

THE SCHOOL DISTRICT OF BENTON HARBOR



STUDENT CODE OF CONDUCT 2017-2018

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Preamble

It is agreed that the effectiveness of this Code depends upon the full support of the teachers, parents, students, administrators, and the Board of Education in its enforcement.

Notice Regarding Non-Discriminatory Policy

It is the policy of Benton Harbor Area Schools to administer this policy and our school programs in a consistent and equitable manner and to provide equal opportunity to students without regards to race,color,creed,religion,sex,national origin,age,marital status,weight and height,or handicap.

The Board of Education subscribes to and promotes Affirmative Action in their employment practices as stated in their Affirmative Action policies and plans. Any questions regarding equal employment opportunity may be directed to the Superintendent’s Office.

Any questions concerning Title IX of the educational Amendments Act of 1972, discrimination on the basis of sex, should be directed to:

Title IX Coordinator, Assistant Superintendent

Student Liaison and District Hearing Officer
Benton Harbor Area Schools
636 Pipestone
Benton Harbor, MI. 49022
(269) 605-1000

Inquiries regarding compliances with section 504 of the rehabilitation Act of 1973, The Individuals with Disabilities Education Act of 1997 (IDEA),and the Age Act of 1975 should be directed to:

IEP and 504 Coordinator

Benton Harbor Area Schools
636 Pipestone Rd.
Benton Harbor, MI 49022
(269) 605-1000

SUPERINTENDENT'S MESSAGE

August 2017

Dear Parents:

It is my pleasure to present to you the Benton Harbor Area School District Student Code of Conduct. This handbook contains valuable information to support you and your child's success as a Benton Harbor Tiger! The Code of Conduct has been updated to reflect changes in the district and in the law.

The Student Code of Conduct's main purpose is to provide our students with an opportunity to learn about the responsibilities and importance of not engaging in unacceptable conduct in the learning environment and about their rights. It sets the standard for student behavior, and provides an opportunity for staff to identify and assist students whose behavior is a barrier to their educational success.

A main factor in a student's success in school is your support of their educational progress and experiences. Thus, we want you to feel informed, and to know that your voice is important. A great way to share your voice is through collaboration with your child's school. This Code of Conduct is the start to that collaboration, as I am asking you to inform your child of the importance of safety and non-violence, not only in the learning environment, but in the community as well. The expectations for student behavior are outlined in this handbook and should be reviewed by you and your child together. A collaborative effort is essential to nurture a positive and cooperative learning atmosphere where everyone is treated with dignity and respect.

Please take the time to review the Table of Contents and become familiar with specific policies and procedures of the Benton Harbor Area Schools District. Upon review, I ask that you sign the "Parent and Student Statement of Receipt," and have your child return it to his/her school. I hope you find an effective guide to school behavioral expectations within this handbook. Remember - your involvement in your child's education is vital to his/her success.

If you have questions or concerns which are not addressed in The Student Code of Conduct, please contact your Family Relations, Homeless, Volunteer Coordinator, Cleather Nichols. I look forward to educating your children and working together to prepare students able to successfully meet the challenges of living and working in a global society. Benton Harbor's commitment is showing society and the world that "We ROAR"!

Sincerely,
Dr. Shelly Walker

Vision and Mission

Vision Statement

The Benton Harbor Area Schools will do whatever is necessary, unconstrained by convention and fueled by innovation, to guarantee our students an education as worthy as any in the nation. We will recognize and instill in our students a strong and abiding sense of their value as individuals and an understanding of their roles as citizens. We will be dedicated to creating and nurturing in those students and the community we serve an appreciation for the value of education. We will be a system that treats everyone -- students, teachers, employees, administrators, parents and the community -- with equal respect, in an atmosphere of mutual trust. Above all, the Benton Harbor Area Schools will take the lead and become a major force in revitalizing and strengthening the community it serves.

Mission Statement

The Benton Harbor Area Schools will assure all students the opportunity to gain a challenging and quality education.

We believe that:

- All students are entitled to a quality education.
- Education is a life-long learning process.
- We value diversity by understanding, respecting and believing in the worth of every person.
- The Benton Harbor Area Schools employees, teachers, and students should be the best they can be.
- Education and learning must reflect integrity and ethics.
- The education process should be relevant, reflecting the work ethic and preparing students to become productive citizens.

INTRODUCTION

Students in The Benton Harbor Area School District are guaranteed the right to a public education, but regular attendance is vitally important for a student to succeed in school. The United States Supreme Court has held that a student may not be deprived of this right to a public education without adherence to procedural due process. **It is the responsibility of The Benton Harbor Area School District and its staff to ensure that no student is arbitrarily denied the right to an education. It is the responsibility of each student to attend school and to behave in a manner that does not threaten, interfere with or deprive other students of their right to an education.**

The purpose of the Student Code of Conduct is to:

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

The regulations reflected in this Code shall be mandatory and uniformly enforced in **EVERY** Benton Harbor Area School.

SCHOOL JURISDICTION The Student Code of Conduct governance portal to portal, which provides that offenses are prohibited by this policy whenever they occur on school grounds, on school buses, during school-sponsored field trips, when connected with school related events and activities and when students are in route to or from school. Each off-premise incident must be treated individually. Specific consideration will be given, for example, when the incident involves the student's proximity to the school, the length of time elapsed since the student was on school premises, whether there is a connection to an on-premises altercation or confrontation, whether the student stopped at a restaurant or store on the way home, and whether the student has returned to the custody of his/her parents.

Students are advised that all staff employed by The Benton Harbor Area School District required to function in accordance with this Code.** Thus, whenever an employee discovers a student engaging in unacceptable conduct, the employee is required to take prompt action. Prompt action may include directly addressing the student, seeking the assistance of other staff persons, and/or reporting the incident to an administrator.

**This Code is written in accordance with the Michigan Revised School Code and Federal regulations. This Code will be reviewed and updated whenever Regulations affecting the behavior of students are revised.

It is the responsibility of all students, staff and their parents to become familiar with the Student Code. The responsibility lies with the School District of Benton Harbor to inform parents of the contents of the Student Code of Conduct. **WHENEVER THE PARENT IS MENTIONED IN THE CODE, IT ALSO MEANS GUARDIAN.**

Students and parents must recognize that when students engage in unacceptable conduct they will be subject to disciplinary action. In all instances, disciplinary measures shall be administered so as to correct the behavior of the student.

I. DELEGATION STATEMENT

SUPERINTENDENT. The School Superintendent/designee has the authority to develop administrative rules, regulations and procedures necessary for the implementation of this Code or necessary for the administration of student rights, responsibilities, discipline and attendance within the district.

The Superintendent's regulations related to student rights, due process procedures, or appeal procedures are provided within this document.

PRINCIPALS. The school principal or other administrator assigned responsibility for an educational facility may develop supplementary administrative rules, regulations, and procedures necessary to implement this policy and the Superintendent's regulations. However, such additional regulations may neither substitute for nor negate any Board policy or the Superintendent's regulations.

II. STUDENT RESPONSIBILITIES

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

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

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

D. RESPECT FOR OTHER STUDENTS. Students have the responsibility of showing respect for the rights and human dignity of fellow students. Students must refrain from name-calling, fighting, harassment, belittling or engaging in deliberate attempts to embarrass or harm another student.

III. STUDENT RIGHTS

A. THE FAIR ADMINISTRATION OF DISCIPLINE. The Benton Harbor Area School Board of Education does not discriminate against, deny benefits to or exclude participation of any person in its programs, activities or employment on the basis of race, sex, color, national origin, creed, religion, disability or any other basis prohibited by law.

B. MAKE-UP WORK. In certain circumstances outlined below, students who are removed from a class or building will be allowed to receive make-up work. Make up work information will be provided to the parents by the principal; however, the parent and student must request the work through the person identified by the principal in the letter sent to the parent with notification of a hearing. Parents are responsible for picking up assignments and returning the completed work for grading. Assignments must be completed and returned before new assignments are issued. Parents must receive graded assignments as an indication that the assignment is completed.

GUIDELINES FOR MAKEUP WORK

1. A student will be given the opportunity to make up academic course work assignments missed during a short-term suspension. A student who remains out of school past the 1-5 days of short-term suspension **WILL NOT** be allowed to make up work beyond the actual suspension dates. All makeup work must be completed within three (3) days of the student's readmission date.
2. A student recommended by the principal for an administrative transfer is entitled to make up work until the student's placement is completed and the student is eligible to begin attendance at the new school.
3. A student charged with an offense which may result in long-term suspension is entitled to make up work until a decision is reached by the principal that the student will be recommended for long-term suspension. The student must return, after a long-term suspension, to the school which the student attended when the suspension began.
4. A Student charged with an expulsion offense is entitled to make up work until a decision is reached by the principal to request an Expulsion Review.
5. Students are also entitled to take required examinations when an incident that requires disciplinary action occurs.

C. THE RIGHTS OF FREEDOM OF EXPRESSION. Students have the right to express their beliefs and opinions on issues orally, symbolically and through publication, so long as such expression is made in a reasonable manner. However, freedom of expression does not include engaging in libelous, obscene or personal attacks on individuals and groups; defamation of character; commercial solicitations; or the distribution of materials of a racial, ethnic, sexual or religious nature, that are likely to result in disruption; nor materials that otherwise endanger the health and safety of people or threaten to disrupt the educational process. Further, written expressions must bear the name of the circulator.

Students have the right to disagree. The exercise of the right to disagree must not infringe in any way upon the rights of others. The right to disagree does not include participation in student sit-in, assemblies not authorized by the principal or the obstruction of halls and stairways.

D. FREEDOM FROM UNREASONABLE SEARCHES AND SEIZURES. Students have rights, which have been established and guaranteed by the Fourth amendment to the United States Constitution protecting their right of privacy of their person and freedom from the unreasonable search and seizure of property.

The Benton Harbor Area School District may conduct reasonable searches and seizures such as the following:

1. SEARCH OF LOCKERS, DESKS AND OTHER ASSIGNED SPACES. Property assigned to a student by the school district remains the property of the District and under joint control of the school district. Lockers, desks and other spaces assigned to or used by a student are subject to search if the school administration has a reasonable suspicion that the locker, desk or other space contains materials which are illegal or violate school rules.

Searches of such spaces shall be conducted with at least two (2) school staff members present. The school district retains the right to search regardless of whether the student has given consent or is present for the search.

Except in the case of an emergency as described below, students will be permitted to be present when school spaces are searched by school personnel.

The school district retains the right to search in emergency situations, such as; a bomb threat or a reasonable suspicion that a weapon or dangerous materials are on the premises. In the event of such a clearly defined emergency, the principal or designee has the right to enter school property assigned to or used by the student. The student should be notified of such action as soon thereafter as possible.

There must be reasonable suspicion to believe that a student is either in possession of an illegal or prohibited article as defined by this policy or applicable laws; or or using the locker, desk or other property in violation of school policy or regulation.

2. PERSONAL SEARCHES OF STUDENTS AND THEIR PROPERTY. The principal/designee may conduct personal searches of student and searches of student property brought onto school grounds whenever there is a reasonable suspicion to believe that the student is in possession of an article which is illegal or prohibited under this policy or school rules.

The principal/designee is authorized to seize any items found during a search, which are illegal or which violate policy or regulations. **Items seized, which are not illegal, but violate this Code or school rules, should be returned to the student's parents within five school days. Searches can include asking students to present illegal or prohibited articles, requesting a student to empty his/her pockets, and search of clothing or personal property.**

Where there is reasonable suspicion that a student is in possession of dangerous items that can do bodily harm and the student refuses to permit a search, the student should be detained by administrative staff/designee, reported to the police and suspended on an emergency basis.

No strip searches shall be conducted by school personnel. If school personnel have a reasonable suspicion that a student is in possession of an illegal dangerous item that can do bodily harm, which cannot be obtained without use of a strip search, the student should be detained by administrative staff/designee, reported to the police and suspended on an emergency basis.

3. METAL DETECTOR SEARCHES. The administration is authorized to use stationary or mobile metal detectors at any time during the day whenever:

- the administration in any school has reasonable suspicion to believe that weapons or dangerous objects are in the possession of unidentified students; OR
- there has been a pattern of weapons or dangerous objects found at school, on school property, at functions or in the vicinity of a school; OR
- when violence involving weapons has occurred at a school or on school property, at school functions or in the vicinity of a school.

4. STUDENT RIGHTS WHEN QUESTIONED BY THE POLICE. Principals are authorized to permit police officers and identified representatives from the court to interview pupils on official business. Students may be searched or arrested when such action is authorized by a warrant or otherwise permitted by law. When considered appropriate, such interviews shall be conducted in the presence of the principal or a designee. The principal or designee will inform parents of this questioning and, whenever possible, they may be present.

5. STUDENT DRESS CODE. The Benton Harbor Area School District's dress code is designed to provide students with an educational environment that is conducive to the learning process. The policy is designed to prevent distractions including health and safety hazards that disrupt the educational environment.

Students have the right to express their own individuality in their apparel, provided that such dress does not conflict with the student dress code established for all students in the school and/or in the Benton Harbor Area School District. The principal or his/her designee has the discretion to determine if a student is properly groomed or dressed appropriately. Students violating the dress code will be asked to dress in the correct way immediately. If necessary, parents/guardians will be called to bring proper clothing so that the student may resume his/her regular schedule. Repeated violations of the dress code will be treated as a violation of district dress code requirements and expectations.

Students are expected to adhere to the student dress code and are expected to exemplify proper grooming standards in a manner that projects an appropriate image for the student, the school, and the Benton Harbor Area School District. Clothing and/or accessories shall not endorse any item or product related to tobacco, alcohol, other controlled substances, profane language or sexual activity.

The **Benton Harbor Area School District** acknowledges the right of a parent that a student be exempted from the mandatory dress code requirement on the basis of a religious objection.

Dress and grooming

The Benton Harbor Public Schools encourage students to take pride in their attire at school. The dress and grooming of students becomes the concern of the school if it causes disruption of the educational program or is offensive or inappropriate to others. Students should dress in a manner that takes into consideration the educational environment, safety, health and welfare of others. Therefore, students' clothing shall adhere to the following guidelines (guidelines must be adhered to by both male and female students):

Shirts/Tops

- Shirts must cover to the point of the shoulders.
- **NO** half-length, tank top, strapless, backless, cut-off, halter, or bare-midriff shirts/blouses shall be worn
- No sheer or see-through garments will be permitted unless worn over a shirt that meets dress code guidelines.
- Shirts must have appropriate coverage of undergarments.

Undergarments must be completely covered at all times.

- No cleavage shall be visible. Low cut blouses, tops, sweater, etc. with plunging necklines are **not** allowed.
- Garments with inappropriate language and/or gestures or advertising gang affiliations are **not** allowed.

Pants/Shorts

- Pants and shorts must be worn at the natural waistline. Belts must be worn if pants will not stay at the natural waistline. Exposure of undergarments **will not be tolerated**
- The minimum length of any garment, regardless of what it is called must be no shorter than mid-thigh.
- Cut-outs or holes of any kind will not be tolerated.
- Slits in skirts cannot be higher than mid-thigh
- Form-fitting/skin tight pants such as leggings, jeggings, yoga pants, tights, must be covered with a top/shorts reaching no higher than mid-thigh.
- Lounging pants such as pajama pants are not allowed.
- Leggings/tights will not be considered at a substitute for pants.
- Athletic shorts must follow dress code regulations except during athletic periods or activities as approved by coaches
- Shorts may be worn from May 1 – October 31

Shoes

- Students shall wear appropriate shoes.
- Slippers, cleats, “heelies” and other similar footwear are not to be worn.

Hats/Hoods/Caps

- Upon entering school buildings, all hat, hoods (attached to hoodies) and caps must be removed during school hours.
- Hair-wraps, skull-caps, wave-caps and bonnets are not allowed and must be removed during school hours.
- Sun glasses (other than by prescription) are not to be worn during school hours.

In the event that a student is not following the dress code, the administrator/staff member will address the student in private in an attempt to come up with a solution by using the following guidelines:

- Give the student the option of removing the articles and/or accessories that do not conform to the dress code.
- Allow the student to get another clothing item from his/her locker and change.
- Refer the student to the administrator's office to contact parent/guardian to bring the student appropriate attire or to pick student up.

Failure to abide by the student dress code shall result consequences to be determined in the Uniform Code of Discipline and Students' Rights and Responsibilities.

IV. UNACCEPTABLE CONDUCT

The Benton Harbor Area School District students may not endanger or threaten to endanger the safety of others, damage property, or impede the orderly conduct of the school program while at school, at a school-related activity, on a school bus, or in route to or from school. In all regards, the best interest of the child should be a priority when disciplinary action is considered. Appropriate corrective discipline should be administered in accordance with the severity of the offense.

District's Anti-Bullying Policy

The School Board of Benton Harbor Area Schools is committed to protecting its students, employees from bullying, harassment, or discrimination for any reason and of any type. The School Board believes that all students and employees are entitled to a safe, equitable, and harassment-free school and work experience. Bullying, harassment, or discrimination will not be tolerated and shall be just cause for disciplinary action. This policy shall be interpreted and applied consistently with all applicable state and federal laws and the Board's Collective-Bargaining Agreements. Conduct that constitutes bullying, harassment or discrimination, as defined is prohibited.

Definitions

A. "Bullying" means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as: unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power. Bullying may involve, but is not limited to:

1. Unwanted teasing
2. Threatening
3. Intimidating
4. Stalking
5. Cyberstalking
6. Cyber-bullying
7. Physical violence
8. Theft

9. Sexual, religious, or racial harassment
10. Public humiliation
11. Destruction of school or personal property
12. Social exclusion, including incitement and/or coercion
13. Rumor or spreading of falsehoods.

B. “Harassment” means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property.
2. Has the effect of substantially interfering with a student’s educational performance, or employee’s work performance, or either’s opportunities, or benefits;
3. Has the effect of substantially negatively impacting a student’s or employee’s emotional or mental well-being; or
4. Has the effect of substantially disrupting the orderly operation of a school and/or school district work environment.

C. “Cyber-stalking” means to engage in a course of conduct to communicate, or cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communications, directed at about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

D. “Cyber-bullying” is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting on cell phones, social websites (e.g., MySpace, Facebook, Twitter, etc.), chat rooms, “sexting”, instant messaging, or video voyeurism.

E. “Bullying”, “Cyber-bullying”, and/or “Harassment” also encompass:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.
2. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
3. Perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - a. Incitement or coercion;
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through computer, computer system, or computer network within the scope of the District school system;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination

F. “Gang Activity” which is typically identified by law enforcement as an ongoing organization, association or group of three or more individuals, who: use a common identifying name, sign or symbol, have a high rate of interaction among themselves to the exclusion of others, and are frequently involved in antisocial, delinquent or criminal activity, will not be tolerated in school, on school grounds or during school related functions.

District Expectations: The Benton Harbor Area School District expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment. The District prohibits the bullying of any student:

1. During any educational program or activity sponsored by the district/school;
2. During any school-related or school-sponsored program or activity or on the school bus;
3. Through the use of any electronic device or data while on school grounds or a school bus, computer software that is accessed through a computer, computer system, or computer network of the District;
4. Through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity, or on a District school bus.
5. While the District does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate. However, if a student’s ability to receive an education or a school’s ability to provide an education is significantly impaired, as determined by the school district administration, disciplinary sanctions may be issued.
6. Though an incident of bullying (cyberbullying or other) may occur off school grounds and may not entail threats of acts to occur during school hours, if a student’s ability to receive an education or a school’s ability to provide an education is significantly impaired, as determined by the school district administration, disciplinary sanctions may be issued.

Students may report complaints of bullying to any school district employee, faculty or staff. All allegations to district personnel, involving students, must be reported in writing to the principal/designee.

Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension. The Anti-Bullying State Laws reveal that “ students who engage in certain acts associated with bullying may be suspended or expelled from a school or district, as well as face civil fines and criminal penalties, including jail time, depending on the specific violation.”

UNACCEPTABLE CONDUCT IS DIVIDED INTO THREE CLASSES OF OFFENSES WHICH MAY RESULT IN DISCIPLINARY ACTION UNDER THIS CODE.

The following list of behaviors is meant to be instructive and not all-inclusive. School administration has the authority to deal appropriately with any misconduct not listed below which interferes with the educational process:

Class I offenses (A) are behaviors that disrupt the educational process, school environment and/or interfere with teaching and learning. These behaviors are documented and handled by the classroom teacher or common area supervisor as specified in the building Positive Behavior Intervention Support (PBIS) plan, including restorative practices where appropriate.

A. CLASS I OFFENSES	
Offense	Description
Cafeteria Disruption	Violation of cafeteria rules such as throwing food/other objects, turning over tables, etc.
Classroom Disruption	Creating, or contributing to a disturbance in the classroom.
Insubordination	Failure to obey or respond to a fair and reasonable request made by any adult school employee.
Littering	Intentionally throwing debris/trash on the floor of the school building or school grounds
Misuse of School Property	Using school property for any purpose other than its intended use that may result in injury or disruption (i.e.- standing on furniture, inappropriate use of playground equipment and misuse of science equipment)
Refusal to Identify Self	Failure to show ID card or to provide correct name when requested.
Tardiness	Consistently being late for class.
Truancy	Failure of student to attend all class periods during the school day (includes in school truancy).
Insulting or Demeaning	Conduct which is directed at a person that has the effect of insulting or demeaning any student or group of students
Disorderly Conduct	Acting in a manner which disrupts the normal operation of the school day or any school-sponsored activity.

Class II Offenses (B) are behaviors likely to result in physical altercations, damage to property, and/or interference with the rights of others. These behaviors are documented and handled by teachers and administrators based on the building PBIS plan, including process for short term suspensions as directed by building administrators and/or restorative practices as appropriate.

B . CLASS II OFFENSES

Offense	Description
Destruction of School Property	Defacing or destroying school property including minor damage which can be repaired or replaced at no cost to the district
Possession/Use of Electronic Devices	A elementary school student shall NOT USE a cellular telephone or personal electronic communication devices (ECD) on school property during the school day.
Forgery	Falsifying any information, which may include hall passes, permits, written communication from parents or school personnel, school records, and or grades.
Gambling	Participating in any games of chance or skill for the purpose of profit of any kind, in or around school property.
Gross Insubordination	Persistent refusal or abusive response to a directive made by an adult employee.
Theft Possession/Transfer of Stolen Property	Taking something without permission from the school or another person that has a monetary value less than 100.00
Use of Profanity	Swearing or the use of inappropriate and profane language.
Sexual Harassment	Inappropriate verbal, nonverbal, or written conduct of sexual nature (unwelcome sexual advances, requests for sexual favors, etc.) made by a student to another student or to an adult.
Smoking	Possession/smoking a cigarette or using tobacco products on school property.
Fighting	Confrontation between two or more persons which leads to physical contact.
False Fire Alarm	Intentionally activating a fire alarm system in any school building on school property when no fire exists. A student will not destroy, damage, or otherwise tamper with a fire alarm in the school building.

*Prior to suspensions being implemented, Discipline Factors Form must be completed (MCL 380.1310d). See Appendix A.

Class III offenses (C) are behaviors that are considered illegal or extremely dangerous and may lead to the school contacting the appropriate law enforcement agency, in addition to considering restorative practices along with suspension (long-term) or expulsions.

C. CLASS III OFFENSES/ILLEGAL BEHAVIORS

Offense	Description	Disciplinary Action
Arson	Intentional setting of any fire in school or on school grounds	Principal or designee notifies Chief of Security and office of Protective Services - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Bomb Threat	A bomb threat directed at a school or school-related event, or reporting a threat without reasonable basis for its existence (i.e.-prank calls, written notes, text messages, emails, etc.	Principal or designee notifies Chief of Security and office of Protective Services - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Bullying	To place another student in reasonable fear of bodily harm through the use of threatening words, and/or conduct including harassment, cyber-stalking, cyber-bullying, but without displaying a weapon or subjecting the victim to actual physical attack	Long-term suspension pending case-by-case review 1 to 10 days with option of Expulsion Review
Gross Misdemeanor Disobedience	Persistent behavior that seriously disrupts the learning process and educational setting	Long term suspension pending case-by-case review. 1-10 days with option of expulsion review
Criminal Sexual Conduct	Conduct of a sexual nature that violates the Criminal Sexual Conduct Code, Criminal sexual conduct includes sexual penetration or touching a person's intimate parts, with or without consent	Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Sexual Misconduct	1) Consensual sexual contact including but not limited to intentional touching of the other person's genitals, groin, inner thigh, buttock or breast or the clothing covering those areas 2). Non-consensual sexual contact involving unwanted or unwelcome sexual contact including but not limited to intentional touching of the other	Principal or designee notifies Protective Services - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Drugs/Alcohol	The possession, use, sale or distribution of any drugs or alcohol	Principal or designee notifies office of Protective Services - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Explosives/Fireworks	The possession, use, sale or distribution of any explosives or fireworks, including "live ammunition"	Principal or designee notifies Police Department and office of Protective Services - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review

Extortion/Blackmail	An attempt to obtain favor, property or money from another student through coercion, intimidation, and/or written/verbal threats	Principal or designee - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Grand Larceny	Taking something without permission from the school or another person which has a monetary value of more than \$100.00	Principal or designee notifies Police Department, - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Gross Disorderly Person	Acting In a violent manner towards another person which causes that person to fear for his/her life, limb or personal property	Principal or designee notifies - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Internet Threat	Use of the internet to email any message which express profane, obscene or threatening language.	Principal or designee notifies the Police Department Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Disruptive Behavior by a Group	Actions by students that seriously disrupt the educational process at the school building	Principal or designee notifies - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Intentionally causing or attempting to cause harm or injury to an adult by direct or indirect actions	Physical Assault of an Employee, Contractor, or Volunteer	Principal or designee notifies the Police Department Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Physical Assault of a Student	Causing or attempting to cause harm or injury to another student through direct or indirect actions	Principal or designee notifies - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Vandalism	Participating in the extensive destruction or damage to school or personal property belonging to others	Principal or designee notifies the Police Department- Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Verbal Assault	A student who verbally threatens to do bodily harm to another student or adult on school property	Principal or designee notifies - Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Possession of a Weapon other than a firearm	The possession, use, sale or distribution of any weapon or instrument that could cause injury. This includes pellet guns, BB guns, stun guns, razors, knives, box cutters, brass knuckles.	Principal or designee notifies the Police Department Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Use of a Weapon or Object as a Weapon other than a firearm	Using or threatening to use a weapon or object capable of harming another person	Principal or designee notifies the Police Department Recommendation of the District Hearing Officer and Superintendent for Expulsion Review
Possession of Firearm in Weapon Free School Zone	Possession, use, sold, or distribution of firearm (for mandatory expulsion "firearm" does not include premature guns (expels by spring, gas, or air)	Mandatory expulsion applies unless clear and convincing evidence of an exception is present. (MCL 360, 1310d Does NOT apply)

*Prior to suspensions being implemented, Discipline Factors Form must be completed (MCL 380.1310d). See Appendix A.

Daytime Intervention Center (DIC)

The Daytime Intervention Center (DIC) serves as a continuous learning opportunity for students whose behavior may require time away from the classroom. The center will provide both extended-learning, based on content essential skills, and appropriate social intervention. The center will be serviced by a qualified Behavioral Intervention Specialist. The center will be established in Benton Harbor Area Schools.

Each school will identify the processes and protocols necessary to systematically and systemically implement an effective plan to ensure the intent of this intervention. This intervention is primarily designed to address and monitor student discipline and its impact on student academic achievement. Further, it is designed to decrease the number of students who are suspended from school. The center will be period sensitive as determined by the school administrators.

Data will be collected, disaggregated, and analyzed to inform and report the number and percent of student infractions, and, the number and percent of students referred by class.

BUILDING LEVEL PROCEDURE FOR CLASS III OFFENSES

A. The principal/designee will conduct an investigation of the allegation and complete the Discipline Factor form in Appendix A (1310d).

B. The principal/designee will inform the student of the misconduct for which he/she is charged and present evidence to describe the charge(s). The student will be given an opportunity to respond to the charge(s) as presented.

C. The principal/designee may permit testimony from other witnesses.

D. The principal/designee will hold a Re-Admittance Conference with the student and other witnesses as appropriate.

E. The principal/designee will refer all General Education Class III to the District Hearing Officer and students with disabilities to the Elementary or Secondary Special Education Administrator.

F. If the charges are substantiated for a Class III offense, the parent/guardian will be informed by telephone and in writing by the Superintendent.

Disciplinary Action of a Class III Offense shall result in one the following:

- Long-Term Suspension (fewer than 60 days)
- Recommendation to the Superintendent for Expulsion Review (60 or more days)
- Expulsion by The Benton Harbor Area School District Board of Education
Handling of Expulsions

- Mandatory Expulsion for possession or use of a firearm in a weapon free school zone unless Board decides there is clear and convincing evidence that 1 of the following exceptions has occurred:
 - Pupil did not possess item as a weapon, or for delivery for use as a weapon
 - Pupil did not knowingly possess weapon
 - Pupil did not know it was a weapon
 - Weapon was possessed at suggestion or request, permission of school or police

Handling of Expulsions

Regular Education Students:

1. The Charging administrator will conduct a building Hearing, and the administrator will be responsible for gathering all written statements from the students involved and the statements of other adult witnesses for presentation at the District Hearing; and will complete The Discipline Factor (1310d) in Appendix A.

2. The charging administrator will contact the Superintendent's secretary to schedule the Expulsion Hearing. The charging administrator, parent(s) and the student being charged will need to be present at the hearing.

3. The Superintendent will consult with the General Counsel if there are any outstanding issues relative to the Expulsion of a student.

4. Once the Superintendent determines a student should receive an Expulsion the recommendation will be written for General Counsel to review prior to forwarding the recommendation to the Superintendent who will review the recommendation prior to the submission of the student's name to the Board of Education for Expulsion.

Special Education Students:

1. The Special Education Administrator will receive all Expulsion Requests for students with IEPs from the building administrators.

2. The Special Education Administrator will follow the same procedures outline above for Regular education students in reviewing the students of with IEPs case. The Special Education Administrator will review each case prior to referring the case to the Superintendent. If an Expulsion Hearing is required, the Superintendent will schedule the hearing with the Director of Special Education and the parent.

3. A summary and recommendation letter will submitted to the district's General Counsel. If the General Council agrees with the recommendation, the letter will be forwarded to the Superintendent of Schools. If the Superintendent agrees with the recommendation, the Superintendent will request the Board of Trustees to vote on the Expulsion of the student at the next Board Meeting.

Michigan Mandatory Rules:

Michigan State Law (MCL 380.1311) requires expulsion for students in possession of a firearm in a Weapons Free School Zone, unless there is clear and compelling evidence of/or exception being present. Michigan State Law (MCL 380.1311) requires expulsion be considered for students in possession of a dangerous weapon, committing criminal sexual conduct or arson in a school building or on school property. For students in grade 6 or above, the commission of physical assault against an employee, volunteer or contractor also requires expulsion. Expulsion means the loss of the right to attend all schools and programs in Benton Harbor Area Schools, as well as all other public schools in Michigan.

- Dangerous weapons are defined as a firearm, explosive device (including firecrackers), [any] knife, iron bar, brass knuckles, or switchblade. Firearms include, but are not limited to, any weapon designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such weapon, or destructive device.
- Criminal sexual conduct includes, not only what we think of as “Rape,” but also includes some intentional sexual contact as well.
- Arson is defined as the intentional burning of any “personal” or “real” property, (including a school bus), owned by himself, herself or another person.
- Physical Assault is defined as intentionally causing or attempting to cause physical harm to any school employee, volunteer, or contractor through force or violence committed by students in grade 6 or above.

If a dangerous weapon is found in the possession of a student while the student is in attendance at a school, school activity, or while the student is going to or from school on a school bus, a report shall **immediately** be made to the police department and to the parent/guardian.

Following the school suspension, the principal shall, in writing, notify the parent(s) or legal guardian(s) of the suspended student, or the student in question, if 18 years of age or older, that an Expulsion Review Hearing will be set up with the Superintendent.

- During an Expulsion, students can be permanently dismissed from the Benton Harbor Area School District as determined by the offense. The Board of Education has the authority to expel students once they are found guilty of a Class III offense.
- When students are found guilty at a school district formal hearing, secondary students (grades 6-12) may be expelled for up to 180 school days, while elementary students (grades K-5) may be expelled for up to 90 school days. Special Education students may be placed in an interim alternative educational placement or may be expelled for not more than 45 days.

(Note: A parent or student may not appeal a decision of the principal to suspend a student pending an expulsion review.)

V. ADMINISTRATIVE DISCIPLINARY ACTIONS

When disciplinary action is appropriate, it shall at all times

- depend upon the substantiation of the charges;
- involve a reasonable and logical relationship between the seriousness of the act and the severity of the discipline;
- be constructive in intent; and
- take into account such factors as age, stature, and motivation of the student and his/her past record.

In those instances in which the seriousness of the offense does not dictate an immediate disciplinary response, the administrator or the designee will attempt to take actions designed to encourage a change in the student's behavior. For example, the administrator/staff should develop behavior interventions and warn the student that the behavior was unacceptable and the reason why the behavior is unacceptable. When necessary, the assistance of the home, other educational supportive services and/or other professional community agencies may be utilized.

Each building principal is authorized to adopt disciplinary actions for use by building administrators in situations which do not warrant short-term suspension, long-term suspension, administrative transfer or expulsion. Building disciplinary rules and procedures must be written and distributed to staff, parents and students on an annual basis.

In those instances where the seriousness of the offense requires the removal of the student from a class or building, the following forms of disciplinary action are authorized:

1. SHORT-TERM SUSPENSION. The temporary removal of a student from the building and all school sponsored activities.

The denial of student's rights and privileges of attending school, and all school-related activities, for a period of one (1) school day to five (5) school days as specified under Class II Offenses. The principal or his/her designee has the authority to impose a short-term suspension based upon student misconduct.

Before a suspended student may be returned to school, he/she will be required to attend a readmission conference with the parents or designee to discuss the behavioral problem(s).

In the event the administrator is unable to arrange the conference by the date set for readmission, the principal may, at the request of the parent, authorize an alternative method of achieving a conference or may waive the requirement of the conference.

2. LONG-TERM SUSPENSION.

The denial of student's rights and privileges of attending school, and all school-related activities, for a period of six (6) to ten (10) school days. The principal or his/her designee has the authority to impose and recommend a student for a Long-Term suspension, after completing the Discipline Factor Review as required by MCL 380.1310d (form in Appendix A). A suspension pending an expulsion review may extend up to ten (10) school days. The Superintendent **shall reserve the right and authority to rescind and or refer all cases for school board expulsion hearings.**

3. EXPULSION

The denial of student's rights and privileges of attending school, and all school-related activities for an indefinite time, unless otherwise specified by the school board or state law. **The Benton Harbor Board of Education reserves the right and authority to expel a student from the Benton Harbor Area School District based on Michigan State Mandates in accordance with MCL 380.1310d.**

VI. STUDENT RECORDS

The Family Educational Rights and Privacy Act (**FERPA**) afford parents and students (over 18 years of age) certain rights with respect to the student's educational records. They are:

The right to inspect and review the student's educational records within 45 days of the day the district receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- The right to request amendment to the student's educational records that the parent or eligible student believes is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
- If the District decides not to amend the record as requested, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. The hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- The right to consent to disclosures of "personally identifiable information" contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent.
- Also, The Benton Harbor Area School District will forward educational records on request (including Discipline Records with respect to suspension or expulsion, and current certification and last program attended for special education students), to another school district in which the student seeks or intends to enroll without providing further notice of the transfer to the parent or eligible student.
- Unless notified to the contrary, The Benton Harbor Area School District may produce and release without prior permission, "Directory Information." Directory Information is defined as follows:

1. Student's name
2. Student's address
3. Student's telephone number

- Federal and state law requires all public school districts to make available Student Directory Information (names addresses, telephone numbers, etc.) of secondary students to military recruiters and/or military service academies unless the school receives a signed, written request from students eighteen (18) years old or older, or a minor student's parent/guardian requesting the school /Office of Student Management not to disclose such information.
- Any parent, guardian, or eligible student may prohibit the release of "Directory Information" by delivering a written objection to the building principal within 30 days of the first day of the school year.

VII. THE RIGHT TO DUE PROCESS IN DISCIPLINARY PROCEEDINGS

Due process safeguards must apply in all instances where the behavior or rights of students are being evaluated.

The student has the right to be fully informed about the alleged breach of behavior and must be provided with an opportunity to respond to such charges.

Any permanent record that results from the student's actions or their consequences should clearly state whether the charges of misbehavior were or were not substantiated.

Unsubstantiated charges must be expunged

Required due process procedures vary depending on the nature of the misconduct and the seriousness of the disciplinary action that may be imposed on a student as a result of the hearing. Thus, separate sets of procedures apply, depending on whether a student faces possible short-term or long-term suspension, administrative transfer or expulsion.

VIII. DISCIPLINARY PROCEDURES

To ensure that student receives fair treatment consistent with the fundamental requirement of due process, short-term or long-term suspensions, administrative transfers or recommendations for expulsions must be made in accordance with the following procedures.

Re-Admittance School Conference/Investigation

INVESTIGATION-SCHOOL LEVEL Before it is determined that a student should be disciplined, an investigation must be conducted. The investigation will be conducted by the principal or administrative designee. This official will inform the student orally and in writing of the charges against him/her including the basis (evidence) for such charges. It is preferable that a written statement be given by the student. However, a verbal statement is acceptable. Following the investigation, if the charges are substantiated the parent will be notified by the telephone and a letter will be sent by mail or with the student within one (1) school day stating that the student is being removed from school and the reason(s) for the removal. The letter will include the time and place for parents to attend a re-admittance conference.

DISCIPLINARY ACTION RE-ADMITTANCE CONFERENCE

For long-term suspensions, administrative transfers and expulsions, the school level re-admittance conference shall serve as a disciplinary action conference.

The re-admittance conference shall be held within five (5) school days following removal, to determine whether the student engaged in the unacceptable behavior as charged and, if so, to determine what discipline should be rendered.

- a. Parent/guardian (or authorized designee) and student are expected to attend all disciplinary re-admittance conference. The principal/designee must hold a conference even though a parent/guardian is unable to, or chooses not to, attend. The principal must document all attempts to reach parent/guardian.
- b. Parents may be represented by an advisor of their choice, who may or may not be an attorney. Parental authorization for an advisor to appear on behalf of the student must be on file in writing with principal at or before the time of the re-admittance conference. Only the parent/guardian or the advisor may speak for the child at the re-admittance conference. The selected speaker will be determined before the conference starts.
- c. The staff person(s) making the charges of the misbehavior shall be present at the re-admittance conference as requested by the principal.
- d. While parents do not have the right to confront student witnesses, they may request their questions be asked of school representatives of witnesses.
- e. If the principal or designee is the target of the alleged behavior, another administrator assigned by the Superintendent will conduct the re-admittance conference, advise the student of the charges and make the disciplinary decision.
- f. At the re-admittance conference, the student and the parents must first be fully informed about the alleged breach in behavior and then be afforded the opportunity to present his/her side of the case.
- g. Within one(1) day of the re-admittance conference, the principal or designee will forward communication to the student's parents by mail and phone, where possible advising them of :
 - The decision as to whether the student engaged in the behavior as charged.
 - What the recommended disciplinary action will be (if the charge was substantiated).
 - The right to appeal and appeal procedures

SHORT-TERM SUSPENSION RE-ADMITTANCE CONFERENCE

The administrator conference will decide whether the charges against the student have been sustained. If it is decided that the student engaged in the conduct as charged, the administrator will impose the appropriate disciplinary action.

The school level hearing will be a **readmission** hearing. If the charges are not substantiated, the student's record will be expunged. The student record will be changed from suspension at the school to reflect "excused absence."

APPEAL PROCESS FOR SHORT AND LONG-TERM SUSPENSIONS

1. A parent may appeal a Short or Long-Term Suspension for due process proceedings and/or the severity of the discipline. The appeal must be submitted in writing to the principal, within three (3) days, following the school level re-admittance conference. The suspension remains in effect during the appeal process.
2. The principal will forward the appeal to the Superintendent who will review the information. The Superintendent may schedule a meeting with the parent /guardian and building principal (if necessary).
3. A decision will be made by the Superintendent after reviewing the information and/or at the conclusion of the meeting with the parent/student and principal. The decision will be in the best interest of the student and in line with district policies.

The decision as to whether the student engaged in the behavior as charged.
What the recommended disciplinary action will be (if the charge was substantiated).
The right to appeal and appeal procedures.

4. If the decision of the school level re-admittance conference is upheld by the Superintendent, the parent may appeal the decision in writing to the General Counsel within two (2) days.
5. The General Counsel will review the decision made by the principal and the Superintendent will make a determination.
6. If the Superintendent supports the decision made by the District Hearing, the decision of the Superintendent is final.

District Hearing Officer

District Hearing Officer: The District Hearing Officer will convene an expulsion hearing for all cases recommended for expulsion by the school administrators. The District Hearing Officer will make a decision on behalf of Benton Harbor Area School District whether sufficient evidence exists to sustain the finding that the student committed a Class III offense and that the student should be expelled from The Benton Harbor Area School District. A parent/guardian may be represented by an advisor of their choice who may or may not be an attorney. Parental authorization for any advisor to appear on behalf of the student must be on file in writing in the Office of the Superintendent before the time of the hearing. Only the parent/guardian or advisor may speak for the student at the hearing. The selected speaker will be determined before the beginning of the hearing.

READMISSION HEARING: Although expulsion is usually permanent, the State of Michigan and the Benton Harbor Area School District have established conditions under which the student may petition for readmission. An expelled student may be given the opportunity to petition the Office of the Superintendent for readmission after 150 days have expired for secondary students and after 60 days for elementary students. The student must meet criteria set by the State and/or The Benton Harbor Area School District before readmission will be considered and/or approved.

READMISSION GUIDELINES

a. Once the conditions for readmission have been met, the parent may petition for readmission. A petition for school reinstatement form must be submitted to The Benton Harbor Area School District Hearing Officer. The Benton Harbor Area School District is not required by law or policy to provide any assistance in preparing the readmission petition.

b. The Superintendent will review all documents and timelines related to readmission and make a recommendation to the Benton Harbor Area School Board of Education. If readmission is recommended and approved, a readmission hearing will be scheduled before the Superintendent.

c. The hearing will consist of the following:

- The District Hearing Officer will review the evidence presented by the parents and a decision will be made after deliberation.
- If the decision is to readmit the student, contractual agreement regarding expected behavior, attendance, and academic progress may be required to be signed by the student and parent.
- If the decision is not to readmit the student, the District Hearing Officer will outline the steps that the student and parents must take before admission will be considered.

X. DISCIPLINE OF STUDENTS WITH IEPs

Students with IEPs must follow the district's student code of conduct and may be suspended or expelled following specific violations of school policy or state law. Students with IEPs are afforded additional due process rights to assure the district is in compliance with state and federal mandates.

A student with an IEP can be suspended for up to 10 school days with no special considerations.

A. Change of Placement

Once a student with an IEP accumulates more than 10 days of disciplinary removal at any point during the school year, consideration must be given to each additional suspension with respect to whether a change of placement will occur. A change of placement occurs if:

- The removal is for more than 10 consecutive days
- The student has been subjected to a series of removals totaling more than 10 days that constitute a pattern:

1. because the behavior is substantially similar to the previous incidents that resulted in removals,
2. or additional factors such as length of each removal, the total removal time, and proximity of removals.

B. Manifestation Determination Review (MDR)

If a change of placement occurs as a result of disciplinary removal, the school must conduct a Manifestation Determination Review (MDR) to determine the relationship between the student's disability and the behavior subject to discipline. Depending on the relationship between the student's disability and the behavior that led to the disciplinary removal this review can result in:

- Continuation of the current disciplinary removal
- A change in educational placement/services/supports determined by the IEP team
- Or an immediate return to school

C. Possible Team Members for MDR

The Manifestation Determination Review is conducted by a multidisciplinary team may be composed of:

- The parent/guardian of a student with a disability
- At least one general education teacher of the student, if the student is participating in the general education environment

- At least one general education teacher of the student, if the student is participating in the general education environment
- Special education teacher or case manager
- District administrator/designee
- Other qualified personnel who may be knowledgeable about the student's disability

D. Special Circumstances for Removal:

The following special circumstances permit the district to unilaterally decide to remove a student from his/her educational placement, even though the behavior was found to be a manifestation of the student's disability.

- Weapons
- Illegal drugs
- Serious bodily harm

E. Free and Appropriate Public Education (FAPE)

As a result of a change of placement, the student must be provided a Free and Appropriate Public Education (FAPE) for any days the student is out of school, regardless of the seriousness of the offense. This obligation begins on the 11th day the student is removed from school.

GENERAL CONSIDERATIONS

A. In situations when a student with a disability exhibits behaviors which may result in disciplinary removal, the district will:

1. Refer to district discipline procedures.
2. Provide general education protections.
3. Invoke procedures specific to students with a disability. Count previous removals if any exist.

B. On the date on which the decision is made to make removal that constitutes a change of placement, the district will notify the parent of that decision and provide the parents with a copy of the Benton Harbor Area School District **Special Education Procedural Safeguards.**

C. If the district believes that maintaining a student in their current placement as a result of a Manifestation Determination Review (MDR) is substantially likely to result in an injury to the student or others, the district may appeal the decision of the placement of the student by requesting a hearing. The hearing officer may:

1. Return the student to the placement from which the student was removed; or
2. Order a change of placement to an appropriate Interim Alternative Education Setting (IAES) for 45 school days, which may be repeated
3. **if the student still poses a threat.**

The Director of Special Education will receive all Expulsion Requests for students with IEPs from the building administrators. The Director of Special Education will follow the same procedures outlined for Regular Education students. The Director will review each case prior to referring the case to the Superintendent for an Expulsion Hearing.

SUSPENSION/EXPULSION OF STUDENTS WITH IEPs

A Manifestation Determination Review (MDR) is the evaluation of the relationship between a student's disability and overt behavior that is subject to disciplinary action under the district's Student Code of Conduct that will constitute a change in educational placement during the school year. The same review is required under Section 504 in connection with disciplinary actions that constitute a change in educational placement during the school year. **Discipline removals that constitute a change in educational placement require a Manifestation Determination Review (MDR).**

An **MDR** will be held whenever the district proposes a change of placement as follows:

- A single school removal (suspension) that exceeds ten (10) consecutive days
- Multiple removals (suspensions) that exceed ten (10) school days in accumulation and constitute a pattern based on such factors as:
 - o Behavior is similar in the various removals;
 - o Length of each removal;
 - o Proximity of the removals;
 - o Total time of removal

- Special circumstances removal:
1. For drugs, weapons, or serious bodily harm, the school district may, without regard to whether the behavior is determined to be a manifestation, remove (suspend) the student to an interim alternative educational placement for not more than 45 school days.

The Manifestation Determination Review Meeting must:

- Be held within ten (10) school days prior to the school removal (suspension) decision that constitutes a change in educational placement;
- Review the relationship between the child’s disability and behavior subject to disciplinary action under the District’s Code of Conduct. Consider all relevant information in the student’s file including:
 - Evaluation data
 - Discipline history and details of the behavior incident(s)
 - Student’s current IEP
 - Teacher observations
 - Relevant information provided by the parent/guardian

The IEP team **makes** the Manifestation Determination decision based on two (2) factors:

1. **Whether the conduct in question was caused by, or had a direct and substantial relationship to the student’s disability and,**
2. **Whether the conduct in question was the direct result of the school district’s failure to implement the IEP.**

If either of the above is affirmatively determined, then the conduct is a manifestation of the student’s disability.

Attendance/Tardiness

Your child’s future success in both their academic and future career endeavors, highly depends on their attendance and punctuality. Research has shown that students who demonstrate good attendance habits perform higher in the classroom and on standardized tests. Also, good attendance habits help to instill self-esteem, and good work habits that will translate to the workplace. It is important to understand that absenteeism and tardiness can and will dramatically hurt your child’s grades and/or result in the loss of credit for a particular class. Simply put, it is vital that your child(ren) be present and on time every day.

It is believed that the major responsibility for regular attendance lies with the individual student and his/her parent/guardian. Staff persons have to assist parent/guardian and students in achieving the goal of good the responsibility attendance. Teachers are expected to counsel with any student immediately if it appears that poor attendance patterns is being formed. This should be an ongoing, continuous process.

The Benton Harbor Area School District does not recognize any absence or tardiness as acceptable without a valid excuse. Staff is required to take appropriate action whenever an unexcused absence or tardiness occurs. The action taken will be designed to correct attendance problems and will be determined by the seriousness of the problem, rather than waiting for a minimum or maximum number of absences or tardiness.

1. ATTENDANCE STANDARDS

- All students are expected to be in school every day and on time for each class.
- An unexcused absence is an absence from class for longer than fifteen (15) minutes not approved by the principal (or designee) or justified by a written statement by a parent/guardian, health care provider or government agency.
 - All students are expected to be in a designated area within the school building or in their scheduled classroom before the tardy bell rings.
 - All students have the right to be provided with equitable instructional time.

ALL COMPULSORY AGE STUDENTS ARE REQUIRED TO ATTEND SCHOOL EVERY DAY OF THE SCHOOL YEAR. PARENTS OF CHILDREN OF COMPULSORY SCHOOL AGE ARE RESPONSIBLE FOR THEIR CHILD'S DAILY SCHOOL ATTENDANCE. BECAUSE POOR ACADEMIC PERFORMANCE IS ASSOCIATED WITH NONATTENDANCE, SCHOOLS WILL RESPOND IN A MANNER TO PREVENT THE DEVELOPMENT OF PATTERNS OF NONATTENDANCE WHICH MAY INDICATE EARLY SIGNS OF TRUANCY. THE DISTRICT AND ITS SCHOOLS WILL COLLABORATE WITH APPROPRIATE LOCAL AND STATE AGENCIES THAT ARE INVOLVED IN TRUANCY PREVENTION, INTERVENTION, AND JUDICIAL ACTIONS TO CORRECT THE PROBLEM.

DEFINITIONS

I. COMPULSORY SCHOOL ATTENDANCE

A. In Michigan, regular and continuous attendance at school is mandated by law for children age 6 to the child's sixteenth birthday. Except as otherwise provided in this section, for a child who turns age 11 on or after December 1, 2009 or later, the child's parent, guardian, or other person in this state having control and charge of the child shall send the child to a public school during the entire school year from the age of 6 to the child's eighteenth birthday. MCL 380.1561.

B. A student who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the School Board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child and parent. A student who attains the age of 18 years during the school year is not subject to the legal sanctions for compulsory school attendance. MCL 380.1561.

C. Only the parent/guardian who completed the Student Registration form may withdraw the student from school if they are still under compulsory education

D. Students cannot be withdrawn by school personnel without parental consent except in cases where the student has been continuously absent and diligent attempts to locate student have been unsuccessful. Student may then be withdrawn using the appropriate code of student's whereabouts not known.

E. Attendance Records

School officials will keep an accurate record of attendance, including accurate attendance records in each class. Attendance records will be used to enforce the Compulsory Attendance Law of Michigan.

F. Student Attendance Accounting

To be counted present, a student must be in attendance for at least the first two hours (2) hours in the AM or PM session in the elementary school; for the middle and high school, student accounting will be taken each instructional hour. This shall include attendance at official school activities at a place other than school, with the approval of the principal.

A student shall be in his/her assigned area at the beginning of the school day and the beginning of each class, or he/she will be recorded as tardy.

A student will be given a referral when he/she has accumulated a combined total of four (4) tardies, check-ins, and/or check-outs.

In order to be successful in school, students must attend. On a yearly basis, a student is expected be in school 90 percent (90%) of the time.

Although a student may make up missed assignments, he or she still does not participate in the learning environment during absences. If the learning environment is dynamic and focused properly, making up assignments only accounts for part of the learning that takes place.

II. PATTERNS OF NON-ATTENDANCE

Non-attendance for instructional activities is established by tardiness, early-sign-outs, or absences for all or any part of the school day.

Acceptable documentation is any evidence that verifies that an absence aligns with the reasons allowed for excused absence, as outlined in the district attendance policy and also in the Code of Student Conduct. For example, documentation for a "death in the family" could include a copy of the death announcement or a death certificate; a subpoena would be evidence for a required court appearance etc. If the absences have been excused, no additional documentation is needed.

- Illness, either for a student or an immediate family member that is extended requires an original medical note. Brief illnesses can be excused with a note from the parent.
- Schools are required to advise parents that for absences to be excused, they must correspond with one of the allowed reasons listed in the policy as well as the Code of Student Conduct and that the note or the phone call should identify which of the allowable reasons.

A. A student who has had at least nine (9) unexcused absences, or absences for which the reasons are unknown, within a calendar month, or 9 unexcused absences, or absences for which the reasons are unknown within a 90-calendar-day period, may be exhibiting a pattern of non-attendance. The intent of this requirement is to provide appropriate, early intervention to prevent truancy from developing if the

absences do constitute a pattern of non-attendance. The secretary's report to the student advocate/family coach/designee through his/her weekly attendance audit.

B. Unless acceptable documentation is available, an accumulation of daily absences (excused or unexcused), by tardiness, or early sign-outs that equals 3, 6, or 9 days in a marking period may have begun a pattern of non-attendance. A parent conference shall be convened at each interval of 3, 6, 9 patterns. If the Truancy and Parent Relations Supervisor determines that there is such a pattern, a referral to the **Benton Harbor Area Schools Truancy and Parent Relations Supervisor will be made at 10 absences to ascertain if the absences are an indication of early truancy.**

C. If the student exhibits a pattern of non-attendance, principals may request documentation for subsequent absences. Non-attendance for instructional activities is established by tardiness, early-sign-outs, or absences for all or part of the school day.

- This means that the parent may be asked to provide additional documentation for the absence(s) to substantiate the initial documentation (e.g., if the student is out for a long illness, a doctor's note may be requested).
- If the school deems that the absence due to illness have been abused or seem to be overly extended, the principal may require a doctor's note to excuse further absences.
- If the student is absent due to the illness of an immediate family member and the school requests a doctor's note, the parent should provide the doctor's note verifying the immediate family member's illness.
- If students are out for long personal illnesses, or are expected to be out because of surgery or other hospitalizations for 15 days consecutively or cumulatively over the course of the school year, the student and parent must be given Hospital/Homebound instructional services.

D. Excessive or habitual truant means a student who has 9 unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent/legal guardian, is subject to compulsory school attendance under MCL 380.1561.

III. NON-ATTENDANCE AND EARLY SIGNS OF TRUANCY

If a student is not in school, he or she may be showing early signs of truancy through a pattern of non-attendance.

What is a pattern of non-attendance?

A student may be establishing a pattern of non-attendance when:

- He or she has an accumulation of tardiness, early sign-outs, and/or absences (excused and unexcused) that exceed 3, 6, or 9 days in one marking period.

However, a student **does** establish a pattern of non-attendance when he or she has an accumulation of nine (9) unexcused absences within any marking period, with or without a parent's knowledge.

Parents and students may verify absences at any time, during the school day, by contacting the school. Parents of middle and high school students may request a password for Parent Portal to look at attendance via PowerSchool Connect link located on the District website.

If after an accumulation of absences as noted above, the principal and/or designee determines that the reason(s) for time out of school are invalid, the principal/designee shall provide appropriate interventions for both the student and parent/guardian. If the principal and/or designee determines that the reason(s) for the absences are valid and there are no early signs of truancy, the parent must provide a note (to be kept on file at the school) that provides the reasons for those absences. No further action will be taken.

IV. TARDINESS

Tardiness is disruptive to the learning environment and can have a negative impact on student achievement. Tardiness may also count toward establishing a pattern of non-attendance that may indicate early signs of truancy. A pattern of non-attendance may be established by an accumulation of tardiness, absences, and early sign-outs that exceed three (3), six (6) or nine (9) days in a marking period.

1. A tardy is excused for the same reasons that an absence is excused. Excused absences/tardiness include: illness, illness of an immediate family member, death in the family, religious holidays of the student's faith, required court appearance or subpoena by a law enforcement agency, special event, scheduled doctor or dental appointments, or communicable disease. In extenuating circumstances, the principal or designee may also excuse a tardy for reasons other than those stated if documentation is provided. Parents must follow the same process to excuse a tardy as they do to excuse an absence.

2. Tardiness is defined as a student not being in the classroom when classes are scheduled to begin. A student who has an excused tardy should report directly to class after first checking in at the designated check-in area of the school.

3. Excessive tardiness will be addressed on a case-by-case basis to determine if there is a pattern of non-attendance.

4. Tardiness to any class without documentation may be considered unexcused.

V. EARLY SIGN OUTS

When students are signed out early on an ongoing basis, their academic performance may be negatively impacted. The Board of Education and staff strongly encourage parents to ensure their student is in school for the full school day every day. Signing out early may count toward establishing a pattern of non-attendance that may indicate early signs of truancy or educational neglect.

1. All schools will establish procedures for early release that ensure that all students are treated consistently.

2. Students shall not be released within the final 30 minutes of the school day unless the principal/designee determines that it is an emergency or the student has a medical/dental appointment that cannot be reasonably re-scheduled.

3. Excessive early sign-outs will be addressed on a case-by-case basis to determine if there is a pattern of non-attendance.

VI. CONSEQUENCES RELATED TO TRUANCY

a. A student who is found to be truant may be taken to the **Truancy Academy**. A student who is caught out-of-school during the school day may be picked-up by a Law Enforcement Officer. It is the responsibility of the Law **Enforcement Officer** to call the school to determine if the child is legitimately out of school.

b. If a child subject to compulsory school attendance will not comply with attempts to enforce school attendance and the Superintendent/designee elects not to file a truancy petition or if the child does not successfully complete the sanctions ordered by the Court, the child will be referred to the case staffing committee.

c. If the parent refuses to participate in the truancy interventions and exercises the right to appeal to the School Board because the parent believes the interventions are unnecessary or inappropriate, the school district will have the District Hearing Officer make a recommendation for final action to the Superintendent. If the Superintendent determines that the interventions are appropriate and the parent still refuses to participate or cooperate, the Superintendent/designee will seek criminal prosecution for non-compliance with compulsory school attendance.

It must be understood that the final execution of this policy is an extreme action that will be taken in the event of obvious and consistent parental neglect. Prior to the initiation of these procedures, it will be incumbent upon the school staff to investigate the circumstances of a student's non-attendance; seek to address these circumstances; build a system infrastructure that removes any barriers; and, through a comprehensive intervention plan, provide the individual support and intervention necessary to maintain the student's ongoing participation in the teaching/learning process.

Schools have the right to prevent students with excessive tardiness from interrupting the educational process of other students.

Such intervention will require the examination of the reasons that students are truant from the school setting and not engaged in the learning process. It will further require that educators set clear standards of performance, provide engaging curriculum and instructional practices, involve parents in the educational process and establish secure, healthy and substantive learning communities.

VII. ATTENDANCE EXEMPTION

- A student who is 16 years of age or older and who began a program leading to a high school equivalency diploma in a secured correctional facility or a secured child caring institution, a secure detention facility or a juvenile portion of a county jail to complete that program.
- The School Board will excuse from compulsory attendance any child who qualifies in one of the areas below:

Absent Excused – these absences are excused by the Board. Each of these absences requires the verification of a parent/guardian (written or verbal as determined by attendance officer/principal or written documentation from a medical or other appropriate professional.

- Medical, dental, chiropractic, optometric or other valid professional appointments (requires written verification from medical professional)
- Illness verified through written documentation of a medical professional
- Death in the immediate family or funerals for close relatives
- Religious holidays or religious instruction
- Court appearance or other legal procedure, which requires the attendance of the student
- Quarantine as imposed by a public health officer. This may include students having, or suspected of having, a communicable disease or infestation which can be transmitted. Examples of communicable diseases and infestations include, but are not limited to, fleas, head lice, ringworm, impetigo and scabies. Students are allowed a maximum of five excused days absence for each infestation of head lice.

(a) If a parent returns a child to school following 5 days of excused absences for infestation of head lice, and the school finds that the infestation is not over, subsequent absences shall be excused.

(b) A referral should be made to the School Social Worker to assist the family in pursuing appropriate treatment.

- Attendance at special events of educational value as approved by the school principal/designee
- Special circumstances that show good cause which are approved by the school attendance officer
- School ordered suspension or supervised directed study
- Removal from school by an officer of the court.
- Special event approved by building principal at least five days ahead of time. The principal shall review attendance history and academic achievement.

Parent Excused –five (5) days of parent excused absences are allowed per semester. After six (6) or more days, absences will be considered unexcused, unless written verification of an Excused Absence is provided or a building administrator is contacted by the parents to discuss the absence.

- Student illness not verified by medical professional
- Illness in the immediate family which requires the absence of the student because of family responsibilities
- Family trips that can be taken only during the normal school term (required to notify the school attendance officer or designee prior to leaving - for the purpose of reviewing the student's attendance record and overall performance record)
- Extreme weather conditions
- Other reasons as specified by the parent

Missed school work due to absence is expected to be made up. Students when age-appropriate have a responsibility to ask teachers for and to complete make-up assignments. A maximum of five (5) days shall be allowed for each day of excused absence.

A student in general should have no more than 10 days absent in a school year. (An incident regarding severe cases of illness, injury or hospitalization exempts this general statement.) It is the goal of Benton Harbor Area Schools for students to maintain a 95% attendance rate for the school year.

If a student has excessive absences, as provided in this section, the principal will consider whether the student's grades may be negatively impacted because of the excessive absences. The principal or committee will review other measures of academic achievement, the circumstances of the absences, the number of absences, and the extent to which the student completed missed work. A committee will recommend to the principal and the principal may make any of the following determinations:

- the student may be retained;
- the student may not receive a passing grade for the semester;
- the student's grade(s) may be reduced;
- the student may receive the grade otherwise earned; or,
- the student may be given additional time to complete the missed work before making a determination of the appropriate grade.

The principal shall notify the parent/guardian in writing of a decision to retain the student, deny course credit or reduce a grade not later than May 1st of the given school year.

Students with Special Needs

In applying this policy, teachers and administrators shall make reasonable accommodations for students who are absent or tardy because of the student's disabilities or special needs. Students with documented, chronic health problems will be exempt from the policy if absences are excused.

1. Students signing up to attend summer school to receive credit will be expected to attend every day. Students will be allowed no more than three (3) unexcused absences.

2. All students with an excused absence, suspended students, and students will be permitted to make up an examination missed during the absence. Students may be permitted to make up class work missed during the absence.

3. Each student and parent shall be provided with a copy of the school district's attendance policy. Parents and students are required to sign the document, returning the signature page to the school administrator. A copy of the attendance policy shall be on file on the district's website. In addition, the School Board will make copies available to others upon request.

Legal Reference: Michigan Compulsory Law, Act 451.380.1561

VIII. ABSENCE REPORTS

Absences must be reported. The written report must come from a parent or guardian and give the date(s) of the absence(s) and the reason for the absence(s). Parents **MUST** report these absences within two (2) days, although school principals **MAY** make exceptions in cases of need. School staff members have a legal right to request a written medical excuse. Student will give the written and parent signature report to the School's Main Office for review and appropriate filing.

MAKE-UP WORK

1. **Make-up work** for credit and grade is allowed for all excused absences.
2. Students have five (5) days to make-up the work for each class day of an **excused absence, not including the day of return**. However, previously assigned work is due the day of return. These deadlines may be extended by the principal for extenuating circumstances.
3. **For Secondary Only**, when class work is not completed for a marking period due to excused absences, a grade of incomplete may be given. Students must complete the work prior to the end of the next marking period and may earn a grade to replace the incomplete. In extenuating circumstances, the principal has the authority to extend the deadline. But in most cases, when these deadlines are not met, the incomplete changes to an “E” and may cause a semester course failure. If disabilities or special needs. Students with documented, chronic health problems will be exempt from the policy if absences are excused.
4. **Suspensions**: Make-up work for credit and grade is allowed. It is the parent or guardian’s responsibility to get the missed work from the administrator for the student. Work needs to be turned in weekly to receive additional assignments if the suspension is more than ten (10) days. All work is due within five (5) days upon return from the suspension. Student is NOT allowed to participate in any school activities during the suspension period. Students who are assigned to the Alternative Learning Center are expected to be in school. These students must complete assignments and turn in work daily

Legal Reference: Michigan Compulsory Law, Act 451.380.1561

IX. ATTENDANCE CODE TERMS AND DEFINITIONS

A. Definitions

1. **Truancy** is defined as any absence or part or all of one or more days from school during which the school attendance officer or teacher has not been notified of the legal cause for such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Michigan Statute MCL 380.1561.
2. **Habitual truancy** refers to a student who is absent from school without an acceptable excuse for five or more days which school is held during a school semester.
3. **Tardy Excused** is rendered when a student is late to school from 3 to 20 minutes. Tardy is excused because the parent communicated with school officials as required outlined in district attendance policy. This also refers to students who are late due to district transportation issues, weather, and unforeseen community events.

4. **Tardy Unexcused** is rendered because the student reports to school with no communication from the parent and/or the communication was not aligned as required outlined in the district attendance policy.
5. **School Activity Excused** is rendered when a student is present in a school-sanctioned (approved by the principal) activity.
6. **Suspension** denotes that student has been suspended from school and is not in the building.
7. **In School Suspension** denotes that student has been suspended from classes, but is present in a designated location in the building under the supervision of an assigned staff member(s).
8. **Homebound** refers to the student who is medically frail and receiving homebound instruction as approved by the designated district administrator.
9. **Berrien County Jail** refers to student that is in the long term custody of the Berrien County Sheriff's Division of Youth Services, the long term custody of the local law enforcement, or the court.
10. **Parent** is defined to include biological parents, any guardian, any person in a parental relationship or "any person exercising supervisory authority over a student in place of the parent.

X. STUDENT AND PARENT RIGHTS AND RESPONSIBILITIES

A. Student Rules

- a. Students when age-appropriate, have a responsibility to ask their parents to notify the school when they are absent.
- b. Students when age-appropriate have a responsibility to ask teachers for, and to complete, make-up assignments. Two days (not including the day of return) are allowed for each day of excused absence.
- c. Students must maintain current classroom assignments while on internal suspension and turn in work daily.
- d. Students who are parents, or are expectant parents have the right to remain in the regular school program or attend a special center program tailored to their specific needs.

B. Parent Rules

1. Parents have a right to be informed of the attendance responsibilities and consequences for truancy for both parents and students as described in the Code of Student Conduct.
2. Each parent of a child of compulsory school attendance age is responsible for the child's school attendance as required by law.
3. Parents must report their child's absence in accordance with the procedures in the Code of Student Conduct. The parent shall provide documentation of illness from a physician or public health unit, if requested.
4. Parents have the right to request a hearing if they refuse to participate in the interventions developed by the child study team because they believe that those interventions are unnecessary or inappropriate.

5. The parents of a student expected to miss at least 15 consecutive school days due to illness, medical condition, or social/emotional reasons, or who would miss excessive days intermittently throughout the school year for the same reasons, and could benefit from instruction should notify the school and request a copy of the Hospital/Homebound referral packet.

6. Parents have a right to be notified if their child misses school and the parents have not reported the absence to the school.

7. It is the parent's' responsibility to maintain current contact information including telephone numbers with the school's registrar. Failure to comply may include the school needing to contact the proper authorities.

- Parents, guardian or other persons responsible for student must complete, with accuracy, the District Emergency Contact Card.
- When parents complete the Emergency Contact Card in the beginning of the school year or upon enrollment, they have notified the school of any changes in contact information. It is then the responsibility of the district/school to ensure that this information gets updated in Powerschool (the official district database). In the event that the parents' contact information changes during the school year, it is the responsibility of the parent to contact the school and inform appropriate staff at the time the changes occur. A change of residence would require proper documentation as proof that such a change has occurred.

8. Michigan law supports the active involvement of parents* until the student graduates from school. Parents will be notified that when a student reaches the age of majority (18 years of age), the parent shall by communications with relatives, the Homeless Education Program, or the Michigan Department of Children and Families, as is appropriate continue to perform the parental functions of a dependent student, including, but not limited to, provide excusal of absences and tardiness, permission slips for early release, field trips, other activities, as necessary, and to register or terminate (withdraw) school enrollment, until the student graduates, except under the following circumstances:

(a) The student has been emancipated in compliance with Michigan laws.

(b) When the student has no parent and this fact is verified by the school administration (e.g.by communications with relatives, the Homeless Education Program, or the Michigan Department of Children and Families, as is appropriate.)

*** The term parent is defined to include biological parents, any guardian, any person in a parental relationship or “any person exercising supervisory authority over a student in place of the parent.”**

XI. ADMITTANCE TO THE BUILDING

All students must enter the building through designated doors. High school students must enter with a valid photo ID card that must be in his/her possession during the entire school day. Students are not to enter the school more than fifteen (15) minutes before their program begins and are to leave within ten (10) minutes after the end of their program unless they show legitimate cause (athletic activities, school clubs, dramatics, etc.) for arriving earlier or remaining longer.

Students are not to leave the school building during the school day. They must follow their complete schedule. School staff must approve exceptions to this rule. Students will also need proper authorization to re-enter the school building.

ABSENCE/TARDY EXCUSES

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

- A note or phone call from a parent/guardian,
- A pass from a staff member,
- A written statement from a doctor,
- A copy of documents for court or other mandatory appearances.

SUPPORTIVE SERVICES

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

- Conference with the teacher,
- Conference with parent/guardian,
- Referral to the counselor,
- Referral to school social worker or Psychological Services,
- Referral to Daytime Intervention Center,
- Referral to an outside agency,
- Others not listed

RESPONSIBILITIES

1. STUDENTS WILL...

- Attend all classes on time each day,
- Follow local school attendance procedures,
- Present proper excuses in writing for all absences,
- Be responsible for requesting make-up assignments for excused absences within three (3) days of return to school,
- Confer with parents and school staff regarding personal concerns due to absences.

2. PARENTS/GUARDIANS WILL...

- Be responsible for the student's regular attendance,
- Notify the school when the student is absent,
- Contact the school on a regular basis about the student's attendance and academic progress, and cooperate with and support the school in enforcing the attendance rules and regulations.

➤ Be responsible for requesting make-up assignments for excused absences within three (3) days of return to school.

3. ATTENDANCE AGENTS WILL...

- Provide support to improve student achievement by increasing daily student attendance.
- Work in collaboration with schools to promote exemplary attendance.
- Work in conjunction with other student support programs to provide students with intervention assistance.
- Investigate the referral of chronic attendance problems and, when necessary, refer to the Courts.

4. OTHER STAFF MEMBERS WILL...

- Accurately check, report and follow up on attendance in each assignment (class, homeroom, and special duty) daily in the specified record or roll book.
- Cooperate with attendance personnel, counselors, students and parents/ guardians in developing and implementing programs designed to stimulate good attendance.
- Inform students about school and class absence and tardiness policies.
- Notify parent/guardians when students exhibit an attendance problem and maintain a record of such notices.
- Refer chronic attendance problems to the **Student Liaison/District Hearing Officer**

BREAKFAST/LUNCH

It is our goal to not only nourish the minds of our students but to nourish their bodies. Therefore, both a nutritional breakfast and lunch will be served at all district schools this is in addition to items that may be sold individually (depending on the school your child is attending). We are also asking that students not bring food items to school that are of no nutritional value this would include (but is not limited to) fast foods, over the counter energy drinks, etc.,. Not only does this cause a distraction, it imposes a safety issue.

GUIDELINES FOR ADMINISTERING MEDICATION

Whenever possible your child should be provided medications by you outside of school hours. In the event it is necessary that the child takes or has medication available at school, written permission from the parent or guardian of the student requesting the school to administer the medication is required. If a student becomes ill at school he/she is to report to the school office. The parents of the student will be contacted and asked to pick him/her up at school.

Article IX OFFENSE ON SCHOOL PROPERTY

Sec.86-331. Disturbances in and around school.

(a) A person shall not disturb or assist in disturbing the peace, good order and quietude of any school.

(b) A person who is not a regularly enrolled student, teacher or other employee of the school shall not enter and remain in any school building between 8:00 A.M. and 4:30 P.M. on days when school is in session, without first going to the school's office, identifying himself or herself to the principal or a designee, and receiving approval to remain.

(c) A person shall not remain on school grounds after being requested to leave by a principal, designee or other competent authority who finds such person to be creating a disturbance or diversion or on school premises while school or school activities are in progress. Such person shall leave immediately upon request. If person refuses the local law enforcement agency will be call to remove such person from the premises, person shall not permitted to enter onto premises again.

(d) A person shall not be on school premises between 4:30 P.M. and 5:00 A.M. unless actively engaged as participant or spectator in athletic or other school-sponsored events.

(e) A person shall not use profane, indecent or immoral language or indulge in indecent or immoral conduct in any building or on any property adjacent to any building in the city occupied as a public, private or parochial school.

(Ord. No.250, 1, 11-21-9)

TRANSPORTATION GUIDELINES

Parents and Guardians: Please discuss these bus passenger rules and procedures with your child. Your child should appreciate the important part he/she plays in accomplishing **SAFE** and **EFFICIENT** district transportation.

Your child should understand that riding a school bus is a privilege conditioned on appropriate, safe, respectful behavior. Unruly conduct on the bus is a very real risk to the safe operation of a school bus.

Your cooperation in communicating this very important message would be most appreciated.

Bus Service Eligibility: Bus service is provided for elementary age students (grades K-6) residing one mile or more from school. Middle school and high school students (grades 7-12) are required to walk up to one and one-half (1.5) mile radius from the school. Exceptions are made only when safety concerns are identified by the transportation office.

In order to change their normal bus and/or stop, students must obtain a pass from the school office.

Enroute to Bus Stop:

Parents/guardians are encouraged to review their child's walking route to the bus stop, advising safety tips.

Be Prompt: Bus passengers should arrive at the bus stop ten minutes before the bus is scheduled to arrive. Buses will promptly depart all schools, seven minutes after dismissal times. For safety, once bus doors are closed, drivers will not for late arriving students. If it is 15 minutes past the pickup time and the bus has yet to arrive, please call Benton Harbor Area Schools Transportation and get an update on arrival time. Please call (269) 605-2906 for dispatch.

To maintain consistent timing on the routes, buses will not wait for students arriving late at their assigned stop.

In some cases a replacement bus is required, instruct your children to look in the second window from the front of the bus for his/her route number.

will stop at designated pick up and drop off locations only. Buses will not stop and board students once the bus starts moving.

Benton Harbor Area School District and First Student have zero tolerance for undeliverable students. If you can't be there to receive your child at the designated time please make arrangements for someone else to receive your child. Repeated abuse of this policy will impact your child's bus privileges.

If someone other than the parent/guardian is going to receive the child, you must call First Student, and give the person's name, and they will be asked by the driver to show identification.

It is the responsibility of the parent/guardian to keep the Benton Harbor Area School District informed of changes in contact information.

If you are planning to move please inform your child's school prior to moving, so there will be no lapse in transportation. We can't provide route information for a student that has outdated information in the routing system.

SPECIAL NEEDS, PRESCHOOL, AND KINDERGARTEN STUDENTS MUST BE RECEIVED BY A PARENT OR GUARDIAN. NO ONE UNDER THE AGE OF 12 IS ALLOWED TO RECEIVE A SPECIAL NEEDS, PRESCHOOLER, OR KINDERGARTEN STUDENT. THE FOLLOWING ARE STANDARD ACTIONS THAT WILL GENERALLY BE APPLIED UNIFORMLY IN RESPONSE TO DOCUMENTED INCIDENTS;

1st Offense: Written warning and documentation issued

2nd Offense: Phone conference with parent/guardian

3rd Offense: Suspension of bus privileges for up to five days pending a meeting with a parent/guardian, transportation representative and school administrator

4th Offense: Suspension of bus privileges for ten days or more, depending upon the nature or the offense. State and Local Agency (Child Protective Agency) notified of neglect.

5th Offense: Services indefinitely suspended until further notice
Benton Harbor Area School.

At the Bus Stop:

While waiting at the bus stop, students are expected to stand a safe distance from the street and avoid activities that could injure themselves or others. Students are expected to respect others' property. When the bus approaches, students must observe the instructions of the driver. This is particularly important in the winter when slick road conditions exist.

Driver Authority:

The driver has full authority over the passengers on the bus. Seating assignments may be necessary to assure passenger safety. If inappropriate behavior is demonstrated by a student, the parent will be contacted to assist the student to modify the behavior of concern.

Boarding/Departing Bus: It may be necessary to cross the road to board the bus. Students are expected to observe the driver's instructions and always cross in front of the bus with the aid of the flashing stop sign lights and crossing arm.

Passenger Conduct:

Safe, respectful conduct is expected of all passengers to insure safety:

Obey the driver's instructions when first requested.

Remain seated.

Respect others and their property.

Keep your hands to yourself.

Keep noise level down.

Cell phone use is limited to pre-boarding and post-departure.

Serious or persistent violations offensive to, or endangering the safety of others will result in progressive discipline. The age and experience of the student will help determine how many progressive steps are appropriate. Certain activities may result in immediate suspension from bus riding privileges. These include but are not limited to:

chasing or running down the side of a moving bus

standing or facing backward in the seat

fighting on the bus

throwing objects in or out of the bus

possession of dangerous weapons or articles

destroying or defacing district or private property

use of sparking devices

smoking, or use/possession of drugs, alcohol or any form of tobacco

obscene gestures or profanity directed at the bus driver or others

any part of the body extended outside of the bus

assault on a bus driver will result in indefinite suspension and possible criminal charges

Bus drivers will write the bus conduct reports for students who are causing safety hazards or distractions. The driver will also write what infractions(s) the student has been previously cited for and the action (s) that have already been taken by the driver. This report is emailed to the principal by the Safety Coordinator at First Student for the principal's disciplinary action. The principal will alert parents of the student's violation of the Student Code of Conduct.

The principal takes into consideration the seriousness of the infraction and the number of student Bus Conduct Reports the student has accumulated when determining the corrective action for the offense. Page 6 of the Benton Harbor Area School District's Student Code of Conduct lists behaviors that may result in an immediate suspension from the bus. Once the principal acts on the bus conduct report they email the Safety Administrator so he can notify the driver and file the principal's action. The principal contacts the parents and provides them with a copy of the Bus Conduct Report and the action taken.

SCHOOL LEVEL INTERVENTION PROCESS

At times, students become habitual discipline problems involving persistent disobedience and class disruption. When efforts to effect a change in behavior, including parent contact, have been tried and student's behavior continues to disrupt the educational progress of others, it may be necessary to place the student on a behavior intervention. The school will adhere to the following Intervention Process.

Problem Solving Steps

Step 1: Problem Identification (What's the problem?)

Based on the available information, the team identifies the specific concerns and goals:

- 1) What is the student doing that is problematic (observable behaviors)?
- 2) To what extent (e.g., frequency) are these behaviors occurring?
- 3) What broad goals (academic/social behaviors to be decreased AND increased) does the team hope to achieve through intervention.

Members of the behavioral support team gather information through a variety of sources including review of existing records, interviews of support providers, and direct observation of patterns, antecedents, contexts, and consequences.

Step 2: Problem Analysis (Why is it occurring?)

The team uses the information to create summary statements or hypotheses that describe relationships between the student's behaviors of concern and aspects of the environments.

These statements include:

- 1) When, where, and with whom the behavior is most/least likely to occur,
- 2) What happens following the behavior (what they get or avoid), and
- 3) Other variables that appear to be affecting the person's behavior.

Step 3: Intervention Design (What are we going to do about it?)

A plan is developed, based on the summary statements, to address the behavioral concerns and fit within the environments in which it will be used. The behavioral support plan [for students who have IEPs this may also serve as the Behavior Intervention Plan (BIP)] includes:

- 1) A measure of the student's strengths,
- 2) Clear goals for the intervention(s),
- 3) Adjustments to the environment that reduce the likelihood of problem,

- 4) Teaching replacement skills and building general competencies,
- 5) Contingent consequences to promote positive behaviors and deter problems, and
- 6) A crisis management plan (if needed).

Step 4: Response to Intervention (Is it working?)

The team works together to ensure that the plan is implemented with consistency and is effective in achieving the identified goals. The team identifies the training and resources needed, determines how to evaluate outcomes (consistent data collection), determines who is responsible for monitoring implementation, and determines how often to review data-making adjustments in the plan, as needed.

CORRECTIVE MEASURES

Definition: School authorities will take the necessary action to assist the student to modify inappropriate behavior prior to recommendations for out of school suspension. Such corrective measures may include, but not limited to the following:

- Verbal Warning
- Appropriate teacher Intervention, such as; detentions or seat change.
- Communication to parents via phone,email or letter
- Counseling by school personnel
- Parent/Student/Teacher conference
- Involvement in a school Daytime Intervention Center
- Referral to school office for administrative support

Depending upon the Class I and II offenses teachers or administrators shall implement no less than three (3) of the above noted interventions prior to long term suspensions or referral to the school board.

COMMUNICATION DEVICE POLICY

No student at the elementary level (below 6th grade) shall be allowed to carry or possess cell phones, digital media player or other electronic communication devices (EDC) on school property. The only exception to this policy shall be a situation where the student is in need of such electronic communication device for a condition of health, which has been previously certified to the Superintendent or designee by competent medical authority.

Students in 6th grade or above are allowed and may carry all or possess cell phones or other electronic communication devices if the phones/ECD are turned off or stored in the student's locker during instructional time. Cell phone use is only permitted before and after school, unless the device is used with teacher permission or if prior arrangements have been made for extreme medical conditions.

Parent/teacher conferences

Parent/Teacher Conferences are held twice during the school year at which time your child's report cards will be available. Parents, this is a great time for you to have an opportunity to sit down with your child's teacher and discuss your child's strengths and challenges, highlighted growths that have occurred over the course of the semester, and make goals for the remainder of the year.

School Closings

When winter storm conditions are such that the decision to close schools must be made for the safety and well-being of students; please be advised that Benton Harbor Area Schools will broadcast over radio stations WSJM News/Talk (AM 1400) or WSJM-FM (94.9) all school closings.

Extracurricular activities

Students who succeed academically and honor the behavior guidelines outlined in the Code of Conduct have the privilege of participating in extracurricular activities. We will work to help every student experience success in school because we believe that this promotes happiness, self-confidence, and skill development. Meeting academic and behavioral goals are the student's primary responsibilities. If a student is having trouble succeeding in school, we work as a team to solve this problem. Therefore, the student who is having difficulty in classes will stop participating in extracurricular activities for a period of time, giving the student, the parents, and the teacher(s) the chance to work together to remediate the problem.

Before & after school hours

The safety of our students before, during and after school is of great importance. It is imperative that parents invest time in knowing where their children are at all times. Parents that personally bring their child(ren) to school, please be aware of the time that students are allowed on school premises. Therefore, please do not drop your child(ren) off at school prior to the time that they are allowed on school property unless you receive subsequent authorization from a school official. This also applies to after school hours. If your child walks home or you personally pick them up, please be aware of the time that students are to no longer to be on school property. This does not apply if your child is involved in an after school sanctioned program.

XIII. CONTRACT FOR VIOLATION OF CELL PHONES & ELECTRONIC COMMUNICATION DEVICES

I have read the Benton Harbor Area School District's Cell Phone and Electronic Communication Devices Policy and Procedures, the terms and conditions of which are incorporated herein by reference, and hereby agree to conditions, rules, and regulations.

By executing this agreement, I expressly agree to be responsible for my proper use of all electronic communication devices in conformance with the Cell Phone and Electronic Communication Devices Policy, and to assume all responsibility for any liability associated with the use of these devices.

I have read and understand the consequences for violating the Cell Phone and Electronic Communication Devices Policy.

Student Signature: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____

(Complete and return to your principal)

XIV. THE PARENT AND STUDENT STATEMENT OF RECEIPT AND REVIEW OF THE STUDENT CODE OF CONDUCT

We, the undersigned, join the Superintendent in the District’s efforts to “successfully create a clean, safe and healthy environment to promote student achievement.” The elimination of guns and dangerous weapons from schools is the responsibility of everyone. Therefore, We, the undersigned, AGREE that:

THE STUDENT MUST.....

Read and follow the rules and regulations outlined in the student Code of Conduct.

Not bring a gun or other weapon to school or to a school event.

Alert an adult if I see a gun or other weapon in school or at a school event.

Not carry or hide another person’s gun or weapon.

Tell my peers to seek adult assistance when conflict situations begin to get out of control.

Student Signature _____ Date _____

School _____

THE PARENT/GUARDIAN MUST.....

Read the rules and regulations outlined in the Student Code of Conduct.

Teach my children about the dangers and consequences of guns and the use of weapons.

Keep any guns and/or weapons I owned under lock and away from my children.

Support the district’s policies to eliminate guns and weapons and work with the school in developing violence prevention programs. Encourage my children to follow school guidelines for reporting guns and weapons to the appropriate adult. Teach my children how to settle arguments without resorting to violence. Ensure my children attend school every day.

Parent/Guardian Signature _____ Date _____

We agree to this commitment and expect that the School’s Principal will:

Communicate the district’s policies on guns and weapons to all participants in the school community and focus upon everyone’s responsibilities. Use the school’s parent meetings to obtain ideas to develop a safe and healthy school environment. Ensure that students have an anonymous way to report any guns or other weapons they see at school. Promote conflict resolution instruction for all students as part of the curriculum.

(Complete and return to your principal)

SUPPORT SERVICES

- Department of Health and Human Services
401 8th Street
Benton Harbor, MI. 49022
(269) 934-2000
- Riverwood Mental Health
1485 M-139
Benton Harbor MI. 49022
(269) 925-0585
- Boys and Girls Club
600 Nate Wells Sr. Dr.
Benton Harbor, 49022
(269) 926-8766
- Lory's Place
445 Upton Dr.
St. Joseph, 49085
(269) 983-2707
- Shepherd House
903 Main St.
St. Joseph, 49085
(269) 985-2000

2017-2018
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Benton Harbor Area Schools

Before suspending or expelling a student, building administration must complete this form (MCL 39-.1310d).

Student Name: _____

Date of Alleged Offense: _____

Grade Level: _____

Location of Offense: _____

Description of Misconduct: _____

Before issuing any discipline, Section 1310d requires school officials to consider the following factors:

1. Did the student possess a firearm on school property or at a school event? **YES** **NO**
If YES, there is no need to complete the remainder of this form.
2. Student's DOB: _____ Age at the time of alleged offense: _____
3. Does student have a disciplinary history? **YES** **NO**
 - a. If YES, attach printout or briefly describe relevant discipline: _____
 - b. Is the current misconduct similar to the past misconduct? **YES** **NO**
4. Is the student a student with a disability? **YES** **NO**
 - a. Check YES if any of the following are true:
 - i. Individualized Education Plan or 504 plan;
 - ii. Currently being evaluated for IDEA or Section 504 eligibility;
 - iii. Parent/ guardian has expressed concern in writing to a supervisor, administrator, or teacher that the student needs special education and related services;
 - iv. Parent/ guardian has requested a special education evaluation; or
 - v. Teacher or other personnel expressed specific concern directly to special education or other supervisory personnel about student's pattern of behavior.
 - b. Check NO if none of the above factors apply, or if the student was evaluated for IDEA or Section 504 eligibility but parent/ guardian revoked consent for or refused IDEA or Section 504 services.
5. Did the misconduct threaten the safety of any student or staff member? **YES** **NO**
6. Will restorative practices be used to address the misconduct? **YES** **NO**
 - a. Restorative practices must be considered in addition to, or in lieu of, suspension or expulsion.
 - b. If restorative practices will be used, briefly describe: _____
7. Is there an intervention other than suspension/ expulsion that would address the misconduct? **YES** **NO**
 - a. If YES, will the lesser intervention be used? **YES** **NO**
 - b. If NO, why not?

I have considered the above factors, and the seriousness of the misconduct, and I have determined that the following discipline is appropriate: _____

Administrator Signature: _____

Date: _____