

Waterford School District

Code of Conduct

Pre-Kindergarten
Through Adult Education

Revised
August 2011

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PREAMBLE

Waterford School District (WSD) is dedicated to creating and maintaining a positive learning environment for all students. The school community (students, staff, parents, school board, and community members) must assume a responsible role for promoting behavior that enhances academic and social success. Respectful and responsible behavior fosters a positive climate for the learning community.

Schools must be free of disruptions that interfere with teaching and learning at school and during school-related activities and events. Therefore, school officials have the authority to regulate student conduct at school, school-related settings, and where the conduct creates a substantial risk of disruption to the educational process or to an orderly school environment.

Discipline procedures are necessary in order to protect the rights of each member of the school community. Therefore, effective student discipline can only be achieved through cooperation and a shared commitment among the school community.

The Student Code of Conduct has been designed to establish student responsibilities and expectations. Upon the violation of the Student Code of Conduct, appropriate action will be taken. When determining the appropriate action, school officials may use intervention strategies and/or disciplinary actions depending upon the severity or repetition of the misconduct; age or grade level of the student; circumstances surrounding the misconduct; the degree upon which the health and safety of students and the learning environment has been disrupted; and any other relevant factors.

The Student Code of Conduct will be administered uniformly and fairly, without partiality or discrimination with respect to individual circumstances.

II. STUDENT RESPONSIBILITIES

Student responsibilities must be seen in relationship to the safety, health, and welfare of all students in each school.

Expectations of student conduct should be kept within the bounds of reasonable behavior expected of all members of the school community. Students should have the freedom and encouragement to express their individuality in school, as long as their conduct does not intrude upon the freedom of others. This applies especially to the freedom of fellow students to receive instruction. There must be a balance between individual freedom and the orderly operation of a school building.

All students should recognize the consequences of their language, dress, manners, and actions toward each other and school staff. Students need to understand the benefits of an orderly school operation, and as members of the school community, acknowledge their responsibility to promote a good learning environment.

If a student feels unsafe or threatened, the student or the student's parent/guardian should contact the building administrator.

III. VIOLATIONS OF THE STUDENT CODE OF CONDUCT

Student misconduct is classified within three levels of violations (see pg. 7 for levels of violations). The definitions of misconduct are not all-inclusive, but are representative and illustrative. A student who commits an act of misconduct not listed herein is nonetheless subject to disciplinary action.

School district staff may use intervention strategies such as teacher/student conferences, student contracts, student service referrals or parent/guardian conferences for Level I violations. Staff will refer Level II and Level III violations directly to building administrators because of the more serious and/or unlawful nature of the misconduct. At the option of building administrators, a student

accused of any violation of the Student Code of Conduct may be referred to a school counselor or school social worker in conjunction with, or in lieu of, other disciplinary procedures. Where the misconduct is subject to long-term suspension or expulsion, the Board of Education's designated hearing officer will determine whether a violation occurred and will impose any mandatory sanctions.

A teacher or other appropriate staff may issue suspensions up to one day. Building administrators may issue short-term suspensions, not to exceed ten days. The appropriate director will issue long term suspensions or expulsions.

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

- When students are traveling to or from school or a school-sponsored activity, including bus transportation.
- When students are in or on property of the school district.
- When students are in attendance at any school-sponsored activity, regardless of its location.
- 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 threaten the safety and welfare of students or staff. Parents of special education students should refer to the Children's Services handbook.
- A student's disciplinary situation may warrant suspension from his/her current program placement and referral to another program at the discretion of the administrator.
- When students are using school telecommunication networks, accounts, or other services.

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

IV. DISCIPLINE OF STUDENTS RECEIVING OR OTHERWISE ELIGIBLE FOR SPECIAL EDUCATION

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.

V. SUSPENSIONS

A student who is suspended from school loses the rights and privileges of attending school and will not be allowed to practice, participate in, or attend any school activity, regardless of location, nor be on Waterford School District property during the suspension (including weekends and/or holidays.)

i. Short-Term Suspension

A short-term suspension occurs when a student is suspended for 10 days or less. During a short-term suspension, the student's rights and privileges of attending school, including extracurricular activities, are suspended. Except in extraordinary circumstances, alleged violations of the Student Code of Conduct are initially handled at the student's school. Staff will conduct an investigation of the allegation. The building administrator in charge of the investigation shall provide the student with oral and written notice of the charges or allegations, and the student shall have an opportunity to present and explain his/her side of the story. If the building administrator determines that a Student Code violation has occurred, the building administrator may issue a short-term suspension to the student. A parent has the right to appeal a short-term suspension to the principal and must do so in writing within 24 hours of notification of the suspension. The principal's decision on a building level suspension of ten days or less is final.

Students whose presence pose a continuing danger to persons or property, or an ongoing threat of disrupting the educational process, may be immediately removed from the school without prior notice, explanation, or opportunity to respond. In such cases, the above procedures shall be

provided as soon as is practical. The student and parent/guardian shall be notified of the circumstances and actions taken.

ii. Long-Term Suspension

A long-term suspension occurs when a student is suspended for more than ten (10) school days. During a long-term suspension, the student's rights and privileges of attending school, including extracurricular activities, are suspended.

iii. One-Day Suspension by Teacher

Pursuant to Sec. 1309, of the Michigan School Code, 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:

- Physically fighting.
- Refusing to wear safety glasses or other safety required attire despite the teacher's request.
- Possessing, using, or being under the influence of alcohol or a controlled substance.
- Having a "dangerous weapon" as defined by the Revised School Code.

For all other conduct, the teacher must handle the matter in accordance with the Waterford School District Code of Conduct and the standard disciplinary process used in the school building.

VI. MAINTAINING CLASS PROGRESS

A suspended student may maintain academic progress under terms and conditions set by the building administration.

VII. EXPULSION

An expulsion is the termination of the student's rights and privileges to attend any school within the district, including extracurricular activities. An expulsion is permanent, unless otherwise specified by the Board of Education or its designated hearing officers.

i. Hearing for Long-Term Suspension or Expulsion

If recommended by a building administrator, the Board of Education's designated hearing officer shall, at the request of the parent, conduct an impartial hearing to determine whether a violation occurred and whether to impose a long-term suspension or expulsion.

The student and parent/guardian shall be notified of the allegation, the potential disciplinary action, the time, date and location of the hearing, and of their right to attend and to participate in the hearing. The Board designee shall conduct the hearing. The student shall be advised of the alleged violation and be given an explanation of the facts. The student and parent/guardian may be represented at the hearing by an attorney or other adult. Written and oral evidence may be presented at the hearing on behalf of the student. Following the hearing, the hearing officer shall issue a decision, including a determination of disciplinary action, by phone and in writing within five business days.

ii. Appeal or Reconsideration of Long-Term Suspension or Expulsion

A student aggrieved by a hearing officer's decision may request to appeal such decision. To request an appeal, the student, within five (5) days of receipt of the decision, must petition the appropriate director requesting the opportunity to appeal the decision of the Board's designated hearing officer. The petition shall be in writing and contain the reasons that the decision should be reviewed or reconsidered. The director may grant or deny the request for an appeal or for

reconsideration. If granted, the director shall notify the student in writing of the particular procedures to be used for the appeal or reconsideration.

iii. Expulsions Required by State Law

The Michigan Legislature has mandated that students be expelled for particular offenses. School authorities have no discretion to reduce or modify the consequences for those offenses meeting the expulsion standard, as defined by state law. The state law also prohibits other Michigan public school districts from enrolling expelled students except under special circumstances. Expulsion is required for at least 180 school days for students in sixth grade or above, and at least 90 school days for fifth grade or below, for the following offenses:

- 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
- Arson
- Criminal sexual conduct
- Physically assaulting a school employee, volunteer, or contractor

VIII. NOTIFICATION TO LAW ENFORCEMENT AGENCIES

The Michigan Legislature requires school districts to report certain incidents to the police.

The Statewide School Safety Policy, within its "Index of Reportable Incidents" has identified the following types of incidents, occurring "at school or during school-related activities and events", that must be reported to a local law enforcement agency.

- i. Armed Suspect or Hostage
- ii. Situation Robbery or Extortion
- iii. Suspicion of Armed Suspect
- iv. Unauthorized Removal of Student
- v. Weapons on School Property
- vi. Threat of Suicide
- vii. Death or Homicide
- viii. Suicide Attempt
- ix. Drive-By Shooting
- x. Larceny (Theft over \$100)
- xi. Physical Assault (Fights)
- xii. Intruders (Trespassing)
- xiii. Bomb Threat
- xiv. Illegal Drug Use or Overdose
- xv. Explosion
- xvi. Drug Possession or Drug Sale
- xvii. Arson
- xviii. Vandalism or Destruction of Property over \$100
- xix. Sexual Assault (Criminal Sexual Conduct)
- xx. Minor in Possession of Alcoholic Liquor or Tobacco Products
- xxi. Any of above incidents occurring on a school bus
- xxii. A motor vehicle accident involving a school bus

IX. INTERVIEWS OF STUDENTS BY POLICE OR OTHER PUBLIC AGENCIES

The 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 the (1) type of incident; (2) seriousness of the incident; (3) age and maturity of the student; (4) relationship of the incident to school and the educational process; and (5) whether time is of the essence.

If a student is a suspect, when practical, school personnel will be present during the police interview, and an attempt will be made to contact the parent/guardian. If the student is a victim or witness, the parent/guardian will be notified when the pupil is interviewed by police.

X. SEARCH AND SEIZURE

Various types of school property, including, but not limited to hall lockers, gymnasium lockers, storage bins, musical instrument lockers, and computer terminals are assigned to students for their convenience of storage or educational usage. School property remains the property of the District. School property is 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 property. The District maintains a master passkey, which opens storage facilities as well as combination locks; the District's server maintains access to computer terminals.

To maintain order and discipline in the schools and to protect the safety and welfare of students and staffs, school authorities may conduct a search and may seize any illegal, unauthorized, or contraband materials discovered. Therefore students should not expect privacy regarding school property items used or items placed in school property because school property is subject to search at any time by school officials. School officials may conduct inspections or searches of lockers, desks, computer terminals, cars, etc., at any time without notice, without consent, and without a search warrant.

Additionally, law enforcement officers may assist the District during school initiated searches. Grounds of reasonable suspicion are enough to warrant law enforcement assisted school searches, which may include the use of dogs or mechanical devices for the discovery of contraband.

A student's person and/or personal effects (i.e. purse, book bag, athletic bag, computers, other electronic devices, and 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, or evidence of a crime or evidence of a violation of the Student Code of Conduct.

A student may be disciplined for refusal to cooperate with a search and seizure as provided in this Student Code of Conduct.

XI. CONTRABAND

Materials or items whose possession by students is prohibited by this Student Code of Conduct, by building policy, or law, are deemed contraband without the necessity of a hearing or other due process procedures. Contraband materials 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 the building administrator or required by law.

XII. LEVELS OF 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 upon severity or repetition, a Level I violation may be reclassified as a Level II or Level III violation.

i. LEVEL I VIOLATIONS

a) **Academic Misconduct**

Plagiarizing, cheating, gaining unauthorized access to, or tampering with educational materials. Discipline under this section may result in academic sanctions in addition to other discipline.

b) **Behavior Dangerous to Self or Others**

Any behavior that can be construed as threatening the safety or well-being of anyone, including reckless driving and use of bicycles, skateboards, roller skates, roller blades, and hard balls on school property; throwing objects, including paint.

c) **Chronic Lack of Supplies**

Repeatedly reporting to class lacking necessary materials such as books, physical education attire, technology education class supplies, etc.

d) **Defacement of Property**

Willfully causing defacement of, or damage to, property of the school or others. Defacement includes but is not limited to writing in school textbooks or library books, writing on desks or walls.

e) **Disruptive Behavior**

Harassing others or misbehaving in a manner that causes disruption or obstruction to the educational process. Behavior is considered disruptive if a teacher is prevented from starting an activity or lesson, has to stop instruction to address the disruption, or if a staff member is prevented from carrying out responsibilities. Any behavior that detracts from or interferes with the orderly operation of the school environment; or accumulation of minor infractions that add up to suspensions.

f) **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.

g) **Inappropriate Displays of Affection**

Engaging in inappropriate displays of affection, such as kissing or long embraces.

h) **Inappropriate Dress and Grooming**

Dressing or grooming in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others; dressing in a manner that is distracting or indecent, to the extent that it interferes with the learning and teaching process.

i) **Leaving School Without Permission**

Leaving the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

j) **Misuse of Vehicles on School Premises**

Bicycles must be walked onto and off school property. Motorized vehicles such as motorcycles, snowmobiles, and mini bikes are not allowed on school property at any time. Students must have attained junior status (11 or more HS credits), be licensed to drive, and

have proper sticker to park in the school lot. Students may not sit in cars or loiter on the school campus.

k) **Possession of Inappropriate Personal Property**

Possessing personal property that is prohibited by school rules or that is disruptive to teaching and learning, including, but not limited to, pornographic or obscene material, laser lights, personal entertainment devices, computer games, personal communication devices. Certain devices may be permitted for health or other reasons, if approved by the administration.

l) **Sexual Harassment**

Level I sexual harassment is defined as: using words, pictures, objects, gestures, or other actions relating to sexual activity or a person's gender that cause embarrassment or discomfort to others.

m) **Tardiness**

Failure to be in his/her place of instruction at the assigned time without a valid excuse.

n) **Technology Abuse**

Violating Technology Use Guidelines. (See Appendix I)

SCHOOL RESPONSES TO LEVEL I VIOLATIONS

School administrators and staff may use appropriate intervention strategies as determined by local district policies including, but not limited to, staff and student/parent conferences, auxiliary staff intervention, counseling programs, student assistance programs including conflict resolution, peer mediation, programs for anger management, and violence prevention. Any of the following intervention strategies and disciplinary actions may be used:

- Administrator and teacher-parent/guardian conference
- Administrator/student conference or reprimand
- Before and/or after-school detention
- Behavioral contracts
- Bus violation warning or written ticket
- Change in student's class schedule
- Confiscation of inappropriate item
- Daily/weekly progress reports
- Denial of participation in class and/or school activities
- In-school suspension
- Law enforcement agency notification
- Loss of recess time
- Other intervention strategies, as needed
- Out-of-school suspension (short-term) from one (1) school day up to and including ten (10) school days
- Referrals and conferences involving various support staff or community resources
- Restitution/restoration
- Saturday detention
- School service assignment

ii. 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.

a) **Battery**

Intentional physical contact without consent or after consent is withdrawn.

b) **Bullying/Harassment/Intimidation**

"Bullying, harassment or intimidation" means:

1. any written, verbal, or physical gesture under the circumstances, that has the effect of harming a student or damaging the student's property.
2. placing a student in reasonable fear of harm to the student's person.
3. stalking a person, causing damage directly, or that has the effect of insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

Bullying, harassment, or intimidation includes, but is not limited to, a gesture or written, verbal or physical act, that is reasonably perceived as being motivated by a student's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, socioeconomic status, or by any other distinguishing characteristic.

c) **Defamation of Character**

False statements or slander about another student, based on deliberate falsehood and/or rumor or innuendo.

d) **Destruction of Property**

Intentionally causing destruction of property of the school or others; actions that impair the use of something. Destruction of property includes, but is not limited, to defacing bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, carving into woodwork, desk, or tables, spray painting surfaces, or damaging school equipment to the point where repair is necessary.

e) **Failure to Serve Assigned Detention**

Failure to serve an assigned detention of which students and/or parents/guardians have been notified.

f) **False Identification**

Using another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property.

g) **Fighting/Instigating a Fight**

Participating in a fight or physical contact with another student, or in a confrontation with another student, that may/does lead to physical contact.

h) **Forgery**

False making or altering of a writing by which the legal rights or obligations of another person are apparently affected; signing another person's (parent, staff, student) name to any such writing without permission. This includes intentionally distributing counterfeit currency.

i) **Fraud/Deception**

Deceiving or causing another to be deceived by false or misleading information.

j) **Gambling**

Playing a game for money, property, or other contingent reward, unless authorized as official school functions; betting on the outcome of a contest or game.

k) **Gang Activity**

Gangs are groups that pose a threat to public safety through violence, intimidation, or other illegal activities; engaging in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the District's educational mission. Students who violate the Code of Conduct through gang activity will receive a more severe penalty for their actions.

Gang activity includes:

1. Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang.
2. Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang.
3. Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.
4. Membership in or recruiting student(s) for gangs.

l) **Harassment**

Threatening behavior directed toward another person, including intimidation because of, but not limited to, racial, ethnic, or religious background that makes that person feel unsafe, angry or demeaned.

m) **Hazing**

Intentionally creating peer pressure on another person or inducting a person into membership in a group by exacting unnecessary or disagreeable acts (even if mutually agreed upon) from the person, by harassing or by use of abusive or humiliating tricks.

n) **Improper, Negligent, or Reckless Operation of a Motor Vehicle**

Intentionally or recklessly operating a motor vehicle, so as to endanger the safety, health, or welfare of others on school property.

o) **Indecency**

Engaging in conduct that is contrary to commonly recognized standards of decency and behavior, which includes obscenity, indecent exposure (public urination) or the use of language in verbal or written form, or in pictures, caricatures or gestures, which are offensive to the general standards of propriety.

p) **Insolence**

Displaying verbal or non-verbal disrespect toward school personnel or others.

q) **Insubordination**

Ignoring or refusing to comply with directions or instructions given by school authorities (includes: school district personnel and adult volunteers). Insubordination includes, but is not limited to, refusing to open a book, write an assignment, work with another student, work in a group, take a test or do any other class or school-related activity not listed here, refusing to leave a hallway or any other location when directed by a school staff member, or running away from school staff when told to stop.

r) **Intimidation/Threats**

Forcing a person into, or deterring a person from, some action by inducing fear.

s) **Loitering**

Remaining or lingering on school property without a legitimate purpose and/or without proper authority.

t) **Persistent Misbehavior**

Accumulating Level I violations or reclassification of a serious Level I violation.

- u) **Profanity and/or Obscenity Toward Students**
Verbally, in writing, electronically or with photographs or drawings, directing profanity or insulting, obscene gestures toward any other student.
- v) **Sexual Harassment (Level II)**
Making unwelcome sexual advances, requesting sexual favors, or engaging in verbal communication of a sexual nature with, or toward, any other student, District personnel or adult volunteers.
- w) **Smoking - Use or Possession of Tobacco Products**
Smoking, using tobacco, or possessing any substance containing tobacco in any area under the control of the District, including all activities or events supervised by the District. Smoking is not permitted on school grounds, by law.
- x) **Technology Abuse**
Violating Technology Use Guidelines. (See Appendix 1 Technology Use Guidelines.)
- y) **Theft, Possession or Transfer of Stolen Property**
Taking items or property without permission of the owner or custodian of the property or having in his or her possession property valued up to \$100 that does not belong to the student.
- z) **Trespassing**
Entering the premises of the District, other than the location to which the student is assigned, without authorization from proper school authorities. If removed, suspended or expelled from school, a student will not return to the school premises without permission of the proper school authorities.
- aa) **Truancy**
Failure to report to the school's assigned class or activity, chronic absence from school, or violation of an attendance contract.
- bb) **Unauthorized Materials**
Possessing, using, distributing, or selling materials that are harmful or disruptive to the school environment, including lighters and matches. Cell phones are to be turned off and not visible.
- cc) **Cell Phone and Electronic Communication Devices**
A student may possess a cellular telephone or other electronic communication devices (ECD) in school, on school property, at after school activities and at school-related functions, provided that during school hours and on a school vehicle the cell phone or other ECD remains off.
Also, during school activities when directed by the administrator or sponsor, cell phones and other ECDs shall be turned off and stored away out of sight.
The use of cell phones and other ECDs in locker rooms is prohibited.
Possession of a cellular telephone or other ECD by a student is a privilege, which may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege.
Violations of this policy may result in disciplinary action against the student which may result in confiscation of the cellular telephone or ECD.

SCHOOL RESPONSES TO LEVEL II VIOLATIONS

Intervention strategies are not limited to those listed here. Other methods of addressing misconduct may be more appropriate, depending upon the circumstances. Any or all of the following intervention strategies and disciplinary actions may be used:

- Any school response to a Level I violation.

- Out-of-school suspension (short-term) from one (1) school day up to and including ten (10) school days
- Recommendation to the Board of Education or its designee for long-term suspension or expulsion.
- Denial/loss of driving privileges to and from school.
- Suspension from bus transportation.
- Law enforcement agency notification.

iii. 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 functioning of the school.

a) **Abuse of Technology**

Illegal or unauthorized entry or attempts to gain access to another's files, computers, or computer systems. Damage, vandalism, or destruction of technology that compromises the integrity of the District's Network.

b) **Alcohol and Drugs**

Possessing, using, being under the influence of, offering to buy or sell, or purporting to buy or sell a controlled substance, dangerous drug, prescription drug, counterfeit drug, intoxicating substance, alcohol, or paraphernalia. A student legally in possession of prescribed medication will not be in violation of this section as long as his/her use and possession of the prescribed medication is authorized at school, per the District's Medication Policy. Smoking is not permitted on school grounds at any time, per law.

c) **Arson (Starting a Fire)**

Intentionally starting a fire or participating in the burning of any property or person. A student is subject to mandatory expulsion for arson.

d) **Blackmail**

Any payment extorted by intimidation, including threats of injurious revelations or accusations directed toward any student or staff member.

e) **Burglary**

Breaking into and entering of any school buildings, offices, rooms, lockers, etc.

f) **Disorderly Conduct**

Behaving in a violent or grossly inappropriate manner; leading or supporting an outbreak of disorder or a breach of public peace; leading or supporting the gathering of a student group that disrupts the school environment.

g) **Extortion**

Making another person do any act against his or her will by force or threat of force, expressed or implied.

h) **Fire/Bomb Threats**

Intentionally making a false report of a fire or bomb, falsely activating a fire alarm, or making a bomb threat.

i) **Fireworks**

Possessing, using, and/or selling fireworks, including smoke and stink bombs.

j) **Felonious Assault**

Using a weapon or other dangerous instrument to threaten another person with bodily injury and/or causing harm with such a weapon or device.

k) **Interference with School Authorities**

Interfering with administrators, teachers, or other school personnel by threat of force or violence.

l) **Persistent Misbehavior**

Accumulating Level I or Level II violations or reclassification of a serious Level I or Level II violation.

m) **Physical Assault**

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

If a student enrolled in grade 6 or above commits a physical assault at school against another student and the assault is reported to the Board of Education, Superintendent of Schools, or building principal, then the board of education or its designee shall suspend or expel the student from the District for up to 180 school days.

If a student enrolled in grade 6 or above commits a physical assault at school against a person employed by, or engaged as a volunteer or contractor by the Board of Education, and the assault is reported to the Board of Education, Superintendent of Schools, or building principal by the victim, then the Board of Education or its designee shall expel the student from the District permanently.

n) **Profanity and/or Obscenity Toward Staff**

Verbally, in writing, electronically, or with photographs or drawings, directing profanity or insulting, obscene gestures toward any school district staff members or adult volunteers.

o) **Robbery**

Attempting to take from another person any item or property, by force or threat of force, expressed or implied.

p) **Sexual Assault**

Engaging in unwelcome physical conduct of a sexual nature with another person including non-consensual and intentional touching of another person's genital area, groin, thigh, buttock or breast. If a student commits the crime of criminal sexual conduct in a school building, on school grounds, or any other school property, the Board of Education or its designee shall expel the student from the District, subject to possible reinstatement.

q) **Sexual Misconduct**

Intimate sexual conduct with another person, inappropriate behavior, or displays of a sexual nature including, but not limited to, displays of sexual parts or mimicking sexual acts.

r) **Theft, Possession, or Transfer of Property of Others**

Taking, without permission of the owner or custodian of the property, property or having in his or her possession property valued at more than \$100 that does not belong to the student.

s) **Verbal Assault Against an Employee**

If a student enrolled in grade 6 or above commits a verbal assault, as defined by school board policy, at school against a person employed by, or engaged as, a volunteer or contractor by the school board, then the school board or its designee shall suspend or expel the student from the school district for a period of time as determined by the discretion of the school board or its designee.

t) **Weapons: Dangerous Instruments**

Concealing, possessing, handling, transmitting, or using a dangerous instrument capable of harming another person. Students are required to immediately report knowledge of dangerous instruments and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject a student to discipline up to and including suspension or expulsion from school. A "dangerous instrument" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, which includes endangering

the health and safety of persons, and includes, but is not limited to, firearms, guns of any type whatsoever, including air and gas powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, chemical compounds possessed or used with the aforementioned intent and explosives. The term "weapon" shall also encompass look-alike items.

u) **Weapons: Dangerous Weapons**

Concealing, possessing, handling, transmitting, or using a dangerous weapon as an instrument capable of harming another person. Students are required to immediately report knowledge of dangerous weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject a student to discipline up to and including suspension or expulsion from school. A "dangerous weapon" means a firearm, dagger, dirk, stiletto, knife with a blade over three inches in length, pocketknife opened by a mechanical device, iron bar, or brass knuckles. (MCL 380.1313). A "firearm" as defined in section 921, Title 18 of the United States Code (18 U.S.C. § 921) means:

- Any weapon (including a starter gun) which will or is designed to, or may readily be converted to expel a projectile by action of an explosive.
- The frame or receiver of any such weapon.
- Any firearm muffler or firearm silencer.
- Any destructive device.

State law requires the Board of Education or its designee to permanently expel from the District a student who possesses a "dangerous weapon" in a "weapon-free school zone," subject to possible reinstatement. (MCL 380.1311)

"Weapon-free school zone" means school property and a vehicle used by a school to transport students to or from school property (MCL 380.1311 (11)(g)).

v) **Weapons: Use of Legitimate Tools as Weapons**

Using a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, letter openers, scissors, or combs with the intent to harm another.

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:

- Any school response to Level I or Level II violation
- Recommendation to the Board of Education or its designated hearing officer(s) for long-term suspension or expulsion.
- Suspension from bus transportation.
- Law enforcement agency notification.

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

APPENDIX I

TECHNOLOGY/INTERNET ACCEPTABLE USE

All students and Waterford School District employees or representatives with a network ID issued through the Waterford School Network Connection must comply with the Acceptable Use Policy. The intent of this policy is to make clear certain uses that are consistent with the purpose of the Waterford Schools Network Connection, not to exhaustively enumerate all such possible uses. Internet access is available to students and staff in the Waterford School District. Our goal in providing this service to students and staff is to promote educational excellence in schools by facilitating resource sharing, innovation, and communication.

With access to computers and people all over the world, comes the availability of material that may not be considered to be of educational value in the context of the school setting. On a global network it is impossible to control or restrict all controversial materials. The Waterford School District firmly believes that the valuable information and interaction available on the worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the District.

User Rights

Each user has the conditional right to make use of approved hardware and software found on District property in order to promote personal academic growth.

Users have the conditional right to access the Internet for personal academic growth, information gathering, and communication, as long as they do so in a manner consistent with the responsibilities listed below.

Responsibilities

- a. Users exercising the right to use any hardware or software as an educational resource shall also accept the responsibility for the preservation and care of that hardware and/or software.
- b. Users accessing the Internet as an educational resource shall accept the responsibility for the appropriate use of all material received under his/her user account.
- c. Users will be held accountable for any deliberate attempts at allowing and/or running a computer virus on District equipment.
- d. It is the user's responsibility to maintain the integrity of electronic mail systems. Users are responsible for reporting all violations of privacy. All students and staff are prohibited from: sending e-mail which contains pornographic material, inappropriate text files, or files dangerous to the integrity of the network; use of the network to access pornographic material; use of the network for commercial or for-profit purposes, or fund-raising without District approval. A student is responsible for reporting, to a teacher or administrator, e-mail received by him/her which contains inappropriate information or text files.
- e. All users must receive permission to install software applications or download files on School District equipment. Students will not remove, relocate, or modify any hardware, software or files, or enter the system folder or control panel.
- f. Unauthorized altering of another user's files or password is prohibited. Sharing network identifications (ID) for the purpose of allowing others access to the network is not allowed. All violations of this policy that can be traced to a network ID will be treated as the responsibility of the owner of that ID.

- g. The users shall not intentionally use programs that harass others or infiltrate a computer or computing system and/or damage or alter the software components of a computer or computing system.
- h. Use of technology to cause a disturbance, intimidate, slander, harass, or threaten another person is prohibited.
- i. Use of technology (e.g. PDAs, laptops, cell phones) to transfer or view inappropriate files or data is prohibited.
- j. Use of the Network for recreational games and gambling is prohibited.
- k. Users will adhere to copyright and license rules and laws.
- l. Users are responsible for making sure that subscriptions (i.e., newsgroups, listservs) they request are appropriate.

Waterford School District Rights

The Waterford School District has the right to review any material stored in files to which users have access, to edit or remove any material which the District, in its sole discretion, believes is unlawful, obscene, abusive or objectionable, and to take appropriate legal action.

The Waterford School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for loss of data, service interruptions, or for the accuracy or quality of information obtained through Internet services.

Disciplinary Action

Waterford School District reserves the right to monitor employee and student use of the Waterford Schools Network Connection. When inappropriate use is discovered, one (1) or all of the following actions may be taken:

- a. The user who inappropriately uses the Waterford Schools Network Connection will be requested to end the practice.
- b. The user's Waterford Schools Network Connection privileges will be terminated.
- c. Additional disciplinary action in accordance with existing policy (e.g. Student Code of Conduct) and procedures may be taken.

The District and/or Network does not warrant that the functions of the system will meet any specific requirements the user may have, or that it will be error free or uninterrupted; nor shall it be liable for any direct or indirect, incidental, or consequential damages (including lost data, information, or time) sustained or incurred in connection with the use, operation, or inability to use the system.

The District and/or Network will periodically make determinations on whether specific uses of the Network are consistent with the acceptable-use practice. The District and/or Network reserves the right to log Internet use and to monitor electronic mail space utilization by users.

The user may transfer files from information services and electronic bulletin board services. For each file received through a file transfer, the user agrees to check the file with a virus- detection program before opening the file for use. Should the user transfer a file, shareware, or software which infects the Network with a virus and causes damage, the user will be liable for any and all repair costs to make the Network once again fully operational and may be subject to disciplinary action.

The user may not transfer file, shareware, or software from information services and electronic bulletin boards without the permission of the Superintendent/Director of Management Information Services. The

user will be liable to pay the cost or fee of any file, shareware, or software transferred, whether intentional or accidental, without such permission.

The District reserves the right to log computer use and to monitor fileserver space utilization by users. The District reserves the right to remove a user account on the Network to prevent further unauthorized activity.

The user is responsible for the proper use of the equipment and will be held accountable for any damage to or replacement of equipment caused by abusive use.

H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended
18 U.S.C. 2256
18 U.S.C. 1460
18 U.S.C. 2246

Technology/Internet Acceptable Use, Revised 7/29/02

**WATERFORD SCHOOL DISTRICT
NONDISCRIMINATION ASSURANCE**

The Waterford Board of Education will comply with all federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U. S. Department of Education. No person on the basis of race, color, religion, national origin or ancestry, age, sex, disability, height and weight, or marital status shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in any program, activity, or event.

Inquiries related to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and Title IX of the Education Amendments of 1973 should be directed to the appropriate compliance officer.

Title IX of the Education Amendments of 1973

Inquiries Regarding Personnel:
Human Resources
Waterford School District
501 N. Cass Lake Road
Waterford, Michigan 48328
Phone (248) 682-7800

Title VI of the Civil Rights Act of 1964

Human Resources
Waterford School District
501 N. Cass Lake Road
Waterford, Michigan 48328
Phone (248) 682-7800

Inquiries Regarding Programs/Courses/Students-
Elementary:

Supervisor of Elementary Education
Waterford School District
501 N. Cass Lake Road
Waterford, Michigan 48328
Phone (248) 682-7800

Title II of Americans with Disabilities Act &
Section 504 of the Rehabilitation Act of 1973

Executive Director of Student Support Services
Waterford School District
501 N. Cass Lake Road
Waterford, Michigan 48328
Phone (248) 682-3242

Inquiries Regarding Programs/Courses/Students –
Middle/High School:

Supervisor of Secondary Education
Waterford School District
501 N. Cass Lake Road
Waterford, Michigan 48328
Phone (248) 682-7800

GRIEVANCE PROCEDURES FOR NONDISCRIMINATION:

Section I

Any person who believes that s/he has been discriminated against or denied equal opportunity or access to programs or services may file a complaint, which shall be referred to as a grievance, with the District's Civil Rights Coordinator:

Assistant Superintendent of Business and Human Resources
Waterford School District
501 N. Cass Lake Road
Waterford, MI 48328
248-682-7800

The individual may also, at any time, contact the U. S. Department of Education, Office of Civil Rights, 600 Superior Avenue, Room 750, Cleveland, Ohio 44114-2611.

Section II

The person who believes s/he has a valid basis for grievance shall discuss the grievance informally and on a verbal basis with the District's Civil Rights Coordinator, who shall in turn investigate the complaint and reply with an answer to the complainant. S/He may initiate formal procedures according to the following steps:

Step 1

A written statement of the grievance signed by the complainant shall be submitted to the District's Civil Rights Coordinator within five (5) business days of receipt of answers to the informal complaint. The Coordinator shall further investigate the matters of grievance and reply in writing to the complainant within five (5) business days.

Step 2

If the complainant wishes to appeal the decision of the District's Civil Rights Coordinator, s/he may submit a signed statement of appeal to the Superintendent of Schools within five (5) business days after receipt of the Coordinator's response. The Superintendent shall meet with all parties involved, formulate a conclusion and respond in writing to the complainant within ten (10) business days.

Step 3

If the complainant remains unsatisfied, s/he may appeal through a signed written statement to the Board of Education within five (5) business days of his/her receipt of the Superintendent's response in step two. In an attempt to resolve the grievance, the Board of Education shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days.