

ELEMENTARY CODE OF CONDUCT

In order to maintain a safe and orderly environment for all elementary children, the following code of conduct is in effect within Monroe Public Schools. This code of conduct will be cumulative, and will transfer with students if they should move between schools. Investigations of infractions will include but not be limited to interviewing students, staff and any other persons involved in witnessing the event of misconduct. Based on this investigation, administrators and/or a designee will determine the appropriate step based on the circumstance of the incident. There may be circumstances requiring involvement of law enforcement. Parent involvement is an important part of this process and all out-of-school suspensions will require a parent conference.

MISCONDUCT UNDER THE REVISED SCHOOL CODE

A student may be suspended or expelled pursuant to law for committing one of the following offenses:

Offense	Penalty	Revised School Code Citation
For students in grade 6 or above, physical assault against another student	The Board or its designee <i>shall</i> suspend or expel for <i>up to</i> 180 days	MCL 380.1310(1)
For students in grade 6 or above, physical assault against a school employee, volunteer or contractor	Expulsion	MCL 380.1311a(1)
For students in grade 6 or above, making a bomb threat or other similar threat toward a school building, school property, or at a school-related event	<i>Shall</i> suspend or expel for a period of time as determined by the board or its designee	MCL 380.1311a(2)
Gross misdemeanor	<i>May</i> suspend or expel	MCL 380.1311(1)
Persistent disobedience	<i>May</i> suspend or expel	MCL 380.1311(1)
Possession of a dangerous weapon in a weapon free school zone	Expulsion	MCL 380.1311(2)
Arson in a school building or on school grounds	Expulsion	MCL 380.1311(2)
Criminal sexual conduct in a school building or on school grounds	Expulsion	MCL 380.1311(2)

Before suspending or expelling a student for one of the offenses listed above, unless the student is charged with possession of a *firearm* in a weapon free school zone, the school board, superintendent, principal, or designee must consider each of the following factors:

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

The failure to consider these factors, for suspensions of more than 10 days and expulsions, creates a rebuttable presumption that the discipline was unjustified. MCL 380.1310d(2).

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Possessing a Dangerous Weapon – Exceptions/Mitigating Factors:

The school board or its designee is not required to expel a student for possessing a dangerous weapon (whether a firearm or otherwise) if the student establishes in a clear and convincing manner one of the following exceptions:

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

[MCL 380.1311(2).]

There is a rebuttable presumption that expulsion is not justified for possession of a dangerous weapon if:

1. The student has no history of suspension or expulsion; and
2. The school board or its designee determines *in writing* that at least 1 of the following conditions has been established in a clear and convincing manner:
 - a. The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
 - b. The weapon was not knowingly possessed by the pupil.
 - c. The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.
 - d. The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

See MCL 380.1311(3).

Definitions

- At school means “in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.” MCL 380.1310(3)(a); MCL 380.1311a(12)(a).
- “Dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles. MCL 380.1313(4).
- “Expel” means to exclude a pupil from school for disciplinary reasons for a period of 60 or more school days. MCL 380.1310d(5)(a).
- “Firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.” 18 USC 921(a)(3) (cited by MCL 380.1311(12)(d)).
- “Restorative practices” means practices that emphasize repairing the harm to the victim and the school community caused by a pupil’s misconduct. MCL 380.1310c(3)(b).
- “Suspend” means to exclude a pupil from school for disciplinary reasons for a period of fewer than 60 school days. MCL 380.1310d(5)(c).

Short-term suspension, 1 day or less. May be administered as lunchtime, after school, or in-house suspension.

Short-term suspension, 2-4 days.

Short-term suspension, 5-7 days.

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MISCONDUCT UNDER THE STUDENT CODE OF CONDUCT

For offenses other than the ones listed above, the following disciplinary steps will be used:

1. Conference with students, referral if necessary.
2. Parent conference.
3. Short-term suspension, 1 day or less. May be administered as lunchtime, after school, or in-house—suspension.
4. Short-term suspension, 2-4 days.
5. Short-term suspension, 5-7 days.
6. Long-term suspension, 8-9 days.
7. Long-term suspension, 10 days, up to expulsion by Board action.

Students who are suspended out of school will not be allowed to attend school-sponsored after-school extra-curricular activities during that suspended time.

Offense	Steps
School Rule Violation <ul style="list-style-type: none"> • Behavior that jeopardizes a safe, respectful and responsible learning environment. The following includes but is not limited to: disrespect, profanity, violation of safety rules. 	1-7
Creating a Disturbance <ul style="list-style-type: none"> • Behavior that leads to a disruption of normal school activity 	1-4
Fighting/Assault <ul style="list-style-type: none"> • An exchange of unwanted physical contact 	3-7
Harassment/Intimidation <ul style="list-style-type: none"> • Abusive and threatening language or actions meant to hurt or damage another person's reputation or self-esteem. The following includes, but is not limited to, language or action targeting another's race, ethnicity, gender, socio-economic status, religion, sexual orientation, academic/physical challenges. 	1-7
Bullying <ul style="list-style-type: none"> • Means any written, verbal, or physical act, or any electronic communication, including, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly by doing any of the following: • (i) Substantially interfering with educational opportunities, benefits, or programs of 1 or more pupils. • (ii) Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress. • (iii) Having an actual and substantial detrimental effect on a pupil's physical or mental health. • (iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school. 	3-5
Sexual Harassment/Misconduct <ul style="list-style-type: none"> • Including but not limited to: touching, dirty jokes, obscene gestures, sexual remarks or innuendoes, comments about body parts, conversations of a sexual nature, staring in a way that is too personal, pornographic writing, pictures or drawings, forcing sexual attention on someone who doesn't want it, touching private parts of other persons, indecent exposure. 	1-7
Vandalism <ul style="list-style-type: none"> • Intentional destruction or misuse of property 	1-7 (plus restitution)
Theft <ul style="list-style-type: none"> • Up to \$100 • Over 100 	1-4 3-7 (plus restitution)
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Offense	Step
Gross Misconduct <ul style="list-style-type: none">Willful and neglectful acts of misbehavior of a more serious nature that could jeopardize the safety and well-being of themselves and/or others	4-7
Habitual Offender <ul style="list-style-type: none">A student may be considered a habitual offender upon the fourth offense of a Step 4 or higher mandate	6-7
Insubordination <ul style="list-style-type: none">Refusal to comply with directives given by staff	1-4
Substance Abuse	6-7