

MEMPHIS COMMUNITY SCHOOLS

UNIFORM CODE OF CONDUCT

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SUBJECT: MEMPHIS COMMUNITY SCHOOLS UNIFORM CODE OF CONDUCT

The Memphis Community School District is committed to the development of each student's potential for learning in a positive and orderly school environment. Students, parents/guardians and staff must assume a responsible role in promoting behavior that encourages learning and develops individual potential. School must be free of disruptions that interfere with teaching, learning and extracurricular activities. Just as discipline procedures are necessary in order to protect the rights of each member of the school community, effective student discipline can only be achieved through cooperation and shared commitment among that community, including but not limited to students, parents/guardians and staff.

The Student Code of Conduct is an official declaration of the policy of the Memphis Community Schools, which authorizes disciplinary action, including suspension and expulsion of students who do not behave in an acceptable manner. Provisions in the Student Code of Conduct apply to all students. Differences in age and maturity are recognized and will be considered.

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

1. When students are traveling to or from school or a school-sponsored activity, including bus transportation.
2. When students are in or on property of the school district.
3. When students are in attendance at any school-sponsored activity, regardless of its location.
4. Regardless of date of incident or location, where the result of a student's conduct would create a substantial risk of disruption to the educational process or an orderly school environment.
5. When students are using school telecommunication networks, accounts or other services.

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

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

NOTICE

The Board of Education of the Memphis Community Schools complies with the regulations of Title IX of the Education Act Amendments of 1972. No student will be discriminated against on the basis of sex in any district-sponsored curricular or co-curricular program offering as stipulated in Title IX. All Student grievances filed in relation to this policy will follow the appeal approach as outlined in the *Uniform Code of Student Conduct*.

The Board of Education of the Memphis Community Schools also complies with the regulations of Title VI, Section 504. In accordance with Title VI, Section 504, no student will be discriminated against on the basis of race, sex, or handicap in any district-sponsored curricular or co-curricular program offering. All student grievances filed in relation to this policy will follow the appeal approach as outlined in the *Uniform Code of Student Conduct*.

**ARTICLE A
RIGHTS AND RESPONSIBILITIES**

1. ACCESS TO STAFF AND FACILITIES

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

2. FORMULATION AND EXPRESSION OF IDEAS

- **Rights:** Every student has the right to form, hold and express his or her own ideas and beliefs. The encouragement of this right requires that each student be permitted to disclose or express an idea in the proper educational setting without penalty, embarrassment or any reflection in academic evaluation. The administration and faculty of each school have the obligation to maintain such an environment and one that is favorable to studying and learning.
- **Responsibilities:** By accepting this right to form, hold and express an idea in the proper educational setting, the student accepts corresponding responsibility to follow reasonable (see pages 3 & 4) rules of expression designed to protect the rights of others in the educational setting.

3. USE OF EDUCATIONAL RESOURCES

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

4. DISTRIBUTION OR POSTING OF WRITTEN MATERIALS

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

RULES REGARDING DISTRIBUTION AND POSTING OF WRITTEN MATERIALS

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

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

5. SCHOOL-SPONSORED PUBLICATIONS

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

RULES REGARDING SCHOOL-SPONSORED PUBLICATIONS

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

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

- (2) Within five school days after receipt of the written explanation from the building principal, the principal's decision may be appealed in writing to the Superintendent who may affirm, reverse or modify the action of the building principal. The reasons for such action will be provided the student in writing within five school days of receipt of the appeal.

6. STUDENT MEETINGS AND GATHERINGS

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

RULES REGARDING STUDENT MEETINGS AND GATHERINGS

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

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

7. PERSONAL PROPERTY WHICH MAY BE BROUGHT ON SCHOOL PREMISES AND PRIVACY OF LOCKERS, DESKS, PERSONS, AND AUTOMOBILES

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

RULES REGARDING SEARCH OF STUDENT LOCKERS, DESKS, AND AUTOMOBILES

- a. The following guideline will apply to the opening of school lockers or desks by school administrators for general upkeep and cleanliness:
 - (1) School lockers or desks will be assigned to students by the school administration. This assignment is given with the understanding that periodic checks will be made by school personnel for the purpose of general upkeep and cleanliness.
 - (2) Items that belong to the school and items which may adversely affect the health or safety of others may be removed from the locker or desks.

b. Search of lockers, desks, persons and automobiles for illegal or unauthorized materials:

- (1) To maintain order and discipline in the schools, and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers, desks and student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.
- (2) A student's refusal to permit searches and seizures, as provided in this policy, will be considered grounds for disciplinary action, and will result in an immediate notification to the appropriate police agency.
- (3) Personal Searches – A student's person and/or personal effects (e.g., purse, book bag, jacket, pockets, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials.

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

- (4) Locker or Desk Searches – Student lockers and desks are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and desks. An inspection of lockers and desks may be conducted by school authorities at any time without notice and without student consent when there is reasonable suspicion to believe the illegal or unauthorized materials are or have been contained in the locker or desks. Whenever possible, a locker or desk search will be conducted with the student and another staff member present.
- (5) Automobile Searches – Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable grounds to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice and without student consent.

- c. Seizure of Illegal or Unauthorized Materials – If a properly conducted search yields illegal or contraband materials, such findings may be used in school disciplinary proceedings and may be turned over to proper legal authorities for ultimate disposition.

8. RIGHT TO APPROPRIATE DRESS AND APPEARANCE

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

- Potentially Dangerous Items – Chains, pointed rings, metal spikes, clothing or attire restricting physical movement.

- Distracting or Disruptive Items – Clothing that exposes or draws unusual attention to breasts, buttocks, or genitals; styles that expose undergarments; bizarre clothing, grooming or attire that focuses attention on a student or group of students at the expense of learning, such as nightwear or beachwear. Students must wear shoes for both safety and sanitary reasons.
- Contrary to District Policy – Clothing that advertises or promotes smoking, alcohol, or the illegal use of drugs; clothing reasonably likely to be perceived as promoting racial, ethnic, or religious discrimination, intolerance or gang activity; clothing reasonably likely to be perceived as advertising or promoting illegal behavior; clothing with sexual content or reasonably likely to be perceived as obscene, lewd, vulgar, or plainly offensive.

9. STUDENT EXERCISE OF RIGHTS AND PRIVILEGES

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

10. GENERAL LIMITATIONS

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

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

**ARTICLE B
PROHIBITED BEHAVIOR**

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

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

A student who has engaged in misconduct resulting in expulsion or long-term suspension in another school system, or who has withdrawn from said school system before such misconduct was established by an appropriate hearing, which misconduct, if true, is of sufficient gravity to pose a threat to the health or welfare of students or district personnel, or makes the presence of the student in the school disruptive to the

educational process, may be subject to suspension or expulsion where such misconduct has been established in a hearing before the Superintendent (or designee).

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

Four Levels of the Student Code of Conduct

The four (4) levels of violations on the following pages are not all-inclusive, but only representative and illustrative. A student who commits an act of misconduct that is not listed is also subject to disciplinary action. If a disabled student violates this Code, additional guidelines may be followed under relevant laws.

Level I Violations

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

Abuse of Technology	Violating Technology Use Guidelines
Academic Misconduct	Plagiarizing, cheating, gaining unauthorized access to or tampering with educational materials.
Chronic Lack of Supplies	Repeatedly reporting to class lacking necessary materials such as books, physical education attire, technology education class supplies, etc.
Disruptive Behavior	Disregarding school rules or policies, or behaving in a manner which disrupts or interferes with educational activities, including bullying, teasing, taunting or harassing.
Inappropriate Display of Affection	Kissing, embracing or engaging in affectionate activity that exceeds standards of good taste and common decency.
Inappropriate Physical Contact	Physical contact, or aggressive behavior, that could result in unintentional injury to another person.
Inappropriate Dress and Grooming	Dressing and grooming in a manner which disrupts the educational process or is detrimental to the health, safety and welfare of others.
Possession of Inappropriate Personal Property	Possessing or carrying personal property prohibited by school rules or otherwise disruptive to the teaching and learning of others, including but not limited to: food, beverages, pornographic or obscene material, personal entertainment devices, electronic pagers, radios, cassette players, compact disc players, cell phones, i-pods, MP3 players, communication devices including interactive hand held computing devices or laser lights. Certain devices may be permitted if approved by the Board or its designee.

Leaving without Permission	Students are prohibited from leaving the campus, school, classroom, cafeteria or assigned area without permission.
Tardiness	Failing to be in a place of instruction at the assigned time without a valid excuse.
Truancy	Failing to report to class or school without prior permission, knowledge or excuse by the school or parent/guardian

School Response to Level I Violations

Staff may use intervention strategies such as teacher/student conferences, auxiliary staff/student intervention and teacher/parent/guardian contacts. Any of the following intervention strategies and disciplinary actions may be used, subject to mandatory sanctions or notification to police required by state law:

- Administrator/student conference or reprimand.
- Administrator/parent/guardian contact.
- Referrals and conferences involving various support staff or agencies.
- Daily/weekly progress reports.
- Behavioral contracts.
- Change in student's class schedule.
- School service assignment.
- Confiscation of inappropriate item.
- Restitution/restoration.
- Before, or after, school detention.
- Saturday detention.
- In-school suspension.
- Other intervention strategies as needed.
- Out-of -school suspension (short-term) from one (1) to (10) days as outlined in Due Process Procedures (see Page ____).
- Loss of credit on the assignment.
- Loss of credit for the class.

Level II Violations

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

Abuse of Technology	Violating Technology Use Guidelines.
Assault	Physically or verbally threatening with intent to harm or place a person in imminent danger; harmful or offensive contact without that person's consent.
Battery	Intentional physical contact without consent or after consent is withdrawn.
Failure to Serve Assigned Detention	Failing to serve an assigned detention for which students and/or parents/guardians have been notified.
Fighting	Engaging in aggressive, physical conflict.
Forgery/Giving False Information	Intentionally misrepresenting information to school district personnel, such as giving false information when enrolling.
Gambling	Playing or assisting in any unlicensed or unauthorized game of skill or chance for money or anything of value or possessing gambling paraphernalia or materials.
Gang Activity	<p><i>Gang</i> means a group of two (2) or more person's whose activities include the commission of illegal acts or violations of school rules or policies.</p> <p><i>Gang related</i> means any object, gesture or action that may reasonably be perceived or is generally considered by any student, teacher or administrator to be evidence of membership in, or affiliation with any gang.</p> <p>A student shall not wear or possess any clothing, jewelry, symbol or object that is gang related; a student shall not commit any act, verbal or nonverbal (gestures, handshakes, etc.) that is gang related; a student shall not commit any act, verbal or nonverbal, to further the interest of any gang or gang related activity, including, but not limited to: a.) soliciting others for membership in any gang or gang related activity and b.) requesting any person to pay for protection or otherwise intimidating or threatening any person.</p>
Hazing	Intentionally creating peer pressure on another person or, inducting a person into membership in a group, by exacting unnecessary or disagreeable acts from the person, by harassing or by use of abusive or humiliating tricks.

Harassment/Verbal Abuse	Disturbing by pestering or tormenting, including any oral or written intimidation because of, but not limited to a person's race, color, religion, gender or ethnicity.
Inappropriate Use of Motor Vehicle	Driving in an unsafe manner, failing to register one's vehicle, failing to display a parking decal or parking in an unauthorized area.
Insolence	Displaying verbal or nonverbal disrespect toward school personnel or others.
Insubordination/Refusal to Work or Follow Directions	Failing to comply with a reasonable direction or instruction or refusing to identify oneself.
Loitering	Remaining or lingering on school property without a legitimate purpose and/or without proper authority.
Persistent Misbehavior or Serious Level I Violation	Accumulating Level I violations or reclassification of a serious Level I violation.
Personal Threat/Intimidation	Threatening or intending to do bodily harm. Coercing or inciting another to act or refrain from acting.
Possession of Drug Paraphernalia	Possessing drug paraphernalia, such as bong, pipes, etc.
Possession of Tobacco Products	Possessing or using tobacco products, like cigarettes and smokeless tobacco, or possessing a cigarette lighter.
Sexual Harassment	Unwelcome sexual advances, contact, requests for sexual favors or other verbal or physical conduct or communication of a sexual nature.
Theft, Possession or Transfer of Property of Others (Value Less than \$100)	Taking property (value less than \$100) without prior permission. Possessing or transferring property (less than \$100) of another without the consent of the owner.
Trespassing	Entering any school property without proper authority, including while suspended or expelled, or refusing to leave when directed to do so by authorized personnel.
Use of Profanity	Writing, speaking or gesturing in a manner which conveys an offensive, profane or sexually suggestive message.
Vandalism	Intentionally causing damage or disabling school property or the property of others, including damage which can be repaired or replaced at no cost to the school.

School Response to Level II Violations

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

- Any school response to a Level I violation
- Out-of-school suspension (short-term) from one (1) to ten (10) school days as set forth in Due Process Procedures
- Recommendation to the Board of Education or its designees for long-term suspension or expulsion
- Police notification
- Referrals and conferences involving various support staff or agencies
- Denial of driving privileges
- Conflict Resolution

NOTE: Fighting poses an immediate threat to student safety. In most cases, out-of-school suspension is imposed even for a first offense. The length of suspension will depend on severity or repetition.

Level III Violations

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

Aggravated Assault and Battery	Striking or unlawfully touching another person. Inflicting an injury without using a weapon.
Arson	Intentionally starting any fire or combustion.
Bomb Threats	Reporting to school, police or fire personnel, or another person, the presence of a bomb on or near school property without the reasonable belief that a bomb is present.
Breaking and Entering	Breaking and entering any school building, facility, vehicle, property, office, room, storage space or other enclosure without authority to do so.
Disorderly Conduct	Behaving in a violent or grossly inappropriate manner.
Extortion	Utilizing unlawful or otherwise inappropriate means to persuade and/or force another person(s) to act against their will, such as demanding money under the threat of harm.
False Reports	Falsely reporting a fire or crime to school, police or fire officials; setting off a fire alarm without reasonable belief that a fire exists, tampering with any fire safety device or falsely calling a 911 emergency.
Felonious Assault	Using a weapon or other device to threaten another person with bodily injury or to cause injury.

Felony	Being convicted of a felony or, in some cases, being charged with a felony for actions on or off campus.
Persistent Misbehavior or Serious Level I or II Violation	Accumulating Level I or Level II violations or reclassification of a serious Level I or Level II violation.
Possession or concealment of Weapons/Dangerous Instruments or Look-Alikes	Possessing or concealing any kind of weapon or dangerous instrument including but not limited to a gun, knife, metal knuckles, etc. or an instrument made to look like a weapon, such as starter pistol, paintball gun, rubber or toy gun or knife, or possession of personal protection devices such as mace, tear gas, pepper spray, stun guns or electric shock devices.
Possession/Ownership, Use or Under the Influence of Alcohol or Drugs	Possessing, using or being under the influence of regulated, unregulated or controlled substances not prescribed by a physician, including, but not limited to alcoholic beverages, marijuana, inhalants, medicines, intoxicants, drugs, imitation controlled substances or malt beverages labeled as nonalcoholic.
Possession with Intent to Distribute Alcohol/Drugs	Selling, giving away or otherwise transferring to another person any regulated, unregulated or controlled substances including, but not limited to alcoholic beverages, marijuana, intoxicants, drugs, imitation controlled substances or malt beverages labeled as nonalcoholic.
Possession or Use of Fireworks/Explosives	Possessing or using fireworks or explosives.
Reckless Driving	Driving any vehicle in willful and wanton disregard for the safety of person(s) or property on school property or in a school zone.
Robbery	Taking property from a person by force or threat of aggression.
Sexual Assault	A non-consensual and intentional touching of another person's genital area, groin, inner thigh, buttock or breast.
Theft, Possession or Transfer of Property of Others (value \$100 or more)	Taking property (value \$100 or more) without prior permission. Possessing or transferring property (value \$100 or more) of another without the consent of the owner.
Unlawful Interference with School Authorities	Interfering with administration, teachers or other school personnel by threat of force or violence.

School Response to Level III Violations

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

- Police notification
- Recommendation to the Board of Education or its designee for long-term suspension or expulsion
- Any school response to a Level II violation
- Application for placement in Alternative Education Program

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

STUDENT DISCIPLINE – SCHOOL BUS TRANSPORTATION

Since it is very important for the safety of our students while being transported on a school bus, it is the philosophy of the Memphis Community School District that behavior on a bus is an extension of the students conduct in the classroom. Discipline problems on a school bus will be dealt with the “School Response to Level I, II, or III Violations” listed in the Uniform Code of Conduct. In addition the following disciplinary measures may be implemented by the Principal or designee:

Regular Bus Runs:

Any student who is deemed to cause a disturbance on the bus, thereby impairing the safety of other passengers and himself, may be given a Bus Violation Ticket. Tickets will be issued under the following guidelines:

Elementary School

Warning Notice – Parental notification of inappropriate student behavior. Signature of parent required within 24 hour period in order for student to ride on the school bus.

First Ticket – One day off of the school bus, but may result in a period of suspension, depending on the severity of the violation.

Second Ticket – Three school days off of the bus.

Third Ticket – Five school days off of the bus.

At the time of the second or third ticket, either the bus driver or the parent may request a meeting with the parties involved.

If the need arises for a fourth ticket, it will result in no less than ten (10) school days off of the bus, and may result in up to ninety (90) school days off the bus. These suspensions will carry over to the next school year. Parents will be notified before the suspension is enforced.

Junior & Senior High School

Warning Notice – Parental notification of inappropriate student behavior. Signature of parent required within 24 hour period in order for student to ride on the school bus.

First Ticket – Three days off the school bus, but may result in a period of suspension, depending on the severity of the violation.

Second Ticket – Five school days off of the bus.

Third Ticket – ten school days off of the bus.

If the need arises for a fourth ticket, it will result in no less than ten (10) school days off of the bus, and may result in up to ninety (90) school days off the bus. These suspensions will carry over to the next school year. Parents will be notified before the suspension is enforced.

Tec Center Runs

Riding the Tec Center bus is an earned privilege. Proper behavior must be displayed at all times, from all students. A meeting will be held within the first two weeks of school with the students to discuss discipline on the Tec Center bus. A letter requiring student and parent signatures will be issued and returned that will verify knowledge of student discipline procedures.

Same as Junior/Senior High School

When a student is suspended, it will be the parent’s responsibility to transport the student to and from the Tec Center, or ATA Academy.

If in the opinion of an administrator, the severity of the ticket warrants a greater number of days off the bus, then the greater number shall be given. (Example: lighting a match or cigarette, fighting, gross insubordination, etc.) These suspensions will carry over to the next school year. Parents will be notified before the suspension is enforced.

If a student has to be removed from a bus during a run, it will result in an automatic 3 to 5 day out-of-school suspension.

Hearing

Students suspended from the bus are entitled to a hearing within five days of the violation. The hearing will be with the building Principal, Transportation Supervisor, Bus Drive, Union Representative, the Student and his/her parent(s).

ACADEMIC CONDUCT

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

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

Specifically, students should be aware of the following information:

1. **HOMEWORK** – Daily homework assignments should represent reasonable effort on the part of the student. The copying of someone else's work with the intent to misrepresent that assignment is never permissible.
2. **CLOSED BOOK QUIZZES, TESTS AND ASSIGNMENTS** – The results of a quiz or a test should represent only the student's own work. This work must be performed during the testing period without any unauthorized verbal or nonverbal communication or assistance. Specifically, this language prohibits such behavior as looking at another student's papers, unauthorized communication during a testing situation, or having inappropriate material available for use, or securing test information from other students.
3. **OPEN BOOK TESTS** – The same rules apply to open book tests that apply to closed book tests except that teachers will define the specific resources that a student may use.
4. **MAJOR PAPERS, PROJECTS OR TAKE HOME TESTS** – The basic guideline is that a student turns in his or her own work. Thus, plagiarism including purchased, borrowed, or obtained materials is specifically prohibited. Collaboration may be permitted or encouraged by the teacher.
5. **UNAUTHORIZED ACCESS** – Students are prohibited from gaining unauthorized access to test materials through such behavior as going into teacher files and looking through a teacher's desk or securing information from an individual who has taken the test previously.
6. **OTHER SITUATIONS** – Students who provide or receive unauthorized assistance, i.e., papers to be copied, answers to tests, have violated the policy.
7. **TEACHER PRACTICES** - Students have the right to expect the following behavior from teachers:
 - a. At the beginning of the course, each teacher should review with the students the academic expectations and the grading procedures for that course.
 - b. All tests which are given should be actively monitored by a teacher.
 - c. Tests which are given from year to year will be kept under tight security.
 - d. If at all possible, all make-up tests will be proctored.
 - e. Make-up tests may be different from the original test.

PROCEDURE FOR STUDENT INTERNET/ON-LINE SERVICES USER RULES AND AGREEMENT

The Memphis Community School District has the capability of offering Internet Access to its students. Access to the Internet enables students to exchange electronic mail messages with other users and explore thousands of libraries, databases and bulletin boards throughout the world. Use of the Internet and other on-line information services is a privilege extended to students, faculty and staff to enhance learning opportunities. Personal use of email, both sending and receiving, by students during school hours is prohibited.

Although the Internet offers valuable resources and opportunities for learning, some material accessible on-line may be illegal, defamatory, inaccurate or potentially offensive to some people. Use of the Internet and other on-line services in the district is restricted to activities, which support district educational goals and objectives.

The district respects each family's right to decide whether or not to allow their child to apply for access to the Internet and other on-line information services. Parental permission is required for students under the age of 18 to use on-line resources in the Memphis Community School District. The following guidelines have been established regarding the Internet and other on-line services:

1. Students are responsible for good behavior on school computer networks, just as they are in classrooms and school hallways.
2. Memphis Community School District administrators will deem what is inappropriate use of the Internet and other on-line information services and their decisions are final.
3. The administration, faculty and staff of the Memphis Community School District may deny, revoke or suspend student access accounts for inappropriate use of the Internet and other on-line information services.
4. The Memphis Community School District reserves the right to review any material stored in files and may edit or remove any material which the staff, in its sole discretion, believes may be unlawful, obscene, abusive or otherwise objectionable.
5. Transmission of any material in violation of U.S. or State regulations, including copyrighted, threatening or obscene materials, is prohibited, and may result in suspension and/or recommendation for expulsion and/or legal action.
6. Use for commercial activities by for-profit organizations, product promotion, political lobbying or illegal activities is prohibited.
7. The following uses of the internet and other on-line information services are not permitted:
 - a. Sending, receiving or displaying offensive messages or pictures
 - b. Using obscene language
 - c. Harassing, insulting or attacking others
 - d. Damaging computers, computer systems or computer networks
 - e. Violating copyright laws
 - f. Using another person's account and/or password
 - g. Giving your account and/or password to another person
 - h. Trespassing in another person's folders, work or files
 - i. Intentionally wasting limited resources
 - j. Employing the network for commercial purposes
 - k. Divulging personal information about yourself or others to strangers (includes addresses, telephone numbers, credit card numbers, passwords or other confidential information).

Violations will result in a loss of access as well as other disciplinary or legal action. School disciplinary action will be determined by the school administration in accordance with the Student Code Handbook and Board of Education policies and may result in suspension and/or expulsion and/or legal action.

Level IV Violations

This section of the Student Code of conduct required by Public Act 103 of 1999.

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

1. Physically fighting.
2. Possessing, using or under the influence of alcohol or a controlled substance.
3. Having a dangerous weapon: as defined by the Revised School Code.
4. Directing profanity, vulgar language, obscene gestures, racial or ethnic slurs toward the teacher or other students.
5. Destroying or defacing school property.
6. Refusing to obey safety rules, wear safety glasses, or other safety required attire.
7. Possessing or using a laser light without the teacher's permission.

The teacher must have good reason to believe that the student's conduct in the class, subject or activity constitutes one of the types of conduct listed above, unless the student's conduct would require expulsion by law. For all other conduct, the teacher must handle the matter in accordance with the standard disciplinary process used in the school building. The teacher may also elect to not exercise the teacher suspension rights provided in this policy and handle the matter in accordance with the standard disciplinary process used in the school building.

If the teacher suspends the student, the teacher shall immediately report the suspension and the reason for the suspension to the school principal or the principal's designee for appropriate action consistent with the code of conduct. If the student remains in school, the student shall be under appropriate supervision. The student will not be returned that school day to the class, subject or activity from which he or she was suspended without the concurrence of the suspending teacher and the school principal.

As soon as possible after the teacher imposed suspension, the teacher shall contact the student's parent/guardian and schedule a parent-teacher conference to discuss the suspension. If possible, the parent-teacher conference should be scheduled during the teacher's non-instructional time, or before or after school. The teacher must report the outcome of the parent-teacher conference to the principal in writing. Whenever practicable, a school counselor, school psychologist, or school social worker should attend the conference at the teacher's, or the parent/guardian's request. A record of the teacher-imposed suspension will be kept on the form provided.

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

Search and Seizure

Various types of equipment, including, but not limited to, hall lockers, gymnasium lockers, storage bins and musical instrument lockers are assigned to students for their convenience of storage. These facilities remain the property of the school district. They are not to be construed as belonging to or for the sole use of the student, even though the student assumes full responsibility for the security of such equipment. The school district maintains a master pass key which opens storage facilities as well as combination locks.

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may conduct a search and may seize any illegal, unauthorized or contraband materials discovered. Students should not expect privacy regarding items placed in school property because school property is subject to search at any time by school officials. Periodic general inspections of lockers and desks may be conducted by school authorities for any reason at any time without notice, without

student consent and without a search warrant. Law enforcement agencies may assist staff in searches, employing the use of dogs as well as mechanical devices for the discovery of contraband.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action. A student's person and/or personal effects (i.e. purse, book bag, athletic bag or automobile) may be searched whenever a school official has reasonable suspicion to believe that the student is in possession of illegal or unauthorized material, contraband, evidence of a crime or evidence of a violation of this code.

Contraband

Materials or items whose possession by students is prohibited by this code, by building policy or by law is deemed contraband without the necessity of a hearing or other due process procedures. Contraband materials (including electronic devices) confiscated or obtained by school staff or delivered to school staff may be turned over to parents, destroyed or turned over to law enforcement authorities, as determined by building administrator.

Interviews of Students by Police or Other Public Agencies

The school district endeavors to cooperate with law enforcement agencies. Students may be interviewed in school by law enforcement officials. School officials will grant law enforcement interviews with a student after considering:

1. Type of incident
2. Seriousness of incident
3. Age and maturity of student
4. Relationship of incident to school and the educational process
5. Whether time is of the essence

When practical, school personnel will be present during the police interview and an attempt will be made to contact the parent/guardian prior to the interview.

If the student is a victim or witness, the parent/guardian will be notified when the pupil is interviewed.

Violations of the Student Code of Conduct

Staff may use intervention strategies such as teacher/student conferences, auxiliary staff/student intervention and teacher/parent/guardian contacts for Level I and Level II violations. Staff will refer Level III violations directly to administration because of their serious and/or unlawful nature.

At the option of school officials, a student accused of any violation of the Student Code of Conduct may be referred to a Community Assistance Program or social worker in conjunction with/or in lieu of other discipline procedures under the Code.

The principal or designee may issue short-term suspensions. A teacher may issue suspensions up to one day (See Level IV violations). The Board of Education or its designee may issue long-term suspensions or expulsions.

Short-Term Suspension	The rights and privileges of school attendance for the period encompassing up to ten (10) school days (including extracurricular activities) are suspended.
Long-Term Suspension	The rights and privileges of school attendance, (including extracurricular activities) are suspended for a period encompassing more than ten (10) school days.
Expulsion	The rights and privileges of school attendance, (including extracurricular activities) are terminated, subject to any right of reinstatement provided by state law.

Expulsions Required by State Law

The Michigan Legislature has mandated that students be permanently expelled for particular offenses. School Authorities have no discretion to reduce or modify that punishment. The state law prohibits other public school district from enrolling expelled students except under special circumstances.

Expulsion is required for at least 180 days for students in sixth grade or above, and at least 90 days for fifth grade or below, for the following offenses:

- A. Possession of a dangerous weapon, defined as firearm, dagger, dirk, stiletto, knife with a blade over three inches in length, pocket-knife opened by a mechanical device, iron bar or brass knuckles.

Similar penalties apply to:

- B. Arson
- C. Criminal sexual conduct
- D. In the case of sixth graders or above, physically assaulting a school employee, volunteer or contractor.

Staff Authority

The Authority of any member of the school staff extends to all students of the school while such students are on the school premises, in school vehicles or at school activities.

School Activities

A student who is suspended from school, for any reason, will not be allowed to practice, participate in or attend any activity, regardless of location, during the suspension (including weekends and/or holidays).

Notification to Police Authorities

The Michigan Legislature, by law, requires school officials to notify police of the particulars of any of the following incidents:

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

ARTICLE C ATTENDANCE

~ ATTENDANCE PHILOSOPHY ~

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

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

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

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

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

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

ELEMENTARY AND JUNIOR HIGH STUDENT ATTENDANCE POLICY

It is extremely important that students attend class daily. Student's grades are severely affected by frequent absences from school. Upon returning to school it is the student's responsibility to request missed assignments, complete them and return them to the appropriate teacher.

Procedure When Absent

The parent or guardian must call the school office where their child attends, before 9:00 a.m. on the day of the student's absence. Students will be considered truant until parental contact verifies the student's absence. Absences are considered excused if a parent has called in to report the absence. Parents should also call the school when their child will arrive after 9:00 a.m. due to an appointment.

If a student is absent for two or more days, parents may call the office to request make-up work. Requests received by 9:00 a.m. will be available at the end of that school day. Students will have two days for each day absent to complete assignments and turn them in to the appropriate teacher. If a student is absent on the day of a scheduled test, the test will be taken on the day the student returns.

Tardies

Students are expected to be on time and prepared for class. Students arriving to school after the final bell must sign in at the office. Students not in their classroom at the starting time will be considered tardy.

In the Elementary School, students arriving after 9:00 a.m. are considered a morning absence. In the Junior High, the following penalty will be used for students who do not have an excused tardy pass to enter class: Upon receiving a 4th tardy, the student will be given a detention to be served after school. Detentions will be issued for each additional tardy and if the student continues to arrive late to class, a suspension may be issued.

In the Junior High and the Elementary, students must have their homework book or a pass to be in the hall during class time.

Pre-Arranged Absence

Pre-arranged absence forms may be obtained from the school office. A pre-arranged absence form is to inform teachers of a prolonged absence and enable them to prepare assignments that will be required when the student returns to school. Pre-arranged absences are to be arranged/approved at least three (3) days in advance of the absence. A phone call to the office is not required once a pre-arranged absence has been approved.

If circumstances arise and a parent/guardian must take a student out of school, for no more than five (5) consecutive days, the absence must be approved by the Building Administrator/Principal, at least three (3) days in advance and in person by said parent/guardian. (This will be allowed only once per school year)

In the Elementary School, teachers will collect materials assigned to the class while your child is absent to be completed upon your child's return. These assignments can be completed at home, at recess, or during specials to allow your child the benefit of teacher instruction.

Signing In/Out

Parents must come to the office to sign their child in or out of class. A pass from the office is required to enter the classroom after the bell has rung.

In the Elementary School, students must be picked up from school by an authorized person, per the data card.

In the Junior High School, students must have a note from a parent/guardian, or permission from the office to leave the school premises. Students leaving without permission will be given a one (1) day, out of school suspension.

Early Dismissal

To ensure smooth and orderly dismissal, Elementary School students will not be dismissed from class after 2:30 p.m.

Truancy

The State of Michigan requires students under the age of sixteen (16) to attend school. The law establishes a procedure for schools to follow when excessive absences, not documented for medical or approved reasons, occur. If a student is absent for any part or all of a school day without a valid excuse, the student is considered to be truant. The consequence for truancy is the inability of the student to be able to make up any missed work during that absence. Consequences of truancy may result in failing grades, parental conferences, and/or a referral to the St. Clair County Truancy Officer.

Documentation letters will be sent to the parent/guardian following a tenth (10th) absence. A parental conference will be held if truancy continues to be a problem.

The Truancy Officer will be notified whenever truancy has a severe affect on the child's performance at school.

HIGH SCHOOL ATTENDANCE AND TARDINESS POLICY

Procedure When Absent

The parent or guardian must call the school office the day of the student's absence. The reason for the absence must be justifiable. Justifiable absences include illness, court date, funeral, pre-arranged absence, or a similarly legitimate reason. The Memphis High School Office phone number is (810) 392-2186. Please ask for our Attendance Officer or leave a message on the voice mail system. All absences, with the exception of court dates, funerals, doctor/dentist appointments, or suspensions, still count towards the ten day rule. (described below) If a student is absent on the day of a scheduled test, the test will be taken on the day the student returns.

Undocumented Absence

If a parent or guardian does not call the school office before 1:00 p.m. on the day of the student's absence, the absence is undocumented. An undocumented absence will result in loss of academic credit for the day(s) of the student's absence. In other words, the student will not be able to make up work missed for an undocumented absence. Undocumented absences will count towards the ten day rule. (described below)

Truancy

Students who are truant will receive zero academic credit for the day/hour of the truancy. The student is also subject to the School Discipline Policy. (Policy #5110)

In-School Suspension

If a student is given an in-school suspension, he/she may receive academic credit for the day(s) of suspension, when assignments are made up for the days missed. Days missed as a result of suspension do not count towards the ten day rule. (described below)

Out-of-School Suspension

If a student is suspended from school, he/she will not receive academic credit for the day(s) of suspension. Days missed as a result of suspension do not count towards the ten day rule. (described below)

Pre-Arranged Absence

Pre-arranged absence forms may be obtained from the school office. A pre-arranged absence form is to inform teachers to enable them to prepare assignments that will be required when the student returns to school. Pre-arranged absences are to be arranged/approved at least three (3) days in advance of the absence. A phone call to the office is not required once a pre-arranged absence has been approved. Pre-arranged absences will count towards the ten day rule (described below).

Tardies

If a student arrives to any class up to 5 minutes late, they will be counted as tardy to that class. If they arrive to class over 5 minutes late, they will receive an unexcused absence for that period. If a student arrives at school after the final bell then he/she needs to report to the school office to sign in. A determination of "tardy" or "absent" will be made by the Attendance Officer and the student will receive a pass to class. Any student who is in school and who does not report to either the school office or to his/her regularly scheduled class will be considered truant and subject to the discipline procedure. Students will not be allowed to purposely arrive to class late enough to be marked absent rather than tardy. If there is a question regarding whether the student is tardy or absent, the Attendance Officer will make the final decision. Upon receiving a 4th tardy, the student will be given a detention to be served after school. Detentions will be issued for each additional tardy, and a suspension will be issued on the 6th tardy.

Loss of Academic Credit/Dropped from Participation

Students 16 years or older may lose academic credit and/or be dropped from Memphis High School when they reach or exceed ten (10) or more absences in any of their classes during a semester. Students under 16 years of age may lose credit and/or be referred to the truancy officer of the St. Clair County RESA.

Ten (10) Absences Rule

A student will lose credit in a class when ten (10) absences are accumulated during a semester pending an appeal decision. Any student who reaches ten (10) absences during the semester may file an appeal with the Attendance Officer.

All absences from school, which are not school related, are counted in the ten day absence rule. Days of absence due to suspension, court dates, funerals, or doctor/dentist appointments will not be included in the ten (10) day total. The attendance appeals committee will make the decision based on approval or non-approval of credit based on the student's rationale for his/her absences. The final decision rests with the principal, but any loss of credit may be appealed to the Superintendent of the Memphis Community Schools.

Attendance Redemption

A student may redeem one (1) day for every fifteen (15) consecutive days of school attended. Any one school day may only count towards one string of fifteen consecutive days. Meaning: If a student missed ten days of school during one semester, they would be subject to the possible loss of credit under the ten day rule. However, if the student had a string of fifteen consecutive days of attendance it would serve to lower the absent count to nine and the student would not be subject to the ten day rule.

Students Beyond Compulsory Attendance Age

Compulsory school attendance ends at the age of sixteen (16). The Board of Education assumes that the student who is over the compulsory age is seriously seeking an education. However, when a student sixteen (16) years or older demonstrates that this is not the case; the student shall be dropped from the regular school program by the administration until it is evident that the student is willing and capable of pursuing an education seriously.

Notification Procedure and Credit Hold

After a student reaches six (6) absences, the principal or his/her designee will meet with the student, and a letter will be sent home. If a student reaches ten (10) absences, that student's grade will become a "credit hold" until an appeal is heard. A letter will be sent home, along with a copy of the appeals form and procedure.

Appeals Procedure

Students/Parents/Guardians must file an appeals form if they reach ten (10) absences and they request approval of class credit. The deadline for filing an appeal is three (3) school days after the end of the semester. A committee of teachers, the counselor and the attendance officer will hear the reasons for absences by the student and/or his/her parents or advocates. Students must accompany their parent or advocate during the appeals process. Credit for students who do not appear for their appeals appointment will be denied credit. The Appeals Committee will meet once at the end of each semester. (two (2) times per year) Students/Parents/Guardians will be notified, in writing, of the status of their appeal.

Appeals Committee

The Appeals Committee shall be made up of the Attendance Officer, three faculty members and the counselor. The Appeals Committee shall have three (3) options:

1. To deny the student credit in any class where ten (10) absences have occurred.
The student will receive an "E" as the final grade.
2. To grant the student credit in any class in which ten (10) absences have occurred.
The student will receive the grade he/she earned.
3. To grant a withdrawal from any class in which ten (10) absences have occurred.
The student will not receive a grade or credit for the class, and therefore, withdrawal will not affect the student's GPA.

Students/Parents/Guardians who choose not to formally appeal the absences will receive an "E" as a final grade.

Students/Parents/Guardians have the right to appeal the committee's decision to the principal. The appeal to the principal must be filed within ten calendar days of notification of the committee's decision. The final level of appeal will be to the Superintendent of Memphis Community Schools.

Parents of special education students who have been denied credit have the right to request an I.E.P.C. be convened. This request must also be filed within ten calendar days of the decision. The I.E.P.C. will determine if:

1. The current determination of eligibility is correct.
2. The absences are manifestations of the student's handicap.
3. The student's individualized education program (I.E.P.) currently reflects the special education programs and services as needed to meet the unique educational needs of the student.

ARTICLE D SUSPENSION AND EXPULSION

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

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

1. LEGAL BASIS FOR SCHOOL DISCIPLINE

(School Code of 1976)

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

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

2. TYPES OF DISCIPLINARY ACTION

a. IN-SCHOOL SUSPENSION

In-school suspension is exclusion from regular class(es) and school activities for up to three (3) full days with the requirement that the student attend the In-School Suspension Program

- (1) This action may be taken by the building principal (or designee).
- (2) Cause for this action is a violation of school rules and regulations.
- (3) Parent(s) and/or legal guardian(s) and the student, if 18 years of age, will be notified of this action by phone and/or letter. The school administration will determine the need for a parent conference, prior to student readmission. If, however, the parent requests a conference, the administrator will honor this request.
- (4) Students placed on in-school suspension will be allowed to make-up class work.

- Students will be responsible for obtaining assignments from their teachers prior to the suspension date.
- They will take all needed materials to the in-house suspension room.
- Completed assignments will be turned in on the day following the suspension.
- If a student arrives at in-house suspension without work, parents will be contacted to pick up their student and the day will be treated as an out of school suspension day (or the following day if pick up is not possible).

b. OUT-OF-SCHOOL SUSPENSION

Out-of-school suspension up to ten (10) days is exclusion from school premises, classes and activities for a period not to exceed ten (10) days.

- (1) This action may be taken by the building principal (or designee).
- (2) Cause for this action is a violation of school rules or regulations.
- (3) Parents and /or legal guardians and the student, if 18 years of age, will be notified of this action by phone and letter. The school administration will determine the need for a parent conference prior to the student re-entering. If, however, the parent requests a conference, the administrator will honor this request.
- (4) Students receiving an out-of-school suspension will not be given credit for missed assignments.

c. INDEFINITE SUSPENSION, AS DEFINED BY THE MEMPHIS COMMUNITY SCHOOLS, IS TO BE INTERPRETED AS FOLLOWS:

- (1) Removal from school pending action at a higher level, or awaiting disposition of civil authorities.
- (2) This action may be taken by the Superintendent of schools (or designee) upon the recommendation of the principal.
- (3) Causes for this action are "gross misdemeanor" or "persistent disobedience," "the student's inability to be educated in the school environment, or conduct which endangers the welfare of other pupils or the welfare of property of other persons or the welfare of school district property.
- (4) Parents and/or legal guardians and the student, if 18 years of age, will be notified in writing of this action.
- (5) The Superintendent (or designee) will notify the Board of Education of the student's suspension in writing within three (3) days with recommendation for action. In no event will indefinite suspension extend for more than ten (10) days unless an extension of time is authorized by the board president where there is sufficient reason for extension.

d. COUNTING SUSPENSION DAYS

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

- (1) The day the student is removed from school should be counted as a day of suspension providing he or she was denied class participation or school activities before noon of that day.
- (2) Times when school is not officially scheduled are not to be counted as part of the suspension time.

e. SUSPENSION FOR DEFINITE PERIOD

Suspension for definite period, in excess of ten (10) days as defined by the Memphis Community Schools is to be interpreted as follows:

- (1) Removal from school/class assignments for a specified period of time.
- (2) This action may be taken by the Superintendent only after an opportunity for hearing is given.
- (3) Causes for suspension for a definite period are those defined in the Michigan School Code.
- (4) The school administration will recommend cases for suspension for a definite period to the Superintendent.
- (5) Parents and/or legal guardians and the student, if 18 years of age, will be notified in writing of this action.
- (6) The Superintendent is vested with final authority in all cases of suspension for a definite period subject to appeal procedures set forth. The Superintendent may establish conditions which must be met prior to readmission of the student.
- (7) The student will be readmitted at the end of the period only after a parent conference satisfactory to school administration, and only in the event the student has met all reasonable conditions established for readmission.
- (8) The Superintendent will notify the parents and/or legal guardians and student, if 18 years of age, in writing.

f. APPEAL FOR SUSPENSION

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

There will be no appeal process beyond the building level for suspensions of three or fewer days.

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

- First Level – Building Principal
- Second Level – Superintendent

The following appeal levels are available in cases of out-of-school suspensions of eleven (11) or more days:

- First Level – Building Principal
- Second Level – Superintendent
- Third Level – Board of Education

- (1) A request for an appeal will be made within three (3) school days of the date disciplinary action was taken and must be made in writing, stating the adjustments being requested and the reasons. (An oral appeal may be made if three or fewer days remain in the semester.)
- (2) Based on the review of the appeal, the building principal within five (5) school days will notify in writing the adult student or the parents or legal guardian of a student under the age of 18 years of his or her decision to adjust, revoke or sustain the disciplinary action.
- (3) The student and/or the student's parents and affected teachers or coaches have a right to be present at all review hearings and must be notified in advance of the time and place. Both the affected student and the school administration have the right to present a witness at all review hearings.

- (4) Unless the student's presence in school is considered dangerous or disruptive, he or she will be allowed to remain in school and participate in all activities pending the outcome of the appeal.
- (5) Appeal to the next level must be made in writing within three (3) days of receipt of the decision at the lower level and the review hearing at the next level must be held within five (5) days of receipt of the appeal.

g. EXPULSION

Expulsion, as defined by the Memphis Community Schools is to be interpreted as follows:

- (1) Removal from school and exclusion from school district programs and facilities for more than the remainder of the semester by action of the Board of Education. The student must petition the Superintendent for readmission and the written petition must evidence satisfactory elimination of the cause for removal, and compliance with, all reasonable conditions established for readmission.
- (2) This action may be taken by the Board of Education only after an opportunity for hearing is given.
- (3) Causes for expulsion are those defined in the Michigan School Code.
- (4) The school administration will recommend cases for expulsion to the Board of Education through the Superintendent.
- (5) Parents and/or legal guardian and the student, if 18 years of age, will be given notice in writing of the recommendation.
- (6) The Board of Education is vested with final authority in all cases of expulsion.
- (7) The Superintendent will notify the parents and/or legal guardian and the student, if 18 years of age, in writing of the decision of the Board of Education.
- (8) Notice will be considered given when administration sends written notice to the student's most recent address stated in his or her student record via first class mail.

h. EXPULSION PROCEDURES

- (1) INITIATION OF EXPULSION - The building principal will recommend in writing to the Superintendent that expulsion be considered.
- (2) HEARING FOR EXPULSION - The Board of Education will hear expulsion cases. The hearing date will be set by the Board President. The Superintendent will conduct a hearing in accordance with this *Uniform Code of Conduct*.
- (3) NOTICE OF HEARING FOR EXPULSION - The Superintendent will provide written notice to the parents or legal guardian of the student if under 18 years of age and to the student only if 18 years of age or older. The notice will be mailed to the record address of the student at least five (5) days prior to the scheduled hearing date and will specify:
 - (a) The charges which have been made and the recommendation for expulsion which has been submitted to the Board of Education;
 - (b) The date, time and place for hearing;
 - (c) The names of witnesses who might be called to testify with respect to the charges;
 - (d) The student has the right to be represented at the hearing by legal counsel;
 - (e) The right of the student to present witnesses on the student's behalf and to cross-examine witnesses called by the administration; and
 - (f) Will advise the student that the hearing will be open to the public unless a request is made in writing by the student or the parents of a minor student that it will be a closed hearing.

- (4) **PROCEDURE AT HEARING FOR EXPULSION** – If the student (or representative) attends the hearing, the Superintendent (or designee) of the Board of Education will advise the student and/or parents of the charges. The student will then be advised that the purpose of the hearing is to determine the validity of these charges. The student will be advised that the student or the student's attorney will have the right to question witnesses who will be present to give testimony in support of the charges. The student will be advised of the right to present witnesses on his or her own behalf. The student will be asked if he or she is represented by counsel.
- (a) The student will then be asked if, understanding the charges, he or she admits or denies those charges. If the student admits or does not contest the charges, it will not be necessary for the hearing panel to proceed with the hearing. However, it will be permissible for the student or his or her counsel to make a statement on his or her behalf and for the Superintendent (or designee) and/or the Board of Education to question the student as to the reasons for his or her behavior. This procedure is intended to assist the Board in arriving at a determination of the appropriate penalty.
 - (b) If the student denies or contests the charges, the hearing will proceed with the appropriate school official presenting witnesses to give testimony as to the charges. The student or his or her attorney will have the opportunity to cross-examine each witness. The student or his or her attorney will also be given the opportunity to present his or her own witnesses, including the opportunity for the student to testify. The members of the Board of Education and/or the Superintendent (or designee) may ask questions of any witnesses.
 - (c) A recording secretary will be present at the hearing.
 - (d) Upon conclusion of the presentation of evidence, the Board of Education findings on each of the charges which have been brought. In the event the student is found to have committed some or all of the acts charged, the Board of Education will determine the appropriate disciplinary action.
 - (e) The student or the parent(s) or legal guardian(s) of a student who is under the age of 18 years will be notified in writing of the decision of the Board.

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