaining some personal or financial advantage.

Elementary	Middle School	High School
Step 1-3	Step 2-3	Step 3-4

12. Offensive speech/displays

A student shall not use speech, communication, or displays which disrupt the orderly conduct of the educational process. Law enforcement authorities may be notified in cases of misconduct.

- a. **Indecency.** The act of offending commonly recognized standards of good taste, including the use of vulgar acts, obscenities, gestures, or inappropriate displays of affection or sexual contact, or symbols.
- b. **Illegal messages, displays** which advocate or glamorize behavior which is illegal or inappropriate for students, such as alcohol, drugs, tobacco use or gang affiliation.
- c. **Display, possession, distribution, sharing** of any drawings, graphics, video, printed material of an obscene nature, etc.

Incidental, not specifically directed toward another person.

Elementary	Middle School	High School
Step 1-3	Step 1-3	Step 2-4

Directed toward another person, which has the tendency to disrupt the orderly conduct of the educational process.

Elementary	Middle School	High School
Step 1-3	Step 1-4	Step 2-6

13. Verbal Threat

Verbal threats against students, district employees, volunteers or contractors. Any threat of bodily harm, coupled with an apparent immediate ability to commit harm, and which puts a person in a reasonable apprehension of such bodily harm.

Elementary	Middle School	High School
Step 2-7	Step 8	Step 8

14. Harassment

Harassment defined as verbal, physical, or written behavior which:

- a. Intimidates/bullies individuals or groups on any basis including race, ethnic background, religion, gender, sexual orientation, national origin, physical or cognitive disability
- b. Involves an expressed or implied threat to personal safety
- c. Has the effect of interfering with an individual’s participation in school activities
- d. Involves sexual advances or requests for sexual favors, or other verbal or nonverbal sexual innuendoes or obscene gestures
- e. Creates an intimidating, hostile, or offensive school environment which would adversely affect either the performance or psychological well-being of a student

Elementary	Middle School	High School
Step 1-4	Step 1-7	Step 2-7

15. Fighting

The act of physical bullying or quarreling, including bodily contact, in and on school property, going to and from school, including any activity under school sponsorship, i.e., dances, athletic events, field trips, etc. Law enforcement may be notified in cases of fighting.

Physical assault against another student – intentionally causing or attempting to cause physical harm to another through force or violence.

- a. **Incitement** – the act of inciting or prompting others to action.

Elementary	Middle School	High School
Step 1-3	Step 1-5	Step 2-7

- b. **Spontaneous incident** – if one student initiates physical contact and the other student does not respond with physical contact, the second student does not have to be placed on the step system.

Elementary	Middle School	High School
Step 1-3	Step 2-7	Step 2-7

- c. **Planned, prearranged fight**

Elementary	Middle School	High School
Step 4	Step 4-7	Step 4-7

- d. **Gang fighting – three (3) or more students involved in the same fight.**

Elementary	Middle School	High School
Step 5	Step 5-7	Step 5-7

16. Possession or use of fireworks, explosives and chemical substances

A student shall not possess, handle or transmit any substance or prepared chemical that can explode, is capable of inflicting bodily injury or is reasonably likely to cause physical discomfort to another person. Law enforcement authorities may be notified in cases of this misconduct.

Elementary	Middle School	High School
Step 2-7	Step 2-7	Step 2-7

Possession or use of matches or lighters

Elementary	Middle School	High School
Step 1-3	Step 2-3	Step 2-4

17. Possession of drug paraphernalia

Elementary	Middle School	High School
Step 2-4	Step 2-7	Step 2-7

18. Criminal Acts

A student shall not commit or participate in any conduct or act defined as a crime by federal or state law or local ordinance.

Elementary	Middle School	High School
Step 2-7	Step 2-7	Step 2-7

19. Alcohol/tobacco/chemical substances

A student shall not manufacture, sell, handle, possess, use, deliver, transmit or be under any degree of influence (legal intoxication not required) of any alcoholic beverage, tobacco product, or intoxicant of any kind. A student shall not inhale glue, aerosol paint, lighter fluid, reproduction fluid or other chemical substance for the purpose of becoming intoxicated or under the influence (legal intoxication not required).

Elementary	Middle School	High School
Step 2-7	Step 2-7	Step 2-7

20. Drugs, narcotic drugs and counterfeit substances

A student shall not manufacture, sell, handle, possess, use, deliver, transfer or be under any degree of influence (legal intoxication not required) of any drug, narcotic drug, marijuana, hallucinogen, stimulant, depressant, controlled substance, counterfeit substance or a controlled substance analogue intended for human consumption. A student shall not deliver or transfer, or attempt to sell, deliver or transfer, any prescription or non-prescription drug, medicine, vitamin or chemical substance (e.g., pain relievers, stimulants, diet pills, pep pills, No-Doze pills, cough medicines, laxatives, stomach or digestive remedies), nor shall a student use or possess these substances for an improper purpose.

A student shall not sell or represent a legal substance as an illegal or controlled substance (e.g., selling No-Doze as “speed” or “crack”) or sell, manufacture, possess, use, deliver or transfer “designer” or “look-alike” drugs.

Elementary	Middle School	High School
Step 2-7	Step 2-7	Step 2-7

21. Negligence

Damage to the school or personal property through carelessness or inappropriate behavior. Restitution must be made in addition to the following:

Elementary	Middle School	High School
Step 1-4	Step 2-4	Step 2-5

22. Vandalism

Damage to the school or personal property through vandalism or defacing. Law enforcement authorities may be notified in this misconduct. Restitution must be made in addition to the following:

Elementary	Middle School	High School
Step 1-7	Step 2-7	Step 2-7

23. Forgery

The act of fraudulently using, in writing or verbally, the name of another person, or falsifying times, dates, grades, address, absences or other data pertaining to the school.

Elementary	Middle School	High School
Step 1-4	Step 1-5	Step 2-7

24. Cheating/Plagiarism

A student shall not engage in academic cheating. Cheating includes, but is not limited to, the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. A student shall not engage in plagiarism, which includes the copying of language, structure, idea and/or thought of another and representing it as one's original work. Students may also receive no credit or failure on that particular academic task.

Elementary	Middle School	High School
Step 1-4	Step 1-5	Step 2-4

25. Bomb Threats and other similar threats.

The act of making a threat to use explosive devices to cause harm to a school building, school property or other school-related event. Law enforcement authorities will be notified in cases of this misconduct.

Elementary	Middle School	High School
Step 5-7	Step 7	Step 7

26. Fire Alarms

Tampering with a fire alarm box or system or fire fighting equipment.

Elementary	Middle School	High School
Step 1-4	Step 3-7	Step 5-7

Intentionally setting off a false fire alarm. A student shall not knowingly cause a fire alarm or make a false fire, bomb or catastrophe report. Law enforcement authorities may be notified in cases of this misconduct.

Elementary	Middle School	High School
Step 3-4	Step 5-7	Step 6-7

27. Cell Phone/Communication/Electronic Devices.

Students may possess a cellular phone or other communication/electronic device, but may only use said device in accordance with the regulations issued by the building administrator. The regulations are designed to ensure an orderly educational environment and may differ by grade level.

Students are prohibited from using or possessing active (i.e., turned on) electronic communication devices (e.g., pager, cellular telephone, etc.) on school premises from the beginning until the end of the instructional day, including passing times, lunch times (except high school) and after school detention. Students are also prohibited from openly possessing inactive electronic communication devices from the beginning until the end of the instructional day and such devices shall be stored in the student’s backpack, locker, purse, etc. Student use and possession of active electronic communication devices before and after the instructional day shall be limited to areas designated in writing by school administration. By bringing in such devices, parents, guardians and students are consenting to search of contents of devices by school personnel.

Laser pointers – Students are prohibited from possessing or using laser pointers on school premises and at school-related activities without the express permission of school administration.

Violation of Acceptable Use Policy – A student shall not violate or attempt to violate the Acceptable Use of Technology Policy. Violation of the Policy may result in a loss of access privileges, technology privileges or computer usage and may result in other disciplinary or legal actions, including restitution.

Elementary	Middle School	High School
Step 1-2	Step 1-2	Step 2-5

Electronic tampering. Any unauthorized use, misuse or access of any of the school district’s electronic equipment including, but not limited to, voice and video equipment, computers or use of the internet. Reference will be made to the Berkley School District Acceptable Technology Use Agreement and classroom rules which may apply in cases of this misconduct.

For all levels of violations, restitution and repair or replacement of damaged property and/or removal of computer privileges as well as possible loss of credit for the course are possible.

Elementary	Middle School	High School
Step 1-5	Step 2-7	Step 2-7

- a. Connection of any non-authorized device to hardware or the network.

Elementary	Middle School	High School
Step 1-3	Step 2-4	Step 3-5

- b. Downloading and uploading of software/programs without staff authorization.

Elementary	Middle School	High School
Step 1-2	Step 2-4	Step 2-5

c. Engaging in any activity which potentially or intentionally compromises network security.

Elementary	Middle School	High School
Step 3-4	Step 3-7	Step 5-7

28. Weapons

Possession or use of weapons, not defined under Section F-1, in a school building, on school premises or in a vehicle used to transport students to or from school property. The term weapons shall mean any object or instrument intended to inflict injury or physical harm upon the person of another, or the use of which may result in pain or suffering. The term weapons shall also include a facsimile of objects or instruments which are weapons. The term weapons shall additionally include an object or instrument which is not in and of itself a weapon as defined above, but where the possession or use of same is coupled with an intent by a student to inflict injury or harm upon another person.

Look-a-Like Weapons – A student shall not possess, handle or transmit any object or instrument that is a “look-a-like” weapon or instrument (e.g., starter pistol, rubber knife, toy gun, etc.).

Personal Protection Devices – A student shall not possess, handle or transmit a personal protection device (e.g., pepper gas, mace, stun gun, electric shock device, etc.) capable of inflicting bodily injury or causing physical discomfort to another person.

Elementary	Middle School	High School
Step 2-7	Step 3-7	Step 3-7

29. Sexting

Students are prohibited from engaging in acts of sexting. Sexting is defined as the act of students electronically transmitting or receiving and retaining nude, partially nude, lewd, sexually explicit, or graphic images of themselves or others. Sexting also includes graphic or sexually explicit text or email messages. Electronic transmission may take place through a variety of mediums, including, but not limited to, cellular phones, social networking websites, e-mail, iPods, and pagers. Sexting images and videos may constitute child pornography. Creating, possessing, or transmitting sexting images may be a criminal offense subject to criminal prosecution. Students who engage in sexting may be referred to police and/or other agencies. Students will be subject to discipline for sexting which occurs outside of school if there is a reasonable likelihood that the sexting will cause, or has caused, a material and/or substantial disruption at school.

Elementary	Middle School	High School
Step 2-7	Step 2-7	Step 2-7

30. Cyber-bullying

Students are prohibited from engaging in cyber-bullying. Cyber-bullying is defined as intimidation or assaults towards a student, teacher, district employee, volunteer, contractor or other school personnel through electronic means. Cyber-bullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures/images, or web site postings including blogs. Sending threatening messages through electronic means may be a felony offense subject to criminal prosecution. Students who engage in cyber-bullying may be referred to police and/or other agencies. Students will be subject to discipline for cyber-bullying which occurs outside of school if there is a reasonable likelihood that the cyber-bullying will cause, or has caused, a material and/or substantial disruption at school.

Elementary	Middle School	High School
Step 2-7	Step 2-7	Step 2-7

31. Hazing

Any intentional, knowing, or reckless act meant to induce physical pain, embarrassment, humiliation, deprivation of rights or that creates physical or mental discomfort, and is directed against a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization, club, or athletic team sponsored by the District and whose membership is totally or predominantly other students from the District.

Elementary	Middle School	High School
Step 2-7	Step 2-7	Step 2-7

32. Infraction of school rules not covered by any of the above items.

Elementary	Middle School	High School
Step 1-7	Step 1-7	Step 1-7

F. Acts of student misconduct resulting in expulsion

Pursuant to state and federal law, the Board of Education established the following categories of misconduct which will result in expulsion from the Berkley School District. The student will be subject to discipline if the misconduct occurs on school premises, at a school activity or event (regardless of its location) or on a school-related vehicle.*

1. Possession or use of dangerous weapon

The term "dangerous weapon" shall mean a firearm (including a starter gun) or any device which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive. Any destructive device or any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device, a dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, an iron bar or

brass knuckles or any other weapon as set forth in 18 USC Section 921.

Elementary	Middle School	High School
Step 8	Step 8	Step 8

2. Arson

Elementary	Middle School	High School
Step 8	Step 8	Step 8

3. Criminal sexual conduct

Elementary	Middle School	High School
Step 8	Step 8	Step 8

4. Physical assault

Physical assault against school district employees, students, volunteers or contractors – intentionally causing or attempting to cause physical harm to another through force or violence.

Elementary	Middle School	High School
Step 8	Step 8	Step 8

V. Disciplinary Procedures

A. Corrective measures

As appropriate, school officials will take the necessary action to assist the student with behavior modification through the use of corrective measures, which may include but not be limited to:

1. Counseling by school personnel
2. Parent/guardian conference
3. Referral to counselor/social worker/Youth Assistance/community agent
4. Referral to a building special services team for evaluation
5. Placement on the Step System
6. Recommend a health examination and evaluation
7. Recommend services of outside agencies, public or private
8. Detention by an individual teacher, or administrator
9. Behavioral management plans/behavioral contracts
10. Involvement in a school intervention program, if available

NOTE: This list is neither exhaustive of all administrative remedies, nor is it rank ordered.

B. Loss of activity privileges

Participation in all extra-curricular activities is a privilege and not a right. This privilege is afforded to those students who demonstrate proper behavior both in school and at events.

1. Building administrators may suspend students from participating in or being present at extracurricular activities.
2. Sponsors of activities, including coaches, have full authority to determine who shall be participants in a given situation and they may remove a student from a given activity on the basis of predetermined rules.
3. Students under suspension shall not enter school property without prior permission from school authorities.
4. Students under suspension shall not participate in or be present at school functions, whether held at home or away.
5. Nothing in this policy is intended to limit a teacher or sponsor in exercising authority requiring a student to leave a particular activity when that student's behavior violates Board policies or school rules. A report of misconduct of such a student and the action taken by the teacher or sponsor shall be reported to the appropriate school administrator no later than the beginning of the next school day.

C. Due process procedures for suspension and expulsion

1. Short-term suspension

AUTHORITY

A principal or designee has the authority to impose a short-term suspension up to ten (10) school days when there is reasonable cause to believe that there has been misconduct.

PROCEDURE

- The student must be informed of the charges that serve as the basis for the possible suspension or other corrective action.
- The student has the right to present information supporting their defense to the principal or designee who will decide whether corrective action is warranted.
- The student's parent or guardian shall be notified as soon as possible if the student is temporarily suspended from school or retained after school.
- The principal or designee may impose a suspension not to exceed ten (10) school days.

2. Long-term suspension (beyond 10 school days)/expulsion*

AUTHORITY

The superintendent or designee has the authority to impose a long-term suspension/expulsion based upon a finding of misconduct.

PROCEDURE

- Upon the conclusion of an investigation of the charges, if the administrator determines that the student has engaged in misconduct which merits the imposition of a long-term suspension/expulsion, the investigator shall recommend, in writing, to the superintendent or designee that the student be so disciplined, identifying the basis upon which their recommendation is founded.

- The superintendent or designee shall schedule a hearing. The hearing shall take place within ten (10) school days following the commencement of the student's suspension.
- At a hearing before the superintendent or designee, evidence in support of the charges shall be presented. The superintendent or designee shall not be bound by formal rules of evidence and may limit disclosure of the identity of students providing information relative to the charges in accordance with statutes and case law concerning student discipline proceedings. The student may be represented by counsel (at the student's own expense) and may present witnesses on their behalf. Following the conclusion of the evidence and within ten (10) school days following the commencement of the student's suspension, the superintendent or designee shall render a verbal decision to be followed by a written decision. Appeal is to the Board of Education.
- If the student and/or parent or guardian elect to have an appeal before the Board of Education on the decision, the hearing shall be convened in open or closed session, as selected by the student and/or parent or guardian. The hearing shall be based on the record created before the superintendent or designee and no additional evidence will be considered absent exceptional circumstances. At the conclusion of the appeal, the Board of Education shall deliberate and may, if the hearing is in closed session, do so in private. Following such deliberations, the Board of Education shall, through an appropriate resolution adopted by a majority vote of its members, either modify the decision or uphold the long-term suspension/expulsion.

*Prior to suspending or expelling a student for any statutorily mandated reason, the Superintendent or Designee shall consider the following factors:

- A. the student's age
- B. the student's disciplinary history
- C. whether the student has a disability
- D. the seriousness of the violation or behavior
- E. whether the violation or behavior committed by the student threatened the safety of any student or staff member
- F. whether restorative practices will be used to address the violation
- G. whether a lesser intervention would properly address the violation or behavior

D. Expulsion

The permanent denial of the right of the student to attend any school or program operated by the School District.

The Michigan law provides that students may be expelled by the District for gross misconduct or persistent disobedience. It also provides that students **must** be expelled for certain misbehavior including possession of dangerous weapons, arson or rape. Further, students who are in grade 6 or above must be expelled if they assault another student or a school employee, volunteer or contractor.

Depending on the offense, an expulsion may mean permanent denial of a student's right to

attend **any** public school in the state, denial of a student's right to attend school in the District for more than 180 days, or denial of a student's right to attend school in the District for up to 180 days.

Expulsion applies to students who:

- commit arson or criminal sexual conduct on district property, in a district vehicle or at a district-related activity
- possess a dangerous weapon on district property, in a district vehicle or at a district-related activity
- are in grade 6 and above and commit a physical* or verbal** assault against a school employee, volunteer or contractor on district property, in a district vehicle or at a district-related activity
- are in grade 6 and above and commit a physical assault* against another student at school or
- are in grade 6 and above and make bomb threats or other similar threats directed at a school
- building or other school property are subject to expulsion proceedings consistent with the student's due process rights and state and federal laws

* **Physical assault means** intentionally causing or attempting to cause physical harm to another through force or violence.

** **Verbal assault means** any willful spoken threat to inflict physical injury on another person, under circumstances which creates a reasonable fear of imminent injury, coupled with the apparent ability to inflict injury.

The superintendent or designee will notify criminal justice, mental health, or other agencies of expulsions, as may be required by law or otherwise appropriate.

VI. School Attendance

A successful school experience begins with good attendance habits. The school, parents, guardians and students work together to assure that all students maximize their attendance and participation in school. When a student's attendance is unacceptable, or when students have patterns of unauthorized absences, the District will take appropriate action which may range from oral or written communication to the affected student and/or parents and guardians, to suspensions, court referrals or other appropriate steps.

A. Guidelines

The following guidelines have been established with the Michigan Compulsory School Attendance Laws:

1. Absences from school should be for valid reasons such as illness, legal business, funerals, religious obligations and/or medical appointments.
2. Permission may be granted for students to accompany parents and guardians on trips. Requests to have students released from school are to be made in writing to the principal

or assistant principal. Secondary school students and elementary parents are responsible for making prior arrangements for completing all class work. Teachers must be given ample time to prepare the work.

3. Suspension for disciplinary reasons shall be considered as a school controlled absence. Those days are excused.
4. School activities, such as field trips, student council meetings, etc., are excused and will not be counted as absences from school. Such activities are encouraged but not mandatory. Students are required to complete missed class work. Students who do not participate in the requested activity may be required to attend school on the given day or days of the activity.
5. Students must obtain permission from the high school student services center or middle and elementary school offices prior to leaving school during the school day. Parents and guardians will be notified should it be necessary for the student to leave due to illness. Leaving without permission will result in an unexcused absence.
6. Parents and guardians are required to report absences by calling the attendance phone number provided by the student's school. The call is to be placed on the day of the student's absence giving the student's name, grade and the reason for the absence. The attendance phone lines are open 24 hours per day, seven (7) days a week.
7. If no parent or guardian call is received, the absence is considered unexcused. The absence remains unexcused until the parent or guardian contacts the school to have the absence classified as excused.
8. As provided in state law, the school must determine whether or not an absence is valid and may require documentation regarding the reason(s) for absence.
9. A student is tardy if they are not in the classroom or designated area when the tone sounds. A tardy of more than ten (10) minutes may be recorded as an absence.
10. Any student with excessive absences may be referred to the Oakland County Juvenile Court.
11. Action will be taken to correct serious attendance problems posed by individual students. The timing of such action will be determined by the seriousness of the problem.
12. Skipping school is not permitted under any circumstances.
13. With the exception of leaving school premises during the lunch hour, students are expected to be in a supervised location at all times during the school day.
14. Habitual tardiness and/or absences may be seen as persistent disobedience which is an expellable offense.

B. Elementary and middle school attendance requirements

1. Parents and guardians are to notify the school if the student is absent and indicate the reason. If the school is not contacted, the parent or guardian will be called to verify the absence. If no parent or guardian call is received within 24 hours, the absence is unexcused. It remains unexcused unless official documentation, on letterhead, is provided. Official documentation includes a letter from a physician, court, etc.

Absence/Tardy Excuse

Students will be required to establish a valid reason for absence and/or tardiness from school or class. Methods for establishing valid reasons include:

- a note or phone call from a parent/guardian
 - a pass from a staff member
 - a statement from a doctor
 - a copy of documents for court appearances, etc.
2. If a student is absent/tardy three (3) or more days in a week, a doctor's note may be required.
 3. Parents or guardians will be notified, in person or by registered mail, of excessive absences with the date and time of a meeting to resolve attendance problems and to develop a plan to correct such problem.

Absences/tardies will be considered excessive under the following conditions:

- Five (5) or more excused or unexcused absences/tardies during a ten-week period
- Ten (10) or more excused or unexcused absences/tardies during a semester
- Twenty (20) or more absences/tardies during a school year

C. High School Attendance Requirements

1. The State of Michigan School Code requires that students' high school transcripts contain "the number of school days the pupil was in attendance at school each year during high school and the total number of school days in session for each of those school years." MCL 380.1279g(4)(b).
2. It is the right of the school to request documentation of doctor's appointments, court dates, funerals, etc. Ten (10) parent or guardian phone calls are allowed per class; subsequent absences must be excused in writing by a professional on letterhead.

D. Responsibilities for required attendance

1. Students will:
 - attend all classes on time each day.
 - follow local school attendance procedures.
 - present proper excuses in writing for all absences at the request of administration.
 - be responsible for requesting make-up assignments for absences.
 - confer with parents, guardians and school staff regarding personal concerns due to absences.
2. Parents/guardians will:
 - be responsible for the student's regular attendance.

- notify the school within 24 hours of when the student is absent.
 - contact the school on a regular basis about the student's attendance and academic progress and cooperate and support the school in enforcing the attendance rules and regulations.
3. Administrators will:
- provide leadership for (a) the implementation of the attendance regulations (b) establish effective daily and follow-through attendance procedures (c) continue evaluation and improvement of these procedures and (d) maintain accurate statistical attendance reports.
 - supervise staff in the performance of school attendance procedures.
 - counsel and confer with teachers on classroom management as it relates to attendance.
 - supervise the accurate recording of daily attendance reports from classroom, homeroom, or record room teachers on official school forms.
 - supervise the maintenance of accurate membership lists.
 - provide supportive services to students who are exhibiting attendance problems.
 - supervise the referral of chronic attendance problems to the attendance office or administrator.
4. Other staff members will:
- accurately check, record, report and follow up on attendance in each assignment (class, homeroom and special duty) daily in the specified record, roll book or online product.
 - cooperate with attendance personnel, counselors, unit heads, students and parents and guardians in developing and implementing programs designed to stimulate good attendance.
 - inform students about school and class absence and tardiness policies.
 - notify parents and guardians when students exhibit an attendance problem and maintain a record of such notices.
 - refer chronic attendance problems to the attendance office.

E. Supportive Services

Truancy from school and/or class may result in supportive services being provided by the school. These supportive services may include one or more of the following if available:

- Conference with the teacher
- Referral to the attendance office
- Conference with parent or guardian
- Referral to the counselor
- Referral to social worker or psychological services
- Referral to an alternative education program
- Referral to an outside agency
- Suspension as outlined in the Student Code of Conduct

- Referral to District Court
- Others not listed

It shall be the policy of the Berkley School District not to discriminate on the basis of race, creed, color, national origin, age, sex, sexual orientation, marital status or handicapped status in educational programs, activities or services.