

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5111
Section: 5000 Students

5111 - ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The Board of Education establishes the following policy for determining eligibility to attend the schools of this District.

- A. The Board will educate, tuition-free, students who are legal residents of the District, regardless of their citizenship or immigration status. The Board shall meaningfully communicate material information about enrollment requirements and procedures with parents, including parents who have limited proficiency in English. Access to information regarding enrollment requirements and procedures shall be available on the District's web site. Proof of residency will be required for registration in the District. Legal residency means a student is residing with his/her parents, legal guardians, or a resident relative with power of attorney over the student. A student may attend school in this District tuition-free if a parent or legal guardian is a legal resident of the District, regardless of whether the parent or legal guardian has actual custody of the student. Legal residency, when living with a relative, must be based on the need for a suitable home and not for educational purposes.

If the student temporarily resides in another school district but attends school in this District (where one (1) parent resides), it is the obligation of the parents to provide transportation for the student from the home of the nonresident, custodial parent.

- B. The District shall provide a free education to those students who are considered by Federal law to be illegal aliens or considered to be homeless by State established criteria.
- C. A student who is a resident within the District by order of a juvenile or probate court or placed in the District as a ward of the State by an authorized agency shall be admitted tuition-free.
- D. Any student who enrolls in the District under the District's schools of choice program.
- E. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition-free, without regard to residency, to a school within the District, as selected by the State Department of Human Services or the child placing agency responsible for placement of that child.
- F. Foreign students, participating in a bona fide, foreign-exchange program and living with a resident host family, will be admitted tuition-free.
- G. A nonresident student placed with the District for educational reasons by a juvenile or probate court order shall be admitted tuition-free.

- H. Nonresidents may be accepted into the District's Adult Education Classes upon payment of the appropriate fees.
- I. Nonresident students may be accepted into the District's Summer School Program.
- J. A student who is the child of a person who is employed by the District, including an adopted child or legal ward.

Revised 11/12/96

Revised 2/5/01

Revised 6/05

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Legal References:

M.C.L. 380.1148, 1401 et seq., 388.1606

Emancipation of Minors Act, Section 4, Subsection 6 Public Law 100-77, Section 721, 42 U.S.C. 11431

Stewart McKinney Homeless Assistance Amendment Act of 1990 PA 203 of 1994, Sec. 163a (1) & (2)

Adoption Date: **September 14, 1993**

Last Revised: **April 18, 2018**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5111.01
Section: 5000 Students

5111.01 - HOMELESS STUDENTS

Children who meet the Federal definition of "homeless" will be provided a free and appropriate public education in the same manner as all other students of the District and will not be stigmatized or segregated on the basis of their status as homeless. No homeless student will be denied enrollment based on a lack of proof of residency. No Board policy, administrative guideline, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

Homeless students will be provided services comparable to other students in the District including:

- A. transportation services;
- B. educational services for which the homeless student meets eligibility criteria including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;
- C. programs in vocational and technical education;
- D. programs for gifted and talented students; and
- E. school nutrition programs.

The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths.

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Legal References: 42 U.S.C. 11431 et seq.

Adoption Date: **September 24, 2003**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5112
Section: 5000 Students

5112 - ENTRANCE AGE

The Board of Education shall establish student entrance age requirements which are consistent with Michigan Law and sound educational practices which ensure equitable treatment.

A child who turns six (6) years of age before December 1st must be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child who turns six (6) years of age on or after December 1st must be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

A. Prekindergarten

A child is eligible for entrance into the District's prekindergarten program if s/he attains the age of four (4) on or before December 1st of the year in which s/he applies for entrance and has not yet attained the age at which s/he will be admitted to kindergarten. Children attending prekindergarten shall be charged tuition in accordance with Board policy.

B. Kindergarten

A child who is resident of the District and at least five (5) years of age on or before October 1st of 2014, or September 1, 2015 or any school year of enrollment thereafter is eligible for entrance to the kindergarten program for that school year. The child may not be placed in an alternative program without permission of the parent.

C. Early Entrance

Upon written request by the parent or guardian, a child who is a resident but not yet five (5) years of age on or before the specified eligibility date for the applicable school year will be admitted to kindergarten under the following circumstances:

1. the child will have attained the age of five (5) by December 1st of the school year of enrollment and either 2 or 3 below;
2. the parent or guardian provides written notice to the District by June 1st prior to the school year of enrollment of intent to enroll the child; or
3. the parent or guardian provides written notice to the District by August 1st prior to the school year of enrollment of intent to enroll the child, if the child became resident in the District after June 1st.

The District may make a recommendation to the parent or guardian that the child is not ready to start kindergarten due to age or other factors, but the decision whether to enroll the child will remain with the parent or guardian.

The District must allow early entry by nonresident Schools of Choice students, provided the parent/guardian notifies the District by the applicable notification date above (C. 2. or 3.) of the intent to participate in the early enrollment option and timely applies for and is selected under the District's Schools of Choice program.

The District shall notify the Department of Education by December 31st of each school year of the number of students enrolled under the Early Entrance exception for that school year.

D. Preschool Children with Disabilities

Compensatory education programs may be provided for children with disabilities of preschool age, if they have been certified in accordance with the rules of the State and are not part of a district's special education program.

All such programs must comply with any applicable State and Federal requirements, such as least restrictive environment.

E. Preschool - Disadvantaged Children

Readiness and compensatory education programs may be provided for disadvantaged children of preschool age, if they have been certified in accordance with the rules and requirements of the State, such as the Great Start Readiness Program.

All such programs must comply with any applicable State and Federal requirements.

Revised 6/12/13

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Legal References:

M.C.L. 380.1147, 380.1561, 388.1606

IDEA, Part B; 34 CFR Part 300

Dear Colleague Letter, Feb. 29, 2012, U.S.D.O.E., Office of Special Education and Rehabilitative Services

A.C. Rule 340.1754

Adoption Date: **September 14, 1993**

Last Revised: **June 11, 2014**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5113
Section: 5000 Students

5113 - SCHOOLS OF CHOICE PROGRAM(Inter-District)

The Board of Education has determined that, in the District's best interest, it will not be able to participate the forthcoming school year in a Schools of Choice program.

The Board shall review this decision annually based on information provided by the Superintendent concerning the availability of space in each of the district's schools and programs. The board shall determine and publish whether or not it will accept applications for enrollment by new constituent district students, contiguous district students, or tuition students for the next school year.

Any constituent or contiguous district students who were enrolled during the previous school year or semester under a Schools of Choice program will be permitted to enroll for the next school year.

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Adoption Date: **September 14, 1993**

Last Revised: **January 08, 2002**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5113.01
Section: 5000 Students

5113.01 - **SCHOOLS OF CHOICE (Intra-District)**

The Board of Education supports the concept of providing parents with the choice of which elementary school their child may attend in the District.

The Superintendent shall, in cooperation with the appropriate committee, submit a plan to the Board each year for its review and approval. The plan is to specify the conditions under which a student may enroll in a school other than the one in his/her attendance area as well as the arrangements for transportation.

See also, Policy 5113.02 - School Choice Options Provided by Federal Law

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Adoption Date: **June 12, 2013**

Last Revised: **February 12, 2020**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5113.02
Section: 5000 Students

5113.02 - SCHOOL CHOICE OPTIONS PROVIDED BY FEDERAL LAW

The Board of Education acknowledges that the Federal Elementary and Secondary Education Act (ESEA), as amended, provides that the parents/guardians of students enrolled in a Title I school that has been listed for "School Improvement" for two (2) or more years have the right to transfer their children to another school in the District, provided there is a school that provides instruction at the students' grade level(s) and such school has not been identified as being in the process of school improvement, corrective action, or restructuring. If there is not a qualifying school in the District, the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts if the parent/guardian requests a transfer. The Superintendent shall also offer Supplemental Educational Services (SES) if a transfer within the District is not possible.

Students attending a "persistently dangerous" school, as defined by State law have the right to transfer to another "safe" school in the District. If there is not another "safe" school in the District providing instruction at the students' grade level(s), the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts if the parent/guardian requests a transfer.

Furthermore, a student who is a victim of a "violent crime" on school property also has the right to transfer to another school. If there is not another school in the District providing instruction at the student's grade level, the Superintendent shall contact neighboring districts and request that they permit that student to transfer to a school in one of those districts providing instruction at the student's grade level if the parent/guardian requests a transfer.

The Board of Education authorizes such transfers in accordance with AG 5113.02.

Children who transfer within the District in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.

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Legal References:

Title I, Section 1116(b)(1)(E) of the Elementary and Secondary Education act, as amended

Title I, Section 1116(e) of the Elementary and Secondary Education Act, as amended

Title IX, Section 9532 of the Elementary and Secondary Education Act, as amended

Adoption Date: **February 12, 2020**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5114
Section: 5000 Students

5114 - FOREIGN AND FOREIGN-EXCHANGE STUDENTS

The Board of Education of the Hamtramck Public Schools recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having foreign students as members of the student body of this District.

The Board will permit the admission of foreign students and foreign-exchange students (from recognized and approved student exchange programs) who are residing in this District. All nonresident students in both categories shall be eligible for admission on the same basis as other nonresident students.

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Legal References:

M.C.L. 380.1147, MSA 15.41147

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5120
Section: 5000 Students

5120 - **ASSIGNMENT WITHIN DISTRICT**

The Board of Education directs that the assignment of students to schools within this District be consistent with the best interests of students and the best use of the resources of this District.

The Board shall determine periodically the school attendance areas of the District and shall expect the students within each area to attend the school so designated.

The Superintendent shall periodically review existing attendance areas and recommend to the Board such changes as may be justified by:

- A. considerations of safe student transportation and travel;
- B. convenience of access to schools;
- C. financial and administrative efficiency;
- D. the effectiveness of the instructional program.

No assignment to schools or attendance schedules shall discriminate against students on the basis of gender, race, religion, or national origin.

The Superintendent may assign a student to a school other than that designated by the attendance area when such exception is justified by circumstances and is in the best interest of the student.

Every effort shall be made to continue a student in the elementary school to which s/he is initially assigned.

Wherever possible and advisable in the interests of the students, siblings shall be assigned to the same building.

The Superintendent shall assign incoming transfer students to such schools, grades, and classes as may afford each student the greatest likelihood of realizing his/her fullest educational potential.

The principal shall assign students in his/her school to appropriate grades, classes, or groups. This action shall be based on consideration of the needs of the student as well as the administration of the school.

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Legal References: M.C.L. 380.1283

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5121
Section: 5000 Students

5121 - **SCHOOLS OF CHOICE**

The Board of Education supports the concept established in the 1991 School Aid Act of providing parents with the choice of which of the three (3) elementary schools their child may attend in the District.

The Superintendent shall, in cooperation with the appropriate committee, submit a plan to the Board each year for its review and approval. The plan is to specify the conditions under which a student may enroll in a school other than the one in his/her attendance area as well as the arrangements for transportation.

Legal References: M.C.L. 388.1623a

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5130
Section: 5000 Students

5130 - **WITHDRAWAL FROM SCHOOL**

The Board of Education of the Hamtramck Public Schools affirms that, while Michigan law requires attendance of each student until sixteen (16) years of age, it is in the best interests of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools.

The Board directs that whenever a student wishes to withdraw from school, efforts should be made to determine the underlying reason for such action and the resources of the District should be used, when and as appropriate, to assist the student in reaching his/her career goals. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent.

The Superintendent shall develop administrative guidelines for withdrawal from school which:

- A. make counseling services available to any student who wishes to withdraw;
- B. make an effort to satisfy the student's future educational needs;
- C. help the student define his/her own educational life goals and help plan the realization of those goals;
- D. inform the student of the G.E.D.;
- E. inform the student of the Adult Continuation Program;
- F. advise students of their right to return prior to their twentieth (20th) birthday, unless they are special education students but only at the start of the semester and assure the timely return of all District-owned supplies and equipment in the possession of the student.

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Legal References: M.C.L. 380.1561, 388.1705

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5136
Section: 5000 Students

5136 - PERSONAL COMMUNICATION DEVICES

In order to avoid disruption of the educational environment and protect students' right of privacy, student use of personal communication devices (PCDs) is prohibited on school grounds during school hours.

Technology including, but not limited to, PCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) will be permitted, as approved by the classroom teacher or the building principal. However, the use of a PCD to engage in non-education-related communications is expressly prohibited.

For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type. Students may not use PCDs on school property or at a school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school.

Also, during after school activities, PCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

Under certain circumstances, a student may keep his/her PCD "On" with prior approval from the building principal.

Except as authorized by a teacher, administrator or IEP team, students are prohibited from using PCDs during the school day, including while off-campus on a field trip, to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

Possession of a PCD by a student at school during school hours is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. The building principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the PCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned-over to law enforcement. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned-over to law enforcement. School officials will not search or otherwise tamper with PCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a PCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a PCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office. Students may use school phones to contact parents/guardians during the school day.

Revised 4/9/08
Revised 7/21/10

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Adoption Date: **December 12, 2007**
Last Revised: **January 15, 2013**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5200
Section: 5000 Students

5200 - ATTENDANCE

The Board of Education as an agency of the State is required to enforce the regular attendance of students. The Board recognizes that the presence in the classroom enables the student to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for the student to excel.

Attendance shall be required of all District students, except those exempted under Policy 5223 or by other provisions of State law, during the days and hours that the school is in session or during the attendance sessions to which s/he has been assigned.

The Board may report to the Intermediate School District infractions of the law regarding the attendance of students below the age of eighteen (18). Repeated infractions of Board policy requiring the attendance of enrolled students may result in the suspension or expulsion of the student from the District program.

The Board considers the following factors to be reasonable excuses for time missed at school:

- A. illness
- B. recovery from accident
- C. required court attendance
- D. professional appointments
- E. death in the immediate family
- F. observation or celebration of a bona fide religious holiday
- G. such other good cause as may be acceptable to the Superintendent

Attendance need not always be within the school facilities, but a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.

The Board shall consider each student assigned to a program of other guided learning experiences, authorized under Policy 2370, to be in regular attendance for the program provided that s/he reports weekly to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study.

The Board authorizes, but does not encourage the Superintendent, to suspend a student from a particular class or from school if sincere efforts by the staff and parents cannot rectify the pattern of absence. In keeping with its philosophy, the Board supports efforts to provide for out-of-school alternative educational opportunities for truant students rather than to heighten the effects of absence through suspension.

The Superintendent shall develop procedures for the attendance of students which:

- A. ensure a school session which is in conformity with the requirements of the law;
- B. ensure that students absent for any excusable reason have an opportunity to make up work they missed;
- C. govern the keeping of attendance records in accordance with the rules of the State Board and the Michigan Department of Education Pupil Accounting Manual, including a written electronic attendance procedure, if applicable;
- D. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Such guidelines should provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

Revised 6/05

Revised 2/12/20

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Legal References:

M.C.L.380.1561, 380.1561(3a-3c), 380.1586(3)

Reference: Pupil Accounting Manual 2019-2020, Michigan
Department of Education

Adoption Date: **September 14, 1993**

Last Revised: **October 14, 2020**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5215
Section: 5000 Students

5215 - MISSING AND ABSENT CHILDREN

It is the intent of this Board of Education to cooperate with local, State, and National efforts to decrease the number of missing children.

The Superintendent is instructed to promulgate administrative guidelines to accomplish the following:

- A. Develop Informational Programs for students, parents, and community members relative to missing children issues and matters.
- B. Consider admittance of a student lacking records into the school followed by notification of the police rather than refusing entrance and notification of authorities. Such a procedure may reduce the risk of removal of the student from the area.
- C. Utilize materials from the State Department of Education for the Informational Program.
- D. Develop a voluntary student fingerprinting program in conjunction with local law enforcement agencies.

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Legal References: M.C.L. 380.1134, 1135

Adoption Date: **February 05, 2001**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5223
Section: 5000 Students

5223 - ABSENCES FOR RELIGIOUS INSTRUCTION

The Board of Education desires to cooperate with those parents who wish to provide for religious instruction for the children but also recognizes its responsibility to enforce the attendance requirements of the State.

Upon the signed request of a student's parent, the Board will allow exceptions to the student's continuous attendance at school:

- A. for religious instruction outside the school building for no more than two (2) class hours per week;
- B. for attendance at confirmation classes provided the child is between the ages of twelve (12) and fourteen (14) and the instructional period is no longer than five (5) months in either of those years. Extended exceptions to this statement may be made by the principal.

A student must be properly registered and a copy of such registration must be filed with the principal.

The time for release for religious instruction or education shall be arranged by the Superintendent in keeping with the regulations of the State Board of Education. S/He will also assure the appropriate continuance of the instructional program in the public school during such release times.

No solicitation for attendance at religious instruction shall be permitted on District premises. No member of the staff shall encourage nor discourage participation in any religious instruction program.

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Legal References: M.C.L. 380.1561(3d)(3e)
 A.C. Rule R340.71, R340.74

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5230
Section: 5000 Students

5230 - LATE ARRIVAL AND EARLY DISMISSAL

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the District.

The Board of Education recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this District, the Board shall require that the school be notified in advance of such absences by written or personal request of the student's parent, which shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the Principal.

If one parent has been awarded custody of the student by the courts, the parent of custody shall provide the school with a copy of the custody order and inform the school in writing of any limitations in the rights of the noncustodial parent. Absent such notice, the school will presume that the student may be released into the care of either parent.

No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone who is not authorized such custody by the parents.

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Last Revised: **July 14, 2020**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5310
Section: 5000 Students

5310 - HEALTH SERVICES

In compliance with law, the Board of Education may require students to submit to periodic health examinations to:

- A. protect the school community from the spread of communicable disease;
- B. determine that each student's participation in health, safety, and physical education courses meets his/her individual needs;
- C. determine that the learning potential of each child is not lessened by a remediable, physical disability.

The District shall specify the need for services which may include, but not be limited to:

- A. student physical examinations;
- B. athlete physical examinations;
- C. dental examinations;
- D. vision screening;
- E. audiometric screening.

Any health services program should also include instruction to staff members on the observance of students for conditions that indicate physical defect or disability.

Teachers are in a key position to observe possible health problems of students with whom they have contact. Such observations should be communicated to the person as designated by the principal.

The School District shall cooperate with the Wayne County RESA and the Wayne County Health Department in providing screening tests for vision, hearing, dental, and other possible impairments which may affect the child's success in school and his/her future health and physical development.

The Board shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening is scheduled or expected to be scheduled for students if the examination or screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of a specific student, or other students.

The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

Legal References: 20 U.S.C. 1232(h)

Adoption Date: **September 14, 1993**

Last Revised: **September 24, 2003**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5320
Section: 5000 Students

5320 - IMMUNIZATION

The Board of Education believes that immunization is one of the most cost-effective measures to protect children from vaccine- preventable diseases. Accordingly, the Board requires that all students be properly immunized at the time of registration or not later than the first day of school pursuant to the provisions of the State Health Department regulations.

Students who do not meet the immunization requirements on the opening day of school shall be admitted by the Superintendent in accordance with District administrative procedures. Transfer students shall not be admitted without proof of immunization as established by State Administrative Code.

If the District provides information on immunizations, infectious disease, medications, or other school health issues to parents and guardians of students in at least grades, 6, 9, and 12, then with that information the Board shall include information about meningococcal meningitis and the vaccine for meningococcal meningitis. The information shall include at least the causes and symptoms of meningococcal meningitis, how it is spread, and sources where parents and guardians may obtain additional information about meningococcal meningitis and may obtain vaccination of a child against meningococcal meningitis.

There are three (3) circumstances in which a required vaccine may be waived or delayed:

- A. A valid medical contraindication exists to receiving the vaccine. The child's physician must certify the contraindication on Form 5320 F2.
- B. The parents hold religious or philosophical beliefs against receiving a vaccination. The parents must submit Form 5320 F3 before a waiver is granted.
- C. The child has received at least one (1) dose of each immunizing agent and the next dose(s) are not due yet.

Revised 2/5/01

Revised 1/8/02

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Legal References:

M.C.L. 333.9201 et seq., 380.1177, 380.177a

A.C. 325.176

Adoption Date: **September 14, 1993**

Last Revised: **March 14, 2007**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5330
Section: 5000 Students

5330 - USE OF MEDICATIONS

The Board of Education shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, "medication" shall include all medicines including those prescribed by a physician and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Before any medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's physician accompanied by the written authorization of the parent. This document shall be kept on file in the administrative offices. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered violations of Policy 5530 - Drug Prevention and of the Student Discipline Code/Code of Conduct.

Only medication in its original container; labeled with the date, if a prescription; the student's name; and exact dosage will be administered. Parents, or students authorized in writing by their physician and parents, may administer medication or treatment.

Staff members are to administer medication or treatment only in the presence of another adult, except in the case of an emergency that threatens the life or health of the student. Staff licensed as professional registered nurses are exempt from this requirement.

All staff authorized to administer medication or treatment will receive training on this policy and the Superintendent's guidelines, as well as appropriate procedures for administering the medication or treatment. This training shall be provided by qualified individuals with both knowledge of the District's policy and procedures and the administration of medications or treatment. Where possible, this training should be provided by a licensed registered nurse, a licensed physician's assistant, or a licensed physician.

All medication shall be kept in a locked storage case in the school office.

Students who may require administration of an emergency medication may have such medication in accord with the Superintendent's administrative guidelines.

Students may possess and self-administer a metered dose or dry powder inhaler for relief of asthma, or before exercise to prevent onset of asthma symptoms, while at school, on school-sponsored transportation, or at any school-sponsored activity in accord with the Superintendent's guidelines, if the following conditions are met:

- A. There is written approval from the student's physician or other health care provider and the student or parent/guardian (if student is under eighteen (18)) to possess and use the inhaler (Form 5330 F1c)

and
- B. the building administrator has received a copy of the written approvals from the physician and the parent/guardian.

and
- C. there is on file at the student's school a written emergency care plan prepared by a licensed physician in collaboration with the student and his/her parent/legal guardian. The plan shall contain specific instructions on the student's needs including what to do in the event of an emergency.

Students with a need for emergency medication may also be allowed to self possess and self administer such medication, provided that they meet the same conditions established above. Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self possess and administer the medication if they meet the conditions stated above.

Students shall be permitted to possess and self-administer U.S. Food and Drug Administration (FDA) approved, over-the-counter topical products while on school property or at a school-sponsored event provided the student has submitted prior written approval of his/her parent/guardian to the Principal or other chief administrator of the student's school.

This policy and the administrative guidelines developed to establish appropriate procedures shall be implemented in such a manner to comply with District's obligations and the student's needs under any Individualized Education Plan, Section 504 Plan, or other legally required accommodation for individuals with disabilities.

The Superintendent shall prepare administrative guidelines to ensure the proper implementation of this policy.

Revised 2/8/00
Revised 1/21/09

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Legal References: M.C.L. 380.1178, 380.1178a, 380.1179

Michigan Department of Education, Model Policy and Guidelines for Administering Medications to Pupils at School, Policy on Management of Asthma in Schools

Adoption Date: **September 14, 1993**
Last Revised: **March 13, 2019**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5330.01
Section: 5000 Students

5330.01 - EPINEPHRINE AUTO-INJECTORS

Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self-possess and self-administer the medication if they meet the conditions as stated in Policy 5330.

Commencing with the 2014-15 school year, each school in the District shall have at least two (2) epinephrine auto-injectors (Epi-Pens) available at the school site. It shall be the responsibility of the clinic nurse to be sure that the supply of Epi-Pens is maintained at the appropriate level and they have not expired. The clinic nurse shall also be responsible for coordinating the training of District employees to administer Epi-Pen injections and to maintain the list of employees authorized to administer such injections.

Individuals Qualified to Administer

Only a licensed, registered professional nurse employed or contracted by the District or a school employee who has successfully passed the required training shall be allowed to possess and administer Epi-Pen injections to students. The persons authorized to use the District maintained Epi-Pens will be maintained in each school by the Principal, and shall be available on an electronically accessible site for employees' reference.

Each school shall have at least one person trained in the appropriate use and administration of an Epi-Pen injection. In each school with ten (10) or more combined instructional and administrative staff, at least two (2) employees at that site shall be appropriately trained in the use of an Epi-Pen.

Training of employees on the appropriate use and administration of an Epi-Pen injection shall be done in accordance with any guidelines provided by the Michigan Department of Education, and shall be conducted under the supervision of a licensed registered professional nurse. The training shall include an evaluation by the nurse of the employees' understanding of the protocols for administering an Epi-Pen injection.

Students to Whom Injections May Be Administered

A licensed, registered, professional nurse or trained and authorized employees under this policy may administer Epi-Pen injections to 1) any student who has a prescription on file with the District, in accordance with the directives in such prescription, and 2) any individual on school grounds who is believed to be having an anaphylactic reaction.

Reporting of Injections

Any person who administers an Epi-Pen injection to a student shall promptly notify the Principal, who shall be responsible for promptly notifying the student's parent/guardian that an injection has been administered.

All Epi-Pen injections by District employees to students shall be reported in writing to the Principal. The report shall include whether the school's or student's Epi-Pen was used, and whether the student was previously known to be subject to severe allergic reaction (anaphylaxis).

The Superintendent shall at least annually report to the Department of Education, in the form and manner determined by the Department, information on the number of injections provided to students, the number of injections with District Epi-Pens and the number of incidents where students were not known to be subject to severe allergic reactions.

© **Neola 2014**

Legal References:	M.C.L. 380.1178, 380.1179, 380.1179A
	Michigan Department of Education, Model Policy and Guidelines for Administering Medications to Pupils at School

Adoption Date: **June 11, 2014**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5330.02
Section: 5000 Students

5330.02 - OPIOID ANTAGONISTS

The Board has determined that it is in the best interests of its students and employees to have opioid antagonists available to be administered, if necessary, by appropriately trained personnel. Therefore, the Board adopts this policy to govern the handling and administration of opioid antagonists consistent with the following processes, procedures and limitations.

The District shall purchase opioid antagonists and distribute the opioid antagonists to an employee or agent of the District who has been trained in the administration of that opioid antagonist. An opioid antagonist is naloxone hydrochloride or any other similarly acting and equally safe drug approved by the U.S. Food and Drug Administration for the treatment of drug overdose.

A District employee or agent may possess an opioid antagonist distributed to that employee or agent and may administer that opioid antagonist to an individual only if both of the following apply:

- A. The employee or agent has been trained in the proper administration of that opioid antagonist.
- B. The employee or agent has reason to believe that the individual is experiencing an opioid-related overdose.

An opioid-related overdose is a condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with which an opioid was combined or that a reasonable person would believe to be an opioid-related overdose that requires medical assistance.

Any school personnel who have reason to believe that a student is having an opioid-related overdose must call 911.

Any person who administers an opioid antagonist to a student shall promptly notify the student's parent/guardian.

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Legal References: Administration of Opioid Antagonists Act

Adoption Date: **February 12, 2020**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5340
Section: 5000 Students

5340 - **STUDENT ACCIDENTS**

The Board of Education believes that school personnel have certain responsibilities in case of accidents which occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administration personnel, notification of parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

The Superintendent may provide for an in-service program on first aid and CPR procedures.

The administrator in charge must submit an accident report to the Superintendent on all accidents.

© **Neola 1991**

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5340.01
Section: 5000 Students

5340.01 - **CONCUSSIONS AND ATHLETIC ACTIVITIES**

To provide for the safety of student athletes, all athletic programs of the District shall comply either with the concussion protocols of the Michigan High School Athletic Association, or the protocols set forth in AG 5340.01, which shall meet all the requirements of state law and Department of Community Health guidelines regarding concussion awareness training and protection for youth athletes. The District shall comply with whichever standards are more protective.

© Neola 2013

Legal References:

M.C.L. 333.9155 – 333.9156

Adoption Date: **June 12, 2013**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5341
Section: 5000 Students

5341 - **EMERGENCY MEDICAL AUTHORIZATION**

The District will distribute annually to parents or guardians of all students the Emergency Medical Authorization Form. In the event emergency medical treatment for a student is necessary, the District will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is taken out of the District to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow the procedures described in this policy and in Policy 5342 related to Do Not Resuscitate Orders.

Revised 2/5/01

© **Neola 2021**

Adoption Date: **September 14, 1993**

Last Revised: **December 08, 2021**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5342
Section: 5000 Students

5342 - DO NOT RESUSCITATE ORDERS (DNR) FOR MINOR STUDENTS

After April 4, 2021, if a parent or legal guardian who is legally authorized to execute a "Do Not Resuscitate" order ("DNR Order") for a student provides school administration with a copy of a duly executed DNR Order compliant with the law and in substantially the same form as dictated by statute, District administration shall proceed as follows.

If the administrator who receives a copy of a DNR Order from a parent or legal guardian of a student is not the Superintendent, the administrator shall immediately provide the Superintendent with the DNR Order.

The Superintendent shall ensure that all of the following conditions are met:

- A. The copy of the DNR Order must be placed in a file created specifically for a copy of a DNR Order or the revocation of a DNR Order in a manner and location to be determined by the Superintendent, regardless of whether the order pertains to a student with an individualized education program.
- B. If the District received a copy of a DNR Order for a student during the immediately preceding school year, the Superintendent, or his/her designee, must inquire of the student's parent or legal guardian at the beginning of each school year subsequent to which the DNR Order was in effect to determine if the order is still in effect.
- C. The Superintendent, or his/her designee, must provide actual notice of the DNR Order to each teacher or other school employee who provides instructional or noninstructional services directly to the student.

If an administrator received actual notice of a revocation of a DNR Order, s/he shall immediately provide the revocation to the Superintendent and the Superintendent, or his/her designee shall immediately place the revocation in the file created per the instruction and provide actual notice of the revocation to each teacher or other school employee who provides instructional or noninstructional service directly to the student.

The Board shall ensure that timely and appropriate training regarding compliance with the DNR Order is provided to each teacher or other school employee who provides services to a student with a DNR Order, according to his/her level of responsibility.

An individual who determines that a minor student, while located at school, is wearing a do-not-resuscitate identification bracelet or an individual who has actual notice of valid DNR Order related to the minor student shall not attempt to resuscitate the minor student before an appropriate health professional arrives to assist.

© **Neola 2021**

Legal References: M.C.L. 333.1051, et. seq.
 M.C.L. 380.1180

Adoption Date: **December 08, 2021**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5343
Section: 5000 Students

5343 - PHYSICIAN ORDER FOR SCOPE OF TREATMENT (POST)

An administrator who receives a copy of a physician order for scope of treatment ("POST") form from a parent or legal guardian of a student enrolled in the District shall immediately provide the form to the Superintendent.

- A. The Superintendent shall ensure that all of the following conditions are met:
 - 1. The copy of the POST form must be placed in a file created specifically for a copy of a POST form or the revocation of a POST form, in a manner and location to be determined by the Superintendent or his/her designee, regardless of whether the form pertains to a student with an individualized education program.
 - 2. If the District received a copy of a POST form for a student during the immediately preceding school year, the Superintendent, or his/her designee, must inquire of the student's parent or legal guardian at the beginning of each school year subsequent to which the POST form was in effect to determine if the order is still in effect and request an updated copy of the form, if applicable.
 - 3. The Superintendent, or his/her designee, must provide actual notice of the POST form described in this subsection to each teacher or other school employee who provides instructional or noninstructional services directly to the student.
- B. If an administrator receives actual notice of a revocation of a POST form, s/he shall immediately provide the revocation to the Superintendent and the Superintendent or his/her designee shall immediately place the revocation in the file described under subsection (1)(a) and shall provide actual notice of the revocation to each teacher or other school employee who provides instructional or noninstructional services directly to the student, regardless of whether the revocation pertains to a student with an individualized education program.
- C. The Board shall ensure that timely and appropriate training regarding compliance with the POST form is provided to each teacher or other school employee who provides services to a student with a POST form, according to his/her level of responsibility.

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Legal References: M.C.L. 380.1181

Adoption Date: **December 08, 2021**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5350
Section: 5000 Students

5350 - **STUDENT SUICIDE**

The Board of Education recognizes that depression and self-destruction are problems of increasing severity among children and adolescents. A student who suffers the psychological disability of depression cannot benefit fully from the educational program of the schools, and a student who has attempted self-destruction poses a danger both to himself/herself and to other students.

The Board directs all school personnel to be alert to the student who exhibits signs of unusual depression or who threatens or attempts suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness.

The Superintendent shall develop and implement administrative guidelines whereby members of the professional staff understand how to use an intervention procedure which includes the following:

- Step 1 – Stabilization
- Step 2 - Assessment of the Risk
- Step 3 - Use of Appropriate Risk Procedure
- Step 4 - Communication with Appropriate Parties
- Step 5 - Follow-up

Throughout any intervention, it is essential that Board policies and District guidelines regarding confidentiality be observed at all times.

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Legal References:

M.C.L. 380.1171

Kelson v City of Springfield, 767 F2d 651 (9th Cir. 1985)

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5410
Section: 5000 Students

5410 - **PROMOTION, PLACEMENT, AND RETENTION**

The Board of Education recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development.

Such pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

A student will be promoted to the succeeding grade level when s/he has:

- A. completed the course requirements at the presently assigned grade;
- B. in the opinion of the professional staff, achieved the instructional objectives set for the present grade;
- C. demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade;
- D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

Following sound principles of child guidance, the Board discourages the skipping of grades.

The Board is aware that on occasion it may be beneficial to a student to be accelerated by double promotion or skipping a grade. Such double promotions shall be authorized by the Superintendent in consultation with principals, the school staff involved and the parents.

The Superintendent shall develop administrative guidelines for promotion, placement, and retention of students which:

- A. require the recommendation of the relevant staff members for promotion, placement, or retention;
- B. require that parents are informed in advance of the possibility of retention of a student at a grade level;
- C. assure that efforts are made to remediate the student's difficulties before s/he is retained;
- D. assign to the principal the final responsibility for determining the promotion, placement, or retention of each student.

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Legal References: M.C.L. 380.132(4)(d), 380.248(d)

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5420
Section: 5000 Students

5420 - REPORTING STUDENT PROGRESS

The Board of Education believes that the cooperation of school and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress which shall include written reports, and parent conferences with teachers, and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The Superintendent, in conjunction with appropriate staff members, shall develop procedures for reporting student progress to parents which:

- A. utilize various methods of reporting appropriate to grade level and curriculum content;
- B. ensure that both student and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the student's status;
- C. enable the scheduling of parent-teacher conferences at such times and in such places as will ensure the greatest degree of participation by parents;
- D. specify the issuance of report cards at intervals of not more than ten (10) weeks;
- E. ensure a continual review and improvement of methods of reporting student progress to parents.

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Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5421
Section: 5000 Students

5421 - GRADING

The Board of Education recognizes its responsibility for providing a system of grading student achievement that can help the student, teachers, and parents judge properly how well the student is achieving the goals of the District's program.

The Board believes that the District's grading system should be a reliable system and one that ensures each student's grades signify accurately his/her degree of accomplishment of those expected learning outcomes which are to be stated for each program at every grade level, kindergarten through twelfth.

The Board directs the Superintendent to develop procedures for grading which:

- A. develop clear, consistent criteria and standards particularly when grades are based on subjective assessment;
- B. help each student understand in each course or program what behavior and/or achievement is needed to earn each grade as well as what will produce a failing grade;
- C. provide frequent opportunities for each student to obtain information as to his/her progress toward the learning goals of his/her courses or programs;
- D. provide for a pass/fail grade in programs for which it is appropriate.

The grading system should not inhibit the professional staff member from learning the strengths and weaknesses of each student on an individual basis.

The teacher responsible for a student's instruction in a particular course or program shall determine the student's grade. That grade may not be changed without the teacher's consent unless overruled by a review panel consisting of three (3) teachers. The Superintendent of schools, and a member of the Board of Education. The three (3) teachers shall be selected by the teachers bargaining unit.

Should the Review Panel vote to alter the grade over the teacher's objection, the teacher may appeal the action to the Board, whose decision will be final.

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Legal References:

M.C.L. 380.1249

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5430
Section: 5000 Students

5430 - **CLASS RANK**

The Board of Education acknowledges the usefulness of a system of computing grade point averages and class ranking for high school students, both to inform students of their relative academic placement among their peers and to provide students, prospective employers, and institutions of higher learning with a predictive device so that each student is more likely to be placed in an environment conducive to success.

The Board authorizes a system of class ranking, by grade point average, for students in grade(s) 9-12.

The Superintendent shall develop procedures for the computation of grade point averages and the assignment of class rank to implement this policy which shall include:

- A. a provision for students completing graduation requirements before their class;
- B. a system for fairly averaging makeup courses;
- C. a statement of the methods for such computation and assignment to be made available for those to whom a student's grade point average or rank in class is released;

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Adoption Date: **September 14, 1993**
Last Revised: **February 05, 2001**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5451
Section: 5000 Students

5451 - STUDENT RECOGNITION

The Board of Education of the Hamtramck Public Schools values excellence and wishes to inculcate in students the desire to do their best in all things. It shall be the policy of this Board, therefore, to recognize outstanding accomplishment in the curricular, co-curricular, and extra-curricular areas.

After each marking period, those student attaining a "B" average for that period shall be included on an honor roll which shall be published in the local newspapers. Pluses or minuses will not be taken into consideration when determining honor roll status.

At the beginning of each year principals will, in compliance with Board Policy 8330 - Student Records - and with the Education Rights and Privacy Act, indicate that such honor roll lists from time to time may be released. The names of students for whom such requests are made shall be taken from honor roll lists.

To be considered for the Honor Rolls a student must have attained at least a "2" in citizenship in each class the student is enrolled.

The Board authorizes the Superintendent to develop a plan for recognition of outstanding student achievement based on well-defined, consistent criteria and standards.

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Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5460
Section: 5000 Students

5460 - GRADUATION REQUIREMENTS

It shall be the policy of the Board of Education to acknowledge each student's successful completion of the instructional program or a personal curriculum appropriate to the achievement of District goals and objectives as well as personal proficiency, by the awarding of a diploma at graduation ceremonies.

The Board shall annually notify each of its students and a parent or legal guardian of each of its students that all students are entitled to a personal curriculum. The annual notice shall include an explanation of what a personal curriculum is and state that if a personal curriculum is requested, the public school or public school academy will grant that request. The District shall provide this annual notice to parent and legal guardians by sending a written notice to each student's home or by including the notice in a newsletter, student handbook, or similar communication that is sent to a student's home, and also shall post the notice on the District website.

The Board shall award a regular high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board, the Michigan Department of Education (MDE), and as provided by State law.

Credit may be earned by:

- A. traditional course work;
- B. demonstrating mastery of subject area content expectations or guidelines for the credit;
- C. related course work in which content standards are embedded;
- D. non-traditional course work;
- E. independent teacher-guided study;
- F. testing out;
- G. dual enrollment;
- H. advanced placement courses;
- I. international baccalaureate or other "early college" programs;
- J. Michigan Department of Education (MDE)-approved formal career and technical (CTE) program or curriculum; or
- K. on-line class.

If a student successfully completes all of the following credit requirements while in grades 7 to 12, the District will notate on the student's transcript or diploma that the student has earned a STEM endorsement:

- A. All applicable requirements of the Michigan merit standard for a high school diploma under sections M.C.L. 380.1278a and 1278b.
- B. At least six (6) credits in mathematics. At least five (5) of these credits must be in courses that are either listed in section M.C.L. 380.1278a(1)(a)(i) or that cover the same content standards as a course listed in section 1278a(1)(a)(i), including a credit for pre-calculus or calculus.
- C. At least six (6) credits in science. At least four (4) of these credits must be in courses that are either listed in section M.C.L. 380.1278b(1)(b) or that cover the same content standards as a course listed in section 1278b(1)(b).
- D. At least one-half (1/2) credit featuring significant course work involving technology activities and at least 1/2 credit featuring significant course work involving engineering activities. These credits may be gained through separate technology and engineering course work or in conjunction with course work associated with the credits required under subdivisions (b) and (c).

Students shall successfully complete an online course or learning experience OR shall have the online learning experience incorporated into each of the required credits of the Michigan Merit Curriculum.

Special education students who properly complete the programs specified in their I.E.P., or in a personal curriculum, and meet the requirements for a high school diploma, and have received the recommendation of the I.E.P.C. may participate in graduation activities as recommended by the student's I.E.P.C. Reasonable accommodation shall be made for students with disabilities, as defined under State or Federal law, to assist them in taking any required tests or assessments for graduation.

For State-mandated curriculum requirements, a student shall be granted credit toward graduation if s/he successfully completes the subject area content expectations or guidelines developed by the department that apply to the credit. A student may also receive credit if s/he earns a qualifying score, as determined by the State on the assessments developed or selected for the subject area by the State or the student earns a qualifying score, as determined by the District on one or more assessments developed or selected by the School District that measure a student's understanding of the subject area content expectations or guidelines that apply to the credit. For subject areas and courses in which a final examination is used as the assessment for successful attainment of the subject area content, a grade of C+ or better is required.

The Board shall grant credit toward high school graduation for any student who successfully completes, prior to entering high school, a State-mandated curriculum requirement, provided s/he completes the same content requirements as the high school subject area, and the student has demonstrated the same level of proficiency on the material as required of the high school students.

Such credit shall be counted toward the required number of credits needed for graduation. Mastery credits shall be counted toward any subject area requirement and any course sequence requirement. Once mastery credit is earned in a subject area, a student may not receive further credit for a lower sequence course in the same subject area.

A high school student shall be granted credit in any foreign language not offered by the District providing the student meets the competency criteria established by the Superintendent.

A high school student shall be granted credit for completion of an internship or work experience that meets all of the requirements of MCL 380.1279h, subject to the Board's right to deny credit for the reasons and in the manner set out in MCL 380.1279h. The appeal rights set out in this statute apply in the event of a denial.

A student engaging in an internship or work experience under M.C.L. 380.1279h must complete a reflection projection. The reflection project shall include:

- A. A copy of the student's time card from the internship or work experience.
- B. A resume that includes the internship or work experience.
- C. A written summary of the internship or work experience.

The career and technical education credits may include work-based learning by a student working at a business or other work setting with appropriate oversight by the District over the student's experience and learning in the work setting in which the work-based learning occurs.

Commencement exercises will include only those students who have successfully completed requirements as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation, however, when personal conduct so warrants.

Revised 1/8/02
Revised 3/14/07
Revised 12/12/07
Revised 6/11/08
Revised 2/25/09
Revised 6/10/09

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Legal References:	M.C.L. 380.1166, 380.1278a(1), 380.1278a(2), 380.1278a(4)(c), 380.1279b
	M.C.L. 380.1278d, 380.1279h
	20 U.S.C. 1400 et seq.
	20 U.S.C. 1401 et seq.
	29 U.S.C. 794
	42 U.S.C. 12131 et seq.

Adoption Date: **September 14, 1993**
Last Revised: **March 13, 2019**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5463
Section: 5000 Students

5463 - CREDITS FROM STATE-APPROVED, NONPUBLIC SCHOOLS

In recognizing its responsibility to uphold the minimum educational standards of the State of Michigan, the Board of Education establishes the following policy and criteria regarding the acceptance of credits from nonpublic schools whether they be State- approved, nonapproved, or home schools.

For credit or course-work to be accepted for courses taken in such schools, assurance of compliance with minimum requirements established by the State must be provided.

Recognition of credits or course-work shall be granted when the proper assurance and the student's transcript has been received. The District reserves the right to assess such transfer students in order to determine proper placement and to be assured the student can demonstrate the learnings which are prerequisite to a placement.

Although credits from nonpublic school may be granted and placed on a student's transcript, no grades will be entered on the transcript or considered for class ranking. Only grades awarded for courses taken at the district shall be considered in class ranking and for entering on the transcript.

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Adoption Date: **September 14, 1993**

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Policy:po5464
Section: 5000 Students

5464 - **EARLY GRADUATION**

The Board of Education acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date than their designated class.

Application for early graduation will be submitted to the high school principal in accordance with school regulations. The principal may honor this request if all conditions for graduation are met and the student fulfills the graduation requirements.

The student may participate in the graduation ceremonies with his/her designated class.

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Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5500
Section: 5000 Students

5500 - **STUDENT CONDUCT**

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty should be maintained in the schools of this District.

The Superintendent shall establish procedures to carry out Board policy and philosophy, and shall hold all school personnel, students, and parents responsible for the conduct of students in schools, on school vehicles, and at school-related events.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. This Code of Conduct shall be reviewed periodically.

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Legal References: M.C.L. 380.1261, 380.1300, 380.1311, 380.1312

Adoption Date: **September 14, 1993**

Last Revised: **February 05, 2001**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5510
Section: 5000 Students

5510 - STUDENTS – SEX OFFENDER REGISTRY; CRIMINAL CONVICTIONS

Students who are convicted of criminal conduct which requires their listing on the State's Sexual Offender Registry, shall be prohibited from participating in:

- A. all extracurricular activities;
- B. all in-school activities which deal with younger students, such as tutoring, classroom assistance, coaching, etc.;
- C. after school social activities, such as attendance at school-sponsored clubs, dances, athletic events, musical or theatrical performances, or outside clubs or activities, which meet on school property such as Girl or Boy Scouts, non-school athletics or religious/political groups;
- D. activities as designated in writing by the Superintendent and/or student's school principal.

Any exceptions to the above exclusions must be approved by the Superintendent.

Any exceptions must be confirmed in writing by the authorizing individual, and must specifically state any requirements for participation, such as parental or adult supervision. The writing shall be provided to the parent, student, principal and Superintendent. Exceptions may be revoked at any time, with cause.

The school principal may also adjust the student's classes and schedule to provide for adequate supervision and student safety during the school day.

Additional restrictions on in-school activity and student contacts may be implemented by the building's principal, with approval from the Superintendent. Such restrictions shall be based on student/school safety and/or maintaining an appropriate educational environment. Restrictions will be in writing and provided to the student, parents/guardian and those staff with a need to know.

Such students shall only be on school premises as necessary for normal instructional purposes, or as permitted under any exceptions granted by the District. Students shall not arrive earlier than necessary and shall leave promptly upon completion of their approved attendance.

Students who have been convicted of a crime shall be reviewed by the District administration for possible limitation of school related activities consistent with the nature of the crime and the interest of the District in maintaining school safety.

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Legal References: M.C.L. 28.721 et al.

Adoption Date: **July 08, 2009**
Last Revised: **June 13, 2012**

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Policy: po5511
Section: 5000 Students

5511 - DRESS AND GROOMING

The school in carrying out its responsibility for creating a proper learning environment, encourages good taste in dress and grooming appropriate to the learning activity and the age of the student. In general, it shall be the responsibility of the individual student and his/her parents to set the guidelines for appropriate dress within reasonable standards of social acceptance. Factors of health, safety and the orderly functioning of the school are the determiners of appropriate dress.

Within this framework, clothing or grooming shall be considered unacceptable if it creates a clear and present danger to the health and safety of the self or other person; creates or potentially creates a disruptive influence on the educational process; for example, under the influence of drugs, including alcohol, halters, hats, mutilated clothing, cutoffs, clothing with profanity or vulgar or obscene suggestions, or clothing which is sexually suggestive or which infringes upon the rights and freedom of other students. Footwear shall be worn at all times. Clothing which is extreme or inappropriate will be adjudged by the office of the principal and his/her decision in all matters of controversy shall be binding. Specific religious customs may be accommodated at the discretion of the principal.

Sunglasses are not to be worn in school unless they are prescribed by a doctor. Prescriptions must be recorded in the office. The use of canes and other walking aids must also be verified by a doctor's statement.

Special health and safety standards may be required for students enrolled in classes such as industrial arts, home economics, physical education, science education and driver education.

Certain extracurricular activities or organizations may require specific reasonable dress requirements at certain times. Since participation in such organizations is voluntary, students will be required to dress in compliance with the rules set up by the organization.

Elementary students are expected to be dressed adequately for weather conditions as they are expected to go outside for recess periods except in extreme cold and rainy weather.

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Adoption Date: **September 14, 1993**

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Policy:po5512
Section: 5000 Students

5512 - USE OF TOBACCO

Hamtramck Public Schools prohibits the use of, possession, concealment, distribution or intent to distribute, and sale of any tobacco and nicotine product in all school-related situations, by any person, at any time, in any location, and any event.

This policy includes, but is not limited to the following:

- A. Any tobacco or non-tobacco nicotine products - chew, cigars, cigarettes, hookah, loose tobacco, e-cigarettes, snus (snuff), orbs (smokeless tobacco), and strips. This does not include products that are classified as "nicotine replacement therapy" and prescribed by a physician to help tobacco users quit. These products include, but are not limited to, nicotine lozenges, gum, and patches.
- B. Any person - students, staff, visitors and all groups using school property.
- C. Any time 24/7 hours a day, seven (7) days a week, 365 days a year.
- D. Any location - school parking lots, sporting events or any events on school property.

Compliance with this policy is mandatory for all students. Any student who violates this policy will be subject to disciplinary action in accordance with due process as specified in the student handbook, up to and including expulsion from school. Hamtramck Public Schools is concerned about any student who violates the policy related to tobacco and will notify parent(s)/guardians and when necessary, local law enforcement may be contacted and fines assessed.

Hamtramck Public Schools policy also prohibits the advertising or promotion of tobacco. This policy includes, but is not limited to, the following:

- A. Signs or posters
- B. Clothing, t-shirts, hats, bags, etc.

Revised 8/13/08

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Adoption Date: **September 14, 1993**

Last Revised: **January 15, 2013**

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Policy:po5513
Section: 5000 Students

5513 - CARE OF DISTRICT PROPERTY

Basic to the philosophy of the Board of Education is a respect for the rights of others. Students are urged to exercise this respect in regard to the belongings of others, including District property. Each student should realize that vandalism to District property is costly to repair and is directly related to increased school taxes.

Attempts should be made to teach students respect for property which can be done in connection with the care of textbooks and the use of District materials and equipment.

In accordance with law, students who cause damage to District property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law except that students over eighteen (18) years of age shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage, or destruction of District equipment, apparatus, musical instruments, library materials, textbooks, and for damage to District buildings.

The Superintendent may report to the appropriate authorities any student whose damage of District property has been serious or chronic in nature.

In no case shall such referral to juvenile authorities be made without prior notification to the student's parent , if appropriate. Otherwise the student's parents shall be notified as soon thereafter as possible.

The Superintendent shall develop administrative guidelines to implement this policy.

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Legal References: M.C.L. 600.2913

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5514.01
Section: 5000 Students

5514.01 - STUDENT USE OF MOTOR VEHICLES

The Board of Education regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students, a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others.

The Board will not permit the parking of motor vehicles, including motorcycles, on school grounds during regular school hours.

The Board will not be responsible for motor vehicles which are lost, stolen, or damaged.

The Superintendent shall develop administrative guidelines for the operation and parking of motor vehicles and shall disseminate those rules to all students so affected.

The Superintendent shall establish standards for the granting of permits which shall contain the warning that infraction of the rules may result in the revocation of the permit.

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Adoption Date: **September 14, 1993**

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Policy:po5515.01
Section: 5000 Students

5515.01 - SAFE OPERATION OF MOTORIZED UTILITY VEHICLES BY STUDENTS

Because of the clear and present danger of accident, the Board of Education prohibits the use of motorized utility vehicles by students on school grounds or for school activity purposes.

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Adoption Date: **June 12, 2013**

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Policy: po5516
Section: 5000 Students

5516 - STUDENT HAZING

The Board of Education believes that hazing activities of any type are inconsistent with the educational process and prohibits all such activities at any time in school facilities, on school property, and at any District-sponsored event.

Hazing shall be defined for purposes of this policy as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Hazing involves conduct such as but not limited to:

- A. illegal activity, such as drinking or drugs;
- B. physical punishment or infliction of pain;
- C. intentional humiliation or embarrassment;
- D. dangerous activity;
- E. activity likely to cause mental or psychological stress;
- F. forced detention or kidnapping;
- G. undressing or otherwise exposing initiates.

(NOTE: If the school club or organization does not have an official and approved initiation procedure, and if no school staff is involved in the activity, there is a significant likelihood that the activity may result in violation of this policy. Michigan law also makes hazing a crime, punishable by fine and/or imprisonment.)

Administrators, faculty members, and other employees of the District shall be alert particularly to possible situations, circumstances, or events which might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the principal. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil or criminal penalties.

The Superintendent shall distribute this policy to all students and District employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

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Adoption Date: **September 14, 1993**
Last Revised: **June 01, 2005**

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Policy: po5517
Section: 5000 Students

5517 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

The District will offer counseling services to any person found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and the bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation, or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;

- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

Harassment

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

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Giving unwelcome personal gifts such as lingerie that suggests the desire for a romantic relationship.
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- L. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- M. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

Director of Student Services
3201 Roosevelt St.
Hamtramck, MI 48212
(313) 892-2037
TitleIX@hamtramckschools.org

Director of Human Resources
3201 Roosevelt St
Hamtramck, MI 48212
(313) 892-3817
TitleIX@hamtramckschools.org

The names, titles, and contact information of these individuals will be published annually.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age of eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Reports and Complaints of Harassing Conduct

Students and other members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties, which includes students, or third parties who believe they have been unlawfully harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officers who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 5517 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any student who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights.

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complainants involving a District employee, any other adult member of the School District community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the allegedly harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator in the school the student attends; 2) to the Superintendent or other District-level employee; and/or 3) directly to one of the Compliance Officers.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of this anti-harassment policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, principal, or other District employee at the student's school, the Compliance Officer, Superintendent, or another District official who works at another school or at the district level. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District official at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer/designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) days of receiving the report of the Compliance Officer/designee, the Superintendent must either issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) school days. At the conclusion of the additional investigation, the Superintendent shall issue a written decision as described above.

The decision of the Superintendent shall be final.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the student alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person from making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanction/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a student under the age of eighteen (18) or that a person with a disability receiving services as a student from the school regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy;
- O. documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;
- R. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 12/3/20

Revised 12/8/21

T.C. 7/25/22

T.C. 9/6/22

T.C. 9/28/22

T.C. 11/6/24

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Legal References: 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

29 C.F.R. Part 1635

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000e et seq.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 6101, The Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

The Handicappers' Civil Rights Act, M.C.L. 37.1101 et seq.

The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.

Policies on Bullying, Michigan State Board of Education, 7-19-01

Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006

National School Boards Association Inquiry and Analysis – May 2008

Adoption Date: **September 14, 1993**

Last Revised: **November 06, 2024**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5517.01
Section: 5000 Students

5517.01 - **BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS**

It is the policy of the District to provide a safe and nurturing educational environment for all of its students.

This policy protects all students from bullying/aggressive behavior regardless of the subject matter or motivation for such impermissible behavior.

Bullying or other aggressive behavior toward a student, whether by other students, staff, or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited. This prohibition includes written, physical, verbal, and psychological abuse, including hazing, gestures, comments, threats, or actions to a student, which cause or threaten to cause bodily harm, reasonable fear for personal safety or personal degradation.

Demonstration of appropriate behavior, treating others with civility and respect and refusing to tolerate harassment or bullying is expected of administrators, District employees and volunteers to provide positive examples for student behavior.

This policy applies to all "at school" activities in the District, including activities on school property, in a school vehicle, and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business. Misconduct occurring outside of school may also be disciplined if it interferes with the school environment.

Notification

Notice of this policy will be **annually** circulated and posted in conspicuous locations in all buildings and departments within the District and discussed with students, as well as incorporated into the professional staff member, student and parent handbooks. State and federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

Parents or legal guardians of the alleged victim(s), as well as of the alleged aggressor(s), shall be promptly notified of any complaint or investigation as well as the results of the investigation to the extent consistent with student confidentiality requirements. A record of the time and form of notice or attempts at notice shall be kept in the investigation file.

To the extent appropriate and/or legally permitted, **confidentiality** will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. Further, the appropriate authorities may be notified depending on the nature of the complaint and/or the results of the investigation.

Reporting

No later than May 30, 2015, the District shall submit to the Department of Education a copy of this Policy.

The District shall report incidents of bullying to the Department of Education on an annual basis according to the form and procedures established by the Department of Education.

Should this Policy be amended or otherwise modified, the District shall submit a copy of the amended or modified Policy to the Department of Education no later than thirty (30) days after adopting the modification.

Implementation

The Superintendent is responsible to implement this policy and may develop further guidelines not inconsistent with this policy.

This policy is not intended, and should not be interpreted, to interfere with legitimate free speech rights of any individual. However, the District reserves the right and responsibility to maintain a safe environment for students, conducive to learning and other legitimate objectives of the school program.

Procedure

Any student who believes s/he has been or is the victim of bullying, hazing, or other aggressive behavior should immediately report the situation to the Principal or assistant principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

A student may also submit a report or complaint to any of the above designated individuals through email, voicemail, regular mail or by leaving a sealed note addressed to the individual at that person's office or desk. The student may submit a report or complaint anonymously, but this may affect the ability to fully investigate the matter, when the complaining student is not available to provide additional information during the course of the investigation.

The identity of a student who reports bullying, hazing or aggressive behavior, as well as those students who provide information during an investigation will remain confidential to the extent possible and to the extent allowable by law. Only school personnel directly involved in the investigation of the complaint or responsible for remedying any violations will be provided access to the identity of the complaining student(s) and student witnesses, and then only to the extent necessary to effectively deal with the situation.

The identity of the student who files the report or complaint will not be voluntarily shared with the alleged perpetrator(s) or the witnesses unless the student (and his/her parent/guardian) give written permission to do so. Any investigation report will likewise not be voluntarily produced with the names of the reporting student(s) or witnesses. However, under certain circumstances, the District may be required by law to disclose the report and/or the student(s) names. Also, under certain circumstances, the identity of the reporting student may become obvious even without disclosure by school personnel.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports shall be made to those identified above. While reports may be made anonymously, formal disciplinary action may not be taken solely on the basis of an anonymous report without other corroborating evidence.

The Principal (or other administrator as designated) shall promptly investigate and document all complaints about bullying, aggressive or other behavior that may violate this policy. The investigation must be completed as promptly as the circumstances permit and should be completed within three (3) school days after a report or complaint is made.

If the investigation finds an instance of bullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement or other appropriate officials.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

The individual responsible for conducting the investigation shall document all reported incidents and report all verified incidents of bullying, aggressive or other prohibited behavior, as well as any remedial action taken, including disciplinary actions and referrals, to the Superintendent. The Superintendent shall submit a compiled report to the Board on an annual basis.

Non-Retaliation/False Reports

Retaliation or false allegations against any person who reports, is thought to have reported, files a complaint, participates in an investigation or inquiry concerning allegations of bullying or aggressive behavior (as a witness or otherwise), or is the target of the bullying or aggressive behavior being investigated, is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint of bullying is substantiated. Suspected retaliation should be reported in the same manner as bullying/aggressive behavior.

Making intentionally false reports about bullying/aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

Prevention/Training/Restorative Practices

The Superintendent shall establish a Bullying Prevention Task Force and a program or other initiatives involving school staff, students, clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders, aimed at the prevention of bullying or other aggressive behavior.

The District shall provide, and all administrators, school employees, contracted employees and volunteers who have significant contact with students shall undertake as needed training on preventing, identifying, responding to, and reporting incidents of bullying and other aggressive behavior.

The District shall provide, and all students shall undertake, annual training on preventing, identifying, responding to, and reporting incidents of bullying, cyber bullying and other aggressive behavior.

The District shall provide and all parents or legal guardians shall be offered the opportunity to undertake annual training on preventing, identifying, responding to, and reporting incidents of bullying, cyber bullying and other aggressive behavior.

The District will utilize restorative practices that emphasize repairing the harm to the victim and school community in the correction of bullying behavior, which may include victim-offender conferences that:

- A. are initiated by the victim;
- B. are approved by the victim's parent or legal guardian or, if the victim is at least 15, by the victim;
- C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team");
- D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these. The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

Definitions

The following definitions are provided for guidance only. If a student or other individual believes there has been bullying, hazing, harassment or other aggressive behavior, regardless of whether it fits a particular definition, s/he should report it immediately and allow the administration to determine the appropriate course of action.

"Aggressive behavior" is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. Such behavior includes, for example, bullying, hazing, stalking, intimidation, menacing, coercion, name-calling, taunting, making threats, and hitting/pushing/shoving.

"At School" is defined as in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

"Bullying" is defined as any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. internet, telephone or cell phone, personal digital assistant (PDA), or wireless hand held device) that, without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- A. substantially interfering with educational opportunities, benefits or programs of one (1) or more students;
- B. adversely affecting the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;

- C. having an actual and substantial detrimental effect on a student's physical or mental health; and/or
- D. causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Bullying can be physical, verbal, psychological or a combination of all three. Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money; blocking or impeding student movement; unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.

"Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g., from rival school, different state, rural area, city, etc.).

"Intimidation/Menacing" includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; substantially damage or interfere with a person's property; or intentionally interfere with or block a person's movement without good reason.

"Staff" includes all District employees and Board members.

"Third parties" include, but are not limited to, coaches, District volunteers, parents, school visitors, service contractors, vendors, others engaged in District business or others not directly subject to school control at intra-District or inter-district athletic competitions or other school events.

For further definition and instances that could possibly be construed as:

Harassment, see Policy 5517

Hazing, see Policy 5516.

Revised 3/14/07

Revised 4/18/12

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Legal References: M.C.L. 380.1310b (Matt's Safe School Law, PA 241 of 2011)

 Policies on Bullying, Michigan State Board of Education

 Model Anti-Bullying Policy, Michigan State Board of Education

Adoption Date: **June 01, 2005**

Last Revised: **May 10, 2017**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5520
Section: 5000 Students

5520 - **DISORDERLY CONDUCT**

It is the purpose of the Board of Education, acting within the intent and letter of the laws of this State, to provide instruction for students at public expense. Any act of any person(s) to interfere with or to thwart that purpose is unlawful or is in violation of Board policy. Therefore, actions by a student(s) to interfere materially or substantially with the operations of the School District by defacing or destroying school property, by rioting, breaking-in, sitting-in, lying-in, smashing-in, or picketing to force students not to cross picket lines are illegal. Students who engage in such activities may be punished to the full extent of the law and Board policies and District administrative guidelines promulgated thereunder.

For the purposes of this policy, the term "disorderly conduct" shall mean any unlawful student assemblage; or group act of violence, disruption, vandalism, or building seizure; or interference with the functioning of school personnel or any student or group of students.

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Legal References: M.C.L. 380.1300

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5530
Section: 5000 Students

5530 - DRUG PREVENTION

The Board of Education recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community.

As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

For purposes of this policy, "drugs" shall mean:

- A. all dangerous controlled substances as so designated and prohibited by Michigan statute;
- B. all chemicals which release toxic vapors;
- C. all alcoholic beverages;
- D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- E. "look-alikes";
- F. performance enhancing drugs as determined annually by the Department of Community Health;
- G. any other illegal substance so designated and prohibited by law.

In accordance with Federal and State law, the Board hereby establishes a "Drug-Free School Zone" that extends 1000 feet from the boundary of any school property. The Board prohibits the use, possession, sale, concealment, delivery, or distribution of any drug or any drug-related paraphernalia at any time on District property, within the Drug-Free School Zone, or at any District-related event.

Furthermore, the Superintendent shall take the necessary steps so that an individual eighteen (18) years of age or older who knowingly sells, delivers or distributes controlled substances so designated and prohibited by Michigan statute within the Drug-Free School Zone to another person is prosecuted to the fullest extent of the law.

The Superintendent shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

- A. emphasize the prevention of drug use;
- B. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:
 - 1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
 - 2. provides information about effective techniques for resisting peer pressure to use illicit drugs, performance- enhancing drugs, and alcohol;
 - 3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
 - 4. promotes positive emotional health, self-esteem, and respect for one's body;
 - 5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State's Department of Education;
- C. include a statement to students that the use of illicit drugs and the unlawful possession, sale, and use of alcohol is wrong and harmful;
- D. provide standards of conduct that are applicable to all students which clearly prohibit, at a minimum, the unlawful possession, sale, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;
- E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.
- F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;
- G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, sale, use, or distribution of illicit drugs and alcohol by students;
- H. require the notification to parents and students that compliance with the standards of conduct is mandatory;

- I. provide a biennial review of the school district's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
- J. have recommendation available for a student assistance program which includes guidelines for preventive, intervention, referral, treatment, and after-care. Such a program must be comprehensive in nature addressing all issues affecting students' academic, social, and emotional well being in the educational setting which may negatively affect behavior and interfere with their ability to learn;
- K. establish means for dealing with students suspected of drug use or suspected of possessing, selling, or distributing drugs in school and ensure that the District's policy and administrative guidelines on Search and Seizure AG 5771 and Policy 5771 and Suspension and Expulsion AG 5610 and Policy 5610 are complied with fully.

The Superintendent shall ensure that the warning notice concerning anabolic steroids is installed and properly maintained in each of the District's locker rooms or athletic dressing areas.

The Superintendent shall establish administrative guidelines necessary to implement this policy.

Revised 2/5/01

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Legal References: M.C.L. 380.1170, 333.26301 et seq., 333.7410, 333.7410A
 A.C. Rule R388.271 et seq.
 Senate Bill 350, 1990
 Drug-Free Schools and Communities Act of 1986, 20 U.S.C. 3171 et seq.
 20 U.S.C. 3224A

Adoption Date: **September 14, 1993**
Last Revised: **March 14, 2007**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5531
Section: 5000 Students

5531 - STUDENT ASSISTANCE PROGRAMS

In keeping with its concern for the safety and well-being of both students and staff and for maintaining a school environment that is conducive to learning, the Board of Education has adopted policies related to student conduct in the school setting and has authorized disciplinary measures for the violation of these policies.

The Board seeks to maintain a balance between maintaining a proper educational environment and a compassion for students who suffer from or are victims of intemperate, immoral, or illegal behavior. Educational programs have been established to promote healthful, productive living and discipline shall be maintained to protect students and staff from actions that disrupt teaching and learning. However, the Board recognizes that students may experience difficulties that educational programs and sound discipline may not prevent, and that other forms of assistance need to be available through the school.

The Superintendent is authorized to establish one (1) or more assistance programs for students which provide for effective intervention in areas such as substance abuse, crisis situations, and other situations which impact on students' emotional, mental, or social well-being and affect their ability to benefit from the District's educational program. Administrative guidelines are to be prepared which will ensure that:

- A. the rights of both parents and students are protected;
- B. a steering committee is established which is chaired by a central office administrator and includes administrators, staff members from all academic levels, counselors and/or other clinical resource people, and parents and other members of the community;
- C. staff members are properly trained and skilled for their roles and participate in ways that comply with their certification, licensing, job description, Board policies, and the District's administrative guidelines;
- D. outside resource people and agencies are properly certified and/or licensed to provide services and have a history of effective assistance;
- E. assistance activities, whether provided by the District or by an outside resource, are properly supervised by District personnel.

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Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5532
Section: 5000 Students

5532 - PERFORMANCE-ENHANCING DRUGS/COMPOUNDS

The Board of Education recognizes that the use of dietary supplements that contain performance-enhancing compounds and/or performance-enhancing drugs poses a serious health risk to students.

Accordingly, no staff member, volunteer, or contractor shall knowingly sell, market, distribute, or promote the use of a dietary supplement that contains a performance-enhancing compound or a performance-enhancing drug (e.g., anabolic steroids) to a student with whom the staff member, volunteer, or contractor has contact as a part of his/her duties. Furthermore, the staff member, volunteer, or contractor shall not endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound or a performance-enhancing drug by a student with whom s/he has contact as part of his/her duties.

Use of a performance-enhancing substance regardless of source by a student is a violation that will affect a student's athletic eligibility and extra-curricular participation, as determined by the Board. A list of performance-enhancing substances developed by the State Department of Community Health shall be updated annually and included in AG 2431. This notice and list shall also be published in the Parent/Student Handbook provided annually.

The Superintendent shall require that the warning notice concerning anabolic steroids as well as a warning notice about dietary supplements that contain a performance-enhancing supplement is installed and properly maintained in each of the District's locker rooms or athletic dressing areas.

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Legal References: M.C.L. 333.26301 et seq., 380.1318

Adoption Date: **February 05, 2001**
Last Revised: **March 14, 2007**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5540
Section: 5000 Students

5540 - INTERROGATION OF STUDENTS

The Board of Education is committed to protecting students from harm that may or may not be directly associated with the school environment but also recognizes its responsibility to cooperate with law enforcement and public children's services agencies.

When law enforcement or other authorities arrive at the school and wish to interview a student or investigate an alleged violation of law, they must contact the building administrator indicating the nature of their investigation and their desire to question a student or students.

Investigation of Child Abuse/Neglect Under the Child Protection Act by a Public Children's Services Agency or Law Enforcement Agency

Every Board official and employee who, in connection with his/her position, knows of or suspects child abuse or neglect must immediately report that knowledge or suspicion to a public children's services or law enforcement agency in accordance with Board Policy 8462.

An official of a public children's services agency or law enforcement agency may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency shall be encouraged to contact the student during non-school hours and investigate the matter off school property, if at all possible.

The building administrator shall ask the investigator whether s/he may contact the parents prior to the interview and document the response. Unless the investigator specifically requests that s/he not contact the parents, the building administrator shall attempt to contact the parents prior to questioning.

The building administrator or designated guidance counselor will remain in the room during questioning of the student unless prohibited by the agency investigator.

Investigations of Violations of Law by Law Enforcement Agencies

Law enforcement agencies investigating complaints other than under the Child Protection Act should contact a student during non-school hours and investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property during school hours at the request of the building administrator if the alleged violation of law took place on school property, involves other situations affecting school safety or in emergency situations.

Before the student(s) is (are) questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall remain in the room during the questioning unless compelling reasons for exclusion are provided by the law enforcement agency.

In those circumstances when an interrogation may expose a student to criminal charges, the building principal should also attempt to verify with the officer/investigator that the student(s) has been or will be informed of his/her right to refuse to answer questions, to be informed that anything s/he says may be used against him/her in court, and to consult with and be advised by legal counsel.

Notification and Release of Records

Attempts to notify the parents regarding investigations of child abuse/neglect and other law enforcement investigations shall be documented.

When an authorized law enforcement officer or the State's children's service agency removes a student, the building administrator shall also notify the parent(s) and the Superintendent.

No school official may release personally identifiable student information in education records to the police or the State's children's services agency without prior written permission of the parent, a lawfully-issued subpoena, a court order or a health or safety emergency. (See Board Policy 8330).

This policy shall be distributed annually to State's children's service Agency and Local and State Law Enforcement Agencies that service the District.

Revised 1/8/02

Revised 6/05

Revised 3/14/07

Revised 1/21/2009

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Legal References:	M.C.L. 722.627
	Attorney General's Opinion No. 6869, September 6, 1995
	34 C.F.R. 99.36

Adoption Date: **September 14, 1993**

Last Revised: **March 13, 2019**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5600
Section: 5000 Students

5600 - STUDENT DISCIPLINE

The Board of Education acknowledges that conduct is closely related to learning and that an effective instructional program requires an orderly school environment, which is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions.

The Board shall require each student of this District to adhere to the Code of Conduct promulgated by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

- A. conform to reasonable standards of socially-acceptable behavior;
- B. respect the person and property of others;
- C. preserve the degree of order necessary to the educational program in which they are engaged;
- D. respect the rights of others;
- E. obey constituted authority and respond to those who hold that authority.

All information derogatory to the student's behavior shall be removed from the student's permanent record before s/he leaves this District.

The Superintendent shall promulgate administrative guidelines for student conduct which carry out the purposes of this policy and:

- A. are not arbitrary but bear a reasonable relationship to the need to maintain a school environment conducive to learning;
- B. do not discriminate among students;
- C. do not demean students;
- D. do not violate any individual rights constitutionally guaranteed to students.

The Superintendent shall designate sanctions, excluding corporal punishment, for the infractions of rules which shall:

- A. relate in kind and degree to the infraction;
- B. help the student learn to take responsibility for his/her actions;
- C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

The Board shall attempt to provide, as resources permit, alternative programs and activities for disruptive students as a means to prevent or reduce discipline problems. In planning such programs, the Superintendent shall include procedures which ensure cooperation with those community agencies and organizations which can provide assistance to such students.

The Superintendent shall publish to all students and their parents the rules of this District regarding student conduct, the sanctions which may be imposed for breach of those rules, and the due process procedures that will be followed in administering the Code of Conduct.

Discipline on District vehicles shall be the responsibility of the driver on regular bus runs. When District vehicles are used for field trips and other District activities, however, the teacher, coach, or advisor shall be responsible for student discipline. If a student becomes a serious discipline problem on the vehicle, the Superintendent may suspend the transportation privileges of the student providing such suspension conforms with due process.

The principal shall have the authority to assign discipline to students, subject to District administrative guidelines and the student's due process right to notice, hearing, and appeal.

Teachers and other employees of this Board having authority over students shall have the authority to take such means as may be necessary to control the disorderly conduct of students in all situations. This in all places where such students are within the jurisdiction of this Board and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. No student shall be refused transportation services until the parent has been notified or other suitable transportation arrangements have been made. Notification to the parent is the responsibility of District personnel and should be made prior to the departure of school buses. If a parent cannot be contacted, the child should be detained on another day.

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Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5605
Section: 5000 Students

5605 - **SUSPENSION/EXPULSION OF DISABLED STUDENTS**

In matters relating to the disciplining of disabled students, the Board of Education shall abide by Federal and State laws regarding suspension and expulsion.

The Superintendent shall establish administrative guidelines and ensure they are properly used when disciplining any student with a disability.

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Legal References:

20 USC Section 1401 et seq

Section 504, 1973 Rehab. Act;

29 U.S.C. 701 et seq.

34 C.F.R. 300.520 et seq

U.S. Supreme Court, Honig v Doe, 56 USLW 4091

Adoption Date: **September 14, 1993**

Last Revised: **January 24, 2001**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5610
Section: 5000 Students

5610 - **EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS**

The Board of Education is continually concerned about the safety and welfare of District students and staff and, therefore, will not tolerate behavior that creates an unsafe environment, a threat to safety or undue disruption of the educational environment.

Factors to be Considered Before Suspending or Expelling a Student

The Board of Education also recognizes that exclusion from the educational program of the schools is a severe sanction that should only be imposed after careful and appropriate consideration. Except as otherwise noted below with respect to possession of a firearm in a weapon free school zone, if suspension or expulsion of a student is considered, the Board (Superintendent) shall consider the following factors prior to making a determination of whether to suspend or expel:

- A. the student's age
- B. the student's disciplinary history
- C. whether the student has a disability
- D. the seriousness of the violation or behavior
- E. whether the violation or behavior committed by the student threatened the safety of any student or staff member
- F. whether restorative practices will be used to address the violation or behavior
- G. whether a lesser intervention would properly address the violation or behavior

The Board will exercise discretion over whether or not to suspend or expel a student. In exercising that discretion for a suspension of more than ten (10) days or expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the Board can demonstrate that it considered each of the factors listed above. For a suspension of ten (10) days or fewer, there is no rebuttable presumption, but the Board will still consider these factors in making the determination.

Restorative Practices

The Board shall consider using restorative practices as an alternative to or in addition to suspension or expulsion. If the District determines that it will utilize restorative practices in addition to or as an alternative to suspension or expulsion of a student, it will engage in restorative practices which emphasize repairing the harm to the victim and school community caused by the student's misconduct.

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption and harassment and cyberbullying.

If the Board and Superintendent decide to utilize restorative practices as an alternative to or in addition to suspension or expulsion, the restorative practices may include victim-offender conferences that:

- A. are initiated by the victim;
- B. are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;
- C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team");
- D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these.

The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

Due Process

The Board recognizes exclusion from the educational programs of the District, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and is one that cannot be imposed without appropriate due process, since exclusion deprives a child of the right to an education. The Board also recognizes that it may be necessary for a teacher to remove a student from class for conduct disruptive to the learning environment, and that such removals are not subject to a prior hearing, provided the removal is for a period of less than twenty-four (24) hours. However, if an emergency removal may result in a suspension, then due process must be ensured.

In all cases resulting in short-term suspension, long-term suspension or expulsion, appropriate due process rights described in Policy 5611 and AG 5610 must be observed. The Principal shall check to make sure the student is not classified as disabled under Section 504. Students with disabilities under IDEA or Section 504 shall be expelled only in accordance with their rights under Federal law.

For purposes of this policy, suspension shall be either short-term (not more than ten (10) days) or long-term (for more than ten (10) days but less than permanent expulsion) removal of a student from a regular District program. The Superintendent may suspend a student for a period not to exceed 10 school days.

For purposes of this policy, unless otherwise defined in Federal and/or State law, expulsion is defined as the permanent exclusion of a student from the District. Students who are expelled may petition for reinstatement as provided below.

Emergency Removal or Short-Term Suspension

A student may be removed from a class, subject, or activity for one (1) day by his/her teacher for certain conduct as specified in the Code of Conduct, or he/she may be given a short-term suspension by the Superintendent. A student so removed may not be allowed to attend other classes taught by other teachers during the term of the one (1) day removal. A student removed from the same class for ten (10) days will be entitled to the process for short-term suspensions outlined in AG 5610. A student removed from the same class for more than ten (10) days will be entitled to the process for long-term suspensions outlined in AG 5610. The Board designates the Superintendent as its representative at any hearings regarding the appeal of a suspension.

Long-Term Suspension or Expulsion

Due process set out in Policy 5611 and AG 5610 shall be followed in all circumstances in which a student may be expelled or suspended for a period of more than ten (10) days.

The Superintendent may act as the hearing officer. The Board may suspend a student for a period longer than ten (10) days or expel a student. An appeal may be made to the appropriate court of law if there is a claimed violation of substantive or procedural due process rights.

In all cases resulting in short-term suspension, long-term suspension, or expulsion, appropriate due process rights must be observed.

The Superintendent shall develop procedures to implement this policy that shall include the following:

- A. strategies for providing special assistance to students in danger of being expelled and not achieving the academic outcomes of the District's core curriculum;
- B. standards of behavior for all students in accordance with District Board policy on student discipline;
- C. procedures that ensure due process; and
- D. provision for make-up work at home, when appropriate.

Persistent Disobedience or Gross Misconduct/CSC Against Another District Student

Any student may be removed from the classroom, and/or, after consideration of the factors identified above, suspended or expelled for persistent disobedience or gross misconduct or if the student commits criminal sexual conduct against another student enrolled in the District regardless of the location of the conduct. A student may not be expelled or excluded from the regular school program based on pregnancy status.

In recognition of the negative impact on a student's education, the Board encourages the District's administrators to view suspensions, particularly those over ten (10) days, and permanent expulsions as discipline of last resort, except where these disciplines are required by law. Alternatives to avoid or to improve undesirable behaviors should be explored when possible prior to implementing or requesting a suspension or expulsion.

Physical and Verbal Assault

Unless a different determination is made after consideration of the factors identified above, the District shall permanently expel a student in grade six or above if that student commits physical assault at school against a staff member, a volunteer, or a contractor.

Unless a different determination is made after consideration of the factors identified above, the District shall suspend or expel a student in grade six or above for up to one hundred eighty (180) school days if the student commits physical assault at school against another student.

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

Unless a different determination is made after consideration of the factors identified above, the District shall suspend or expel a student in grade six or above and may discipline, suspend or expel a student in grade five and below for a period of time as determined at the Board's discretion if the student commits verbal assault at school against a District employee, volunteer, or contractor or makes a bomb threat or similar threat directed at school building, property, or at a school-related activity.

Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.

"At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

The District may provide appropriate instructional services at home for an expelled student not placed in an Alternative Education Program. The instructional services provided shall be similar to those provided to homebound or hospitalized students and shall be contracted for in the same manner.

Weapons, Arson, Criminal Sexual Conduct

In compliance with State and Federal law, and unless a different determination is made after consideration of the factors identified above, the District shall expel any student who possesses a dangerous weapon, other than a firearm, in the District's weapon-free school zone (except as noted below), commits either arson or criminal sexual conduct in a school building or on school property, including school buses and other District transportation, or pleads to, is convicted of or is adjudicated of criminal sexual conduct against another student enrolled in the District.

In compliance with State and Federal law, the District shall expel any student who possesses a firearm in the District's weapon-free school zone in violation of State law, unless the student can establish the mitigating factors relating to possession of a dangerous weapon set out below, by clear and convincing evidence.

For purposes of this policy, a "dangerous weapon" is defined by law as a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles. This definition also includes other devices designed to (or likely to) inflict bodily harm, including, but not limited to, air guns and explosive devices. The term "firearm" is defined as any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of the explosive, the frame, or the bearer of any such weapon, as well as a firearm muffler, firearm silencer, or any such destructive device.

The District need not expel a student for possession of a dangerous weapon, including a firearm, if the student can establish in a clear and convincing manner the following mitigating factor(s) to the satisfaction of the Board the:

- A. object or instrument was not possessed for use as a weapon, or for direct (or indirect) delivery to another person for use as a weapon; or
- B. weapon was not knowingly possessed; or

- C. student did not know (or have reason to know) that the object or instrument in his/her possession constituted a dangerous weapon; or
- D. weapon was possessed at the suggestion, request, direction of, or with the express permission of the Superintendent or the police.

There is a rebuttable presumption that expulsion for possessing the weapon is not justified if the Board and Superintendent determine in writing that the student has established that he or she fits under one of the exceptions above by clear and convincing evidence, and that the student has no previous history of suspension or expulsion.

For expulsions for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor, the Superintendent shall provide that the expulsion is duly noted in the student's record, the student is referred to the Department of Human Services or Department of Community Health within three (3) school days after the expulsion, and the parents are informed of the referral. Furthermore, if a student who is expelled is below the age of sixteen (16), the Superintendent shall ensure notification of the expulsion is given to the Juvenile Division of the Probate Court. In compliance with Federal law, the Superintendent shall also refer any student (regardless of age) expelled for possession of a dangerous weapon to the criminal justice or juvenile delinquency system serving the District. In addition, the Superintendent shall send a copy of this policy to the State Department of Education and shall include a description of the circumstances surrounding the expulsion of the student for possessing a firearm or weapon in the District's weapon-free school zone, together with the name of the District, the number of students so expelled, and the types of firearms or weapons brought into the weapon-free school zone.

A student expelled under this policy for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may apply for reinstatement in accordance with the following guidelines:

- A. If the student is in grade five (5) or below at the time of the expulsion and was expelled for possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after sixty (60) school days from the date of expulsion, but the student may not be reinstated before ninety (90) school days from the expulsion date.
- B. If the student is in grade five (5) or below at the time of the expulsion and was expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, or emancipated minor may submit a request for reinstatement at any time, but the student may not be reinstated before ten (10) school days from the expulsion date.
- C. If the student is in grade six (6) or above at the time of the expulsion, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after 150 school days from the date of the expulsion, but the student may not be reinstated before 180 school days from the expulsion date.
- D. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Superintendent.
- E. Within ten (10) school days after receiving the petition, the Board shall appoint a committee consisting of two (2) Board members, a school administrator, a teacher, and a school-parent representative. During this time period, the Superintendent shall prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

- F. Within ten (10) school days after being appointed, the committee shall review all pertinent information and submit its recommendation to the Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or non-reinstatement, based on the committee's consideration of the following the:
1. extent to which reinstatement would create a risk of harm to students or school staff;
 2. extent to which reinstatement would create a risk of school or individual liability for the Board or school staff;
 3. age and maturity of the student;
 4. student's school record before the expulsion incident;
 5. student's attitude concerning the expulsion incident;
 6. student's behavior since the expulsion and the prospects for remediation;
- G. The degree of cooperation and support the parent has provided and will provide if the student is reinstated (if the request was filed by a parent), including, but not limited to the parent's receptiveness toward any conditions placed on the reinstatement. Such conditions, for example, might include a written agreement by the student and/or a parent who filed the reinstatement request to accomplish the following:
1. abide by a behavior contract involving the student, his/her parents, and an outside agency;
 2. participate in an anger management program or other counseling activities;
 3. cooperate in processing and discussing periodic progress reviews;
 4. meet other conditions deemed appropriate by the committee;
 5. accept the consequences for not fulfilling the agreed upon conditions.

The Board shall make its decision no later than the next regular Board meeting following the committee's submission of its recommendations. The Board's decision shall be final and is not subject to appeal.

In the event a student who has been permanently expelled from another school requests admission to this District, in making its decision, the Board shall follow the same procedure it has established in paragraphs A-F, above, for the reinstatement of a student.

Students expelled for reasons other than dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may also petition the Board for reinstatement. The Board may, at its discretion, consider the petition in accordance with the procedures set forth above.

The Superintendent shall ensure Board policies and procedures regarding a student's rights to due process are followed when dealing with a possible suspension or expulsion under this policy.

In-School Discipline

The purpose of this policy is to provide an alternative to out-of-school suspension. The availability of in-school discipline options is dependent upon the financial ability of the Board to support such a program.

In-school discipline will only be offered at the discretion of the Superintendent for offenses found in the Student Code of Conduct.

The Superintendent is to establish procedures for the proper operation of such a program and to ensure appropriate due-process procedures are followed as applicable. (See Policy 5630.01)

Due Process Rights

The Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following:

A. Students Subject to Short-Term Suspension

Except when emergency removal is warranted, a student must be given at least oral notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The Superintendent or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

B. Students Subject to Long-Term Suspension and Expulsion

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons, therefore, and must also be given an opportunity to appear before the Board with a representative to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and the hearing procedure, a list of the witnesses who will provide testimony to the Board, and a summary of the facts to which the witnesses will testify. At the student/parent's request, the hearing shall be held in closed session, but the Board must act publicly. The Board shall act by providing a written decision on any appeal of an expulsion, a request for reinstatement, or a request for admission after permanent expulsion from another school.

The Superintendent shall develop procedures to ensure all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights shall be placed in all student handbooks, in a manner that facilitates understanding by students and their parents.

Corporal Punishment

While recognizing that students may require disciplinary action in various forms, the Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Staff shall not use physical force or violence to compel obedience. If all other means fail, staff members may always resort to the removal of the student from the classroom or District through suspension or expulsion procedures.

Within the scope of their employment, all staff may use reasonable force and apply restraint to accomplish the following:

- A. restrain or remove a student who refuses to comply with a request to behave or report to the office;
- B. quell a disturbance threatening physical injury to self or others;
- C. obtain possession of weapons or other dangerous objects within the control of the student, for either self-defense; or
- D. the protection of persons or property.

In accordance with State law, corporal punishment shall not be permitted. If any staff member (full-time, part-time, or substitute) deliberately inflicts, or causes to be inflicted, physical pain upon the student (by hitting, paddling, spanking, slapping or any other kind of physical force) as a means of discipline, the staff member may be subject to discipline and possibly criminal assault charges. This prohibition also applies to volunteers and those with whom the District contracts for services.

The Superintendent shall provide guidelines, including a list of alternatives to corporal punishment.

Removal, Suspension, and Expulsion of Students with Disabilities

The District shall abide by Federal and State laws in matters relating to discipline, suspension, and expulsion of disabled students.

Revised 2/5/01
Revised 6/13/12
Revised 6/12/13
Revised 5/10/17

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Legal References:	M.C.L. 380.1301, 380.1309, 380.1310d, 380.1311
	20 U.S.C. 3351
	State Board of Education, Resolution to Address School Discipline Issues
	Impacting Student Outcomes, Adopted June 12, 2012

Adoption Date: **September 14, 1993**
Last Revised: **March 13, 2019**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5610.02
Section: 5000 Students

5610.02 - **IN-SCHOOL SUSPENSION**

It is the purpose of this policy to provide an alternative to out-of-school suspension. The availability of this option is dependent upon the financial ability of the Board of Education to support such a program.

In-school suspension will only be offered at the discretion of the principal for offenses found in the Student Code of Conduct.

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Legal References: M.C.L. 380.1300 et seq.

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5611
Section: 5000 Students

5611 - DUE PROCESS RIGHTS

The Board of Education recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following guidelines which District Administrators shall use when dealing with students:

A. Students subject to short-term suspension:

Except when emergency removal is warranted, a student must be given oral or written notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The principal or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

B. Students subject to long-term suspension and expulsion:

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons therefor, and an opportunity to appear with a representative before the Board and/or Superintendent to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and of the hearing procedure, a list of the witnesses who will provide testimony to the Board and/or Superintendent, and a summary of the facts to which the witnesses will testify. At the student's request, the hearing may be private but the Board must act publicly. The Board shall act on any appeal, which must be submitted in writing, to an expulsion, to a request for reinstatement, or to a request for admission after being permanently expelled from another district (Policy 5610).

In determining whether disciplinary action set forth in this policy is to be implemented, District Administrators shall use a preponderance of evidence standard. Further, any individual charged with making a disciplinary determination under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 2/5/01
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Adoption Date: **September 14, 1993**
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Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5630
Section: 5000 Students

5630 - CORPORAL PUNISHMENT

While recognizing that students may require disciplinary action in various forms, the Board of Education cannot condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to removal of the student from the classroom or school through suspension or expulsion procedures.

Professional staff as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to:

- A. remove a student who refused to comply with a request to behave or report to the office;
- B. quell a disturbance threatening physical injury to others;
- C. obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

In accordance with State law, corporal punishment shall not be permitted. If any staff member, full-time, part-time, or substitute deliberately inflicts, or causes to be inflicted, physical pain by hitting, paddling, spanking, slapping, or makes use of any other kind of physical force as a means of disciplining a student, s/he may be subject to discipline by this Board and possibly criminal assault charges as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

The Superintendent shall provide administrative guidelines which shall include a list of alternatives to corporal punishment.

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Legal References: M.C.L. 380.1312

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5630.01
Section: 5000 Students

5630.01 - STUDENT SECLUSION AND RESTRAINT

This policy is intended to provide the framework for organizational supports that result in effective interventions based on team-based leadership, data-based decision-making, continuous monitoring of student behavior, regular universal screening and effective on-going professional development. The District is committed to investing in prevention efforts and to teach, practice and reinforce behaviors that result in positive academic and social outcomes for students.

In the event that staff members need to restrain and/or seclude students, it must be done in accordance with this policy, which is intended to:

- A. promote the care, safety, welfare and security of the school community and the dignity of each student;
- B. encourage the use of proactive, effective, evidence and research-based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all students; and
- C. ensure that seclusion and restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel.

In furtherance of these objectives, the District will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the District will include socially valued and measurable outcomes, empirically validated and practical practices, systems that efficiently and effectively support implementation of these practices, and continuous collection and use of data for decision-making.

EMERGENCY SECLUSION

A. Prohibited Practices and Limitations on Use

The following practices are prohibited under all circumstances, including emergency situations:

1. confinement of students who are severely self-injurious or suicidal
2. corporal punishment, as defined in M.C.L. 380.1312(1) of the revised school code, 1976 PA 451
3. the deprivation of basic needs
4. anything constituting child abuse
5. seclusion of pre-school children

6. seclusion that is used for the convenience of school personnel
7. seclusion as a substitute for an educational program
8. seclusion as a form of discipline or punishment
9. seclusion as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition

B. Definition of Emergency Seclusion

Seclusion means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of students.

Emergency seclusion is a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others.

To qualify as emergency seclusion, there must be continuous observation by school personnel of the student and the room or area used for confinement:

1. must not be locked
2. must not prevent the student from exiting the area should staff become incapacitated or leave that area
3. must provide for adequate space, lighting, ventilation, viewing, and the safety of the student
4. must comply with State and local fire and building codes

C. Time and Duration Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a student to regain control of his/her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended, but generally no longer than:

1. fifteen (15) minutes for an elementary school student;
2. twenty (20) minutes for a middle school or high school student

If an emergency seclusion lasts longer than the suggested maximum times above, the following are required:

1. additional support (which may include change of staff, introducing a nurse or specialist, or additional key identified personnel)
2. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

EMERGENCY RESTRAINT

A. Prohibited Practices

The following procedures are prohibited under all circumstances, including emergency situations:

1. mechanical restraint
2. chemical restraint
3. corporal punishment as defined in 380.1312(1) of the revised school code, 1976 PA 451, otherwise known as the Corporal Punishment Act
4. the deprivation of basic needs
5. anything constituting child abuse
6. restraint that is used for the convenience of school personnel
7. restraint as a substitute for an educational program
8. restraint as a form of discipline or punishment
9. restraint as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition
11. any restraint that negatively impacts breathing, including any positions, whether on the floor, facedown, seated or kneeling, in which the student's physical position (e.g., bent over) is such that it is difficult to breathe, including situations that involve sitting or lying across an individual's back or stomach
12. prone restraint (the restraint of a person face down)

NOTE: School personnel who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take immediate steps to end the prone restraint.

13. the intentional application of any noxious substance(s) or stimuli that results in physical pain or extreme discomfort

A noxious substance or stimuli can either be generally acknowledged or specific to the student.

14. physical restraint, other than emergency physical restraint
15. any other type of restraint not expressly allowed

B. **Definition of Restraint**

Restraint means an action that prevents or significantly restricts a student's movement. Physical restraint is intended for the purposes of emergency situations only, in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

Emergency physical restraint is a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provide an opportunity for the student to retain self- control while maintaining the safety of the student and others. An emergency situation requires an immediate intervention. Emergency physical restraint may not be used in place of appropriate less restrictive interventions.

There are three (3) types of restraint: physical, chemical, and mechanical.

1. **Physical restraint** involves direct physical contact.

Restraint does not include actions undertaken for the following reasons:

- a. to break up a fight
- b. to take a weapon away from a student
- c. to briefly hold the student (by an adult) in order to calm or comfort him/her
- d. to have the minimum contact necessary to physically escort a student from one area to another
- e. to assist a student in completing a task/response if the student does not resist or if resistance is minimal in intensity or duration
- f. to hold a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car)
- g. to stop a physical assault as defined in M.C.L. 380.1310
- h. actions that are an integral part of a sporting event, such as a referee pulling football players off from a pile or similar action

2. **Chemical Restraint** is the administration of medication for the purpose of restraint.

Restraint does not include administration of medication prescribed by and administered in accordance with the directions of a physician.

3. **Mechanical Restraint** means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

Restraint does not include the following:

- a. an adaptive or protective device recommended by a physician or therapist (when it is used as recommended)
- b. safety equipment used by the general student population as intended (e.g., seat belts, safety harness on school transportation)

C. Time and Duration

Restraint should not be used:

1. any longer than necessary, based on research and evidence, to allow students to regain control of their behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended; and
2. generally no longer than ten (10) minutes.

If an emergency restraint lasts longer than ten (10) minutes, all of the following are required:

1. additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel
2. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

USE OF EMERGENCY SECLUSION/RESTRAINT

A. When to Use Emergency Seclusion/Restraint

Seclusion/restraint must be used only under emergency situations and if essential. Emergency situation means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

B. General Procedures for Emergency Seclusion/Restraint:

1. An emergency seclusion/restraint may not be used in place of appropriate, less restrictive interventions.
2. Emergency seclusion/restraint shall be performed in a manner that is:
 - a. safe;
 - b. appropriate; and
 - c. proportionate to and sensitive to the student's:
 1. severity of behavior;
 2. chronological and developmental age;
 3. physical size;
 4. gender;
 5. physical condition;

6. medical condition;
 7. psychiatric condition; and
 8. personal history, including any history of physical or sexual abuse or other trauma.
3. School personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the student or to the safety of others, as soon as possible once the circumstances no longer support such a belief.
4. While using emergency seclusion/restraint, staff must do all of the following:
 - a. involve key identified personnel to protect the care, welfare, dignity, and safety of the student
 - b. continually observe the student in emergency seclusion for indications of physical distress and seek medical assistance if there is a concern
 - c. document observations
 - d. ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency seclusion/restraint does not interfere with the student's ability to communicate using the student's primary mode of communication
 - e. ensure that at all times during the use of emergency seclusion/restraint there are school personnel present who can communicate with the student using the student's primary mode of communication
5. Each use of an emergency seclusion/restraint and the reason for each use shall be documented and reported according to the following procedures:
 - a. document in writing and report in writing or orally to the building administration immediately
 - b. report in writing or orally to the parent or guardian immediately
 - c. a report shall be written for each use of seclusion/restraint (including multiple uses within a given day) and the written report(s) provided to the parent or guardian within the earlier of one (1) school day or seven (7) calendar days
6. After any use of an emergency seclusion/restraint, staff must make reasonable efforts to debrief and consult with the parent or guardian, or the parent or guardian and the student (as appropriate) regarding the determination of future actions.

C. Students Exhibiting a Pattern of Behavior

If a student exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion/restraint, school personnel should do the following:

1. conduct a functional behavioral assessment
2. develop or revise a PBIS plan to facilitate the reduction or elimination of the use of seclusion/restraint
3. develop an assessment and planning process conducted by a team knowledgeable about the student, including at least:
 - a. the parent or guardian
 - b. the student (if appropriate)
 - c. people who are responsible for implementation of the PBIS plan
 - d. people who are knowledgeable in PBIS
4. develop a written emergency intervention plan ("EIP") to protect the health, safety, and dignity of the student. An EIP may not expand the legally permissible use of emergency seclusion/restraint.

The EIP should be developed by a team in partnership with the parent or guardian. The team shall include:

1. a teacher;
2. an individual knowledgeable about legally permissible use of seclusion/restraint; and
3. an individual knowledgeable about the use of PBIS to eliminate the use of seclusion/restraint.

The EIP should be developed and implemented by taking all of the following documented steps:

1. describe in detail the emergency intervention procedures
2. describe in detail the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses
3. inquire of the student's medical personnel (with parent or guardian consent) regarding any known medical or health contraindications for the use of seclusion/restraint
4. conduct a peer review by knowledgeable staff

5. provide the parent or guardian with all of the following, in writing and orally:
 - a. A detailed explanation of the PBIS strategies that will reduce the risk of the student's behavior creating an emergency situation.
 - b. An explanation of what constitutes an emergency, including examples of situations that would fall within and outside of the definition.
 - c. A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion/restraint.
 - d. A description of possible discomforts or risks.
 - e. A detailed explanation of the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses.
 - f. Answers to any questions.

A student who is the subject of an EIP should be told or shown the circumstances under which emergency intervention could be used.

D. Data Collection and Reporting

The building administrator shall develop a system of data collection, collect the data and forward all incident reports and data regarding the use of seclusion/restraint to the Superintendent.

The data must:

1. be analyzed to determine the efficacy of the school's school-wide system of behavioral support;
2. be analyzed in the context of suspension, expulsion, and dropout data;
3. be analyzed for the purposes of continuous improvement of training and technical assistance toward the reduction or elimination of seclusion/restraint;
4. be analyzed on a schedule determined by the Michigan Department of Education (MDE);
5. be reported to the MDE, if and as required;
6. include a list of appropriately trained, identified personnel and their levels of:
 - a. education;
 - b. training; and
 - c. knowledge.

NOTE: The District must report to the MDE on the use of seclusion and restraint periodically. MDE will develop guidelines that outline the process for reporting redacted, aggregated data regarding the emergency use of seclusion and restraint.

Training Framework

A comprehensive training framework will be implemented which includes the following:

- A. awareness training for all school personnel who have regular contact with students; and
- B. comprehensive training for key identified personnel.

All substitute teachers must be informed of and understand the procedures regarding the use of emergency seclusion and emergency restraint. This requirement may be satisfied using online training developed or approved by MDE and online acknowledgement of understanding and completion of the training by the substitute teacher.

Comprehensive Training for Identified Personnel

Each building administrator will identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with students, key identified personnel who may have to respond to an emergency safety situation must be trained in all of the following:

- A. proactive practices and strategies that ensure the dignity of students
- B. conflict resolution
- C. mediation
- D. social skills training
- E. de-escalation techniques
- F. positive behavioral intervention and support strategies
- G. techniques to identify student behaviors that may trigger emergency safety situations
- H. related safety considerations, including information regarding the increased risk of injury to students and staff when seclusion or restraint is used
- I. instruction in the use of emergency seclusion and emergency physical restraint
- J. identification of events and environmental factors that may trigger emergency safety situations
- K. instruction on the State policy on the use of seclusion and restraint
- L. description and identification of dangerous behaviors
- M. methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted
- N. types of seclusion
- O. types of restraint

- P. the risk of using seclusion and restraint in consideration of a student's known and unknown medical or psychological limitations
- Q. cardiopulmonary resuscitation and first aid
- R. the effects of seclusion and restraint on all students
- S. how to monitor for and identify physical signs of distress and the implications for students generally and for students with particular physical or mental health conditions or psychological limitations
- T. ways to obtain appropriate medical assistance

GLOSSARY OF TERMS

"Chemical Restraint" means the administration of medication for the purpose of restraint.

"De-escalation Techniques" means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.

"Documentation" means documentation developed by the Michigan Department of Education that is uniform across the State.

"Emergency Situation" means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

"Functional Behavioral Assessment" means evidence and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

"Key Identified Personnel" means those individuals who have received the mandatory training described in M.C.L. 380.1307G(B)(I) to (XVI), listed under Comprehensive Training for Identified Personnel above.

"Law Enforcement Officer" means an individual licensed under the Michigan Commission on Law Enforcement Standards Act, M.C.L. 28.601 to 28.615.

"Mechanical Restraint" means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

"Physical Restraint" means restraint involving direct physical contact.

"Positive Behavioral Intervention and Support (PBIS)" means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on student need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all students.

"Positive Behavioral Intervention and Support Plan" means a student-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the student, guidance or instruction for the student to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

"Prone Restraint" means the restraint of an individual face down.

"Regularly and Continuously Work Under Contract" means that term as defined in section M.C.L. 380.1230.

"Restraint" means an action that prevents or significantly restricts a student's movement. Restraint does not include the brief holding of a student in order to calm or comfort, the minimum contact necessary to physically escort a student from one area to another, the minimum contact necessary to assist a student in completing a task or response if the student does not resist or resistance is minimal in intensity or duration, or the holding of a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general student population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in M.C.L. 380.1310, or to take a weapon from a student. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

Restraint that negatively impacts breathing means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual's back or stomach.

"School Personnel" includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school. Except for the obligations set out above to document seclusion or restraint, report to/consult with parents, undertake the required actions if a student shows a pattern of behavior, and collect and report data to the state, school personnel does not include a law enforcement officer (as defined above) assigned to regularly and continuously work under contract or under agreement in a public school.

"Seclusion" means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of students.

Adapted from Michigan State Board of Education Policy for the Emergency Use of Seclusion and Restraint adopted in March of 2017

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Policy: po5710
Section: 5000 Students

5710 - STUDENT GRIEVANCE

The Board of Education recognizes that, as citizens, students have the right to request redress of grievances. Further, the Board believes that the inculcation of respect for lawful procedures is an important part of the educational process. Accordingly, individual and group grievances should be provided for and appropriate appeal procedures implemented.

For purposes of this policy, a student complaint or grievance shall be any such that arises out of actions, procedures, and policies of this Board or its employees or the lack of such policy or procedure.

The Board or its employees will hear the complaints and grievances of the students of this District provided that such complaints and grievances are made according to procedures established by the Superintendent.

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Policy:po5720
Section: 5000 Students

5720 - STUDENT ACTIVISM

It is the policy of the Board of Education to encourage students to express opinions and ideas, take stands, and support policies, publicly or privately, orally and in writing. Students may be given this opportunity for expression through established school media. Such expression should not interfere with the educational program or present a health or safety hazard. Students may advocate change of law or school regulations and pursue their advocacy by due process means.

Students may not use obscenity, slanderous, or libelous statements, or disruptive tactics, or advocate violation of the law or school regulations.

The Board recognizes the value of student participation in the decision making for the School District.

To this end, the Board:

- A. Encourages students to attend open board meetings and participate according to rules and regulations of the Board in regard to public participation in board meetings.
- B. Recognizes the student's right to express their own opinions freely, provided that they keep in mind that every right carries with it a responsibility.
- C. Recommends that school officials and teachers involve student in the planning of school and classroom activities and programs, in establishing course goals, and in improving the courses of study.
- D. Encourages participation in student government organizations that provides students a voice in school affairs.
- E. Establishes the principle that the Superintendent and other school administrators involve representatives of the students who will be affected, whenever feasible and appropriate, when developing rules, regulations and arrangements for the operation of the schools.
- F. Directs the Superintendent to establish procedures and avenues through which students can readily communicate their ideas and feelings regarding the operation of the schools.

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Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5722
Section: 5000 Students

5722 - SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS

The Board of Education sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, "school-sponsored student media" shall include both student publications and productions. "Student publications" shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing), as well as material in electronic or on-line form (including, but not limited to, websites, web logs ("blogs"), video or audio clips, and newsletters or announcements transmitted by e-mail, wireless broadcast or other similar distribution/dissemination). "Student productions" shall include vocal and theatrical performances, impromptu dramatic presentations, or any electronic media (including, but not limited to, radio and television programs, podcasts, and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). Further, the term "publication" shall include distribution and dissemination of a student publication; and the term "performance" shall include presentation and broadcast of a student production.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to juveniles; speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

All school-sponsored student publications and productions are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the style and/or content of all school-sponsored student publications and productions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues, but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may prohibit speech that is grammatically incorrect, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.

School-sponsored student media may not be published/performed outside the school community (i.e., publication/performance is limited to students, staff and parents/family members) except with the prior written approval of the building principal and/or Superintendent.

Advertising is permitted in the yearbook.

Advertisement submitted for publication or inclusion in a production shall be reviewed by the class/activity advisor for a determination that they are appropriate for juveniles.

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Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5724
Section: 5000 Students

5724 - PREPARING FOR VOTER REGISTRATION

The Board of Education believes that preparing students to assume the responsibilities which our democratic society places on each of its citizens is an important function of the schools. Supplying our high school students with all pertinent information regarding voter registration is one crucial means of meeting this goal.

Accordingly, the Superintendent, using such resources as the high school administration, faculty and student body, local officials, and others the Board of Elections can provide, shall develop a nonpartisan, voter education program for the high school.

The administration of the high schools shall offer to all students who reach the age of majority the opportunity to register as voters.

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Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5730
Section: 5000 Students

5730 - EQUAL ACCESS FOR NONDISTRICT-SPONSORED, STUDENT CLUBS AND ACTIVITIES

The Board of Education will not permit the use of school facilities by nondistrict-sponsored, student clubs and activities or District- sponsored, extra-curricular clubs and activities during instructional hours. During noninstructional time, however, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of the religious, political, philosophical, or other content of the activity.

An application for permission for Nondistrict-Sponsored, student clubs and activities to meet on school premises shall be made to the Superintendent, who shall grant permission provided that s/he determines that:

- A. the activity has been initiated by students;
- B. attendance at the meeting is voluntary;
- C. no agent or employee of the District will promote, lead, or participate in the meeting;
- D. the meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school;
- E. nonschool persons do not direct, conduct, control, or regularly attend the activity.

A student-initiated group granted permission to meet on school premises shall be provided the same rights and access and shall be subject to the same administrative guidelines that govern the meetings of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's gender, religion, race, color, national origin or ancestry, age, disability, height, weight, marital status, social or economic status, and/or any other legally protected characteristic. In addition, there shall be no discrimination on the basis of the religious, political, philosophical, or other content of the speech at the meeting.

The Board will not permit the organization of a fraternity, sorority, or secret society. The Superintendent may exclude nonstudents from directing, controlling, or attending any such meetings of students.

A professional staff member may be assigned to attend a student-initiated meeting in a custodial capacity but shall not participate in the activity. No professional staff member shall be compelled to attend a student-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

The principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.

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Legal References: M.C.L. 380.1299

 Equal Access Act of 1984, 20 U.S.C. 4071 et seq.

 Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

 Civil Rights Act of 1964, 42 U.S.C. 2000e

Adoption Date: **September 14, 1993**

Last Revised: **February 05, 2001**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5751
Section: 5000 Students

5751 - MARRIED OR PREGNANT STUDENTS

Married Student

Marital status shall not affect the rights and privileges of student in the Hamtramck Public Schools to receive a public education nor to participate in any extracurricular activity sponsored by the School. Married students shall be subject to all rules and regulations established for all students and shall not be expected to adhere to regulations not applicable to all students.

Since marriage may bring new problems to the student, guidance counselors shall attempt to assist such students with these special problems. The request for assistance with such problems should be at the option of the student, and though counselors should be alert to this need for special help, they shall not force their services on the student nor use undue pressure which might be interpreted as being discriminatory because of the marriage.

Pregnant Students

A pregnant girl, whether married or not, may continue in school and participate in all school activities which are not dangerous to her health and safety or that of her unborn child.

School Authorities may request a doctor's certification for a pregnant girl to participate in activities which may, in the judgment of a school administrator or sponsor of an activity, be detrimental to her health and safety or that of the unborn child.

A pregnant girl may at her option enroll in approved alternative programs in lieu of continuing attendance in the regular school program. Credits earned in such programs shall be accepted toward meeting graduation requirements.

A pregnant girl may withdraw from school, even if under the compulsory attendance age, if the parent or legal guardian requests the withdrawal in writing and a certificate signed by a physician is presented indicating that the girl is pregnant and that continued attendance in school might adversely affect her health or that of her child. However, no coercion or pressure shall be used by school authorities in an attempt to influence the student to withdraw.

Any girl who has withdrawn from school because of pregnancy shall be readmitted upon application after the birth of her child. If she is within the compulsory school age, she shall be required to comply with the compulsory school attendance law unless a physician shall certify that attendance at school would impair her health. The school principal may request medical notification of a student's ability to continue in all classes in her program.

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Legal References: M.C.L. 380.1146, 380.1301
 A.C. Rule R340.1121 et seq.

Adoption Date: **September 14, 1993**

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Policy:po5771
Section: 5000 Students

5771 - SEARCH AND SEIZURE

The Board of Education has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

School Property

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places. In the course of any search, student's privacy rights will be respected regarding any items that are not illegal or against Board policy.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places in the school where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or other certified organizations and is not to be used to search students unless either a warrant or parental permission has been obtained prior to the search.

Student Person and Possessions

The Board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, and the student's disciplinary history.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Administrators are authorized to arrange for a breath-test instrument, according to the Superintendent's guidelines, for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal. S/He shall attempt to obtain the freely-offered consent of the student to the inspection; however, provided there is reasonable suspicion, s/he may conduct the search without such consent. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The Superintendent shall prepare administrative guidelines to implement this policy.

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Legal References:

M.C.L. 380.1306

U.S. Constitution, 4th Amendment

Adoption Date: **September 14, 1993**

Last Revised: **February 05, 2001**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5772
Section: 5000 Students

5772 - **WEAPONS**

The Board of Education prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

This policy will be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

Revised 2/5/01

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Legal References: M.C.L. 380.1311, 380.1312(1), 380.1313
 20 U.S.C. 7151

Adoption Date: **September 14, 1993**
Last Revised: **September 24, 2003**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5780
Section: 5000 Students

5780 - STUDENT/PARENT RIGHTS

The Board of Education recognizes that students possess not only the right to an education but the rights of citizenship as well.

In providing students the opportunity for an education to which they are entitled, the District shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. The District shall, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of his/her own thoughts.

Attendant to the rights guaranteed to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the guidelines and rules of the District.

Since a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with school rules.

Administrators, counselors, and teachers shall not provide a supporting affidavit for students who have petitioned the court to grant them the status of emancipated minors.

Parents also have rights in the school system to know about their student's educational experience. Specific rights are listed in topic areas of these policies.

In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials means instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments.

The Superintendent shall, in consultation with parents, develop a procedure addressing the rights of parents and procedures to assure timely response to parental requests to review instructional material. The procedure shall also address reasonable notification to parents and students of their rights to review these materials. See AG 9130A and Form 9130 F3.

This policy shall not supercede any rights under the Family Education Rights and Privacy Act.

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Legal References: 20 U.S.C. 1232h

Adoption Date: **September 14, 1993**

Last Revised: **September 24, 2003**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5820
Section: 5000 Students

5820 - STUDENT GOVERNMENT

The Board of Education acknowledges the importance of offering students the opportunity to participate in self-government within the establishment of the schools.

Students shall have the right to organize, conduct meetings, elect officers and representatives, and petition the Board.

The Board will recognize the student council as the official voice of the student body for middle and senior high schools for students in grades 6 through 8 and 9 through 12 and for the purpose of:

- A. giving students practical experience in organizing, planning, and affecting outcomes;
- B. developing student leadership;
- C. providing a learning experience in democratic decision making;
- D. offering another avenue toward the realization of the goals of this District.

The Superintendent shall establish administrative guidelines to implement this policy.

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Adoption Date: **September 14, 1993**

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Policy: po5830
Section: 5000 Students

5830 - STUDENT FUND-RAISING

The Board of Education acknowledges that the solicitation of funds from students must be limited since compulsory attendance laws make the student a captive donor and may also disrupt the program of the schools.

For purposes of this policy "student fund-raising" shall include the solicitation and collection of money from students for any purpose and shall include the collection of money in exchange for tickets, papers, or any other goods or services for approved student activities. "Student fund-raising" also includes giving away goods or services, but suggesting a monetary donation.

The Board will permit student fund-raising by students in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools.

Fund raising by approved school organizations, whose funds are managed by the District, may be permitted in school by the Principal. Such fund-raising that occurs off school grounds may be permitted by the Superintendent.

The Board permits two (2) fundraisers per week per school that involve the sale of food items and/or beverages that are an exception to the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools regulations for consumption on campus during the school day by students.

Other than approved non-compliant fundraisers, the food and/or beverage items to be sold for any other fund-raisers by student clubs and organizations, parent groups, or booster clubs and consumed on campus, shall comply with the current USDA Dietary Guidelines for Americans, and the USDA Smart Snacks in Schools nutrition standards, and also be consistent with requirements set forth in Policy 8500 - Food Services.

If approved, fund-raisers that involve the sale of food items or beverages to students on campus must be consistent with regulations established in Policy 8500, Food Services, pertaining to the sale of foods and beverages during food-service hours, whether those food items and beverages are compliant with, or an exception to, the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools nutrition standards.

Use of the name, logo, or any assets of the District, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the Superintendent.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

Fund-raising by students on behalf of those school-related organizations and District support organizations, whose funds are not managed by the District, may be permitted on or off school grounds by the Superintendent.

All fund-raising by school-related organizations and District support organizations, both those whose funds are managed by the Fiscal Officer and those whose funds are not managed by the Fiscal Officer, shall be done in accordance with Policy 9211 and Policy 9700.

The Superintendent shall establish administrative guidelines for the solicitation of funds that shall:

- A. specify the times and places in which funds may be collected;
- B. describe permitted methods of solicitation which do not place undue pressure on students;
- C. limit the kind and amount of advertising for solicitation;
- D. require that the Board approve the distribution or liquidation of monies remaining in a student activity account when the organization is defunct or disbanded; and
- E. limit the number of fund-raising events.

Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection on a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund-raising activity or a product that will be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that will be sold as a fund-raiser.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Fiscal Officer at his/her earliest opportunity.

The Superintendent shall distribute this policy and the guidelines which implement it to each organization granted permission to solicit funds.

Revised 5/13/15

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Legal References: M.C.L. 380.1272b
 7 C.F.R. Parts 210 and 220
 42 U.S.C. 1779

Adoption Date: **September 14, 1993**
Last Revised: **November 09, 2016**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5840
Section: 5000 Students

5840 - STUDENT GROUPS

It is the policy of the Board of Education that student groups be recognized as authorized school organizations only if they are approved by the school administration, sponsored by school-approved personnel, composed of members of the current student body, hold the majority of their meetings at school, and have established aims which are educational in nature.

Membership in the organization or operation of any high school fraternity, sorority, or any other secret society as described by law is prohibited throughout the School District. In particular, the Board shall not tolerate any type of gang or gang-related activity to occur on District property or while students are under the auspices of the Board.

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Legal References: M.C.L. 380.1316, 380.1807

Adoption Date: **September 14, 1993**
Last Revised: **February 05, 2001**

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Policy: po5850
Section: 5000 Students

5850 - SOCIAL EVENTS

The Board of Education recognizes the value of student social events in enhancing and enriching the educational experience for the children of this community.

The Board will make school facilities available and provide appropriate staff for the conduct of social events within the school facilities which have been approved by the principal.

School social events which take place outside school facilities must be approved by the Superintendent.

As voluntary participants in school social events, students shall be held responsible for compliance with the rules set forth for their conduct, and infractions of those rules will be subject to the same disciplinary measures applicable during the regular school program.

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the rules of the school.

The Superintendent shall develop administrative guidelines for the conduct of student social events which shall include:

- A. designation of a staff member who shall be the Board employee responsible for the event;
- B. provision for chaperonage, adult supervision, and/or police protection required by the circumstances of the event;
- C. provisions for the safety of all students and adults involved.

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Legal References: M.C.L. 380.1300
 A.C. Rule 340.241 et seq.

Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy:po5855
Section: 5000 Students

5855 - STUDENT ATTENDANCE AT SCHOOL EVENTS

The Board of Education encourages students to attend as many school events held after school as possible, without interfering with their school work and home activities. Enthusiastic spectators help to build school spirit and encourage those students who are participating in the event.

However, in order to ensure that students attending as nonparticipants are properly safe-guarded, the Board recommends that all elementary and pre-high school students be accompanied by a parent or adult chaperone when they arrive at the event and throughout its duration. The Board will not be responsible for students if they attend without an adult chaperone.

The Board will continue to provide adequate supervision for all students who are participants in District-sponsored events.

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Adoption Date: **November 12, 1996**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5860
Section: 5000 Students

5860 - SAFETY PATROL

The Board of Education recognizes the value of a student safety patrol as an essential part of the school program to instruct the students of this District in good safety habits and to provide opportunities for leadership training.

The Board authorizes the formation of a school safety patrol of students in grades 4 through 8 who shall serve without recompense.

All students eligible by grade to assure representation from all grades may apply for service on the safety patrol; selection among them will be made on consideration of qualities of:

- A. responsibility and good citizenship;
- B. leadership capacity;
- C. maturity;
- D. academic proficiency.

Members of the school safety patrol may be assigned to control and direct student traffic in the school buildings, on school grounds and on sidewalks or paths adjacent to a street or roadway.

No safety patrol member shall be permitted to direct or place himself/herself in the path of vehicular traffic.

The Board authorizes the purchase of supplies and equipment to identify safety patrol members and enable them to perform their assigned functions.

A faculty member shall be assigned as supervisor to the school safety patrol whose job it shall be to:

- A. receive and screen all applications for membership;
- B. select safety patrol members;
- C. instruct safety patrol members in their duties and responsibilities;
- D. where necessary and for good cause, remove a member from the safety patrol.

The Superintendent shall develop administrative guidelines to implement this policy.

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Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5870
Section: 5000 Students

5870 - STUDENT PRODUCTION OF GOODS AND SERVICES

In order to provide real-life job experiences for students, jobs may be undertaken in school shops and laboratories, for the school, private individuals, or community groups, subject to administrative control and regulations.

Instructors are expected to give priority to those jobs having the greater learning value, and to assign them to students who will benefit developmentally from the assignment.

For work performed for the school or school related groups, a charge shall be levied only to cover the cost of materials. For work performed for individuals or groups outside the school, a reasonable cost in addition to materials shall be determined by the instructor in consultation with the principal.

All receipts shall be deposited in the general fund and used as a reimbursement for materials and to purchase additional supplies or cover expenses for the specific department. Instructors shall keep accurate records of all materials used and time spent on each project.

In the performance of service work by any department, there shall not be personal priority established or provision for personal gain for any employee or student.

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Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5880
Section: 5000 Students

5880 - PUBLIC PERFORMANCES BY STUDENTS

The Board of Education recognizes the value to a student or a group of students in sharing their talents and skills with the community through participation and performances in public events.

The Board endorses such performances when:

- A. they constitute a learning experience which contributes to the educational program or a student's growth and development;
- B. they do not substantially interfere with other scheduled activities of the school;
- C. the circumstances of the event do not pose a threat to the health, safety, and well-being of the students who will be involved.

All requests for public performances by students require the approval of the Principal who shall report same to the Superintendent.

The Superintendent shall develop administrative guidelines to implement this policy which require that:

- A. all requests for public performances by students shall be presented for approval to the appropriate principal;
- B. parental permission is sought and received before students participate;
- C. when public performances are scheduled as a regular part of a course of study taken for credit, students are informed in advance of the obligation to participate, and will be excused from participation only in accordance with the rules and administrative guidelines governing school attendance;
- D. when invited to perform at a nonschool or noncurricular function, all students who are members of a group are polled for their willingness to do so and no request for a performance be granted unless the faculty advisor believes a sufficient number will participate to properly represent the school and to acquire a valuable learning experience;
- E. no student who has been asked to perform in a private, nonschool-related performance be compelled to participate or be penalized in any way for failure to do so;
- F. no student, group of students, or employees of this Board receive personal compensation for the performance in public of students organized for a school activity, but may accept contributions to a student activity fund;
- G. the interests of our students be protected and guarded against exploitation.

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Adoption Date: **September 14, 1993**

Hamtramck Public Schools - Board Policies BoardDocs® PL

Policy: po5900
Section: 5000 Students

5900 - PHOTOGRAPHING OF STUDENTS

Recognizing that most students and parents wish to retain some permanent impression or keepsake as a reminder of the school experiences from year to year, the Board sanctions the practice of contracting with commercial photographers to take such pictures and make them available to parents as a service to the students as a part of the total school program.

In addition, the school may contract with commercial photographers to take pictures of students for specific purposes such as graduation, yearbooks, class groupings, student records or identification cards.

The Superintendent or his/her designee shall be authorized to select and contract with commercial firms to provide the photographing service. It is expected that good business practices and Board purchasing policies will prevail in such selection.

The Superintendent shall establish guidelines for implementing this policy.

Adoption Date: **September 14, 1993**