



**LENAWEE INTERMEDIATE SCHOOL DISTRICT  
STUDENT CODE OF CONDUCT**

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# **LENAWEE INTERMEDIATE SCHOOL DISTRICT STUDENT CODE OF CONDUCT**

The safety and wellbeing of the LISD's students, staff, and visitors represents one of the most important responsibilities of the LISD. In order to ensure that a safe and nurturing environment is provided for all while on LISD property or participating in an LISD sponsored educational program, event, or activity, the LISD Board of Education has developed and adopted this Student Code of Conduct which is intended to serve as a guide for students, parents, and LISD staff regarding student conduct and discipline. This Student Code of Conduct applies to all LISD programs unless otherwise stated in writing by the LISD.

## **1. Jurisdiction**

Michigan's Revised School Code grants intermediate school districts the power to provide for the safety and welfare of students while at school or a school sponsored activity or while traveling to and from school or any school sponsored activity. MCL 380.601a(b).

Furthermore, the Revised School Code requires intermediate school districts to develop and implement a code of student conduct and enforce its provisions with regard to student misconduct. MCL 380.1312(8).

## **2. Joint Applicability**

In some circumstances, LISD students may also be expected to abide by another code of conduct in addition to the LISD's student code of conduct. For example, students enrolled in a LISD program that is located within a local school district will be expected to abide by both the LISD's and local district's student code of conduct. Typically, if discipline becomes necessary, representatives from both districts will jointly determine the appropriate disciplinary action, provided that such is permissive under both district's student code of conduct. And, the districts will jointly apply/enforce the disciplinary action.

Additionally, LISD programs may develop additional expectations and rules for students enrolled in those programs. In those instances, students are expected to abide by both the program expectations and rules and the expectations and rules in this student code of conduct.

## **3. Expectations of Students**

LISD students will:

- Demonstrate respect for the law, District rules, including this student code of conduct, and for those persons in authority.
- Demonstrate respect for the rights and interests of others.
- Demonstrate respect for real and personal property.
- Demonstrate exemplary personal standards of courtesy, decency, and honesty.
- Demonstrate a sense of responsibility for personal choices.
- Be prepared to learn and contribute positively to the educational environment and program.

- Value the educational program and opportunity provided by the LISD and continually seek to maximize the benefit of program enrollment and attendance for all students.

**4. Use of Force**

LISD employees and other representatives will not use, inflict, or cause physical pain by hitting, paddling, spanking, slapping, or applying any other means of physical force against a student for the purpose of discipline. A LISD employee or representative may, however, use reasonable physical force against a student as is necessary to maintain order and control within the school environment or educational program. MCL 380.1312.

**5. Reporting Student Conduct to Law Enforcement**

The LISD Board of Education requires LISD personnel to report to law enforcement student conduct that is suspected to be illegal and that jeopardizes the health or safety of other students, staff, or others, including, but not limited to, anytime that a student is in possession of a dangerous weapon at school or at any school sponsored program or event, a student who engages in arson, a student who engaged in criminal sexual conduct, or a student who physically assaults an employee or other representative of the District.

In accordance with Section 1308 of Michigan’s Revised School Code, MCL 380.1308, the LISD will report any incidents involving the commission or attempted commission of the following conduct to law enforcement, which may include, but is not limited to the Michigan State Police:

- |  |                           |
|--|---------------------------|
| Physical assault or other crime involving physical violence; | Arson;                    |
| Criminal sexual conduct;                                     | Larceny (theft);          |
| Illegal possession of controlled substances or alcohol;      | Armed robbery;            |
| Trespassing;   | Unarmed robbery;          |
| Vandalism;   | Extortion;                |
|  | Gang-related activity; or |
|  | Other crimes              |

Nothing in this Student Code of Conduct prevents the LISD from reporting other incidents to law enforcement which, in the opinion of the LISD Superintendent or another District administrator, is suspected to be illegal or that jeopardizes the health or safety of other students, staff, or others.

**6. Reporting Student Conduct to a Student’s Local District**

The LISD is a regional educational service provider of educational programs and services supporting its local constituent school districts and community. Many LISD programs and services represent an extension of the educational program provided by the local school district. As an extension of local district educational programs, the LISD may disclose a student’s educational records, including any behavioral incidents or disciplinary action taken by the LISD, to another school system where the student is enrolled so long as the disclosure is related to the student’s enrollment. In most cases, the local school district will enforce the same disciplinary action as the LISD. For example, if a student is suspended from a LISD program for conduct while at a LISD school, the local school district will typically apply the same suspension.

## **7. Reporting Student Conduct to Parents/Guardians**

Under most circumstances, student conduct which represents a violation of this Student Code of Conduct will be reported to the student's parent/guardian. If the violation is minor (level one) and the student is not a frequent offender, the student's parent/guardian may not be notified.

## **8. Reporting Student Conduct to Other Persons or Organizations**

The LISD may report student conduct to other persons or organizations where disclosure of the information is necessary to protect the health or safety of the student or other persons. Disclosure of the student's conduct will only be made to the individuals or organizations to whom the information is necessary to protect the health or safety of the student or another person.

## **9. Student Discipline**

The LISD Board of Education desires to provide its students and staff with a learning environment that is free from substantial disruption. To that end, the Board requires that all LISD students adhere to this Student Code of Conduct and that students submit to such disciplinary measures as are appropriate for infraction of these rules and expectations.

This Student Code of Conduct applies to all students at all times when enrolled in a LISD educational program. This includes all distance/remote/online and other off-site educational programs that may not require a student's physical presence on a LISD campus.

## **10. Seriousness of Offense**

The LISD has developed a level system, which is intended to identify the seriousness of each offense and the typical, minimum disciplinary action to be imposed by the District should a student commit the identified offense. Although the identified levels are intended to establish the basis for which disciplinary action will be determined, the LISD may also consider the following factors in arriving at a disciplinary decision: (1) the egregiousness of the student's conduct; (2) the history or record of the student's past conduct; (3) the impact of the student's conduct on the delivery of educational services to other children; (4) the interest of the student; (5) the student's age; (6) the student's ability-functioning level; (7) circumstances surrounding the offense and the student's intent; and (8) relationship of the student's behavior to the student's mental or physical health.

**Level One:** A level one offense consists of problematic behavior which violates the expectations and rules of the District community, but is not severe enough to warrant significant disciplinary action, such as removal from class or suspension from school, unless the offender has committed multiple violations. Level one offenses may result in loss of privilege to participate in non-mandatory educational programs, activities, or events sponsored by the District.

**Level Two:** A level two offense consists of a problematic behavior which violates the expectations and rules of the District community, which may result in immediate removal from class and/or a short-term suspension (10 or fewer days) from school on the first offense, or may result in more severe action if the offender has committed multiple violations. Level two offenses may also result in loss of privilege to participate in non-mandatory educational programs, activities, or events sponsored by the District.

**Level Three:** A level three offense consists of a problematic behavior which violates the expectation and rules of the District community, which may result in an immediate long-term suspension (more than 10 days, but not more than 59 days) from school on the first offense, or may result in more severe action if

the offender has committed multiple violations. Level three offenses may also result in loss of privilege to participate in non-mandatory educational programs, activities, or events sponsored by the District.

**Level Four:** A level four offense consists of a problematic behavior which violates the expectation and rules of the District community, which may result in suspension for 60 or more days or expulsion from school on the first offense.

## 11. Restorative Practices

The LISD will consider using restorative practices as an alternative to or in addition to a suspension or expulsion from school. Restorative practices may, at the sole discretion of the LISD, offer students who violate this Student Code of Conduct alternative options to the District’s imposed disciplinary action. Such strategies may include participation in a restorative program intended to address the underlying issue(s) believed to be causing the inappropriate conduct. Restorative practices will be the first consideration to remediate offenses such as: interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying. Restorative practices may be used at the discretion of the LISD Superintendent.

## 12. Level One Offenses

| Offense   | Definition   | Seriousness of Offense   |
|---|--|--|
| Disruptive Behavior   | Behavior that interferes with the orderly operation of the educational program and/or school environment.  | Level One  |
| Inappropriate Display of Affection/Physical Contact                               | Inappropriate display of affection includes the physical touching of another person in an intimate or sexual manner.   | Level One  |
| Inappropriate Dress   | Refusal or failure to comply with the school dress code, including failure to provide school-issued identification, if applicable.   | Level One  |
| Inappropriate Use of Technology/Violation of the District’s Acceptable Use Policy | Failure to comply with the requirements of the District’s Technology Acceptable Use Policy or use of any technological device or resource, including personal mobile devices and computers, for inappropriate or illegal purposes, such as action which results in loss of data, interruption of District operations, interference with educational activities, alteration or damage to software or hardware, or creating or distributing/sharing inappropriate content. | Level One  |
| Larceny/Theft   | Taking an item without permission of the owner.  | Level One – Three, depending upon the circumstances and the value of the item(s) |
| Leaving Classroom/Assigned Area without Permission                                | Leaving the assigned area without obtaining prior approval of the teacher or school official in charge.  | Level One  |
| Loitering   | Remaining, without authorization or legitimate purpose, within an area or part of a school facility or campus.   | Level One  |
| Misrepresentation, fraud, or making a false statement                             | Knowingly or intentionally making a statement, whether oral or written, that is not true, whether for personal gain or not.  | Level One  |

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|---|---|-----------|
| Possession of a Weapon                          | The possession, while on school property or at any school sponsored program or event, of any instrument or object, which could reasonably be determined to be a weapon, but that is not considered a “dangerous weapon” as defined by Michigan law and in this Student Code of Conduct. | Level One |
| Tardy   | Failure to be in an assigned classroom, laboratory, or other location at the beginning, or during any part, of the class period or educational program or activity.   | Level One |
| Unexcused Absence                               | Failure to attend a class or other educational program or activity without a valid reason, and if a minor student, without parent/guardian permission.  | Level One |
| Use of Profanity or Inappropriate Communication | Use of offensive language, images, or other means of communication either written or spoken.  | Level One |
| Academic Dishonesty                             | Cheating, plagiarism, unauthorized collaboration, unauthorized use of artificial intelligence, and other forms of academic dishonesty.  | Level One |

### 13. Level Two Offenses

| Offense               | Definition   | Seriousness of Offense |
|-----------------------|--|------------------------|
| Bullying/Intimidation | <p>Any written, verbal, or physical act, including cyber bullying (i.e. any electronic communication, including, but not limited to electronically transmitted acts, such as internet, telephone or cell phone, personal digital assistant, or wireless hand held device) that, without regard to its subject matter or motivation, is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and is conduct that meets all of the following:</p> <ul style="list-style-type: none"> <li>▪ substantially interferes with educational opportunities, benefits, or programs of one or more students;</li> <li>▪ adversely affects the ability of a student to participate in or benefit from the LISD’s educational program or activities by placing the student in reasonable fear of physical harm or by causing emotional distress; and</li> <li>▪ is based on a student's actual or perceived distinguishing characteristic (i.e. race, color, religion, ancestry, national origin, gender, gender identity or expression, sexual orientation, mental/physical disability, or by any other distinguishing characteristic) or is based on an association with another person who has or is perceived to have any of these</li> </ul> | Level Two              |

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|---|---|-----------|
|   | characteristics.  |           |
| Consensual Sexual Activity                                  | Engaging in sexual conduct to which the participating parties have consented on school property or at any school sponsored program or event.  | Level Two |
| Controlled Substance Use                                    | Use of any controlled substance or look-alike substance on school property or at any school sponsored program or event, unless such is permitted by law.  | Level Two |
| Disorderly Conduct  | Acting in such a way as to cause a significant disruption to the school environment or educational program.   | Level Two |
| Drug Possession, including Possession of Drug Paraphernalia | Possession of any kind of controlled substance or look-alike substance on school property or at any school sponsored program or activity.   | Level Two |
| Extortion   | Obtaining money or property from an unwilling person or forcing an individual to act by either physical force or intimidation (threat).   | Level Two |
| Fighting  | Engaging in the use of physical force against another person, whether planned or unplanned.   | Level Two |
| Gambling  | Participating in games of chance or skill for money or profit.  | Level Two |
| Harassment, Hazing, or Discriminatory Conduct               | <p>To annoy, impede, or otherwise negatively interfere with another person, including the wearing or possession of items depicting or implying hatred of, or prejudice towards, another person on the basis of race, color, religion, gender, gender identity or expression, sexual orientation, national origin, age, disability, pregnancy status, genetic information, or other characteristic protected by law, and where the conduct is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress, and is conduct that meets all of the following:</p> <ul style="list-style-type: none"> <li>▪ substantially interferes with educational opportunities, benefits, or programs of one or more students;</li> <li>▪ adversely affects the ability of a student to participate in or benefit from the LISD's educational program or activities by placing the student in reasonable fear of physical harm or by causing emotional distress; and</li> <li>▪ is based on a student's actual or perceived distinguishing characteristic (i.e. race, color, religion, ancestry, national origin, gender, gender identity or expression, sexual orientation, mental/physical disability, or by any other distinguishing characteristic), or is based on an association with another person who has, or is perceived to have, any of these characteristics.</li> </ul> | Level Two |

| <b>Offense</b>  | <b>Definition</b>  | <b>Seriousness of Offense</b>   |
|---|--|---|
| Insubordination   | Refusal or failure to comply with a directive or instructions given by a school official or representative.  | Level Two   |
| Interference with School Representatives  | Preventing or attempting to prevent school representatives from engaging in their responsibilities through threats, violence, harassment, physical action, or otherwise. Providing false information during an investigation or making false accusations.  | Level Two   |
| Intoxication  | Unable to act within one's normal capacity and/or having a diminished ability to function as a result of the consumption or use of alcohol, drugs, or other controlled substances.   | Level Two   |
| Minor Under the Influence of Alcohol  | Having any bodily alcohol content while present at school or while participating in any school sponsored program or event.   | Level Two   |
| Misuse of a non-controlled substance  | Misuse of any non-controlled substance such as over-the-counter medicines or other chemicals, which when used improperly, are likely to cause harm.  | Level Two   |
| Physical, Verbal, or Written Assault  | Issuing a threat, with the ability to carry it out, and the action reasonably causes a person to feel afraid of impending violence, or causing violence or physical injury to another person.  | Level Two however, if the offender is a student in grade six or higher and the physical assault is against a school representative or another student, Level Four (MCL 380.1311a) |
| Possessing, Displaying, or Disseminating Inappropriate Materials                          | Possession, display, or distribution of any inappropriate or illegal materials such as violent or pornographic images or statements.   | Level Two   |
| Sexual Harassment   | Any communication that denigrates, threatens, or shows hostility towards another person based on that person's gender, including persons of the same or opposite gender from the offender. Sexual harassment may consist of unwelcome sexual advances, sexting, requests for sexual favors or other communication of a sex-based nature. | Level Two   |
| Tobacco (including electronic smoking devices and look-alike items) or Alcohol Possession | Possession of any kind of tobacco, including electronic smoking devices and look-alike items, or alcohol, including look-alike items, on school property or at any school sponsored program or event.  | Level Two   |



| <b>Offense</b>   | <b>Definition</b>   | <b>Seriousness of Offense</b> |
|--|---|-------------------------------|
| Tobacco (including electronic smoking devices) or Alcohol Use                                      | Consumption or use of any kind of tobacco, including electronic smoking devices, or alcohol on school property or at any school sponsored program or event.   | Level Two                     |
| Trespassing  | Entering or remaining on a school facility or campus without proper authorization, or when directed not to be present on the school facility or campus.   | Level Two                     |
| Unauthorized Video/Audio Recording   | Use of a video or audio recorder to record the image or statements of others without their permission or use of such in areas with an expectation of privacy such as restrooms.   | Level Two                     |
| Under the Influence of a Controlled Substance  | Having any bodily controlled substance content while present at school or while participating in any school sponsored program or activity, unless such is permitted by law.   | Level Two                     |
| Vandalism  | Intentionally or recklessly causing damage to or defacing District property or the property of others.  | Level Two                     |
| Possession, Display, and/or Distribution of Racially Divisive Symbols, Graphics, and/or Statements | Possessing, displaying, and/or distributing any racially divisive symbols, graphics, and/or statements that, in the opinion of the LISD administration, are likely to cause a material and substantial disruption to the educational program and/or orderly discipline of the school district | Level Two                     |

#### 14. Level Three Offenses

| <b>Offense</b>                    | <b>Definition</b>   | <b>Seriousness of Offense</b>  |
|-----------------------------------|---|--|
| Battery                           | Use of force causing bodily harm or injury to another person.   | Level Three, however, if the offender is a student in grade six or higher and the battery/physical assault is against a school representative or another student, Level Four (MCL 380.1311a) |
| Endangerment                      | Acting with recklessness or disregard such that significant bodily injury or death to another person is likely.   | Level Three  |
| Poisoning                         | To attempt to cause physical harm to another person by causing them to ingest, inhale, or otherwise absorb a poisonous substance.   | Level Three  |
| Possession of an Explosive Device | The possession, while on school property or at any school sponsored program or event, of any device that relies on the exothermic reaction of an explosive material to provide a violent release of energy. | Level Three  |
| Robbery                           | Taking property from another person by force or threat of force.  | Level Three  |

**15. Level Four Offenses**

| Offense                          | Definition  | Seriousness of Offense   |
|----------------------------------|---|--|
| Arson                            | Acting in a deliberate manner to set fire to property, or the intent or attempt to participate in or enable the burning of property for any reason.   | Level Four<br>(MCL 380.1311(2))  |
| Bomb Threat                      | Reporting to school, public safety, or others the presence of a bomb on or near school property without a reasonable belief that a bomb is present on school property.  | Level Four<br>(MCL 380.1311a)  |
| Possession of a Dangerous Weapon | The possession, while on school property or at any school sponsored program or event, of a 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.  | Level Four, unless the student establishes in a clear and convincing manner at least one of the following:<br>(a) the dangerous weapon was not possessed for use as a weapon, or for delivery to another person for use as a weapon.<br>(b) the student did not know he/she had the weapon.<br>(c) the student did not know or should not have been expected to know that the item was a dangerous weapon.<br>(d) the student had permission to possess the weapon from school authorities or law enforcement.<br>(MCL 380.1311) |
| Sexual Misconduct                | Engaging in any unwelcome behavior of a sexual nature, which typically includes physical contact with another person that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender. | Level Four<br>(MCL 380.1311(2))  |
| Threat of Violence               | Reporting to school, public safety, or others that violence on or near school property is imminent or likely to occur without a reasonable belief that violent activity will occur.   | Level Four   |

| Offense  | Definition   | Seriousness of Offense |
|--|--|------------------------|
| Use of a Weapon, including, but not limited to, a Dangerous Weapon | The use of any object which is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including spring, air, and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, daggers, dirks, stilettos, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and any other weapon described by State or Federal law. | Level Four             |
| Use of an Explosive Device   | The placement or use of any device that relies on the exothermic reaction of an explosive material to provide a violent release of energy, regardless of whether or not such actually detonates or causes any explosion, with the intent to cause physical harm or damage to property.   | Level Four             |

## 16. Safety Sensitive Program

The LISD operates many safety-sensitive programs which, for the protection of staff and students, may necessitate additional expectations and rules beyond those which are included in this Student Code of Conduct. Students are expected to adhere to both those rules and expectations established by the program in which they are enrolled and this Student Code of Conduct.

Michigan law permits the use of medical marihuana by a qualifying patient as defined by the law. However, the law prohibits the possession or consumption of marihuana on a school bus or on the grounds of any preschool, primary, or secondary school. Additionally, the law prohibits anyone to engage in any conduct under the influence of marihuana, when doing so would be dangerous, and permits employers to prohibit employees from working under the influence of marihuana. All persons, including qualifying patients, are prohibited from being under the influence of marihuana or any other prescription medication, which may impede or interfere with one’s ability to participate in any safety-sensitive program or while performing on-the-job training.

Violators will be disciplined in accordance with this Student Code of Conduct.

## 17. Work-based Learning and On-the-Job Training

The LISD provides numerous work-based learning and on-the-job training opportunities for its students. These opportunities typically consist of student placement within the work place and/or the community where learning takes place. Students participating in work-based learning and/or on-the-job training opportunities are expected and required to follow the work place policies and procedures as well as the policies and procedures of the LISD and this Student Code of Conduct. Failure to abide by the work place policies and procedures, the LISD’s policies and procedures, or this Student Code of Conduct may result in removal from the work place, which may adversely impact the student’s standing within the LISD’s academic program.

## **18. Suspension and Expulsion of Students**

Under Michigan law, a suspension of 10 or fewer school days is presumed to be reasonable. A suspension of greater than 10 school days, or an expulsion, is, in most circumstances, presumed not to be warranted. Before imposing a suspension of more than 10 school days or an expulsion, District administration and/or the Board must rebut the presumption (i.e., explain why the suspension or expulsion is warranted despite the presumption) by considering the following factors:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

A teacher may suspend a student from any class, subject, or activity for up to one full school day if the teacher has good reason to believe that the student: (1) intentionally disrupted the class, subject, or activity; (2) jeopardized the health or safety of any of the other participants in the class, subject, or activity; or (3) was insubordinate during the class, subject, or activity. Before suspending a student from a class, subject, or activity, a teacher must first determine whether suspension is warranted based on the following factors:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

The LISD Board directs any teacher who suspends a student from a class, subject, or activity to immediately report the suspension and the reason for the suspension to the building administrator or designee. If a student is suspended from a class, subject, or activity, but will otherwise remain at school, the LISD Board directs the building administrator or designee to ensure that the student is appropriately supervised during the suspension and, if the student is a student with a disability, that all procedures that apply to students with disabilities are followed.

The LISD Board directs any teacher who suspends a student from a class, subject, or activity to, as soon as possible following the suspension, request that the student's parent/guardian attend a parent-teacher conference to discuss the suspension. The LISD Board directs the building administrator or designee to attend the conference if either the teacher or the parent/guardian requests the attendance of a school administrator. In addition, the Board directs the building administrator to make reasonable efforts to invite a school counselor, school psychologist, or school social worker to attend the conference.

LISD school administrators may suspend a student for 10 or fewer school days for an offense identified in this Student Code of Conduct as a level two or greater offense, or if the offense is identified as a level one offense, but the student is a frequent offender. Before exercising this authority, the school administrator must: (1) provide the student due process as described in the section of this Student Code of Conduct entitled "Due Process and Appeals Rights"; and (2) determine if the student is a student with a disability, in which case the student's discipline is subject to the section of this policy entitled "Discipline of

Students with a Disability." Furthermore, the school administrator, before choosing to suspend a student for 10 or fewer days must consider the following factors:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

The LISD Superintendent may suspend a student for up to 59 school days for an offense identified in this Student Code of Conduct as a level three or higher offense, or if the offense is identified as a level two offense, but the student is a frequent offender. Before exercising this authority, the LISD Superintendent must: (1) provide the student due process as described in the section of this Student Code of Conduct entitled "Due Process and Appeals Rights"; and (2) determine if the student is a student with a disability, in which case the student's discipline is subject to the section of this policy entitled "Discipline of Students with a Disability." Furthermore, the Superintendent, before choosing to suspend a student for 59 or fewer days must consider the following factors, and must detail his/her rationale for the suspension against the factors in writing:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

The LISD Board of Education may suspend for 60 or more days or may expel a student for an offense identified in this Student Code of Conduct as a level four offense, or if the offense is identified as a level two or three offense, but the student is a frequent offender. Before exercising this authority, the Board must: (1) provide the student due process as described in the section of this Student Code of Conduct entitled "Due Process and Appeals Rights"; and (2) determine if the student is a student with a disability, in which case the student's discipline is subject to the section of this policy entitled "Discipline of Students with a Disability." Furthermore, the Board, before choosing to expel a student must consider the following factors, and must detail their rationale for the suspension against the factors in writing:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

## **19. Mandatory Suspension or Expulsion**

Michigan's Revised School Code requires the LISD to act to suspend or expel students under certain circumstances, which are as follows:

*Physical Assault of Another Student*

If a student enrolled in 6<sup>th</sup> grade or higher intentionally causes or attempts to cause physical harm to another student through force or violence, the LISD must suspend or expel the student from the LISD for up to 180 school days. Provided however that, prior to permanently expelling a student for physical assault of another student, the LISD Board will consider the following factors when deciding whether to permanently expel the student or to impose a less severe penalty:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

*Bomb Threat*

If a student enrolled in 6<sup>th</sup> grade or higher makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, the LISD must suspend or expel the student from the LISD for a period of time determined by the LISD Board of Education. Provided however that, prior to permanently expelling a student for making a bomb threat, the LISD Board will consider the following factors when deciding whether to permanently expel the student or to impose a less severe penalty:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

*Physical Assault of a District Employee or Representatives*

If a student enrolled in 6<sup>th</sup> grade or higher intentionally causes, or attempts to cause, physical harm to a LISD employee or representative through force or violence, the LISD must permanently expel the student from the LISD, subject to possible reinstatement as is allowable by law. Provided however that, prior to permanently expelling a student for physical assault of a District employee or representative, the LISD Board will consider the following factors when deciding whether to permanently expel the student or to impose a less severe penalty:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

*Arson*

If any LISD student commits arson as defined by Michigan law in a school building or on school grounds, the LISD shall permanently expel the student from the LISD, subject to possible reinstatement as is allowable by law. Provided however that, prior to permanently expelling a student for arson, the LISD

Board will consider the following factors when deciding whether to permanently expel the student or to impose a less severe penalty:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

#### *Criminal Sexual Conduct*

If any LISD student commits criminal sexual conduct as defined by Michigan law in a school building or on school grounds, the LISD shall permanently expel the student from the LISD, subject to possible reinstatement as is allowable by law. Provided however that, prior to permanently expelling a student for criminal sexual conduct, the LISD Board will consider the following factors when deciding whether to permanently expel the student or to impose a less severe penalty:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

#### *Possession of a Dangerous Weapon*

If any LISD student possesses a dangerous weapon as defined by Michigan law in a school building or on school grounds, the LISD shall permanently expel the student from the LISD, subject to possible reinstatement as is allowable by law.

However, the LISD is not required to permanently expel the student if the student established by clear and convincing evidence one of the following: (1) the object or instrument possessed by the student was not possessed by the student for use as a weapon or for direct or indirect delivery to another person to use as a weapon; (2) the weapon was not knowingly possessed by the student; (3) the student did not know or have reason to know that the object or instrument that he/she possessed was a dangerous weapon; (4) the object or instrument was possessed by the student at the suggestion, request, or direction of, or with the express permission of, LISD or police authorities.

Provided however that, prior to permanently expelling a student for possession of a dangerous weapon that is not a firearm, the LISD Board will consider the following factors when deciding whether to permanently expel the student or to impose a less severe penalty:

- (a) The student's age;
- (b) The student's disciplinary history;
- (c) Whether the student has a disability;
- (d) The seriousness of the behavior;
- (e) Whether the behavior posed a safety risk;
- (f) Whether restorative practices are a better option; and
- (g) Whether lesser interventions would address the behavior.

The LISD will undertake those additional procedures related to mandatory suspension or expulsion as are set forth in the LISD Board of Education's Policy and/or applicable law.

## **20. Discipline of Students with a Disability**

In addition to the requirements under Section 18 of this Student Code of Conduct, when the LISD is considering discipline of a student with a disability and the resulting disciplinary action is determined to be:

1. Expulsion; or
2. Suspension for more than 10 consecutive school days; or
3. Suspension for any period which would result in the cumulative total of suspended days exceeding 10 during the same school year and the removal constitutes a pattern of removal; or
4. Placement in an interim alternative educational program.

The LISD will notify the student's parent/guardian of the disciplinary decision and will provide the parent/guardian with a copy of Michigan's Procedural Safeguards Notice.

### *Procedural Safeguards for Discipline of a Student with a Disability*

Within 10 school days after a decision to impose one of the above-listed disciplinary actions on a student with a disability, the LISD will convene a manifestation determination review team meeting, which must include the student's parent/guardian and relevant members of the student's individualized education program team, for the purpose of determining whether the student's conduct leading to the disciplinary action was a manifestation of the student's disability.

If the manifestation determination review team meeting determines that the conduct was not a manifestation of the student's disability, the LISD will proceed with the decided disciplinary action, and may, if appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan for the student.

If the manifestation determination review team meeting determines that the conduct was a manifestation of the student's disability, the LISD will not proceed with the decided disciplinary action and will instead: (1) conduct a function behavioral assessment (unless one has already been conducted), develop or modify, and implement a behavior intervention plan for the student; and (2) return the student to the LISD program from which the student was removed, unless both the parent and District agree to change the placement. However, if the conduct consisted of (a) carrying or possessing a weapon, (b) knowingly possessing, using, selling, or soliciting a controlled substance, or (c) inflicting serious bodily harm on another person, the LISD may place a student in an interim alternative educational setting for up to 45 school days, even when the conduct is determined to be a manifestation of the student's disability and regardless of whether or not parent/guardian consent is given.

### *Definitions Related to the Discipline of Students with Disabilities*

For the purposes of this Discipline of Students with a Disability section of the LISD Student Code of Conduct only, the following definitions apply:

“Student(s) with a disability” means a student who has been evaluated according to the Individuals with Disabilities Education Act (IDEA) and the Michigan Department of Education's Administrative Code regarding the operation of special education programs and services, and is determined by an Individualized Education Program (IEP) team, an individualized family service plan team, or an administrative law judge to have one or more of the impairments that necessitates special education or related services, or both, who is not more than 25 years of age as of September 1 of the school year of



enrollment, and who has not graduated from high school. A student who reaches the age of 26 after September 1 is a "student with a disability" and entitled to continue a special education program or service until the end of that school year.

“Student(s) with a disability” also includes “Section 504 student,” which means a student who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. These students will have a Section 504 Evaluation and Educational Plan.

“Student(s) with a disability” also includes students not presently identified as a student with a disability if (1) the student’s parent/guardian had, prior to the conduct occurring, expressed concern in writing to an LISD administrator that the student needed special education or related services, (2) the student’s parent/guardian requested a special education evaluation, (3) the student’s teacher or other District personnel expressed specific concerns about a pattern of behavior demonstrated by the student to the District’s Director of Special Education or another LISD administrator.

A student whose parents/guardians refused to allow the LISD to evaluate the student, refused to allow the LISD to provide special education services, or who was previously evaluated and determined not to be a student with a disability, is not a “student with a disability.”

“Weapon” means any device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, but does not include a pocket knife with a blade of less than 2 ½ inches in length.

## **21. Due Process Rights and Appeals Rights**

The LISD will ensure that all students are provided due process as required by State and Federal law before a student is suspended or expelled.

If a LISD administrator determines that an emergency exists that requires the immediate removal of a student from school or an LISD program or activity, the administrator may contact the student's parent/guardian or local law enforcement, or take other measures, to have the student safely removed from school or the educational program or activity. The administrator must, as soon as practicable thereafter, follow the procedures outlined below.

Before making the decision to suspend a student for 10 or fewer school days, the LISD will: (1) provide the student verbal notice of the offense the student is suspected to have committed and (2) provide the student an informal opportunity to explain what happened. Except in emergency circumstances, the LISD will not suspend the student unless, after providing the student notice and an opportunity to explain, the LISD is reasonably certain that the student committed a violation of this Student Code of Conduct and that suspension is the appropriate consequence. A student or his/her parent/guardian may appeal the decision to suspend a student for 10 or fewer school days to the LISD Superintendent, whose decision shall be final.

Before making the decision to suspend a student for more than 10 school days, the LISD Superintendent will provide the student and his/her parent/guardian: (1) written notice of the offense the student is suspected to have committed and (2) opportunity for a hearing, at which the student may present evidence and witnesses to show that the student did not commit the alleged offense or that suspension is not an appropriate consequence. The LISD Superintendent will provide the student and his/her parent/guardian at least three calendar days' notice before the hearing. The student and his/her parent/guardian may be

represented at their cost by an attorney or another adult advocate at the hearing. The LISD Superintendent will not suspend the student unless, following the hearing, s/he is convinced by a preponderance of the evidence that the student committed a violation of this Student Code of Conduct and that suspension is the appropriate consequence. A student or his/her parent/guardian may appeal the LISD Superintendent's decision to the LISD Board of Education, whose decision shall be final.

Before the LISD Board of Education suspends or expels a student, the LISD will provide the student and his/her parent/guardian: (1) written notice of the offense the student is suspected to have committed and (2) opportunity for a Board hearing, at which the student may present evidence and witnesses to show that the student did not commit the suspected offense or that suspension or expulsion is not an appropriate consequence. The LISD will provide the student and his/her parent/guardian at least three calendar days' notice before the hearing. The student and his/her parent/guardian may be represented at their cost by an attorney or another adult advocate at the hearing. The Board will not suspend or expel the student unless, following the hearing, a majority of the Board is convinced by a preponderance of the evidence that the student committed misconduct that should result in suspension or expulsion under either this Student Code of Conduct or the Revised School Code and that suspension or expulsion is the appropriate consequence. The decision of the Board of Education is final.

## **22. Educational Programming during Suspension or Expulsion**

Unless otherwise agreed by the LISD Superintendent, a student who has been suspended or expelled may not be on LISD property, attend or participate in classes or school functions, or participate in extracurricular activities during the student's suspension or expulsion. The District will, to the extent required by law, assist students who have been suspended or expelled to explore alternative means to earn credit and to complete course work during the period of the student's suspension or expulsion. To the extent required by law, students with disabilities, even if expelled, must be provided with an appropriate education in an alternative educational setting.

**Nothing contained in this Student Code of Conduct is intended to prevent a student and/or a student's parent/guardians from exercising whatever rights may be available to them under Federal or State law, administrative code, or other applicable regulation, nor is anything intended to prevent the LISD from immediately removing any dangerous student from an LISD program, activity, or event, or from taking other action allowable under law.**