



**2022-2023  
Code of Conduct**

## Table of Contents

SECTION I: INTRODUCTION.....	5
When and Where the Code of Student Conduct Applies .....	6
Regarding Exclusionary Discipline .....	7
SECTION II: DUE PROCESS PROCEDURES.....	9
Short-Term Suspension Definition .....	10
Due Process for Short-Term Suspensions .....	10
Long-Term Suspension and Expulsion Definition .....	11
Due Process for Long-Term Suspension and Expulsion.....	11
Appeal Process .....	13
SECTION III: TYPES OF SUSPENSION AND EXPULSION .....	14
Weapons, Arson, or Criminal Sexual Conduct Expulsion .....	16
Physical Assault - Student to Employee, Contractor or Volunteer .....	17
Physical Assault - Student to Student.....	18
Bomb Threats or Similar Threats.....	18
Teacher “Snap” Suspension.....	18
Petitioning for Reinstatement.....	19
Petition for Student to Return to School .....	19
Committee Review and Recommendation.....	20
School Board Decision .....	21
Alternative Education.....	22
Mandatory Expulsion .....	23
SECTION IV: VIOLATIONS OF THE CODE OF STUDENT CONDUCT AND THE SCHOOL COMMUNITY RESPONSES.....	24
Student Rights and Responsibilities .....	25
Violations of the Code of Student Conduct.....	25
Violation Definitions and School Community Responses .....	26
Bullying/CYBERBULLYING .....	26
Cheating/Academic Misconduct .....	26
Defacement of Property .....	26
Destruction of Property .....	27
Disorderly Conduct.....	27
Failure to Serve Assigned Detention .....	27
False Identification .....	27
Fighting .....	27
Forgery.....	27
Fraud.....	27
Gambling .....	27
Gang Activity.....	27
Harassment/Intimidation.....	28
Hazing .....	28
Improper, Negligent, or Reckless Operation of a Motor Vehicle.....	28
Public Display of Affection .....	28
Appropriate Dress and Grooming.....	28
Appropriate Use of Electronic Communication Devices .....	28
Insubordination/Unruly Conduct.....	28

Leaving School Without Permission.....	29
Loitering .....	29
Possession of Inappropriate Personal Property .....	29
Profanity and/or Obscenity Toward Students .....	29
Profanity and/or Obscenity Toward Staff .....	29
Sexual Harassment .....	29
Smoking .....	29
Tardiness .....	29
Technology Abuse .....	29
Theft or Possession of Stolen Property .....	29
Threat/Coercion .....	30
Trespassing .....	30
Truancy .....	30
Weapon Look-A-Likes .....	30
School Community Responses to Violations.....	30
Serious Violations.....	31
Alcohol and Drugs .....	32
Arson .....	32
Extortion.....	32
False Fire Alarm or Bomb Report; Tampering with Fire Alarm System .....	32
Felony .....	33
Fireworks .....	33
Interference with School Authorities .....	33
Physical Assault .....	33
Robbery.....	33
Sexual Assault .....	33
Theft or Possession of Stolen Property .....	33
Weapons: Dangerous Instruments.....	33
Weapons: Dangerous Weapons .....	34
Weapons: Use of Legitimate Tools as Weapons .....	34
 SECTION V: OTHER STUDENT RESPONSIBILITIES.....	 36
Attendance.....	36
Technology .....	36
Property .....	37

## Section I: Introduction

Hamtramck Public Schools is dedicated to creating and maintaining a positive learning environment for all students. All members of our learning community—including students, educators (i.e., teachers, secretaries, custodians, aides, paraprofessionals, and other school personnel), parents/guardians, and engaged service providers—must assume a responsible role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate for the learning community. Those responsibilities include, but are not limited to, the following:

Students (persons enrolled in grades K-12) have the responsibility to:

1. Take responsibility for your learning and recognize that it is a process.
2. Attend school regularly, arrive on time, and be prepared to learn.
3. Respect yourself and others in class, on school grounds, on buses, and at any school-related activity.
4. Respect the rights and feelings of fellow students, parents/guardians, educators (including teachers, secretaries, custodians, aides, paraprofessionals, and other school personnel), visitors, and guests.
5. Work within the existing structure of the school to address concerns.
6. Know and comply with District rules and policies.
7. Participate in your learning communities, including helping formulate rules and procedures in the school, engaging in school-related activities, and fostering a culture of respect for learning and for others.

Parents/Guardians have the responsibility to:

1. Take responsibility for your child(ren)'s development as learners by, as much as possible, providing a home environment suited for learning and developing good study habits.
2. See that your child(ren) attends school regularly and on time.
3. Provide for your child(ren)'s general health and welfare as much as possible.
4. Teach and model respect for yourself, your child(ren), and all members of the school community.
5. Support the school's efforts to provide a safe and orderly learning environment.
6. Know and support the school and District rules and policies and work within the existing structure of the school to address concerns.
7. Advocate for your child(ren) and take an active role in the school community.
8. Attend your child(ren)'s parent/teacher conferences.

Educators have the responsibility to:

1. Take responsibility for students' development as learners, including their academic success and positive social-emotional development, recognizing that children should be subject to behavior management and discipline policies appropriate to their ages and levels of understanding, while following trauma-informed principles and instructing the whole child.
2. Model and provide a mutually respectful and accountable atmosphere for learning that includes all members of the school community.

3. Cooperate and schedule conferences with students, parents/guardians, and other school personnel in an effort to understand and resolve academic and behavioral problems. Make every effort to accommodate families whose work schedules, access to transportation, or distance from school limits their ability to meet or participate.
4. Keep parents informed of their students' challenges, effort, and success.
5. Encourage students to participate in classroom, extracurricular, and other school-related activities.
6. Know and enforce the rules and policies consistently, fairly, and equitably, particularly procedures involving student due process and required consideration of the 7 factors.
7. Participate in formulating rules and procedures and other learning and developmental opportunities in the school.
8. Participate in training and professional learning communities provided by the District that supports providing a positive culture and climate and promotes student learning.

The Hamtramck Public Schools (HPS) Code of Student Conduct sets forth student rights and responsibilities while at school and school-related activities, and the consequences for violating school rules. It defines behaviors that undermine the safety and learning opportunities for all members of the school community and favors actions that encourage positive behavior and learning over actions designed to punish. When determining the consequences of student misconduct, school officials may use intervention strategies and/or disciplinary actions. Recognizing the importance of keeping students in school learning as much as possible, educators will consider the severity or repetition of misconduct, age and grade level of the student, circumstances surrounding the misconduct, impact of the student's misconduct on others in the school community, and any other relevant factors in determining how they will address misconduct.

The HPS Code of Student Conduct will be administered fairly, without partiality or discrimination. The HPS Code of Student Conduct does not diminish any rights under federal law (20 U.S.C. 1400 et seq.) of a student determined to be eligible for special education programs and services.

### **When and Where the Code of Student Conduct Applies**

The HPS Code of Student Conduct applies before, during, and after school and whenever a student is engaged in a school-related activity. Each student is expected to follow this code of conduct:

- "At school," meaning 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.
- When a student's conduct at any other time or place has a direct and immediate effect on maintaining order and discipline, or on protecting the safety and welfare of students or District staff.
- When a student is using school telecommunications networks, accounts, or other District services.

### **Regarding Exclusionary Discipline**

Recognizing exclusionary discipline's negative impact, the school community will reserve exclusion for only the most serious offenses. We will also employ social and emotional learning, positive behavioral expectations, restorative practices and constructive discipline

measures and early intervention/diversion strategies that focus on screening and treatment to minimize a suspended student's time away from school and potential court involvement.

To foster each student's academic success and pro-social development, the school will consider research-based social and emotional learning strategies and options designed to promote positive behavior and modify negative behavior while holding students accountable and minimizing exclusion time.

Recognizing that grades should reflect learning rather than behavior, when suspension is used, students have the right to complete, turn in, and receive any credit earned on assignments and tests scheduled during their disciplinary absences.

## **Section II: Due Process Procedures**

As noted in the Introduction, The HPS Code of Student Conduct does not diminish any rights under federal law (20 U.S.C. 1400 et seq.) for a student determined to be eligible for special education programs and services. Students with an Individualized Education Program (IEP) are responsible for following The HPS Code of Student Conduct. As a consequence of a violation of The Code of Student Conduct by a student with an IEP, specific procedures may apply.

### **Due Process for Short-Term Suspensions**

For a suspension of five (5) days or less, a student is entitled to minimal due process protections, including oral or written notice of the accusation(s), consideration of the 7 factors, what disciplinary measures are being proposed, and an opportunity to respond. If feasible, the notice and hearing will precede the student's removal from school. If the student's presence poses a danger to persons or property or threatens to disrupt the academic process, prior notice and hearing may not be feasible. In this case, a hearing will follow the student's removal from school as soon as possible.

Except in extraordinary circumstances, alleged violations of The HPS Code of Student Conduct are initially handled at the student's school. If a short-term suspension is contemplated, the Principal or Assistant principal shall provide the student and the parent/guardian with oral or written notice of the charges or allegations and an explanation of the evidence or basis for the charges. Barring a situation requiring immediate action, the student shall be given the opportunity to contact an adult advocate such as a parent/guardian or other family member,, mentor, friend, and/or an attorney before presenting an explanation or a differing statement of the facts. The student's request to have a parent/guardian present should be respected.

If misconduct is found, the Principal may authorize disciplinary action in accordance with the HPS Code of Student Conduct, including short-term suspension. A student whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, may be immediately removed from the school without prior notice, explanation, or opportunity to respond. In such cases, the above procedures shall be provided as soon as practical.

The student and parent/guardian shall be notified of the circumstances and action taken.

### **Due Process for Long-Term Suspension and Expulsion**

A more formal due process procedure is required when serious disciplinary measures are alleged against a student. This includes rebuttable presumption and consideration of the 7 factors. When the student's misconduct requires legal action, HPS staff will work to protect the student's due process by explaining what the student is accused of and giving him/her the opportunity to speak with an adult advocate such as a parent or other family member, guardian, mentor, friend, and/or attorney. HPS will also provide, upon a request, a list of resources for representation or other advocacy support. The student shall be given reasonable time to prepare for a hearing. The person conducting the disciplinary hearing must be impartial.

If recommended by the Principal or Assistant Principal, the Hamtramck Board of Education or its designee shall conduct a hearing to determine whether to impose a long-term suspension or expulsion. If the student has a hearing before the Board of Education, the Board has the exclusive and final authority to long-term suspend or expel a student from the District.

The student and parent/guardian shall be notified of the allegation(s), the recommended disciplinary action, the time, date, and location of the hearing, and of their right to attend and participate in the hearing.

Prior to the hearing, the student and parent/guardian will have an opportunity to review all documents, videos, other media, or any other types of evidence, and a list of all witnesses slated to testify within a reasonable amount of time.

Prior to the hearing, the student and parent/guardian will be notified of all of the District's processes for hearings and appeals.

The HPS Board of Education or its designee shall conduct a hearing, which may be recorded if the hearing is held in open session. The student shall be advised of the alleged violation and be given an explanation of the facts. The explanation may include the written or oral testimony of others, but names or personally identifying information of student witnesses may be redacted.

At the request of the student or the student's parent/guardian, the HPS Board of Education shall meet in a closed session to "consider the dismissal, suspension, or disciplining of a student" [MCL 15.268(b)].

The student and parent/guardian may be represented at the hearing by an attorney or other adult. Written or oral evidence may be presented at the hearing on behalf of the student.

After the hearing, the HPS Board of Education or its designee shall issue a decision, including a determination of disciplinary action.

The parent/guardian of the student may petition the Board to request the student's reinstatement to school, as permitted by state law or as specified by the Board at the time of removal.

Due Process Rights Policy [5611](#)

### **Appeal Process**

A student may, within five (5) days of receipt of the decision, petition the Board for the opportunity to request appeal or reconsideration by the Board or its designee. The petition shall be in writing and contain the reason that the board or its designee's decision will be reviewed or reconsidered. The Board may grant or deny the request for an appeal or request for reconsideration. If granted, the Board shall notify the student in writing of the procedures to be used for the appeal or the request for reconsideration.

Anti-Harassment Policy [5517](#)

Student Discipline Policy [5600](#)

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

Due Process Rights Policy [5611](#)

Student Grievance Policy [5710](#)

## Section III: Types of Suspension and Expulsion

### Weapons, Arson, or Criminal Sexual Conduct Expulsion

HPS will permanently expel (subject to possible reinstatement) students who possess a dangerous weapon, commit arson, or engage in criminal sexual conduct in a school building or on school grounds. The law allows for possible reinstatement [MCL 380.1311]. The term “criminal sexual conduct” is defined in the Michigan Penal Code, 1931, PA 328 MCL 750.520. It refers to sections which describe various levels of sexual penetration, sexual conduct, and assault with intent to commit criminal sexual conduct [MCL 750.520b, 520c, 520d, 520e, 520g]. The term “dangerous weapon” means a firearm, dirk, dagger, stiletto, iron bar, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, and brass knuckles [MCL 380.1313(4)]. The definition of “firearm” in section 380.1311 refers to the definition of that term in the federal Gun-Free Schools Act of 1994, which in turn refers to another section of federal law which defines “firearm” as:

- Any weapon (including a starter gun) which will or is designed to, or may readily be converted to, expel a projectile by the action of an explosive.
  - The frame or receiver of any such weapon.
  - Any firearm muffler or firearm silencer.
  - Any destructive device.
1. Dangerous Weapon Exceptions (referenced in paragraph #3, previous page): School boards are not required to expel a student if the student can establish in a clear and convincing manner at least one of the following:
- The object or instrument possessed by the student was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
  - The weapon was not knowingly possessed by the student.
  - The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.
  - The weapon was possessed by the student at the suggestion, request or direction of, or with the express permission of school or police authorities.

There is a rebuttable presumption that expulsion under subsection (2) for possession of a weapon is not justified if both of the following are met:

- The school board or its designee determines in writing at least 1 of the factors listed has been established in a clear and convincing manner.
- The pupil has no history of suspension or expulsion.

A student who possesses a weapon in a weapon-free school zone or commits arson or criminal sexual conduct at school or on school grounds is expelled from all Michigan public schools unless the District operates or participates in an alternative education program appropriate for expelled students or unless the student is reinstated by the expelling board of education pursuant to the statutory reinstatement procedure.

If a student is expelled for possession of a dangerous weapon in a weapon-free school zone, arson in a school building or on school grounds, or criminal sexual conduct in a school building or on school grounds, the school board shall ensure that within three

(3) days after the expulsion an official of the District refers the individual to the appropriate county department of health and human services or county department of community mental health agency, and notifies the individual's parent/guardian, or, if the individual is at least age 18 or an emancipated minor, notifies the individual of the referral. [MCL 380.1311(5)].

2. **Weapon-Free School Zone and School Property Definition:** "Weapon-free school zone" means school property and a vehicle used by a school to transport students to or from school property [MCL 750.237a]. "School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses [MCL 750.237a].
3. **Reporting Requirements:** If a dangerous weapon is found in the possession of a student while the student is attending school or a school activity, or while the student is en route to or from school on a school bus, the Superintendent Hamtramck Public Schools, or their designee, shall immediately report that finding to the student's parent/guardian and the local law enforcement agency [MCL 380.1313(1)].

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

### **Physical Assault - Student to Employee, Contractor or Volunteer**

A student in grade six (6) or above who commits a physical assault against an employee, contractor, or a volunteer of the District, at school or on school grounds, shall be expelled permanently, subject to possible reinstatement. The term "physical assault" means "intentionally causing or attempting to cause physical harm to another through force or violence" [MCL 380.1311a].

A student expelled for committing physical assault against an employee, contractor, or volunteer of the District, at school or on school grounds is expelled from all Michigan public schools unless the school district operates or participates in an alternative education program appropriate for expelled students or unless the student is reinstated by the expelling board of education pursuant to the statutory reinstatement process.

If a student in grade six (6) or above is expelled for committing a physical assault against a school employee, contractor, or volunteer, the Board shall ensure that within three (3) days after the expulsion an official of the District refers the individual to the appropriate county Department of Human Services or county Department of Community Mental Health agency, and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral [MCL 380.1311(4)].

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

### **Physical Assault - Student to Student**

A student in grade six (6) or above who commits physical assault against another student shall be suspended or expelled for up to 180 school days by the school board or its designee if the physical assault is reported to the school board, superintendent, or principal. The term "physical assault" means "intentionally causing or attempting to cause physical harm to another through force or violence" [MCL 380.1310].

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

### **Bomb Threats or Similar Threats**

If a student in grade six (6) or above makes a bomb threat, or similar threat, directed at a school building, other school property, or a school-related event, then the school board or the designee on behalf of the school board, as described in MCL 380.1311(1), shall suspend or expel the pupil from the District for a period of time as determined at the discretion of the school board or its designee.

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

### **Teacher “Snap Suspension”**

“Snap Suspension” is part of the Law. A teacher may suspend a student from the teacher’s classroom for up to one day if the student’s behavior exceeds limits as defined by local policy. The policy shall be adopted as part of the District’s Code of Student Conduct and specify the types of behavior for which a student may be suspended. If a student is retained in the school, they must be under appropriate supervision. The law requires a teacher who imposes this option to immediately report the “snap suspension” to the office, then, as soon as possible, schedule a meeting with the 19 suspended student’s parent(s)/guardian(s) and attempt to include the school counselor, social worker, or psychologist. If the teacher or parent/guardian requests that a school administrator attend, the teacher must also include the administrator in the meeting [MCL 380.1309]. A student may return that school day to the classroom, subject, or activity for which they were suspended, with the concurrence of the teacher and the school principal [MCL 380.1309].

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.

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

### **Referral to Community Resources Following Expulsion**

If a student is expelled for possession of a dangerous weapon in a weapon-free school zone, arson in a school building or on school grounds, or criminal sexual conduct in a school building or on school grounds, or (for students in grades 6 and above) for physical assault of a school employee, contractor, or volunteer, the school board shall ensure that within three days after the expulsion an official of the school District refers the individual to the appropriate county Department of Human Services or county Department of Community Mental Health agency, and notifies the individual’s parent/guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral [MCL 380.1311(4)].

The District may request an emotional, behavioral, and/or chemical dependency evaluation and treatment and/or counseling recommendation as a condition for reinstatement. The intervention strategy or discipline may require the student to follow any or all treatment recommendations of the evaluation. The evaluation will be a source approved by the District administration.

## **Petitioning for Reinstatement**

For students in grades six (6) or above, although the law calls for the “permanent” expulsion, if the District has considered the 7 factors and not found a suitable lesser intervention, of a student who possesses a dangerous weapon in a weapon-free school zone, commits arson, criminal sexual conduct, or a physical assault against an employee, contractor, or a volunteer of a District, at school or on school grounds, the law provides a process for petitioning for reinstatement to school [MCL 380.1311(5) and 380.1311a(5)]. It is the responsibility of the petitioning person (a parent, legal guardian, or the expelled student if they are at least 18 years of age or is an emancipated minor) to prepare and submit the petition for reinstatement.

The Board may consider early reinstatement, particularly in cases where students have followed through on District recommendations and services such as counseling, social skills training, etc.

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

## **Petition for Student to Return to School**

If a petition form is requested by a person wishing to be reinstated, the school board must make the petition form available. The form is provided as Attachment 3.

For a student in grade five (5) or below that is expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent/guardian or the student (if he or she is at least 18 years of age or an emancipated minor) may initiate a petition for reinstatement any time after 60 school days following the date of the expulsion. The student may be reinstated 90 school days following the date of expulsion.

For a student in grade five (5) or below that is expelled for committing arson or criminal sexual conduct in a school building or on school grounds, the parent/ guardian may initiate a petition for reinstatement at any time, and the student may be reinstated ten school days after the expulsion.

For a student in grade six (6) or above that is expelled for possessing a dangerous weapon in a weapon-free school zone, or who commits arson or criminal sexual conduct, the parent/guardian or the student (if they are at least 18 years of age or an emancipated minor) may initiate a petition any time after 150 school days following the date of expulsion. A student may be reinstated not earlier than 180 school days following the date of expulsion.

For a student in grade six (6) or above that is expelled for committing a physical assault against an employee, contractor, or volunteer, the parent/guardian or the student (if they are at least 18 years of age or an emancipated minor) may initiate a petition any time after 150 school days following the date of expulsion. A student may be reinstated 180 school days following the date of expulsion.

MCL 750.1 to 750.568 sec. 5200 states (1) as part of its adjudication order, order of disposition, judgment of sentence, or order of probation a court shall order that an individual who is convicted of or, a juvenile who is adjudicated for, a violation of section 520b, 520c, 520d, 520e, or 520g and who is a student at a school in this state is prohibited from doing either of the following:

- (a) attending the same school building that is attended by the victim of the violation.

- (b) utilizing a school bus for transportation to and from any school if the individual or juvenile will have contact with the victim during use of the school bus.

A District may establish reinstatement procedures for students expelled for reasons other than those listed.

A student expelled under policy [5610](#) for dangerous weapons, arson, criminal sexual conduct or assault upon an employee, volunteer or contractor may apply for reinstatement in accordance with the following Policy [5610](#) 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.

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.

- C. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Superintendent.
- D. 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.
- E. 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;
- F. 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.

### **Committee Review and Recommendation**

The School Board may include conditions in a petition for reinstatement, including the successful completion of a restorative justice process or a similar effort, which the student can complete during the exclusion period or as a condition for returning to school. If the expelling school board denies a petition for reinstatement, the petitioner may petition another school board for reinstatement. The following timelines and procedures apply to reinstatement:

- Within ten (10) school days after receiving a petition for reinstatement, the school board must appoint a committee of two school board members, one school administrator, one teacher, and one parent/guardian of a student in the District to review the petition and any supporting information submitted by the petitioner. During this time, the superintendent may prepare and submit information concerning the circumstances of the expulsion and any factors weighing in favor of or against reinstatement.
- Not later than ten (10) school days after being appointed, the committee must review the petition and supporting information, together with information provided by the District, and submit a recommendation to the school board. The committee may recommend unconditional reinstatement, conditional reinstatement, or against reinstatement. The recommendation must be accompanied by an explanation of the reasons for the recommendation. If the recommendation is for conditional reinstatement, it must include any recommended conditions.

The committee may also choose to consider such factors as the successful completion of restorative justice measures, the presence of mental health considerations, family situations that might be impacting the child's behavior, observations from a school-based advocate for the student, and more.

### **Hamtramck Board of Education Decision**

After receiving the committee's recommendation, the school board must make a decision no later than the next regularly scheduled board meeting. The school board must decide either to reinstate the student, to conditionally reinstate the student, or to deny reinstatement.

Before conditionally reinstating the student, a school board may require a student and the parent or legal guardian to agree in writing to specific conditions. The conditions may include, but are not limited to, the following:

- Successful completion of a restorative justice process and evidence of compliance with the resulting agreement developed by the participating affected parties.
- Agreement to a behavior contract which may involve the student, parent or legal guardian, and an outside agency.
- Participation in, or completion of, an anger management program or other appropriate counseling.
- Periodic progress reviews.
- Specified immediate consequences for failure to abide by a condition.

The law specifies that the decision of the school board is final.

### **Mandatory Permanent Expulsion**

Subject to 1310(d), a student who has been expelled for possession of a dangerous weapon, arson, criminal sexual conduct, or physical assault against an employee, contractor, or volunteer is expelled from all Michigan public schools unless the District operates or participates in an alternative education program appropriate for the mandatory expelled student. [MCL 380.1311(2) and 380.1311a(2)].

A continuum of educational placement options for expelled students is determined on a case by case basis.

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

## Section IV: Violations of the Code of Student Conduct and the School Community Responses

### Violation Definitions

1. **Bullying/Cyberbullying:** A student will not engage in bullying or cyberbullying any student for any reason 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. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy. "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in section 219a of the Michigan penal code, 1931 PA 328, MCL 750.219a.

"Bullying" means any written, verbal, or physical act, or any electronic communication, including, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly by doing any of the following:

- Substantially interfering with educational opportunities, benefits, or programs of one (1) or more pupils.
- Adversely affecting the ability of a pupil to participate in or benefit from the District's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.
- Having an actual and substantial detrimental effect on a pupil's physical or mental health.
- Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Bullying and Other Aggressive Behavior Toward Students Policy [5517.01](#)  
Bullying Policy [8260](#)

2. **Cheating/Academic Misconduct:** A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials. Discipline under this section may result in academic sanctions in addition to other discipline.  
Personal Communication Devices Policy [5136](#)
3. **Defacement of Property:** A student will not willfully cause defacement of, or damage to, property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray-painting surfaces are acts of defacement.  
Care of District Property Policy [5513](#)  
Student Conduct [5500](#)
4. **Destruction of Property:** A student will not intentionally cause destruction of property of the school or others. Actions that impair the use of something are destructive. Ruining bulletin boards, intentionally clogging the plumbing system, breaking light

bulbs or fixtures, and damaging school equipment to the point where repair is necessary are acts of property destruction.

Care of District Property Policy [5513](#)

Student Conduct [5500](#)

5. **Disorderly Conduct:** A student will not knowingly misbehave in a manner that causes disruption or obstruction to the educational process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.  
Disorderly Conduct Policy [5520](#)
6. **Failure to Serve Assigned Detention:** A student shall serve an assigned detention of which students and/or parents/guardians have been notified. The detention notification method must be confirmed by a school employee. Alternative consequences may, on a case-by-case basis, be approved by school administrators for students who lack transportation.
7. **False Identification:** A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel, to avoid discipline, to falsely obtain money or property, or for any other reason.
8. **Fighting:** A student will not physically fight with another person. Self-defense or defense of others may be taken into account in determining whether this provision has been violated.
9. **Forgery:** A student will not sign the name of another person for the purpose of defrauding another.
10. **Fraud:** A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value.  
Personal Communication Devices Policy [5136](#)
11. **Gambling:** A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.
12. **Gang Activity:** A student will not, by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational process.

Per Michigan Penal Code 750.411u gangs are defined as an ongoing organization, association, or group of 5 or more people, other than a nonprofit organization, that identifies itself by all of the following:

- A unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, geographical or territorial sites, or boundary or location.
  - An established leadership or command structure.
  - Defined membership criteria.
- Student Groups Policy [5840](#)

**13. Harassment/Intimidation:** A student will not engage in or participate in any behavior that is included in the definition of harassment or intimidation. "Harassment or intimidation" means any gesture or written, verbal, or physical act that a reasonable person, under the circumstances, should know will have the effect of harming a student or damaging the student's property, placing a student in reasonable fear of harm to the student's person or damage to the student's property, or that has the effect of insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. Harassment or intimidation includes, but is not limited to, a gesture or written, verbal, or physical act.

Anti-Harassment Policy [5517](#)

Bullying and Other Aggressive Behavior Toward Students Policy [5517.01](#)

**14. Hazing:** The act of hazing is a crime in Michigan and will not be tolerated in the District. A student will not engage in or participate in any behavior that is included in the definition of hazing. The term "hazing" means "an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization." The term "organization" means "a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an educational institution." [MCL 750.411t].

Student Hazing Policy [5516](#)

**15. Improper, Negligent, or Reckless Operation of a Motor Vehicle:** A student will not intentionally or recklessly operate a motor vehicle so as to endanger the safety, health, or welfare of others on school property.

Safe Operation of Motorized Utility Vehicle by Students Policy [5515.01](#)

**16. Public Display of Affection:** Students will not engage in inappropriate displays of affection.

Disorderly Conduct Policy [5520](#)

Student Discipline Policy [5600](#)

**17. Appropriate Dress and Grooming:** A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others.

Dress and Grooming Policy [5511](#)

**18. Appropriate Use of Electronic Communication Devices:** Students may possess a cellular telephone or other electronic communication device while at school provided that during school hours and on a school vehicle the cellular phone or electronic communication device remains off and out of sight unless authorized school personnel have given students permission to use them.

Personal Communication Devices: Policy [5136](#)

- 19. Insubordination/Unruly Conduct:** A student will not willfully ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, write an assignment, work with another student, work in a group, take a test or do any other class or school-related activity not listed herein, refusing to leave a hallway or any other location when instructed by a school staff member, or running away from school staff when told to stop constitutes unruly conduct.  
Student Discipline Policy [5600](#)
- 20. Leaving School Without Permission:** A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.  
Attendance Policy [5200](#)
- 21. Loitering:** A student will not remain or linger on school property without a legitimate purpose and/or without proper authority.  
Student Disorder Administrative Guidelines [5540B](#)
- 22. Possession of Inappropriate Personal Property:** A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning, including, but not limited to, pornographic or obscene material, laser lights, or personal entertainment devices. Certain devices may be permitted for health or other reasons, if approved by the administration.
- 23. Profanity and/or Obscenity Toward Students:** A student will not verbally, in writing, electronically, or with photographs or drawings direct profanity or insulting, obscene gestures toward any other student.  
Disorderly Conduct Policy [5520](#)  
Student Discipline Policy [5600](#)
- 24. Profanity and/or Obscenity Toward Staff:** A student will not verbally, in writing, electronically, or with photographs or drawings direct profanity or insulting, obscene gestures toward any District staff members or adult volunteers.  
Disorderly Conduct Policy [5520](#)  
Student Discipline Policy [5600](#)
- 25. Sexual Harassment:** A student will not use words, pictures, objects, gestures, or other actions relating to sexual activity or a person's gender that cause embarrassment, discomfort, or a reluctance to participate in school activities. A student will not make unwelcome sexual advances, request sexual favors or engage in verbal communication or physical conduct of a sexual nature with or toward any other student, District personnel, or adult volunteers.  
Anti-Harassment Policy [5517](#)
- 26. Smoking:** A student will not smoke or use e-smoking devices, use tobacco or alternative cigarette options, or possess any substance containing tobacco or nicotine in any area under the control of a District, including all activities or events supervised by the District.  
Use of Tobacco Policy [5512](#)  
Drug Prevention Policy [5530](#)

27. Tardiness: A student will not fail to be in their place of instruction at the assigned time without a valid excuse.  
Attendance Policy [5200](#)
28. Technology Abuse: A student will not violate the District’s “Technology Use Guidelines.”  
Student Technology Acceptable Use and Safety Policy [7540.03](#)
29. Theft or Possession of Stolen Property: A student will not, without permission of the owner or custodian of the property, take property or have in their possession property which does not belong to the student.  
Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)
30. Threat/Coercion: A student will not threaten another with bodily harm. A student will not coerce another to act or refrain from acting.  
Bullying and Other Aggressive Behavior Toward Students Policy [5517.01](#)  
Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)
31. Trespassing: A student will not enter upon the premises of the District, other than the location to which the student is assigned, without authorization from proper school authorities. If removed, suspended, or expelled from school, a student will not return to the school premises without permission of the proper school authorities.  
Student Disorder Administrative Guidelines [5540B](#)
32. Truancy: A student will not willfully and repeatedly fail to report to the school’s assigned class or activity without prior permission, knowledge, or excuse by the school and parent/guardian.  
Attendance Policy [5200](#)
33. Weapon Look-A-Likes: A student shall not possess, use, sell, or distribute a toy weapon, a look-a-like or replica weapon except with the prior approval of a teacher or an administrator for appropriate educational use.  
Weapons Policy [5772](#)

### **School Community Responses to Violations**

The school community will maintain a safe and supportive environment and persistently check that students can identify respectful and accountable conduct toward themselves, their peers, adults, and property. In the event that students violate any part of the Code of Student Conduct, the school community will apply support and guidance to increase the opportunity for the student to both offer restitution and learn from mistakes.

Any of the following intervention strategies and disciplinary actions may be used alone or in combination:

- administrator/student conference or reprimand
- administrator and teacher-parent/guardian conferences
- referrals and conferences involving various support staff or agencies
- daily/weekly progress reports
- behavioral contracts
- Behavior Intervention Plan (BIP)

- behavior intervention teacher training
- coordinate behavior intervention strategies among all personnel who work with the student
- consultation with a behavioral specialist
- cooperate with the parent/guardian to ensure follow-through on behavior intervention
- counseling and psychological services
- change in student's class schedule
- school service assignment
- confiscation of inappropriate item
- support restitution of offense
- restoration for all affected parties
- before- and/or after-school detention
- denial of participation in class and/or school activities
- weekend detention
- in-school suspension
- other intervention strategies, as needed
- teacher "snap suspensions" (see Section III)
- out-of-school suspension (short-term) from one (1) school day up to and including five (5) school days
- Expulsion
- law enforcement agency notification

HPS staff will seek the option that maximizes students' learning and pro-social development while prioritizing keeping students engaged in learning.

### **Serious Violations**

Legal mandates and community safety may require removal of individuals subject to MCL 380.1310(d) who possess weapons, commit arson, or engage in criminal sexual conduct (Gun Free Schools Act, 1994; Michigan Compiled Laws under MCL 380.1311), make bomb threats or engage in verbal assault (MCL 380.1311a), and who commit physical assault against another (380.1310, 380.1311, 380.1311a, 380.1312). HPS will employ discipline measures and early intervention/diversion strategies with a focus on screening and treatment to minimize suspended students' time away from school and potential court involvement. HPS shall consider the 7 factors and rebuttable presumption, where appropriate, before using exclusionary practices such as suspension and expulsion.

When the student's misconduct requires legal action, District staff will take the following steps:

- To the extent practicable, the school will explain what the student is accused of and will give him/her the opportunity to speak with an adult advocate such as a parent or other family member, guardian, mentor, friend, and/or attorney. If the student's disciplinary action requires a hearing, the school will provide the student and their representative with copies of all documents that might be used in the hearing, a list of all witnesses and an opportunity to prepare for the hearing ahead of time.
- If the student is found not guilty of the alleged misconduct in a criminal trial, the District may consider re-evaluating the student's expulsion.

The school community will persistently check that students understand what is respectful and accountable conduct toward themselves, their peers, adults, and property. In the event that students violate the following rules, the school community will apply any of the options listed above with the support and guidance to increase the opportunity for the student to offer restitution, learn from mistakes, and restore both the offender and the offended.

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

1. Alcohol and Drugs: A student will not possess, use, offer to buy or sell, or purport to buy or sell, a controlled substance, dangerous drug, prescription drug, counterfeit drug, intoxicating substance, or alcohol. A student legally in possession of prescribed medication will not be in violation of this section as long as their use and possession of the prescribed medication is authorized at school and the student follows the required possession and use protocols as defined by the school.

Drug Prevention Policy [5530](#)

2. Arson (Starting a Fire): A student will not intentionally, by means of starting a fire, cause harm to any property or person, or participate in the burning of any property or person. If a student commits arson in a school building or on school grounds or other school property, the school board or its designee may be required to expel the student from the school District permanently, subject to possible reinstatement, pursuant to MCL 380.1311(5) [MCL 380.1311(2)]. "Arson" means a felony violation as set forth in Chapter X of the Michigan Penal Code [MCL 750.71 to MCL 750.80].

Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)

3. Extortion: A student will not make another person do any act against his or her will, by force or threat, expressed or implied.

Bullying and Other Aggressive Behavior Toward Students Policy [5517.01](#)  
Bullying Policy [8260](#)

4. False Fire Alarm or Bomb Report; Tampering with Fire Alarm System: Unless an emergency exists, a student will not intentionally sound a fire alarm or cause a fire alarm to be sounded, nor will a student falsely communicate or cause to be communicated that a bomb is located in a building or on school property, or at a school-related event. These acts are prohibited, irrespective of the whereabouts of the student. A student will not destroy, damage, or otherwise tamper with a fire alarm system in a school building. If a student enrolled in grade six (6) or above makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, then the school board or its designee may be required to suspend or expel the student from the District for a period of time as determined at the discretion of the school board, or its designee [MCL 380.1311a(2)].

Weapons Policy [5772](#)

5. Felony: A student will not commit a criminal act that approximates a felony offense.
6. Fireworks: A student will not possess, handle, transmit, conceal, or use any fireworks or firecrackers on school property or any school-related event.
7. Interference with School Authorities: A student will not interfere with administrators, teachers, or other school personnel or volunteers by threat or violence.

Disorderly Conduct Policy [5520](#)  
Student Discipline Policy [5600](#)

8. **Physical Assault:** A student will not physically assault another person. If a student enrolled in grade six (6) or above commits a physical assault at school against another student, then the school board or its designee may be required to suspend or expel the student from the school District for up to 180 school days [MCL 380.1310(1)]. If a student enrolled in grade six (6) or above commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board, then the school board or its designee may be required to expel the student from the school District permanently, subject to possible reinstatement under MCL 380.1311a(5) [MCL 380.1311a(1)]. “Physical assault” means intentionally causing or attempting to cause physical harm to another through force or violence [MCL 380.1310(3)(b), MCL 380.1311a(12)(b)].  
Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)
9. **Robbery:** A student will not take or attempt to take from another person any property, by force or threat of force, expressed or implied.  
Anti-Harassment Policy [5517](#)  
Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)
10. **Sexual Assault:** A student will not sexually assault another person. If a student commits and is convicted of criminal sexual conduct the school board or its designee may be required to expel the student from the District permanently, subject to possible reinstatement in a different school from the victim, pursuant to MCL 380.1311(5) [MCL 380.1311(2)]. “Criminal sexual conduct” means a violation as set forth in Chapter LXXVI of the Michigan Penal Code [MCL 750.520b to MCL 750.520g].  
Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)
11. **Theft or Possession of Stolen Property:** A student will not, without permission of the owner or custodian of the property, take property or have in their possession property valued at more than \$100.00 that does not belong to the student.  
Emergency Removal, Suspension, and Expulsion of Students Policy [5610](#)
12. **Weapons: Dangerous Instruments:** A student will not possess, handle, transmit, or use a dangerous instrument capable of harming another person. A “dangerous instrument” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous instruments include, but are not limited to, chemical mace, pepper gas or like substances, stun guns, BB guns, pellet guns, razors, or box cutters.  
Weapons Policy [5772](#)
13. **Weapons: Dangerous Weapons:** A student will not possess, handle, transmit, or use as a dangerous weapon an instrument capable of harming another person. A “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over three inches in length, pocketknife opened by a mechanical device, iron bar, or brass knuckles [MCL 380.1313]. Except as noted below, the school board or its designee may be required to

expel permanently a student who possesses a dangerous weapon, subject to possible reinstatement.

Note that under Michigan law, school boards are not required to expel a student for weapons possession if the student can establish in a clear and convincing manner at least one of the following:

- The object or instrument possessed by the student was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
  - The weapon was not knowingly possessed by the student.
  - The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.
  - The weapon was possessed by the student at the suggestion, request or direction of, or with the express permission of school or police authorities.
- Weapons Policy [5772](#)

**14. Weapons: Use of Legitimate Tools as Weapons:** A student will not use a legitimate tool, instrument, or equipment as a weapon with the intent to harm another. These items include, but are not limited to, pens, pencils, compasses, or combs.

Weapons Policy [5772](#)

## Section V: Other Student Responsibilities

The school community encourages student responsibility in terms of attendance, technology, and property. The expectations for these issues are defined below.

### Attendance

HPS emphasizes the value of regular attendance in enabling students to benefit from the school's education programs. Michigan law places responsibility on each student to attend school on a daily basis, and on each parent/guardian to send their child to school on a daily basis. More important, however, is the effect of regular and punctual attendance on the student's scholastic achievement. Not only is each day's lesson important to the individual student, the student's participation in class contributes to the education of others. Frequent absences and tardiness, for any reason, are certain to adversely affect the student's schoolwork. Each student is expected to be in school every day except when illness, injury, or some providential condition beyond the student's control prevents attendance.

The District will prioritize getting suspended or expelled students back into school and will not count a student's suspension days as unexcused absences or truant days, but rather as Suspension.

Attendance Policy [5200](#)

### Technology

The student will respect District technology by adhering to the District's technology use policy.

Student Technology Acceptable Use and Safety Policy [7540.03](#)

### Property

The student will respect the school-District-provided lockers by adhering to the District's policy.

Student Conduct [5500](#)

Care of District Property Policy [5513](#)

Disorderly Conduct Policy [5520](#)